



clarence
VALLEY COUNCIL

2019

Ordinary Council Meeting



Minutes

Grafton Chambers

Tuesday, 24 September 2019

2.00 pm

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MINUTES of the ORDINARY MEETING of the CLARENCE VALLEY COUNCIL held in the Council Chambers, Grafton, 24 September 2019, commencing at 2.00 pm.

OPENING PRAYER - Opening prayer was said by the Rev Camelia Flanagan

ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THE LAND

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

ANNOUNCEMENT

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

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), Director Works & Civil (Troy Anderson), Director Corporate & Governance (Laura Black) and Minutes Secretary (Lesley McBay).

APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE - Nil

DISCLOSURES AND DECLARATIONS OF INTEREST – 03.19.004

Summary of Declarations to Committees

<i>Name</i>	<i>Item</i>	<i>Nature of Interest</i>	<i>Reason/Intended Action</i>
Cr Ellem	6b.19.028	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Signed a petition against Service Station DA before election to Council. Intended action: Remain in Chamber.
Cr Ellem	6c.19.057	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Wife is minutes secretary of committee Intended action: Leave the chamber
Cr Toms	09.19.003	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Contract Manager Iluka Riverside Holiday Park – Report references funding for BBQ replacement for holiday parks. Intended action: Remain in Chamber.

Declarations received at the commencement of the Ordinary Meeting

<i>Name</i>	<i>Item</i>	<i>Nature of Interest</i>	<i>Reason/Intended Action</i>
Mr Lindsay	05.19.002	<input checked="" type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: Report relates to my employment contract with Council Intended action: Leave the chamber
Cr Novak	6b.19.028	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Signed petition Intended action: Remain in the chamber

CONFIRMATION OF MINUTES**COUNCIL RESOLUTION – 04.19.004**

Ellem/Kingsley

That the Minutes of the Ordinary Meeting of Council dated 27 August 2019, copies of which have been circulated, be taken as read and be confirmed.

Voting recorded as follows:

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

Against: Nil

5. MAYORAL MINUTES**ITEM 05.19.002 GENERAL MANAGER'S ANNUAL PERFORMANCE REVIEW**

Meeting	Council	24 September 2019
Directorate	Mayoral Minute	
Submitted by	Cr Jim Simmons	
Attachment	Yes	

Councillors, the General Manager's performance review for the 12 months to 23 July 2019 has been completed.

General Managers of New South Wales Councils are made accountable to their councils primarily through their contract of employment. The provisions of those contracts are predominantly determined in accordance with the Standard Contract established under the NSW Local Government Act, 1993. The General Manager's contract contains provisions requiring that the performance of the General Manager be reviewed at least annually and that, further, a performance agreement must be developed within three months of the commencement of any contract, and then annually. The General Manager's Performance Agreement is a confidential document, prepared by Local Government Management Solutions. The following information about the annual review against the Performance Agreement is provided as a summary for the elected members and interested community members.

A 12 month review of the General Manager's (GM) performance was carried out by the Council's Performance Review Panel comprising Mayor Cr Jim Simmons, Deputy Mayor Cr Jason Kingsley, Cr Richie Williamson and Cr Peter Ellem at the Council Offices on 29 August 2019. The review was facilitated by Christian Morris, Local Government Management Solutions in accordance with the Performance Management - General Manager Policy of Council.

The General Manager presented his achievements over the 12 months period, including a comprehensive self-appraisal. The Panel also assessed and rated each of the 25 Performance Measures. A copy of the Summary of this assessment is attached (refer Confidential Attachment A). Also attached for Councillors information is the General Manager's report to the Panel for the 12 Month Review (refer Confidential Attachment B).

The 12 month review was based on assessment of the managerial objectives and specific responsibilities incorporated in the Performance Agreement prepared by Local Government Management Solutions and reported to the Council in September 2018. In undertaking the review, the Panel gave consideration to the input provided to the Mayor, by two Councillors not included on the Panel and it was agreed that, the General Manager's performance met performance expectations for the year and the conditions of the General Manager's Contract.

Also attached for the information of Councillors is the General Manager Remuneration Comparison data prepared by Local Government Management Solutions.

I congratulate the General Manager on his performance and achievements for the past year and I move the following motion.

PROPOSED MOTION

That Council note the General Manager's 12 Month Performance Review has been completed by the Performance Review Panel and that Council endorse the Panel's assessment of the General Manager's 2018/19 - 12 month review as "meets expectations".

Having declared an interest in this Item, Mr Lindsay left the Council meeting at 2.06 pm and returned at 2.16 pm.

COUNCIL RESOLUTION – 05.19.002

Mayor Simmons

That Council note the General Manager’s 12 Month Performance Review has been completed by the Performance Review Panel and that Council endorse the Panel’s assessment of the General Manager’s 2018/19 - 12 month review as “meets expectations”.

Voting recorded as follows:

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

Against: Novak

Attachments	A – GM Summary Performance 12 Month Assessment 2017/18 (Confidential) B – GM Report – 12 Month Review 2017/18 (Confidential) C – LGMS GM Remuneration Comparative Data
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ITEM	05.19.003	30TH ANNIVERSARY OF THE COWPER BUS CRASH COMMEMORATIONS
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Meeting	Council	24 September 2019
Directorate	Mayoral Minute	
Submitted by	Cr Jim Simmons	
Attachment	Nil	

SUMMARY

The 20 October 2019 marks the 30th anniversary of the Cowper bus crash.

It is proposed that a small working group be formed to co-ordinate a service to commemorate the tragic event, which at the time was Australia's worst road accident.

PROPOSED MOTION

That Council:

1. Support a small working group to arrange the memorial service to mark the 30th anniversary of the Cowper bus crash.
2. Approve up to \$2,000 for the commemoration service to be funded from Cost Centre 550 General Managers budget.

COUNCIL RESOLUTION – 05.19.003

Mayor Simmons

That Council:

1. Support a small working group to arrange the memorial service to mark the 30th anniversary of the Cowper bus crash.
2. Approve up to \$2,000 for the commemoration service to be funded from Cost Centre 550 General Managers budget.

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 5.1.7 Undertake the civic duties of Council in an ethical manner

BACKGROUND

Council assisted with the commemoration service for the 25th anniversary of the Cowper bus crash in 2014 and I think it's important for Council to again acknowledge this tragic event in our community's history with a small commemorative service for the 30th anniversary on site at Cowper.

There are many people within our community who were impacted by the events of 20th October 1989. Many of the first responders that day were volunteers from our local SES units who supported the Police and Ambulance personnel.

I will be contacting members of the Clarence Valley Ministers Association to join the working group to undertake the commemorative service.

COUNCIL IMPLICATIONS**Budget/Financial**

The General Manager advised that funding is available within his budget to enable Council to allocate \$2,000 to provide items like shaded seating, a PA system and possibly some light refreshments following the service, depending on the format of the service.

6. REPORTS**a. GENERAL MANAGER**

ITEM	6a.19.018	WATER CONSUMPTION CHARGE SUBSIDY TO AFFECTED RATE PAYERS FOR PROTECTION AND CLEAN UP FOLLOWING BUSHFIRES
Meeting	Council	24 September 2019
Directorate	Corporate & Governance	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Nil	

SUMMARY

This month the local government area experienced significant bushfires, with many residents in the northern coastal areas of the Clarence Valley likely to receive water notices with increased water consumption charges due to protection and clean up of their property. This report proposes a water consumption charge subsidy on application, where there is evidence of increased water usage.

OFFICER RECOMMENDATION

That Council provide property owners within the Clarence Valley who have experienced increased water consumption whilst protecting and cleaning their properties following the September 2019 bushfires with a subsidy of \$65.00 on the following basis.

The subsidy is applied:

- i) on application.
- ii) to property in the vicinity of the Yuraygir National Park and Shark Creek area where there is evidence of increased water consumption.

MOTION – RULED OUT OF ORDER BY THE CHAIR

Williamson/Ellem

That Council provide property owners within the Clarence Valley who have experienced increased water consumption whilst protecting and cleaning their properties following the September 2019 bushfires with a subsidy of \$65.00 on the following basis.

The subsidy is applied:

- i) on application.
- ii) to property in the vicinity of the Yuraygir National Park and Shark Creek area where there is evidence of increased water consumption.

AMENDMENT TO MOTION – RULED OUT OF ORDER BY THE CHAIR

Novak/Toms

That

1. Council provide property owners within the Clarence Valley who have experienced increased water consumption whilst protecting and cleaning their properties following the September 2019 bushfires with a subsidy of \$65.00 on the following basis.

The subsidy is applied:

- i) on application.
- ii) to property in the vicinity of the Yuraygir National Park and Shark Creek area where there is evidence of increased water consumption.

2. Any residents in the rural area of the Clarence Valley impacted by fire be also included in the application to apply for a \$65 rebate.

1. POINT OF ORDER – CR BAKER

That the motion and amendment be ruled out of order in accordance with Clause 10.9 of the Code of Meeting Practice as it does not identify a funding source.

2. POINT OF ORDER – CR BAKER

That where the Chair invites the General Manager to provide advice in the course of the meeting an adjournment must be called under Clause 15.26 of the Code of Meeting Practice.

Ruled by the Chair that this Point of Order be UPHELD.

The Chair adjourned the Council meeting at 2.46 pm in order to seek advice from the General Manager. The meeting resumed at 2.49 pm.

Ruled by the Chair that the first Point of Order be UPHELD. The original Motion and the Amendment to Motion were ruled OUT OF ORDER.

LINKAGE TO OUR COMMUNITY PLAN

Theme 1 Society

Objective 1.1 We will have proud and inviting communities

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

BACKGROUND

A Natural Disaster was declared by the State Government in relation to the bushfire, which commenced in the Shark Creek area and proceeded to burn north into the Yuraygir National Park. The fire covered an area of almost 11,000ha and evacuation orders were placed for the southern parts of Gulmarrad, Wooloweyah and Angourie.

KEY ISSUES

The calculation for establishing a \$65.00 subsidy is as follows:

- 24 hours continuous use @15L/min = 21.6kL @ \$2.49/kL = \$53.78
- The inclining block tariff of \$3.71/kL applies to consumption above 1.233kL/day (111kL/90 days)
- An increased consumption of 21.6kL is likely to increase the consumption of many rural into the inclining block tariff. Applying a 20% allowance for the inclining block tariff = \$53.78 x 1.2 = \$64.54 (rounded up to \$65).

Applying the subsidy on application and where there is evidence of increased water consumption to properties in the vicinity of the Yuraygir National Park and Gulmarrad areas provides guidelines for administration as increased water consumption is already monitored for advising of possible concealed leaks.

COUNCIL IMPLICATIONS**Budget/Financial**

Application of a \$65.00 subsidy results in reduced income, which has not yet been budgeted given the unexpected increase in water consumption.

Asset Management

N/A

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Director Corporate & Governance, Laura Black
Attachment	Nil

ITEM 6a.19.019 MONTHLY INVESTMENT REPORT – AUGUST 2019

Meeting	Council	24 September 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 August 2019 be received and noted.

COUNCIL RESOLUTION – 6a.19.019

Kingsley/Lysaught

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

Voting recorded as follows:

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

Against: Clancy, Novak

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 August 2019 which details compliance with Council's Investment Policy Portfolio Credit Limits.

Portfolio Credit Limits as at 31 August 2019				
Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
AAA	100.00%	6,475,883	4.87%	Yes
AA	100.00%	47,177,203	35.51%	Yes
A	60.00%	24,250,000	18.25%	Yes
BBB	50.00%	54,953,043	41.36%	Yes
TOTAL INVESTMENTS		132,856,129	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.

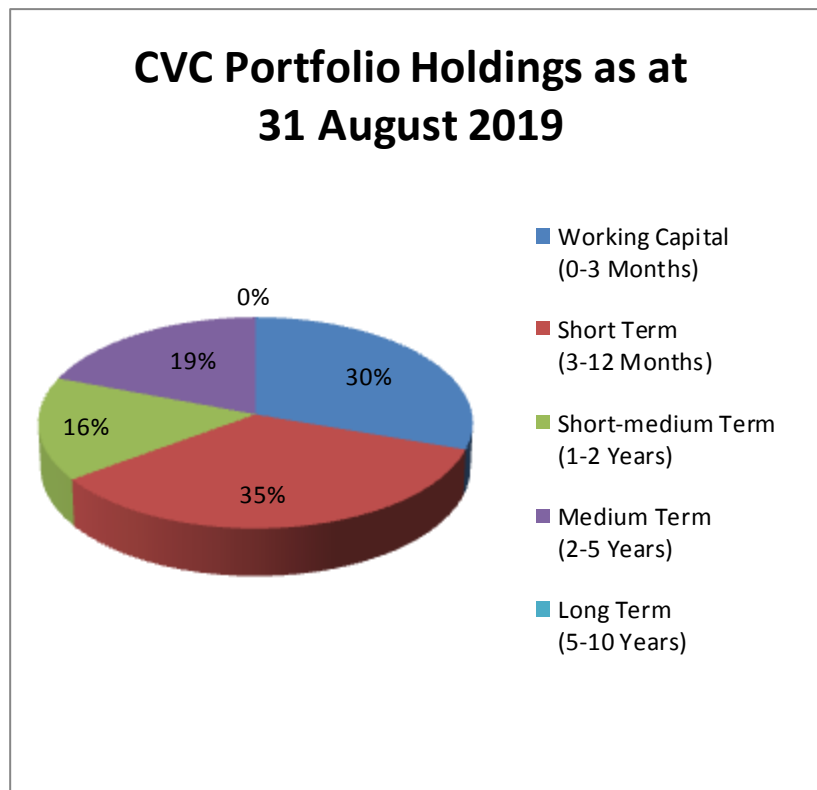
Individual Institution or Counterparty Limits

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

Individual Institution or Counterparty Limits as at 31 August 2019					
Financial Institution	Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
TERM DEPOSITS & FRNs*					
AMP	BBB+	15.00%	4,000,000	3.01%	Yes
ANZ*	AA-	30.00%	2,025,960	1.52%	Yes
BoQ	BBB+	15.00%	16,000,000	12.04%	Yes
Bendigo	BBB+	15.00%	7,000,000	5.27%	Yes
Bendigo*			1,003,800	0.76%	
Rural Bank			5,000,000	3.76%	
CBA*	AA-	30.00%	2,027,780	1.53%	Yes
Defence	BBB	15.00%	9,000,000	6.77%	Yes
G&C Mutual	BBB-	15.00%	1,000,000	0.75%	Yes
ING Direct	A	15.00%	14,000,000	10.54%	Yes
ME Bank	BBB	15.00%	6,000,000	4.52%	Yes
NAB	AA-	30.00%	16,000,000	12.04%	Yes
NAB*			1,006,085	0.76%	
P&N	BBB	15.00%	3,000,000	2.26%	Yes
People's Choice	BBB	15.00%	1,000,000	0.75%	Yes
RaboDirect	A+	15.00%	11,000,000	8.28%	Yes
Westpac	AA-	30.00%	7,000,000	5.27%	Yes
Westpac*	AA-		1,531,163	1.15%	
TOTAL TERM DEPOSITS & FRNs*			107,594,788	80.99%	
MANAGED FUNDS					
TCorp	AAA	40.00%	1,975,883	1.49%	Yes
TOTAL MANAGED FUNDS			1,975,883	1.49%	
FUNDS AT CALL					
AMP	BBB+	15.00%	4,699,243	3.54%	Yes
ANZ	AA-	30.00%	273,792	0.21%	Yes
CBA	AA-	30.00%	18,312,423	13.78%	Yes
TOTAL FUNDS AT CALL			23,285,458	17.53%	
TOTAL INVESTMENTS			132,856,129	100.00%	

Portfolio Holdings by Maturity

Illustrated and tabled below is a summary of Council's investments by maturity as at 31 August 2019. Excluding "at-call" working capital, 45.92% of Council's investments are maturing within the next twelve months.



Register of Investments - Clarence Valley Council as at 31 August 2019					
Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
WORKING CAPITAL (0-3 MONTHS)					
T-CorpIM Cash Fund	1,975,883	1.49%	At-Call	0.84%	AAA
AMP Bank Ltd	4,699,243	3.54%	At-Call	1.55%	BBB+
ANZ Banking Group Ltd	273,792	0.21%	At-Call	1.30%	AA-
Commonwealth Bank of Australia	18,312,423	13.78%	At-Call	0.90%	AA-
Bendigo Bank	2,000,000	1.51%	28/10/2019	2.95%	BBB+
Bendigo Bank	1,000,000	0.75%	21/11/2019	2.70%	BBB+
ING	1,000,000	0.75%	06/11/2019	2.87%	A
ING	2,000,000	1.51%	08/11/2019	2.85%	A
National Australia Bank	2,000,000	1.51%	05/09/2019	2.71%	AA-
National Australia Bank	3,000,000	2.26%	05/09/2019	2.71%	AA-
National Australia Bank	2,000,000	1.51%	13/09/2019	2.75%	AA-
National Australia Bank	2,000,000	1.51%	11/11/2019	2.73%	AA-
TOTAL WORKING CAPITAL (0-3 MONTHS)	40,261,341	30.30%		1.68%	
SHORT TERM (3-12 MONTHS)					
AMP Bank Ltd	3,000,000	2.26%	6/03/2020	2.75%	BBB+
AMP Bank Ltd	1,000,000	0.75%	31/08/2020	1.80%	BBB+
Bank Of Queensland Ltd	2,000,000	1.51%	3/02/2020	1.85%	BBB+
Bank Of Queensland Ltd	1,000,000	0.75%	6/07/2020	3.00%	BBB+
Bendigo Bank	2,000,000	1.51%	16/12/2019	2.85%	BBB+
Bendigo Bank	2,000,000	1.51%	18/12/2019	2.85%	BBB+
Defence Bank	1,000,000	0.75%	4/03/2020	2.80%	BBB
Defence Bank	2,000,000	1.51%	11/05/2020	3.00%	BBB
G&C Mutual Bank	1,000,000	0.75%	18/03/2020	4.00%	BBB-
ING	2,000,000	1.51%	10/12/2019	2.87%	A
ING	3,000,000	2.26%	14/02/2020	2.87%	A
ING	2,000,000	1.51%	20/02/2020	2.89%	A
ING	2,000,000	1.51%	2/03/2020	2.87%	A
ME Bank Ltd	2,000,000	1.51%	8/01/2020	1.80%	BBB
ME Bank Ltd	2,000,000	1.51%	6/05/2020	3.11%	BBB
ME Bank Ltd	2,000,000	1.51%	8/05/2020	2.30%	BBB
National Australia Bank	2,000,000	1.51%	11/12/2019	2.75%	AA-
National Australia Bank	3,000,000	2.26%	20/05/2020	2.20%	AA-
National Australia Bank	2,000,000	1.51%	30/07/2020	1.80%	AA-
People's Choice Credit Union	1,000,000	0.75%	12/12/2019	2.77%	BBB
RaboDirect (Australia) Ltd	2,000,000	1.51%	11/02/2020	1.95%	A+
Rural Bank Ltd	2,000,000	1.51%	10/02/2020	2.85%	BBB+
Rural Bank Ltd	2,000,000	1.51%	4/03/2020	2.80%	BBB+
Rural Bank Ltd	1,000,000	0.75%	4/03/2020	2.80%	BBB+
Bendigo Bank (3m BBSW +110bps) (Principal Value \$1,000,000) Market Value	1,003,800	0.76%	21/02/2020	2.08%	BBB+
TOTAL SHORT TERM (3-12 MONTHS)	46,003,800	34.63%		2.60%	
SHORT - MEDIUM TERM (1-2 YEARS)					
Bank Of Queensland Ltd	1,000,000	0.75%	26/10/2020	3.20%	BBB+
Bank Of Queensland Ltd	1,000,000	0.75%	26/10/2020	3.20%	BBB+
Bank Of Queensland Ltd	1,000,000	0.75%	2/12/2020	3.60%	BBB+
Bank Of Queensland Ltd	2,000,000	1.51%	12/01/2021	3.65%	BBB+
Bank Of Queensland Ltd	1,000,000	0.75%	29/06/2021	3.45%	BBB+
Defence Bank	2,000,000	1.51%	20/11/2020	3.00%	BBB
Defence Bank	2,000,000	1.51%	17/12/2020	3.00%	BBB
Defence Bank	2,000,000	1.51%	9/03/2021	3.00%	BBB
ING	1,000,000	0.75%	10/11/2020	2.92%	A
P&N Bank	3,000,000	2.26%	11/03/2021	3.82%	BBB
RaboDirect (Australia) Ltd	2,000,000	1.51%	14/06/2021	3.02%	A+
RaboDirect (Australia) Ltd	1,000,000	0.75%	21/06/2021	3.07%	A+
Westpac Bank	2,000,000	1.51%	5/03/2021	3.00%	AA-
TOTAL SHORT-MEDIUM TERM (1-2 YEARS)	21,000,000	15.81%		3.25%	

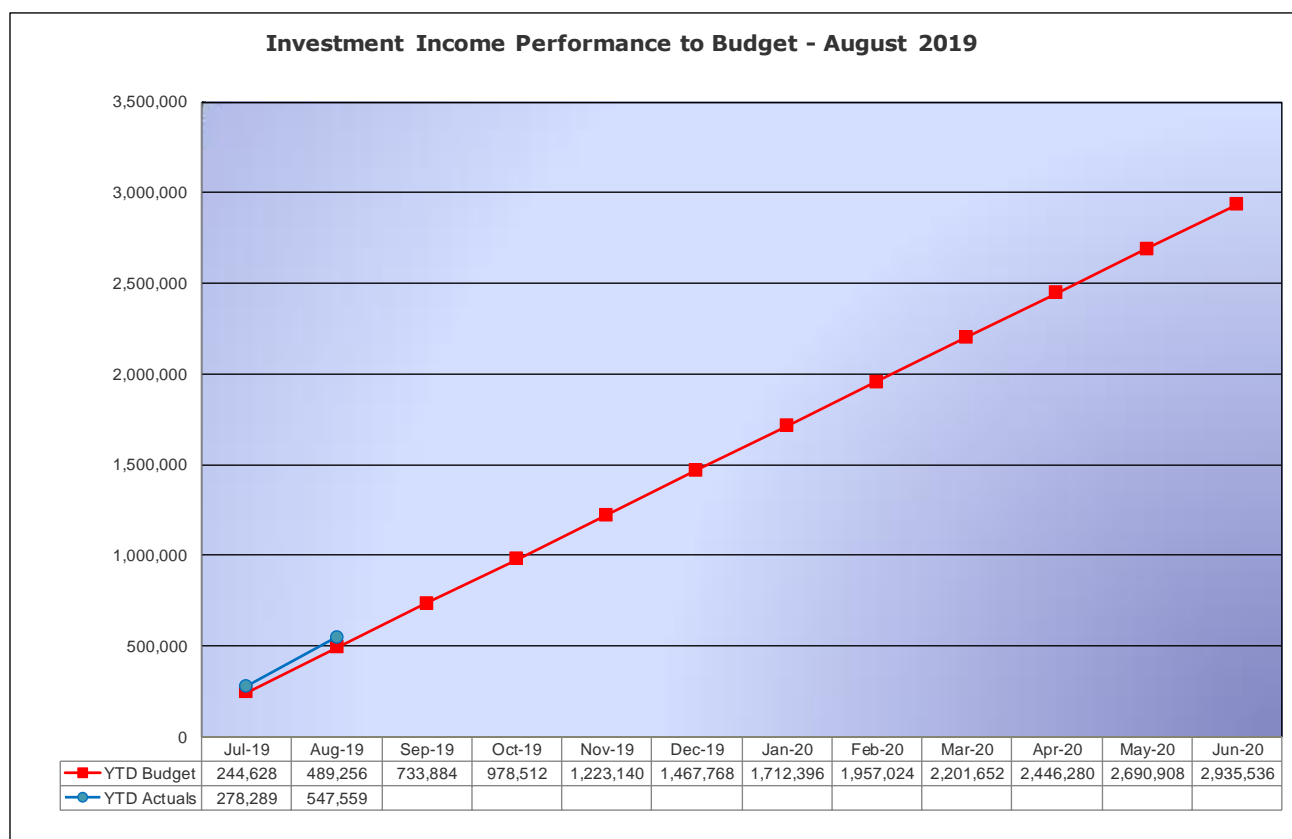
Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
MEDIUM TERM (2-5 YEARS)					
Bank Of Queensland Ltd	1,000,000	0.75%	2/12/2021	3.80%	BBB+
Bank Of Queensland Ltd	1,000,000	0.75%	9/05/2022	3.60%	BBB+
Bank Of Queensland Ltd	1,000,000	0.75%	3/08/2022	3.60%	BBB+
Bank Of Queensland Ltd	2,000,000	1.51%	8/02/2023	3.55%	BBB+
Bank Of Queensland Ltd	2,000,000	1.51%	21/08/2023	3.60%	BBB+
ING	1,000,000	0.75%	4/10/2022	3.66%	A
RaboDirect (Australia) Ltd	2,000,000	1.51%	13/09/2022	3.40%	A+
RaboDirect (Australia) Ltd	1,000,000	0.75%	5/12/2022	3.21%	A+
RaboDirect (Australia) Ltd	1,000,000	0.75%	17/08/2023	3.40%	A+
RaboDirect (Australia) Ltd	2,000,000	1.51%	19/09/2023	3.40%	A+
Westpac Bank	1,000,000	0.75%	16/11/2021	2.17%	AA-
Westpac Bank	2,000,000	1.51%	18/07/2022	2.17%	AA-
Westpac Bank	2,000,000	1.51%	13/03/2023	2.95%	AA-
ANZ Banking Group Ltd (3m BBSW +103bps) (Principal Value \$2,000,000) Market Value	2,025,960	1.52%	06/12/2023	2.41%	AA-
Commonwealth Bank (3m BBSW +80bps) (Principal Value \$1,000,000) Market Value	1,006,815	0.76%	25/04/2023	1.85%	AA-
Commonwealth Bank (3m BBSW +113bps) (Principal Value \$1,000,000) Market Value	1,020,965	0.77%	11/01/2024	2.26%	AA-
National Australia Bank (3m BBSW +80bps) (Principal Value \$1,000,000) Market Value	1,006,085	0.76%	10/02/2023	1.77%	AA-
Westpac Bank (3m BBSW +114bps) (Principal Value \$1,500,000) Market Value	1,531,163	1.15%	24/04/2024	2.23%	AA-
TOTAL MEDIUM TERM (2-5 YEARS)	25,590,988	19.26%		2.96%	
TOTAL INVESTMENTS	132,856,129	100.00%		2.49%	

COUNCIL IMPLICATIONS

Budget/Financial

Portfolio Investment Returns to 31 August 2019			
	Actual	Budget 2019/20	Over/(Under)
This Month			
Cash Deposits & FRNs	\$267,810	\$243,128	\$24,682
Managed Funds	\$1,460	\$1,500	(\$40)
	\$269,270	\$244,628	\$24,642
Year to Date			
Cash Deposits & FRNs	\$542,490	\$486,256	\$56,234
Managed Funds	\$5,069	\$3,000	\$2,069
	\$547,559	\$489,256	\$58,303

- Actual results have shown that total interest income to 31 August 2019 is \$0.058M above the 2019-20 budget of \$0.489M.
- As at 31 August 2019 the Floating Rate Notes (FRNs) had an unrealised capital gain of \$84,268.

