



clarence
VALLEY COUNCIL

2019

Ordinary Council Meeting



Minutes

Maclean Chambers

Tuesday, 25 June 2019 - 2.00 pm

Agenda

- 01 OPENING OF ORDINARY MEETING
- 02 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE
- 03 DISCLOSURES AND DECLARATION OF INTERESTS
- 04 CONFIRMATION OF MINUTES OF ORDINARY COUNCIL MEETING HELD 28 MAY 2019
- 05 MAYORAL MINUTES
- 06 REPORTS
 - a GENERAL MANAGER
 - 6a.19.001 [Integrated Planning and Reporting Framework](#)
 - 6a.19.002 [2019/2020 Rates and Charges](#)
 - 6a.19.003 [Debtors Bad Debts Review and Debt Write-Off](#)
 - 6a.19.004 [Improvement Strategies Proposal](#)
 - 6a.19.005 [James Creek Road Watermain](#)
 - 6a.19.006 [Former Visitor Information Centre, South Grafton – Lot 2 DP 839420](#)
 - b ENVIRONMENT, PLANNING AND COMMUNITY COMMITTEE
 - 6b.19.001 [REV2019/0001 – Request to Review Council’s Determination to Refuse MOD2019/0013 for a Modification of DA2016/0540 - Recreation Facility \(Outdoor\) – Private Motocross Track – 436 Tallawudjah Creek Road, Glenreagh \(Lot 2 DP264272\)](#)
 - 6b.19.002 [DA2019/0044 – Alterations and Additions to Aged Care Facility \(Increase from 63 to 83 Beds\) – No. 126 North Street, Grafton](#)
 - 6b.19.003 [Modification of Development Consent SUB2018/0020 by MOD2019/0022 – to Delete Condition 5 and 6 Relating to Dip Site – 3131 Clarence Way, Newbold](#)
 - 6b.19.004 [Petition by Biirinda & Harwood Island Community and Request by the Harwood Public Hall Manager](#)
 - 6b.19.005 [Requirements of the Crown Land Management Act 2016 in Regards to the Financial Accounting of Crown Reserves Under Council’s Control](#)
 - 6b.19.006 [Balloons on Council Controlled Lands](#)
 - 6b.19.007 [Climate Change Advisory Committee](#)
 - 6b.19.008 [Donations: 2019/2020 Community Initiatives Program – Round 1](#)
 - 6b.19.009 [Donations: Development Application Fee Waivers – The Gallery Foundation and Lawrence Historical Society](#)
 - 6b.19.010 [Clarence Valley Cultural Committee](#)
 - 6b.19.011 [Development Applications](#)
 - 6b.19.012 [Clarence Valley Local Environmental Plan 2011 \(Amendments No. 39 & 40\)](#)
 - c CORPORATE, GOVERNANCE AND WORKS COMMITTEE
 - 6c.19.001 [Review of Clarence Valley Council Logos](#)
 - 6c.19.002 [2019/20 Special Event Sponsorship Program – Round One](#)
 - 6c.19.003 [2018/19 Monthly Financial Report – May 2019](#)
 - 6c.19.004 [Review of Policies](#)
 - 6c.19.005 [Council Meeting Checklist – Update on Actions Taken](#)

- 6c.19.006 [Glenreagh Pool, Shannon Park \(Crown Land\) – Response to Improvement Strategy](#)
- 6c.19.007 [Recreational Fishing Trust Funding Offer](#)
- 6c.19.008 [Yamba Road/Treelands Drive Roundabout](#)
- 6c.19.009 [Alcohol Prohibited Areas – Jacaranda Festival – Part on Crown Land](#)
- 6c.19.010 [Baryulgil Waste Transfer Station – Trial Management \(Gating and Staffing\)](#)
- 6c.19.011 [Property 112290 \(Palmer's Island\) – Request for Council to Undertake Renewal of Riverbank Protection Works](#)
- 6c.19.012 [North Grafton Sewage Treatment Plant Environmental Impact Statement](#)
- 6c.19.013 [Review of Classification of Maud Lane, Grafton](#)
- 6c.19.014 [The Sealing of 1,066 Metre Long Section of McIntyres Lane New Pacific Highway Alignment to the Existing Seal at Sheehans Lane Gulmarrad](#)
- 6c.19.015 [Rehabilitation of Former Maclean, Townsend & Ilarwill Sewage Treatment Plants – Update Report](#)
- 6c.19.016 [Lifeguard Service, Patrolled Beach Summary 2018-2019 Season – On Crown Land](#)
- 6c.19.017 [Quarterly Report – Regional Water Supply Heads of Agreement between Clarence Valley Council, Essential Energy and NSW Government](#)
- 6c.19.018 [Works Report](#)
- 6c.19.019 [Nymboida Hydro Electric Power Station – Status Report 1](#)
- 6c.19.020 [Enterprise Asset Management Project Update](#)
- 6c.19.021 [Monthly Investment Report – May 2019](#)

d [INFORMATION ITEMS](#)

- 6d.19.001
 1. Coaldale Barretts Creek Hall Committee
 2. Nymboida Hall Management Committee
 3. Oyster Cove Foreshore Reserve Management Committee
 4. Tucabia Community Hall
 5. Dundurrabin Community Centre Committee
 6. Clarence Valley Coast & Estuary Management Committee
 7. Clarence Valley Access Committee
 8. Clarence Regional Library Committee
 9. Shadow Minister for Emergency

e TENDERS

- 6e.19.001 [Tender 10023521 – Convent Beach Pressure Sewerage System](#)
- 6e.19.002 [Archive Facility – Clarence River Historical Society](#)
- 6e.19.003 [T19/011 Construction of Yamba Sportsfield Clubhouse Facility Located on Crown Land – to be distributed separately](#)

07 NOTICE OF MOTIONS

08 CONFIDENTIAL BUSINESS

- 08.19.001 Romiaka Channel Bridge Replacement – Contractor Negotiations – LGA 10A 2 (c)

09 LATE ITEMS OF BUSINESS AND MATTERS ARISING

10 CLOSE OF ORDINARY MEETING

MINUTES of the ORDINARY MEETING of the CLARENCE VALLEY COUNCIL held in the Council Chambers, Maclean, 25 June 2019, commencing at 2.00 pm.

PRESENT

Cr Jim Simmons (Mayor), Cr Jason Kingsley, Cr Andrew Baker, Cr Arthur Lysaught, Cr Peter Ellem, Cr Karen Toms, Cr Debrah Novak, Cr Richie Williamson, Cr Greg Clancy, General Manager (Ashley Lindsay), Director Environment, Planning & Community (Des Schroder), 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

Summary of Declarations to Council

<i>Name</i>	<i>Item</i>	<i>Nature of Interest</i>	<i>Reason/Intended Action</i>
Mr Lindsay	6e.19.003	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Life member of the Clarence Coast Magpies JRLFC and a volunteer for the Lower Clarence RLFC. Intended action: Remain in the Chamber.
Cr Toms	6a.19.001 Point 2 e	<input checked="" type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: Contract manager of Iluka Riverside Holiday Park Intended action: Leave the Chamber for any discussions on holiday park fees.
Cr Novak	6c.19.011	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Friend of the applicant's daughter, Property 112290 Intended action: Leave the chamber
Cr Ellem	6a.19.005	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Friend of Neil Garrard Intended action: Leave the Chamber.

CONFIRMATION OF MINUTES

COUNCIL RESOLUTION – 10.003/19

Kingsley/Clancy

That the Minutes of the Ordinary Meeting of Council dated 28 May 2019, copies of which have been circulated, be taken as read and be confirmed.

Voting recorded as follows:

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

Against: Nil

MAYORAL MINUTES - Nil

6. REPORTS**a. GENERAL MANAGER**

ITEM	6a.19.001	INTEGRATED PLANNING AND REPORTING FRAMEWORK
Meeting	Council	25 June 2019
Directorate	Corporate & Governance	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

SUMMARY

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

The documentation underpins the activities of the Council, achieves the direction set by the elected members in the Delivery Program and the aspiration identified by the community in the Community Plan, Clarence 2027. The accompanying documentation also includes an annual budget, the resourcing strategy and Fees and Charges.

This report addresses the feedback received during the period of public exhibition and consultation, advises of amendments made to documentation and seeks Council's resolution.

OFFICER RECOMMENDATION

That

1. In accordance with Pricing and Costing for Council Businesses - A Guide to Competitive Neutrality, Council declares that the following services be adopted as business activities for 2019/2020:
 - Category 1 (where gross operating turnover is over \$2 million)
 - a) Clarence Valley Council Water Supply
 - b) Clarence Valley Council Sewerage Services
 - c) Clarence Coast Holiday Parks – Camping and Caravan Park Accommodation
 - d) Clarence Valley Council Clarence Care and Support
2. The following documentation as presented in attachments to this report, be adopted by Council:
 - a) the draft 2017 – 2021 Delivery Program, the revision of which is detailed in the body of this report
 - b) the draft 2019 – 2020 Operational Plan
 - c) the resourcing strategy incorporating the Asset Management Strategy (2019/2020 – 2028/2029), Workforce Strategy (2017/2018 – 2020/2021) and Long Term Financial Plan (incl Capital Works Program) (2019/2020 – 2028/2029), the revision of which is detailed in the body of this report.
 - d) the draft 2019 – 2020 budget, the revision of which is detailed in the body of this report.
 - e) the draft 2019 – 2020 Fees and Charges, the revision of which is detailed in the body of this report.
3. On adoption, the documents be made available on Council's website.
4. Council allocate \$20,000 for the preparation of a business plan for a Grafton Freight Hub, in the 2019/20 budget and that this be reflected in the 2019/2020 Q1 revised budget.

Having declared an interest in Item Point 2 (e), Cr Toms left the Chambers at 2.09 pm returned at 2.10 pm.

MOTION

Simmons/Novak

That Council deal with Item 2 (e) separately from the Officer Recommendation to allow Cr Toms to be absent.

Voting recorded as follows:

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

Against: Nil

COUNCIL RESOLUTION – 6a.19.001

Williamson/Lysaught

- 2. e) That the draft 2019 – 2020 Fees and Charges as presented in the attachments to this report, the revision of which is detailed in the body of this report, be adopted by Council.**

Voting recorded as follows:

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

Against: Nil

COUNCIL RESOLUTION – 6a.19.001

Williamson/Lysaught

That

- 1. In accordance with Pricing and Costing for Council Businesses - A Guide to Competitive Neutrality, Council declares that the following services be adopted as business activities for 2019/2020:
Category 1 (where gross operating turnover is over \$2 million)**
 - a) Clarence Valley Council Water Supply
 - b) Clarence Valley Council Sewerage Services
 - c) Clarence Coast Holiday Parks – Camping and Caravan Park Accommodation
 - d) Clarence Valley Council Clarence Care and Support
- 2. The following documentation as presented in attachments to this report, be adopted by Council:**
 - a) the draft 2017 – 2021 Delivery Program, the revision of which is detailed in the body of this report
 - b) the draft 2019 – 2020 Operational Plan
 - c) the resourcing strategy incorporating the Asset Management Strategy (2019/2020 – 2028/2029), Workforce Strategy (2017/2018 – 2020/2021) and Long Term Financial Plan (incl Capital Works Program) (2019/2020 – 2028/2029), the revision of which is detailed in the body of this report
 - d) the draft 2019 – 2020 budget, the revision of which is detailed in the body of this report.
- 3. On adoption, the documents be made available on Council's website.**
- 4. Council allocate \$20,000 for the preparation of a business plan for a Grafton Freight Hub, in the 2019/20 budget and that this be reflected in the 2019/2020 Q1 revised budget.**

Voting recorded as follows:

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

Against: Nil

AMENDMENT TO MOTION

Baker/Kingsley

That

1. In accordance with Pricing and Costing for Council Businesses - A Guide to Competitive Neutrality, Council declares that the following services be adopted as business activities for 2019/2020: Category 1 (where gross operating turnover is over \$2 million)
 - a) Clarence Valley Council Water Supply
 - b) Clarence Valley Council Sewerage Services
 - c) Clarence Coast Holiday Parks – Camping and Caravan Park Accommodation
 - d) Clarence Valley Council Clarence Care and Support
2. The following documentation as presented in attachments to this report, be adopted by Council:
 - a) the draft 2017 – 2021 Delivery Program, the revision of which is detailed in the body of this report
 - b) the draft 2019 – 2020 Operational Plan
 - c) the resourcing strategy incorporating the Asset Management Strategy (2019/2020 – 2028/2029), Workforce Strategy (2017/2018 – 2020/2021) and Long Term Financial Plan (incl Capital Works Program) (2019/2020 – 2028/2029), the revision of which is detailed in the body of this report
 - d) the draft 2019 – 2020 Budget, the revision of which is detailed in the body of this report.
3. On adoption, the documents be made available on Council’s website.
4. Council allocate \$20,000 for the preparation of a Business Plan for a Grafton Freight Hub, in the 2019/20 budget and that this be reflected in the 2019/2020 Q1 Revised budget.
5. With the exclusion of the McIntyres Lane sealing from the capital works program to be dealt with separately at Item 6c.19.014.

POINT OF ORDER - Cr Toms objected to the amendment on the grounds that it is unlawful as this matter was resolved at Item 17.007/19 in April 2019.

The Chair upheld the point of order and ruled the amendment out of order.

MOTION OF DISSENT

Baker

Voting recorded as follows:

For: Kingsley, Baker, Williamson

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

The Motion of Dissent was put and declared LOST.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.1 Develop a clear plan for the community through Integrated Planning & Reporting

BACKGROUND

Consultation and Submissions

The public exhibition and consultation period included availability of documentation at our Customer Service Centres and online, a Clarence Conversation available online and which attracted 386 views, advice through the media and coordination of two community drop in centres at which the Executive team and the Mayor were present to speak with 3 resident groups in total, in Grafton (0) and Maclean (3).

A total 17 written submissions were received and a summary of those along with recommended action follows:

	Submission by	Request	Recommended Action
1.	Grace Westera	Request for inclusion of funds in the 2019/2020 budget for the purchase of property for future community facilities in Gulmarrad.	Nil - A strategic framework for new and existing community hall facilities (community centres) is being prepared. It is recommended that any proposals for new community facilities be assessed against the framework, which is to be presented to Council in 2019/20. In relation to this specific request, it has previously been advised that the future residential heart of Gulmarrad will be at the corner of Sheehans and Brooms Head road not the location identified by the submission.
2.	Chris Gosewisch	Request for action in relation to the South Grafton levy to ensure protection of South Grafton.	Action underway in accordance with resolution 13.015/19 (May 2019).
3.	Susan Roberts	Request floor repair to the Hydro Pool at the Leisure Centre at South Grafton.	Nil - The pool surface was repaired and repainted in 2017, the marks on the floor resulted due to patches of the paint delaminating, these have been inspected and assessed as superficial, not creating a safety risk or otherwise impacting the pool operation. At this time there is no planned maintenance or renewal of the paint.
4.	Macleay Lions Club	Request consideration of changing the entrance of the Library carpark in Macleay, from the northern side to the Eastern (motel/ bowling club side).	Staff have met with Club representatives onsite, a temporary entrance into the car park as described is to be activated on market days with a standard Traffic Control Plan prepared in support will be completed within existing resources.
5.	Derek Klenk	Request consideration for the re-establishment of a bus shelter to Craig Street, adjacent the TAFE Campus - opposite KFC.	Nil - The previous bus shelter was removed due to vandalism. A replacement is estimated at \$18k. There is no budget for installation and it is not considered a priority.
6.	Cherie Kirkman	Request maintenance on Kangaroo Creek Road.	Development of a road widening project list has commenced, assessment of Kangaroo Creek Road will be included. It is unknown at this stage where it sits as a priority.
7.	Scott Graham	Request review of fee structure.	Nil – Further information sought to respond. Generally, Council's fees and charges are applicable at the time of application or in the case of licenses are issued once in the year for efficiency.
8.	Vicki St Lawrence	Request South Grafton pool be retained.	Nil – At its meeting 28 May 2019 Council resolved to retain the current management contract and operation of the South Grafton Pool until October 2021, the pool has been identified as a discretionary service and changes to the way the service is provided need to be made to enable Council to achieve its Fit for the Future status.

	Submission by	Request	Recommended Action
9.	LOETUS	Request being consulted on development of KPIs relating to multicultural activities.	Noted.
10.	A Todd	Requests urgent repairs to single lane section of Kangaroo Creek Road.	See above response 6.
11.	Don Wratten	Requests urgent repair or upgrade to Kangaroo Creek Road.	See above response 6.
12.	Robyn Shelley	Requests use of savings to retain community pools.	Nil – Future of South Grafton and Ulmarra pools determined in May 2019, Glenreagh to be considered in June 2019.
13.	Imelda Jennings	Requests CVC: a) Ensure all projects come in on budget and not have cost blowouts we have seen in the past. b) Provide for the smaller villages and not “regional”. c) Invest in managing tourism and not just advertise for tourists. d) Protect the natural environment – it is our biggest and best asset.	Noted.
14.	Phill Belletty	Requests CVC join a partnership to deliver the Grafton Chamber ‘Freight Hub’ proposal.	Recommended Council support forming a working group as outlined, to further develop a business case to bring back for Council with funding options. And that Council allocate an initial \$20,000 to develop the business plan. It should also be noted that this group aligns with the recently released Freight strategy from RDA Northern Rivers for local freight precincts, which advocates for local working groups. In addition it has been indicated by Transport for NSW that freight volumes at a local road level should be available by the end of 2019, which would underpin any future feasibility study. The business plan should prioritise the stage 1 idea of a rail crossing to the existing freight yard as a priority.
15.	John Hagger	Requests various items be considered:	
		Flora Red Road – investigate opening of northern end of road to Qwyarigo and Orara Way.	Nil – not a current consideration. The land is not in control of Council.
		A review of rating categories.	Nil – A full categorisation review was undertaken in 2016/17. With an ongoing review of farmland properties occurring annually at a rate of 25%.
		A moratorium on progression of the Grafton Regional Aquatic Centre.	Noted.
		Change in location for Australia Day events, including outdoor.	Nil – events alternate between upper and lower Clarence and are held indoors for ease of planning around weather.
		Consideration of Council no longer engaging in the operation of Community Care.	Noted.
		Employment of an Officer within Council - Responsible for migration to the Clarence.	Nil – this is the role of the economic development team.

	Submission by	Request	Recommended Action
		Development of a plan for public exhibition to reduce Council's workforce via natural attrition.	Nil – There has been a decline in Council's FTE in recent years to meet commitments to meet the State Governments financial sustainability benchmark. All positions are reviewed as they become vacant.
		Allow the Ulmarra Pool Group to run Ulmarra Pool, as outlined in their proposal for 2 years.	Nil – Council resolved to demolish Ulmarra Pool at its May meeting.
		Develop a long term plan for filtration and flocculation of our water supply	Nil - Council is currently undertaking a 5 yearly review of its Drinking Water Management System (DWMS) which was adopted by Council at its meeting of 19 August 2014 (Resolution 13.167/14). The DWMS risk assessment include consideration of the treatment barriers required to address the Australian Drinking Water Guidelines (ADWG) requirements.
		Collaborate with State & Federal Government for removal of asbestos concrete pipes from our water supply.	Nil - Council is guided by the ADWG and NSW Health requirements in terms of prioritising addressing health risks. Asbestos cement pipes are currently replaced as part of Council's water main renewal program. The pipe renewal program is determined based on asset condition.
		Establish a database for all students and residents living within 1km of the depot.	Nil – No authority under Privacy Act.
		Councillors should act within the confines of their own policies and codes.	Noted.
		Increase the promotion of the Clarence as a safe and welcoming region and actively promote participation with proactive attempts to encourage the development of the region in inclusive and welcoming ways	Noted – current focus of communication and marketing.
		The last few months has seen a reversion to a silo and siege mentality on Councils part.	Noted.
16.	Leigh Chiplin	Requests Council operate like a business with balanced budgets, contained costs and quality essential services.	Nil – Local Government authorities aim to provide a range of discretionary and non-discretionary services that address community wellbeing broadly.
17.	Harwood Public Hall Reserve Land Manager	Request a new Public Toilet and Wastewater Management Facility at Harwood Island.	Subject of a separate report to Council (June), recommending the Economic Development Team prioritise working with the Harwood community to prepare a Community Economic Development Plan (CEDP).

Note the above submissions result in the recommended inclusion of an additional \$20,000 expenditure in the 2019/20 budget as follows:

That Council allocate \$20,000 for the preparation of a Business Plan for a Grafton Freight Hub, in the 2019/20 budget and that this be reflected in the 2019/20 Q1 Revised budget.

Since placing the Integrated Planning & Reporting documentation on public exhibition, the capital works program has been revised with the key points being:

- a. Allocation of successful Bridges Renewal Program funding of \$629,890 Middle Creek Bridge, Kungala Road and Middle Creek Bridge, Sherwood Creek Road and reallocation of RA and Roads to Recovery grants.
- b. Scope of work on Glenn Innes Road has been revised and re-estimated at \$407,000, with a reallocation of \$310,000 SRV to the reseal program.
- c. Advice of receipt of an additional \$410,000 in Roads to Recovery funds, taking the total to \$2,051,366.
- d. Inclusion of McIntyre's Lane seal (1,066m) in accordance with Item 17.007/19 funded from Roads to Recovery funds.
- e. Hakea Park Yamba was completed in 2018/19 and has been removed from the program and replaced with Fisher Park exercise equipment, as identified in the strategy for upgrades.

During the public exhibition period, advice was received from Revenue NSW that Council is required to pay an additional \$219,785 toward the Emergency Services Levy. This allocation has been included in the draft 2019/20 budget. It should be noted, local government broadly and Clarence Valley Council specifically, has challenged this cost shifting and should a reversal be applied it will be reported to a 2019/20 Quarterly Budget Review.

During the public exhibition period, the following revision has been undertaken in relation to the draft Fees and Charges:

New Fee – Late Fee for registration fee has not been paid 28 days after the date on which the animal is required to be registered, a late fee of \$16

Reinstated fees for sound and lighting at Maclean Civic Hall – lighting and sound system have been upgraded so fee to be charged.

Clarence Valley Council Community Halls Maclean Civic Hall; JT Pavilion: Main Pavilion; Chatsworth Hall; Iluka Community Hall Community Hire	2018/2019 Fee	2019/2020 Fee	% Increase	\$ Increase
Sound & Lighting system – Community Group – entry charge – Production Hire: Rehearsal – Per usage	\$13.00	\$13.30	2.31%	\$0.30
Sound & Lighting system – Community Group – entry charge – Production Hire: 1 – 3 Productions	\$116.00	\$119.00	2.59%	\$3.00
Sound & Lighting system – Community Group – entry charge – Production Hire: 4 -5 Productions	\$231.50	\$237.50	2.59%	\$6.00
Sound & Lighting system – Community Group – no entry charge – Production Hire: Rehearsal – Per usage	\$6.50	\$6.70	3.08%	\$0.20
Sound & Lighting system – Community Group – no entry charge – Production Hire: 1 – 3 Productions	\$58.45	\$60.00	2.65%	\$1.55
Sound & Lighting system – Community Group – no entry charge – Production Hire:4 -5 Productions	\$121.00	\$124.00	2.48%	\$3.00
Clarence Valley Council Community Halls Maclean Civic Hall; JT Pavilion: Main Pavilion; Chatsworth Hall; Iluka Community Hall Commercial/Private Hire				
Sound & Lighting system – Business Organisation – Meeting only – Per usage	\$58.50	\$60.00	2.56%	\$1.50
Sound & Lighting system – Business Organisation – Function – Per usage	\$116.00	\$119.00	2.59%	\$3.00
Sound & Lighting system – Private hirer – Private Function – Per usage	\$116.00	\$119.00	2.59%	\$3.00
Sound & Lighting system – Private hirer – Fund Raiser (proof required) – Per usage	\$58.50	\$60.00	2.56%	\$1.50

Narrative change only – Scanning of hard copy development and construction certificate applications. Effective from 1 September 2019.

Fee amount changes – Notification received from OLG on new fees from 1/7/19.

Fee Name	2018/2019 Fee	2019/2020 Fee	\$ Increase
Registration Fee: Non Desexed Cat	207.00	210.00	3.00
Registration Fee: Non Desexed Dog	207.00	210.00	3.00
Registration Fee: Pensioner Desexed Cat	24.00	25.00	1.00
Registration Fee: Pensioner Desexed Dog	24.00	25.00	1.00
Registration Fee: Desexed Cat/Registered Breeder Cat	57.00	58.00	1.00
Fee for late payment of registration fee	-	16.00	16.00
Registration Fee: Desexed Dog/Registered Breeder Dog	57.00	58.00	1.00
Registration Fee: Animal Under 6 months not desexed	57.00	58.00	1.00

Inclusion of the Water Connection fee increases, which were omitted during public exhibition.

Clarence Valley Council Water & Sewer Water Connection Fees	2018/2019 Fee	2019/2020 Fee	% Increase	\$ Increase
20mm Service – for properties charged an availability charge prior to 28th June 2005 or new lots created by subdivision	1,364.00	1,398.00	2.49%	34.00
20mm service – for properties not charged an availability charge prior to 28th June 2005 (including properties which have been subsequently deconsolidated for ratings purposes) or for an additional connection (less any capital contributions paid)	6,181.00	6,296.00	1.86%	115.00
25mm service – for properties charged an availability charge prior to 28th June 2005 or upgrading existing 20mm service (less any capital contributions paid)	7,931.00	8,083.00	1.92%	152.00
25mm service – for properties not charged an availability charge prior to 28th June 2005 or for an additional connection (less any capital contributions paid)	12,748.00	12,981.00	1.83%	233.00
32mm service for properties charged an availability charge prior to 28th June 2005 or upgrading existing 20mm service (less any capital contributions paid)	14,091.00	14,354.00	1.87%	263.00
32mm service – for properties not charged an availability charge prior to 28th June 2005 or for an additional connection (less any capital contributions paid)	18,908.00	19,252.00	1.82%	344.00
40mm service – for properties charged an availability charge prior to 28th June 2005 or upgrading existing 20mm service (less any capital contributions paid)	21,426.00	21,816.00	1.82%	390.00
40mm service – for properties not charged an availability charge prior to 28th June 2005 or for an additional connection (less any capital contributions paid)	26,243.00	26,714.00	1.79%	471.00
50mm service – for properties charged an availability charge prior to 28th June 2005 or upgrading existing 20mm service (less any capital contributions paid)	62,506.00	63,611.00	1.77%	1,105.00
50mm service – for properties not charged an availability charge prior to 28th June 2005 or for an additional connection (less any capital contributions paid)	67,317.00	68,509.00	1.77%	1,192.00

Requests were also received from both Iluka and Brooms Head Holiday Park Managers to allow continuation of the Seniors Discount at these respective holiday parks for 2019/2020. In accordance with Council's previous decision to phase out the seniors discount at holiday parks over two years, this change is not recommended by staff.

KEY ISSUES

The key points to note:

- A Long Term Financial Plan that identifies Clarence Valley Council meeting its sustainability obligations in 2020/2021, with a General Fund Operational Surplus of \$560,306.
- The additional \$3.3M in ordinary rate revenue generated from an SRV in 2019/2020 will be spent on roads and roads related assets renewals.
- A 2018/2019 Net Result (after loan repayments, depreciation and transfers from Reserves) deficit of \$140,398.
- Inclusion in the Long Term Financial Plan of \$8.6M savings over four years through improvement strategies.
- Loan repayments of \$7,040,448 for 2019/2020, the majority of which is servicing Sewer loans.
- A Capital Works Program totalling \$56 Million, the key features being an allocation of \$21 Million to road and bridge infrastructure projects and approximately \$14 Million allocated to open spaces, community facility and building projects.
- Fees and Charges seeing the completion of the Council decision of 2017 to phase out the seniors discount at caravan parks over two years and increased fees at Grafton Regional Airport in line with the sector.
- An Operational Plan that identifies actions that will be undertaken in 2019/2020 to meet the objectives of the Delivery Program.
- An Asset Management Plan that provides a framework to guide planning, construction, maintenance and operation of Council's physical assets.

COUNCIL IMPLICATIONS**Budget/Financial**

The subject of this report gives consideration to Council's operation budget for 2019/20, detailing a net deficit of \$140,398 and details the Long Term Financial Plan meeting a General Fund operational surplus in 2020/2021 with a surplus of \$560,306.

Asset Management

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

Policy or Regulation

Preparation of Integrated Planning and Reporting Framework documentation is regulated by the Local Government Act.

Consultation

Consultation on Council's draft Integrated Planning and Reporting Framework documentation is detailed in the body of the report.

Legal and Risk Management

Council is required to adopt a budget in June of each year to affect operations of the following financial year.

Climate Change

N/A

Prepared by	Laura Black, Director Corporate & Governance
Attachment	A. Revised Delivery Program 2017 – 2021 and Revised Operational Plan 2019/2020 B. Draft Asset Management Plan 2019/2020 – 2028/2029 (TO BE TABLED) C. Workforce Management Strategy 2017/2018 – 2020/2021 (TO BE TABLED) D. Draft Long Term Financial Plan (2019/2020 – 2028/2029) E. Draft Annual Budget Summary Statement 2019/2020 F. Draft Annual Budget by Service 2019/2020 (TO BE TABLED) G. Draft 2019/2020 Fees and Charges (TO BE TABLED) H. Draft Capital Works Program 2019/2020 I. IP&R Submissions

ITEM	6a.19.002	2019/2020 RATES AND CHARGES
-------------	------------------	------------------------------------

Meeting	Council	25 June 2019
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Yes	

SUMMARY

This report contains recommendations regarding the making and levying of the Rates and Charges for 2019/2020.

OFFICER RECOMMENDATION

That Council in accordance with the provisions of Sections 493, 494, 496, 501, 502, 503, 542, 552 and 553 of the Local Government Act of 1993 (NSW) make and levy the following Rates and Charges for the year commencing 1 July 2019 and ending 30 June 2020.

8% Special Rate Variation**1. Ordinary Rates (Section 494)**

- (i) A Residential Rate of point six six zero five five cents (0.66055c) in the dollar on the Rateable Land Value of all rateable land categorised as Residential with a minimum rate of Five Hundred and Ninety Nine Dollars (\$599.00), in respect of any separate parcel of rateable land. Land that has been identified as "Residential-Flood Prone Land" the minimum rate/base amount will not apply. The Rate to be known as the "Residential Rate".
- (ii) A Residential Rate of point four three zero two zero cents (0.43020c) in the dollar on the Rateable Land Value of all rateable land in the coastal villages of Angourie, Brooms Head, Diggers Camp, Iluka, Minnie Water, Sandon River, Woolli and Wooloweyah categorised as Residential, sub category "A", with a minimum rate of Five Hundred and Ninety Nine Dollars (\$599.00). The rate to be known as the Residential Rate "A".
- (iii) A Residential Rate of point five four one nine three cents (0.54193c) in the dollar on the Rateable Land Value of all rateable land within the towns of Maclean and Townsend categorised as Residential, sub-category "B", with a base amount of Four Hundred and Fifty Dollars (\$450.00). The revenue from the base amount to be approximately 42.91% of the revenue from this rate. The rate to be known as the "Residential Rate B".
- (iv) A Residential Rate of point three nine six seven seven cents (0.39677c) in the dollar on the Rateable Land Value of all rateable land in the town of Yamba categorised as Residential, sub category "C", with a base amount of Four Hundred and Fifty Dollars (\$450.00). The revenue from the base amount to be approximately 31.97% of the revenue from this rate. The rate to be known as the "Residential Rate C".
- (v) A Residential Rate of point eight four one six three cents (0.84163c) in the dollar on the Rateable Land Value of rateable land in the city of Grafton and village of Junction Hill categorised as Residential, sub-category "E" with a base amount of Four Hundred and Fifty Dollars (\$450.00). The revenue from the base amount to be approximately 36% of the revenue from this rate. The rate to be known as the "Residential Rate E".

- (vi) A Business Rate of point six six six nine four cents (0.66694c) in the dollar on the Rateable Land value of all rateable land with a base amount of Four Hundred and Fifty Dollars (\$450.00) for all land categorised as Business. The revenue from the base amount to be approximately 28% of the revenue from this rate. The rate to be known as the "Business Rate".
- (vii) A Business Rate of point seven five five nine cents (0.7559c) in the dollar on the Rateable Land Value of all rateable land in the Maclean CBD categorised as Business, sub category "B" with a base amount of Four Hundred and Fifty Dollars (\$450.00). The revenue from the base amount to be approximately 19% of the revenue from this rate. The Rate to be known as the "Business B–Maclean CBD". A map showing this CBD boundary is attached, refer Attachment A.
- (viii) A Business Rate of point seven five five nine cents (0.7559c) in the dollar on the Rateable Land Value of all rateable land in the Maclean/Townsend area other than the Maclean CBD area, categorised as Business, sub category "B" with a base amount of Four Hundred and Fifty Dollars (\$450.00). The revenue from the base amount to be approximately 19% of the revenue from this rate. The Rate to be known as the "Business B – Maclean/Townsend Other Business".
- (ix) A Business Rate of point six four four eight cents (0.6448c) in the dollar on the Rateable Land Value of all rateable land in the Iluka Industrial area categorised as Business, sub category "C" with a base amount of Four Hundred and Fifty Dollars (\$450.00). The revenue from the base amount to be approximately 17% of the revenue from this rate. The rate to be known as the "Business Rate C – Iluka Industrial". A map showing this Industrial boundary is attached, refer Attachment B.
- (x) A Business Rate of point six four four eight cents (0.6448c) in the dollar on the Rateable Land Value of all rateable land in the town of Iluka other than the Iluka Industrial area, categorised as Business, sub category "C" with a base amount of Four Hundred and Fifty Dollars (\$450.00).The revenue from the base amount to be approximately 17% of the revenue from this rate. The rate to be known as the "Business Rate C – Iluka Other Business".
- (xi) A Business Rate of point six two three one eight cents (0.62318c) in the dollar on the Rateable Land Value of all rateable land in the Yamba CBD (including the Treelands Drive business area) categorised as Business, sub-category "D" with a base amount of Four Hundred and Fifty Dollars (\$450.00). The revenue from this base amount to be approximately 16% of the revenue from this rate. This rate to be known as "Business Rate D – Yamba CBD". A map showing this CBD boundary is attached, refer Attachments C & D.
- (xii) A Business Rate of point six two three one eight cents (0.62318c) in the dollar on the Rateable Land Value of all rateable land in the town of Yamba other than the Yamba CBD categorised as Business, sub-category "D" with a base amount of Four Hundred and Fifty Dollars (\$450.00). The revenue from this base amount to be approximately 16% of the revenue from this rate. This rate to be known as "Business Rate D – Yamba Other Business".
- (xiii) A Business Rate of two point zero three eight seven nine cents (2.03879c) in the dollar on the Rateable Land Value of all rateable land in the Grafton and South Grafton CBD, categorised as Business, sub category "E" with a base amount of Four Hundred and Fifty Dollars (\$450.00). The revenue from the base amount to be approximately 8% of the revenue from this rate. The rate to be known as "Business Rate E – Grafton & South Grafton CBD". A map showing this CBD boundary is attached, refer Attachments E and F.
- (xiv) A Business Rate of one point four zero one eight cents (1.4018c) in the dollar on the Rateable Land Value of all rateable land in the areas of Junction Hill, Trenayr and Koolkhan and the city of Grafton other than the Grafton and South Grafton CBD, categorised as Business, sub

category "F" with a base amount of Four Hundred and Fifty Dollars (\$450.00). The revenue from the base amount to be approximately 18% of the revenue from this rate. The rate to be known as "Business Rate F – Grafton & South Grafton Other Business". A map showing the Junction Hill, Trenayr and Koolkhan boundary is attached, refer Attachment G.

- (xv) A Business Rate of point six three seven cents (0.637c) in the dollar on the Rateable Land Value of all rateable land categorised as Business where the parcel of rateable land is rated separately and determined as a jetty or pontoon. The minimum/base amount will not apply to this category. The rate is to be known as "Business-Jetties".
- (xvi) A Farmland Rate of point three zero five two seven cents (0.30527) in the dollar on the Rateable Land Value of all rateable land categorised as Farmland with a Base amount of Three Hundred and Thirty Dollars (\$330.00). The revenue from the base amount to be approximately 21.43% of the revenue from this rate. The rate to be known as Farmland.

2. Sewer Availability Charges (Section 501)

- (i) A Special Charge for all land categorised "Residential" and rateable to a sewerage system, the charge being One Thousand One Hundred and Forty Two Dollars (\$1,142.00) per land parcel excepting any parcel in respect of land not built upon and not connected to the Council sewerage system in which case the charge shall be Six Hundred and Sixty Dollars (\$660.00) to be known as the "Clarence Valley Council Sewerage Charge".
- (ii) A Special Charge for all land parcels categorised "Residential" which have additional connections to a premises which can be subject to separate and permanent occupation. The charge to be calculated by multiplying the occupied charge in Item 2(i) (\$1,142.00) by the number of additional premises in excess of one (1) which can be occupied separately and on a permanent basis.
- (iii) A Special Charge for all land categorised "Residential" and connected to a pressure sewerage system, the charge being One Thousand and One hundred and Seventeen Dollars (\$1,117.00) per land parcel excepting any parcel in respect of land not built upon and not connected to the Council sewerage system in which case the charge shall be Six Hundred and Sixty Dollars (\$660.00) to be known as the "Clarence Valley Council Sewerage Charge".
- (iv) A Special Sewer access charge based on water meter size for all land parcels categorised "Business" (i.e. Non-Residential) and connected to a sewerage system. The charges to be as follows:
 - a. A charge of \$660.00 for a 20mm service.
 - b. A charge of \$1,031.00 for a 25mm service.
 - c. A charge of \$1,690.00 for a 32mm service.
 - d. A charge of \$2,640.00 for a 40mm service.
 - e. A charge of \$4,125.00 for a 50mm service.
 - f. A charge of \$10,560.00 for an 80mm service.
 - g. A charge of \$16,500.00 for a 100mm service.

Excepting any parcel in respect of land not built upon and not connected to the Council sewerage system in which case the charge shall be Six Hundred and Sixty Dollars (\$660.00) to be known as the "Clarence Valley Council Sewerage Charge".

- (v) A Special Sewer access charge based on water meter size for all land parcels categorised "Business" (i.e. Non-Residential) that are connected to a pressure sewerage system. The charges to be as follows:
 - a. A charge of \$635.00 for a 20mm service.

- b. A charge of \$1,006.00 for a 25mm service.
- c. A charge of \$1,665.00 for a 32mm service.
- d. A charge of \$2,615.00 for a 40mm service.
- e. A charge of \$4,100.00 for a 50mm service.
- f. A charge of \$10,535.00 for an 80mm service.
- g. A charge of \$16,475.00 for a 100mm service.

Excepting any parcel in respect of land not built upon and not connected to the Council sewerage system in which case the charge shall be Six Hundred and Sixty Dollars (\$660.00) to be known as the "Clarence Valley Council Sewerage Charge".

- (vi) Non-rateable properties (under Section 555 of the Local Government Act, 1993) within the Sewerage Access area will be exempt from availability charges.
- (vii) A meter installed as a fire service to a property is exempt from availability charges.
- (viii) Onsite Sewage Management Charge
A special charge for all occupied land parcels not receiving a sewerage service. The charge to be Thirty Eight Dollars (\$38.00) for each rateable parcel. The charge to be known as "Residential Onsite Wastewater Management Charge".

3. Sewer Consumption Charges (Section 502)

A Consumption Charge of Three Dollars and Forty Six Cents (\$3.46) per kilolitre will be charged on all Non-Residential properties. This charge will be based on water consumption of the previous quarter and affected by a Sewerage Discharge Apportionment Factor. The non-residential sewer charge is the sum of the access charge and the generation charge, with a minimum charge of the residential charge (\$1,142.00 in 2019/20). This charge to be known as the "Sewerage Consumption Charge".

4. Waste Disposal Charges (Section 496 & Section 501)

- (i) Domestic Waste Charge (Excluding Green Waste -2 Bin Service)
An annual charge of Two Hundred and Eighty Eight Dollars (\$288.00) per service, for the collection, disposal, recycling and management of Domestic Waste generated on all residential properties receiving or situated in a location where the collection service is available. This charge to be known as "Domestic Waste 2 Bin"
- (ii) Domestic Waste Charge (Including Green Waste - 3 Bin Service)
An annual charge of Three Hundred and Fifty Three Dollars (\$353.00) per service, for the collection, disposal, recycling and management of waste generated on all properties receiving or situated in a location where the collection service is available. This charge to be known as "Domestic Waste 3 Bin".
- (iii) An Annual Charge of Two Hundred and Eighty Eight Dollars (\$288.00) per service, for the collection, disposal, recycling and management of waste generated on property categorised "Business" receiving a service similar to that provided in (4.i).
- (iv) An Annual Charge of Three Hundred and Fifty Three Dollars (\$353.00) per service, for the collection, disposal, recycling and management of waste generated on property categorised "Business" receiving a service similar to that provided in (4.ii).
- (v) Domestic Waste Charge (Additional Red Bin service)
An annual charge of One Hundred and Thirty Five Dollars (\$135.00) per additional red bin supplied to a property receiving a 2 Bin or 3 Bin Service but requiring an additional red bin. This

charge to be known as “Domestic Waste Additional Red Bin”.

- (vi) Domestic Waste Charge (Additional Yellow Bin service)
An annual charge of One hundred Dollars (\$100.00) per additional yellow bin supplied to a property receiving a 2 Bin or 3 Bin Service but requiring an additional yellow bin. This charge to be known as “Domestic Waste Additional Yellow Bin”.
- (vii) Domestic Waste Charge (Additional Green Bin service)
An annual charge of One Hundred and Thirty Dollars (\$130.00) per additional green bin supplied to a property receiving a 3 Bin Service but requiring an additional green bin. This charge to be known as “Domestic Waste Additional Green Bin”.
- (viii) Domestic Waste Charge – Vacant
An annual charge of Twenty Nine Dollars (\$29.00) for all parcels of rateable vacant property which would receive a collection service when becoming occupied or located were the service is available. This charge to be known as “Domestic Waste Vacant”.
- (ix) Waste Management Levy
An annual charge of Fifty Nine Dollars (\$59.00) for all rateable properties in the Clarence Valley Council area. This charge to be known as “Waste Management Levy”.

5. Water Availability Charges (Section 501)

- (i) An annual charge of \$167.00 for all unconnected land which is situated within 225 metres of a Council water main and can be connected to the water main.
- (ii) An annual charge of \$122.00 for all land which has a 20mm connection to the water main.
- (iii) An annual charge of \$191.00 for all land which has a 25mm connection to the water main.
- (iv) An annual charge of \$312.00 for all land which has a 32mm connection to the water main.
- (v) An annual charge of \$488.00 for all land which has a 40mm connection to the water main.
- (vi) An annual charge of \$763.00 for all land which has a 50mm connection to the water main.
- (vii) An annual charge of \$1,952.00 for all land which has an 80mm connection to the water main.
- (viii) An annual charge of \$3,050.00 for all land which has a 100mm connection to the water main.
- (ix) An annual charge of \$61.00 for all land provided with untreated (Raw) water with a 20mm connection to the water main.
- (x) An annual charge of \$95.50 for all land provided with untreated (Raw) water with a 25mm connection to the water main.

6. Water Consumption Charges (Section 502)

A Water Consumption charge of Two Dollars and Forty Nine Cents (\$2.49) per kilolitre for all residential properties, applying to the daily average water consumption below 1.233kL/day per billing period.

A Water Consumption charge of Three Dollars and Seventy One Cents (\$3.71) for all residential properties

with a water consumption category of residential applying to any daily average water consumption exceeding 1.233 kl per day, per billing period.

A Water Consumption charge of Two Dollars and Forty Nine Cents (\$2.49) per kilolitre for all non-residential properties. This charge to be known as the "Water Usage Non-Residential".

A Water Consumption charge of Nine Dollars and Ninety Three Cents (\$9.93) per kilolitre for all water usage registered on a meter installed as a fire service to the property where the consumption has been for purposes other than for fire service purposes as a disincentive for using the service for incorrect purposes. This charge to be known as the "Water Usage Fire Service".

A Water Consumption charge of One Dollar and Twenty Four Cents (\$1.24) per kilolitre for all properties connected to Untreated (Raw) Water. This charge to be known as the "Water Usage Untreated (Raw) Water".

7. Interest on Overdue Rates

That the interest rate on overdue amounts applicable to outstanding rates and charges for 2019/20 be the maximum rate 7.5% set by the Minister for Local Government accruing on a daily basis.

8. Small Balance Rates & Charges Write Off

That in accordance with Clause 131 of the Local Government (General) Regulations 2005 the General Manager be authorised to approve the write off of small rate balances up to a maximum of \$3.00 per assessment at the conclusion of the rating year.

COUNCIL RESOLUTION – 6a.19.002

Williamson/Toms

That Council in accordance with the provisions of Sections 493, 494, 496, 501, 502, 503, 542, 552 and 553 of the Local Government Act of 1993 (NSW) make and levy the following Rates and Charges for the year commencing 1 July 2019 and ending 30 June 2020.

8% Special Rate Variation

1. Ordinary Rates (Section 494)

- (i) A Residential Rate of point six six zero five five cents (0.66055c) in the dollar on the Rateable Land Value of all rateable land categorised as Residential with a minimum rate of Five Hundred and Ninety Nine Dollars (\$599.00), in respect of any separate parcel of rateable land. Land that has been identified as "Residential-Flood Prone Land" the minimum rate/base amount will not apply. The Rate to be known as the "Residential Rate".**
- (ii) A Residential Rate of point four three zero two zero cents (0.43020c) in the dollar on the Rateable Land Value of all rateable land in the coastal villages of Angourie, Brooms Head, Diggers Camp, Iluka, Minnie Water, Sandon River, Wooli and Wooloweyah categorised as Residential, sub category "A", with a minimum rate of Five Hundred and Ninety Nine Dollars (\$599.00). The rate to be known as the Residential Rate "A".**
- (iii) A Residential Rate of point five four one nine three cents (0.54193c) in the dollar on the Rateable Land Value of all rateable land within the towns of Maclean and Townsend categorised as Residential, sub-category "B", with a base amount of Four Hundred and Fifty Dollars (\$450.00). The revenue from the base amount to be approximately 42.91% of the**

revenue from this rate. The rate to be known as the "Residential Rate B".

- (iv) A Residential Rate of point three nine six seven seven cents (0.39677c) in the dollar on the Rateable Land Value of all rateable land in the town of Yamba categorised as Residential, sub category "C", with a base amount of Four Hundred and Fifty Dollars (\$450.00). The revenue from the base amount to be approximately 31.97% of the revenue from this rate. The rate to be known as the "Residential Rate C".
- (v) A Residential Rate of point eight four one six three cents (0.84163c) in the dollar on the Rateable Land Value of rateable land in the city of Grafton and village of Junction Hill categorised as Residential, sub-category "E" with a base amount of Four Hundred and Fifty Dollars (\$450.00). The revenue from the base amount to be approximately 36% of the revenue from this rate. The rate to be known as the "Residential Rate E".
- (vi) A Business Rate of point six six six nine four cents (0.66694c) in the dollar on the Rateable Land value of all rateable land with a base amount of Four Hundred and Fifty Dollars (\$450.00) for all land categorised as Business. The revenue from the base amount to be approximately 28% of the revenue from this rate. The rate to be known as the "Business Rate".
- (vii) A Business Rate of point seven five five nine cents (0.7559c) in the dollar on the Rateable Land Value of all rateable land in the Maclean CBD categorised as Business, sub category "B" with a base amount of Four Hundred and Fifty Dollars (\$450.00). The revenue from the base amount to be approximately 19% of the revenue from this rate. The Rate to be known as the "Business B–Maclean CBD". A map showing this CBD boundary is attached, refer Attachment A.
- (viii) A Business Rate of point seven five five nine cents (0.7559c) in the dollar on the Rateable Land Value of all rateable land in the Maclean/Townsend area other than the Maclean CBD area, categorised as Business, sub category "B" with a base amount of Four Hundred and Fifty Dollars (\$450.00). The revenue from the base amount to be approximately 19% of the revenue from this rate. The Rate to be known as the "Business B – Maclean/Townsend Other Business".
- (ix) A Business Rate of point six four four eight cents (0.6448c) in the dollar on the Rateable Land Value of all rateable land in the Iluka Industrial area categorised as Business, sub category "C" with a base amount of Four Hundred and Fifty Dollars (\$450.00). The revenue from the base amount to be approximately 17% of the revenue from this rate. The rate to be known as the "Business Rate C – Iluka Industrial". A map showing this Industrial boundary is attached, refer Attachment B.
- (x) A Business Rate of point six four four eight cents (0.6448c) in the dollar on the Rateable Land Value of all rateable land in the town of Iluka other than the Iluka Industrial area, categorised as Business, sub category "C" with a base amount of Four Hundred and Fifty Dollars (\$450.00).The revenue from the base amount to be approximately 17% of the revenue from this rate. The rate to be known as the "Business Rate C – Iluka Other Business".
- (xi) A Business Rate of point six two three one eight cents (0.62318c) in the dollar on the Rateable Land Value of all rateable land in the Yamba CBD (including the Treelands Drive business area) categorised as Business, sub-category "D" with a base amount of Four Hundred and Fifty Dollars (\$450.00). The revenue from this base amount to be approximately 16% of the revenue from this rate. This rate to be known as "Business Rate D – Yamba CBD". A map showing this CBD boundary is attached, refer Attachments C & D.

- (xii) A Business Rate of point six two three one eight cents (0.62318c) in the dollar on the Rateable Land Value of all rateable land in the town of Yamba other than the Yamba CBD categorised as Business, sub-category "D" with a base amount of Four Hundred and Fifty Dollars (\$450.00). The revenue from this base amount to be approximately 16% of the revenue from this rate. This rate to be known as "Business Rate D – Yamba Other Business".
- (xiii) A Business Rate of two point zero three eight seven nine cents (2.03879c) in the dollar on the Rateable Land Value of all rateable land in the Grafton and South Grafton CBD, categorised as Business, sub category "E" with a base amount of Four Hundred and Fifty Dollars (\$450.00). The revenue from the base amount to be approximately 8% of the revenue from this rate. The rate to be known as "Business Rate E – Grafton & South Grafton CBD". A map showing this CBD boundary is attached, refer Attachments E and F.
- (xiv) A Business Rate of one point four zero one eight cents (1.4018c) in the dollar on the Rateable Land Value of all rateable land in the areas of Junction Hill, Trenayr and Koolkhan and the city of Grafton other than the Grafton and South Grafton CBD, categorised as Business, sub category "F" with a base amount of Four Hundred and Fifty Dollars (\$450.00). The revenue from the base amount to be approximately 18% of the revenue from this rate. The rate to be known as "Business Rate F – Grafton & South Grafton Other Business". A map showing the Junction Hill, Trenayr and Koolkhan boundary is attached, refer Attachment G.
- (xv) A Business Rate of point six three seven cents (0.637c) in the dollar on the Rateable Land Value of all rateable land categorised as Business where the parcel of rateable land is rated separately and determined as a jetty or pontoon. The minimum/base amount will not apply to this category. The rate is to be known as "Business-Jetties".
- (xvi) A Farmland Rate of point three zero five two seven cents (0.30527) in the dollar on the Rateable Land Value of all rateable land categorised as Farmland with a Base amount of Three Hundred and Thirty Dollars (\$330.00). The revenue from the base amount to be approximately 21.43% of the revenue from this rate. The rate to be known as Farmland.

2. Sewer Availability Charges (Section 501)

- (i) A Special Charge for all land categorised "Residential" and rateable to a sewerage system, the charge being One Thousand One Hundred and Forty Two Dollars (\$1,142.00) per land parcel excepting any parcel in respect of land not built upon and not connected to the Council sewerage system in which case the charge shall be Six Hundred and Sixty Dollars (\$660.00) to be known as the "Clarence Valley Council Sewerage Charge".
- (ii) A Special Charge for all land parcels categorised "Residential" which have additional connections to a premises which can be subject to separate and permanent occupation. The charge to be calculated by multiplying the occupied charge in Item 2(i) (\$1,142.00) by the number of additional premises in excess of one (1) which can be occupied separately and on a permanent basis.
- (iii) A Special Charge for all land categorised "Residential" and connected to a pressure sewerage system, the charge being One Thousand and One hundred and Seventeen Dollars (\$1,117.00) per land parcel excepting any parcel in respect of land not built upon and not connected to the Council sewerage system in which case the charge shall be Six Hundred and Sixty Dollars (\$660.00) to be known as the "Clarence Valley Council Sewerage Charge".
- (iv) A Special Sewer access charge based on water meter size for all land parcels categorised "Business" (i.e. Non-Residential) and connected to a sewerage system. The charges to be as

follows:

- a. A charge of \$660.00 for a 20mm service.
- b. A charge of \$1,031.00 for a 25mm service.
- c. A charge of \$1,690.00 for a 32mm service.
- d. A charge of \$2,640.00 for a 40mm service.
- e. A charge of \$4,125.00 for a 50mm service.
- f. A charge of \$10,560.00 for an 80mm service.
- g. A charge of \$16,500.00 for a 100mm service.

Excepting any parcel in respect of land not built upon and not connected to the Council sewerage system in which case the charge shall be Six Hundred and Sixty Dollars (\$660.00) to be known as the "Clarence Valley Council Sewerage Charge".

- (v) A Special Sewer access charge based on water meter size for all land parcels categorised "Business" (i.e. Non-Residential) that are connected to a pressure sewerage system. The charges to be as follows:

- a. A charge of \$635.00 for a 20mm service.
- b. A charge of \$1,006.00 for a 25mm service.
- c. A charge of \$1,665.00 for a 32mm service.
- d. A charge of \$2,615.00 for a 40mm service.
- e. A charge of \$4,100.00 for a 50mm service.
- f. A charge of \$10,535.00 for an 80mm service.
- g. A charge of \$16,475.00 for a 100mm service.

Excepting any parcel in respect of land not built upon and not connected to the Council sewerage system in which case the charge shall be Six Hundred and Sixty Dollars (\$660.00) to be known as the "Clarence Valley Council Sewerage Charge".

- (vi) Non-rateable properties (under Section 555 of the Local Government Act, 1993) within the Sewerage Access area will be exempt from availability charges.
- (vii) A meter installed as a fire service to a property is exempt from availability charges.
- (viii) Onsite Sewage Management Charge
A special charge for all occupied land parcels not receiving a sewerage service. The charge to be Thirty Eight Dollars (\$38.00) for each rateable parcel. The charge to be known as "Residential Onsite Wastewater Management Charge".

3. Sewer Consumption Charges (Section 502)

A Consumption Charge of Three Dollars and Forty Six Cents (\$3.46) per kilolitre will be charged on all Non-Residential properties. This charge will be based on water consumption of the previous quarter and affected by a Sewerage Discharge Apportionment Factor. The non-residential sewer charge is the sum of the access charge and the generation charge, with a minimum charge of the residential charge (\$1,142.00 in 2019/20). This charge to be known as the "Sewerage Consumption Charge".

4. Waste Disposal Charges (Section 496 & Section 501)

- (i) Domestic Waste Charge (Excluding Green Waste -2 Bin Service)
An annual charge of Two Hundred and Eighty Eight Dollars (\$288.00) per service, for the collection, disposal, recycling and management of Domestic Waste generated on all residential properties receiving or situated in a location where the collection service is available. This charge to be known as "Domestic Waste 2 Bin"

- (ii) **Domestic Waste Charge (Including Green Waste - 3 Bin Service)**
An annual charge of Three Hundred and Fifty Three Dollars (\$353.00) per service, for the collection, disposal, recycling and management of waste generated on all properties receiving or situated in a location where the collection service is available. This charge to be known as "Domestic Waste 3 Bin".
- (iii) **An Annual Charge of Two Hundred and Eighty Eight Dollars (\$288.00) per service, for the collection, disposal, recycling and management of waste generated on property categorised "Business" receiving a service similar to that provided in (4.i).**
- (iv) **An Annual Charge of Three Hundred and Fifty Three Dollars (\$353.00) per service, for the collection, disposal, recycling and management of waste generated on property categorised "Business" receiving a service similar to that provided in (4.ii).**
- (v) **Domestic Waste Charge (Additional Red Bin service)**
An annual charge of One Hundred and Thirty Five Dollars (\$135.00) per additional red bin supplied to a property receiving a 2 Bin or 3 Bin Service but requiring an additional red bin. This charge to be known as "Domestic Waste Additional Red Bin".
- (vi) **Domestic Waste Charge (Additional Yellow Bin service)**
An annual charge of One hundred Dollars (\$100.00) per additional yellow bin supplied to a property receiving a 2 Bin or 3 Bin Service but requiring an additional yellow bin. This charge to be known as "Domestic Waste Additional Yellow Bin".
- (vii) **Domestic Waste Charge (Additional Green Bin service)**
An annual charge of One Hundred and Thirty Dollars (\$130.00) per additional green bin supplied to a property receiving a 3 Bin Service but requiring an additional green bin. This charge to be known as "Domestic Waste Additional Green Bin".
- (viii) **Domestic Waste Charge – Vacant**
An annual charge of Twenty Nine Dollars (\$29.00) for all parcels of rateable vacant property which would receive a collection service when becoming occupied or located where the service is available. This charge to be known as "Domestic Waste Vacant".
- (ix) **Waste Management Levy**
An annual charge of Fifty Nine Dollars (\$59.00) for all rateable properties in the Clarence Valley Council area. This charge to be known as "Waste Management Levy".

5. Water Availability Charges (Section 501)

- (i) An annual charge of \$167.00 for all unconnected land which is situated within 225 metres of a Council water main and can be connected to the water main.
- (ii) An annual charge of \$122.00 for all land which has a 20mm connection to the water main.
- (iii) An annual charge of \$191.00 for all land which has a 25mm connection to the water main.
- (iv) An annual charge of \$312.00 for all land which has a 32mm connection to the water main.
- (v) An annual charge of \$488.00 for all land which has a 40mm connection to the water main.

- (vi) An annual charge of \$763.00 for all land which has a 50mm connection to the water main.
- (vii) An annual charge of \$1,952.00 for all land which has an 80mm connection to the water main.
- (viii) An annual charge of \$3,050.00 for all land which has a 100mm connection to the water main.
- (ix) An annual charge of \$61.00 for all land provided with untreated (Raw) water with a 20mm connection to the water main.
- (x) An annual charge of \$95.50 for all land provided with untreated (Raw) water with a 25mm connection to the water main.

6. Water Consumption Charges (Section 502)

A Water Consumption charge of Two Dollars and Forty Nine Cents (\$2.49) per kilolitre for all residential properties, applying to the daily average water consumption below 1.233kL/day per billing period.

A Water Consumption charge of Three Dollars and Seventy One Cents (\$3.71) for all residential properties with a water consumption category of residential applying to any daily average water consumption exceeding 1.233 kl per day, per billing period.

A Water Consumption charge of Two Dollars and Forty Nine Cents (\$2.49) per kilolitre for all non-residential properties. This charge to be known as the "Water Usage Non-Residential".

A Water Consumption charge of Nine Dollars and Ninety Three Cents (\$9.93) per kilolitre for all water usage registered on a meter installed as a fire service to the property where the consumption has been for purposes other than for fire service purposes as a disincentive for using the service for incorrect purposes. This charge to be known as the "Water Usage Fire Service".

A Water Consumption charge of One Dollar and Twenty Four Cents (\$1.24) per kilolitre for all properties connected to Untreated (Raw) Water. This charge to be known as the "Water Usage Untreated (Raw) Water".

7. Interest on Overdue Rates

That the interest rate on overdue amounts applicable to outstanding rates and charges for 2019/20 be the maximum rate 7.5% set by the Minister for Local Government accruing on a daily basis.

8. Small Balance Rates & Charges Write Off

That in accordance with Clause 131 of the Local Government (General) Regulations 2005 the General Manager be authorised to approve the write off of small rate balances up to a maximum of \$3.00 per assessment at the conclusion of the rating year.