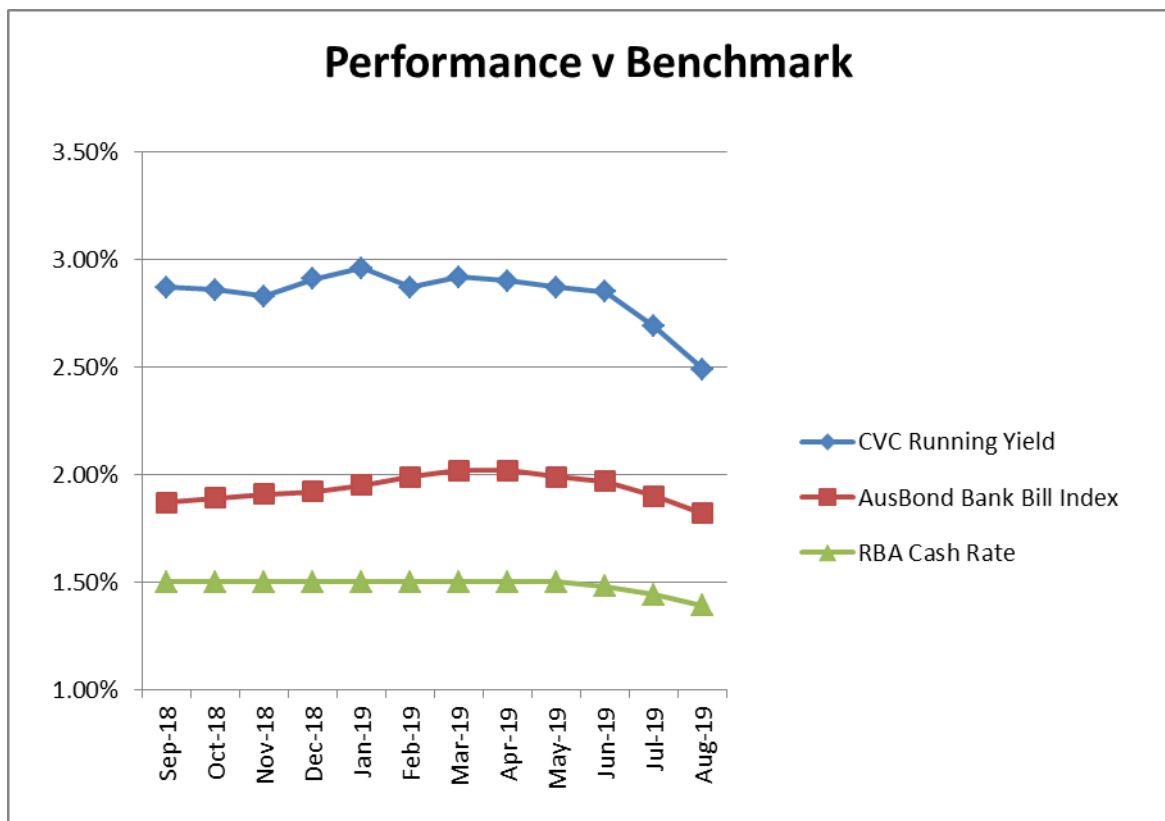


- Running yields* to 31 August 2019 have been:

AMP Business	1.30%
AMP 31 Day Notice	1.80%
ANZ Premium Business	1.30%
CBA General	0.85%
24hr Call Account	0.95%
T-CorpIM Cash Fund	0.84%
Floating Rate Notes	2.15%
Term Deposits	<u>2.89%</u>
Total	2.49%

*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 August was 1.00%. The benchmark AusBond Bank Bill Index was 1.82% for August.
- The current running yield of the total investment portfolio remains at elevated levels above the cash rate. At month-end, it stood at +2.49% (July 2.69%).



- The following investments have been arranged since the previous report:
 - CUA \$2.0m TD matured 06/08/2019, redeemed
 - New ME Bank \$2.0m TD invested 06/08/2019 for 5 months at 1.80% - matures 08/01/2020
 - New BOQ \$2.0m TD invested 06/08/2019 for 6 months @ 1.85% - matures 03/02/2020
 - RABO \$2.0m TD matured 14/08/2019, reinvested for 6 months at 1.85% – matures 11/02/2019
 - AMP \$1.0m TD matured 30/08/2019, reinvested for 367 days at 1.80% – matures 31/08/2020
 - NAB \$2.0m TD matured 05/09/2019, reinvested for 180 days at 1.70% – matures 03/03/2020
 - NAB \$3.0m TD matured 05/09/2019, reinvested for 180 days at 1.70% – matures 03/03/2020

Asset Management

N/A

Policy or Regulation

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

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

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

Prepared by	Vickie Stacey - Finance Officer (Accounting) & Michael Salvestro – Financial Accountant
Attachment	Movement of funds between months and Other Internal Reserves (detail)

ITEM	6a.19.020	OFFICE OF ENVIRONMENT & HERITAGE V CLARENCE VALLEY COUNCIL – CLOSE OUT OF COURT ORDERS
Meeting	Council	24 September 2019
Directorate	Office of General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Nil	

SUMMARY

This report provides advice to Council with regard to the finalisation of the orders of the Court with regard to the prosecution of Council by the Office of Environment and Heritage.

OFFICER RECOMMENDATION

That Council note in the case of *Chief Executive, Office of Environment and Heritage v Clarence Valley Council [2018] NSWLEC 205*:

1. Court Order 5 b) will be included in the 2018/2019 annual report.
2. Court Order 7 has been completed.

COUNCIL RESOLUTION – 6a.19.020

Williamson/Baker

That Council note in the case of *Chief Executive, Office of Environment and Heritage v Clarence Valley Council [2018] NSWLEC 205*:

1. Court Order 5 b) will be included in the 2018/2019 annual report.
2. Court Order 7 has been completed.

Voting recorded as follows:

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

BACKGROUND

Council has previously received reports in February 2019 and April 2019 with regard to the orders of the court and the costs incurred as result of the prosecution.

KEY ISSUES

Council item 13.004/19 (February 2019) detailed the status of the court orders and the subsequent actions that had been taken at that date. The Court orders are available at

<https://www.caselaw.nsw.gov.au/decision/5c16d9a5e4b0b9ab40212304> Clause 130.

At the time the February report was compiled orders 5 b) and 7 were incomplete but were being progressed. The status of these items is detailed below.

Order 5 b)

Pursuant to s205 (1)(b) of the National Parks and Wildlife Act 1974, the defendant is to:

b) publicise the offence (including the circumstances of the offence) and its consequences and the orders made against the defendant in its Annual Report.

The annual report is currently being compiled and will be presented for Council's consideration in accordance with the provisions of the *Local Government Act 1993*. The presented annual report will include the details as required by Order 5 b).

Order 7

Pursuant to s205 (1)(f) of the *National Parks and Wildlife Act 1974*, the defendant is to establish, and conduct by 30 April 2019, cultural skills development workshops for:

a) its field staff in the Works and Civil department; and

b) its senior management staff in the Works and Civil, Corporate and Governance, and Environment, Planning and Community departments, in accordance with the outlines developed by Ms Lisa Southgate in Annexure 'B' addressing cultural heritage compliance, Aboriginal engagement and the identification of Aboriginal sites, objects and places in the local government area.

The required training has been completed. The final training session was held on 2 August 2019, and as of that date 420 staff were trained to accord with Order 7. The timeframe was outside of the requirements of the order. This was a result of; the availability of the trainer; coordination and organisation of staff; and, the sign off of the local Aboriginal community with regard to the content of the program. Agreement was made between the Office of Environment and Heritage and Council with regard to a revised completion date for the training.

Council has reported to the prosecutor that Order 7 has been completed.

COUNCIL IMPLICATIONS**Budget/Financial**

At its April 2019 meeting Council received a report (Item 13.010/19) which detailed the costs associated with the matter as known at that time. Item 13.010/19 provided an estimated cost of \$45,000 for the required training. Now that training has been completed the final cost for this item is \$39,900. Table 1 details the revised and final costs.

Table 1 – Costs

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 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 hearings and other requirements
Postage	\$30.37	Postage for conveyance of original documentation
Subtotal	\$456,237.60	
Costs for Cultural Skills Development Training for staff	\$39,900.00	Court Order 2 (f)
Total	\$496,137.60	

Item	Amount	Notes
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)	\$367,676.75	

Asset Management

N/A

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Troy Anderson – Director (Works & Civil)
Attachment	Nil

ITEM	6a.19.021	WORKS REPORT	
Meeting	Council		24 September 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 August 2019

OFFICER RECOMMENDATION

That the Works report be received and noted.

COUNCIL RESOLUTION – 6a.19.021

Williamson/Lysaught

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 to August 2019 is attached.

The following projects are also highlighted for Council's information.

Project:	James Creek Road upgrade	 
Project Description:	Widen and seal James Creek Road, Gulmarrad for a length of 900 metres.	
Budget:	\$675,000	
Expenditure:	\$238,517	
Status:	<p>Included in this project is the installation of a new watermain to service future subdivision. This has been brought forward and is not included in the project cost.</p> <p>Work progress to date:</p> <ul style="list-style-type: none"> • Service Relocations (Telstra complete, watermain 70%). • Clearing complete. • Stormwater drainage complete. • Foundation treatments and pavement widening complete. • Sub-base placement complete. • Base placement complete to 450 m. • Project to be complete by end of September 2019. 	

Project:	Pound Street Watermain Renewal	
Project Description:	“Early” renewal of 180 metres of 150mm watermain between Wiseman Way and Prince Street in association with upgrading of Pound Street for second Clarence Crossing	
Budget:	\$38,000	
Expenditure:	\$4,428.57 (not including expenditure from week commencing 02/09)	
Status:	New main has been laid and project scheduled to be completed by 20 September	

COUNCIL IMPLICATIONS

Budget/Financial

Financial details are provided in the attached works summary.

Asset Management

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

Policy or Regulation

There are no policy or regulation implications.

Consultation

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

Legal and Risk Management

There are no legal or risk management implications.

Climate Change

There are no climate change implications.

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

ITEM	6a.19.022	ACQUISITION OF PART RESERVE 95853 GRAFTON
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Meeting	Council	24 September 2019
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Nil	

SUMMARY

To consider acquisition of part of Reserve 95853 Grafton from The State of NSW to enable rectification of an encroachment of the Grafton Sports Centre.

OFFICER RECOMMENDATION

That

1. Council acquire by agreement from The State of NSW the section of land as shown in Figure 1.
2. The section of acquired land be classified as "operational" land.
3. The section of acquired land be consolidated with Lot 21 DP 712604.
4. Council proceed with transfer of ownership of the newly created lot to PCYC as per resolution dated 26 March 2019, Item 13.007/19, Points 3-5.

COUNCIL RESOLUTION – 6a.19.022

Toms/Baker

That

1. Council acquire by agreement from The State of NSW the section of land as shown in Figure 1.
2. The section of acquired land be classified as "operational" land.
3. The section of acquired land be consolidated with Lot 21 DP 712604.
4. Council proceed with transfer of ownership of the newly created lot to PCYC as per resolution dated 26 March 2019, Item 13.007/19, Points 3-5.

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

21 November 2017 (Item 13.069/17) Council resolved on to enter into a MOU with PCYC for negotiations to commence for occupation of the Grafton Sports Centre.

15 May 2018 (Item 13.022/18) Council agreed in principle to transfer Grafton Sports Centre Lot 21 DP 712604 to the PCYC.

11 December 2018 (Item 15.215/18) Council resolved to lodge an application to have Reserve 95853 vested to Council as freehold land.

26 March 2019 (Item 13.007/19) Council resolved that vesting application will not proceed and to resign as Crown Land Manager with PCYC to be appointed as Crown Land Manager.

KEY ISSUES

Crown Lands staff have advised that Council’s application for a vesting application has been refused. There is also no support for transfer of land management of the Reserve to PCYC, until the encroachment issue has been resolved. This was the intent of the vesting application.

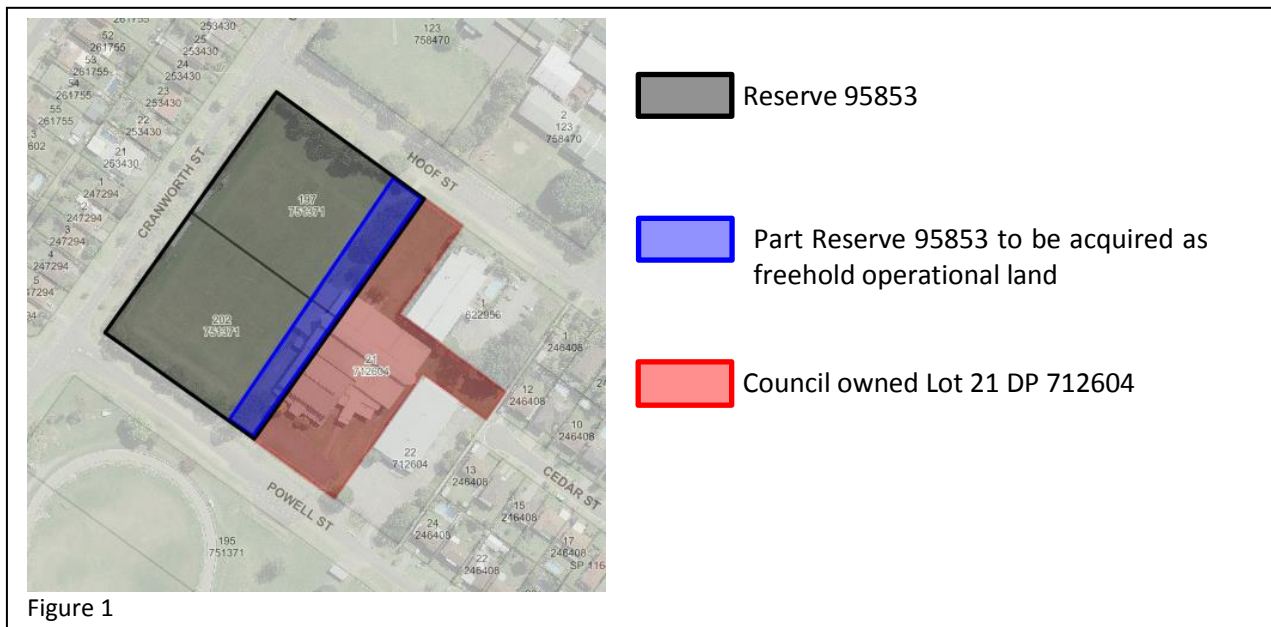
Crown Lands, Council and PCYC met and agreed the following pathway to achieve the desired outcome:

1. Council enter into appropriate tenures over the Reserve and Council land to facilitate the commencement of works by PCYC.
2. Council compulsory acquire the section of reserve subject to the encroachment.
3. On acquisition, consolidate the acquired Lot with Council’s adjacent freehold Lot 21
4. Transfer the consolidated Lot to PCYC in freehold.

Once these steps are complete, Crown Lands will support the resignation of Council as Land Manager and appointment of PCYC as Land Manager for the remainder of Reserve 95853.

It is agreed a contract will be entered into with PCYC for the sale of Council owned land Lot 21 DP 712604 and it will be conditioned that settlement is triggered by completion of the acquisition (of part of Reserve 95853).

Easements for services and access will be granted where applicable.



COUNCIL IMPLICATIONS

Budget/Financial

Council will be applying to Crown Lands to transfer the encroachment for the nominal amount of \$1.00. If this is not supported then the figure will be based on a valuation. It is proposed to acquire the land by agreement.

Asset Management

As part of the lease and sub-licence to PCYC they will become wholly responsible for management of the facility from the date of commencement of the agreements, which is proposed to be 1 November 2019.

Policy or Regulation

Land Acquisition (Just Terms Compensation) Act 1991

Crown Lands Management Act 2016

Local Government Act 1993

Real Property Act 1900

Consultation

Advice has been received from the Executive of Department Planning, Industry and Environment. Local Crown Land staff, PCYC representatives and Council staff have met and discussed this matter.

Legal and Risk Management

Entering into appropriate tenure agreements will formalise use and occupation of the site and provide lawful occupation of the facility and reserve until the encroachment.

Climate Change

Not Applicable

Prepared by	Kylee Baker, Property Coordinator
Attachment	Nil

VOTING BY EXCEPTION

VOTE BY EXCEPTION

Baker/Ellem

That the following Items be adopted:

6b.19.028	6c.19.050	6d.19.003
6b.19.030	6c.19.051	
	6c.19.052	
	6c.19.054	
	6c.19.055	
	6c.19.056	
	6c.19.058	
	6c.19.059	
	6c.19.061	
	09.19.003	

Voting recorded as follows:

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

Against: Nil

b. ENVIRONMENT, PLANNING AND COMMUNITY COMMITTEE

MINUTES of a meeting of the **ENVIRONMENT, PLANNING & COMMUNITY COMMITTEE** of Clarence Valley Council held in the Council Chambers, Grafton on Tuesday, 17 September 2019 commencing at 3.30 pm.

PRESENT

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

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

APOLOGY - Nil

DISCLOSURE AND DECLARATIONS OF INTEREST -

<i>Name</i>	<i>Item</i>	<i>Nature of Interest</i>	<i>Reason/Intended Action</i>
Cr Ellem	6b.19.028	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Signed a petition against Service Station DA before election to Council. Intended action: Remain in Chamber.

ITEM	6b.19.028	MOD2019/0032 – MODIFICATION OF CONDITION 45 OF DEVELOPMENT CONSENT NO. 2016/0206 – SERVICE STATION DEVELOPMENT - 2 TREELANDS DRIVE, YAMBA
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Meeting	Environment, Planning & Community Committee	17 September 2019
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment, Planning & Community (Des Schroder)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Newton Denny Chapelle
<i>Owner</i>	The Trust Company (Australia) Limited
<i>Address</i>	2 Treelands Drive (Cnr Yamba Rd), Yamba
<i>Submissions</i>	15 public submissions - 14 oppose the proposal and 1 conditionally supports the proposal

The new service station development at 2 Treelands Drive (Cnr Yamba Road), Yamba has commenced operations in compliance with existing trade waste requirements in the development approval. The applicant now seeks Council approval to change the management of forecourt wastewater such that the discharge from the existing on-site forecourt wastewater treatment device can be disposed of via Council's stormwater system or sewerage system. The application is not supported by Council officers and the majority of persons who have made written submissions to Council.

OFFICER RECOMMENDATION

That application MOD2019/0032 be refused on the following grounds:

1. The applicant has not adequately demonstrated that the proposed changes to Condition 45(g) will ensure acceptable environmental impact in both typical and non-typical scenarios;
2. The applicant has not adequately demonstrated that compliance with the requirement under Condition 45(g) will unreasonably increase the potential for unacceptable environmental and economic impact;
3. After consideration of *NSW EPA's Practice Note – Managing run-off from service station forecourts* Council staff believe that upholding the requirements of Condition 45(g) is the best method to prevent potential harm to the environment from the service station forecourt wastewater; and
4. The proposed modification of Development Consent No. 2016/0206 is not considered to be in the public interest due to the potential adverse environmental impacts associated with the circumstances of the case and further, it would create an undesirable precedent for management of service station forecourt wastewater in the Clarence Valley Local Government Area where Council and the local community place a high value on the local environmental and the Clarence River.

COMMITTEE RECOMMENDATION

Clancy/Novak

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

COUNCIL RESOLUTION – 6b.19.028**Baker/Ellem**

That application MOD2019/0032 be refused on the following grounds:

1. The applicant has not adequately demonstrated that the proposed changes to Condition 45(g) will ensure acceptable environmental impact in both typical and non-typical scenarios;
2. The applicant has not adequately demonstrated that compliance with the requirement under Condition 45(g) will unreasonably increase the potential for unacceptable environmental and economic impact;
3. After consideration of *NSW EPA's Practice Note – Managing run-off from service station forecourts* Council staff believe that upholding the requirements of Condition 45(g) is the best method to prevent potential harm to the environment from the service station forecourt wastewater; and
4. The proposed modification of Development Consent No. 2016/0206 is not considered to be in the public interest due to the potential adverse environmental impacts associated with the circumstances of the case and further, it would create an undesirable precedent for management of service station forecourt wastewater in the Clarence Valley Local Government Area where Council and the local community place a high value on the local environmental and the Clarence River.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 4 Environment

Objective 4.1 We will preserve and enhance our natural environment

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

BACKGROUND

The existing service station development was approved at the Council meeting on 18 July 2017 subject to conditions. The service station has since been constructed and is now operational. Management of forecourt wastewater presently complies with Condition 45(g) of the development consent notice.