9. Backflow Prevention Device Annual Charge

That an annual charge of \$56 for 2019/20 be levied on properties that have containment backflow prevention devices that are required to be annually tested and certified in accordance with Council's Backflow Prevention and Cross Connection Control Policy.

Voting recorded as follows:

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

In accordance with the provisions of the Local Government Act Council is required to make and levy its Rates and Charges prior to 31 July. This report complies with these legislative requirements.

KEY ISSUES

The recommended rate structure for 2019/20 was included in Council's Draft 2019/20 Operational Plan for community consultation.

This report recommends the proposed rate structure for 2019/20 be based on Council's existing rate structure as levied for 2018/19 but indexed by the Special Rate Variation of 8% approved by the Independent Pricing and Regulatory Tribunal (IPART) on the 15 May 2018 for 2019/20 rating year.

The proposed structure includes changes to the following base amounts and Minimums:

- Grafton & Junction Hill, Yamba, Maclean & Townsend Residential Categories base amount increases from \$420 to \$450.
- All Business Rating Categories base amount increases from \$420 to \$450.
- Residential "Outside Town Areas" and Residential A – "Coastal Villages" minimum rate increases from \$555 to \$599.
- There are no changes proposed to any of the other rating categories.

Special Rate Variation

IPART have issued a Instruments of approval for 2018/19, 2019/20 & 2020/21 special variation application & minimum rate increase which allows a special rate variation of 8% in 2019/20 together with the minimum ordinary rate increase to \$599.00 (refer Attachment H).

Land Valuations

Council applies property land valuations from the NSW Valuer General. These values are available for rating as at 1 July 2019 and Council will use them to levy the rates for the 2019/20 financial year.

Proposed 2019/20 Rate Levy

The Rate Levy tabled below is a summary of the recommended Rate Structure for 2019/20 which includes provision of the special rate variation of 8% as advised by IPART.

Rate Structure 2019/20

8% Special Rate Variation – General Rates

Rate	Category	Number of Properties	Rate in \$	Minimum	Base Amount	% from Base	Income from Base	Rate Yield	Total Yield
1	Farmland	2230	0.30527	\$ -	\$ 330.00	21.43%	\$ 734,910	\$ 2,694,663	\$ 3,429,573
2	Residential – Ashby, Chatsworth, Copmanhurst, Brushgrove, Gulmarrad, Harwood, Ilarwill, Lawrence, Palmers Island, Coutts Crossing, Woombah, Cowper, Glenreagh, Swan Creek, Tucabia, Ulmarra, plus rural residential areas. This includes residential flood prone land (15 properties)	7816	0.66055	\$ 599.00				\$ 7,326,666	\$ 7,326,666
2(i)	Residential A – Angourie, Brooms Head, Diggers Camp, Iluka, Sandon River, Minnie Water, Wooloweyah, Wooli	2245	0.43020	\$ 599.00				\$ 2,483,005	\$ 2,483,005
2(ii)	Residential B – Maclean, Townsend	1553	0.54193	\$ -	\$ 450.00	42.91%	\$ 697,950	\$ 928,515	\$ 1,626,465
2(iii)	Residential C – Yamba	3334	0.39677	\$ -	\$ 450.00	31.97%	\$ 1,498,050	\$ 3,188,152	\$ 4,686,202
2(iv)	Residential E – Grafton, Junction Hill	7759	0.84163	\$ -	\$ 450.00	36.34%	\$ 3,469,500	\$ 6,076,845	\$ 9,546,345
3	Business	225	0.66694		\$ 450.00	28.08%	\$ 101,250	\$ 259,238	\$ 360,488
3(i)	Business B – Maclean	165	0.75590		\$ 450.00	18.56%	\$ 74,250	\$ 325,601	\$ 399,851
	Business B – Maclean, Townsend Other Business								
3(ii)	Business C – Iluka Industrial	58	0.64480		\$ 450.00	16.51%	\$ 26,100	\$ 131,911	\$ 158,011
	Business C – Iluka Other Business								
3(iii)	Business D – Yamba CBD (Includes Treelands Drive)	271	0.62318		\$ 450.00	15.90%	\$ 121,302	\$ 641,616	\$ 762,918
	Business D – Yamba Other Business								
3(iv)	Business E – Grafton & South Grafton CBD	395	2.03879		\$ 450.00	8.43%	\$ 167,531	\$ 1,819,371	\$ 1,986,901
3(v)	Business F – Grafton & South Grafton Other Business	306	1.40180		\$ 450.00	18.37%	\$ 134,240	\$ 596,322	\$ 730,562
3(vi)	Jetties	89	0.63700	\$ -	\$ -	0.00%	\$ -	\$ 1,834	\$ 1,834
	Total ordinary rates	26446				20.98%	\$ 7,025,082	\$ 26,473,739	\$ 33,498,821

Water Charges

The requirements of best practice pricing for water include having one price for both residential and non-residential consumers and acquiring 25% of income from fixed charges and 75% of income from consumption charges.

Where a property has multiple meters the property is only charged for the single largest meter until the end of the phase-in period. This will allow consumers with multiple meters time to assess the need for each meter and whether they can reduce the number of meters and therefore the fixed charge. While the 5 year phase-in period concluded in 2009/10, it is proposed to continue charging properties only for the single largest meter in 2019/20.

Water Charges 2019/20

At the 24 November 2015 Extraordinary Council meeting (Item 12.060/15) Council resolved that water fund increases be capped to a maximum of 1.5% per year for five (5) years from 2016/17.

The requirements of best practice for water include having one price for both residential and non-residential consumers and acquiring 25% of income from fixed charges and 75% of income from consumption charges. Both these charges have increased by 1.5%.

To calculate Residential Water charges for 2019/20, the 2018/19 access and consumption charges were indexed by 1.5%. The charges for 2019/20 are shown in Tables 1 and 2:

Table 1: 2019/20 Water Consumption Charges

	2018/19 Charge	2019/20 Charge	Estimated 2019/20 Yield
Consumption	\$2.45	\$2.49	} \$11.37M
Residential inclining block for average daily water consumption above 1.233kl/day per unit or residence per billing period	\$3.66	\$3.71	
Fire Service meter Consumption	\$9.78	\$9.93	
Consumption Untreated (Raw) Water	\$1.22	\$1.24	\$70,500

Table 2: Fixed (Access) Water Charges for 2019/20

Water Meter Size*	2018/19 Fixed Charge	2019/20 Fixed Charge	Estimated Yield 2019/20
Unconnected	\$165	\$167	} \$2.92M
20mm	\$120	\$122	
25mm	\$187	\$191	
32mm	\$307	\$312	
40mm	\$479	\$488	
50mm	\$748	\$763	
80mm	\$1,888	\$1,952	
100mm	\$2,950	\$3,050	

*The access charge for meter sizes greater than 20mm is calculated on the square of the meter size compared with a 20mm meter

Water consumption that is registered through a Fire Service meter and used for purposes other than fire service purposes will be charged \$9.93 per kilolitre. The fire service connected to a property is to be used for fire purposes only and this charge will be a disincentive for consumers to use this meter for incorrect purposes.

Untreated water consumers supplied direct from trunk mains prior to treatment are charged at half of the above access charges. Council does not approve any additional untreated water connections.

As previously mentioned, best practice pricing requires a single charge for both residential and non-residential consumers and based on the adopted phase-in path, charges for 2019/20 are likely to be in accordance with Table 3.

Table 3: Proposed future consumption charges

Consumption Charge	2017/18	2018/19	2019/20	2020/21
Consumption \$/kl	\$2.41	\$2.45	\$2.49	\$2.53

Council reviews its 30 year Financial Model for the Water Fund each year. The proposed future consumption charges listed in Table 3 above are considered to be conservative estimates and may change when the 30 year Financial Model is reviewed.

Sewerage Charges

In May 2004, the then Department of Energy, Utilities and Sustainability (DEUS) released guidelines for the Best Practice Management of Water Supply and Sewerage. The guidelines require Council to charge a uniform sewerage bill for residential properties, a two part tariff comprising an annual access charge and a uniform sewer usage charge per kilolitre (kL) for non-residential properties and appropriate liquid trade waste fees and charges. In April 2005, Council resolved to adopt best practice pricing for sewerage with common sewerage charges across the Council area, and best practice pricing was implemented in the 2005/06 financial year.

At the 24 November 2015 Extraordinary Council meeting (Item 12.060/15) Council resolved that sewer fund increases be capped to a maximum of 1.5% per year for five (5) years from 2016/17. The current 30 year financial model indicates that from 2016/17 sewer charges will increase by 1.5% per year until 2020/21 and then increases will be linked to CPI only.

The estimated residential sewer charges from 2017/2018 to 2020/2021 are:

**Table 1: Estimated Residential Sewer Charges
(2017/18, 2018/19 and 2019/20 are increased by 1.5% only)**

Financial Year	2017/18	2018/19	2019/20	2020/21
Residential sewer charge*	\$1,109	\$1,125	\$1,142	\$1,159

*Assumes an increase of 1.5% from 2017/18 until 2020/21 and then by 2.5% being the assumed CPI

Table 2 below shows the sewerage charges for 2019/20 and Table 3 shows the access charge for non-residential properties.

Table 2: Charges for 2019/20

Property	Adopted 2018/19 Charge	Proposed 2019/20 Charge	Estimated Yield 2019/20
Residential Property (per connection)	\$1,125	\$1,142	\$14.57M
Residential Property Pressure Sewer zone	\$1,100 ¹	\$1,117 ¹	\$1.32M
Residential Property Unconnected Availability Charge	\$650	\$660	\$476,000
Non-residential Access Charge (per water meter)	As per Table 3 ³	As per Table 3 ³	See Table 3
Non-residential Sewerage Generation Charge	\$3.41/kL	\$3.46/kL	
Non-rateable properties	\$3.41/kL (no access charge)	\$3.46/kL (no access charge)	

- Properties within a pressure sewer zone are charged \$25 less than properties in a gravity sewer zone to reflect the average cost of pressure pump electricity consumption which is paid for by the property
- The non-residential sewer charge is the sum of the access charge and the generation charge, with a minimum charge of the residential charge (\$1,142 for 2019/20). As meters are read four times per year, the minimum non-residential charge will be calculated on an equivalent charge of \$3.12 per day.

Table 3: Fixed (Access) Sewer Charges Proposed for 2019/20

Water Meter Size*	2018/19 Fixed Charge	2019/20 Fixed Charge	Estimated Yield 2019/20
Unconnected	\$650	\$660	} \$1.23M
20mm	\$650	\$660	
25mm	\$1,012	\$1,031	
32mm	\$1,656	\$1,690	
40mm	\$2,588	\$2,640	
50mm	\$4,044	\$4,125	
80mm	\$10,354	\$10,560	
100mm	\$16,178	\$16,500	

*The access charge for meter sizes greater than 20mm is calculated on the square of the meter size compared with a 20mm meter

Liquid trade waste fees and charges are shown in the fees and charges section. As noted above, the non-residential sewer charge will be the greater of:

- fixed (access) charge plus sewer generation charge, or
- daily charge of \$3.12

Waste Management Charges

The Domestic Waste Management (DWM) charge must be determined each year pursuant to Section 496 of the Local Government Act, 1993.

Major changes to the Domestic Waste Management service commenced on 30 July 2012 which followed Council's acceptance of a new ten year waste collection contract with JR Richards and Sons. Council has also entered into two further contracts with JR Richards and Sons to construct and operate a new materials recovery facility (MRF) and a new fully enclosed composting facility. The new infrastructure is located at the Grafton Regional Landfill and is processing kerbside collected recyclables and organics.

Council also levies a waste management charge pursuant to Section 501 of the Act on all rateable properties. The levy contributes to the cost of developing waste management infrastructure such as waste transfer stations, landfills, composting facilities, recycling centres and other services such as litter collection. The 2019/20 levy has increased from \$52 to \$59. The increase recognises the additional costs of a new waste transfer station at Iluka and improved management arrangements at the Tyringham waste transfer station. The waste management charges for 2019/20 are detailed below:

Domestic Waste Charge Section 496	2017/18 Charge	2017/18 Yield	2018/19 Charge	2018/19 Yield	2019/20 Charge	2019/20 Estimated Yield
3 Bin Service	\$310	\$5,367,030	\$346	\$6,141,500	\$353	\$6,224,096
2 Bin Service	\$250	\$915,750	\$285	\$1,117,200	\$288	\$1,089,792
Vacant land	\$26.50	\$55,491	\$27	\$56,600	\$29	\$15,080
Additional red bin	\$100	\$12,500	\$100	\$12,500	\$135	\$23,220
Additional yellow bin	\$80	\$2,080	\$100	\$2,600	\$100	\$4,100
Additional green bin	\$130	\$1,820	\$130	\$1,820	\$130	\$3,380
Waste Management Charge Section 501						
Waste Management Levy	\$51	\$1,330,743	\$52	\$1,357,357	\$59	\$1,569,990

On-Site Effluent Disposal Systems

The annual fee to fund the required level of auditing of the 8,818 on-site sewerage management systems has been indexed by 5.8% to \$38.00 for 2019/20 (\$36.00 2018/19). The fee is levied on all properties with on-site effluent disposal systems.

Backflow Prevention Device Annual Charge

An annual charge of \$56 for 2019/20 is to fund the administration of the backflow prevention device programme. The charge is levied on properties that have containment backflow prevention devices that are required to be annually tested and certified in accordance with Council's Backflow prevention and cross connection control policy. The charge is per annum per containment device.

COUNCIL IMPLICATIONS**Budget/Financial**

The Rate Structure for 2019/20 is based on the special rate variation of 8% as determined by IPART. This will be an increase of \$2,481,394 on that levied for the 2018/19 rating year.

Set out below is a summary of Council's total permissible rate income for 2019/20:

TOTAL PERMISSIBLE INCOME FOR 2019/20	
2018/19 Notional General Income	\$31,017,427
Plus 8% IPART approved Special Rate Variation Increase	\$2,481,394
Total Draft Permissible Income 2019/20	\$33,498,821

The estimated yield by rate category will be:

Business	\$ 4,400,564
Farmland	\$ 3,429,573
Residential	\$25,668,684
Total 2019/20	\$33,498,821

Asset Management

N/A

Policy or Regulation

Sections 493, 494, 496, 501, 502, 503, 542, 552 and 553 of the Local Government Act of 1993 (NSW).

Interest on overdue rates

The interest rate on overdue amounts applicable to outstanding rates and charges for 2019/20 is recommended to be the maximum rate of 7.5% as set by the Minister for Local Government accruing on a daily basis (2019/20 rate 7.5%) – refer to Office of Local Government Circular at Attachment I.

Consultation

This report has been prepared in consultation with Council's Manager of Finance & Supply and Manager Water Cycle.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Paula Krahe, Revenue Co-Ordinator
Attachment	A - Map Maclean CBD B - Map Iluka Industrial Area C - Map Yamba Town CBD D - Map Treelands Drive business area E - Map Grafton CBD (North side of the river) F - Map CBD for South Grafton G - Map Business properties – Junction Hill, Koolkhan & Trenayr H – IPART Instruments of approval for 2019-20 special variation application & minimum rate increase. I – OLG Circular 18-08 Interest Rate Overdue Rates

ITEM 6a.19.003 DEBTORS BAD DEBTS REVIEW AND DEBT WRITE-OFF

Meeting	Council	25 June 2019
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Confidential	

SUMMARY

This report presents to Council a list of outstanding debtor accounts that are recommended to be written off. There are a core number of debts that have been identified for various reasons as not collected. The debts are of a size or age that makes them difficult to collect in a cost effective manner.

OFFICER RECOMMENDATION

That the attached confidential list of outstanding debtors, totalling \$26,443.97 be written off as bad debts.

COUNCIL RESOLUTION – 6a.19.003

Lysaught/Ellem

That the attached confidential list of outstanding debtors, totalling \$26,443.97 be written off as bad debts.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

In accordance with Section 607 of the Local Government Act 1993, and clause 213 of the Local Government (General) Regulation 2005, a write off debt as detailed in this report must be approved by a resolution of Council.

In the confidential attachment is a listing of outstanding debts that are recommended for write-off, and the types of difficulties that are being experienced in collecting these debts. The following table is a summary of the attachment:

Reason for Non Collection	Total(\$)	Number of Debtors
Debt Write Off Recommended by Staff	\$24,977.57	18
Unable to Locate Debtors	\$1,466.40	8
	\$26,443.97	26

These can be summarised by Council area for the originating charge as follows:

Service Section	Total(\$)	Number of Debtors
Clarence Care + Support	\$70.00	1
Environment, Development & Regulatory	\$2,280.90	5
Waste Services	\$6,170.55	16
Open Spaces	\$17,435.32	3
Community & Function Centre	\$487.20	1
	\$26,443.97	26

KEY ISSUES

Further pursuit of the attached debts (\$26,443.97 up for consideration) will incur additional costs, and in some cases the cost of debt recovery exceeds the amount of the debt.

No business likes to be in a position to have provided goods and services and not be paid, yet it is very difficult to remove the risk of non-payment entirely. The difficulties increase where Council is providing services to the community such as waste disposal, Clarence Care and Support services and ranger operations. The non-payment of accounts and Council's inability to collect on those accounts creates a poor precedent/environment for repeat bad payers.

Council's revenue team actively pursues all avenues to secure the debt through debt recovery to ensure the volume of debtor write-offs are contained.

COUNCIL IMPLICATIONS

Budget/Financial

Total debt under consideration to be written off in 2018/2019 is \$26,443.97.

Asset Management

N/A

Policy or Regulation

Section 607 of the Local Government Act 1993

Clause 213 of the Local Government (General) Regulation 2005

Consultation

This report has been prepared in consultation with the Managers of the sections.

Legal and Risk Management

Outsourcing of debt management and recovery activities to Recoveries and Reconstruction Inc. is cost neutral and aimed at reducing risk of long term debt.

Climate Change

N/A

Prepared by	Paula Krahe, Revenue Coordinator
Confidential Attachment	Sundry Debtor Bad Debts Write Off List June 2019

ITEM	6a.19.004	IMPROVEMENT STRATEGIES PROPOSAL
-------------	------------------	--

Meeting	Council	25 June 2019
Directorate	General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

SUMMARY

In 2016, Council adopted incorporation of a schedule of improvement opportunities, now referred to as the 'Improvement Strategies' in its Fit for the Future Improvement Plan submitted to the NSW State Government. The Plan aimed to detail the way in which Clarence Valley Council would achieve financial sustainability and meet the requirements of the State Government's Benchmarks Ratios for local government. This report provides an update on achievement against the 'improvement strategies' and gives consideration to alternative and more feasible business/service improvements aimed at meeting financial sustainability and focused on creating efficiency and improving effectiveness as a customer focussed organisation.

OFFICER RECOMMENDATION

That Council:

1. Receive and note the report on progress against the existing Improvement Strategy Schedule.
2. Endorse the revised plan (2019/2020 Operational Result Improvement Strategies - Attachment B) for meeting annual financial savings targets as identified in the body of the report and attachments; and
3. Reports on progress be provided at six monthly intervals commencing December 2019.

COUNCIL RESOLUTION – 6a.19.004

Toms/Williamson

That Council:

1. Receive and note the report on progress against the existing Improvement Strategy Schedule.
2. Endorse the revised plan (2019/2020 Operational Result Improvement Strategies - Attachment B) for meeting annual financial savings targets as identified in the body of the report and attachments; and
3. Receive a report on progress to be provided at quarterly intervals commencing on the first Ordinary meeting after December 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 5.2.3 Foster an organisational culture focused on customer service excellence, innovation and continuous improvement

BACKGROUND

The Improvement Strategies Schedule (Attachment A) adopted in 2016, recognised the following financial Operational Expenditure (Opex) savings by year from 2017/18 to 2020/21:

Year	2017/18	2018/19 + previous years unrecognised	2019/20 + previous years unrecognised	2020/21
Planned savings against specific actions	\$3,794,870	\$2,505,131	\$2,669,591	\$1,294,481
Actual savings achieved against planned actions	\$3,415,527	\$1,218,795	-	-
Carry forward savings to be recognised in following year	\$379,343	\$1,286,336	-	-

This however, is not accurately reflective of Opex savings made to date, as process and business improvement activities that are not identified in the plan continue to be implemented and savings continue to be realised including, but not limited to:

- Procurement Process review and implementation of strategic procurement
- Implementation of panel suppliers
- Review of DA fees and charges
- Reviewed organisational structure to realise efficiencies and align positions more appropriately
- Review insurance premiums and excesses
- Promotion of E-notices and reduction in postage
- Changed promotion to influence activity that creates efficiencies
- Grafton Basketball Stadium hand over to PCYC

As identified by Council's draft 2019/20 – 2028/29 Long Term Financial Plan, we remain on target to return an Operational Surplus in 2020/2021.

Council has received a number of reports on progress against adopted 'improvement strategies' since 2016, the last being August 2018 (Min 13.043/18). The document attached, identifies the savings to date against the specific requirements of the Improvement Strategies Schedule (Attachment A).

Many of the proposed improvements identified in the Improvement Strategy Schedule (Attachment A) are proving problematic to realise in their current form, in particular the current plan does limit capacity to invest in the short term to achieve long term gain.

KEY ISSUES

Many of the proposed improvements identified in the Improvement Strategy Schedule (Attachment A) are proving problematic to realise in their current form, and in the identified cost centre. In particular, the current plan does limit capacity to invest in the short term to achieve long term gain.

The plan has now been revised, to provide greater scope to achieving identified activities and with:

A. The following completed actions being removed (including all actions that relate specifically to the removal of positions as this reduction in staffing has now occurred):

- Item 1. Depot – 5 FTE
- Item 6. Regulatory Services cleaning contract
- Item 16. Phone line audit and true up
- Item 17. Tourist Information Services – 1 FTE
- Item 18. Community Centres – 1.6 FTE
- Item 19. Review Environment Planning and Community Directorate – 5 FTE
- Item 22. Review Natural Resources Management Services - 3.8 FTE
- Item 23. Executive Support Services – 1 FTE
- Item 26. Street sweeping operations review
- Item 27. Graphic Design position
- Item 29. Community Initiatives program
- Item 30. Event and Festival Contribution

- Item 31. Purchase new GIS mapping system
- Item 32. Review of General Manager sub services
- Item 33. Review Corporate & Organisational Performance & Governance Services – 5.6 FTE
- Item 34. Review Asset Management Sub services remove vacant positions – 1 FTE
- Item 35. Review Civil & Works Administration Services – 2 FTE
- Item 36. Review Parks and Open Spaces Service – 1 FTE

B. The following unachievable activities be removed:

- Item 7. Full cost recovery of Airport
- Item 28. Contribution from DWM to Roads for damage from trucks

C. The following alternative and additional activities being included:

- Population growth is not currently factored in Council's income, and investigation is underway to realise projection rather than actuals after the fact.
- A review of Corporate & Governance activities is underway with plans to invest in automation of workload that is currently manual. Following implementation a structure review will be undertaken. A number of vacancies have been filled temporarily pending this review.
- Plans are afoot to review and centralise a number of budgets to provide better control in order to gain efficiencies and ensure organisational benefit (legal, stationery, training & development and conference & seminar).
- A review of compliance with DA conditions is set to improve our Developer Contribution income.
- Planned installation of LED street lighting will create significant and sustainable savings.
- A number of areas have been identified where income exceeds projections and full review will be conducted in 2019/20 to ensure income is budgeted accordingly.
- Implementation of Enterprise Asset Management is proposed to create significant efficiencies in asset management, by reducing duplication of service, ensuring maintenance and renewal are better coordinated resulting in reduced project costs.
- Implementation of the Project Management Framework will ensure more efficient delivery of projects and allow better projection of project costs.
- Investigating marketing some of the products we do well, for example festival management.
- In-house graphic design and creating good communications with a recognisable brand not only improves our visibility it reduces complaint, queries and staff time responding.
- Investigating opportunities for biodiversity stewardship.
- Investigating opportunity to increase compliance in relation to regulatory activity – this requires further consideration by Council in relation to its community relationship role.
- Timely capitalisation of operational activities.
- Review opportunities for increased income through marketing advertising space – eg bus shelters, airport and airside, festivals and community events.

And further, that cost savings are not apportioned to specific actions but rather the goal be to achieve an annual total financial (Opex) saving in line with previous targets. This document is titled Operation Result Improvement Strategies and forms Attachment B.

COUNCIL IMPLICATIONS

Budget/Financial

The plan proposes Operational Budget savings of almost \$8.6M by 2020/2021.

Asset Management

N/A

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

Council is required to meet the objectives of its Fit for the Future submission, which details the ways in which financial sustainability will be achieved.

Climate Change

N/A

Prepared by	Laura Black, Director Corporate & Governance
Attachment	A - Improvement Strategy Schedule B – 2019/2020 Operational Result Improvement Strategies

ITEM	6a.19.005	JAMES CREEK ROAD WATERMAIN
-------------	------------------	-----------------------------------

Meeting	Council	25 June 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Nil	

SUMMARY

The future development of residential land at James Creek will require the developer to upgrade the existing water infrastructure servicing the area by constructing a new 250mm watermain along James Creek Road from Yamba Road. Due to the narrow width of the existing James Creek road reserve, the proposed reconstruction and sealing of James Creek Road (which is programmed to commence in July 2019) requires the new watermain to be constructed in this section at the same time.

Subject to agreement from the developer to reimburse Council's costs (indexed at CPI), it is proposed that Council undertake this work in conjunction with the reconstruction of James Creek Road.

OFFICER RECOMMENDATION

That, subject to a formal agreement from Kahuna No 1 to reimburse Council's construction costs prior to the issue of a subdivision certificate for the first stage of the subdivision (indexed by CPI), Council construct a new watermain on James Creek Road for the length of the reconstruction work.

Having declared an interest in this item, Cr Ellem left the Council meeting at 2.51 pm and returned at 3.00 pm.

COUNCIL RESOLUTION – 6a.19.005

Simmons/Lysaught

That, subject to a formal agreement from Kahuna No 1 to reimburse Council's construction costs prior to the issue of a subdivision certificate for the first stage of the subdivision (indexed by CPI), Council construct a new watermain on James Creek Road for the length of the reconstruction work.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, 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 2.1.3 Provide strategic asset management planning

BACKGROUND

At its meeting of 18 March 2014, Council supported finalisation of a planning proposal for rezoning of Lot 104 DP 751388, James Creek Road, James Creek to R1 General Residential and R3 Medium Density Residential (Resolution 13.031/14). The Council report commented on water infrastructure that "the

Servicing Strategy which has identified and costed the key infrastructure elements that need to be provided and upgraded ... The cost of providing and/or upgrading the necessary infrastructure borne by the developer."

Accordingly, Council's Development Servicing Plan (DSP) for Water did not provide for Council to construct water infrastructure servicing the development release area on the basis that this work would be fully funded by the developer.

KEY ISSUES

The James Creek urban release area requires a new 250mm main to be constructed along James Creek Road from Yamba Road. The draft 2019/20 Capital Works program, which is being considered at this meeting for adoption, provides \$675,000 for sealing the remaining unsealed section of James Creek Road (a distance of approximately 1.06km).

The work is currently being designed and is the first 2019/2020 road construction project scheduled for commencement in July 2019. The narrow width of the existing James Creek road reserve requires the new watermain to be located in the road shoulder or batter. To avoid future construction of the watermain in a recently upgraded road, the watermain needs to be constructed in conjunction with the roadworks.

Following discussion with the owner of Lot 104, Kahuna No 1, it has been verbally agreed that if Council constructed the section of watermain the length of the road upgrading in conjunction with those works, then the developer would reimburse Council for its costs. The developer would not usually be required to construct the watermain until the construction certificate for the first stage of the subdivision is released.

To avoid the need for construction of the watermain in a recently upgraded road, or for the main to be located in private property, it is proposed that subject to a formal agreement from Kahuna No 1 to reimburse Council's construction costs prior to the issue of a subdivision certificate for the first stage of the subdivision is issued (indexed by CPI), Council construct a new watermain on James Creek Road for the length of the reconstruction work.

The developer would be required to construct the balance of the watermain to service their property following receipt of construction certificate approval.

COUNCIL IMPLICATIONS

Budget/Financial

A budget estimate to construct the watermain is \$300,000. This work would be considered a private work as it would ultimately be funded by the developer, and indexing by CPI ensures that the work is cost neutral for Council. As the construction costs would be managed in Council's Finance System as a private work, a budget variation is not required.

The timing of the reimbursement (i.e. when the subdivision certificate for the first stage of the subdivision is issued) is when the developer would be constructing the watermain in the normal course of business.

Asset Management

The watermain will become a developer contributed Council asset.

Policy or Regulation

Development Servicing Plan for Water

Consultation

Developer (Kahuna No 1), Civil Services

Legal and Risk Management

The cost risk is considered to be mitigated by requiring Kahuna No 1 to enter into a formal agreement with Council to reimburse construction costs (indexed by CPI) prior to Council constructing the watermain. The agreement would provide that the subdivision certificate for the first stage of the development would not be issued until the construction costs are reimbursed.

Climate Change

Not applicable.

Prepared by	Greg Mashiah (Manager Water Cycle)
Attachment	Nil

ITEM	6a.19.006	FORMER VISITOR INFORMATION CENTRE, SOUTH GRAFTON – LOT 2 DP 839420
-------------	------------------	---

Meeting	Council	25 June 2019
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Confidential	

SUMMARY

To consider an offer received for the purchase of Lot 2 DP 839420, Spring Street, South Grafton formerly known as the Visitor Information Centre.

OFFICER RECOMMENDATION

That Council authorise the General Manager:

1. To decline the offer for purchase of Lot 2 DP 839420, dated 7 June 2019, and
2. To provide a counter offer to the potential purchaser in accordance with the confidential attachment and
3. If not accepted, the reserve price be amended as detailed in the confidential attachment.

MOTION

Toms/Novak

That Council decline the offer for purchase of Lot 2 DP 839420 dated 7 June 2019.

AMENDMENT TO MOTION

Lysaught/Williamson

That Council

1. Not accept the offer for purchase of Lot 2 DP 839420 dated 7 June 2019.
2. Provide a counter offer to the potential purchaser in accordance with the confidential attachment.
3. Amend the reserve price if the counter offer is not accepted, as detailed in the confidential attachment.

Voting recorded as follows:

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

Against: Novak, Toms, Clancy

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

COUNCIL RESOLUTION – 6a.19.006

Toms/Novak

That Council

1. **Not accept the offer for purchase of Lot 2 DP 839420 dated 7 June 2019.**
2. **Provide a counter offer to the potential purchaser in accordance with the confidential attachment.**
3. **Amend the reserve price if the counter offer is not accepted, as detailed in the confidential attachment.**

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

Theme 5 Leadership

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

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

BACKGROUND

Council owns Lot 2 DP 839420 located at Spring Street South Grafton, and resolved at its meeting on 19 September 2017, Item 15.193/17, in committee of the whole, to list the property for sale by auction. The property was auctioned on 12 April 2018 by Council's appointed agent, McKimms Real Estate. No bids were received and the property was passed in.

Council then resolved on 17 April 2018, Item 13.019/18, to list the property for sale with the agent for one million two hundred thousand dollars (\$1,200,000) plus GST. An offer for purchase, which was under the asking price, was received and considered by Council at its August 2018 meeting. The offer was declined.

Council resolved at its meeting on 16 October 2018, Item 13.059/18, to accept an offer, which included an option period for the purchaser to consider development opportunities. The purchaser did not proceed with the purchase.

The agency agreement with McKimms Real Estate expired. Council advertised for a new agent and Ford & Dougherty Property was selected. An offer to purchase has been received.

KEY ISSUES

The issues associated with the offer are outlined in confidential attachment.

COUNCIL IMPLICATIONS**Budget/Financial**

Council will continue to have operational costs relating to the property until the property is disposed of. If this offer is accepted then Council will need to make a budget adjustment.

Asset Management

The property is currently listed on Council's Asset and Maintenance register and will remain until the property is disposed of.

Policy or Regulation

Disposal of Council Surplus Land and Buildings Policy

Consultation

N/A

Legal and Risk Management

The officer's recommendation aims to reduce Council's risk of property vacancy.

Climate Change

N/A

Prepared by	Kylee Baker, Property Coordinator
Confidential Attachment	Offer for Purchase

VOTING BY EXCEPTION**Ellem/Lysaught****That the following Items be adopted as recommended in the business paper:**

6b.19.004	6c.19.002	6d.19.001	6e.19.001
6b.19.005	6c.19.003		6e.19.002
6b.19.007	6c.19.004		6e.19.003
6b.19.009	6c.19.005		
6b.19.010	6c.19.007		
6b.19.011	6c.19.009		
6b.19.012	6c.19.010		
	6c.19.012		
	6c.19.013		
	6c.19.015		
	6c.19.016		
	6c.19.017		
	6c.19.018		
	6c.19.019		
	6c.19.020		

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

b. ENVIRONMENT, PLANNING AND COMMUNITY COMMITTEE**DISCLOSURE AND DECLARATIONS OF INTEREST –**

<i>Name</i>	<i>Item</i>	<i>Nature of Interest</i>	<i>Reason/Intended Action</i>
Cr Williamson	6b.19.001	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Under 6.9 (c) of the Code of Conduct I have a friendship with one of the objectors. Intended action: Leave the Chamber.
Cr Williamson	6b.19.002	<input type="checkbox"/> Pecuniary <input checked="" type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: Under 6.9 (b) of the Code of Conduct I have a friendship with one or more of the objectors. Intended action: Leave the Chamber.
Cr Lysaught	6b.19.002	<input type="checkbox"/> Pecuniary <input checked="" type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: Known to objectors Intended action: Leave the Chamber.
Cr Clancy	6b.19.002	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: One of the objectors is former workmate. Intended action: Remain in the Chamber.
Cr Kingsley	6b.19.001	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: I have engaged the services of one of the objectors (through their business) on a couple of occasions over the past 12 months. Intended action: Leave the Chamber
Cr Kingsley	6b.19.008	<input type="checkbox"/> Pecuniary <input checked="" type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: My daughter is a member of the Grafton City Tennis Club. I have personal and professional involvement with the club, assisting with the organising of the Annual Wheelchair Tennis Tournament. Intended action: Leave the Chamber
Cr Toms	6b.19.005	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Contract Manager of Iluka Holiday Park Intended action: Remain in the Chamber
Cr Toms	6b.19.008	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: President of Yamba Evening View Intended action: Remain in the Chamber
Cr Ellem	6b.19.006	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: My wife is a member of the COOEE Group which has lobbied for balloon ban. Intended action: Remain in the Chamber

<i>Name</i>	<i>Item</i>	<i>Nature of Interest</i>	<i>Reason/Intended Action</i>
Cr Ellem	6b.19.008	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Trustee of 2LCFM Intended action: Leave the Chamber

ITEM	6b.19.001	REV2019/0001 – REQUEST TO REVIEW COUNCIL’S DETERMINATION TO REFUSE MOD2019/0013 FOR A MODIFICATION OF DA2016/0540 - RECREATION FACILITY (OUTDOOR) – PRIVATE MOTOCROSS TRACK – 436 TALLAWUDJAH CREEK ROAD, GLENREAGH (LOT 2 DP264272)
-------------	------------------	---

Meeting	Environment, Planning & Community Committee	18 June 2019
Directorate	Environment, Planning & Community	
Reviewed by	Manager Environment, Development & Strategic Planning (David Morrison)	
Attachment	To be tabled	

SUMMARY

<i>Applicant</i>	Bayden Blanchette
<i>Owner</i>	Bayden Blanchette
<i>Address</i>	436 Tallawudjah Creek Road, Glenreagh
<i>Submissions</i>	Yes – 13 objections

Application REV2019/0001 seeks a review of Council’s determination to refuse MOD2019/0013 (determined at the March 2019 Council meeting - Item 14.026/19). Application MOD2019/0013 sought approval to remove the time limit imposed and continue the use of the land under DA2016/0540 (as modified), for a private motocross track on land at 436 Tallawudjah Creek Road, Glenreagh (Lot 2 DP264272).

The applicant has provided additional information for Council’s consideration of the review. This report addresses the request and the additional information submitted with it in terms of Council’s grounds for refusal of the modification application and provides a recommendation for Council’s consideration.

OFFICER RECOMMENDATION

That Council :

1. In determining REV2019/0001 uphold its decision to refuse MOD2019/0013 as the revised proposal does not provide sufficient evidence to refute the grounds for which Council refused MOD2019/0013.
2. Extend the period of time that the track is to be returned to its previous state and require the work to be completed in accordance with condition 2 of DA2016/0540 by 30 September 2019.

Having declared an interest in this item, Crs Williamson and Kingsley left the EP&C Committee meeting at 3.39 pm and Cr Kingsley returned at 3.45 pm.

COMMITTEE RECOMMENDATION

Clancy/Novak

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Clancy, Novak, Simmons

Against: Baker

Having declared an interest in this item, Crs Williamson and Kingsley left the Council meeting at 3.32 pm and Cr Kingsley returned at 3.43 pm.

MOTION

Toms/Clancy

That the Officer Recommendation be adopted.

AMENDMENT TO MOTION

Baker/Lysaught

That Council :

1. In determining REV2019/0001 uphold its decision to refuse MOD2019/0013 as the revised proposal does not provide sufficient evidence to refute the grounds for which Council refused MOD2019/0013.
2. Extend the period of time that the track is to be returned to its previous state and require the work to be completed in accordance with condition 2 of DA2016/0540 by 31 December 2019.

Voting recorded as follows:

For: Baker, Lysaught, Ellem, Toms, Simmons

Against: Novak, Clancy

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

COUNCIL RESOLUTION – 6b.19.001

Toms/Clancy

That Council :

1. **In determining REV2019/0001 uphold its decision to refuse MOD2019/0013 as the revised proposal does not provide sufficient evidence to refute the grounds for which Council refused MOD2019/0013.**
2. **Extend the period of time that the track is to be returned to its previous state and require the work to be completed in accordance with condition 2 of DA2016/0540 by 31 December 2019.**

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

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

BACKGROUND

Council resolved to refuse MOD2019/0013 after considering a report (see Item 14.026/19 attached) at its meeting on 26 March 2019 as follows:

“That Council:

1. *Refuse MOD2019/0013 on the grounds that*
 - a. *The applicant has not adequately demonstrated compliance with the hours of operation specified under conditions 3, 4 and 5.*
 - b. *The use of the track is generating unreasonable offensive noise impact on the locality.*
2. *Require the track to be returned to its previous state in accordance with condition 2 within three months.”*

A determination of the modification application to refuse MOD2019/0013 of DA2016/0540 was subsequently issued by Council on 3 April 2019. The applicant has since requested that Council review that determination by submitting an application for review, being REV2019/0001, in accordance with section 8.2 of the *Environmental Planning and Assessment Act 1979* (the Act). It is important to note that in accordance with section 8.2(3) of the Act, the applicant, in requesting a review may amend the proposed development but only if it is substantially the same development.

The applicant has submitted a statement with the review application (see attached), addressing the grounds for refusal and providing additional commitments to record keeping and monitoring. A petition in support of the continued use of the track was submitted with the application. The petition contains 204 names with the majority of signatures listing their address/postcode as Glenreagh 2450 (see confidential attachment). There is also an online petition via change.org with 12,127 signatures.

That application was duly notified to adjoining persons and persons who made submissions to MOD2019/0013. In response, 13 submissions to the application were received (copies attached).

KEY ISSUES

This report primarily considers the grounds for refusal resolved by Council in March 2019 when it considered MOD2019/0013 and the relevance of additional information submitted by the applicant and as a result of public consultation to those grounds. The previous Section 4.15 assessment of the development application and subsequent modification are also relevant.

Demonstrated compliance with conditions 3, 4 and 5

Conditions 3, 4 and 5 of consent DA2016/0540 (as modified) restrict the hours and frequency of riding permitted for the track. A number of the submissions to MOD2019/0013 raised several alleged non-compliances with those conditions of consent. As part of MOD2019/0013, Council was of the view that the applicant was not able to provide sufficient evidence, through his riding log or other means, to adequately demonstrate to Council that those conditions had been complied with.

In the review application for REV2019/0001 the applicant has stated:

“The modifications I offer under this review:

- *Two bikes to be ridden on the track at any one time. Total continuous riding times of 45 minutes with no less than 15 minute breaks between rides*
- *Same hours which apply to the previous DA (two days during the week between 9-12 & 2-6pm, Saturdays from 10am-12 or 2-5pm)*
- *Installation of CCTV calibrated for records to provide to Council to ensure compliance*
- *More accurate records, recording weather conditions, 15 minute break times and personnel on the track*
- *12 month review on compliance with CCTV records and additional information provided in the log*
- *Inspection on neighbour complaints by Council staff*

I will install a new CCTV that operates 24 hours that monitors every activity on the track and provides times and dates.

I will prepare a new detailed log manually that records dates times, breaks, riders name, weather conditions, all activities on the track and whether there was no activity. This log will be additional to the CCTV footage and compliment the records. Copies of these will be forwarded to Council every three months until Council no longer requires them."

Comment

In regards to the first two dot points, Council staff have clarified that there is no change of hours proposed by the applicant under the review proposal. The key aspects of the proposal are more detailed record keeping, CCTV recording, and the use being subject to a further review after 12 months of operating with the proposed record keeping and monitoring.

In the review application, the applicant has also questioned the accuracy of the neighbours log book that was considered as part of MOD2019/0013, which showed substantial inconsistencies with the applicant's riding log. The applicant has again vowed that his riding log submitted is an accurate record of riding times.

The applicant has not provided any further information or evidence to demonstrate previous compliance with the conditions of consent, which is essential to consideration of this application. Instead, the applicant has focused on providing a greater commitment to future record keeping and monitoring of the motocross tracks use. Council may consider that this additional and more specific record keeping addresses Council's first ground for refusal of the modification application. If supported, it may need to be supplemented by an amended condition to clarify that such documentation must be kept contemporaneously with the use of the track and produced reasonably on demand.

Offensive noise

Submitters to MOD2019/0013 objected to the application on the grounds of offensive noise generated by the use of the motocross track. As part of MOD2019/0013, Council determined the use of the track is generating an unreasonable offensive noise impact on the locality.

The applicant has commented on noise in the review application. The application highlights that an individual's response to noise is subjective and can depend on various factors; and that the area is currently subject to an array of agricultural and other noises, such as farm animals, vehicles, machinery and the like. The credibility of the data provided by the noise monitor relied on by one of the complainants to MOD2019/0013 is questioned by the applicant due to the calibration and certification requirements of such devices.

The applicant asserts that *"every motorbike owned or used by me and my family are fitted with a silencer and there have not been any modifications made to any of the bikes exhausts, they are all stock standard compliant and meet the prescribed noise emission requirements set by the Australian Standards authorities. There is no breach of any legislation/regulations for any offensive noise emissions."*

Additionally, a schedule showing general noise comparison and effects of a range of activities supported the application to justify the extent of the noise impact.

Comment

Whilst it is important that the bikes comply with the Australian Standards for noise emissions, and the silencers reduce emissions, it does not necessarily mean that the motocross activity does not create offensive noise. Assessment of noise impacts are to take into consideration more than the noise level emitted from the bike, and include the noise frequency, duration and characteristics; as well as the proximity to the noise source, the existing background noise levels and site characteristics.

Although the schedule provided can be used as a guide, it is not specific to the details of the proposal and cannot be used to determine if the activity noise is offensive. For example, the table does not identify the cumulative noise emitted from 2 motorbikes operating at one time.

Through the review application, the applicant has not provided sufficient evidence to justify that the activity is not generating an unreasonable offensive noise impact on the locality. Additionally, no changes to the operation of the motocross track to address noise impacts are proposed under this review for further consideration.

The existing times as specified by the consent are as follows:

3. The motocross track is not to be utilised for more than three days per week, including no more than two weekdays plus Saturdays. The use is not permitted on Sundays, *Christmas Day, or Good Friday.*

Amended by MOD2017/0074 on 20 February 2018

- ~~4. Use of the motocross track is only permitted between 3.00pm to 6.00pm weekdays, and 10.00am to 11.00am and 2.00pm to 5.00pm on Saturdays.~~

Deleted by MOD2017/0074 on 20 February 2018

4. *Use of the motocross track on weekdays is restricted to one (1) only of the following permitted timeframes during the day of use:*

- a. *between 9:00 a.m. to 12:00 p.m.; or*
- b. *between 2:00 p.m. to 6:00 p.m.*

Use of the motocross track on Saturday is restricted to one (1) only of the following permitted timeframes during the day of use:

- a. *between 10:00 a.m. to 12:00 p.m.; or*
- b. *between 2:00 p.m. to 5:00 p.m.*

Added by MOD2017/0074 on 20 February 2018

5. The total continuous ride time must not exceed 45 minutes with a rest time of no less than 15 minutes between ride times.

These conditions address nuisance in terms of the maximum allowable frequency and duration of use of the track. It is noted that a potential element of what may constitute a nuisance is the lack of certainty of whether the track will be in use at any given day or time, other than Sundays, Christmas Day or Good Friday. For example, depending on usage in the same week, there is no certainty for neighbours on whether the track may be used that day, or whether morning or afternoon. The lack of certainty makes it more difficult for neighbours to adjust their lifestyle around potential noise nuisance and hence could exacerbate that nuisance.

Retention of the same operational hours restrictions makes it difficult to conclude that Council's concerns of noise nuisance as specified in point 1b of its grounds of refusal has been addressed.

Track removal

The 3 months given to restore the track to its previous state will expire on 26 June 2019. The applicant has not undertaken any works to restore the land due to the lodgement of the request to review the determination. If Council uphold the original determination, the time should be extended for a further 3 months as it is unreasonable to require the works to be done whilst a review of the determination is pending.

Submissions

The submissions to the review application raised additional matters, including:

- inaccuracies in the mud map and false statements in the application,
- uncertainty of what motorbike riding is permitted on the land without development consent,
- the track being used by additional people than those identified as users of the track,

- construction of a third bike track on the land since Council refused MOD2019/0013 in March 2019, that track being located in part on the property boundary and
- the applicant's disrespect for process and compliance.

In summary, the applicant has provided a greater commitment to record keeping and monitoring of track use in accordance with the original conditions of consent, which may address point 1a – compliance, of Council's ground for refusal. However, it is considered that the review application and supporting documentation does not contain sufficient information or evidence to ameliorate point 1b – noise nuisance of the grounds for refusal of MOD2019/0013, specifically there is no offer to reduce the potential times for usage of the track nor to provide greater certainty of potential usage by reducing the spread of potential hours.

Should Council consider that the review application adequately justifies the grounds for refusal then Council has the option to accept the request for a review and grant approval to MOD2019/0013 to modify DA2016/0540. Any such approval would need to be granted subject to the modifications detailed in the recommendation of the report to Council in March 2019.

Options

1. Refuse the review request on the basis that the additional information does not adequately address Council's refusal.
2. Approve the review request with additional conditional conditions that clarify record keeping to be kept contemporaneously with use and produced on request, as well as a reduction in the potential hours of use to provide greater certainty to nearby affected residents.
3. Approve the review request as submitted.

COUNCIL IMPLICATIONS

Budget/Financial

N/A

Asset Management

N/A

Policy or Regulation

Environmental Planning and Assessment Act 1979 (the Act)

Clarence Valley Local Environmental Plan 2011

Rural Zones Development Control Plan 2011

Protection of the Environment Operations Act 1997

EPA Noise Guide for Local Councils

Consultation

The application seeking a review of Council's determination was notified in accordance with the requirements of Council's DCP and relevant planning legislation. Submissions received are attached to the report. Relevant considerations arising from those submissions have been addressed in the 'Key Issues'. It should be noted that submissions raised a range of issues that have not been considered due to the limited scope of the report to deal with the grounds for refusal and other matters directly relevant.

Legal and Risk Management

The applicant has sought a review under Section 8.2 of the Act. The applicant has the option to lodge an appeal to the Land and Environment Court against Council's determination. Any appeal would be likely to entail some cost to Council, however, this is only a potential at this time.

Climate Change

N/A

Prepared by	David Morrison, Manager Environment, Development & Strategic Planning
To be tabled	<ol style="list-style-type: none">1. Item 14.026/19 to March 2019 Council meeting for MOD2019/00132. Revised statement from the applicant supporting the application3. Submissions – 13 objections4. Petition in support of the continued use

ITEM	6b.19.002	DA2019/0044 – ALTERATIONS AND ADDITIONS TO AGED CARE FACILITY (INCREASE FROM 63 TO 83 BEDS) – NO. 126 NORTH STREET, GRAFTON
-------------	------------------	--

Meeting	Environment, Planning & Community Committee	18 June 2019
Directorate	Environment, Planning & Community	
Reviewed by	Manager Environment, Development & Strategic Planning (David Morrison)	
Attachment	To be tabled	

SUMMARY

<i>Applicant</i>	Southern Cross Care (NSW & ACT) Ltd
<i>Owner</i>	Southern Cross Care (NSW & ACT) Ltd
<i>Address</i>	126 North Street, Grafton
<i>Submissions</i>	Yes (40 plus petition with 114 signatures)

Development Application DA2019/0044 seeks approval for alterations and additions to the existing aged care facility to increase the number of beds from 63 to 83 and associated works as follows:

- *demolish and replace older, dated accommodation (namely Wings A, B & C) and retention of rooms and associated spaces in the more recent Wings D, E and F*
- *construction of a new single storey extension to create a total of 83 bedrooms (each with ensuite) and upgrade/new ancillary areas and facilities – net increase of 20 beds over existing 63 bed facility*
- *upgrade existing accesses to North Street and construction of new driveway/access to O’Malley Close*
- *construction of 28 onsite car parking spaces (including 2 x accessible and 1 x mini bus spaces)*
- *increase of 2,832m² resulting in a total resultant GFA of 5,433m²*

There were 40 submissions and one petition containing 114 signatures received during the notification period. Most submissions were generally not opposed to the development but concerned about the potential impacts to the residents in O’Malley Close from traffic increases and parking due to the new driveway and parking area containing 10 spaces servicing the development from O’Malley Close.

Other issues raised in the submissions include concerns about potential construction impacts, operational impacts, decrease in property values and impacts to the Queen Street and O’Malley Close intersection and restriction on 88B instrument for Marion Estate prohibiting development other than for residential purposes.

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

OFFICER RECOMMENDATION

That DA2019/0044 be approved subject to the imposition of conditions contained in Schedule 1.

Having declared an interest in this item, Cr Lysaught left the EP&C Committee meeting at 3.45 pm and returned with Cr Williamson at 4.00 pm.

COMMITTEE RECOMMENDATION

Baker/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Simmons, Baker
Against: Clancy, Novak

The Motion was declared CARRIED on the casting vote of the Chair.

Having declared an interest in this item, Cr Lysaught left the Council meeting at 3.43 pm and returned with Cr Williamson at 4.37 pm.

MOTION

Simmons/Novak

That this matter be deferred to allow discussion by Council officers with the applicant with a view to addressing the back worker carparking and to minimise construction traffic impacts on residents of O'Malley Close.

AMENDMENT TO MOTION

Ellem/Kingsley

That this matter be deferred to allow discussion by Council officers with the applicant with a view to minimising construction traffic impacts on residents of O'Malley Close and negotiating an alternative access to the overflow carpark from North Street.

Voting recorded as follows:

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

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

COUNCIL RESOLUTION – 6b.19.002

Simmons/Novak

That this matter be deferred to allow discussion by Council officers with the applicant with a view to minimising construction traffic impacts on residents of O'Malley Close and negotiating an alternative access to the overflow carpark from North Street.

Voting recorded as follows:

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

FORESHADOWED MOTION (1)

Kingsley

That DA2019/0044 not be approved on the grounds of public safety and preserving the amenity of the residents of O'Malley Close.

FORESHADOWED MOTION (2)

Baker

That DA2019/0044 be approved subject to the imposition of conditions contained in Schedule 1, subject to the provision of a traffic management plan by the applicant that prohibits all building construction traffic utilising O'Malley Close but allowing carpark construction traffic.

LINKAGE TO OUR COMMUNITY PLAN

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

BACKGROUND

Development application DA2019/0044 was lodged with Council on 5 February 2019. The development was exhibited from 7 to 28 February 2019. During the exhibition period 40 submissions and one petition containing 114 signatures were received. In response to concerns raised within the submissions, additional information was requested to address issues regarding the potential impacts of the development to residents in O'Malley Close which included details of how the overflow staff parking area (accessed via O'Malley Close) will be managed and restricted to day-time use only. When considering this matter it is important to note that the proposed development will only result in an increase of 20 beds from 63 to a total of 83 beds.

The subject land is zoned part R1 General Residential and part RU2 Rural Landscape under the provisions of the Clarence Valley Local Environmental Plan 2011 (LEP).

For the purposes of this application the development is defined as a **residential care facility** which means accommodation for seniors or people with a disability that includes:

- a) meals and cleaning services, and
- b) personal care or nursing care, or both, and
- c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

Residential care facilities are permitted with consent within the R1 zone under the provisions of the LEP. Development for the purposes of seniors living is permitted with consent within the RU2 zone under Clause 24(2) of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors Living SEPP) subject to the issue of a Site Compatibility Certificate under Clause 25(4)(a) of the Seniors Living SEPP. A Site Compatibility Certificate was issued by the Department of Planning and Environment on 19 June 2017 and was provided with the application.

KEY ISSUES

1. Impacts to residents from car park access via O'Malley Close

The majority of submissions received were from residents within the O'Malley Close subdivision who raised the potential impacts from access to the rear car parking area off O'Malley Close as their major concern with regard to increases in traffic and noise, safety and amenity.

Following the close of submissions and as part of the assessment of the application Council staff requested additional information regarding the management of the rear parking area noting that there will be some impact to the residents from increased traffic flows and hours of use of the parking area.

Comment

Given the large amount of submissions in regard to the potential impacts on O'Malley Close, it was required that the applicant provide additional information detailing how the overflow staff parking (accessed via O'Malley Close) will be managed and restricted to day-time use only. In response to the information request, the applicant has amended the application so that the rear car parking area consisting of 10 spaces

will only be accessed between the hours of 6.00 am and 6.00 pm daily by staff. As part of the applicant's commitment to restrict the access, the rear car parking area will be gated and a plan of management prepared prior to issue of the Construction Certificate about the operational aspects of this requirement.

In response to the additional information, the applicant has indicated that the rear access parking area will be controlled by electronic gated access which will restrict use outside of the hours between 6.00 am and 6.00 pm. If approved, the DA will be conditioned accordingly.

The development will provide for a total of 28 onsite car parking spaces with 18 of those spaces being located at the front of the development and being accessed via North Street. The development has been provided with more onsite car parking than is required under the provisions of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. This will significantly reduce the need for overflow parking within the rear car parking area off O'Malley Close.

In response to the submission made with regard to the increase traffic impact on O'Malley Close, the applicant has referred to the original Traffic and Parking Assessment (Appendix G of the Statement of Environmental Effects) where it was stated that; the O'Malley Close and Queen Street intersection did not warrant investigation due to the lack of traffic volumes using this intersection in accordance with Austroads Guide to Traffic Management – Part 3. However, in further response the applicant has indicated that the majority of traffic will be using the North Street access and there will only be a minor increase in vehicles using O'Malley Close. Further to this the traffic impact assessment concluded that the proposed development will not impact on the existing level of service experienced on surrounding streets and intersections.

Considering the proposal for 10 staff car parking spaces to be accessed via O'Malley Close, it can be expected that at full capacity, the development will result in a minimum increase of 20 vehicle trips per day (assuming 1 shift change). At full capacity with a maximum probable 2 shift changes, this would result in a maximum of 40 vehicle trips per day (considering 100% occupation).

The RMS Guide to Traffic Generating Developments 2012 indicates that the daily vehicle trip per dwelling in regional areas is 7.4 trips. In context, approval has been given for an additional 8 Torrens/Strata lots within O'Malley Close over and above the original approved subdivision. This equates to an additional traffic generation of $59.2 (7.4 \times 8) \approx 60$ daily vehicle trips. In comparison, the remaining area of the site (inclusive of the car parking area) would equate to the equivalent approx. 7 dwelling units which could be developed on the land. This would result in an additional $51.8 (7.4 \times 7) \approx 52$ daily vehicle trips, which is in excess of the maximum vehicle trips which can be expected from the development within O'Malley Close.

The application has addressed the effects of the proposed development on the surrounding road and intersection networks in accordance with the RMS guide for traffic generating developments. This analysis concluded that there will be a negligible impact on the existing level of service for Queen and North Streets.

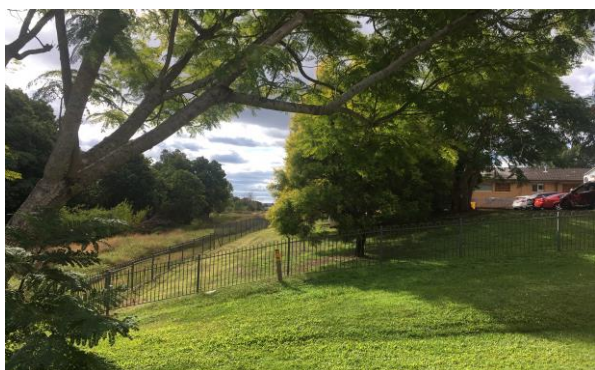
2. Relocate vehicle access to parking area off North Street instead of O'Malley Close

The majority of submissions received requested no direct access to the rear car parking area (10 spaces) from O'Malley Close and suggested that the rear car parking area be accessed via North Street along the eastern boundary of the site.

Comment

The possibility of relocating the access to the rear 10 car parking spaces would require considerable redesign of the proposed building layout to allow adequate width for the required passing places and accommodation of existing overland/underground stormwater flows. The existing corridor along the eastern boundary is 4.2m in width and will not be able to accommodate the minimum required 5.5m wide passing bays which would be required given the length of the access (approx. 80m). In addition to this, the applicant has raised the potential impact of the access way on the root system of the existing fig tree with

the site if access was relocated to the rear car parking area from North Street. Photographs of the existing North Street frontage is provided for illustration purposes below.



North Street frontage – Western boundary



North Street frontage – Eastern boundary

3. Construction impacts

Concerns were raised within the submissions regarding the potential impacts during construction of the development from noise and traffic from construction vehicles using O'Malley Close as the point of entrance to the site.

Comment

Impacts experienced during construction are generally temporary in nature until such time as the works are completed. There is no doubt that there will be some impacts from noise and construction activity whilst the development is being built. However, this is not a long term impact.

To minimise any potential impacts during construction, working construction hours will be restricted to 7.00 am to 6.00 pm 6 days per week with no work permitted on Sundays or public holidays. Further to the above, a condition prohibiting all vehicles associated with the development to be parked on, or stored within the surrounding road network. If approved, the development will also restrict all loading and unloading operations to within the confines of the property.

4. Decrease in property values

A potential decrease in property values to the residential dwellings in O'Malley Close was raised as an issue within the submissions.

Comment

The impact of this development on the value of surrounding properties is difficult to quantify. Increase or loss of property value is not a matter that can be directly related to development proposals such as this because there are other factors that affect such values.

5. Development inconsistent with the Restriction on 88B instrument for O'Malley Close Estate prohibiting development other than for residential purposes

Concerns were raised in the submissions that the proposed development was inconsistent with the Section 88B Instrument that applied to the residential subdivision in O'Malley Close and stated that the development should follow the same building conditions including roof materials to be used.

Comment

The restriction on use of land referred to in the submission and registered under the section 88B Instrument for each relevant deposited plan in the O'Malley Close residential subdivision, states that no main building shall be erected or to be used for any purpose other than as a single dwelling, two dwellings

or home units that are not detached. This restriction does not apply to the subject land being Lot 72 and 73 DP1228271 and therefore the development is consistent with the 88B instrument.

6. Impacts from lighting

Concerns were raised within the submissions regarding the impact from lighting of the car park area on neighbouring residents.