Condition 45 relates to trade waste matters and in full states:

45. *In respect to the service station design and underground petroleum storage system:*
 - a. *The applicant shall submit plans to Council which have been certified/endorsed by an appropriately qualified person/s showing that the service station design complies with all relevant standards, regulations and industry best practice, prior to release of the Building Construction Certificate.*
 - b. *The installation and operation of the Underground Petroleum Storage System (UPSS) shall comply with the provisions of the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014 - the UPSS Regulation.*
 - c. *The UPSS shall:*
 - *be appropriately designed, installed and commissioned by duly qualified persons in accordance with the UPSS Regulation.*
 - *have minimum mandatory pollution protection equipment installed, consistent with the UPSS Regulation, comprising non-corrodible secondary containment tanks and associated pipework and overflow protection devices.*

- *have groundwater monitoring wells installed and tested in accordance with the UPSS Regulation.*
- *have a certificate showing that an equipment integrity test has been carried out in line with the written directions of duly qualified persons.*
- d. *The site shall have an Environment Protection Plan implemented prior to issuing the Occupation Certificate that includes loss monitoring and incident management procedures.*
- e. *Council shall be furnished with certificates showing installation and commissioning of the UPSS has been completed in accordance with all relevant standards, regulations and industry best practice prior to issuing the Occupation Certificate.*
- f. *Upon completion of the construction of the service station, Council shall be furnished with certification prepared by a duly qualified person showing that all works have been completed in compliance with all relevant standards, regulations and industry best practice prior to issuing the Occupation Certificate.*
- g. *Wastewater generated in the undercover refuelling forecourt shall not be discharged to the environment or Council's sewerage system. It shall be collected for removal by an EPA licensed contractor and disposed of at an appropriate facility.***
- h. *An application to discharge liquid trade waste to Council's sewerage system from the store shall be submitted for approval prior to issuing the Occupation Certificate, if trade waste is proposed to be discharged to Council's sewer.*

The modification application now lodged seeks Council approval to removal of the requirement at Condition 45(g) as highlighted in **bold text** above.

In February-March this year enquiries were made by, and on behalf of, the developers seeking Council comment on the use of a Class 1 oil separator with discharge to the environment. The advice that was issued confirmed that use of such a device would not satisfy Condition 45(g) of the development consent notice and further, the General Manager advised in emailed correspondence to the landowners representative that, on the basis that the SPEL separator does not remove 100% of the pollutants from the wastewater that would be discharged to the stormwater system, 'Council does not support the installation of the SPEL system at this time.' Further, the advice confirmed that should a change to the requirement in the condition be pursued then an application to modify Development Consent 2016/0206 would need to be submitted to Council for consideration. This application has now been made seeking Council's endorsement of a change to enable treatment of the service station forecourt wastewater via a SPEL stormwater system and discharge to Council's drainage network. Council's drainage network is deemed to include both the reticulated sewerage system as well as the stormwater system. Hence, Council's assessment considers both of these options.

The service station development is presently operating and the forecourt wastewater is being collected by a SPEL puraceptor system located below the concrete forecourt. Further, the system is a blind sump and no discharge to Council's sewerage or stormwater system is occurring. The system as installed and operating satisfies Condition 45(g).

KEY ISSUES

Justification by Applicant – The applicant has provided information in support of the application (refer to Attachment 1). The information includes information from SPEL Environmental (the company that supplies the SPEL puraceptor and other products) and legal advice obtained on behalf of SPEL Environmental. The conclusions of the legal advisor rely on 'typical operating conditions' circumstances and further assume that in most cases when treated wastewater is discharged it would be during wet-weather events and so would be mixed with other water in the environment to further dilute the concentration of pollutants in wastewater.

CVC Officer Comment – Council's Trade Waste Officer recommends refusal of the requested modification and provides the following comments:

Council has adopted a precautionary approach of not permitting a discharge to the environment of forecourt wastewater in new or refurbished service station sites because up until now there was no confirmed guidance on whether or not this could occur. The NSW EPA's Practice Note – Managing run-off from service station forecourts, has now been developed.

The practice note discusses three methods of forecourt wastewater management and the classification of receiving waters that receive the discharge. The definitions of classification of receiving waters from the glossary of the practice note are:

Slight to moderately disturbed systems Ecosystems in which aquatic biological diversity may have been adversely affected to a relatively small but measurable degree by human activity. The biological communities remain in a healthy condition and ecosystem integrity is largely retained.

Further the EPA's Practice Note advises that

"The consent authority should:

- assess development applications for new and modified service stations on a case-by-case basis (section 5) commensurate with the potential risk of harm to the environment
- determine if the proposed forecourt run-off management option is the best option to prevent harm to the environment from occurring (sections 3 and 4)
- apply any necessary controls as part of consent conditions (e.g. treatment, maintenance and monitoring requirements) (section 5).

This proposal to discharge forecourt wastewater to stormwater means that this discharge will exit to the environment in the vicinity of a mangrove area which is part of the Clarence River. The receiving waters in this case are considered, when classified using the terminology in the practice note, as "slightly to moderately disturbed systems" and should be afforded the extra protection from the risk of pollution that a containment tank system provides.

Council has acted in good faith and determined that the most appropriate way of preventing harm to the environment from the forecourt wastewater discharge is implementing the containment tank system.

Council's whole of area precautionary approach of not permitting a discharge to the environment should also continue due to the fact that the vast majority of service station sites in the Council area are in close proximity of receiving waters that (as a minimum) are considered slight to moderately disturbed systems.

Option 3 of the EPA's practice note also supports Council's decision to not allow a discharge to the environment. As the Appropriate Regulatory Authority (ARA), Council is within its rights to refuse this request.

Further, the information provided by the applicant does not contain specific enough information to support the discharge to the environment through a SPEL Purceptor. The reports and information provided, including effluent sample results, have all been conducted and commissioned by SPEL with no independent verification.

For instance, Page 2 of the report by Martens details some test results on the performance of the device. No further information is provided to substantiate these results nor has the applicant provided the sample results information in full.

Secondly, the test results in Table 1 of the Martens report show the TPH Fraction as C6-C36. The fractions that are used in the results don't correlate with the information included in the National Environment Protection (Assessment of Site Contamination) Measure 1999. The extract from the document follows:

<i>Fraction number</i>	<i>Equivalent Carbon Number Range</i>
<i>F1</i>	<i>C6 – C10</i>
<i>F2</i>	<i>>C10 – C16</i>
<i>F3</i>	<i>>C16 – C34</i>
<i>F4</i>	<i>>C34 - C40</i>

The hydrocarbons in the sample results are measured using micrograms per litre. Some results of outflow show micrograms/litre levels of 0.04, <0.02, <0.05 and 173.08. Recent sample reports Council has received indicate that laboratory limits of reporting (LOR) levels for the petroleum hydrocarbon fractions listed above is 100 ug/L. To get a result of less than 100 could mean that the results have been submitted using the incorrect concentration level indicator, or the results are flawed.

The information provided does not demonstrate that, in this specific case, the use of a SPEL Puraceptor discharging wastewater to the environment would not cause harm to the receiving waters.

After assessing this information, there is not sufficient reason why Council would consider that a containment tank system would not be the best method of management in this case.

If the discharge to the environment is considered for approval it will increase the risk for the potential for a pollution incident and place an increased regulatory and costs burden on Council. Council officers would need to ensure that the device is performing adequately in accordance with relevant legislation. This would mean that at a minimum the wastewater quality would need to be monitored regularly, checks performed to ensure the device has been maintained in accordance with specifications, that it is operated correctly etc. There would be no possibility of recovering costs for the time that would be required to ensure this regulation occurs. There is no ongoing approval process such as for OSM or Trade Waste and the only way proactive regulatory requirements could be implemented over and above the provisions of the POEO Act (which is mostly reactive) would be when they are included in the development consent.

Further, if this site is permitted to discharge to the environment, it will set a precedent for the approval of more devices at new or refurbished sites. Council should continue to employ the precautionary approach to avoid a snowball effect which could have a detrimental impact on the environment.

In addition, Council's Environmental Officer also recommends the request to modify the development consent be refused and offers the following comments:

The NSW EPA has a practice note for managing run-off from service station forecourts. <https://www.epa.nsw.gov.au/publications/contaminatedland/managing-run-off-from-service-station-forecourts>

The development of, and the installation of Class 1 oil water separators discharging to the environment has been the major catalyst for this draft note.

The EPA's practice note proposes three options for forecourt wastewater management including:

- 1) Collect and pump out wastewater,*
- 2) Treated run-off to be discharged to sewer, and*
- 3) Treated run-off discharged to stormwater*

The NSW Office of Water and Clarence Valley Council prohibit discharge from any service station forecourt treatment device (including Class 1 oil water separators) entering the sewer due to "potential highly dangerous conditions in the sewerage system".

The same “potential highly dangerous conditions” must be presumed if discharge to stormwater is considered.

Further concerns with the proposed discharge to stormwater from a Class 1 oil water separator include:

- (1) Maintenance and operation of the device; there are no Australian Standards or Certification processes for these devices. Council would be required to develop management and maintenance conditions for the operation of the treatment system and would then inherit the regulation burden to ensure compliance with the POEO Act.
- (2) The practice note states that “Run-off is directed to the stormwater system, with prior treatment to a level of water quality that does not harm the environment”. The NSW Office of Water’s prohibiting of discharge to sewer due to “potential highly dangerous conditions in the sewerage system” suggests that this cannot be achieved. The applicant hasn’t provided sufficient or verified information to demonstrate that “no harm to the environment” can be achieved.
- (3) The practice note also states that the classification and management of the receiving waters of the stormwater discharge must be considered, the applicant has not addressed risk to receiving waters. Council would require that the regulatory authority for those receiving waters be engaged to assess the proposal.

The prohibition of discharge to sewer and the concerns listed above support Council’s decision as the ARA to not allow discharge to stormwater.

Further, in relation to the potential for the treated discharge to be disposed as trade waste to Council’s sewerage system Council’s Manager Water Cycle offers the following:

Council is not legally able to grant approval to discharge stormwater from service station forecourts to Council’s sewer. Clause 28 of the Local Government (General) Regulation indicates (emphasis added):

28 Approval to discharge waste into sewers: concurrence required

*A council **must not** grant an approval under section 68 of the Act to discharge trade waste (whether treated or not) into a sewer of the council unless the Director-General of the Department of Trade and Investment, Regional Infrastructure and Services (or that Director-General’s nominee) has concurred with the approval.*

While DPIE Water has given Council assumed concurrence for some types of trade waste discharges, this concurrence does not include service station forecourts and therefore specific DPIE Water concurrence is required for Council to issue a trade waste approval for this waste. DPIE Water Practice Note 13 indicates that they will not approve any new service station installations after 1 July 2012, so therefore Council is unable to grant an approval for discharge to trade waste.

Were Council to resolve to approve discharge to sewer it would be an ultra vires resolution on the basis that the regulation overrides any Council resolution.

There is also a concern with the applicant’s advice relying on ‘typical operating conditions’ as the implications if non-typical conditions occurred are not assessed or reported. For example, Council currently assesses flood risk to new development based on a 1-in-100-year flood event. Such an event would not be considered ‘typical operating conditions’, however the risk of not considering that event in making planning decisions is not considered acceptable. Hence, should non-typical conditions apply to this service station site, for example a significant fuel spill occurring not concurrent with wet-weather then the ability of the SPEL purceptor to adequately manage that event and to prevent environmental impact needs to be questioned.

In accordance with the EPA’s Practice Note and after consideration of the CVC officer comments above it is considered that Council, as the consent authority, has assessed this application on a case-by-case basis and

officers have determined that the best option to prevent harm to the environment is to uphold the existing requirements of Condition 45(g).

Public Concerns – Submissions provided to Council by members of the public are provided at Attachment 2. One submission supports the proposal if the risk of underground fire is acceptable. There is no information submitted with the application to determine whether there is a risk of underground fire within the sewerage system or stormwater system in the event that discharge containing petroleum product was ignited. The NSW Office of Water guidance to prohibit discharge from any service station forecourt treatment device (including Class 1 oil water separators) entering the sewer due to ‘potential highly dangerous conditions in the sewerage system’ is likely in part to be attributable to the risk of fire and related impacts. Hence, the condition acceptance of that submission has not been demonstrated.

The remaining submissions, being 14 of 15, support rejection of this proposal by Council and adherence to the original DA condition as provided in the ‘Background’ earlier. Further, some submissions raise concern that discharge of pollutants to the Clarence River will have detrimental environmental and economic effects. Council officers support the public concerns in this matter.

COUNCIL IMPLICATIONS

Budget/Financial

The application has been made with due payment of administrative fees for the application. Assessment of the application utilises recurrent staffing budgets with advertising costs covered (at least in part) by the advertising fee paid by the applicant.

In accordance with advice from Council’s Water Cycle Manager Council is unable to approve of discharge from the forecourt to Council’s sewerage system. Hence, there is no ability to collect trade waste fees.

Asset Management

Discharge of service station forecourt wastewater to Council’s sewerage system is inconsistent with guidance from the NSW Office of Water. There is an unknown risk of fire, explosion and significant damage to Council’s sewerage and stormwater assets from the discharge of flammable products into such systems. These assets are essential to the publicly accepted standard of living in the Yamba urban area. Addition of risk to the integrity and performance of such systems into the future is undesirable and inconsistent with best practice asset management.

Policy or Regulation

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

Clarence Valley Local Environmental Plan 2011

Clarence Valley Development Control Plan – Development in Business Zones

NSW EPA’s Practice Note – Managing run-off from service station forecourts

Consultation

This application was advertised between 7 and 22 August 2019 and notified to persons who made submissions to the original DA for the service station development as well as adjoining and nearby landowners in accordance with Council’s Development Control Plan for Development in Business Zones. Letters of notification were sent approximately one week ahead of the official advertising period commencing and whilst some persons reported this to create challenges it also gave them a week or so extra to make enquiries with Council, consider the proposal and prepare a submission.

The consultation period yielded 15 written public submissions. The majority (14/15 or 93%) oppose the proposed modification due to concerns with additional risk of pollution to the environment if the discharge from the treatment device is allowed into Council’s sewerage or stormwater system. Essentially the dominant request is for the existing conditions of development consent to be upheld. One submission

supports the proposal on the condition that there is no risk of an underground fire. The discussion of 'Public Concerns' in the 'Key Issues' section earlier indicates that information submitted with the application does not demonstrate that there will be no risk of underground fire. Hence, in effect all 15 submissions do not support the application as made.

Two submissions provide comment on administrative aspects of Council's public exhibition process. The fact that letters were provided to nearby residents and persons who made submissions to the original DA prior to the commencement of the publicly advertised exhibition period has caused concern as the information available for public viewing was not published on Council's website until the formal exhibition period commenced. Notwithstanding that, all persons had access to the necessary information for the required two-week exhibition period. The exhibition was completed in accordance with Council's requirements as provided for in the relevant Development Control Plan. Further, persons with an interest were provided with Council contact officer details (including direct dial phone contact) and were able to discuss the proposal and a number of public persons took that opportunity.

The key planning issues presented in submissions are discussed in the 'Key Issues' earlier in this report.

Improvements to the DAs Advertised page on Council's website as part of the DA Review Project have included the addition of an option for interested persons to make submissions online via the website. The majority of persons (13/15 or 87%) who made submissions to this application used that option. This saves time for customers and with some technical magic from Council's Business Solutions team ensures that incoming submissions are pre-named making registration of correspondence an easier and more accurate process for CVC Records staff.

The application has also been assessed by relevant Council officers (see 'Key Issues') and a summary of these referrals is provided below:

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Manager Water Cycle	Advises trade waste approval cannot be granted by Council.
Trade Waste Officer	Recommend refusal. See detailed comments in 'Key Issues'.
Environmental Officer	Recommend refusal. See detailed comments in 'Key Issues'.

Legal and Risk Management

The applicant has included legal advice obtained with respect to the use of SPEL purceptor products and the potential approval of such devices by local NSW councils. That advice has been considered and Council staff are of the opinion that the advice has limitations.

In the event that the applicant is dissatisfied with Council's determination of this application then they may appeal to the Land and Environment Court.

Climate Change

Upholding the current requirements for trade waste associated with the service station may result in added emission of greenhouse gases due to the need to service pump out of the SPEL system and associated transport. This negative impact is considered to be minor compared to the potentially adverse impact of petroleum-based pollutants entering the stormwater and/or sewerage system and the local environment as a result of the SPEL Purceptor not performing to the required standard at all times.

Prepared by	Scott Lenton, Development Services Coordinator
Attachment	1. Applicant's submission 2. Public submissions (15 of)

ITEM	6b.19.029	MODIFICATION OF DEVELOPMENT CONSENT SUB2006/0102 BY MOD2019/0029 – REMOVE WILDLIFE CORRIDOR FROM LOT 68 (NOW LOT 69 DP1245983) – 2 ROSEWOOD DRIVE, CLARENZA
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Meeting	Environment, Planning & Community Committee	17 September 2019
Directorate	Environment, Planning & Community	
Reviewed by	A/Manager - Environment, Development & Strategic Planning (Scott Lenton)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Matt Dougherty C/o Sticklip Pty Ltd
<i>Owner</i>	Sticklip Pty Ltd
<i>Address</i>	2 Rosewood Drive, CLARENZA NSW 2460
<i>Submissions</i>	Yes – three submissions (two opposing and one no objection)

Council has received an application under Section 4.55 of the *Environmental Planning and Assessment Act, 1979* to modify SUB2006/0102 to remove a wildlife corridor on Lot 69 DP1245983.

The original application was advertised and notified, as was the modification application. Three submissions were received during the exhibition period.

The application is being reported to Council as the recommendation of Council staff is to refuse the application. This report discusses the key issues with the application, and provides a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That Council refuse to grant development consent to MOD2019/0029 on the following grounds:

1. Council does not consider that the applicant has adequately justified the need for the conditions to be amended; and
2. Council considers the application to be a review of the application SUB2006/0102 under Section 8.2 of the *Environmental Planning and Assessment Act 1979* and not a modification under Section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979*.

MOTION

Williamson/Baker

That Council:

1. Approve the removal of the wildlife corridor "Lot 69 DP1245983" and amend the Conditions of Consent accordingly.
2. Reinforce Condition 14 in the Conditions of Consent "Vegetation Management".

Voting recorded as follows:

For: Williamson, Baker

Against: Novak, Clancy, Simmons

The Motion was put and declared LOST.

MOTION

Clancy/Novak

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Clancy, Novak

Against: Williamson, Simmons, Baker

The Motion was put and declared LOST.

FORESHADOWED MOTION

Simmons/Novak

This item be deferred to full Council meeting to receive further advice.

AMENDMENT TO FORESHADOWED MOTION

Clancy

This item be deferred to full Council meeting to receive further advice including legal advice.

Amendment LAPSED for want of a seconder. The Foreshadowed Motion was then considered.

COMMITTEE RECOMMENDATION

Simmons/Novak

This item be deferred to full Council meeting to receive further advice.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

COUNCIL RESOLUTION – 6b.19.029

Williamson/Lysaught

That Council, being satisfied approval would result in minimal environmental impact:

- 1. Approve the removal of the wildlife corridor upon Lot 69 DP 1245983 and amend the consent accordingly.**
- 2. Reinforce condition 14 in the conditions of consent regarding vegetation management and protection.**
- 3. And conditions of consent be amended according to the RFS letter of advice.**

Voting recorded as follows:

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

Against: Clancy

FORESHADOWED MOTION

Clancy

That the Officer Recommendation be adopted.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

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

BACKGROUND

Modification application MOD2019/0029 was lodged on 28 June 2019 for the modification of approved development application SUB2006/0102 as approved by Council under delegated authority on 18 June 2007 for a 21 lot subdivision (18 additional lots). Council has previously approved modifications to the approved development being MOD2009/0064 (staging the subdivision to allow capital to be raised to construct a new sewerage pump station) and MOD2014/0001 (remove requirement for underground electricity). Council has endorsed release of the first stage of the subdivision being eight lots which includes the land subject to this modification application.

The applicant has sought to modify development application SUB2006/0102 by removing reference to Lot 68 from conditions of consent relating to restriction-as-to-user for a wildlife corridor that follows the water course through the land. A copy of the modified consent and approved plans is provided in Attachment 1. Conditions 13, 14 and 15 relating to vegetation management for the approved development read as follows:

13. *The location of dwellings, driveways and ancillary structures for each lot shall be situated within existing cleared areas, where practically possible. No dwelling, driveway, ancillary building or clearing will be permitted within the wildlife corridor being 25m from the centreline of the water course.*
14. *A restriction-as-to-user is to be placed on all allotments prohibiting the removal of any native trees over 4 metres in height, old growth trees containing hollows, trees with a diameter of 60 cm or greater, or the native understorey outside those areas required for house construction or provision of asset protection zones approved by the NSW Rural Fire Service.*
15. *A restriction-as-to-user to be placed on proposed allotments No. 68, 69, 78, 79, 80, 81 and 83 prohibiting the development on/or clearing of any native vegetation located within the wildlife corridor defined as 25m either side of the centre line of the water course.*

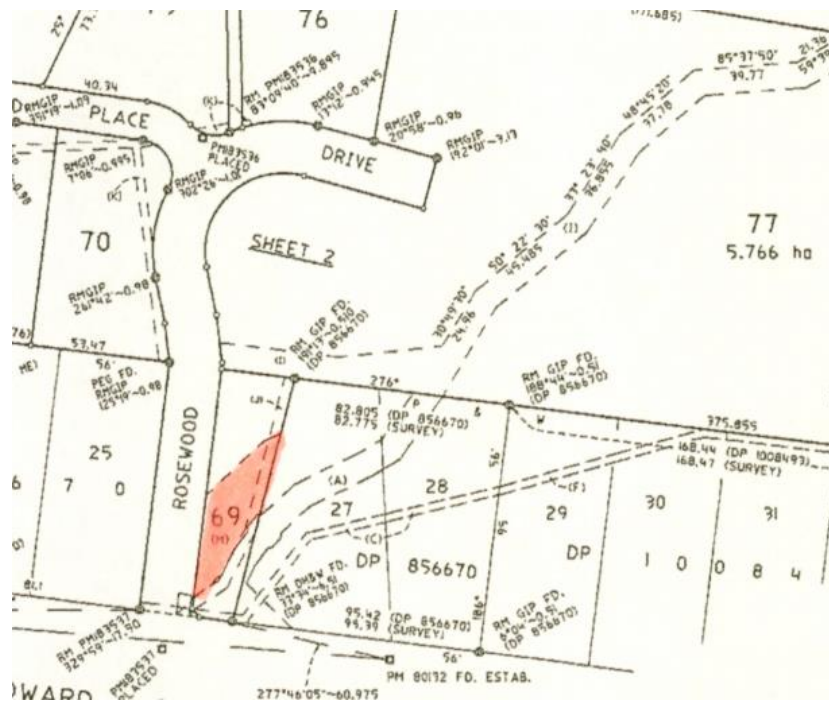


Figure 1 shows the location and width of the restriction in relation to the subject land.

The justification put forward by the applicant for removal of the wildlife corridor (see Figure 1) from proposed Lot 68 (now registered as Lot 69 DP1245983) is as follows:

- The lot is only 2,095m²,
- Once the restriction is taken into account and also considering other easements (sewer) and setback requirements there is only 350m² left to be developed,
- There is no connectivity with the remainder of the corridor within the subdivision and therefore is not a corridor, and
- The lot adjacent to the east has no such impediment, is fenced off and predominantly cleared.

Further, the applicant submits that there are no threatened species present on this site on the basis of the Flora and Fauna Report that was submitted with the original subdivision application in 2006. There are no species identified in that Report that would need to rely on or utilise this piece of land according to the applicant. The land is private residential land, zoned and approved for dwelling houses and associated buildings. The applicant suggests that there are six trees (spotted gum and ironbark) that will need to be removed for the construction of a dwelling within the unrestricted area of the subject land. An additional two trees will need to be removed for the installation of the return sewer line to the pump station to be installed in Stage 2. In the applicant's opinion there are a further 12 trees on the block within the 'wildlife corridor' that could be removed without any negative impact.