Comment

Any new outdoor lighting around the building and to car parking areas shall be designed in accordance with Australian Standard 4282-1997 'Control of the obtrusive effects of outdoor lighting' and with the 'Safer by design' guidelines prepared by the NSW Police. A design statement will also be required to be submitted from a suitably qualified lighting specialist prior to issue of the Construction Certificate to verify the design meets these criteria. The imposition of these requirements as a condition of consent will ensure that any lighting for the development has no adverse impacts to the surrounding neighbourhood.

7. Lack of consultation between developer and land owners prior to lodgement of DA

Concerns were raised within the submissions by neighbouring residents that there was a lack of consultation between the developer and affected land owners prior to the lodgement of the development application.

Comment

There is no legal requirement for the developer to involve or contact adjoining land owners as part of a pre-lodgement process. However, the developer has advised that they did engage in public consultation with land owners by undertaking a letter box drop to all residences in and around O'Malley Close on 24 January 2019 (57pprox.. 90 letters) which provided a brief description of the development with an invitation to an information session which was held on 19 February 2019.

Upon lodgement of the application, Council advertised and notified the development in accordance with the provisions of Part B of the Residential Zones Development Control Plan. In response to the submissions received, Council staff requested further information to address those concerns and these issues have been discussed above in this report.

8. Overshadowing of adjoining properties from development

Overshadowing of adjoining properties from the proposed development was raised within the submissions from land owners with boundaries along the development area.

Comment

The Shadow Diagrams prepared by TDK Architects (Drawing No. AR.DA.7001), provided in the attachments demonstrate that there is no likely adverse impacts from overshadowing to adjoining properties.

9. Stormwater

An increase in runoff and water damage to neighbouring properties was listed as one of the concerns within the submissions.

Comment

A detailed stormwater management report was prepared by Bonocci Group and submitted as part of the DA. The stormwater management plan demonstrated that the proposed stormwater devices meet the quantity and quality targets for pollution reduction and pre/post development flows. This has been demonstrated via the provided DRAINS and MUSIC models. As such, there will be no adverse impacts from stormwater to adjoining residences.

Summary

In summary, the development has been recommended for approval because:

- There will be restricted hours of operation of the rear car park area from 6.00 am to 6.00 pm daily.
- The rear car parking area will be gated and used by staff only.
- O'Malley Close is a public road with sufficient capacity to cater for a minimal increase in car movements.
- The number of car movements generated from the 10 space car park is similar to that if the land was developed for residential purposes.
- The development will provide an additional 20 beds to be used as senior living facilities.
- The development is not inconsistent with the objectives of the residential zone.

Through the imposition of suitable conditions related to the operation of the rear car parking area consisting of 10 spaces, the development is not likely to have adverse impacts to the amenity of the neighbourhood.

COUNCIL IMPLICATIONS**Budget/Financial**

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

The development being for seniors housing is exempt from payment of section 7.11 and 7.12 contributions as per the Clarence Valley Contributions Plan 2011.

Asset Management

N/A

Policy or Regulation

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulations 2000
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- Clarence Valley Local Environmental Plan 2011
- Residential Zones Development Control Plan 2011

Consultation

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

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Engineering	Supported with conditions
Health & Building	Supported with conditions
Environmental Health	Supported with conditions
Trade Waste	Supported with conditions

The application was also referred to the Natural Resource Access Regulator (NRAR) for comment as the works are within 40m of Alumy Creek. However, NRAR have stated that no Controlled Activity Approval is required. As such, the development is classed as local development and does not trigger the integrated development provisions of the Act.

Legal and Risk Management

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

Climate Change

An Energy Efficiency Report under Section J of the Building Code of Australia (BCA) is required to be submitted as part of the Construction Certificate to ensure that the development has met its obligations in terms of energy efficiency. Compliance with Part J of the BCA will ensure that greenhouse gas emissions generated from the development will be minimised to reduce any potential impacts on climate change.

Prepared by	Carmen Landers, Development Planner (Systems)
To be tabled	<ol style="list-style-type: none"> 1. Plans 2. Submissions 3. Section 4.15 Assessment

Schedule 1**Draft Advices and Conditions of Consent for DA2019/0044****Advices**

1. Demolition work is to be carried out in accordance with AS 2601.
2. Prior to building work commencing approval under Section 68 of the Local Government Act shall be obtained from Council for sewer work, water plumbing and stormwater work. Two copies of hydraulic plans to AS 3500 detailing the size and location of water, sewer, stormwater and fire services shall be submitted to Council for approval.
3. The subject property is flood prone and receives a level of flood protection from the Grafton flood levee system. To meet Council's current Floodplain Management Controls the floor level of the primary habitable floor level for new/rebuilt parts of the aged care facility shall to be a minimum of 6.4 metres Australian Height Datum (AHD).

However, you are advised that the latest BMT-WBM 'Lower Clarence Flood Model Update 2013' study indicates that the 1:100 year flood level (1% annual exceedance probability flood level) in the vicinity of the subject site is 6.56m Australian Height Datum (AHD) and the extreme flood level is 8.94m AHD. Council is currently reviewing the flood planning levels for North Grafton based on consideration of the revised flood model (Council resolution 13.043/14). Until that review is completed and a revised minimum floor level for primary habitable areas of residential buildings in North Grafton is determined the current minimum of 6.4m AHD will continue to apply. It is recommended that you take into consideration the findings of the BMT-WBM 'Lower Clarence Flood Model Update 2013' when determining the floor level of the primary habitable areas of the subject development.

4. Access for people with disabilities must be provided to and within the building by means of an accessway in accordance with AS 1428.1-2009:
 - a from the main points of a pedestrian entry at the allotment boundary;
 - b from another accessible building connected by a pedestrian link; and
 - c from any required accessible carparking space on the allotment.
5. The Construction Certificate plans shall detail dimensional compliance with the requirements of AS 1428.1-2009 for access and facilities.
6. A Section J Report shall be submitted with the Construction Certificate application addressing the

energy efficiency requirements of the Building Code of Australia.

7. No construction is to be commenced until a Construction Certificate has been issued.
8. To obtain a Certificate of Compliance for water and or sewer works, Council requires completion of any works on Council's water or sewer infrastructure specified as a condition of this consent and payment of contributions in accordance with Section 64 of the Local Government Act, 1993, which applies Section 306 of the Water Management Act, 2000. The application form for a Certificate of Compliance is available on Council's website.

The proposed development has been assessed as contributing an additional 10 ET demand on Council's water supply, and an additional 15 ET loading on Council's sewerage system. This includes an applicable credit for pre-existing uses. The headworks charges at 2018/19 financial year rates are:

Water Headworks \$4,817.00 x 10 additional ET	= \$48,170.00
Sewer Headworks \$6,589.00 x 15 additional ET	= \$98,835.00

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

9. Any activity to be carried out on any part of the road reservation requires the prior approval of Council under the NSW Roads Act 1993.
10. All building and construction work, which includes subdivision and civil works, which cost \$25,000 or more require the payment of the long service levy prior to a Construction Certificate being issued. The levy is required under the Building and Construction Industry Long Service Payments Act 1986. The total value of works must be included on the Construction Certificate Application form.
11. Connection to the public water and sewerage reticulation system requires the approval of Council under the NSW Local Government Act.

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

Conditions

1. The development being completed in conformity with the Environmental Planning & Assessment Act, 1979, the Regulations thereunder, the Building Code of Australia (BCA) and being generally in accordance with the following plans:
 - Cover Sheet & Drawing Schedule Drawing No. AR.DA.0000 Revision A by TDK Architects dated 22 January 2019
 - Demolition Site Plan Drawing No. AR.DA.1011 Revision A by TDK Architects dated 22 January 2019
 - Proposed Site Plan AR.DA.2021 Revision A by TDK Architects dated 22 January 2019
 - Proposed Ground Floor AR.DA.2001 Revision A by TDK Architects dated 22 January 2019
 - Proposed Elevations AR.DA.3001 Revision A by TDK Architects dated 22 January 2019
 - Proposed Sections AR.DA.3011 Revision A by TDK Architects dated 22 January 2019
 - Landscape Masterplan Drawing No. L101 Revision B dated 20 December 2018 by Xeriscapes
 - Landscape Plan (1 of 2) Drawing No. L101 Revision B dated 20 December 2018 by

Xeriscapes

- Landscape Plan (2 of 2) Drawing No. L101 Revision B dated 20 December 2018 by Xeriscapes

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

Building Conditions

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

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

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

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

4. **Site Safety Management** Building equipment and/or materials shall be contained wholly within the site and shall not be stored or operated on the footpath or roadway, unless specific written approval has been obtained from Council beforehand.

All excavations and back filling associated with the erection and demolition of a building must be executed safely and in accordance with appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

5. **Toilet Facilities** are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a A standard flushing toilet, connected to a public sewer, or
- b An approved temporary chemical closet.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

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

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

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

7. The roof covering is to be of a colour which does not produce glare which adversely affects the amenity of adjoining properties. White colorbond, galvanised iron and zincalume are not permitted.

8. To meet Council's Floodplain Management Controls the floor level of the primary habitable floor level is to be a minimum of 6.4 metres Australian Height Datum (AHD). A certificate indicating the height of habitable floors on the ground floor (related to AHD) is to be forwarded to the Principal Certifying Authority:

- a In the case of timber floors, on completion of the floor framing;
- b In the case of concrete slabs when formwork is in place but prior to pouring concrete.

This certificate is to be provided by a Registered Surveyor. No further work is to be carried out on the building until such certificate is provided to the Principal Certifying Authority.

- 9. All building construction below 6.4m AHD shall be of flood compatible materials.
- 10. The waste management plan prepared by Universal Food Service Designs for the ongoing operation of the facility is approved subject to a regular organics collection service forming part of the plan. The organics service shall include the collection of food waste for composting. Details of a 240 litre green bin organics collection service can be obtained from Council. A detailed waste management plan for the demolition and construction phases of the project shall be submitted to Clarence Valley Council and approved prior to issue of the construction certificate. The approved waste management plans shall be complied with during the demolition, construction and ongoing operation of the aged care facility. All waste management facilities in the development shall be in place prior to the issue of the Occupation Certificate.
- 11. The flood emergency plan for the facility shall be updated in consultation with the local State Emergency Service (SES) taking into account the increased size of the facility. A copy shall be submitted to the SES and Council for their information prior to issue of an Occupation Certificate.
- 12. New outdoor lighting around the building and to car parking areas shall be designed in accordance with Australian Standard 4282-1997 'Control of the obtrusive effects of outdoor lighting' and with the 'Safer by design' guidelines prepared by the NSW Police. A design statement from a suitably qualified lighting specialist shall be submitted to Clarence Valley Council prior to issue of the Construction Certificate to verify the design meets these criteria.

Engineering Conditions

- 13. A Certificate of Compliance for Water and or Sewer works must be obtained from Council prior to issue of the Building Occupation Certificate, for each and every stage of the development. This may require payment of a fee.
- 14. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
- 15. All stormwater falling on the property is to be collected within the property and discharged in accordance with the relevant parts of the applicable Clarence Valley Council Development Control Plans and **NRDC**.

A Stormwater Management Plan (SWMP) that demonstrates **NorBe** must be prepared in accordance with **NRDC**. The SWMP is to be generally in accordance with the submitted Stormwater Management and Civil Works Plan Drawing No. C020 Rev E prepared by BONACCI.

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

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

16. Car parking, driveways, manoeuvring and access areas must be constructed, sealed, line marked and drained for a minimum of 27 car parking spaces in accordance with the approved plans and made available thereafter. The car parking classification is Class 2 for the internal parking and is to be designed in accordance with AS2890, the relevant parts of the applicable Council DCP and **NRDC**. All car parking spaces must be accessible by B99 vehicles.
17. The 10 car parking spaces accessed via O'Malley Close is to be only utilised between the hours of 6.00 am and 6.00 pm. This area must be gated and prohibited from public use prior to issue of the Occupation Certificate. A Plan of Management as to how this will area will be managed is to be provided to Council for approval prior to issue of the Construction Certificate.
18. Loading and unloading operations being confined to within the property.
19. All vehicles associated with the conduct of the business are not to be parked on the footpath or adjoining streets.
20. Any fill earthworks to be undertaken on the site must be carried out in accordance with the placement and compaction of fill described in AS 3798, Level 1 inspection and testing and NRDC.
21. Erosion and Sediment Control is to be implemented in accordance with the relevant parts of the applicable Council Development Control Plans, 'NSW Managing Urban Stormwater - Soils and Construction (Blue Book)' and **NRDC**. These controls are to be maintained and managed by the applicant and/or the appointed contractor until an Occupation Certificate is issued.
22. During dry weather, standard dust suppressions methods are to be used as often as is necessary to ensure that adjoining properties are not adversely affected by undue dust.

Liquid Trade Waste

23. An application to discharge liquid trade waste shall be submitted for assessment with the Construction Certificate application. Detailed trade waste drainage plans shall be submitted with the application.
24. Approval to discharge liquid trade waste to Council's sewerage system shall be obtained prior to release of the Occupation Certificate.
25. All liquid trade waste from the main kitchen shall discharge through an appropriately sized grease arrestor.
26. All liquid trade waste from the servery located in the western side of the building shall discharge through a grease arrestor with a minimum capacity of 1000L.
27. All liquid trade waste from the servery in the northern wing of the building shall discharge through a grease arrestor with a minimum capacity of 1000L.
28. All grease arrestors shall be located in areas that are accessible for the pump out contractor or other acceptable means of pump out are to be made available.
29. All sinks and floor wastes in food preparation areas in the main kitchen shall contain basket arrestors.
30. All sinks and floor wastes in the serveries and residents kitchens shall contain basket arrestors.
31. All sinks and floor wastes in the café shall contain basket arrestors.

32. All liquid trade waste from the laundry shall discharge through an appropriately sized cooling pit which contains a lint basket.

Acid Sulfate Soil Management

33. All persons undertaking earthworks must be aware of the Acid Sulfate Soil Management Plan and the key indicators or characteristics contained within the Acid Sulfate Soil Management Plan for possible potential or actual acid sulfate soils.
34. A copy of the Acid Sulfate Soil Management Plan prepared by Adrill Payne and Partners dated July 2018 must be available at all times on site during earthworks and construction of the development.

Contamination

35. A Detailed Site Investigation (DSI) Report must be prepared by duly qualified person/s and to be submitted to Council for assessment prior to issue of Construction Certificate. The detailed site investigation report shall identify the nature and extent of any contamination that is present and conclude that the site is or is not suitable for its intended use.

If the DSI identifies contamination present above acceptable levels Council shall be furnished with a Remediation Action Plan prepared by duly qualified person/s for approval prior to issue of Construction Certificate.

Remediation works must be undertaken in accordance with the Remediation Action Plan prior to issue of Construction Certificate.

A Validation Report prepared by duly qualified person/s shall be submitted to Council after completion of remediation of the site and prior to issue of Construction Certificate. The Validation Report shall confirm that the site is suitable for its proposed use.

Landscaping

36. Any trees or shrubs existing on the site not identified for removal or and not directly in conflict with proposed building footprints are to be retained and protected during construction works.
37. For all trees at the interface with any development related works, compliance with the provisions of Australian Standard *AS4970-2009 Protection of Trees on Development Sites*.
38. All landscaping works are to be completed in accordance with the approved plan prior to the Occupation Certificate being issued.
39. A tree protection zone must be established around the Small Fruited Fig in accordance with the Tree Impact Assessment Report prepared by Michael Hallinan dated 19 December 2018 prior to any construction works commencing on the site.
40. The recommendations contained in Clause 5.1 and 5.2 of the Tree Impact Assessment Report prepared by Michael Hallinan dated 19 December 2018 must be implemented and complied with at all times.

Heritage

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

Restriction on Use

42. A restriction as to user is to be placed against the title of the property restricting the occupation of the accommodation to the following:
- a) seniors or people with a disability,
 - b) people who live within the same household with seniors or people who have a disability,
 - c) staff employed to assist in the administration of and provision of services to housing provided under the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

The restriction is required to be registered prior to the issue of an Occupation Certificate.

MOTION

Simmons/Novak

That the Council meeting adjourn at 4.37 pm for a short break. CARRIED.

The Ordinary Council meeting resumed at 4.47 pm.

ITEM	6b.19.003	MODIFICATION OF DEVELOPMENT CONSENT SUB2018/0020 BY MOD2019/0022 – TO DELETE CONDITION 5 AND 6 RELATING TO DIP SITE – 3131 CLARENCE WAY, NEWBOLD
-------------	------------------	---

Meeting	Environment, Planning & Community Committee	18 June 2019
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (David Morrison)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Jim O'Donohue (Bothamley & O'Donohue Pty Limited)
<i>Owner</i>	Innes Matthew and Jessica Louise Fahey
<i>Address</i>	3131 Clarence Way, Newbold (being lot 137 DP 751366)
<i>Submissions</i>	Nil

Council has received an application under Section 4.55 of the *Environmental Planning and Assessment Act, 1979* to modify SUB2018/0020 to remove the requirement for an environmental management plan for Lollbacks Dip Site and Positive Covenant through a Section 88B restriction to reflect this management plan.

The original application was notified, as was the modification application and no submissions were received during the notification 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 MOD2019/0022 on the following grounds:

1. Council considers Conditions No. 5 and 6 not to be onerous and/or unreasonable in the circumstances;
2. Council does not consider that the Applicant has adequately justified the need for the conditions to be removed; and
3. Council considers the application to be a review of the application SUB2018/0020 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*.

COMMITTEE RECOMMENDATION

Williamson/Baker

That Council

1. Grant development consent MOD2019/0022 by deleting conditions 5 and 6.
2. Accept figure 2 (of this report) as an Environmental Management Plan.

Voting recorded as follows:

For: Williamson, Simmons, Clancy, Novak, Baker

Against: Nil

COUNCIL RESOLUTION – 6b.19.003

Williamson/Novak

That Council

1. Grant development consent MOD2019/0022 with the deletion of conditions 5 and 6.
2. Add a new condition 11 (in lieu of deleted conditions 5 and 6) as follows: *The area shown as 'R' on Plan 12242-01 dated 1 April 2019 and drawn by Bothamley and O'Donohue Pty Ltd is to be fenced to restrict entry of humans and stock. Warning signs identifying the area as hazardous and prohibiting excavations within the area are to be erected on all four (4) sides. The area is to be fenced and signage erected prior to issue of the Subdivision Certificate.*

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

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

BACKGROUND

Modification application MOD2019/0022 was lodged on 17 May 2019 for the modification of approved Development Application SUB2018/0020 as approved under delegated authority on 20 December 2018 for a Two Lot Rural Subdivision. A copy of the consent and approved plans is provided in Attachment 1.

The applicant has sought to modify Development Application SUB2018/0020 by deleting Condition 5 and 6 of the consent as follows:

5. *An Environmental Management Plan (EMP) is to be prepared by a suitably qualified person for the ongoing management of the dip site. The EMP must take into consideration public health and environmental risks such as maintenance of the dip site, fencing, warning signs and excavations within proximity to the dip site. The EMP is to be submitted to Council for approval prior to issue of the Subdivision Certificate. Any recommendations or actions listed in the EMP are to be implemented accordingly.*
6. *The submission of the 88B Instrument, and one copy thereof, to Council prior to the release of the Subdivision Certificate to create a restriction on the land title to identify the presence of the dip site on proposed lot 2 and that the dip site is to be managed in accordance with the EMP and any recommendations or actions listed in the EMP. Council is to be listed as having the rights to vary, modify or release the restriction.*

The subject land contains Lollbacks Dip Site which is adjacent to the cattle yards near Clarence Way. There is an existing dwelling (approved under DA2014/0561) on proposed lot 2 which is approximately 470m from the area of potential and likely contamination, with the proposed dwelling site on proposed lot 1 being in excess of 200m from the dip site. The dip site will remain on the lot with the existing house after the subdivision. The existing dwelling on the site is elevated greater than 20m above the dip and the proposed dwelling site on proposed lot 1 is elevated greater than 10m above the dip. An intermittent creek line, known as Lollbacks Gully, is situated in close proximity to the former dip site and the creek line drains south

across both proposed lots and then across Winegrove Road before entering the Clarence River via Denny's Creek.

The justification put forward by the applicant for removal of the conditions are that the conditions are unreasonable, unwarranted, compliance with the conditions is unknown and would result in the cattle yards being abandoned and rebuilt elsewhere on-site which would burden the land owners with significant costs. Additionally, the applicant further seeks to validate the removal of the conditions on the basis that the land use is not intensifying or changing and the location of the dip site and associated contamination is unrelated to the proposed subdivision.

KEY ISSUES

Modification versus Review of Application

The applicant has lodged a Section 4.55 (1A) amendment to the approved development application to remove 2 conditions of consent relating to an Environmental Management Plan (EMP) for the site and a restriction to user reflecting the EMP. 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 changing boundary locations but is seeking to modify the consent by removing Condition 5 and 6, above. The applicant considered the conditions to be unreasonable, unwarranted and will place an unnecessary financial burden on the land owners to relocate their working cattle yards elsewhere on the property. Part 8 of the Act provides an avenue for applicants to review or appeal development consents 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 the 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 ability to approve the application pursuant to Section 4.55 (1A) of the Act.

Should the applicant wish to review the application a new application will need to be lodged for a Section 8.2 Review. The notice of determination was issued on 20 December 2018, therefore the review period is set to expire on 20 June 2019. Should a review application not be lodged prior to this date compliance with the conditions of consent will be required prior to issue of the Subdivision Certificate, alternatively a new development application could be lodged with justification to not require conditions relating to the dip site.

Suitability of Condition

Under Clause 7 of State Environmental Planning Policy 55: Remediation of Land, in determining a development application Council is required to consider the possibility of land contamination and the implications it has for any proposed future uses of the land. Lollbacks Dip Site is located on the subject land. Council's Contaminated Land Policy lists cattle tick dip sites and agricultural activities as 'potentially contaminating activities'. Cattle tick dip sites are well known for being highly likely to be contaminated as a result of the use of chemicals used to treat cattle ticks. Lollbacks Dip Site is known to have been actively used with the chemicals arsenic, Dichlorodiphenyltrichloroethane (an organochlorine insecticide commonly known as DDT) and dioxathion (an organophosphate insecticide) up until the early 1960's according to records available on the NSW Department of Primary Industries website. Information readily available from the Department of Primary Industry indicate that the dip bath at the site has been capped and the status of the dip is **Decommissioned Bath** – meaning *'that only the bath, race and draining pen has been cleaned up and capped as per decommission description. The rest of the yards, by request of the land owner have been left standing but sectioned off from the bath for his/her use'* however, no other details regarding any remediation works are available.

The applicant met with Council staff for a pre-lodgement meeting to discuss the proposal where it was suggested that a suitably qualified Contaminated Land Consultant should be engaged to prepare a preliminary site investigation (PSI) due to the agricultural land use and the dip site. The original DA did not include a PSI however did include a letter from the owners stock agent stipulating that cattle sold from the property had not been recorded as having any chemical residues present in meat. The proposed development will result in an additional dwelling entitlement being created while some agricultural use of the land is likely to continue.

The 'Guidelines for Assessment and Cleanup of Cattle Tick Dip Sites for Residential Purposes' (1996) is a document prepared by NSW Department of Agriculture after they undertook investigations of numerous North Coast dip sites and presents a framework for consultants to prepare cleanup plans and documents the likely areas where contamination will be present. The chemical nature of the treatments used in the dip baths meant they generally bind to soil therefore are most often in the surface layer surrounding the dip and often move downhill if the slope is steep enough or there is erosion of the soil. The document states that typically the bulk of contamination is adjacent to the dip bath, sludge mound, shed, crush and draining pen (see Figure 1 for reference of these areas) with the majority of contamination being within 5m although it can extend beyond this. Furthermore, if there is a slope adjacent to the dip, contamination can travel up to 30m downhill or further. As stated earlier the former dip site is located adjacent to an intermittent creek line, known as Lollbacks Gully that drains into the Clarence River.

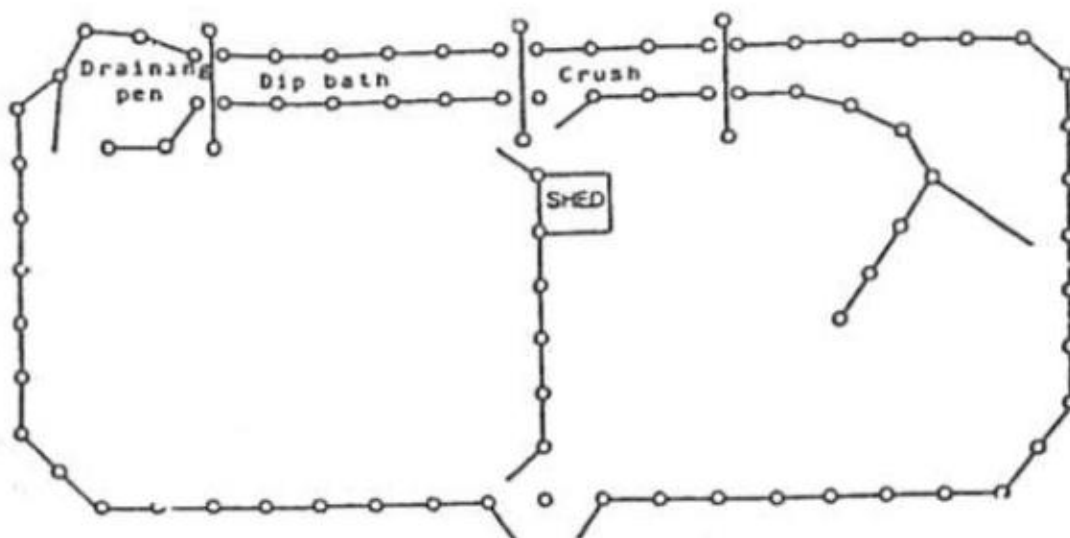


Figure 1 is an image from the Department of Agriculture showing a typical dip site layout.

In the circumstances of the proposed subdivision layout and indicative proposed dwelling site, Council staff did not require further detailed investigation of the contamination levels present at the dip site as previous advice from the Department of Agriculture is that it is unlikely that chemicals are present greater than 30m from the dip site. The proposed dwelling site is 200m from the dip site and the new boundary is 160m, furthermore, the proposed site is elevated 15m above the dip therefore it is considered that contamination in the vicinity of the potential house site is unlikely. Notwithstanding the above, Council staff imposed conditions on the approved development with the intent that the conditions would result in better management of a former dip site that is not specifically managed to reduce the potential for contaminated soil to leave the site. Further, the conditions imposed are considered to benefit the current occupants, future occupants of the land, public health and the adjacent and downstream environment.

The requirements included in the development consent are consistent with the precautionary principle. This principle as taken from Section 6 (2) (a) of the *Protection of the Environment Administration Act 1991* (NSW), provides that:

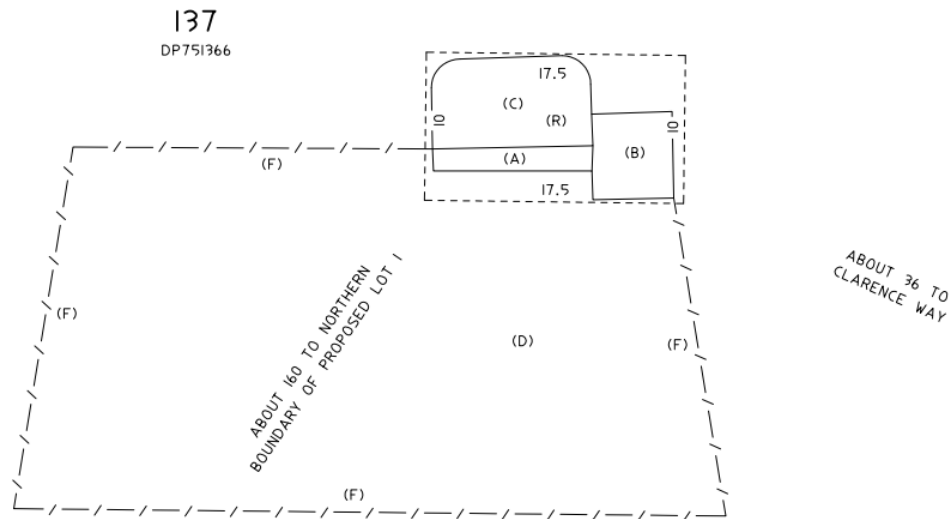
“...If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the precautionary principle, public and private decisions should be guided by:

- (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
- (ii) an assessment of the risk-weighted consequence of various options”.*

The existence of harmful chemical residues at the site of Lollbacks Dip Site and the current management of the site so as not to reduce the threat of serious or irreversible environmental damage warrants serious consideration of measures to prevent environmental degradation. Further, in consideration of the precautionary principle and the circumstances of the case the conditions contained in the development consent for the 2-lot subdivision are considered to be reasonable.

Following the issue of the subdivision development consent Council staff have been in discussion with the applicant to determine how compliance with the condition/s can be achieved. The applicant has indicated that consultants they had approached had not heard of an EMP for a dip site nor what content would be included in such a plan. The applicant has undertaken a survey of the dip site and the location of relevant part of the dip site such as the yards, the dip bath, sludge mound and concrete drying pen, see Figure 2 below.



LEGEND & NOTES:-

- (A) CAPPED CONCRETE CATTLE DIP
- (B) CONCRETE CATTLE DRYING AREA
- (C) SOIL MOUND
- (D) IRREGULAR INTERNAL CATTLE YARD FENCING
- (F) EXTENT OF CATTLE YARD FENCING
- (R) PROPOSED RESTRICTION ON THE USE OF LAND (10m x 17.5m)

Figure 2 shows a survey plan of the dip site and adjacent yards prepared by the applicant.

Further, the applicant has provided information advising that the operation of the dip site was not similar to the majority of dip sites in that after cattle exited the bath and drying area the cattle were able to move off to the north east instead of being kept in a holding yard to drip dry. Therefore, the extent and location of contamination on this site is not known although is likely to be more concentrated towards Lollbacks Gully. Hence, it is appropriate that the potential for contamination at the site, and the added potential for such contamination to be transported away from the former dip site and the subject land, needs to be purposely and intentionally managed. Despite indications that EMPs relating to dip sites are unfamiliar to one particular consultancy business Council has required similar plans to be prepared for other land and subdivision development containing dip sites in the past, and hence the requirement for such a plan is deemed to be reasonable and attainable.

Sites where Council has imposed similar conditions on subdivision of land include:

- Boundary Adjustment - Coongbar Road (Dunns Dip) – EMP required and restriction on title, submitted EMP for ongoing use as a dip bath and required no removal of vegetation, signage, 200mm thick road base, reducing dust and allowing grass to grow, not be used as a working cattle yard, no development within 200m;
- Residential Subdivision - Denton Drive (Elland Dip) – EMP required and restriction on title, required a 500mm earth cap or a concrete slab over the contaminated area being 140m². If soil is used regular checks and maintenance needs to be undertaken to check for erosion and disturbance; and
- Rural Subdivision - Ellem/McGraths Lane (Darbys Dip) – no EMP but restriction on title regarding fencing 30m around the dip and no structure within 30m of the dip.

It is worth noting that the conditions contained in Development Consent No SUB2018/0020, and now being challenged by the applicant, has not required the applicant to remove the dip bath, remediate the site and submit a validation report to demonstrate that all contamination has been removed.

Council staff have met with the applicant, land owners and their legal representative prior to lodgement of the modification application. It was expressed during the meeting that the primary concern relating to the imposition of Condition 5 and 6 was that the cattle yards would be rendered unusable by compliance with the condition/s. However, in preparing a management plan it would be appropriate to consider what outcomes were desirable from the perspective of the owner and Council and hence, for management actions to be proposed that addressed the potential impacts associated with the likely existence of contamination at the site, use of the site as well as the need to maintain the cattle yards in working condition. Council officers are of the opinion that these objectives can be readily achieved. Further, what the previous examples of dip sites being managed also indicate is that preparation of EMPs for dip sites are not new and the management requirements can vary according to the circumstances of the case.

Publicly available information demonstrates that Lollbacks Dip site was used with chemicals that are known to be harmful to human and environmental health. At present the dip site is not purposely managed to reduce the risk of harm to human or environmental health. Consideration of the subdivision application has been undertaken in accordance with relevant legislation and Council officers have reasonably concluded that the subject land is highly likely to be contaminated and that improved management of that issue is warranted given the intensification of development proposed and the potential for adverse impact to human health and the environment. The conditions of development consent are considered to be reasonable and practical, whilst being consistent with the precautionary principle.

Therefore, it is recommended that Council uphold the current conditions of consent and therefore refuse the Section 4.55 application for the reasons detailed in the above discussion.

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
Rural Zones Development Control Plan 2011
State Environmental Planning Policy 55 – Remediation of Land

Consultation

Notification of the application to adjacent landowners has occurred and no submissions were received. Council has sought information from the NSW Department of Primary Industries and such information has been considered in compiling this report. No additional internal or external consultation was required to be undertaken as part of 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

The modification application will not result in any adverse climate change outcome whether it is approved or refused. The 2-lot subdivision as already approved and future residential dwelling will have a negligible impact on, and by, climate change effects.

Prepared by	James Hamilton, Development Assessment Planner
Attachment	1. Consent and Supporting Documentation 2. Section 4.15 Report

ITEM	6b.19.004	PETITION BY BIIRRINDA & HARWOOD ISLAND COMMUNITY AND REQUEST BY THE HARWOOD PUBLIC HALL MANAGER
Meeting	Environment, Planning & Community Committee	18 June 2019
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment, Planning & Community (Des Schroder)	
Attachment	Yes	

SUMMARY

At the May Council meeting the Biirrinda and Harwood Island Community Committee Inc. submitted a petition requesting that Council explore the option of 'acquiring' access to the crane pad, near and under the new Harwood Bridge, for a carpark for their future cultural facility. Since then the Harwood Public Hall Committee has requested that Council construct public toilets on this same land to overcome the inadequacy of facilities at the current hall.

OFFICER RECOMMENDATION

That:

1. The General Manager discuss use of the land under and near the new Harwood Bridge as a future carpark with the Roads and Maritime Services (RMS), including the management, legal arrangements and costs associated with the land.
2. The Economic Development team work with the Harwood community to prepare a Community Economic Development Plan (CEDP) and report the plan to Council.

COMMITTEE RECOMMENDATION

Novak/Clancy

That Council:

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

Voting recorded as follows:

For: Baker, Williamson, Novak, Simmons, Clancy

Against: Nil

COUNCIL RESOLUTION – 6b.19.004**Ellem/Lysaught****That Council:**

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

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

Theme 1 Society

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

Strategy 1.2.2 Improve outcomes for the Clarence Valley through partnerships with key agencies and community organisations

BACKGROUND

In March 2018, Council resolved the following (Item 14.028/18):

That Council approve a \$20,000 donation (from S94 RA 92022) to the Biirrinda and Harwood Island Community Committee Inc to develop a preliminary concept plan for the community/cultural centre for community input. These plans must include solutions to flooding impacts, effluent disposal and car parking (note no rezoning or DA can be lodged until the Native Title approval from the Yaegl Traditional Owners Aboriginal Corporation is given which is subject to the development of an Indigenous Land Use Agreement with the State Government for all Crown Lands under the Yaegl Native Title Determinations).

At the May 2019 Council meeting the same community group, Biirrinda and Harwood Island Community Committee Inc., lodged a 192 person petition requesting Council purchase residual RMS land in Harwood for community use. The land referred to is directly under and adjoining the Harwood Bridge shown in the attached photos. This could potentially alleviate the car parking issue for the proposed cultural/community centre and the existing hall.

Since then, the Harwood Public Hall Committee has requested that Council construct public toilets on this same land to overcome the inadequacy of failing facilities at the current hall (attached email). Council's environmental officers have confirmed that the septic facility on the hall is failing and needs upgrading. The toilet is managed by the Harwood Public Hall Committee and services patrons to the hall, it is not a public toilet maintained by Council.

KEY ISSUES

Preliminary contact has been made with the Senior RMS project manager for Harwood Bridge who has indicated that the land under and near the bridge has been left for the moment at the request of the community, but a decision on the use would need to be made within 12 months. At times, the gravel pad under the bridge will need to be used to lift cranes to service the bridge. It was indicated that any arrangement for use by Council or the community would need to be made through the RMS property arm and that such arrangements may not necessarily involve a sale, as the RMS requires access to at least part of the land for maintenance of the bridge.



Figure 1 - Harwood Bridge Area

The approach by the Harwood Public Hall Committee to provide public toilets in the same area needs to be considered carefully and in context of other possible opportunities. Constructing amenities in this location to service the hall alone involves increased cost as footpath and lighting for approximately 50m from the hall to the amenities is required. Council has not yet seen the concept plans for the community/cultural centre, and there may be opportunity for co-location or use of facilities.

Further to this, the immediate neighbour to the RMS site has expressed concern to staff about the possible impacts of a carpark and public amenities next to their house; and RMS did resume the land from the neighbour and indicated the land would likely revert to a park. All of these factors need to be considered in any future planning.

There is need for a more comprehensive engagement process inclusive of the broader community that looks at the appropriate location for carparking, green space, compliant public toilet facilities and connectivity between the various facilities (hall, park, pontoon, pub and shop). A plan for the whole area is required, which maximises riverfront access and increases potential of the area to be a much greater tourism attractor than it currently is. It is therefore recommended the Economic Development team work

with the Harwood community to develop a plan for the Harwood waterfront. This team has previously worked with the community on similar plans for Skinner Street South Grafton, Maclean and Grafton waterfronts and at the last Council meeting the Ulmarra Precinct Plan, which is currently on public exhibition.

COUNCIL IMPLICATIONS

Budget/Financial

The Community Economic Development Plan can be facilitated by Council's Economic Development team from existing resources, during the 2019/20 financial year.

Asset Management

The exact implications for Council assets are yet unknown.

Policy or Regulation

The above proposed works would need to look at the implications under the Crown Lands Act and Native Title.

Consultation

The above report is a result of approaches by the Harwood/Biirinda group and the Harwood Public Hall Reserve Manager. The proposed Community Economic Development Plan would involve a number of facilitated community meetings.

Legal and Risk Management

Native Title, public access/safety, environmental impacts of the septic system and flooding impacts are the biggest known risks.

Climate Change

The proposed works would have little climate change impact although potential water level rises in the estuary would need to be factored into future planning.

Prepared by	Des Schroder, Director Environment, Planning & Community
Attachment	Email from the Secretary, Harwood Public Hall Reserve Manager

ITEM	6b.19.005	REQUIREMENTS OF THE CROWN LAND MANAGEMENT ACT 2016 IN REGARDS TO THE FINANCIAL ACCOUNTING OF CROWN RESERVES UNDER COUNCIL'S CONTROL
Meeting	Environment, Planning & Community Committee	18 June 2019
Directorate	Environment, Planning & Community	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

SUMMARY

As part of the enactment process, councils were granted a 12-month transition period to make the necessary operational changes from being a Reserve Trust Manager under the *Crown Lands Act 1989* to a Crown Land Manager under the CLM Act. That is, by 30 June 2019 councils are to update and/or change the financial, banking, tax and insurance details associated with the former Reserve Trusts under their control as Trust Manager to that of Council as a Crown Land Manager.

OFFICER RECOMMENDATION

That Council:

1. Note the changes in financial accounting for and cease operation of Clarence Coast Reserve Trust and transfer management to Council by June 2019 (CCRT ABN is finalised effective 1 July 2019) and that Crown Reserves (previously funded in Fund 4) are transferred to Fund 1 (effective 1 July 2019) within Council's accounting system.
2. Draws down \$1M from Fund 4 to Fund 1 to enable continued funding of previously identified Clarence Coast Reserve Trust Crown Reserves for 2019/20 Budget (this is affectively status quo for 2019/20).
3. Note Holiday Park Business Plans with projected funding models (commencing 2020/21) will be completed by December 2019 and a new Crown Land funding model will be developed and reported to Council for adoption prior to the 2020/21 financial year.

COMMITTEE RECOMMENDATION

Novak/Baker

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Williamson, Baker, Clancy, Novak, Simmons

Against: Nil

COUNCIL RESOLUTION – 6b.19.005

Ellem/Lysaught

That Council:

1. Note the changes in financial accounting for and cease operation of Clarence Coast Reserve Trust and transfer management to Council by June 2019 (CCRT ABN is finalised effective 1 July 2019) and that Crown Reserves (previously funded in Fund 4) are transferred to Fund 1 (effective 1 July 2019) within Council's accounting system.
2. Draws down \$1M from Fund 4 to Fund 1 to enable continued funding of previously identified Clarence Coast Reserve Trust Crown Reserves for 2019/20 Budget (this is affectively status quo for

2019/20).

3. Note Holiday Park Business Plans with projected funding models (commencing 2020/21) will be completed by December 2019 and a new Crown Land funding model will be developed and reported to Council for adoption prior to the 2020/21 financial year.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

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

BACKGROUND

Council has previously been advised of the changed management requirements for Crown reserves under its control under the Crown Land Management Act 2016 (CLM Act), refer:

- 14.126/16 - New Crown Land Management Act 2016, 13 December 2016
- 14.015/18 - Crown Land Management Act 2016 and Native Title Act 1993 (Cth) Resourcing Implications, 20 February 2018

The remaining provisions of the CLM Act were enacted on 1 July 2018.

To prepare and comply with this requirement, Council needs to:

- Determine whether it wishes to group all Crown reserves together under a single cost centre or group based on income/cost streams (eg. holiday parks; emergency service centres; operational reserves, parks and reserves, etc) or some-other combination (s3.16).
- Investigate and determine the capability of existing financial systems to accommodate requirements of the CLM Act to account for monies received and expended on Crown land under its control.
- Ensure insurance policies for assets on Crown reserves are updated to reflect changed management arrangements.
- Import details of all Crown reserves under its control as Crown Land Manager into respective financial systems by 30 June 2019.

Council currently manages 144 Crown reserves consisting of approximately 170 individual parks and reserves as a Crown Land Manager.

In addition, Council manages 51 Crown reserves consisting of approximately 67 individual parks and reserves as a Devolved Manager under section 48 of the *Local Government Act 1993*. Council staff have categorised the Crown reserves under Council's control into 5 main groups:

Category	Council as Crown Land Manager # of individual parks/reserves	Council as Devolved Manager # of individual parks/reserves
Operational Reserves (eg. rubbish/sanitary depots, water supply, cemeteries, etc)	22	33
Emergency Service Facilities (eg. RFS, SES, etc)	14	1

Category	Council as Crown Land Manager # of individual parks/reserves	Council as Devolved Manager # of individual parks/reserves
Holiday Parks	5	0
Community Facilities (eg. Community halls/centres, museum and showground)	17	1
Recreation Parks & Reserves (eg. Sportsgrounds, parks and reserves)	112	32
Total	170	67

KEY ISSUES

The principle requirement of section 3.16 of the *Crown Land Management Act 2016* is that the net amount of the proceeds of Crown land managed by Council as a Crown Land Manager must be applied for a *permitted purpose* for the land. A *permitted purpose* is defined by the Act as being:

- the purposes for which the land is dedicated or reserved
- the making of improvements to the land
- the purchasing, leasing or acquiring an easement over the land
- the preparation of plans of management for land managed by Council as a Crown land manager
- any purpose incidental or ancillary to a purpose for which the land is dedicated or reserved, and
- any other purpose authorised by or under this Act or another Act.

In the undertaking of a *permitted purpose*:

A Crown land manager of more than one area of dedicated or reserved Crown land may pool the net amount of the proceeds for some or all of those areas and apply the pooled funds for any permitted purpose for any of those areas. [s3.16(2)]

The former Clarence Coast Reserve Trust (CCRT) was responsible for the management of 34 Crown reserves, including the 5 holiday parks managed by Council as a Trust Manager (refer attachment). For business purposes the CCRT had its own ABN.

Under the previous *Crown Lands Act 1989* proceeds earned from a reserve could only be spent by the Reserve Trust on a reserve under its control. Consequently, proceeds from the holiday parks were used by the CCRT to fund capital works and maintenance activities on the reserves managed by the CCRT. And Council's General Fund was used to fund maintenance activities on the other Crown reserves managed by Council. In contrast, under the *Crown Land Management Act 2016* proceeds from the holiday parks can be used to fund works and maintenance activities on one or all the reserves managed by Council as a Crown Land Manager. A brief summary of CCRT expenditure for the previous 3 financial years is detailed in the table below:

Project Type	Year				
	2015/16	2016/17	2017/18	Average	2018/19 YTD
Operate	\$ 277,968.15	\$ 241,190.71	\$ 223,590.48	\$ 247,583.11	\$ 157,344.64
Maintain	\$ 337,036.65	\$ 385,734.37	\$ 321,724.01	\$ 348,165.01	\$ 229,854.27
Renew	\$ -	\$ 123,752.13	\$ 115,864.82	\$ 119,808.48	\$ 108,721.68
Surf Lifesaving	\$ 237,045.66	\$ 299,536.24	\$ 311,479.00	\$ 282,686.97	\$ 315,314.60

Contract					
Surf Lifesaving Donation	\$ 32,526.96	\$ 31,403.96	\$ 30,856.99	\$ 31,595.97	\$ 30,588.00

Another consideration in regards to the enactment of the remaining provisions of the CLM Act is that Council as a *responsible person* under the Act is now liable to pay compensation for any Future Act that impairs or impacts traditional owners' rights and interests on Crown land (refer Division 8.4 Compensation responsibilities). This includes the construction of new works (eg. roads, stormwater, sewerage and buildings); the licencing of activities (eg. sports fields, commercial recreational activities, and events, etc) and the undertaking of park/reserve maintenance activities (eg. pest animal/plant control, regeneration, tree lopping and clearing, etc). A percentage of the monies earned from Crown lands under Council's control should be set aside to offset the compensation liability of native title.

COUNCIL IMPLICATIONS

Budget/Financial

- Cease operation of CCRT and transfer management to Council by June 2019 (CCRT ABN is finalised effective 1 July 2019).
- Holiday Parks are retained in Fund 4.
- Crown Reserves (previously funded in Fund 4) are transferred to Fund 1 (effective 1 July 2019).
- Fund 1 draws down \$1M from Fund 4 to continue funding model for previously identified CCRT Crown Reserves for 2019/20.
- Holiday Park Business Plans with projected funding models are completed by December 2019 and Council develops a future funding model for Crown Reserves.

Asset Management

Council staff are currently in the process of developing business plans for Council's Holiday Parks which will include details of asset investment required in coming years. The income from these reserves is also used (as outlined in the table above) to maintain and provide key services on Crown lands under Council control as a Crown Land Manager.

Policy or Regulation

Crown Land Management Act 2016

Consultation

Consultation will occur on the new business plans developed for the Holiday Parks.

Legal and Risk Management

The above changes are a legal requirement of the NSW Government as part of the transition provisions under the *Crown Land Management Act 2016*.

Climate Change

N/A

Prepared by	Dr Danny Parkin, Des Schroder, Laura Black
Attachment	Clarence Coast Reserve Trust (CCRT) Parks & Reserves

ITEM	6b.19.006	BALLOONS ON COUNCIL CONTROLLED LANDS
-------------	------------------	---

Meeting	Environment, Planning & Community Committee	18 June 2019
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment, Planning & Community (Des Schroder)	
Attachment	Yes	

SUMMARY

At its meeting held on 8 February 2019 the Climate Change Advisory Committee considered the environmental impacts and issues related to allowing balloons on Council lands.

OFFICER RECOMMENDATION

That:

1. All balloons be prohibited on Council managed lands and facilities.
2. The terms and conditions for the hire of Council parks and facilities be amended to restrict the sale and distribution of balloons.
3. Council's Market Policy be amended to include a condition restricting the sale and distribution of balloons and the changes adopted.
4. Future development consents for function centres or similar facilities be conditioned to restrict the sale and distribution of balloons.
5. Council implement a public awareness campaign about the environmental impacts of balloons.

MOTION

Clancy/Novak

That:

1. All balloons be prohibited on Council managed lands and facilities.
2. The terms and conditions for the hire of Council parks and facilities be amended to restrict the sale and distribution of balloons.
3. Council's Market Policy be amended to include a condition restricting the sale and distribution of balloons and the changes adopted.
4. Future development consents for function centres or similar facilities be conditioned to restrict the sale and distribution of balloons.
5. Council implement a public awareness campaign about the environmental impacts of balloons.
6. Signs clearly stating that "balloons are prohibited" be erected prominently at all entrances of Council's cemeteries to be funded from the Sustainability Reserve.

Voting recorded as follows:

For: Clancy, Novak

Against: Simmons, Williamson, Baker

The Motion was put and declared LOST.

AMENDMENT TO MOTION

Williamson

That Council implement a public awareness campaign about the environmental impacts of balloons.

Ruled out of order by the Chair as being too far removed from the original motion.

FORESHADOWED MOTION - WITHDRAWN

Williamson

That Council take no action on this matter.

COMMITTEE RECOMMENDATION

Williamson/Simmons

That this item be deferred to next Tuesday's Ordinary Council meeting.

Voting recorded as follows:

For: Williamson, Baker, Clancy, Novak, Simmons

Against: Nil

MOTION

Clancy/Novak

That

1. 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 the estimated costs of this campaign.
2. Signs clearly stating that "balloons are prohibited" be erected prominently at all entrances to Council's cemeteries to be funded from the Sustainability Reserve.

AMENDMENT TO MOTION

Toms/Williamson

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 the estimated costs of this campaign.

Voting recorded as follows:

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

Against: Nil

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

COUNCIL RESOLUTION – 6b.19.006**Clancy/Novak**

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 the estimated costs of this campaign.

Voting recorded as follows:

For: Novak, Ellem, Toms, Clancy, Kingsley

Against: Lysaught, Williamson, Baker, Simmons

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

There has been considerable community debate over many years regarding the adverse environmental impacts from the release of balloons into the environment. At its meeting held on 8 February 2019 the Climate Change Advisory Committee resolved to recommend 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.

KEY ISSUES

Any released balloon, at best, becomes litter. They may also end up in the stormwater, rivers and oceans where they are ingested by aquatic animals. The balloons, along with any ribbons or plastic disks attached, can harm the animals by blocking their airways or becoming lodged in their intestines. Balloons and balloon fragments are often mistaken for food and swallowed, which can cause injury and death. The string attached to the balloon can also be dangerous as they can strangle or entrap animals. Birds have been found tangled in the strings of balloons making them unable to fly or search for food. A 2016 CSIRO study identified balloons among the top three most harmful pollutants threatening marine wildlife, along with plastic bags and bottles.

NSW Legislation

The Protection of the Environment Operations Act (POEO) makes it illegal to release more than 20 helium filled balloons, the release of any type of balloon would also be considered a littering offence under the POEO Act.

Management Controls

Council has a number of opportunities to control the use of balloons on Council controlled lands through the terms and conditions for the approval and hire of various parks and facilities. Councils 'Market Policy' could be amended to include a condition banning the sale or distribution of balloons. Council can also impose a condition on development consents for any future function centre or similar development restricting the use of balloons. It is not envisaged that Council Rangers would actively enforce these controls, rather they would be managed through the hiring and approval systems with event organisers.

Alternatives to Balloons

There are many examples of alternatives to balloons including flags, banners, streamers, dancing inflatables, bunting, lighting of candles and luminaries, battery operated bubble blowing machine and plants or gifts in remembrance.

COUNCIL IMPLICATIONS**Budget/Financial**

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

Asset Management

N/A

Policy or Regulation

POEO Act, Council's Market Policy

Consultation

Climate Change Advisory Committee

Legal and Risk Management

N/A

Climate Change

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

Prepared by	Ken Wilson, Waste & Sustainability Coordinator
Attachment	Draft modified Market Policy

ITEM	6b.19.007	CLIMATE CHANGE ADVISORY COMMITTEE
Meeting	Environment, Planning & Community Committee	18 June 2019
Directorate	Works & Civil	
Reviewed by	Director - Environment, Planning & Community (Des Schroder)	
Attachment	Nil	

SUMMARY

This report seeks Council's endorsement to accept the nominations from Dr Lee Ann Hally and Mr Geoff Little to fill the casual vacancy on the Climate Change Advisory Committee.

OFFICER RECOMMENDATION

That Council appoint Dr Lee Ann Hally and Mr Geoff Little as members of the Climate Change Advisory Committee.

COMMITTEE RECOMMENDATION

Clancy/Novak

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Williamson, Baker, Clancy, Novak, Simmons

Against: Nil

COUNCIL RESOLUTION – 6b.19.007

Ellem/Lysaught

That Council appoint Dr Lee Ann Hally and Mr Geoff Little as members of the Climate Change Advisory Committee.

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

BACKGROUND

A casual vacancy has occurred within the Climate Change Advisory Committee. At its meeting held in February 2019 the Committee resolved that Council should call for nominations to fill the vacant position in accordance with the Committee's constitution.

KEY ISSUES

Nominations to fill the casual vacancy closed 29 May 2019, two nominations were received, one from Dr Lee Ann Hally from Iluka, and one from Geoff Little from Wooloweyah.

Dr Hally is a retired high school maths and science teacher with a PhD in Earth Science (Palaeoecology). The nomination from Dr Hally demonstrates a high level of understanding of climate science and would be a valued addition to the Committee.

Geoff Little has had a long term interest in climate science. Since retirement Mr Little has returned to study in Energy and Carbon Studies with Murdoch University. Mr Little is involved in a number of local community groups and would also be a valued addition to the Committee.

The Climate Change Advisory Committee constitution specifies a minimum number of 6 community members but no maximum. Currently there are 9 community members and Council has the opportunity of appointing both applicants.

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation

Climate Change Policy

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

The purpose of the Climate Change Advisory Committee is to assist Council to adequately respond to the potential impacts from climate change. Filling the vacant position will improve community representation.

Prepared by	Ken Wilson, Waste and Sustainability Coordinator
Attachment	Nil

ITEM 6b.19.008 DONATIONS: 2019/2020 COMMUNITY INITIATIVES PROGRAM – ROUND 1

Meeting	Environment, Planning & Community Committee	18 June 2019
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment, Planning & Community (Des Schroder)	
Attachment	Yes	

SUMMARY

This report provides information relating to the assessment of applications received from community organisations for a donation from Council as part of the 2019/2020 Community Initiatives Program - Round 1.

OFFICER RECOMMENDATION

That Council approve donations under the 2019/2020 Community Initiatives Program – Round 1 for an estimated total of \$53,981.05 in accordance with the recommendations set out in the attached schedule subject to acceptance of the 2019/2020 budget.

Having declared an interest in this item, Cr Ellem left the EP&C Committee meeting at 5.01 pm and returned at 5.02 pm.

COMMITTEE RECOMMENDATION

Novak/Williamson

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Novak, Williamson, Simmons, Clancy

Against: Nil

Having declared an interest in this item, Cr Ellem left the Council meeting at 5.43 pm and returned at 5.45 pm.

COUNCIL RESOLUTION – 6b.19.008

Williamson/Novak

That Council approve donations under the 2019/2020 Community Initiatives Program – Round 1 for an estimated total of \$53,981.05 in accordance with the recommendations set out in the attached schedule subject to acceptance of the 2019/2020 budget.

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

Organisations seeking a donation from Council are required to apply as part of the Community Initiatives Program. The program ran for 8 weeks, with applications from 48 organisations submitted to Round 1 of the 2019/2020 financial year.

From late February 2019, an invitation was extended to the community to apply for this funding through the local press via media release and Council's block advertising, on Council's website, and also promoted via email notification through the Community Projects Officer's extensive database of contacts.

Applications were submitted online via the SmartyGrants link on Council's website, with a closing date of Tuesday, 30 April 2019 to ensure requests could be considered in Round 1 of the Community Initiatives Program.

Each application has been considered in line with the Program Guidelines and Donations Policy and recommendations regarding funding have been made in relation to each one. The recommendations appear in the attached schedule.

Objectives of Council's adopted Donations Policy are:

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

Council makes an annual provision in its budget to provide financial assistance to organisations which meet the criteria of this policy. Applications under the Community Initiatives Program are to relate their submission to 1 or more of the following criteria:

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

KEY ISSUES

Forty-eight donation requests were received this round, relating to various sections of Council, which were consulted in the assessment process. The recommendations relating to these requests are set out in the attached Recommendations Schedule.

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

Four organisations are not eligible for funding – a sporting association who are not applying for funds ‘to assist with sponsorship of an event or an award’, a ‘for profit’ company, a sole trader and a non profit group raising funds for another non profit organisation; so therefore, they do not fit the Donations criteria:

- *5.4 Generally, Council will only provide financial assistance to incorporated organisations or unincorporated organisations auspiced by an incorporated organisation, although it may provide financial assistance to an unincorporated organisation making application under the Community Initiatives Program, if that organisation maintains its own bank account. Council will only provide financial assistance to individuals in exceptional circumstances and only then if the application for assistance is made by an incorporated organisation.*
- *5.7 Council will not provide funding to individuals or organisations raising funds on behalf of another community group/organisation (although in exceptional circumstances Council may consider donating to an organisation raising funds on behalf of an individual – refer clause 5.4). To be eligible for funding, applications must be received directly from the groups/organisation.*
- *6.3 Sporting associations to assist with sponsorship of an event or an award (as distinct from funding for an event itself - see Festivals and Events Development Program) only.*

These are reflected in the donation recommendations contained in the attached schedule.

To ensure transparency and equity when assessing the applications received, applicants are required to upload supporting documentation including quotes for fee waiver/cash requests; a copy of the organisation’s constitution and most recent annual report outlining income and expenditure (preferably audited), notification of ABN and GST registration if applicable, evidence of incorporation, certificate of currency for public liability insurance and where the applicant is a registered charity, a copy of the registration certificate is required. A checklist is provided on the last page of the application to ensure applicants are aware of the documents required to support applications made. The application clearly states that failure to supply the required documentation may make the application ineligible for assessment.

By using SmartyGrants online grant management system to administer/manage the donation program, the efficiency of the administrative processes has increased and the application, acknowledgment, assessment and acquittal process has been streamlined. The applicant has access to one-on-one application assistance via Council’s Community Projects Officer - Community Grants, as well as online help and the ability to resubmit their application including additional supporting documents. This saves Council administration and resourcing time and materials, previously having to print out supporting documents, chase up information via email/telephone and often wait for returned items via snail mail.

COUNCIL IMPLICATIONS

Budget/Financial

The proposed 2019/2020 Donations budget allocation is \$100,000 (Service 4200 - Cost Centre 930 – PJ# 997113-58-7353-2534). This amount is for donations granted through the Community Initiatives Program Rounds 1 and 2, the Sport & Cultural Trust fund, and DA fee waiver requests received throughout the year.

This is an estimated amount to be confirmed when the draft budget has been confirmed and approved at the June Council meeting.

The recommended donations contained in the Schedule total \$53,981.05 leaving a balance of \$46,018.95 to be available for Round 2 allocations in December 2019, Sport & Cultural Trust fund applications and DA fee waiver requests throughout the year.

Because the rates donations are estimates based on 2.5% CPI increase from 18/19 figures, and pre budget hiring costs of Council's halls and community centres for fee waivers, these amounts may change when actual rate charges and fees are applied when the 19/20 budget is approved.

Asset Management

N/A

Policy or Regulation

Donations Policy

Community Initiatives Program Guidelines

Consultation

Internal consultation has been undertaken to ensure compliance with the current Donations Policy with particular reference to only approving one donation per financial year.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Sammy Lovejoy, Community Projects Officer – Community Grants
Attachment	Schedule of Recommendations – Community Initiatives Program 2019/2020 – Round 1

ITEM	6b.19.009	DONATIONS: DEVELOPMENT APPLICATION FEE WAIVERS – THE GALLERY FOUNDATION AND LAWRENCE HISTORICAL SOCIETY
Meeting	Environment, Planning & Community Committee	18 June 2019
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment, Planning & Community (Des Schroder)	
Attachment	Nil	

SUMMARY

A request has been received from The Gallery Foundation for the donation of the Development Application fee paid for their Art in the Paddock (Temporary use of Land) event at Yulgilbar, and Lawrence Historical Society Inc. for amendment to development application fee for a lift installation in their new shed.