KEY ISSUES

Modification versus Review of Application

The applicant has lodged a Section 4.55 (1A) amendment to the approved development application to remove conditions of consent relating to a wildlife corridor on Lot 68, now known as Lot 69 DP1245983. Section 4.55 (1A) of the *Environmental Planning and Assessment Act, 1979* (the Act) 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.

The proposed application as put forward by the applicant is not changing the development as approved in any way such as increasing number of lots or amending the layout but is seeking to revise the consent by changing Conditions 13 and 15 so that they do not apply to proposed Lot 68. The applicant considers the conditions restrict the development potential of proposed Lot 68. Hence, the applicant is essentially requested a review of the determination rather than a modification.

Part 8 of the Act provides an avenue for applicants to review or appeal development consents, within six months of the date of determination, where the applicant is dissatisfied with Council's decisions either due to conditions of consent or if Council determines to refuse the application. Hence, it is considered that this current application is a review of the application under Section 8.2 of the Act and not a modification. Therefore, it is suggested that Council does not have the legal ability to approve the application pursuant to Section 4.55 (1A) of the Act. The applicant has been advised of this conclusion and has chosen to continue with the application.

The notice of determination was issued on 18 June 2007, therefore the review period of six months from the determination date has expired many years ago and an application for review under Section 8.2 now cannot be lodged.

In the circumstances, the application lodged seeking modification under section 4.55(1A) of the Act is not considered valid according to Council officers. Further, even if Council is of a mind to support the application as made, Section 4.55(1A) (a) of the Act requires that Council must be satisfied that the '*proposed modification is of minimal environmental impact*'. In the circumstances, Council staff are not satisfied that this criteria would be met and would further recommend against the application.

Suitability of Condition

The minimum lot size for a dwelling house on the subject land was 4,000m² under the previous *Grafton Local Environmental Plan 1988* (repealed), concurrence was granted by the Department of Planning to allow a dwelling house on an undersize lot for the subject land and two other lots as it raised no issues of regional or state significance. At the time the subdivision was considered and approved it was considered that the land was suitable to accommodate a dwelling house.

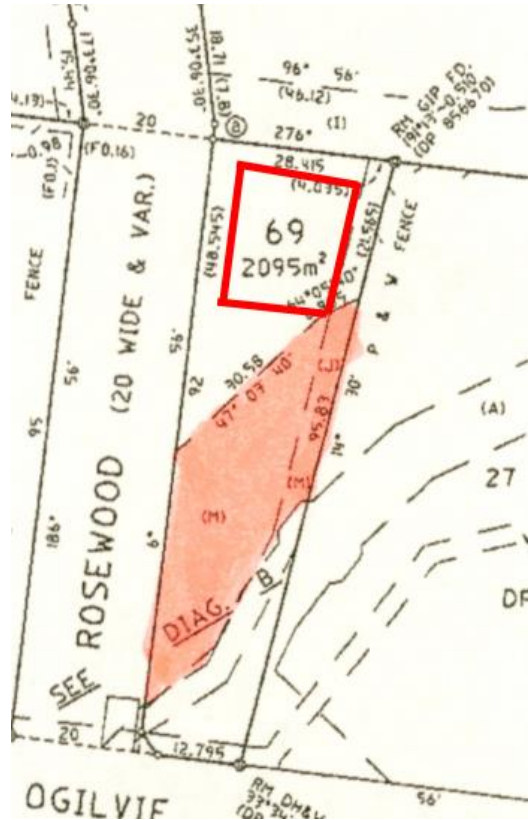


Figure 2 shows proposed Lot 68 (now Lot 69) and the remaining available building area, the red area shows a regular shaped building envelope once setbacks and easements are taken into account.

As stated by the applicant in their submission, the remaining envelope for physical building works is approximately 350m² once the wildlife corridor, rear sewer easement and front and side setbacks (10m front setback and 3m side setback) are taken into account. The dimensions of the remaining rectangular building envelope as shown in Figure 2 are 14.3m by 19m being 270m², within this envelope six trees may need to be removed for a future dwelling. Research of local project home builders' websites has found several ready-to-go house designs for four bedroom dwellings that are 270m² or less. Additionally, although the restriction does not exist on adjoining Lot 27 (to the east of Lot 69) to provide connection with Stage 2 wildlife corridor of this development, the nature of the land and location of the creek line through adjoining Lot 27 limits building opportunity and effectively ensures practical and physical continuation of the corridor. The subdivision approval that enabled creation of Lot 27 was issued prior to the Grafton Open Spaces Plan being adopted by Council, and hence no corridor was required to be established.

The Flora and Fauna Report prepared in association with the original DA discusses a wildlife corridor through Lots 78, 79, 80, 81 and 83, but not Lot 68 (now Lot 69). The wildlife corridor stems from the Grafton Open Space Plan (adopted by Clarence Valley Council on 18 May 2004). The intent of the corridor as stated in the Flora and Fauna Report 'was to maintain nest and food resources for avian fauna and for movement of wildlife'. In determining the original DA it was decided to extend the corridor into proposed Lot 68 to reinforce the value of the corridor for the intended purpose.

In conclusion, the purpose of the restriction being imposed on the subdivision remains valid and the allotment does have sufficient space to construct a dwelling. Therefore, it is recommended that Council uphold the current conditions of consent and refuse the Section 4.55 application.

Issues Raised in Submissions Received

The following planning issues have been presented in public submissions (refer to full copies in attachments) received in relation to this application:

- If the subject lot is unable to be sold the land should be transferred to Council
Comment – The issue of creating a public reserve with the remaining land after the road corridor was acquired was explored by Council staff prior to lodgement of the development application in February 2006 in a pre-lodgement meeting. Advice issued in pre-DA meeting minutes discouraged this approach and suggested it be consolidated with another lot.
- Set a precedent for the wildlife corridor to be removed for the remainder of the subdivision
Comment – Should the applicant intend to remove the restriction and allow development within the wildlife corridor the applicant will be required to lodge another application and it will be considered on its merits, however, staff consider the restriction imposed on the subdivision remains valid and those allotments have sufficient space to construct a dwelling. Further, it is likely that such a change would have more than a minimal environmental impact and support for such an application may not be provided.

Options

Should Council wish to approve the modification application, contrary to the earlier advice in this report, to remove restriction-as-to-user regarding the wildlife corridor from Lot 69, Council will also need to amend the integrated development conditions as the General Terms of Approval issued by the New South Wales Rural Fire Service have been updated.

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.

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

Residential Zones Development Control Plan 2011

Consultation

Notification of the application to adjacent landowners and exhibition of the application has occurred and three submissions were received (refer to attachments). Council has referred the modification application to the NSW Rural Fire Service (the RFS) for comment. The RFS has provided updated General Terms of Approval to be read in conjunction with the original terms of approval issued if the application is approved. No additional internal or external consultation was required to be undertaken as part of the application assessment.

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.

Climate Change

Any decision to allow the removal of the wildlife corridor from the subject land will allow a greater portion of the site to be built on thus reducing the extent of vegetation on the subject land. Retention of the wildlife corridor will preserve the majority of existing vegetation and potentially promote growth of new vegetation on the subject land which will result in a reduction of greenhouse gas emissions and reduce the effects of climate change to a minor extent.

Prepared by	James Hamilton, Development Planner
Attachment	<ol style="list-style-type: none">1. Consent and supporting documentation2. Plan of property showing wildlife corridor3. Section 4.15 Report4. Public submissions (3 of)

ITEM 6b.19.030 DEVELOPMENT APPLICATIONS

Meeting	Environment, Planning & Community Committee	17 September 2019
Directorate	Environment, Planning & Community	
Reviewed by	A/Manager - Environment, Development & Strategic Planning (Scott Lenton)	
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.

COMMITTEE RECOMMENDATION

Novak/Clancy

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

COUNCIL RESOLUTION – 6b.19.030

Baker/Ellem

That the update on Development Applications 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 5.1 We will have a strong, accountable and representative Government

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

The calculation method for the numbers of days an application is held by Council includes all calendar days including weekends and public holidays. This method is consistent with the NSW Department of Planning *Development Assessment Best Practice Guide – to assist Council to improve delivery timeframes*. A small percentage of development applications (DAs) approved have been with Council for a substantial amount of time and hence, these applications upwardly skew the average processing time. Hence, the median (or middle

score) processing time for DAs has been included to give an additional indication of the amount of time taken to approve development applications during the reporting period.

KEY ISSUES

The figures from 1 July 2019 to 31 August 2019 are:

No. of Applications Received	No of Applications Approved	Value of Approved Works	No of Lots Approved	Processing Times (including stop-the-clock days)
140	132	\$25,551,375.00	17	Average : 72 days Median: 56 days

Of the 132 approved Development Applications between 1 July 2019 and 31 August 2019, 47 (35%) were determined within 40 days or less.

As of 1 September 2019 there were 144 outstanding development applications, which have been with Council for the following timeframes:

Less than 40 days	86
41 - 60 days	15
61 - 80 days	5
81+ days	38

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

Reasons for Undetermined Applications over 40 days

Application No.	Received Date	Days	Description	Property	Reason
DA2019/0390	19/07/2019	45	Alterations and additions to dwelling	46 Clarence Street, BRUSHGROVE NSW 2460	Currently being assessed*
DA2019/0389	19/07/2019	45	Flood mound	Schwonberg Street, TOWNSEND NSW 2463	Additional information submitted and currently being assessed*
DA2019/0388	19/07/2019	45	Construct shed for timber processing	230 Orchard Road, MOUNTAIN VIEW NSW 2460	Currently being assessed*
SUB2019/0025	19/07/2019	45	68 lot residential subdivision, drainage reserve & public reserve	966 Summerland Way, JUNCTION HILL NSW 2460	Currently being assessed*
DA2019/0383	12/07/2019	52	Dwelling alterations and additions	16 Jetty Road, SANDON NSW 2463	Currently being assessed*
DA2019/0382	10/07/2019	54	Two lot subdivision and dwelling	2 Bessy Close, YAMBA NSW 2464	Additional information received and on exhibition until 3/9/2019.
SUB2019/0024	10/07/2019	54	32 lot residential subdivision	21 Jubilee Street, TOWNSEND NSW 2463	Additional information required (stormwater management plan).
SUB2019/0023	10/07/2019	54	Boundary adjustment	1595 Pacific Highway, ULMARRA NSW 2462	Additional information submitted and currently being assessed*
DA2019/0380	9/07/2019	55	Convert shed to dwelling	1 Perch Road, WELLS CROSSING NSW 2460	Additional information requested (contamination assessment and building details).
DA2019/0377	9/07/2019	55	Demolition	32 Acacia Circuit, YAMBA NSW 2464	Currently being assessed*
SUB2019/0022	8/07/2019	55	Two lot rural subdivision	139 Clearview Road, COUTTS CROSSING NSW 2460	Currently being assessed*
DA2019/0372	5/07/2019	59	Replace existing shed	58 South Bank Road, PALMERS CHANNEL NSW 2463	Staff to liaise with applicant regarding setback to electrical supply/power pole.
DA2019/0369	5/07/2019	59	Temporary secure boat and equipment storage facility	60 Careys Lane, HARWOOD NSW 2465	Additional information required (site plan) and external referral to EPA.
DA2019/0356	28/06/2019	60	Alterations & additions to convert school residence to classroom	Morpeth Street, HARWOOD NSW 2465	Additional information required (heritage assessment).
DA2019/0354	28/06/2019	60	11 lot strata subdivision, alterations and additions to residential units	20A River Street, ULMARRA NSW 2462	Additional information submitted and currently being assessed*

Application No.	Received Date	Days	Description	Property	Reason
DA2019/0336	19/06/2019	67	Convert shed to dwelling	170 Bennetts Road, NYMBOIDA NSW 2460	Additional information required (site plan, BASIX Certificate and building details).
DA2019/0334	19/06/2019	75	Install brewery in backpackers cafe	26 Coldstream Street, YAMBA NSW 2464	Awaiting additional information (revised floor plan and elevations, trade waste, waste management).
DA2019/0331	18/06/2019	76	50 self contained senior living units	56 Yamba Road, YAMBA NSW 2464	Additional information required (acid sulfate soil management plan, access, waste management plan)
DA2019/0325	17/06/2019	76	Industrial activity (wrecking yard)	11 Bessie Street, SOUTH GRAFTON NSW 2460	Additional information required (stormwater management plan)
DA2019/0321	14/06/2019	80	Relocated dwelling	9 Lorikeet Place, GLENREAGH NSW 2450	Additional information submitted and currently being assessed*
DA2019/0310	11/06/2019	82	Convert shed to dwelling	94 Citris Drive, WELLS CROSSING NSW 2460	Additional information submitted and currently being assessed*
SUB2019/0018	11/06/2019	82	8 lot residential subdivision	9 Gundaroo Crescent, ILUKA NSW 2466	Awaiting external referral (NRAR and DPI Fisheries).
DA2019/0303	6/06/2019	88	Backpacker accommodation for up to 74 guests and managers residence	26-28 Wharf Street, SOUTH GRAFTON NSW 2460	Additional information required (comment regarding noise and privacy issues).
DA2019/0298	4/06/2019	89	Alterations & additions to commercial building (Veterinary Clinic)	91 Prince Street, GRAFTON NSW 2460	Additional information submitted and currently being assessed*
DA2019/0266	22/05/2019	103	Remediation of riverbank erosion and construction of two dams and two flood mounds	Kings Creek Road, LAWRENCE NSW 2460	Awaiting external referral (NRAR).
DA2019/0254	16/05/2019	109	Dwelling and secondary dwelling	31 Riverside Drive, WOOLI NSW 2462	Application has been amended, awaiting additional information (amended OSM report).
DA2019/0253	16/05/2019	109	Upgrade to Equine veterinary hospital	160 Old Lilypool Road, SOUTH GRAFTON NSW 2460	Awaiting additional information (stormwater management plan and amended plans)
SUB2019/0015	15/05/2019	110	15 lot residential subdivision	25 Mookin Street, TUCABIA NSW 2462	Additional information submitted and currently being assessed*
DA2019/0248	14/05/2019	111	Regrading land (cut and fill)	Arthur Street, GRAFTON NSW 2460	Awaiting external referral (NRAR)
DA2019/0243	13/05/2019	112	Shipping container building with playground, cafe and rooftop restaurant	383 North Street, WOOLI NSW 2462	Additional information submitted and currently being assessed*
DA2019/0242	13/05/2019	112	Secondary dwelling	47 Williams Crescent, WOOLI NSW 2462	Additional information requested (on-site wastewater report or withdraw application)
DA2019/0215	26/04/2019	129	Filling of land	2 Micalo Road, MICALO ISLAND NSW 2464	Applicant to respond to DPI – Fisheries additional information request.
DA2019/0208	23/04/2019	132	Redevelopment and refurbishment of Pacific Hotel (including demolition of beach house and northern section of hotel, construction of new tourist accommodation and ancillary works)	16 Pilot Street, YAMBA NSW 2464	Awaiting additional information (Sediment and erosion control plans and assessment against steep land provisions of the DCP). Applicant to reconsider proposal in response to public submissions.
SUB2019/0010	23/04/2019	132	Two lot subdivision (includes lot size variation)	401 Kungala Road, KUNGALA NSW 2460	Dept of Planning has advised that concurrence cannot be issued. Applicant to seek meeting with Dept of Planning to discuss.
DA2019/0195	15/04/2019	140	Additions to caravan park - 33 cabins for long term use	42 Marandowie Drive, ILUKA NSW 2466	Awaiting external referral (RFS)
SUB2019/0007	29/03/2019	157	Subdivision of seven lots into four lots	961 Woolli Road, PILLAR VALLEY NSW 2462	Awaiting additional information (demonstrate compliance with Clause 4.1B of the LEP and preliminary contamination assessment).

Application No.	Received Date	Days	Description	Property	Reason
DA2019/0160	29/03/2019	157	New vehicle repair workshop, construction of three sheds for storage, adverting sign and demolition of existing shed	9 Bultitude Street, TRENAYR NSW 2460	Additional information submitted and currently being notified*
DA2019/0152	26/03/2019	160	Temporary use of land (function centre)	Micalo Road, MICALO ISLAND NSW 2464	Currently being assessed*
DA2019/0130	20/03/2019	166	Dwelling and two lot subdivision	17 Taloumbi Street, MACLEAN NSW 2463	Applicant to review and amend proposal.
DA2019/0128	19/03/2019	167	Machinery shed	1 Youngs Lane, HARWOOD NSW 2465	Awaiting additional information (Contaminated land assessment and geotechnical report of mound).
DA2019/0126	19/03/2019	167	Vegetation management control	35 Victoria Street, GRAFTON NSW 2460	Applicant to review scope of proposal.
DA2019/0085	4/03/2019	182	Shed	Vere Street, SOUTH GRAFTON NSW 2460	Awaiting additional information (additional plans) and still needs to be exhibited.
SUB2019/0002	6/02/2019	208	13 large lot residential subdivision	198 Gardiners Road, JAMES CREEK NSW 2463	Awaiting additional information (Applicant to respond to OEH comments regarding BDAR).
DA2019/0044	5/02/2019	209	Alterations and additions to aged care facility (Increase from 63 to 83 beds)	126 North Street, GRAFTON NSW 2460	Waiting for revised site compatibility certificate to be issued.
SUB2019/0001	24/01/2019	221	Seven lot subdivision (5 additional lots)	39/57 Chatsworth Road, CHATSWORTH NSW 2469	Additional information submitted and currently being assessed*
DA2018/0632	17/10/2018	320	Demolish shed and erect shed	128 Golf Links Road, ILARWILL NSW 2463	Awaiting additional information (amended plans).
DA2018/0630	16/10/2018	321	Dual occupancy	1431 Pacific Highway, ULMARRA NSW 2462	Geotechnical assessment of riverbank presents an unacceptable risk without substantial works to the riverbank. Staff to liaise with applicant to review scope and amendment to proposal.
SUB2018/0030	16/10/2018	321	Boundary adjustment	Pacific Highway, TYNDALE NSW 2460	Awaiting additional information (Contaminated land assessment).
SUB2018/0027	8/10/2018	329	Two lot subdivision	20 The Glen, MACLEAN NSW 2463	Awaiting additional information (Biodiversity and bushfire).
DA2018/0574	20/9/2018	347	Dwelling	61 Williams Crescent, WOOLI NSW 2462	Awaiting additional information (Amended plans and Basix).
DA2018/0567	18/9/2018	349	Aged care facility (144 beds)	425 Bent Street, SOUTH GRAFTON NSW 2460	Department of Planning to review and approve Koala Plan of Management prior to a determination being made.
SUB2018/0021	7/9/2018	360	Four (4) lot industrial subdivision	Federation Street, SOUTH GRAFTON NSW 2460	Awaiting additional information (Status of dip site and stormwater management).
DA2018/0449	6/08/2018	392	Viewing deck	26 Ocean Road, BROOMS HEAD NSW 2463	Second additional information sent (Amended plans, view sharing issues)
DA2018/0419	26/07/2018	403	Shed	302 Gwydir Highway, WATERVIEW NSW 2460	Variation to DCP currently being assessed*
DA2018/0102	5/03/2018	546	Speedway practice track	334 School Lane, SOUTHGATE NSW 2460	Awaiting additional information (noise assessment).
SUB2018/0004	23/02/2018	556	12 lot large lot residential subdivision	Bloodwood Grove, GULMARRAD NSW 2463	Stormwater Management Plan submit for review.
DA2017/0671	18/10/2017	684	Caravan Park - alterations and additions (10 additional sites) and amenities	391 Goodwood Island Road, GOODWOOD ISLAND NSW 2469	Awaiting additional information (Building Certificate Application, plans and compliance with <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005</i>).
SUB2015/0034	11/12/2015	1361	162 lot residential subdivision & new roads	Hickey Street, ILUKA NSW 2466	Report to September JRPP meeting.

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

Exceptions to Development Standards under Clause 4.6 of the LEP

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

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation*Environmental Planning and Assessment Act 1979**Environmental Planning and Assessment Regulation 2000**NSW Department of Planning Development Assessment Best Practice Guide – to assist Council to improve delivery timeframes***Consultation**

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

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

Legal and Risk Management

DAs that have not been determined within a period of 40 days (not including any 'stop-the-clock' days) can be considered by the Applicant to be a deemed refusal. This factor is unlikely to apply to most of the DAs listed in the earlier table as the calculation of 40 days used for this report does not exclude 'stop-the-clock' days. However, when the appropriate circumstances apply to a DA then the *Environmental Planning and Assessment Act 1979* provides that an Applicant can lodge an appeal to the Land and Environment Court against the deemed refusal and request the Court to determine the DA. It is rare that Applicants pursue this course of action as the cost and time associated with pursuing Court action does not generally justify such action, especially if Applicants are confident that their DA will be approved when determined. DAs where a recommendation for refusal is possible are more likely to be subject to such appeal.

Climate Change

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

Prepared by	James Hamilton, Development Planner
Attachment	Nil

CLOSE OF EP&C COMMITTEE MEETING

There being no further business the Environment, Planning & Community Committee closed at 4.14 pm.

c. CORPORATE GOVERNANCE AND WORKS COMMITTEE

MINUTES of a meeting of the **CORPORATE, GOVERNANCE & WORKS COMMITTEE** of Clarence Valley Council held in the Council Chambers, Grafton on Tuesday 17 September 2019 commencing at 2.00 pm.

PRESENT

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

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

APOLOGY – Nil

DISCLOSURE AND DECLARATIONS OF INTEREST

<i>Name</i>	<i>Item</i>	<i>Nature of Interest</i>	<i>Reason/Intended Action</i>
Cr Ellem	6c.19.057	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Wife is minutes secretary of committee Intended action: Leave the chamber
Cr Toms	09.19.003	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Contract Manager Iluka Riverside Holiday Park – Report references funding for BBQ replacement for holiday parks. Intended action: Remain in Chamber.

MOTION

Kingsley/Lysaught

That Item 09.19.003 – 2019/20 Monthly Financial Report – August 2019 be accepted as a late report to be discussed as agenda item 6 in the late items of business.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons, Lysaught

Against: Nil

ITEM	6c.19.049	PROPOSED PERMANENT ROAD CLOSURE – ROAD RESERVE (LANEWAY) OFF DOBIE & KENT STREETS GRAFTON
Meeting	Corporate, Governance & Works Committee	17 September 2019
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Confidential	

SUMMARY

This report considers permanent closure of an unformed public road reserve (laneway) and sale to the adjoining landowners.

OFFICER RECOMMENDATION

That Council

- A. Permanently close the Council public road off Dobie and Kent Streets, Grafton as per Figure 1,
- B. Classify the section of closed road as “operational” land,
- C. Subdivide the section of closed road and sell the sections of closed road to the respective adjoining land owners.

COMMITTEE RECOMMENDATION

Toms/Lysaught

That Council

- A. Permanently close the Council public road off Dobie and Kent Streets, Grafton as per Figure 1,
- B. Classify the section of closed road as “operational” land,
- C. Subdivide the section of closed road and sell the sections of closed road to the respective adjoining land owners at cost recovery basis only.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons, Lysaught

Against: Nil

COUNCIL RESOLUTION – 6c.19.049

Ellem/Lysaught

That Council

- A. Permanently close the Council public road off Dobie and Kent Streets, Grafton as per Figure 1,
- B. Classify the section of closed road as “operational” land,
- C. Subdivide the section of closed road and offer the sections of closed road to the respective adjoining land owners at cost recovery basis only.

Voting recorded as follows:

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

Against: Clancy

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

Council owns a public road reserve (laneway) that is accessed off Dobie and Kent Streets, Grafton. Several of the adjoining land owners have the road reserve fenced into their properties and are using the land as their own. The road reserve has not been used and is not likely to be used for future road purposes. Under the *Roads Act 1993*, road that is not required for road purposes can be closed.

KEY ISSUES

The Council public road reserve (laneway) is not formed. A review of historical records indicates that it was a private road and in 1995 was dedicated as a Council public road. Private roads were historically created in subdivisions for rear access and were often used at that time for night soil lanes. The section of road reserve is approximately 2000m² and adjoins 15 land parcels which consist of 10 properties and land owners.

Approximately 1700m² of the road reserve is fenced into the adjoining land owners' properties and they are using the land as part of their yard and are maintaining it.

An issue has arisen between two of the affected property owners in relation to suitability and location of boundary fencing which has been constructed on the section of road reserve and not on the property boundaries. Council has also received complaints in relation to parts of the road reserve being overgrown and being occupied by domestic pets and livestock.

Staff are presently unable to access the land for maintenance due to the majority of it being fenced into adjoining yards and access is therefore restricted to those parts that are not maintained by the adjoining landowners.

All adjoining landowners have legal access to street frontages being Dobie, Kent, Powell and Breimba Streets.

All 10 adjoining landowners were asked for an indication of their:

- a. support for closure
- b. interest in purchase if road closure proceeded.

A summary of the replies is as follows regarding their support for closure.

No	6
Yes	3
No Reply	1
Total	10

Of the nine landowners who replied, seven indicated interest in purchasing the section adjoining them if road closure proceeded.

The issues raised by those not supporting the closure are:

- Safety and rear access for an emergency.
Comment – There is no current rear access at the moment and has not been for some time. All properties have front street legal access.
- Cost to landowners for dividing fences.

Comment - the majority of the laneway is already fenced into adjoining land owners yards and if closure proceeds, boundary fencing is not required to be constructed as it is already in place. A section adjoining the eastern end is not fenced in and there would be costs jointly to the adjoining landowners to construct a fence. If the area is not closed and it is opened for Council access then various adjoining owners would be responsible wholly for the cost of the construction of a boundary fence back on their boundary as Council is exempt under the *Dividing Fences Act* for fencing adjoining a road reserve. The adjoining landowner would also be responsible for fencing if they chose to lease the area.

- Survey of easements for services.

Comment - there is a sewer main in the eastern end of the road reserve from Kent Street and a sewer main also runs along the whole section of road reserve from Dobie Street. A 5m wide easement would be granted over the sewer main at the time of completion of the survey plan for the road closure.

- Financial hardship.

Comment - this is a reasonable concern as affected landowners may not be able to afford to buy the section of land (closed road), however, costs would be outlined upfront for the landowner to consider before they agree to the purchase.

- Laneway has never been a problem before.

Comment – not all adjoining landowners are involved, nor have they been made aware of, neighbourly disputes. However, the issue has become one that requires resolution by Council.

Resolving access and maintenance issues is not intended to place extra financial burden on landowners and as such it is recommended that Council seek cover for cost associated with road closure only.

A section of road can only be closed and sold to the adjoining landowner and the number of lots created may vary depending on acceptance of the sale by the adjoining landowners. If more than one adjoining landowner is interested in the section adjoining their land negotiations would be held with all parties to come to a mutual and practical agreement. The number of lots created will affect the subdivision costs and registration at LRS and it is beneficial to have a minimum number of lots created as possible to reduce costs.

The intention of this road closure and sale is not profit, but rather reduced resource spent resolving neighbour disputes and reduced responsibility for maintenance. Council's expenditure on subdividing (survey and legal fees) will be covered through sale by pro-rata allocation to the total land area and adjusted for the size of each block to be sold. Each landowner would be responsible for their own legal costs.

If Council proceeds with road closure and sale, agreement to acquire will be sought by adjoining land owners for the whole section of road reserve prior to sale as residual sections of land locked property remaining in Council ownership is an undesirable outcome.

If the closure is not supported by Council then the adjoining landowners will be required to remove existing fences that are located on the road and construct boundary fencing on their boundary fence lines to enable Council to access the whole length of the road reserve for maintenance.

Council should also note that there are multiple former night soil lanes across the valley with the same circumstances (encroachment and unlawful use by adjoining land owners) and once the laneway that is the subject of this report is finalised, other affected laneways will be considered for closure and reported to Council accordingly.

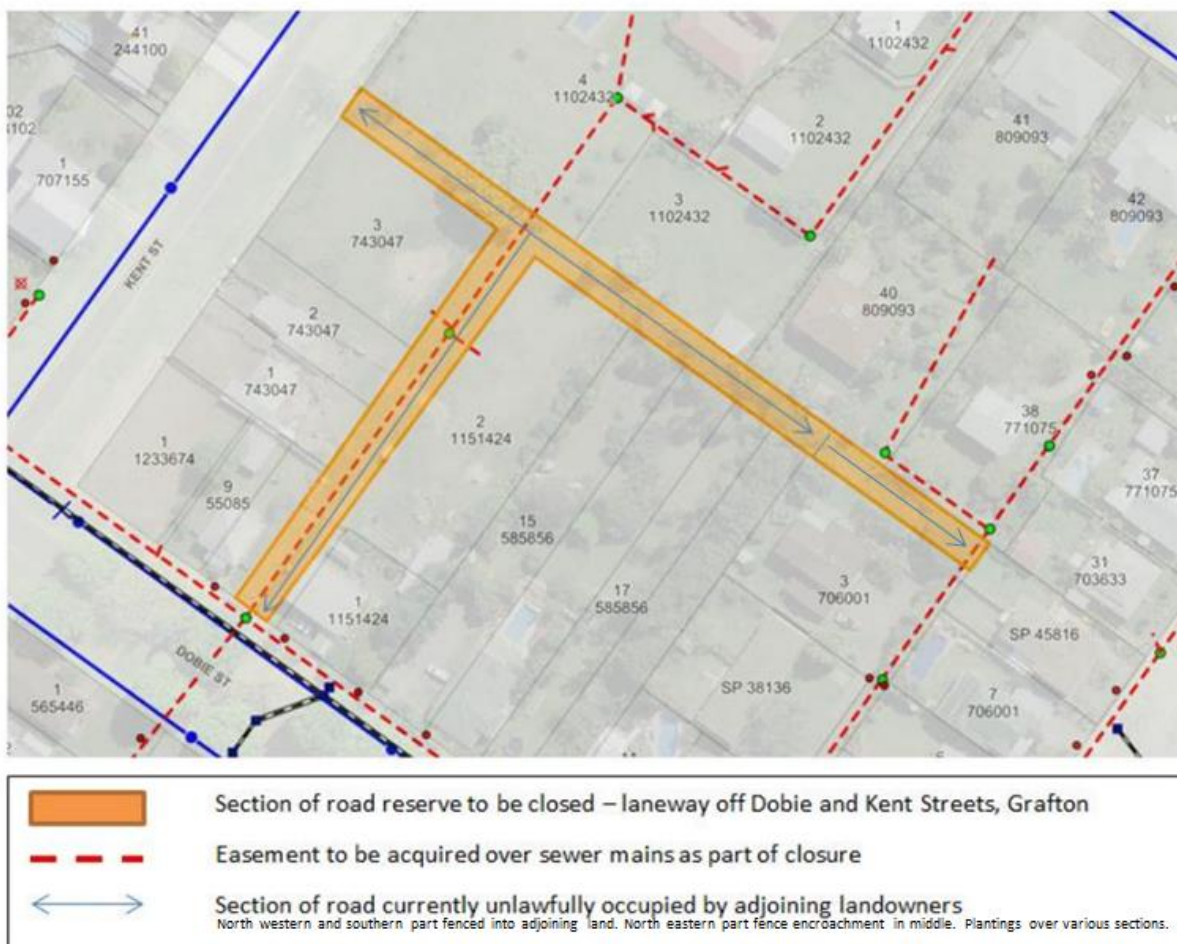


Figure 1

COUNCIL IMPLICATIONS

Budget/Financial

Under section 43 (4) of the *Roads Act 1993* income received from the sale of public roads is to be used for acquiring land for public roads or for carrying out road work on public roads.

The expenditure and income process for the closure and sales will be allocated to RA 10899 Roads – Road Acquisitions.

Asset Management

Council currently has the section of road listed in the Assets register and an adjustment to the area listed will be made if the road closure is approved.

Policy or Regulation

Roads Act 1993

Local Government Act 1993

Conveyancing Act 1919

Consultation

Council's Civil Services, Environmental, Water Cycle, Planning and Open Spaces Sections have been consulted and agree to the proposals. Adjoining landowners have been consulted. Relevant authorities will be consulted as part of the road closure process and any objections will be reported back to Council for further consideration. If there are no objections the road closure will proceed.

Legal and Risk Management

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

Climate Change

There are no climate change impacts in adopting the recommendations of this report.

Prepared by	Kylee Baker – Property Coordinator
Attachment	Confidential - Submissions

ITEM 6c.19.050 ENTERPRISE RISK MANAGEMENT FRAMEWORK

Meeting	Corporate, Governance & Works Committee	17 September 2019
Directorate	Corporate & Governance	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

SUMMARY

Under the direction of the Audit Committee, a review of Clarence Valley Council's Risk Management Framework was undertaken with the assistance of risk consultants, InConsult. The project was funded from the Statewide rebate provided specifically for undertaking activities aimed at minimising risk exposure. This report presents the resulting Enterprise Risk Management Policy for Council's consideration.

OFFICER RECOMMENDATION

That Council

1. Adopt the Enterprise Risk Management Policy.
2. Note the Enterprise Risk Management Plan.

COMMITTEE RECOMMENDATION

Ellem/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons, Lysaught

Against: Nil

COUNCIL RESOLUTION – 6c.19.050

Baker/Ellem

That Council

1. **Adopt the Enterprise Risk Management Policy.**
2. **Note the Enterprise Risk Management Plan.**

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

The key deliverables expected from the project were as follows:

- Definition and documentation of an ERM framework to establish and guide Council's implementation of ERM.
- Assistance with the preparation and implementation of an ERM Policy.
- Development of an ERM Plan that sets out the specific activities, resources and timeframes involved in implementing ERM.
- Articulation of a Risk Appetite Statement and associated risk tolerances
- Introduce the ERM concept, Framework, Policy and Plan to Council's Managers.
- Facilitate risk workshops in each major business area to identify operational risk exposure, including a review of the adequacy of existing controls.
- Facilitate the development of Risk Treatment Plans to remedy controls for weaknesses as well as to maximise any opportunities.
- Facilitate strategic risk workshop with the Executive to identify and analyse strategic risk exposure and controls in accordance with the ERM framework and plan.

InConsult:

- Reviewed key organisational documents to obtain a high level understanding of the Council's strategic objectives and key activities to help contextualise the risk workshops.
- Reviewed the organisation structure, risk register, Community Strategic Plan, Delivery Program and current risk management framework documents.
- Developed a draft ERM Policy and ERM Plan.
- Conducted a series of interviews with the Executive to understand attitudes towards taking risk and inform development of risk appetite.
- Refined Council's risk rating criteria, drafted a baseline Risk Appetite Statement and designed an Excel based risk register to streamline the documentation of risks and controls.
- Facilitated a workshop with the Executive to validate the Risk Appetite Statement.
- Conducted a walkthrough of the draft ERM Policy and ERM Plan.
- Delivered a risk management training session for all managers in order to embed risk management understanding and capabilities.
- Conducted 11 risk workshops with operational risk owners. The purpose of the workshops was to identify and assess the inherent¹ operational risks for each organisational unit.
- During the workshops, reviewed existing risks and identified potential new risks. We also considered incidents. All risks relevant to the organisational unit were identified and evaluated (causes, likelihood, consequence, inherent risk).
- Identified and evaluated the control effectiveness and residual² risk. Where controls could be improved, risk treatment plans/Risk Treatment Plans were identified.
- After each risk workshop, a copy of the risk register (including the risk rating criteria) was sent to the risk owner for review and completion.
- Managers returned their operational risk registers, which was provided to InConsult for review. We conducted a high level review to ensure they had been properly completed and then based on our experience without other Councils suggested a number of risks or controls for potential inclusion.
- Developed a register of 12 strategic risks.
- Addressed the Audit Committee at its 6 August 2019 meeting.

1. *Inherent risk is the level of risk before considering the existence and effectiveness of internal controls.*
2. *Residual risk is the level of risk after considering the existence and effectiveness of internal controls.*

- The Enterprise Risk Management Framework comprises:
 - Enterprise Risk Management Policy - Strategic
 - Enterprise Risk Management Plan – Operational
 - Risk Management Registers (Operational and Strategic) – Operational
 - Risk Management Improvement Group – Operational

- Risk Management Audit Plan – Operational

KEY ISSUES

Of the 121 operational risks identified, the majority (54%) had an inherent risk rating of High (31%) or Extreme (23%). 36% had an inherent risk of moderate. 10% of risks identified had an inherent risk rating of low which indicates that risk owners have documented some risks that are not significant.

As anticipated, the majority of risks were reduced by a range of internal controls e.g. internal policies and procedures. 58% of the risks identified had a residual risk level of low. 40% of the risks were managed to a moderate level. 2% of the risks remained at a high or extreme level.

The residual high and extreme operational risks follow:

- The Flood impairs asset condition resulting in financial loss and impaired service – Extreme.
- Failure to collect monies owed to Council leading to financial loss – High.

Regardless of mitigating actions, to a greater or lesser degree, activities contribute to these risks are beyond the control of staff and therefore the risks remain.

The strategic risks as follows, were presented to the Audit Committee for review:

Strategic Risk	Inherent Risk	Residual Risk	Risk Treatment Plan to further reduce Residual Risk
Failure to adequately respond to environmental issues, such as impacts of climate change, through mitigation, adaptation and facilitation of broader community based initiatives.	High	Moderate	
Death or significant personal injury at a workplace or legal liability associated with Council's workplace health and safety responsibilities.	High	High	
Ineffective, inaccurate or inappropriate external communication.	High	Low	
Less than optimal financial management practices resulting in poor decision making process.	High	Moderate	<ul style="list-style-type: none"> • Prepare and deliver system improvements plan for greater transparency and oversight.
Ineffective Fraud Prevention measures resulting in theft, fraud and/or corruption.	High	Moderate	<ul style="list-style-type: none"> • Develop Fraud Control Plan • Fraud prevention training and awareness on completion of Fraud Control Plan.
Infrastructure planning and delivery failing to meet agreed deliverables outlined in the Delivery Program and Operational Plan.	High	Moderate	<ul style="list-style-type: none"> • Implementation of Project Management Training.
Poor Integrated Planning & Reporting practices resulting in suboptimal use of Council resources.	High	Low	
Failure to attract and retain sufficiently capable and motivated staff.	High	Moderate	<ul style="list-style-type: none"> • Complete process review of People Culture practice
Failure to comply with environmental statutory obligations and responsibilities.	Extreme	High	<ul style="list-style-type: none"> • Implementation of Project Management Training.

Strategic Risk	Inherent Risk	Residual Risk	Risk Treatment Plan to further reduce Residual Risk
Ineffective Business Continuity processes resulting in an inability to maintain critical functions during business interruptions.	Extreme	Moderate	<ul style="list-style-type: none"> Implement audit plan for BCP response actions.
Political instability impairs ability to deliver services.	Extreme	High	
Resolution of native title claims affecting Council operations.	Extreme	High	<ul style="list-style-type: none"> Develop Indigenous Land Use Agreement

Councillors are reminded that these are high level strategic risks for the organisation and despite risk mitigating action, some residual risk remains at this level. To better understand inherent and residual risk factors, refer to the Risk Matrix in the Risk Plan.

At its 6 August 2019 meeting, the Audit Committee agreed the following:

- Commentary to be provided [to the October Audit Committee meeting] on those strategic risks within risk appetite that are accepted without treatment plans.
 - RMIG to be established to provide administrative oversight to Risk Management.
 - Coordinator Safety & Risk being recruited to establish risk management audit and reporting.
 - Presentation and information to be received and noted.
- (B Ford/E Muir)

COUNCIL IMPLICATIONS

Budget/Financial

InConsult were engaged utilising funds (\$35,792 inclusive of GST) provided by the Statewide rebate for proactive risk management and targeted at further developing our risk management practice.

Asset Management

Asset Management Plans identify risk management and these are reflected in the Operational Risk registers.

Policy or Regulation

Enterprise Risk Management Policy

Consultation

As detailed in the report.

Legal and Risk Management

As detailed in the report.

Climate Change

A robust Enterprise Risk Management Framework gives direction to managing Council's response to all risks including climate change.

Prepared by	Laura Black – Director Corporate & Governance
Attachment	A: Enterprise Risk Management Policy B: Enterprise Risk Management Plan

ITEM	6c.19.051	GOVERNANCE REPORT
Meeting	Corporate, Governance & Works Committee	17 September 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 April 2019 to 30 June 2019.

OFFICER RECOMMENDATION

That Council receive and note the Governance report for the period 1 April 2019 to 30 June 2019.

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons, Lysaught

Against: Nil

COUNCIL RESOLUTION – 6c.19.051

Baker/Ellem

That Council receive and note the Governance report for the period 1 April 2019 to 30 June 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:

- A class 1 appeal regarding refusal of DA2017-0501 47 Turf Street, Grafton. Expected legal costs to be approximately \$20,000.

Complaints Management

During the reporting period there were nine 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.
- Five 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.
- The NSW Ombudsman requested response to three complaints received, Council responded appropriately to these matters and the Ombudsman cases subsequently closed.

Government Information (Public Access) Applications

During the period four GIPA applications were received. Of the four applications, three were granted full access and the fourth case in progress awaiting payment and clarification from the applicant.

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 five claims lodged, comprising of:

- Five motor vehicle claims. The claims fell under Council's insurance policies resulting in a cost to Council of \$5,000 - which is the excess of \$1,000 per claim;
- Twenty nine public liability claims of which 23 were declined and 4 settled at a cost of \$2,723.63; the remainder are pending finalisation.
- One property claim in the period, with the result pending finalisation; total cost expected to be \$5000 (insurance excess).

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

Councils' suite of insurance policies

Civil Liabilities Act 2002 No 22

Consultation

Insurance and Risk Officer, Managers and Directorates

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Monique Ryan – Governance Officer
Attachment	Nil

ITEM	6c.19.052	COUNCIL MEETING CHECKLIST – UPDATE ON ACTIONS TAKEN
Meeting	Corporate, Governance & Works Committee	17 September 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 be removed from the checklist.

COMMITTEE RECOMMENDATION

Ellem/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons, Lysaught

Against: Nil

COUNCIL RESOLUTION – 6c.19.052

Baker/Ellem

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

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, 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 actions from earlier meetings.

KEY ISSUES

A checklist is issued to Managers and relevant staff after each Council meeting to enable them to provide comments on the status of resolutions adopted by Council.

The attached checklist contains actions taken on all Council resolutions from the prior month's meeting and the status/progress on all Council resolutions that have not yet been fully implemented.

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation

Local Government Act 1993 S335 (1)

Consultation

Staff and Managers

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Karlie Chevalley – Executive Support Assistant
Attachment	Checklist

ITEM 6c.19.053 BALLOONS ON COUNCIL CONTROLLED LANDS

Meeting	Corporate, Governance & Works Committee	17 September 2019
Directorate	Corporate & Governance	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Yes	

SUMMARY

It was resolved at the Council Meeting on 25 June 2019:

That Council develop a policy on prohibiting the use and sale of helium balloons on Council managed lands and facilities with the draft policy to be reported back to Council by September 2019 for endorsement for public exhibition and consultation, with the report to include:

- i. details of the impact this policy may have on any other Council policies,*
- ii. the regulatory implications for the implementation of this policy, and*
- iii. a draft public awareness campaign about the environmental impacts of balloons, including*
- iv. the estimated costs of this campaign.*

This report provides a draft policy (attached) for Council to consider placing on public exhibition for 28 days. This report addresses the points (i-iii) raised above.

OFFICER RECOMMENDATION

That Council endorse the attached draft policy for public exhibition and consultation for 28 days with a further report put to Council after the consultation process.

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons

Against: Lysaught

MOTION - WITHDRAWN

Clancy/Kingsley

That Council endorse the attached draft policy for public exhibition and consultation for 28 days with a further report put to Council after the consultation process.

MOTION (1)

Baker/Williamson

That Council:

1. Note the report to this Item.
2. Prepare draft public awareness information on the detrimental effects of balloon release with the draft to be reported to the November 2019 Council meeting for consideration of endorsement as an ongoing

- public awareness campaign with the report to include the annual cost of a public awareness campaign.
3. Take no further action on prohibiting the possession of helium-filled balloons on Council property.

MOTION OF DISSENT – Cr Clancy

That Motion (1) is unlawful.

Voting recorded as follows:

For: Clancy, Ellem, Novak, Toms

Against: Simmons, Kingsley, Baker, Lysaught, Williamson

The Motion of Dissent was put and declared LOST.

AMENDMENT TO MOTION (1)

Simmons/Kingsley

That Council:

1. Note the report to this Item.
2. Prepare draft public awareness information on the detrimental effects of balloon release with the draft to be reported to the November 2019 Council meeting for consideration of endorsement as an ongoing public awareness campaign with the report to include the annual cost of a public awareness campaign.

Voting recorded as follows:

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

Against: Williamson, Lysaught

The Amendment to Motion (1) was put and declared CARRIED. The Amendment became the substantive motion.

MOTION

Baker/Williamson

That Council:

1. Note the report to this Item.
2. Prepare draft public awareness information on the detrimental effects of balloon release with the draft to be reported to the November 2019 Council meeting for consideration of endorsement as an ongoing public awareness campaign with the report to include the annual cost of a public awareness campaign.

Voting recorded as follows:

For: Baker, Lysaught, Williamson

Against: Novak, Ellem, Toms, Clancy, Kingsley, Simmons

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

FORESHADOWED MOTION

Toms/Novak

That

1. Council not endorse the attached draft policy for public exhibition.
2. The General Manager bring back a policy to the October 2019 meeting that reflects Council's resolution to the 25 June meeting.

Moved by Cr Kingsley that the Foreshadowed Motion be now put. Motion not recognised by the Chair.

AMENDMENT TO FORESHADOWED MOTION – RULED OUT OF ORDER BY THE CHAIR

Baker

That

1. Council not endorse the attached draft policy for public exhibition.
2. This matter be considered further following the outline of a policy that Council indicates to the General Manager it would liked developed.
3. The General Manager bring back a policy to the meeting following the conclusion of point 2.

POINT OF ORDER – CR CLANCY

That the Amendment to the Foreshadowed Motion is out of order.

Ruled by the Chair that the Point of Order be UPHELD. The Amendment was ruled OUT OF ORDER.

COUNCIL RESOLUTION – 6c.19.053

Toms/Novak

That

- 1. Council not endorse the attached draft policy for public exhibition.**
- 2. The General Manager bring back a policy to the October 2019 meeting that reflects Council’s resolution to the 25 June meeting.**

Voting recorded as follows:

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

Against: Baker, Lysaught, Williamson

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

At its meeting held on the 8 February 2019 the Climate Change Advisory Committee moved a motion that Council:

1. Prohibit all balloons on Council managed land.
2. Include a condition in any development consent for function centres (Party/Event venues) to prohibit balloons.
3. Instigate a public awareness campaign about the environmental impacts of balloons.

A report was put to the 25 June 2019 Council meeting with these three recommendations. The recommendations were discussed at the ordinary meeting of Council and Council resolved that a draft policy be prepared but that this should be limited to *‘prohibiting the use, sale or distribution of gas filled (helium) balloons on Council managed lands and facilities’*.

The draft policy has been prepared pertinent to gas filled (helium) balloons and the following report details how this draft policy may impact other Council policies, the regulatory implications of the policy.

The draft policy is proposed to be self managed by hirers of Council facilities and land, through compliance with terms and conditions of Council’s booking system – Bookable.

KEY ISSUESDetails of the impact this policy may have on other Council policies

The main policies impacted would be policies that currently regulate the use of Council managed land and facilities including Council's Market Policy and terms and conditions imposed when booking an event on Council managed land i.e weddings, showgrounds, parks, sporting fields, Council holiday parks etc.