OFFICER RECOMMENDATION

That Council:

1. Donate to The Gallery Foundation \$321.00 (100%), for the development application (temporary use of land) fee paid for their Art in the Paddock event at Yulgilbar on 2 June 2019;
2. Donate to Lawrence Historical Society Inc. \$58.80 (30%), for the development application amendment fee paid, for lift installation works in their new shed.

COMMITTEE RECOMMENDATION

Novak/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Williamson, Novak, Simmons, Clancy

Against: Nil

COUNCIL RESOLUTION – 6b.19.009

Ellem/Lysaught

That Council:

1. Donate to The Gallery Foundation \$321.00 (100%), for the development application (temporary use of land) fee paid for their Art in the Paddock event at Yulgilbar on 2 June 2019;
2. Donate to Lawrence Historical Society Inc. \$58.80 (30%), for the development application amendment fee paid, for lift installation works in their new shed.

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 1.3 We will have a diverse and creative culture

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

BACKGROUND

The Gallery Foundation has asked Council to review the costs charged for the development application submitted for the fundraising event sponsored by the Foundation at Yulgilbar (351 Lionsville Road, Baryulgil) on 2 June 2019. The Art in the Paddock event aims to provide a venue for local artist to display their work, and allows members of the public to see the fantastic array of artists and their available works.

All monies raised at this event are invested solely in the Grafton Regional Gallery either through purchase for the collection or support for infrastructure and development. The Foundation has committed \$100,000 in support of the expansion of the Gallery.

The fees payable for Art in the Paddock (Temporary use of Land) include:

DA not involving building works or subdivision	\$285.00
DA Archiving Fee	\$ 36.00
Total Amount Paid	\$321.00

Council's policy on DA fee waivers relates to actual buildings and constructions, rather than temporary use of land for events. In this instance Clause 8.1.1.2 was applied i.e. where the facility is for general public use – 100% donation.

Lawrence Historical Society Inc. has requested a fee waiver for the Amendment to Development Application DA2016/311 to include installation of a lift in the new shed (2 Merton Street, Lawrence), currently under construction. Since the approval of the original development application for the new shed, their application to the Rural Cultural Fund was successful. This has enabled the installation of a lift in the shed, to assist elderly volunteers and visitors to access the mezzanine level.

The fees payable for Amendment to Development Application DA2016/311 include:

DA modification charge	\$160.00
DA Archiving Fee	\$ 36.00
Total Amount Paid	\$196.00

Donations Policy 8.1.2 applies for this request i.e. in respect of buildings on private property by community based non-profit organisations – 30% donation - \$58.80 due.

KEY ISSUES

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

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

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

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

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

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

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

COUNCIL IMPLICATIONS**Budget/Financial**

Should Council approve these donation requests from The Gallery Foundation and Lawrence Historical Society Inc., there are sufficient funds held in Cost Centre 930 (PJ# 997113-58-7043-2534).

Asset Management

N/A

Policy or Regulation

Donations Policy

Consultation

Internal consultation has taken place.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Christine Bultitude, A/Coordinator Community Services
Attachment	Nil

ITEM	6b.19.010	CLARENCE VALLEY CULTURAL COMMITTEE
Meeting	Environment, Planning & Community Committee	18 June 2019
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment, Planning & Community (Des Schroder)	
Attachment	Yes	

SUMMARY

This report summarises recommendations made by the Clarence Valley Cultural Committee (CVCC) at recent meetings with regards to the Committee Constitution, Members and Budget Allocation.

OFFICER RECOMMENDATION

That Council:

1. Approve changes to the CVCC Constitution to include mission statement (see attached draft revised constitution).
2. Approve a budget of \$5,000 as part of Council's 2019/2020 Budget to be allocated for the CVCC to implement a Clarence Valley Cultural Award in 2020, subject to a further report being presented to Council detailing the criteria for the Cultural Award.
3. Endorse Marea Buist as elected Chair of the Clarence Valley Cultural Committee.
4. Extend its congratulations to the Clarence River Art Map group for their efforts in producing this promotional tool, specifically Malcom King, Graham Mackie and Yohanna Dent.
5. Accept the Minutes of the March and May meetings.

COMMITTEE RECOMMENDATION

Simmons/Baker

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Williamson, Novak, Simmons, Clancy

Against: Nil

COUNCIL RESOLUTION – 6b.19.010

Ellem/Lysaught

That Council:

1. Approve changes to the CVCC Constitution to include mission statement (see attached draft revised constitution).
2. Approve a budget of \$5,000 as part of Council's 2019/2020 Budget to be allocated for the CVCC to implement a Clarence Valley Cultural Award in 2020, subject to a further report being presented to Council detailing the criteria for the Cultural Award.
3. Endorse Marea Buist as elected Chair of the Clarence Valley Cultural Committee.
4. Extend its congratulations to the Clarence River Art Map group for their efforts in producing this promotional tool, specifically Malcom King, Graham Mackie and Yohanna Dent.
5. Accept the Minutes of the March and May meetings.

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 1.3 We will have a diverse and creative culture

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

BACKGROUND

CVCC Constitution: As part of a strategic planning process the CVCC has developed a mission statement to clarify the role of the Committee for members and the community.

Cultural Award: In the March 2019 meeting, the Committee discussed how to best support the cultural sector, deliver on the Cultural Strategic Plan and how to acknowledge the efforts of community and organisations that promote and develop arts and culture in the Clarence Valley. The CVCC voted to create a Cultural Award similar to the Clarence Valley Sport Awards.

The Cultural Committee request that Council approve a budget of \$5,000 annually for a cultural award to be delivered by the Committee under their delegated authority. This would deliver on the Clarence Valley Cultural Strategic Plan theme of Cultural Community Development: build community pride and identity and inspire community and civic participation (items 2.1/2.2/2.3/2.4). If this budget is approved, the CVCC would develop an outline of the award process and criteria for Council approval.

KEY ISSUES

N/A

COUNCIL IMPLICATIONS**Budget/Financial**

\$5,000 budget allocation to be administered through Community Development.

Asset Management

N/A

Policy or Regulation

N/A

Consultation

Clarence Valley Cultural Plan

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Sarah Nash, Community Projects Officer (General)
Attachment	<ol style="list-style-type: none"> 1. Draft Amended Constitution 2. Minutes March 2019 3. Minutes May 2019

ITEM	6b.19.011	DEVELOPMENT APPLICATIONS
-------------	------------------	---------------------------------

Meeting	Environment, Planning & Community Committee	18 June 2019
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (David Morrison)	
Attachment	Nil	

SUMMARY

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

OFFICER RECOMMENDATION

That the update on Development Applications be noted.

COMMITTEE RECOMMENDATION

Simmons/Novak

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Williamson, Novak, Simmons, Clancy

Against: Nil

COUNCIL RESOLUTION – 6b.19.011

Ellem/Lysaught

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

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

No. of Applications Received	No of Applications Approved	Value of Approved Works	No of Lots Approved	Average Processing Times
760	739	\$115,081,437.81	120	54 days (including stop-the-clock days)

Of the 739 approved Development Applications between 1 July 2018 and 31 May 2019, 346 were determined within 40 days or less (47%).

As of 1 June 2019 there were 138 outstanding development applications, which have been with Council for the following:

Less than 40 days	79
41 - 60 days	13
61 - 80 days	14
81+ days	32

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

Exceptions to Development Standards under Clause 4.6 of the LEP

During the month of May 2019, there was nil use of Clause 4.6.

Reasons for Undetermined Applications over 40 days

Application No.	Received Date	Days	Description	Property	Reason
DA2019/0206	18/04/2019	45	Extension to Decks	116 Emu Drive, WOOMBAAH NSW 2469	Additional information submitted (plans) and currently being assessed*
DA2019/0205	18/04/2019	45	Dwelling	18-30 Kerry Street, MACLEAN NSW 2463	Awaiting external referral (RFS)
DA2019/0204	18/04/2019	45	Swimming Pool, Pergola and 2 x Carports	4 Church Street, YAMBA NSW 2464	Submissions received and currently being assessed*
DA2019/0196	16/04/2019	47	Studio and carport	50 Fry Street, GRAFTON NSW 2460	Awaiting additional information (flood/floor heights, amended plans and use)
DA2019/0195	15/04/2019	48	Additions to caravan park - 33 cabins for long term use	42 Marandowie Drive, ILUKA NSW 2466	Awaiting additional information (Baseline ecological assessment)
DA2019/0194	15/04/2019	48	Dwelling	Lot 137, Wants Road, LAWRENCE NSW 2460	Awaiting additional information (BASIX and bushfire report)
DA2019/0191	11/04/2019	52	Specialised retail premise (demolish existing building)	19 Through Street, SOUTH GRAFTON NSW 2460	Currently being assessed*
DA2019/0187	10/04/2019	53	Shed and awning	126 Lurcocks Road, GLENREAGH NSW 2450	Awaiting additional information (amended plans)
DA2019/0186	10/04/2019	53	As built shed extension	162 Coaldale Road, THE PINNACLES NSW 2460	Awaiting additional information (plans of fuelling area and sanitary facilities)
DA2019/0181	9/04/2019	54	Earthworks (Filling of land)	52-54 Miles Street, YAMBA NSW 2464	Currently being assessed*
DA2019/0180	8/04/2019	55	Alterations & additions to supermarket	163-169 Prince Street, GRAFTON NSW 2460	Currently being assessed*
DA2019/0178	8/04/2019	55	Deck	3 Waratah Crescent, MINNIE WATER NSW 2462	Awaiting additional information (amended plans)
DA2019/0174	4/04/2019	59	Dwelling	James Creek Road, JAMES CREEK NSW 2463	Awaiting additional information (clarify extent of clearing)
SUB2019/0008	1/04/2019	62	Subdivision of 3 lots into 2 lots	61 Lake Road, SWAN CREEK NSW 2462	Being determined
SUB2019/0007	29/03/2019	65	Subdivision of seven lots into four lots	961 Woolli Road, PILLAR VALLEY NSW 2462	Awaiting additional information (revised bushfire assessment and compliance with Clause 4.1B of the LEP)

Application No.	Received Date	Days	Description	Property	Reason
DA2019/0165	29/03/2019	65	41 storage sheds and 2 industrial sheds	27 Mulgi Drive, SOUTH GRAFTON NSW 2460	Additional information submitted and on exhibition until 13/6.
DA2019/0160	29/03/2019	65	New vehicle repair workshop, construction of three sheds for storage, adverting sign and demolition of existing shed	9 Bultitude Street, TRENAYR NSW 2460	Awaiting additional information (Stormwater Management Plan, Amended Plans, use of various shed and of site)
DA2019/0154	27/03/2019	67	Two carports and alterations and additions to dwelling	66 Sussex Street, COPMANHURST NSW 2460	Awaiting additional information (amended plans and DCP variation)
DA2019/0152	26/03/2019	68	Temporary use of land (function centre)	Micalo Road, MICALO ISLAND NSW 2464	Awaiting additional information (road safety audit and fire safety measures)
DA2019/0142	22/03/2019	72	Replace existing fence	250A Yamba Road, YAMBA NSW 2464	Being determined.
DA2019/0134	20/03/2019	74	Install two bay to existing shed	Towallum Street, GLENREAGH NSW 2450	Awaiting additional information (amended engineering details due to shed manufacturer changing)
DA2019/0130	20/03/2019	74	Dwelling and two lot subdivision	17 Taloumbi Street, MACLEAN NSW 2463	Currently being assessed*
DA2019/0128	19/03/2019	75	Machinery shed	1 Youngs Lane, HARWOOD NSW 2465	Awaiting additional information (Contaminated land assessment and geotechnical report of mound)
DA2019/0127	19/03/2019	75	Convert whole building to dwelling	79 Through Street, SOUTH GRAFTON NSW 2460	Staff to liaise with applicant regarding rear access
DA2019/0126	19/03/2019	75	Vegetation management control	35 Victoria Street, GRAFTON NSW 2460	Staff to liaise with applicant regarding scope of proposal
DA2019/0124	18/03/2019	76	Shed fence and hardstand area (existing waste transfer station)	Minnie Water Road, MINNIE WATER NSW 2462	Awaiting external referral (NTS Corp)
DA2019/0116	14/03/2019	80	Carport	21 Bellevue Street, SOUTH GRAFTON NSW 2460	Currently being assessed*
DA2019/0111	13/03/2019	81	Dwelling & shed	200 McIntyres Lane, GULMARRAD NSW 2463	Submissions received and currently being assessed*
DA2019/0099	11/03/2019	83	Shed	Gardiners Road, JAMES CREEK NSW 2463	Awaiting additional information (Baseline ecological assessment)
DA2019/0089	6/03/2019	88	Deck	128 Main Street, WOOLI NSW 2462	Awaiting internal comment regarding coastal erosion
DA2019/0085	4/03/2019	90	Shed	Vere Street, SOUTH GRAFTON NSW 2460	Awaiting additional information (Additional Plans) and still needs to be exhibited
DA2019/0080	27/02/2019	95	Dwelling and two lot subdivision (of proposed Lot 2)	22A Cypress Street, TOWNSEND NSW 2463	Currently being assessed*
DA2019/0078	26/02/2019	96	Recreational vehicle campground (8 sites)	50 Coldstream Street, ULMARRA NSW 2462	Awaiting additional information (OSM)
DA2019/0045	6/02/2019	116	Dual Occupancy	90 Kings Creek Road, LAWRENCE NSW 2460	Additional information received, applicant preparing/considering an amendment to the proposal
SUB2019/0002	6/02/2019	116	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	117	Alterations and additions to aged care facility (Increase from 63 to 83 beds)	126 North Street, GRAFTON NSW 2460	Report to June Council meeting
SUB2019/0001	24/01/2019	129	Seven lot subdivision (5 additional lots)	39/57 Chatsworth Road, CHATSWORTH NSW 2469	Awaiting additional information (Contaminated land assessment, access and heritage)
DA2019/0011	11/01/2019	142	Primitive Camp Ground	Stockyard Creek Road, COALDALE NSW 2460	Awaiting additional information (Baseline ecological assessment)
DA2018/0787	21/12/2018	163	Alterations and Additions to existing dwelling and secondary dwelling	21 The Crescent, ANGOURIE NSW 2464	Additional information submitted 31/5 and currently being assessed*
DA2018/0777	17/12/2018	167	Shop top housing in existing premises	80 River Street, MACLEAN NSW 2463	Awaiting additional information (BASIX)

Application No.	Received Date	Days	Description	Property	Reason
DA2018/0738	29/11/2018	185	Asphalt Plant	Tyson Street, SOUTH GRAFTON NSW 2460	Awaiting external referral (NRAR)
DA2018/0632	17/10/2018	228	Demolish shed & erect shed	128 Golf Links Road, ILARWILL NSW 2463	Awaiting additional information (Amended plans)
DA2018/0630	16/10/2018	229	Dual occupancy	1431 Pacific Highway, ULMARRA NSW 2462	Awaiting additional information (Geotechnical assessment of riverbank and OSM)
SUB2018/0030	16/10/2018	229	Boundary adjustment	Pacific Highway, TYNDALE NSW 2460	Awaiting additional information (Contaminated land assessment)
SUB2018/0027	8/10/2018	237	Two lot subdivision	20 The Glen, MACLEAN NSW 2463	Awaiting additional information (Biodiversity and bushfire)
DA2018/0579	24/09/2018	251	Cut and fill of land (to create house pad)	Pacific Highway, COWPER NSW 2460	Awaiting external referral (Water NSW)
DA2018/0574	20/9/2018	255	Dwelling	61 Williams Crescent, WOOLI NSW 2462	Awaiting additional information (Amended plans and Basix)
DA2018/0567	18/9/2018	257	Aged care facility (144 beds)	425 Bent Street, SOUTH GRAFTON NSW 2460	Awaiting additional information (Revised Koala Plan of Management)
SUB2018/0021	7/9/2018	268	Four (4) lot industrial subdivision	Federation Street, SOUTH GRAFTON NSW 2460	Awaiting additional information (Status of dip site and stormwater)
SUB2018/0018	10/08/2018	296	Consolidation to create two lots	3 Blaxlands Flat Road, BLAXLANDS CREEK 2460	Awaiting additional information (Aboriginal Local Land Council Site Assessment)
DA2018/0445	6/08/2018	300	Seniors independent living (24 villas)	4 Freeburn Street, YAMBA NSW 2464	To be withdrawn by the applicant.
DA2018/0449	6/08/2018	300	Viewing deck	26 Ocean Road, BROOMS HEAD NSW 2463	Second additional information sent (Amended plans, view sharing issues)
DA2018/0419	26/07/2018	311	Shed	302 Gwydir Highway, WATERVIEW NSW 2460	Awaiting additional information (Amend Plans to comply with Essential Energy)
DA2018/0102	5/03/2018	454	Speedway practice track	334 School Lane, SOUTHGATE NSW 2460	Applicant to respond to EPA comments
SUB2018/0004	23/02/2018	464	12 lot large lot residential subdivision	Bloodwood Grove, GULMARRAD NSW 2463	Awaiting additional information (Amended Plans)
DA2017/0671	18/10/2017	592	Caravan Park - Alterations & Additions (10 additional sites) and amenities	391 Goodwood Island Road, GOODWOOD ISLAND NSW 2469	Awaiting additional information (Building Certificate Application, plans and compliance with <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005</i>)
DA2017/0527	22/08/2017	649	Dwelling	Bostock Road, TUCABIA NSW 2462	Applicant to respond to Biodiversity Offset method confirmed
DA2017/0528	22/08/2017	649	Five lot rural subdivision & five dwellings	Bostock Road, TUCABIA NSW 2462	Being determined
SUB2015/0034	11/12/2015	1269	162 lot residential subdivision & new roads	Hickey Street, ILUKA NSW 2466	Report to August JRPP meeting (not yet confirmed)

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

KEY ISSUES

N/A

COUNCIL IMPLICATIONS

Budget/Financial

N/A

Asset Management

N/A

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

N/A

Prepared by	James Hamilton, Development Assessment Planner
Attachment	Nil

ITEM	6b.19.012	CLARENCE VALLEY LOCAL ENVIRONMENTAL PLAN 2011 (AMENDMENTS NO. 39 & 40)
-------------	------------------	---

Meeting	Environment, Planning & Community Committee	18 June 2019
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (David Morrison)	
Attachment	Yes	

SUMMARY

This report advises of recently completed amendments to the Clarence Valley Local Environmental Plan 2011 (the LEP).

OFFICER RECOMMENDATION

That Council note the recent amendments to the Clarence Valley Local Environmental Plan 2011.

COMMITTEE RECOMMENDATION

Novak/Clancy

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Williamson, Novak, Simmons, Clancy

Against: Nil

COUNCIL RESOLUTION – 6b.19.012

Ellem/Lysaught

That Council note the recent amendments to the Clarence Valley Local Environmental Plan 2011.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

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

KEY ISSUES

Amendment No. 39 (Glenreagh Flood Planning Area Controls)

This plan was made by Council under delegation and notified on 3 May 2019. It amends the LEP to introduce Flood Planning Area controls over certain lands at Glenreagh, including within the township and nearby rural land along the Orara River and Tallawudjah Creek. It was endorsed by Council on 26 February 2019.

Amendment No. 40 (Land Reclassification)

This plan was made by the Minister's delegate and notified on 3 May 2019. It reclassifies 157 parcels of Council land from Community to Operational as part of a program of land reclassifications required to clarify anomalous land classification resolutions of the former Councils, generally in the 1990s. Council endorsed the matter on 9 September 2018.

A copy the LEP amendments as notified on the NSW legislation are in the attachments.

COUNCIL IMPLICATIONS**Budget/Financial**

Planning proposals/rezoning applications are subject to adopted application fees and processed by Council staff within normal operational budget.

Asset Management

N/A

Policy or Regulation

- Environmental Planning and Assessment Act 1979
- Clarence Valley Local Environmental Plan 2011

Consultation

Council undertook statutory consultation with public authorities and other stakeholders as directed by the respective Gateway determinations.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Terry Dwyer, Strategic Planning Coordinator
Attachment	CVLEP 2011 Amendment No. 39 and 40

CLOSE OF COMMITTEE MEETING

There being no further business the Environment, Planning & Community Committee meeting closed at 5.05 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, Maclean on Tuesday, 18 June 2019 commencing at 2.00 pm.

PRESENT

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

Cr Andrew Baker, Cr Debrah Novak, Cr Richie Williamson, Cr Greg Clancy, 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.

APOLOGIES – Nil

DISCLOSURE AND DECLARATIONS OF INTEREST

<i>Name</i>	<i>Item</i>	<i>Nature of Interest</i>	<i>Reason/Intended Action</i>
Cr Toms	16c.19.002	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Director of Bendigo Bank who are a sponsor of the Gate to Plate event. Intended action: Remain in the Chamber.

ITEM	6c.19.001	REVIEW OF CLARENCE VALLEY COUNCIL LOGOS
-------------	------------------	--

Meeting	Corporate, Governance & Works Committee	18 June 2019
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Nil	

SUMMARY

A review of the Clarence Valley Council logo and all logos associated with the organisation.

OFFICER RECOMMENDATION

That the Clarence Valley Council logo and its associated logos be retained.

COMMITTEE RECOMMENDATION

Lysaught/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Simmons

Against: Ellem, Toms

FORESHADOWED MOTION

Toms

That the Clarence Valley Council logo and its associated logos be retained with the exception of the Clarence Valley Tourism logo.

MOTION

Toms/Clancy

That

1. The Clarence Valley Council logo and its associated logos be retained with the exception of the Clarence Valley Tourism logo.
2. No expenditure be incurred in the phasing out of this logo but rather that all brochures, tourism collateral, etc. be used until exhausted.

Voting recorded as follows:

For: Novak, Ellem, Toms, Clancy

Against: Lysaught, Williamson, Baker, Kingsley, Simmons

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

COUNCIL RESOLUTION – 6c.19.001

Lysaught/Williamson

That the Clarence Valley Council logo and its associated logos be retained.

Voting recorded as follows:

For: Lysaught, Williamson, Baker, Kingsley, Simmons

Against: Toms, Novak, Ellem, Clancy

LINKAGE TO OUR COMMUNITY PLAN

Theme 3 Economy

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

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

BACKGROUND

At its meeting in April, Council resolved (17.009/19):

That Council:

1. Undertake a review of the Clarence Valley Council logos.
2. Receive a report to the July 2019 meeting.

Logos are images, texts, shapes, or a combination of the three that depict the name and purpose of a business.

A logo is a flag, a signature, a shield, it doesn't sell (directly), it identifies and is rarely a description of a business. It derives its meaning from the quality of the things it symbolises, not the other way around. It's impossible for a logo to represent or illustrate everything about an organisations brand¹.

A logo is not a storytelling device — it's a form of identification. Countries have flags, royal families have their crests and companies have their logos. They all serve a single purpose — to identify and differentiate their owners from everyone else in the crowd. Nothing more, nothing less.

The purpose of a logo is not to provide eye candy, but to provide a unique signature that will become associated with the qualities of the company. Whether people like or dislike the logo design has nothing to do with what they think about companies and organisations those logos stand for².

A logo is different from a brand. A brand is the overall experience of the customer that distinguishes an organisation or product from its rivals in the eyes of the customer.

KEY ISSUES


Clarence Valley Council has one distinct logo for the organisation, but also has a family of logos that relate to different businesses or elements e.g. events or services.

Each logo is representative of the particular 'sub-business' brand, its values and target market. They are developed and utilised to suit their specific purpose.

¹ The Professional Association For Design (AIGA) – 1991

² Looking Closer: Critical Writings on Graphic Design = 1994

Logo	Department	Year	Designed with brand strategy	Approval	Purpose
	Clarence Valley Council	2009	Yes	Executive meeting decision	Peak organisation's core business collateral, marketing and public relations tool.
	Clarence Coast Holiday Parks	2006	Yes	No	Business and marketing collateral for five council holiday parks
	Clarence Valley Council values	2017	No Developed by staff project team	Executive meeting decision	Communicating values to staff, prospective employees and community
	Community Plan	2014	No	No	Clarence Valley Community Plan No longer in use
	Clarence Coast Reserve Trust	Not known	Not known	Not known	Predominately signage associated with Trust land
	Grafton Regional Gallery	2018	No	Yes Adopted by Gallery Advisory Committee. Minutes presented to Council.	Marketing collateral
	Plunge arts and culture festival	2012	No	No	Marketing collateral
	Clarence Valley Tourism	2015	Yes	Yes Executive meeting decision. Adopted by Tourism Advisory Committee. Minutes presented to Council.	Industry development and marketing collateral
	Clarence Valley Libraries	2013	Yes	No	Business and marketing collateral

Logo	Department	Year	Designed with brand strategy	Approval	Purpose
	Clarence Valley and Bellingen Libraries		No	No	Business and marketing collateral
	Care and Support Services	2016	Yes	Executive meeting decision	Business and marketing collateral

Outline of methodology, cost and time estimates to change an individual logo:

Phase	Action/Methodology	Cost (estimate)	Timeframe (estimate)
Project management	<p>Develop a project management plan and a communications plan.</p> <p>Establish project team including but not limited to councillors, community representatives and CVC staff.</p> <p>Establish a focus group</p> <p>*This timeframe is extended if Council requires ongoing reporting. It will need to fit council meeting schedule.</p>	\$500	<p>Including advertising, council reporting.</p> <p>2 to 3 months*</p>
Logo Design	<ul style="list-style-type: none"> • Construct a creative brief – clearly determine values, attributes, communication methods, target markets and position • Research and discovery – what does the business look like. The aspirations? Discover their why? Determine the niche. Emotional triggers. Undertake qualitative research into trends, thoughts, opinions, behaviours and the competition. • Develop mood boards and sketches – imagery portrays the look and feel of what is desired in communicating the logo design • Conceptualization – rough ideas • Presentation and refinement – present logo options, including colours and logotype • Logo design developed – logo design including various forms of application • Feedback and consultation – present logo design • Complete graphic presentation 	\$5,000 to \$7,000	3 to 4 months
Audit	<p>Audit of all collateral formats to determine scope of work.</p> <p>To avoid confusion, the new logo has to appear consistently across all platforms at the same time.</p> <p>Collateral examples: websites, banners, signage, maps, displays, brochures, billboards, uniforms, promotional material, exhibition stands, marquees,</p>	\$50,000 to \$500,000 depending on individual logo usage and	4 to 8 months depending on individual logo usage and scope

Phase	Action/Methodology	Cost (estimate)	Timeframe (estimate)
	office stationary, fleet vehicles. Noting each business, service or event has collateral that is fit for purpose.	scope	
Implementation	<ul style="list-style-type: none"> • New logo launch across all platforms, online and offline. • Develop an Implementation Plan and activate. <p>Effective implementation uses a significant amount of resources including financial and staff time. It requires a dedicated team focusing on change and application. Not having a fast efficient change over has a detrimental effect on brand and reputation For example, the current Clarence Valley Council logo was adopted in 2009 and there is currently a lot of CVC collateral and signage that has not yet been updated from previously amalgamated councils or the original CVC logo adopted in 2005. There is also still signage from the amalgamated council’s on display. This is because an Implementation Plan was not developed.</p>		
<p>Note: The financial estimates are for cost of collateral and do not include resources like staff time, plant and equipment.</p>			

Examples of signage with previous councils or old logos:





Option 2:

That the logo/s be redesigned in accordance with the methodology provided and relative funding be allocated from the General Fund in the 2019/2020 budget.

COUNCIL IMPLICATIONS

Budget/Financial

Budget allocation will be required.

Asset Management

N/A

Policy or Regulation

N/A

Consultation

Consultation undertaken with; members of STRIVE project team, Fleet & Stores; Open Spaces, Civil Works, Information & Corporate Systems, Community Services, Communications Coordinator, Holiday Parks Coordinator, Regional Library Manager and Destination Management Officer, Gallery Director and Care & Support Services.

Legal and Risk Management

N/A

Climate Change

Actions associated with removing or changing logo/s will create waste and/or recycling plus use of additional resources.

Prepared by	Elizabeth Fairweather, Economic Development Coordinator
Attachment	Nil

ITEM 6c.19.002 2019/20 SPECIAL EVENT SPONSORSHIP PROGRAM – ROUND ONE

Meeting	Corporate, Governance & Works Committee	18 June 2019
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Yes	

SUMMARY

This report presents a summary of sponsorship applications received under Round One of the Events Sponsorship 2019/20 program, the criteria applied in the assessment of the applications and recommendations for the allocation of funding.

OFFICER RECOMMENDATION

That Council adopt the recommendations for the provision of funding to applicants as listed in the attached schedule to the value of \$61,250 and authorise the processing of these sponsorships in accord with the adopted Event Sponsorship Policy.

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.19.002

Ellem/Lysaught

That Council adopt the recommendations for the provision of funding to applicants as listed in the attached schedule to the value of \$61,250 and authorise the processing of these sponsorships in accord with the adopted Event Sponsorship Policy.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 3 Economy

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

Strategy 3.1.5 Attract and grow events which contribute to the economy with a focus on high participatory events

BACKGROUND

Applications for sponsorship under Round One of Council’s Events Sponsorship Program opened on 15 March 2019 and closed on 30 April 2018. The funding program was promoted through advertising in the local print media, social media and Council’s website. Emails were also sent to all previous applicants.

All applications were completed and submitted online via the SmartyGrants software program. A total of 18 applications were received in this round, requesting a total of \$77,450 in sponsorship.

As initiated in 2014/15, there are two rounds of calling for sponsorship applications. This is the first round, for events held between August 2019 and February 2020.