Council's Market Policy could be amended to include a condition banning the sale or distribution of helium balloons. Council can also impose a condition on development consents for any future function centre or similar development on Council land restricting the use of helium balloons.

Council's cemeteries already have terms and conditions which prohibit the use of helium (tribute) balloons.

The regulatory implications for the implementation of this policy

It is not envisaged that Council's compliance staff would actively enforce this policy, rather it would be managed through the hiring and approval systems with event organisers and an ongoing education program.

If there was a clear breach of the policy and terms and conditions when hiring a Council managed site there could be follow-up action taken with the event organiser.

A draft public awareness campaign about the environmental impacts of balloons

A public awareness campaign is intended to educate in relation to the environmental harm of gas filled (helium) balloons and encourage use of alternative products. Any campaign should be funded by the Waste and Sustainability education budgets.

COUNCIL IMPLICATIONS**Budget/Financial**

Implementation of a public awareness campaign can be undertaken under existing waste and sustainability education budgets.

Asset Management

N/A

Policy or Regulation

Protection of the Environment Operations Act, Council's Market Policy, terms and conditions when booking Council managed lands and facilities.

Consultation

Council's Climate Change Advisory Committee and Draft Policy to be exhibited for public comment.

Legal and Risk Management

N/A

Climate Change

Regulating the use of helium balloons on Council lands will have minimal impact on climate change however it will provide a positive environmental benefit.

Prepared by	Richard Roper – Acting Waste & Sustainability Coordinator
Attachment	Draft Policy Use of gas filled balloons on Council managed land

ITEM	6c.19.054	LOCAL TRAFFIC COMMITTEE
Meeting	Corporate, Governance & Works Committee	17 September 2019
Directorate	Works & Civil	
Reviewed by	Manager - Civil Services (Tim Jenkins)	
Attachment	Yes	

SUMMARY

This report lists the recommendation made at 3 September 2019 meeting of the Clarence Valley Council Local Traffic Committee.

OFFICER RECOMMENDATION

That the recommendations of the Local Traffic Committee included in the Minutes of its 3 September 2019 meeting be adopted by Council.

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons, Lysaught

Against: Nil

COUNCIL RESOLUTION – 6c.19.054

Baker/Ellem

That the recommendations of the Local Traffic Committee included in the Minutes of its 3 September 2019 meeting be adopted by 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 2.1.5 Provide safe and effective vehicular and pedestrian networks that balance asset conditions with available resources

BACKGROUND

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

ITEM 025/19 EVENT APPLICATION – MACLEAN MACMARKETS 2019

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

1. Valid public liability insurance being held by the event organiser (minimum \$20,000,000 ~~where event uses a Roads and Maritime asset such as a bridge, Motorway or viaduct~~) – *Provided*
2. NSW Police approval is obtained – *Application lodged awaiting approval confirmation.*
5. The submission and approval of relevant council event application/s and compliance with any conditions imposed therein – *Provided*
6. Local Traffic Committee advice is sought for the event Traffic Management Plan prior to approval of traffic control devices. This includes a Risk Management Plan and Traffic Control Plan/s. The following traffic control conditions shall also be observed;
 - a. Traffic Control Plans to include a map indicating any alternative routes required for traffic detours. – *Provided*
 - b. Traffic Control Plans to be drawn to scale and indicate the provision of passageways and clearances for pedestrian and emergency access. Plans should be prepared in accordance with Roads & Maritime Services Guide to Traffic Control at Worksites - *Provided*
 - c. All signage erected for the event should not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event – *As per Traffic Control Plan provided.*
 - e. Conformance with approved Traffic Management Plan and associated Traffic Control Plans which shall be implemented and controlled by Roads & Maritime Services accredited persons – *Approved contract supplier*
7. Consultation with emergency services (Fire & Ambulance) and any identified issues addressed in a timely manner – *to be undertaken by applicant prior to event after approval*
8. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event – *to be undertaken by applicant prior to event after approval*
9. Community and affected business consultation including adequate response/action to any raised concerns – *to be undertaken by applicant prior to event after approval*
10. Arrangements made for private property access and egress affected by the event – *to be undertaken by applicant prior to event after approval*
11. The event organiser notifies local community of the impact of the event/s by advertising in the *local paper/s* a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints – *to be undertaken by applicant prior to event after approval*
12. That the applicant organise for the events to be listed on council's web page – *to be undertaken by applicant prior to event after approval*

ITEM 026/19 CLARENCE VALLEY TRIATHLON CLUB - USE OF ROADS APPLICATION

That approval be given for the Clarence Valley Triathlon Club to utilise the various adjacent local roads and Yamba Sports Complex environs as identified in the traffic management plan under the conditions proposed to undertake their monthly events.

ITEM 027/19 SOUTH GRAFTON PUBLIC SCHOOL – PARKING RESTRICTION AMENDMENTS

That:

1. Five (5) minute timed parking between the hours of 8:00 am – 9:30 am and 2:30 pm – 4:00 pm School Days be implemented on the western side of the Infants Primary School Campus carpark accessed from Cambridge Street, South Grafton; and
2. Council consult with the South Grafton Primary School about establishing a “Kiss and Drop” area along Vere Street, South Grafton.

ITEM 028/19 VICTORIA STREET, GRAFTON – SCHOOL CROSSING

That

1. The draft design for the Children’s Crossing in Victoria Street, Grafton between Duke Street and Villiers Street be approved subject to confirmation by the RMS;
2. Consultation with adjoining landowner(s) be undertaken; and

3. Estimates be prepared for the installation of the crossing and grant funding be sought for its installation.

ITEM 029/19 BUS ZONE – TURNING AREA ORION DRIVE YAMBA

That a BUS ZONE – Turning area be installed adjacent to the existing bus stop on Orion Drive Yamba.

ITEM 030/19 NO STOPPING - SUMMERLAND WAY AND PINE AVENUE JUNCTION HILL

That a NO STOPPING zone be installed on The Summerland Way on the north side of the intersection with Pine Street Junction Hill for 30m on the left hand side due to poor sight distance when vehicles are parked in this location.

KEY ISSUES

Agenda, minutes and attachments are attached.

COUNCIL IMPLICATIONS

Budget/Financial

As per the minutes.

Asset Management

N/A

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

N/A

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

ITEM 6c.19.055 GRAVEL ROAD MAINTENANCE TRIAL – RESULTS AUGUST 2019

Meeting	Corporate, Governance & Works Committee	17 September 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Yes	

SUMMARY

In July 2018 Council commenced trials on various treatments for unsealed roads to determine whether the treatments would reduce Council maintenance costs and increase the life of the asset. This report provides an update on the status of the trial.

OFFICER RECOMMENDATION

That the results of the gravel road maintenance trial report be received and noted.

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons, Lysaught

Against: Nil

COUNCIL RESOLUTION – 6c.19.055

Baker/Ellem

That the results of the gravel road maintenance trial 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

At the May 2018 Council meeting Council adopted a proposed gravel road maintenance trial to be undertaken (Item 15.081/18). The trial commenced in July 2018. Two sections of Lawrence – Tullymorgan Road were selected to simulate similar conditions experienced around the valley.

The first section (sites 1-5) is located on a straight section of road starting approximately 100m from the intersection Lawrence-Tullymorgan Road and Pringles Way. This a 2 km section split into 5 x 400m test sections.

The second section (sites 6-10) is located in an undulating area over approximately 3 km that has 5 x 400m test sections. The road was divided this way to provide five sections with similar characteristics. Each road segment was brought up to an initial standard with 6% cross-fall on the road and 100 mm of local gravel. Relevant treatments were then applied to the relevant sections as detailed in the table below.

The test sections are split as below:

Section No	Terrain	Test Material	Dimensions
1	Straight/flat	Standard resheet material available locally (not necessarily to gravel resheeting specification)	400 m long x 6.0 wide x 100 mm gravel depth
2		Imported resheet material conforming to specification (as per ARRB Unsealed Roads Manual)	400 m long x 6.0 wide x 100 mm gravel depth
3		Standard resheet material available locally with polymer additive (Polycom)	400 m long x 6.0 wide x 100 mm gravel depth
4		Standard resheet material available locally with cement stabilisation (approximately 1%)	400 m long x 6.0 wide x 100 mm gravel depth
5		Standard resheet material available locally with bitumen emulsion additive	400 m long x 6.0 wide x 100 mm gravel depth
6	Undulating	Standard resheet material available locally (not necessarily to gravel resheeting specification)	400 m long x 5.0 wide x 100 mm gravel depth
7		Imported resheet material conforming to specification (as per ARRB Unsealed Roads Manual)	400 m long x 5.0 wide x 100 mm gravel depth
8		Standard resheet material available locally with polymer additive (Polycom)	400 m long x 5.0 wide x 100 mm gravel depth
9		Standard resheet material available locally with cement stabilisation (approximately 1%)	400 m long x 5.0 wide x 100 mm gravel depth
10		Standard resheet material available locally with bitumen emulsion additive	400 m long x 5.0 wide x 100 mm gravel depth

KEY ISSUES

Since the trial commenced each site has been monitored monthly. The first series of results were reported to Council's February meeting (Item 15.024/19). The most recent inspection was undertaken on 29 August 2019 to which the observations from this inspection are noted in the following table. For ease of reference the comments from the February report are also listed.

Section No. & material type	Inspection Results 19/2/2019	Comments 19/2/2019	Inspection Results 29/8/2019	Comments 29/8/2019
1 & 6 Local gravel	Fair	Surface: Loose stones and fines, Shape: Variable crossfall, rutting in some sections, corrugations commencing, flat in some sections. Fines Loss: High resulting in loss of stone and high dust Estimated Intervention: Within 3 months, need to rework with possible adding of material.	Very Poor	Surface: Loose stones and fines, Shape: Variable crossfall, rutting in sections, corrugations, Materials: Loss of fines, gravel material being crushed to fine particles and dust. Original base material visible indicating loss of approximately 100mm of resheet gravel placed as part of the trial. Estimated Intervention: First intervention was after 8 months, Now

Section No. & material type	Inspection Results 19/2/2019	Comments 19/2/2019	Inspection Results 29/8/2019	Comments 29/8/2019
				requires second intervention at next grade. This will revert back to the original grading cycle of twice year and will need import of more material due to poor performance of locally available product.
2 & 7 Gravel conforming to specification	Excellent	Surface: Solid, compact, excellent ride Shape: Crossfall maintained, no rutting or corrugations, water shed quickly Fines Loss: Minimal, no loss of stone, minimal dust Estimated Intervention: None planned, >12 months, probably longer, good material to rework with minimal added material	Excellent	Surface: Solid, compact, very good ride quality. Shape: Crossfall maintained, no rutting or corrugations, water sheds quickly. Fines: Very minimal loss <10mm in first section, (more open to sun and drying winds) but no large stones lost, minor fines and < marble size stones along edge of shoulder, easily recoverable. Minimal dust. Minor isolated potholes appeared along the centre of the first section, these were milled out and repacked with smaller, more efficient equipment as a maintenance technique trial, result appear to be very good. Equal to original pavement. Estimated Intervention: None planned, minimal time 6 months or more, material is available on shoulder of reuse and rework.
3 & 8 Local gravel with polymer additive	Fair	Surface: Loose stone and fines, moderate dust Shape: Variable crossfall, rutting in some sections Fines Loss: High, resulting in loss of stone and high dust. Estimated Intervention: 3- 6 months, need to rework and add PolyCom and possible small amount of material.	Very poor	Surface: Loose stone and fines, rocks crushed to smaller size and more dust. Shape: Variable crossfall, rutting in some sections. Minor corrugations, some potholes. Fines Loss: High, resulting in loss of stone and high dust. Estimated Intervention: First section No 3 was reworked after 8 months and has deteriorated badly again and needs rework with next grade. Back to original twice yearly cycle with no net benefit from use of Polycom additive. Section 8 was not reworked at 8 months but has deteriorated badly and is past intervention level as per Section 3.
4 & 9 Cement stabilised local gravel	Very good	Surface: Some areas highly compacted and stabilised, isolated areas of loose material and loss of fines, reduced dust, Shape: Crossfall variable, generally good, isolated flat sections Fines Loss: Low, isolated areas, minimal dust	Good	Surface: Some areas highly compacted and stabilised, isolated areas of loose material and loss of fines, reduced dust, Shape: Crossfall variable, generally good, isolated flat sections Fines Loss: Low, isolated areas, minimal dust

Section No. & material type	Inspection Results 19/2/2019	Comments 19/2/2019	Inspection Results 29/8/2019	Comments 29/8/2019
		Estimated Intervention: 6 - 9 months, need to rework cement based material, workability requirements of cement stabilisation to be determined.		Estimated Intervention: Section 4 was reworked at 8 months due to poor performance, expected more from Cement Stabilisation first off. Once reworked Section 4 has performed better than original mixing and is performing better than first period. Do not propose to intervene at this time to see how long the reworked material lasts. Section 9 was not reworked as per Section 4. Has performed better than Section 4 however has now approached intervention after 14 months and will need to be reworked next visit to determine workability requirements of cement stabilisation..
5 & 10 Bitumen Stabilised local gravel	Excellent	Surface: Generally highly compacted, isolated small patches of loose material Shape: Very good crossfall Fines Loss: Minimal Estimated Intervention: >12 months, probably longer, need to determine rework requirements due to nature and cost of bitumen additive.	Very Good	Surface: Generally highly compacted, isolated small patches of loose material Shape: Very good crossfall Fines Loss: Minimal Estimated Intervention: >12 months, probably longer, need to determine rework requirements due to nature and cost of bitumen additive. Have undertaken minor isolated pothole repair down centre of Section 10 with good results. Rest of section was holding up extremely well but did not want to the whole section to deteriorate due to minimal issue considered to be caused by installation method variation.

Comments from August 2019 inspection:

As with the initial reporting period the intervening period has been extremely dry. However, there have been some isolated heavy storms in the Lawrence area and the effect on the trial has been varied.

The use of locally available poorer materials has shown the low quality of the material in comparison with other treatments. This has shown up in the poor condition of the material on the ground and the need for grading intervention at much shorter time periods; approximately 6 months compared to 14 months and continuing. This intervention will also require the importing of more material.

To date it appears the cost of haulage of high specification material is more than offset by the extended intervention levels. It is considered that when intervention is required the imported material is easily available for reuse with minimal need to haul more material.

Whilst the use of the high specification material is desired it is not feasible to provide this quality of material to all roads in all incidences. It is recommended that this material would be better utilised in more highly trafficked problem areas on a progressive basis.

Low traffic, limited population area roads with a minimal history of user problems would be better served by use of the locally available materials in the short term with better material being applied as resources permit.

COUNCIL IMPLICATIONS

Budget/Financial

Staff have commenced analysis of the costs for the various treatment. The costs below have been generalised to allow application to any road.

Section No.	Original Indicative Cost	Cost update 29/8/2019
1 & 6 Local gravel	\$16.00/tonne for material plus haulage (variable cost). 1 tonne of gravel will cover around 4 – 5 m ² at a depth of 100 mm. Therefore approximately \$8,500 for material for a 400 m section + haulage.	Intervened once at 8 months Plant and labour only. Next intervention will require plant labour and materials. Ideally a full 100mm resheet however due to budget constraints only a cover layer will be applied as required.
2 & 7 Gravel conforming to specification	\$18.30/tonne for material plus haulage (variable cost). 1 tonne of gravel will cover around 4 – 5 m ² at a depth of 100 mm. Therefore approximately \$9,700 for material for a 400 m section + haulage. Note that haulage costs may be significant due to longer haul distances.	Minimal intervention to date. Section 2: < 10% of area Trial of pothole milling and replacement. Plant labour and minimal material. Remainder no intervention proposed within 4 months Section 7: No intervention to date, none proposed with 4 months.
3 & 8 Local gravel with polymer additive	PolyCom application – 1 bottle (\$600) per 100m. Therefore \$2,400 per 400 m, noting that gravel may also need to be added prior to application (as per sites 1 & 6). Application would occur as part of the gravel maintenance process.	Intervened once at 8 months Plant and labour only. Next intervention will require plant labour and materials. Ideally a full 100mm resheet however due to budget constraints only a cover layer will be applied as required.
4 & 9 Cement stabilised local gravel	Cement application – \$1,900 per 400 m, noting that gravel may also need to be added prior to application (as per sites 1 & 6). Application would occur as part of the gravel maintenance process.	Section 4: Reworked, Plant and Labour only, good result to date Section 9: to be reworked, result to be assessed over time.
5 & 10 Bitumen Stabilised local gravel	Emulsion application – \$9,500 per 400 m, noting that gravel may also need to be added prior to application (as per sites 1 & 6). Application would occur as part of the gravel maintenance process.	Section 5: No action taken Section 10: Only centre isolated potholes reworked, Plant, Labour and minimal material. No further intervention planned within 4 months.

Asset Management

The aim of the trial is to minimise maintenance costs and extend the life of the gravel pavements for the unsealed road network. A combination of the above treatments is likely to ultimately be used to provide cost effective road pavement materials.

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

Reduced use of materials, less haulage resources, reduced private vehicle running costs and emissions, reduced plant and vehicle running costs and emissions.

Prepared by	Tim Jenkins – Manager Civil Services
Attachment	Gravel Road Maintenance Trial - photographs

ITEM	6c.19.056	WOOLGOOLGA TO BALLINA UPGRADE – SECTIONS 1 AND 2 HANDOVER OF NEWLY CONSTRUCTED LOCAL ROADS
Meeting	Corporate, Governance & Works Committee	17 September 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Yes	

SUMMARY

Council has been requested by the Roads and Maritime Services (RMS) to agree to the handover to Council of various newly constructed local roads forming part of works in Sections 1 and 2 of the Woolgoolga to Ballina Upgrade. The total length of additional road to be handed to Council is 5.045 km which is all bitumen sealed.

OFFICER RECOMMENDATION

That Council:

1. Agree to the handover to Council of various newly constructed sections of local roads forming part of works in Sections 1 and 2 of the Woolgoolga to Ballina Upgrade and totalling an additional 5.045 km of newly sealed local road.
2. Sign and affix Council's Seal to any documents required to complete the handover.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons, Lysaught

Against: Nil

COUNCIL RESOLUTION – 6c.19.056

Baker/Ellem

That Council:

1. **Agree to the handover to Council of various newly constructed sections of local roads forming part of works in Sections 1 and 2 of the Woolgoolga to Ballina Upgrade and totalling an additional 5.045 km of newly sealed local road.**
2. **Sign and affix Council's Seal to any documents required to complete the handover.**

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

Council has been requested by the Roads and Maritime Services (RMS) to agree to the handover of various newly constructed local roads forming part of works in Sections 1 and 2 of the Pacific Highway - Woolgoolga to Ballina Upgrade. The total length of additional road to be handed to Council is 5.045 km which is all bitumen sealed.

KEY ISSUES

Below is listed the roads affected by the upgrade works to be handed to Council as Public roads:

<u>Road Name</u>	<u>Additional length (km)</u>
Dundoo Reach	0.45
Falconers Lane	0
The Siding	0
McPhillips Road	0
McPhillips Access Road	1.23
Dunmar Lane	0
Grays Road	0
Redigar Close	0
Old Pacific Highway	0
Lemon Tree Road	0
Lemon Tree Service Road (Walls Lane)	1.06
Kungala Road	0
Kungala Access Road	0.29
Luthers Access Road	0.10
Luther Road + extension	1.14
Service Road north of Wells Crossing	0.475
Bald Knob Road	0.30
Franklins Road	0
Total length	<u>5.045 km</u>

The roads listed above consist of the construction of additional length of local roads, or the upgrade of sections of the existing unsealed road network to a sealed road. All sections proposed to be transferred to Council are bitumen sealed.

The above works have been subject to a 12 month Defect Period, which expired in May 2019. Staff have inspected the roads and have noted no current issues exist that require rectification.

Clarence Valley Council will be responsible for all future maintenance and repairs as per the *Maintenance Responsibility Plans* as per attachment A and the *Maintenance Limits Table* as per attachment B.

RMS have advised that the transfer of a 300 m section of the surplus Pacific Highway in Section 2, between Halfway Creek and Luther's Road has been deferred to a later date.

COUNCIL IMPLICATIONS**Budget/Financial**

There is no financial burden to Council in the present or the near future from this handover as all roads are in a new or like new state. Once ownership is transferred to Council in the long-term there will be maintenance costs incurred with these road assets.

Council has not been provided full asset details at present. However, based on the general road geometry the roads would be valued at approximately \$3,923,000 using Council's road asset valuation rates. There will be additional valuation costs associated with culverts, signage and road furniture but staff are unable to place a value on these at present.

Asset Management

Council's road assets will increase by a further 5.045 km of sealed road network which will need to be maintained and budgeted for into the future.

Policy or Regulation

Under the provision of the Roads Act, Council is required to accept the transfer of local roads from RMS.

Consultation

The community and Council have been extensively consulted during the upgrade process.

Legal and Risk Management

The works undertaken on Council's local roads in conjunction with the Pacific Highway upgrade works has lead to the upgrading of the unsealed sections of council's road network to a bitumen sealed road standard. This will reduce the risk exposure to road users due to the better standard of road now in existence.

Climate Change

N/A

Prepared by	Ross McCann – Senior Maintenance Engineer
Attachment	A - Maintenance Responsibility Plans B - Maintenance Limits Table

ITEM	6c.19.057	WOLOWEYAH PARKS AND RESERVES S355 COMMITTEE MEMBERSHIP
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Meeting	Corporate, Governance & Works Committee	17 September 2019
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (David Sutton)	
Attachment	Yes	

SUMMARY

This report requests Council endorsement of a new member to the Wooloweyah Parks and Reserve s355 Management Committee.

OFFICER RECOMMENDATION

That Council accept the membership application from Marina Popko for a vacant position on the Wooloweyah Parks and Reserve s355 Management Committee.

Having declared an interest in this item Cr Ellem left the CG&W Meeting at 2.43pm and returned at 2.43pm.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Toms, Simmons, Lysaught

Against: Nil

Having declared an interest in this item Cr Ellem left the Ordinary Council Meeting at 4.57 pm and returned at 4.57 pm.

COUNCIL RESOLUTION – 6c.19.057

Kingsley/Lysaught

That Council accept the membership application from Marina Popko for a vacant position on the Wooloweyah Parks and Reserve s355 Management Committee.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, 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 1.1.3 Support, encourage and celebrate community participation, community organisations and volunteerism

BACKGROUND

A vacancy has arisen on the Wooloweyah Parks and Reserve s355 Management Committee.

KEY ISSUES

Current Wooloweyah Parks and Reserve s355 Management Committee details are:

Chair: Stephan Shultz

Treasurer: Mary McDowell

Secretary: Phillip Francis

Minutes Secretary: Sue Ellem

Committee members: Andrew Bennett, Michael O'Brien, Mel Brown, Dom Ferry, Kirra Muegge

Vacancies: x3

The Committee has put forward a new member Marina Popko to fill a vacancy and is seeking endorsement from Council.

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation

Wooloweyah Parks and Reserve s355 Management Committee June 2017 (Amended March 2019)

Consultation

Nominations are submitted to the Wooloweyah Parks and Reserve s355 Management Committee and accepted by the Committee for recommendation to Council.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Gavin Beveridge – Acting Senior Parks and Recreation Officer
Attachment	Committee email

ITEM	6c.19.058	CLARENCE AND LOWER CLARENCE SPORTS COMMITTEES –MINUTES OF MEETINGS
Meeting	Corporate, Governance & Works Committee	17 September 2019
Directorate	Works & Civil	
Reviewed by	A/Manager - Open Spaces & Facilities (David Sutton)	
Attachment	Yes	

SUMMARY

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

OFFICER RECOMMENDATION

That Council:

- 1) Receive and note the Minutes from 12 August 2019 Clarence Sports Committee and Lower Clarence Sports Committee meetings.
- 2) Endorse the following recommendations by the Lower Clarence Sports Committee to:
 - a) Approve the application for funding for \$4,599.00 (Ex GST) to Big River Sailing Club for rooftop solar system.
 - b) Approve the application for funding for \$5,895.50 (Ex GST) to Lower Clarence Pony Club to renew stables.

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons, Lysaught

Against: Nil

COUNCIL RESOLUTION – 6c.19.058

Baker/Ellem

That Council:

- 1) Receive and note the Minutes from 12 August 2019 Clarence Sports Committee and Lower Clarence Sports Committee meetings.
- 2) Endorse the following recommendations by the Lower Clarence Sports Committee to:
 - a) Approve the application for funding for \$4,599.00 (Ex GST) to Big River Sailing Club for rooftop solar system.
 - b) Approve the application for funding for \$5,895.50 (Ex GST) to Lower Clarence Pony Club to renew stables.

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

BACKGROUND

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

This report provides a copy of the minutes of the meetings that were held on Monday 12 August 2019.

Council at its March 2019 Ordinary meeting (Item 15.034/19) resolved in part -

That:

- 2. Receive and note the recommendations of the Lower Clarence Sports Committee; however allow the committee to consider funding applications for the Big River Sailing Club, Iluka Aquatic & Rowing Club and the Lower Clarence Pony Club for the next available funding round.*

KEY ISSUES

Summary of General Business – Clarence Sports Committee

- Sports awards – report for the sub-committee
- Grant funding – update from Council
- Sports Committee funded projects – update from delegates
- Online booking system
- Grant funding applications
- Combined Sports Committee meeting
- Grant writing workshop
- General Business and updates from sporting delegates

Summary of General Business – Lower Clarence Sports Committee

- Sports awards – report for the sub-committee
- Grant funding – update from Council
- Bi-monthly meetings
- Sports Committee funded projects – update from delegates
- Online booking system
- Grant funding applications
- Combined Sports Committee meeting
- General Business and updates from sporting delegates

Sports Committee Funding

Council supports two Sports Committees in the Clarence Valley. The Clarence and Lower Clarence Sports Committee's make recommendations to Council for the annual allocation of funds (currently \$35,000) for projects of a capital nature that enable the participation in sport in the Clarence Valley. Received applications, after assessment by Council Officers against the Application Guidelines and Criteria for Sports Committee Funding Assistance, will be reported to, and considered at, the next available Sports Committee

meeting. Recommendations made by the Sports Committees are then reported to Council for consideration and endorsement at the next available Meeting of Council.

The 2019-20 Sports Committee Funding (Round 1) applications opened on Monday 12 August 2019.

Summary of Sports Committee Funding – Lower Clarence Sports Committee

Application	Officer Recommendation based on assessment against Funding Guidelines	Committee Recommendation
Big River Sailing Club - Rooftop Solar System. Allocation Requested: \$4,599.00 (ex GST) Total Project Cost: \$9,198.00 (ex GST)	Project meets application guidelines. Recommended for funding.	That Council provide funding of \$4,599.00 (ex GST) to Big River Sailing Club for Rooftop Solar System.
Lower Clarence Pony Club – Renew Stables. Allocation Requested: \$5,895.50 (ex GST) Total Project Cost: \$11,791.00 (ex GST)	Project meets application guidelines. Recommended for funding.	That Council provide funding of \$5,895.50 (ex GST) to Lower Clarence Pony Club for Renew Stables.

As per the Council resolution at its March 2019 Ordinary meeting (Item 15.034/19), the Lower Clarence Sports Committee considered funding applications for the Big River Sailing Club, Iluka Aquatic & Rowing Club and the Lower Clarence Pony Club for the next available funding round. The round 2 funding applications together with the officers assessment was tabled at the Lower Clarence Sports Committee meeting, the Committee considered all applications in line with the Application Guidelines and Criteria for Sports Committee Funding Assistance and formed a recommendation that adhered to the guidelines and constitution. As the Lower Clarence Sports Committee adhered to the guidelines and constitution, it is recommended that Council endorse the Committee recommendations for the second round of funding.

COUNCIL IMPLICATIONS

Budget/Financial

Council has allocated an amount of \$35,000 grant funding to the Clarence Sports Committee and an amount of \$35,000 grant funding to the Lower Clarence Sports Committee to undertake capital works. Funding is on a dollar for dollar (1:1) basis with applicants. The 2019-20 Sports Committee Funding (Round 1) applications opened on Monday 12 August 2019.

If Council endorse the Officers recommendation the balance of the Clarence Sports Committee funds will be \$16,566.80, and the remaining funding for the Lower Clarence Sports Committee is \$24,505.50.

Asset Management

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

Policy or Regulation

The following references are applicable to this report:

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

- Clarence and Lower Clarence Committee Constitutions
- Guidelines for Funding

Consultation

Consultation occurred with delegates at the Clarence Sports Committee and Lower Clarence Sports Committee meetings on Monday 12 August 2019.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Gavin Beveridge – Acting Senior Parks and Recreation Officer
Attachment	Minutes – Clarence Sports Committee Meeting – 12 August 2019 Minutes – Lower Clarence Sports Committee Meeting – 12 August 2019

ITEM	6c.19.059	FINAL PROGRESS REPORT CONSTRUCTION OF CELL 4B GRAFTON LANDFILL
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Meeting	Corporate, Governance & Works Committee	17 September 2019
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (David Sutton)	
Attachment	Nil	

SUMMARY

The following report provides the final update on the construction of Cell 4B at the Grafton Regional Landfill. Construction was completed two weeks ahead of schedule on the 30 August 2019 and within the allocated budget.

OFFICER RECOMMENDATION

That:

1. The completion of the construction of Cell 4B be noted.
2. The unspent project funds in the sum of \$216,447.90 be returned to the Landfill Augmentation reserve.

COMMITTEE RECOMMENDATION

Toms/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons, Lysaught

Against: Nil

COUNCIL RESOLUTION – 6c.19.059

Baker/Ellem

That:

1. The completion of the construction of Cell 4B be noted.
2. The unspent project funds in the sum of \$216,447.90 be returned to the Landfill Augmentation reserve.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 4 Environment

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

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

BACKGROUND

At its March 2019 ordinary meeting Council awarded a tender to Valley Earthworks to construct the second stage of cell 4 at the Grafton Regional Landfill (Item 16.004/19).

KEY ISSUESProject Summary

Work commenced on the 29 April 2019 and progressed well with practical completion of the civil construction works achieved on the 30 August 2019. The completion of these works is two weeks ahead of schedule.

The quality assurance testing and certification is being finalised, the reports are scheduled to be completed in September. The testing and certification, upon completion, will be submitted to the Environment Protection Authority (EPA) for approval to commence operations of the new cell.

The following milestones were achieved during construction;

- Bulk excavation removed approximately 180,000 tonnes of material to achieve the design level
- Installation 1 metre thick clay liner
- Installation and testing of the 2 millimetre thick HDPE liner
- Installation of protection geotextile layer over the HDPE liner
- Installation of 300mm leachate drainage rock and leachate collection pipework
- Installation of separation geotextile layer over gravel layer
- Construction of inter-cell bund (barrier to control leachate movement from new cell to old)
- Quality control testing of the liner to ensure no damage during construction
- Preparation of quality assurance and certification report for EPA by an independent consultant



Image 1 – Bulk excavation of 180,000 tonnes clay



Image 2 – Installation of 2 mm HDPE Liner



Image 3 – Installation of gravel drainage layer and leachate collection pipework over the protection geotextile



Image 4 – Installation of separation geotextile over leachate rock

Program

The project was completed (practical completion) on the 30 August 2019 two weeks ahead of the agreed schedule, within this timeframe a total of 21 days were lost due to wet and windy weather.

Contract Variations

The following variations were approved:

No.	Description	Value inc GST
1	Additional permeability testing of clay liner stockpile	\$600.00
2	Surveyor adjustment to design model	2,087.25
3	Additional detailed excavation NW tie-in (1.5)	\$4,573.48

No.	Description	Value inc GST
4	Additional subgrade trim due to BOQ error (1.6)	\$3,996.20
5	Additional HDPE Liner due to revised tie-in design (3.1)	\$34,688.40
6	Cell 1 tie-in	\$11,356.25
7	Leachate pipe extension from Cell 4A	\$9,700.25
8	Additional subgrade survey	\$1,100.00
9	Additional construction control testing due to BOQ error	\$1,500.00
10	Cell 1 to Cell 3 Tie-in	\$7,848.75
11	Cell 3 redesign tie-in	\$4,301.00
12	Leachate Sump	\$3,910.00
13	Additional Geotextile due to BOQ error (3.3)	\$30,167.40
14	Additional drainage rock due to BOQ error (1.9)	\$40,528.10
15	Additional construction control testing due to BOQ error (liner)	\$2,592.00
Total		\$158,949.10

COUNCIL IMPLICATIONS

Budget/Financial

The project was funded from Landfill Augmentation reserve (Cost Centre 875 PJ 530217). The project was completed within the project allocation as detailed below.

Cell 4B Budget Reconciliation (ex GST)			
Description	Budget	Actual	Variations
Construction Contract	\$1,737,086	\$1,737,086	
Quality Assurance Consultant	\$100,000	\$72,020	
Contingency / Variations	\$347,417		\$158,949.10
Subtotal			
Sub-Total	\$2,184,503	\$1,809,106	\$158,949.10
Total Cost (contract + variations + QA Consultant)			\$1,968,055.00

The project was completed under budget with a saving of \$216,447.90.

Asset Management

N/A

Policy or Regulation

Draft Waste Management Strategy 2019 – 25 and compliance with Landfill EPA Licence 7186

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

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

Prepared by	Richard Roper – Acting Waste and Sustainability Coordinator
Attachment	Nil

ITEM	6c.19.060	DISCLOSURES OF INTEREST
Meeting	Corporate, Governance & Works Committee	17 September 2019
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	To be tabled	

SUMMARY

This report tables the Disclosures of Interest returns lodged by elected members and designated persons for the period 1 July 2018 to 30 June 2019.

OFFICER RECOMMENDATION

That the tabling of the Disclosures of Interest lodged by elected members and designated persons be noted.

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons, Lysaught

Against: Nil

MOTION

Clancy/Toms

That the Disclosures of Interest lodged by elected members and designated persons after 1 July 2020 be exhibited on the Council's website to allow greater access to the whole Clarence community.

AMENDMENT TO MOTION

Baker/Williamson

That the Disclosures of Interest (excluding the residential address of the person) lodged by elected members and designated persons after 1 July 2020 be exhibited on the Council's website to allow greater access to the whole Clarence community.

Voting recorded as follows:

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

Against: Lysaught, Simmons

The Amendment to Motion was put and declared CARRIED.

MOTION

Clancy/Toms

That the Disclosures of Interest (excluding the residential address of the person) lodged by elected members and designated persons after 1 July 2020 be exhibited on the Council's website to allow greater access to the whole Clarence community.

Voting recorded as follows:

For: Nil

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

The motion was put and declared LOST.

COUNCIL RESOLUTION – 6c.19.060

Williamson/Novak

That

- 1. The tabling of the Disclosures of Interest lodged by elected members and designated persons be noted.**
- 2. The Declarations of Interest be available on request at Maclean Council Office by appointment 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 5.1 We will have a strong, accountable and representative Government

Strategy 5.1.8 Ensure good governance, effective risk management and statutory compliance

BACKGROUND

The *Local Government Act 1993* requires all elected members and staff identified as designated persons to complete and lodge with the General Manager, a Disclosure of Interest Return as at 30 June of the previous year, and that these disclosures be tabled with Council, in accordance with s440AAB and the Model Code of Conduct s4.21(b).

The Returns are held at the Grafton office and are open access information under Schedule 1 of the *Government Information (Public Access) Regulations 2009*.

KEY ISSUES

A request for completion of Disclosures of Interest was made of all elected members and those staff identified as designated persons:

- General Manager
- Directors
- all Managers
- all Planners, including Strategic Planners

- all Health and Building Surveyors
- all staff with authority to engage contract services.

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation

Returns are governed by s440AAB of the *Local Government Act 1993* and the model Code of Conduct s4.21(b). The Returns are held by the General Manager, at the Grafton office, and are listed as open access information under Schedule 1 of the Government Information (Public Access) Regulation 2009.

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Monique Ryan – Governance Officer
Attachment	To be tabled

ITEM	6c.19.061	RMS FUNDING OFFER – SAFER ROADS DEMONSTRATION PROGRAM – ROBINSON STREET, NGARU ABORIGINAL COMMUNITY, YAMBA
Meeting	Corporate, Governance & Works Committee	17 September 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Nil	

SUMMARY

Council have received a funding offer from Roads and Maritime Services for a roads and drainage improvements project in Robinson Street, Ngaru Aboriginal Community, Yamba.

OFFICER RECOMMENDATION

That Council note the acceptance of the \$164,956 Safer Roads Demonstration Program funding for a roads and drainage improvement project in Robinson Street, Ngaru Aboriginal Community, Yamba for completion in the 2019/20 financial year.

COMMITTEE RECOMMENDATION

Ellem/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons, Lysaught

Against: Nil

COUNCIL RESOLUTION – 6c.19.061

Baker/Ellem

That Council note the acceptance of the \$164,956 Safer Roads Demonstration Program funding for a roads and drainage improvement project in Robinson Street, Ngaru Aboriginal Community, Yamba for completion in the 2019/20 financial year.

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

Council have received a funding offer from Roads and Maritime Services for a roads and drainage improvement project in Robinson Street, Ngaru Aboriginal Community, Yamba under the Safer Roads Demonstration Program to be completed in the 2019/20 financial year. Details of the funding offer are:

Description	Project Cost	2019/20 Council Funding	2019/20 RMS Funding
Robinson Street, Ngaru Aboriginal Community, Yamba – roads and drainage improvements project.	\$164,956	\$0	\$164,956

KEY ISSUES

Council was required to provide a response to the funding offer by 13 September 2019. As the project was fully funded, requiring no Council contribution, Council has accepted the grant.

COUNCIL IMPLICATIONS**Budget/Financial**

The financial implications are detailed above. This project is fully funded.

Asset Management

All works undertaken on the roads and drainage assets involved in this project are owned by the Ngaru Aboriginal Community and will remain the same at the completion of the project.

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

N/A

Prepared by	Ross McCann – Senior Maintenance Engineer
Attachment	Nil

5. LATE ITEMS OF BUSINESS

ITEM	09.19.003	2019/20 MONTHLY FINANCIAL REPORT – AUGUST 2019
Meeting	Corporate, Governance & Works Committee	17 September 2019
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	To be tabled	

SUMMARY

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

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

The adopted 2019/20 original General Fund end of year result is a net deficit \$140,398. Council resolutions adopted at previous Council meetings but not yet processed, will result in a \$100,182 increase to the projected budget deficit. Proposed budget variations contained in this report of \$110,165, along with the Council resolutions not yet processed will result in a projected deficit increase to \$350,745 for the year.

The adopted projected increase in External and Internal Financial Reserves is \$2,329,333 for the year. Council resolutions adopted at previous Council meetings but not yet processed, will reduce this projected increase by \$1,110,000. This report is proposing reserve budget variations, which further decrease reserves by \$928,533, resulting in an overall projected increase in External and Internal Financial Reserves of \$290,800 for the year.

OFFICER RECOMMENDATION

That Council:

1. Receive and note the monthly financial information report for August 2019, attached to this report.
2. Endorse the proposed General Fund variation as set out in this report totalling \$110,165 for inclusion in the September 2019 Quarterly Budget Review Statement to be presented to Council in October 2019.
3. Endorse the proposed variations, which decrease Financial Reserves by (\$928,533), for inclusion in the Quarterly Budget Review Statement to be presented to Council in October 2019.

COMMITTEE RECOMMENDATION

Toms/Ellem

That Council:

1. Receive and note the monthly financial information report for August 2019, attached to this report.
2. Endorse the proposed General Fund variation with the exception of item 821 as set out in this report totalling \$72,765.00 for inclusion in the September 2019 Quarterly Budget Review Statement to be presented to Council in October 2019.
3. Endorse the proposed variations, which decrease Financial Reserves by (\$928,533), for inclusion in the Quarterly Budget Review Statement to be presented to Council in October 2019.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons, Lysaught

Against: Nil

COUNCIL RESOLUTION – 09.19.003**Baker/Ellem****That Council:**

1. Receive and note the monthly financial information report for August 2019, attached to this report.
2. Endorse the proposed General Fund variation with the exception of item 821 as set out in this report totalling \$72,765.00 for inclusion in the September 2019 Quarterly Budget Review Statement to be presented to Council in October 2019.
3. Endorse the proposed variations, which decrease Financial Reserves by (\$928,533), for inclusion in the Quarterly Budget Review Statement to be presented to Council in October 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 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

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

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

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

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

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

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

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

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
611	Service – Organisation Performance and Governance Sub-Service – Organisational Governance <ul style="list-style-type: none"> Allocate Statewide Mutual Risk Management Incentive (\$60,918) with \$50,000 to be utilised for risk improvement activities. 	(\$10,918)	\$Nil	N/A
716	Service – Finance & Supply Sub-Service – General Purpose Revenue Management <ul style="list-style-type: none"> Long Term Debtor loan repayments to be transferred to RA 10520 -Strategic Building Reserve. 	\$37,656	(\$37,656)	N/A
812	Service – Wharves & Jetties Sub-Service – Wharves and Jetties <ul style="list-style-type: none"> Recreational Fishing Trust Grant (\$24,556) to replace Sportsman's Creek Fish cleaning table. 	\$Nil	\$Nil	6c.19.007
821	Service – Internal Road Services Sub-Service – Depot Management <ul style="list-style-type: none"> Remove razor wire on adjoining fence between South Grafton High School and Rushforth Road Works Depot, and erect new security fencing parallel to existing. 	\$37,400	\$Nil	N/A
835	Service – Emergency Services and Natural Disasters Sub-Service – RFS Operations and Emergency <ul style="list-style-type: none"> Fund catering costs associated with Emergency Declaration S44 Claims, funded by RA 10860 - RFS Training Income Reserve. 	\$Nil	\$10,000	N/A
851	Service – Natural Resource Management Sub-Service – Biodiversity <ul style="list-style-type: none"> GNSW 2019 Flying-Fox Grant (\$42,000). Connecting Maclean's Landscapes through Regeneration Grant (\$97,138) from Environmental Trust with matching contribution from RA 10245 - Biodiversity Offset Reserve. 	\$Nil \$Nil	\$25,000 \$Nil	14.085/18 & 6c.19.048 6c.19.042
853	Service – Natural Resource Management Sub-Service – Bushfire Management <ul style="list-style-type: none"> Adjust the Bushfire Planning and Coordination works to align with the reduction to RFS Hazard Road Reduction grant funding \$3,114. 	\$Nil	\$Nil	N/A
863	Service – Buildings, Properties & Leases Sub-Service – Public Halls <ul style="list-style-type: none"> Hire and construction of lighting equipment for the Maclean Civic Hall. 	\$33,182	\$Nil	6a.19.016
864	Service – Buildings, Properties & Leases Sub-Service – Buildings in Other Services <ul style="list-style-type: none"> Grafton Library Caged Parking to be funded from RA 10670 - Mobile Library and Library Programs Reserve. Clarence River Historical Society Archive Facility to 	\$29,903 \$Nil	\$Nil \$20,000	N/A 6e.19.002

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
	be funded from RA 92021 - S94 Community Facilities - Grafton & Surrounds Reserve.			
871	Service – Aquatic Facilities Sub-Service – Aquatic Facilities <ul style="list-style-type: none"> Glenreagh Pool Management to be funded from RA 79000 - CCRT Bank Account Reserve. 	\$Nil	\$65,000	6b.19.006
878	Service – Waste Management Sub-Service – Waste Transfer Stations and Other Waste <ul style="list-style-type: none"> Additional North East Waste Grant Funding (to be administered by CVC: <ul style="list-style-type: none"> Northern Rivers Illegal Dumping Hotspot Intervention Program (\$20,000) Project Management (\$98,000) Communications (\$35,000) Waste Education (\$100,000) Asbestos Management Program (\$15,000) Education (\$70,000) Training & Development (\$10,000) Better Waste Recycling Fund - Business Waste Reduction Program (\$60,000) Love Food Hate Waste (\$20,000) Waste Renewal (\$8,000) Waste Strategic Plan \$12,714 and Host Council Contribution \$7,000 to be funded from RA 31171 – North East Waste (New) Group 	\$Nil	\$Nil	N/A
882	Service – Caravan Parks Sub-Service – Caravan Parks <ul style="list-style-type: none"> 2019/20 BBQ Replacement Program for Holiday Parks to be funded from RA 79000 - CCRT Bank Account Reserve. Contribution from RA 79000- CCRT Bank Account Reserve towards continued funding of previously identified Clarence Coast Reserve Trust Crown Reserves for 2019/20. 	\$Nil	\$15,000	N/A
		\$Nil	\$1,000,000	6b.19.005
930	Service – Community Development Sub-Service – Community Development <ul style="list-style-type: none"> Management of Grafton Sports Centre during the PCYC handover period. 	\$67,000	\$Nil	6b.19.024
932	Service – Community Development Sub-Service – Ageing & Access <ul style="list-style-type: none"> Remove the Home and Community Care (HACC) Grant funding as no longer current. 	\$11,316	\$Nil	N/A
933	Service – Community Development Sub-Service – Safe Communities <ul style="list-style-type: none"> Healthy Towns Maclean Service Centre Grant (\$55,000) from North Coast Primary. 	\$Nil	\$Nil	N/A

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
940	<p>Service – Clarence Regional Library Sub-Service – Clarence Regional Library</p> <ul style="list-style-type: none"> Increase promotions expense budget to be funded from RA 41125 - Regional Library Accumulated Surplus Reserve per July CRL committee meeting. Purchase for various locations Clarence Valley and Bellingen to be funded from RA 41125 - Regional Library Accumulated Surplus Reserve : eAudio/ebooks \$40,000 Dyslexic font collection \$10,000 2 Interactive Surface Tables and Annual Licences \$43,930 ST Viewscan Pro \$15,000 Microfilm Cabinet and Shelving \$4,700 Charging Lockers \$20,000 Play Centres \$17,500 Mango – Learning Languages \$4,290 Digital Engagement Contract – 2 year contract position \$36,500 	\$Nil \$Nil	\$7,856 \$191,920	N/A N/A
941	<p>Service – Libraries Sub-Service – Public Libraries</p> <ul style="list-style-type: none"> Purchase additional shelving. 	\$10,188	\$Nil	N/A
961	<p>Service – Land Use Planning Sub-Service – Land Use Planning</p> <ul style="list-style-type: none"> Remove Brooms Head Beach Monitoring budget as program no longer active. 	(\$11,880)	\$Nil	N/A
965	<p>Service – Economic Development Sub-Service – Economic Development</p> <ul style="list-style-type: none"> Transfer \$1,000,000 funds from RA 92040 - S94A CVC Development Other than Residential Reserve to RA 92050 - S94 - EDev Ulmarra Riverside and Village Precinct Plan Reserve (\$1,000,000). 	\$Nil	\$1,000,000 (\$1,000,000)	6c.19.025
966	<p>Service – Economic Development Sub-Service – Sponsored Events and Festivals</p> <ul style="list-style-type: none"> Reduce projected income for Sports Tourism Program to align with current number of Sports Tourism Partners. 	\$6,500	\$Nil	N/A
972	<p>Service – Clarence Care & Support Service Sub-Service – Home Care Services</p> <ul style="list-style-type: none"> Bring forward 2018/19 client unspent funds for 2019/20 services funded from RA 31185 – CL – Inc in Adv –CCS Dept Health & Ageing EACH Grant. 	\$Nil	\$684,508	N/A
974	<p>Service – Clarence Care & Support Service Sub-Service – Short Term Restorative Care Services</p> <ul style="list-style-type: none"> Bring forward 2018/19 client unspent funds for 2019/20 services funded from RA 83185 – UG – DSS – Short Term Restorative Care. 	\$Nil	\$37,191	N/A
	TOTAL Proposed General Fund / Reserve Balance Impact	\$210,347	\$2,038,533	

Explanation of Attachment

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

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

COUNCIL IMPLICATIONS**Budget/Financial****Proposed Impact on General Fund Result**

Original Budget Net Deficit Position Adopted by Council June 2019	\$140,398
Variations endorsed by Council Minute prior to this report	\$100,182
August 2019 proposed variations	\$110,165
Proposed Movement of General Fund 19/20 Budget Result August 2019 – Deficit	\$350,745

With respect the above projected deficit position of \$350,745, it should be noted that the budget is yet to be varied for the Emergency Service Levy reduction, which will reduce the projected deficit position by approximately \$219,000. Revenue NSW has advised that councils are still required to pay the increased Emergency Services Levy for 2019, but will receive funding equal to their percentage contribution for the 2019/20 increase via a grant payment. Once these grant monies are received by Council, the budget will be amended accordingly.

Proposed Impact on External and Internal Financial Reserve Funds Result

Variations endorsed by Council Minute prior to this report – decrease in reserves	\$1,219,333
August 2019 proposed movements – decrease in reserves	\$928,533
Proposed Reserve Funds budgeted movements – Increase in Reserves	\$290,800

Asset Management

N/A

Policy or Regulation

Section 202 of the *Local Government (General) Regulation 2005*

Consultation

This report has been prepared after consultation with the Corporate Business Team.

Legal and Risk Management

N/A

Climate Change

N/A

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

6. CLOSE OF CG&W COMMITTEE MEETING

There being no further business the Corporate, Governance & Works Committee closed at 2.54pm.

d. INFORMATION ITEMS

ITEM	6d.19.003	ITEMS FOR INFORMATION	
Meeting		Council	24 September 2019
Directorate		Office of General Manager	
Reviewed by		General Manager - Ashley Lindsay	
Attachment		To be tabled	

OFFICER RECOMMENDATION

That the Items for Information as listed below be adopted:

1. Clarence Valley Cultural Committee: Minutes of meeting held 22 July 2019
2. Clarence Valley Transport Committee: Minutes of meeting held 16 May 2019
3. Nymboida Hall Management Committee: Minutes of meeting held 22 July 2019
4. Coaldale Barretts Creek Hall Committee: Minutes of meeting held 10 August 2019
5. Clarence Regional Library Committee: Minutes of meeting held 15 August 2019
6. Bega Valley Shire Council: Condolences over bush fires

COUNCIL RESOLUTION – 6d.19.003

Baker/Ellem

That the Items for Information as listed below be adopted:

1. Clarence Valley Cultural Committee: Minutes of meeting held 22 July 2019
2. Clarence Valley Transport Committee: Minutes of meeting held 16 May 2019
3. Nymboida Hall Management Committee: Minutes of meeting held 22 July 2019
4. Coaldale Barretts Creek Hall Committee: Minutes of meeting held 10 August 2019
5. Clarence Regional Library Committee: Minutes of meeting held 15 August 2019
6. Bega Valley Shire Council: Condolences over bush fires

Voting recorded as follows:

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

Against: Nil

Prepared by	Karlie Chevalley, Executive Support Assistant
To be tabled	As listed above

e. TENDERS - Nil

7. NOTICE OF MOTIONS

ITEM	07.19.002	(PROPOSED) STRATEGIC ROAD IMPROVEMENT RESERVE
Meeting	Council	24 September 2019
Directorate	Notice of Motion	
Submitted by	Cr Jim Simmons	
Attachment	Nil	

SUMMARY

Intent of the motion is to use untied (surplus) cash from Council's reserves to establish a financial reserve for funding the upgrade of high priority regional or local gravel roads to bitumen seal and with a view to attracting grant funding.

PROPOSED MOTION

That Council

1. Receive a report to the October 2019 meeting that identifies three or more regional or local gravel roads within the Clarence Valley local government area where upgrading to sealed road standard would create significant strategic and/or economic value.
2. Seek and lobby State Government assistance to fund or jointly fund the three highest priority roads adopted by Council as being of significant strategic and/or economic value.
3. Establish a financial reserve to be known as the Strategic Road Improvement Reserve for the purpose of Council funding, and attempting to attract State Government funding or joint funding, for the upgrading of gravel roads to bitumen seal standard.
4. Transfer untied funds from Clarence Care + Support Reserves together with untied funds available from other financial reserves to the Strategic Road Improvement Reserve.
5. Identify further internal sources of funding, if any, for transfer to the Strategic Road Improvement Reserve.
6. Develop the necessary plans and costings to support funding applications that will enable the earliest construction commencement of the adopted upgrade priorities with such development to be funded from the Strategic Road Improvement Reserve.

MOTION

Simmons/Novak

That Council

1. Receive a report to the October 2019 meeting that identifies three or more regional or local roads or proposed roads within the Clarence Valley local government area where upgrading or construction to sealed road standard would create significant strategic and/or economic value.
2. Seek and lobby State and Federal Government assistance to fund or jointly fund the three highest priority roads adopted by Council as being of significant strategic and/or economic value.
3. Establish a financial reserve to be known as the Strategic Road Improvement Reserve for the purpose of Council funding, and attempting to attract State and Federal Government funding or joint funding, for the upgrading or construction of roads to bitumen seal standard.
4. Report to the November 2019 meeting on the untied funds available from Clarence Care + Support Reserves to be transferred to the Strategic Road Improvement Reserve.
5. Receive at the November 2019 meeting an analysis of all untied financial reserves to inform identification of further internal sources of funding, if any, for transfer to the Strategic Road Improvement Reserve.

6. Develop the necessary plans and costings to support funding applications that will enable the earliest construction commencement of the adopted upgrade or construction priorities with such development to be funded from the Strategic Road Improvement Reserve.

AMENDMENT TO MOTION

Williamson/Ellem

That Council

1. Receive a report to the November 2019 meeting that identifies three or more regional or local roads or proposed roads within the Clarence Valley local government area where upgrading or construction to sealed road standard would create significant strategic and/or economic value.
2. Seek and lobby State and Federal Government assistance to fund or jointly fund the three highest priority roads adopted by Council as being of significant strategic and/or economic value.
3. Establish a financial reserve to be known as the Strategic Road Improvement Reserve for the purpose of Council funding, and attempting to attract State and Federal Government funding or joint funding, for the upgrading or construction of roads to bitumen seal standard.
4. Report to the November meeting on the untied funds available from Clarence Care + Support Reserves to be transferred to the Strategic Road Improvement Reserve.
5. Receive at the November meeting an analysis of all untied financial reserves to inform identification of further internal sources of funding, if any, for transfer to the Strategic Road Improvement Reserve.
6. Develop the necessary plans and costings to support funding applications that will enable the earliest construction commencement of the adopted upgrade or construction priorities with such development to be funded from the Strategic Road Improvement Reserve.

Voting recorded as follows:

For: Kingsley, Lysaught, Williamson

Against: Novak, Ellem, Toms, Clancy, Baker, Simmons

The Amendment to Motion was put and declared LOST.

COUNCIL RESOLUTION – 07.19.002**Simmons/Novak****That Council**

1. **Receive a report to the October 2019 meeting that identifies three or more regional or local roads or proposed roads within the Clarence Valley local government area where upgrading or construction to sealed road standard would create significant strategic and/or economic value.**
2. **Seek and lobby State and Federal Government assistance to fund or jointly fund the three highest priority roads adopted by Council as being of significant strategic and/or economic value.**
3. **Establish a financial reserve to be known as the Strategic Road Improvement Reserve for the purpose of Council funding, and attempting to attract State and Federal Government funding or joint funding, for the upgrading or construction of roads to bitumen seal standard.**
4. **Report to the November 2019 meeting on the untied funds available from Clarence Care + Support Reserves to be transferred to the Strategic Road Improvement Reserve.**
5. **Receive at the November 2019 meeting an analysis of all untied financial reserves to inform identification of further internal sources of funding, if any, for transfer to the Strategic Road Improvement Reserve.**
6. **Develop the necessary plans and costings to support funding applications that will enable the earliest construction commencement of the adopted upgrade or construction priorities with such development to be funded from the Strategic Road Improvement Reserve.**

Voting recorded as follows:

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

Against: Kingsley

FORESHADOWED MOTION

Kingsley

That

1. The item be deferred to the Ordinary November meeting
2. A report be received at the November Ordinary Council meeting outlining available reserve funds that could be utilised to establish a strategic road improvement reserve.

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

1. Council continues to identify the urgent need for gravel road upgrade.
2. It is evident that there is a surplus of funds (untied) in Council financial reserves.
3. These surplus or untied funds can be used to improve gravel roads and to attract State and/or Australian Government funding for roads.

KEY ISSUES

Main issues include:

1. High importance to address gravel road maintenance backlog.
2. Provision of funding to improve gravel roads.

COUNCIL IMPLICATIONS**Budget/Financial**

Cost of developing the plans to support funding applications referred to in point 5 of the motion can be met from the (proposed) Strategic Road Improvement Reserve.

This also provides opportunity to review all Council financial reserves to ensure the funds are used to maximum benefit or priority areas.

STAFF COMMENTUnsealed Road Network

Since early 2018 Council has also considered a number of reports on the sealing of current gravel roads. They are as follows:

- Item 15.043/18 – March 2018 re sealing gravel roads and a benefit-cost analysis of sealing roads identified in report Item 13.103/11.
- Item 15.184/18 – October 2018 re detailed assessment of James Creek Road and McIntyres Lane
- Item 15.169/18 – October 2018 re sealing of Clarence Way following lodgement of a petition
- Item 15.028/19 – March 2019 re sealing of Clarence Way following lodgement of a petition
- Item 6a.19.007 – July 2019 re sealing of McIntyres Lane, Gulmarrad

During this time Council has:

- Considered the benefit-cost ratio for proposed sealing of 41 currently unsealed roads. The details of the cost benefit analysis are detailed in Table 1.
- Resolved to seal James Creek Road and McIntyres Lane as part of the 2019/20 capital works program.
- Resolved to develop plans to seal identified sections of Clarence Way and seek grant funding.

- Resolved to undertake research and development projects on a number of unsealed roads.

Table 1 – Benefit Cost ratio of unsealed road extract from 15.043/18

Road	Proposed Road Sealing Length	Benefit-Cost Ratio					
		Base Case Assessment			Low Cost Assessment		
		7% Discount Rate	3% Discount Rate	10% Discount Rate	7% Discount Rate	3% Discount Rate	10% Discount Rate
Patemans Road, Ashby	0.300 km	0.23	0.28	0.19	0.30	0.41	0.25
McIntyres Lane, Gulmarrad*	2.330 km	0.66	0.92	0.53	0.82	1.16	0.65
James Creek Road, James Creek	0.900 km	0.64	0.88	0.51	0.79	1.12	0.63
Red Hill Road, South Arm	0.415 km	0.06	0.05	0.06	0.11	0.13	0.10
Lower Kangaroo Creek Road, Coutts Crossing	3.850 km	0.30	0.40	0.25	0.39	0.54	0.32
Levenstrath Road, Levenstrath (Coutts Crossing)	2.160 km	0.17	0.20	0.14	0.23	0.31	0.19
Orara Downs Lane, Levenstrath (Coutts Crossing)	1.060 km	0.04	0.02	0.05	0.09	0.10	0.08
Clearview Road, Coutts Crossing	0.320 km	0.21	0.26	0.18	0.29	0.38	0.24
Sandy Swamp Road, Coutts Crossing	1.450 km	0.10	0.10	0.09	0.15	0.19	0.13
Ellis Road, Braunstone (Coutts Crossing)	0.490 km	0.07	0.06	0.06	0.11	0.14	0.10
Ashby-Tullymorgan Road, Ashby	3.00 km	0.32	0.42	0.26	0.41	0.56	0.33
Hosckes Lane, Maclean	0.320 km	0.10	0.10	0.09	0.15	0.19	0.13
North Street, Woombah	0.330 km	0.10	0.11	0.09	0.16	0.20	0.13
Clyde Essex Drive, Gulmarrad	0.320 km	0.02	-0.01	0.03	0.06	0.06	0.05
Paines Road, Ashby	0.560 km	-0.02	-0.07	0.00	0.01	-0.02	0.02
Dinjerra Road, Glenugie	2.000 km	0.47	0.65	0.38	0.60	0.84	0.48
Settlement Lane, Grafton	0.075 km	0.15	0.17	0.13	0.21	0.28	0.17
Fraser Lane, Grafton	0.140 km	0.13	0.15	0.12	0.20	0.25	0.16
Carrington Lane, Grafton	0.140 km	0.11	0.11	0.10	0.17	0.19	0.14
Powell Lane, Grafton	0.060 km	0.11	0.11	0.10	0.17	0.20	0.15
Four Mile Lane, Clarence	0.625 km	0.41	0.55	0.33	0.52	0.72	0.42
Glens Creek Road, Nymboida	1.500 km	0.18	0.22	0.15	0.25	0.33	0.20
Braunstone Road, Braunstone (Coutts Crossing)	1.825 km	0.13	0.15	0.11	0.19	0.24	0.15
Rugby Street, Copmanhurst	0.120 km	0.05	0.02	0.05	0.09	0.10	0.08
Angourie Street, Tucabia	0.730 km	0.05	0.03	0.05	0.09	0.10	0.08
Mookin Street, Tucabia	0.220 km	0.06	0.04	0.06	0.10	0.12	0.09
Bellengen Street, Tucabia	0.100 km	0.34	0.45	0.28	0.44	0.60	0.36
Bellengen Street, Tucabia	0.560 km	0.05	0.03	0.05	0.10	0.11	0.08
Sandon Street, Tucabia	0.310 km	0.04	0.02	0.05	0.09	0.10	0.08
Mookin Street, Tucabia	0.160 km	0.06	0.04	0.06	0.10	0.12	0.09
Clarence Way, Nettle Creek	1.630 km	0.16	0.20	0.14	0.23	0.31	0.19
Clarence Way, Dulgigin Creek	0.415 km	0.16	0.20	0.14	0.23	0.31	0.19
Clarence Way, Fineflower	0.730 km	0.16	0.20	0.14	0.23	0.31	0.19
Clarence Way, Malabugilmah	1.480 km	0.16	0.20	0.14	0.23	0.31	0.19
Mantons Road, Lawrence	2.000 km	0.18	0.22	0.16	0.25	0.33	0.21
Serpentine Channel South Bank Road, Harwood	3.300 km	0.15	0.18	0.13	0.22	0.29	0.18
Cannons Lane, Harwood	1.200 km	0.08	0.07	0.07	0.13	0.16	0.11
Warregah Island Road, Ashby	0.500 km	0.21	0.27	0.18	0.29	0.38	0.24
Nicholsons Lane, Harwood	1.250 km	0.12	0.13	0.10	0.17	0.22	0.14
Grays Road	0.510 km	0.34	0.44	0.28	0.44	0.59	0.36
Diggers Camp Road	0.100 km	0.55	0.75	0.45	0.69	0.95	0.56

Regional Roads

Clarence Way is currently the only unsealed regional road within the Clarence Valley Local Government Area.

As part of the 2018 NSW election campaign the State Government advised, that if re-elected, would take over funding and operations of regional roads that exist within regional NSW. Council has had discussions with the local member regarding the proposal and expressed the importance and need for the State

Government to take over Clarence Way in order to provide suitable funding to allow for upgrade works, which includes provision of a sealed surface. To date the State Government have not advised of timing of their proposed take over, likewise they have not advised of the arrangements that surround their proposal.

Untied funds from Clarence Care + Support (CCS) Reserves

The Untied funds in the CCS Reserves amount to \$3.288 million as at 30 June 2019 (unaudited). Allocation toward the Strategic Road Improvement Reserve increases the risk of Council's ability to complete the actions associated with Council resolution 08.19/002, which calls for Council to establish a Not-for-Profit entity to operate Clarence Care & Support with assistance from Council being via loan funding, the costs of which are unknown at this stage. The source of this loan funding was not identified in the Council resolution 08.19/002 and if the Untied CCS Reserves are allocated to the Strategic Road Improvement Reserve the loan funding will need to be sourced from other General Fund financial reserves.

Other Internal Sources of Funding for Strategic Road Improvement Reserve

The last report to Council regarding Reserves was June 2019 (Min 6c.19.003), which included a review of Financial Reserves and return to General Fund of \$419,483 with advice that the remaining Unrestricted Reserves would be reviewed during 2019/20.

Under the Improvement Strategies that secured Council's Fit for Future Status, last reported to Council in June 2019 (Min 6a.19.004), Council is still required to find operational savings of approximately \$4 Million over a two year period. Reports of progress will be 6 monthly.

8. CONFIDENTIAL BUSINESS - Nil**9. LATE ITEMS OF BUSINESS AND MATTERS ARISING**

ITEM	09.19.004	LOCAL GOVERNMENT 2020 ELECTION SERVICES
Meeting	Council	24 September 2019
Directorate	Corporate & Governance	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

SUMMARY

This report considers administration of the 2020 Clarence Valley Council local government election, scheduled for the second Saturday of September (12/09/2020).

OFFICER RECOMMENDATION

That Council

1. Decline the tender received from the Australian Electoral Commission in response to Tender REGPRO061819, for the provision of election services to conduct the 2020 local government election.
2. Thank Regional Procurement Initiative for hosting the Tender REGPRO061819 on behalf of Clarence Valley Council.
3. Seek costs and enter into a contract with NSW Electoral Commission for the provision of election services to conduct the 2020 local government election in accordance with s296(2) of the Local Government Act 1993 (NSW).

COUNCIL RESOLUTION – 09.19.004

Baker/Williamson

That Council

1. **Decline the tender received from the Australian Electoral Commission in response to Tender REGPRO061819, for the provision of election services to conduct the 2020 local government election.**
2. **Thank Regional Procurement Initiative for hosting the Tender REGPRO061819 on behalf of Clarence Valley Council.**
3. **Seek costs and enter into a contract with NSW Electoral Commission for the provision of election services to conduct the 2020 local government election in accordance with s296(2) of the Local Government Act 1993 (NSW).**

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

Since 2012, councils have been able to choose whether to conduct their own elections, or to enter into arrangements with the NSW Electoral Commission (NSWEC). Under Section 296AA, each council is required to resolve how the election is to be administered. Should a Council resolve to conduct its own elections, it may do this by way of a third party.

On 7 February 2019, the NSW Government commissioned the Independent Pricing and Regulatory Tribunal (IPART) to review the cost of conducting local government elections across the State. IPART was to recommend a costing methodology that minimised the financial burden on councils and ensured local government elections were conducted efficiently and cost effectively.

In light of this announcement, NSWEC was unable to provide cost estimates for providing 2020 election services until such time as the IPART report and Government's response was known.

Acknowledging this impact, the Office of Local Government announced in its 8 February 2019 Council Circular 19-02 (Attachment A), the deadline for resolving the administration of local government elections was extended to 1 January 2020. Following amendment to the Local Government Act, on 10 July the Office of Local Government issued a Council Circular 19-14 (Attachment B), which advised the date for resolving administration of local government elections was now scheduled for 1 October 2019 and this was confirmed in a media release by the Minister for Local Government (Attachment C) this week.

IPART returned its final report to the Minister for Local Government on 30 August 2019 and it was released publicly on 18 September 2019. A copy can be found online [IPART - Review of costs of conducting local government elections](#).

Prior to the announcement of the IPART Review, Regional Procurement Initiative called an open Single Source tender for the Provision of Local Government Election Services to Nominated Councils (REGPRO061819), on behalf of the following NSW Councils:

- MidCoast
- Port Macquarie-Hastings
- Dungog Shire
- Lake Macquarie City
- Lismore City
- Central Coast
- Wingecarribee Shire
- Coffs Harbour City
- Maitland City
- Singleton
- Clarence Valley
- Richmond Valley
- Port Stephens
- Kempsey Shire
- Nambucca Shire
- Norfolk Island Regional

This item was reported to Council (MIN 16.003/19) in February 2019, where it was resolved:

That:

1. *Regarding the tender received under Tender REGPRO061819 from the Australian Election Company (AEC) to provide NSW Local Government Election Services for the period 1 April 2019 to 31 March 2024, Council accept the AEC offer to honour its tender and postpone consideration of the tender until such time as IPART has conducted its review of pricing.*

2. *Under s296AA (1)(a), Council reserves the right to enter into a contract, or otherwise, with the NSW Electoral Commission, pending IPART's review of the NSW Electoral Commission's pricing for administration of elections.*
3. *Under Section 296AA (4) of the Local Government Act 1993 (NSW), Council publish a notice of failure to comply with s296AA (1) until such time as IPART has completed its review of NSW Electoral Commission's pricing for administration of elections.*

The NSW Government has released its response (Attachment D) to the IPART Review advising the IPART review has demonstrated the need for the Government to meet part of the costs of council elections and that it intends to fund the NSWEC's core costs in relation to the administration of local government elections.

Under the new funding model, costs will be assigned as either direct or core costs and allocated to councils or the NSW Government accordingly. The funding model will see costs allocated on the following basis:

- Direct (or marginal) costs are the costs that would not be incurred if an election was not held. These will be recovered from councils on a direct allocation and per elector basis. These include election staffing, venues, ballot paper printing, council specific advertising and voter information products.
- Core costs are defined as head office costs such as staff payroll, training, election security, project management, drafting of election procedures and policies, core IT system development and maintenance and ongoing voter roll maintenance. These are the costs the NSWEC must incur to maintain its capacity to conduct local government elections. The NSW Government will fund these core costs of \$19.9 million.

It is proposed that the NSW Government's funding contribution will result in an indicative weighted average cost per elector of \$8.21, which will be passed onto councils, compared to a weighted average cost per elector of \$12.72 if no NSW Government contribution was provided.

KEY ISSUES

- Due to limited internal resources and expertise, the Executive is not confident that Council has the capacity to administer its own elections and as such proposes the administration of the 2020 election be outsourced in its entirety.
- Council is required to respond to the Australian Election Company (AEC) tender received in response to Tender REGPRO061809 now that the IPART Review of pricing has been completed.
- Council is required to resolve administration of its 2020 election before 1 October 2019.
- At the time of writing this report, the actual costs associated with NSWEC's administration of the 2020 election was unknown. However, if the NSW Government's proposed weighted average cost per elector is \$8.21, the indicative cost of the election for Clarence Valley Council based on the total 2016 electors (39,070) is estimated at \$320,764. NSWEC confirmed by email on Friday 20 September, it would provide complete pricing on Tuesday 24 September 2019.
- Council has until 1 January 2020 to seek costs and enter into a contract with NSWEC.
- The cost of the 2016 election was approximately \$272,300, not including any in kind support provided.

COUNCIL IMPLICATIONS

Budget/Financial

The available budget for the tender is Elected Member Operations PJ991001 and costs allocated to this number are funded from financial reserve RA10360 Election Cost Reserve. Annual contributions to this Reserve intend that the Reserve will stand at \$300,000 by 2020/2021. The full cost of administering the election is not yet known, and Council may be required to vary the 2020/2021 contribution accordingly.

Indicative costs are provided by AEC's Tender Price Schedule (Confidential Attachment E):

- Option 1 - fees associated with full administrative services
- Option 2 - partial outsourcing with Council providing the items listed and additional savings if a local Returning Officer is used.

NSWEC has advised that costs will be available on Tuesday 24 September 2019, the day of the Council meeting.

Asset Management

N/A

Policy or Regulation

The Local Government Act provides governance for the administration of local government elections.

Consultation

N/A

Legal and Risk Management

The Local Government Act provides governance for the administration of local government elections.

A key risk is Council's ability to self administer the local government election and it is proposed this be mitigated by outsourcing election services in their entirety.

Climate Change

N/A

Prepared by	Laura Black, Director Corporate & Governance
Attachment	Attachment A – OLG Council Circular 19-02 Attachment B – OLD Council Circular 19-14 Attachment C – LGNSW Media Attachment D – Government Response to IPART Review
Confidential	Attachment E – Australian Election Company REGPRO061819 Tender Price Schedule

10. CLOSE OF ORDINARY COUNCIL MEETING

There being no further business the Ordinary Council meeting closed at 6.16 pm.