Applications were assessed against the following criteria as set out in program guidelines:

- eligibility to apply
- making a positive contribution to the local economy
- acknowledgement of Council’s sponsorship
- benefit to the community
- evidence of support from groups that benefit from the event
- promotes and encourages positive exposure of the Clarence Valley
- strengthens and celebrates our community
- the organisations financial viability
- demonstrated marketing strategy, post-evaluation and income generation plan
- consideration of environmental impacts

All events are assessed against this criteria, however different request levels have particular criteria weighted more heavily, again as stated in the guidelines:

Level One \$1,000 and under	New events or in their infancy Small events that attract some visitors from outside the Clarence Valley
Level Two \$1,000 to \$5,000	Attract day visitors from outside of the Clarence Valley Have a marketing plan Are unique or promote unique characteristics of the Clarence Valley
Level Three Over \$5,000	Attract overnight visitors Have a marketing plan Are unique or promote unique characteristics of the Clarence Valley Generate an income stream to reinvest in their event Contribute significantly to the local economy

KEY ISSUES

The 18 requests are listed in the attachment with a recommended sponsorship amount and comments in regards to how the applications met the criteria. Should Council adopt the officer recommendations, the financial commitment will total \$61,250, which is within the amount allocated in the 2019/20 draft budget.

COUNCIL IMPLICATIONS

Budget/Financial

The total cost of recommendations for Round One of the Special Event Sponsorship program in 2019/20 is \$61,250 which falls within the amount allocated in the 2019/20 draft budget.

Asset Management

N/A

Policy or Regulation

Event Sponsorship Policy

Consultation

Consultation occurred within the Community and Industry Engagement Unit

Legal and Risk Management

N/A

Climate Change

Event organisers are encouraged to be mindful of the environment in hosting their events.

Prepared by	Alicia Savelloni, Events & Promotions Officer
Attachment	2019/20 Special Event Sponsorship Round 1

ITEM	6c.19.003	2018/19 MONTHLY FINANCIAL REPORT – MAY 2019
-------------	------------------	--

Meeting	Corporate, Governance & Works Committee	18 June 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.

There have been no budget variations identified in this report that impact the General Fund end of year result which remains as previously reported in the March 2019 Quarterly Budget Review Statement.

As for the General Fund end of year result, there have been no reserve funded budget variations identified in this report, which remains unchanged from that reported in the March 2019 Quarterly Budget Review Statement.

OFFICER RECOMMENDATION

That the:

1. Monthly financial information report for May 2019, attached to this report, be received and noted.
2. Proposed recommended actions in returning \$289,483 (being \$419,483 less \$130,000 towards Rapid AP) from reserves to General Fund at close of the 2018/19 Financial Year be endorsed.
3. Proposed recommended actions in expending \$122,571 against specified projects, as outlined in this report, at close of the 2018/19 Financial Year, be endorsed.
4. Consolidation of reserves as outlined in this report be endorsed.

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.19.003

Ellem/Lysaught

That the:

1. Monthly financial information report for May 2019, attached to this report, be received and noted.

2. Proposed recommended actions in returning \$289,483 (being \$419,483 less \$130,000 towards Rapid AP) from reserves to General Fund at close of the 2018/19 Financial Year be endorsed.
3. Proposed recommended actions in expending \$122,571 against specified projects, as outlined in this report, at close of the 2018/19 Financial Year, be endorsed.
4. Consolidation of reserves as outlined in this report be endorsed.

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 tabled 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 2018/19 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

There are no major proposed variations for the month of May 2019.

Explanation of Attachment A

Income and Expenditure Statements are tabled 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.

Review of Reserve Ledger Accounts

Throughout 2018/19 a review of the entire Reserve Ledger has been conducted with a view to identifying reserves to be utilised against existing projects, to fund projects in the 2019/20 budget, stale balances that can now be returned to the General Fund and opportunities to consolidate reserves to make the ledger more manageable.

There is a total of \$419,483 recommended to be returned to General Fund. Of this it is proposed that \$130,000 be expended against the cost of the purchase and integration of Rapid AP, to automate and improve efficiency of Accounts Payable functions with the remaining balance of \$289,483 to be returned to General Fund.

The review has further identified a further \$122,571 recommended to be expended against specified General Funded Projects in the current 2018/19 program of works.

There are a number of reserves that show a projected balance of \$0 with a recommendation to be further reviewed during 2019/20, as the actual final result and balance will not be determined until the close of 2018/19 financial accounts.

It is recommended that 92 Reserves be deactivated.

This review and the recommended actions are summarised as follows:

Balances to be returned to General Fund and reserves deactivated

Financial Reserve Number	Internal/External Reserve	Forecast Balance as at 30/6/19
31180	CL - RWS - Easement Compensation Unclaimed	-11,734.13
86038	UG - RTA 09/10 Pedestrian Facilities King & Crisp St	-13,966.91
86102	UG - Natural Disaster Funding - Mar06	-4,987.57
86150	UG - RTA Orara Way Speed Measures	-124.00
86198	UG - RMS Jackybulbin Bus Turn Around	-3,031.97
86199	UG - RMS Iluka Rd Woombah Speed Zone Signs	-10,028.17
89119	UG - RMS - Woolli Road Speed Review	-239.89
89122	UG - RMS PAMP Program	-31,806.81
89134	UG - RMS Road Safety & Traffic Management	-10,172.04
80067	UG - LGNSW Flying Fox Grant Program - Management	-12.28
80102	UG - DECC - Yamba Stormwater Audit & Study CMP	-633.17

Financial Reserve Number	Internal/External Reserve	Forecast Balance as at 30/6/19
80104	UG - NRCMA-Engaging NSW Communities in Coastline Conser	-1,714.07
80105	UG - OEH - The Home Power Savings Program	-100.10
80209	UG - NRCMA -Coast Comm Grp Storm Recovery Pgrm	-76.52
80321	UG - NSW DOP - Community Based Heritage Studies	-9,189.55
80330	UG - Maclean area Rotary Park Contributions to Improvement	-500.00
80335	UG - Tullymorgan School House Reserve	-819.87
80341	UG - CPTIGS - Disability Req Gftn,Mcln,Yamba	-21,876.73
80380	UG - Noxious Weeds Bitou Bush	-2,765.23
80443	UG - Yamba Coastline Management Plan	-6,256.31
80519	UG - Railway Level Crossing Upgrade	-6,213.46
80560	UG - Waterview Heights Tree Planting	-1,818.67
80570	UG - Woolli Golf Course Irrigation (Sport & Rec)	-10,000.00
80636	UG - DNR Clarence Drain Management Program 2008/09	-458.07
80648	UG - NatMaritimeMusm Better Boating	-9,331.28
83094	UG - Volunteer Grants - LC Multicultural Committee	-376.44
83112	UG - DHA - Healthy Clarence Communities	-8,193.85
83170	UG - DFACS Youth Week	-100.91
89103	UG - DITRLG - INFP2 Fencing No. 1 Oval Ngayundi Sports Com	-218.87
89105	UG - DITRLG - INFP2 Harwood Cricket Oval	-455.00
89118	UG - NSW Health - Community SHARPS Mgmt	-1,450.00
89121	UG - DRET - Community Energy Efficiency	-16,211.45
89145	UG - DECC - Woolli Beach Coastline Management Plan	-138.45
10051	IR - EnvirProt - Yamba Stormwater Audit & Study CMP	-633.15
10233	IR - Planning-Woolli Coastline M/Plan Revw	-138.46
10269	IR - PLAN - Brms Hd Lake Cakora Estuary Mgmt	-1,768.47
10460	IR - Hargraves Villas	-83,513.12

Financial Reserve Number	Internal/External Reserve	Forecast Balance as at 30/6/19
10559	IR - Parks - s355 Cowan Pond Reserves	-4,589.14
10585	IR - Jacaranda Pk - Amenities and Shelter	-17,850.46
10889	IR - Roads - Yamba Street Furniture	-4,676.38
10894	IR - Drainage - Roderick to Argyle St Stg 1	-20,787.84
10955	IR - Pools - Maclean Tiling Renewal	0.00
11247	IR - Footpath Bent/Tyson Sts Sth Grafton	-3,512.29
11333	IR - Wharves & Jetties - Maclean Pontoon	-55,766.23
14025	IR - PLAN - South Grafton & Koolkhan Land Rezoning	-23,933.77
14027	IR - PLAN - Pillar Valley Constraints Business Opportunities	-11,311.23
14029	IR - PLAN - Brooms Head Beach Monitoring	-6,000.00
Total Funds to be returned to General Fund		-419,482.70
Reserve Funds to be expended against specified General Fund Projects and deactivated		
Financial Reserve Number	Internal/External Reserve	Forecast Balance as at 30/6/19
10738	IR - PubHall - Woolli s355 Public Hall Committee	-1,806.36
14050	IR - DOH - CHSP HACC Community Worker (930-997140)	-19,768.00
89162	UG - OEH - Coastal Management Program 16/17	-3,950.00
10630	IR - Mac S94 Reimb Res Street Trees Mac	-1,415.74
10651	IR - McIntosh Park S355 Ctee Funds	-2,096.92
11265	IR - CwnRC - Maclean Showground Improvements	-10,396.91
91400	S94 Tree Planting Grafton	-20,501.97
91405	S94 Tree Planting Iluka	-686.90
91410	S94 Tree Planting Maclean	-39,006.03
91415	S94 Tree Planting Yamba	-17,936.53
91420	S94 Tree Planting Ulmarra	-5,005.58
Total Funds to be expended against specified General Fund Projects		-122,570.94

Reserves to be combined into 1 new LGA First Nation Signage Reserve and deactivated		
Financial Reserve Number	Internal/External Reserve	Forecast Balance as at 30/6/19
11124	IR - AbComDev - Reconnecting to Country	-5,859.03
11289	IR - CED - LowClar Aboriginal Signage	-1,768.84
41044	ER - CED-LowClar Aboriginal Signage Proj	-1,768.85
41096	ER - Aboriginal Elders Signage	-2,460.00

Reserves to be consolidated into major reserves and deactivated

Financial Reserve Number	Internal/External Reserve	Forecast Balance as at 30/6/19
96000	96000 - S64 Water Clarence Valley	-4,041,922.35
10243	IR - BioD - Develop A Riparian Action Strategy	-12,950.63
10583	IR - Parks - Skinner Street Plaza Amenities	-14,495.16
10590	IR - Mac S94 Reimb Res Comm Fac Iluka	-14,976.78
10600	IR - Mac S94 Reimb Res Comm Fac Mac Bhead	-4,916.02
10730	IR - Grafton Playgroup Roof	-10,000.00
10732	IR - School of Arts Sth Grafton - Awning Compliance Upgrade	-4,435.00
10739	IR - PubHall - Southgate Building Improvements	-15,000.00
10952	IR - Pools - Grafton Building Improvements	-20,000.00
10954	IR - Pools - Grafton Replace Perimeter Fence	-8,545.45
11215	IR - Comm & Resid Property Furniture Renewals	-6,000.00
11216	IR - Commercial Property Improvements	-2,947.07
11332	IR - OthWst - Grafton Transfer Station Compliance Works	-90,642.93
70030	ER - CCRT Brooms Head Sportsground C'Tee Funds	-1,527.96
70150	ER - CCRT Ford Pk Picnic Shelters Reserve	-4,192.46
70160	ER - CCRT SthHead Pk Pathway & Stairs Reserve	-7,000.89
70180	ER - CCRT Hickey Island Fencing Reserve	-5,913.79

Financial Reserve Number	Internal/External Reserve	Forecast Balance as at 30/6/19
70190	ER - CCRT Hickey Island Picnic Area Reserve	-21,771.50
70192	ER - CCRT Minnie Water Back Beach - Access Stairs Upgrade	-32,403.00
70193	ER - CCRT Flinders Park Lighting Upgrade	-10,000.00
70200	ER - CCRT Angourie Res Erosion Mitigation Reserve	-7,031.03
70210	ER - CCRT Main Beach Yamba Improvements Reserve	-10,619.63
70220	ER - CCRT Yamba Rock Pool Stairs	-14,029.07
70221	ER - CCRT – Brooms Head Coastal Protection	-18,076.63
70223	ER - CCRT - Woolli Bike Path	-102,799.96
70228	ER - CCRT Iluka Rowing Shed - Building Improvements	-11,825.20
79045	ER - CvPkc - Brooms Head C/Park Detailed Concept Design	0.00
79048	ER - CvPkc - Brooms Head C/Park Cabin Renewal	0.00
89000	UG - DLWC Coastcare (Grant) Brooms Head Reserve Improvement	-3,462.39
89020	UG - DLWC – Brooms Head - Public Reserves Mngmt Fund	-16,706.45
89060	UG - NSW Waterways Grant - Yamba Bay Boat Ramp	-922.13

No Action Required - The following reserves are on-going with further review in 2019/20

Financial Reserve Number	Internal/External Reserve	Forecast Balance as at 30/6/19
83180	UG - FNC Innovative Care Program	-496,980.50
83185	UG – DSS - Short Term Restorative Care	-223,177.67
83201	UG - DSS - Wellbeing & Development OV65	-11,500.41
83203	UG - HACC Domestic Assistance OV65	-7,964.58
83382	UG – Dept Health & Aging EACH Grant	0.00
83395	UG - DHA - CVC Social Support Grant OV65	-25,907.42
83397	UG - DHA - Community Options Podiatry OV65	-6,561.06
83398	UG - DHS - Home Maintenance OV65	-38,968.81

Financial Reserve Number	Internal/External Reserve	Forecast Balance as at 30/6/19
10240	IR - Community Services Administration Reserve	-3,027,628.74
14040	IR - CSS - Regional Assessment Service Program (RAS)	-108,151.79
31185	CL - S/Cr Inc in Adv - CCS Dept Health & Aging EACH Grant	-1,079,480.97
95000	S64 Sewer Clarence Valley	-5,628,137.44
43000	ER - SewerPressure - Northern Rivers Property (x16)	-110,655.37
60040	ER - Grafton SF Plant Reserve	-563,066.20
79025	ER - Sewer Bank Account	-2,840,173.17
79040	ER - Sewer Loan Sinking Fund	-820,732.66
50080	ER - NCW Plant Replacement Reserve	-3,061,545.23
79010	ER - Water Bank Account	-22,583,382.72
80342	UG - Trf NSW - Country Passenger Tspt - Fitzroy St Gftn Bus	0.00
80343	UG - Trf NSW - Country Passenger Tspt - Claude St Yam Bus Sh	0.00
80344	UG - Trf NSW - Country Passenger Tspt - Arthur St Gftn Concr	0.00
80348	UG - Trf NSW - Country Passenger Tspt - Queen St Gftn - Path	0.00
80349	UG - Trf NSW - Country Passenger Tspt - Gumnut Rd Gftn Concr	0.00
86041	UG - RMS - Active Transport	-3,418.83
86196	UG - RTA Repair Program	-14,793.16
80236	UG - NSW Gov - Regional Cultural Fund	-2,472,034.00
80267	UG - DNR - Grafton Levee Access Easement	-44,074.94
80326	UG - NSW OEH - 2011/12 - Glenreagh Floodplain RMS&P	-3,452.76
80505	UG - Roads To Recovery DOTAR CVC	-238,116.36
80561	UG - Stronger Communities - Jacaranda Pk Redev	-160,022.00
89116	UG - DECCW - Brooms Head Beach CZMP	-1,768.47
89125	UG - NSW DPI - Maclean Showground Power	-10,137.00
89138	UG - RFS NSW Firefighting Fund	-19,555.92
31171	CL - North East Waste (New) Group	-213,955.67

Financial Reserve Number	Internal/External Reserve	Forecast Balance as at 30/6/19
31190	CL - Unclaim - Sale of Land for Unpaid Rates	-329,457.42
20010	UL - Floodplain Services	-9,832.14
20131	UL - FPS GF Loan	-452.61
10010	IR - Plant Reserve (non RFS)	-9,634,884.90
10020	IR - Light Fleet Reserve	-1,023,152.72
10025	IR - Small Plant Reserve	-569,599.26
10030	IR - FAG unspent	-5,519,226.00
40000	ER - Domestic Waste Management Reserve	-1,258,105.11
10005	IR - SOAP Implementation Reserve	-33,412.65
10009	IR - Sick Leave Insurance Reserve	-22,711.00
10011	IR - RFS Plant Reserve	-46,780.10
10122	IR - Buildings/Assets Reserve - Contingency Major Emerg/Ren	-91,733.05
10125	IR - Admin Building Improvements - 2 Prince St Building	-805,917.48
10126	IR - Admin Building Improvements - 50 River St Building	-12,590.92
10175	IR - RFS - B&C Shortfall Reserve	-425,424.23
10190	IR - CVC Cemetery Reserve	122,485.99
10238	IR - Planning - Valley Wide s94 Plan Prep	-22,636.37
10245	IR - Biodiversity Offset Reserve	-80,189.55
10251	IR - Telephone Hardware	-82,874.00
10275	IR - Statewide Risk Management	-93,111.98
10276	IR - Statecover OH&S Incentive Rebate	-76,479.28
10277	IR - Public Liability Excess	-100,000.00
10279	IR - RecMgt - TechOne ECM Upgrade	-42,887.78
10282	IR - On Site Septic Reserve	-179,161.98
10316	IR - Nox Weeds - CVC WAP Funded Activities	-53,959.83
10324	IR - Nox Weeds - CVC Non WAP Funded Activities	-1,798.90

Financial Reserve Number	Internal/External Reserve	Forecast Balance as at 30/6/19
10359	IR - C&C - Internal Audit Program	-18,082.59
10360	IR - Election Cost Reserve	-75,000.00
10456	IR - Lower Clarence Sports Council	8,509.35
10457	IR - Upper Clarence Sports Council	-9,760.40
10458	IR - Sports Building Renewals	-12,157.72
10461	IR - Yamba Treelands Dr Community Centre Development	-430,000.00
10491	IR - Corporate System Upgrades	-79,506.11
10520	IR - Strategic Building Reserve	-1,366,233.24
10575	IR - Parks & Reserves Signage	-4,330.04
10576	IR - Parks BBQ Replacements	-21,626.75
10577	IR - Upgrade Playground Equipment	-250,837.12
10584	IR - Parks - Park Furniture Renewal Program	-6,000.19
10588	IR - Parks & Reserves - Buildings	-373.88
10589	IR - Parks & Reserves – Shade sails	-4,700.00
10652	IR - Nursery Operations	-14,869.63
10670	IR - Mobile Library and Library Programs	-77,178.39
10681	IR - Museums - Museum Advisor Program	0.00
10690	IR - Aquatic Facilities	14,864.09
10700	IR - Oncost Reserve Workers Comp	-565,650.09
10770	IR - Quarry Operations	-256,562.77
10780	IR - Quarry Rehabilitation	0.00
10790	IR - Regional Landfill Augmentation	-2,910,241.59
10800	IR - Regional Landfill Environmental Guarantee	-726,551.68
10801	IR - Commercial Waste Service Reserve	-661,587.01
10810	IR - Regional Landfill Plant	-1,799,260.19
10815	IR - Regional Landfill General Reserve	-261,049.59

Financial Reserve Number	Internal/External Reserve	Forecast Balance as at 30/6/19
10818	IR - Sustainability Reserve	-1,908,898.19
10820	IR - RFS Catering Unit Reserve	-10,752.62
10880	IR - Roads - SIC (Grafton)	142,995.87
10898	IR - Roads - Road Resumption	-45,494.71
10899	IR - Roads - Road Acquisitions	-234,665.13
10910	IR - Saleyards Asset Replacement	-277,851.36
11010	IR - Tip Rehabilitation Reserve	-110,000.00
11035	IR - Sports - Sportsfield Income Reserve	-194,370.77
11037	IR - Sportsfields Signage Renewal	-37,930.74
11140	IR - SES - SES Capital Reserve	-93,170.41
11150	IR - Infrastructure Assets Renewals Reserve	-3,212,999.92
11242	IR - Cycleway- Clarenza Cycleway	-75,900.59
11288	IR - ECON - Grafton Waterfront - Detailed Concept Design	-20,509.70
11309	IR - Open Spaces - Asset Inspections	-1,565.85
11318	IR - Maclean & District Improvements	-614,242.67
31170	CL - Pacific Highway Taskforce	-21,036.02
41050	ER - Contributions for Future Art Purchases	-5,092.76
41070	ER - Art Gallery - JADA Reserve	-41,511.84
41125	ER - Regional Library Accumulated Surplus	-982,969.74
41127	ER - Library Computer Replacement Reserve	-30,656.74
70010	ER - CCRT Maintenance Reserve	466,071.67
70181	ER - CCRT Hickey Isl - Rehab re Underground Boring	0.00
70227	ER - CCRT - Flinders Park - Zig Zag Pathway Detailed Design	-161,386.17
70229	ER - CCRT Angourie Blue Pool Carpark Design	-97,977.58
79000	ER - CCRT Bank Account	-1,782,676.41
79046	ER - CvPkc - Calypso H/Park Redev. Design & Planning	0.00

Financial Reserve Number	Internal/External Reserve	Forecast Balance as at 30/6/19
79047	ER - CvPkC - Brooms Head Septic System Upgrade	0.00
90790	S94 CVC Contr Open Space/Rec Facilities	523,550.04
90840	S94 CVC Contr Parking - Maclean/Iluka/Lawrence	80,216.92
91125	S94 Road Upgrade Patemans	5,354.76
92010	S94 CVC Open Space/Rec Facilities - LGA	-519,464.26
92011	S94 CVC Open Space/Rec Facilities - Grafton	-104,234.31
92012	S94 CVC Open Space/Rec Facilities - Coast	-133,778.42
92013	S94 CVC Open Space/Rec Facilities - Rural	-5,923.11
92020	S94 CVC Community Facilities - LGA	-595,480.67
92021	S94 CVC Community Facilities - Grafton & Surrounds	-224,055.03
92022	S94 CVC Community Facilities - Maclean & Surrounds	-106,736.00
92030	S94 CVC Plan Management	-31,031.12
92040	S94A CVC Development Other than Residential	-1,465,484.74
80511	UG - RMS - Loc Rds Natural Disasters - April 15 Flood	-152,560.31
86101	UG - RTA Natural Disaster Funding - January 2011	-122,940.72
86103	UG - RTA - Flood Funding - May09	-259,843.40
86293	UG - RTA Emerg Flood Response LocRd Jan08	-70,082.07
86300	UG - RTA - Emerg Flood Response (May 2009)	-121,836.43
86301	UG - RTA - Flood Damage Crown Rds (May2009)	-10,050.88
86302	UG - RTA - Flood Damage Public Rds (May 2009)	-6,379.66
89133	UG - RMS 2014/2015 Speed Management	-12,696.25
89161	UG - RegR - Safer Roads - High Risk Curves	-18,164.78
80046	UG - SES - Yamba Unit Building Grant	0.00
80069	UG - NSW Etrust - Environ Educ Prgm - Coastal Emus & Koalas	0.00
80235	UG - M&GNSW - Museums Advisor Program	0.00
80237	UG - NSW DP&C - Growing Local Economies Fund	0.00

Financial Reserve Number	Internal/External Reserve	Forecast Balance as at 30/6/19
80253	UG - Complementary Drainage Works	0.00
80263	UG - Dept Nat Resources Ulmarra Bank Protection Works	-69,853.53
80287	UG - DNR Ulmarra FPM Study	-19,287.24
80289	UG - DNR Palmers Island FPM Study	-13,946.63
80295	UG - NRAC - Riparian Action Strategy	0.00
80296	UG - DNR Maclean Levee Rehabilitation	0.00
80315	UG - DECCW - Floodplain Management Program 2009/10	-22,782.08
80336	UG - NSWJus - Comm. Safety 2017 - Market Square Activation	0.00
80354	UG - DECCW - 2010/11 Clarence Drain Management Program	-300.12
80355	UG - NSW OEH - 2011/12 F/Plain Mgmt - Maclean Levee	-19,552.97
80373	UG - RFS Clarence Valley Fire Control Centre	-6,470.19
80395	UG - DPI - WAP Programme	0.00
80458	UG - NSW PubLib - Tech Savvy Seniors Program	0.00
80459	UG - GTF - Be Connected Activation Grant	0.00
80562	UG - DFACS - Social Hous Comm Imp - Hakea Park Yamba	0.00
80563	UG - DFACS - Social Hous Comm Imp - Yamba Sports Complex	0.00
80564	UG - DFACS - Social Hous Comm Imp - Bob Liddiard Court Upg	0.00
80569	UG - NSW T&I - Public Reserves Mgmt Fun Pgm - Hawthorne Pk	-32,120.00
83074	UG - Arts NSW Annual Program Grant	0.00
83102	UG - ADF - Local Drug Action Team (LDAT) Program	0.00
83115	UG - Dept Justice - Crime Prevention Grant	0.00
83173	UG - DFACS - Youth Opportunities Program	0.00
86039	UG - NSW Gov - Stronger Communities Funding Program	0.00
89142	UG - LLS - Ecological Sustainable Develop - Floodplain Farmi	-13,179.34
89143	UG - OEH - Saving our Species Conservation Project	0.00
89144	UG - OEH - Saving our Species - Mason's Grevillea	0.00

Financial Reserve Number	Internal/External Reserve	Forecast Balance as at 30/6/19
89148	UG - OEH - Saving our Species Clarence Koala SOS	0.00
89149	UG - Comm Building P/Ship Prgm- Jim Thompson Pavillion	0.00
89150	UG - Lfor - Public Reserve Mgmt Fund - Honeyman Park Hall Ex	0.00
89151	UG - OEH - Saving our Species Clarence Koala SOS	0.00
10000	IR - ELE Reserve General Fund	-2,786,506.06
20190	UL - FP - Wooloweyah Lake Erosion Control	-17,240.00
10042	IR - Clarence Valley Regional Airport - Masterplan	0.00
10043	IR - Airport Dwelling Repairs	0.00
10094	IR - Trenayr Brigade Station	-52,742.04
10250	IR - Computer Facilities	-156,265.80
10370	IR - Erosion Protection - Wooli	-67,592.99
10375	IR - Biodiversity Management Strategy	-42,569.54
10400	IR - Floodplain Maintenance Reserve	-46,992.86
10401	IR - Floodplain Vol House Raising	-13,858.19
10408	IR - Floodplain - Maclean Levee Rehabilitation	-222,691.73
10409	IR - Floodplain - Grafton Levee Easement Acquisition	-18,542.42
10412	IR - Floodplain - Monitoring of Riverbank Stability	-11,398.00
10413	IR - Floodplain - Heber St Stormwater Pump Station Penstock	0.00
10420	IR - Floodplain Works Reserve In Progress	-58,601.90
10425	IR - Floodplain CFP Reserve	-43,769.44
10426	IR - Floodplain - Yamba Evacuation Capability Assessment	-8,000.00
10466	IR - Market Square Activation - Project Management	0.00
10519	IR - Sports Yamba Oval Upgrade	-14,375.08
10569	IR - Hawthorne Park - Electricity Upgrade	0.00
10587	IR - PKs - Gleanreagh Shannon Park - Amenities Plan	-5,000.00
10610	IR - Mac S94 Reimb Res General (Main Account)	-29635.18

Financial Reserve Number	Internal/External Reserve	Forecast Balance as at 30/6/19
10653	IR - Jacaranda Park Playground Upgrade Stage 2	-120,000.00
10736	IR - PubHall - Jim Thompson Pavillion Kitchen Upgrade	0.00
10737	IR - PubHall - Tucabia Hall Kitchen Upg- s355 Committee Con	0.00
10840	IR - RFS Public Contributions	-2,723.77
10860	IR - RFS Training Income	-10,275.66
10865	IR - Yamba Rd / Treelands Dr Intersection Sinking Fund	-600,000.00
10956	IR - Pools - Yamba Rock Pool Renewal	0.00
11080	IR - Street Lighting Improvement Program	0.00
11095	IR - PubAmenCap - Woolli Hall Toilets adjac CCRT Reserve	0.00
11248	IR - Prince Street Footpath Repair Projects 2017/18	0.00
11320	IR - Maclean Transfer Station Compliance Works	-133,547.30
11325	IR - Public Toilet Rationalisation	204.44
11329	IR - NRM - Everlasting Swamp Hydrological Assessment	0.00
14028	IR - PLAN - Brooms Head Geotech Study & Hazard Review	0.00
14030	IR - PLAN - Ulmarra Floodplain Risk Mgmt Study & Plan	-10,644.00
14031	IR - PLAN - Palmers Isl Floodplain Risk Mgmt Study & Plan	-6,973.00
30004	ER - Gordon McIntyres Lane Roadworks	-57,530.68
30006	ER - SUBCT 2015/0018 - Summerland Way & Nth St Intersect	-30,000.00
41055	ER - GallMus - Yulgilbar Foundation Donation Grant Writer	0.00
41140	ER - DC - Townsend Roundabout (Jubilee & Diamond)	-43,230.18
41150	ER - DC - Traffic Management (Witonga & Gumnut)	-64,845.26
41152	ER - RMS - Heavy Patching Old Pacific Highway Glenugie	-14,681.12
90020	S94 CVC Contr Bus & Traffic Facilities	-65,601.86
90230	S94 CVC Contr Community Facilities	-568,114.96
90305	S94 Drainage Gulmarrad	-520,682.07
90320	S94 CVC Contr Drainage Grafton CBD	-66,717.39

Financial Reserve Number	Internal/External Reserve	Forecast Balance as at 30/6/19
90321	S94 CVC Contr Drainage Yamba CBD	-668.95
90500	S94 Gravel Ulmarra	-3,939.57
90600	S94 Kerb & Gutter Lower Clarence	-37,400.28
90841	S94 CVC Contr Parking - Grafton	-78,464.79
90842	S94 CVC Contr Parking - Yamba	-2,835.13
91000	S94 Quarry Roads Coldstream St	-3,718.99
91005	S94 Quarry Roads Gardiner	-9,173.81
91010	S94 Quarry Roads Jackybulbin	-23,823.52
91015	S94 Quarry Roads Murrayville Road Ashby	-17.87
91020	S94 Quarry Roads Pringles Way Lawrence	-915.48
91035	S94 Quarry Roads South Arm	-5,520.00
91040	S94 Quarry Roads Upper Shark Creek	-3,792.08
91045	S94 Quarry Roads Ulmarra	-9,673.35
91050	S94 Quarry Roads 18 Mile Rd	-9,467.27
91055	S94 Quarry Roads Golf Links Rd	-1,371.63
91060	S94 Quarry Roads Marengo Rd	-15,025.41
91065	S94 Quarry Roads Greberts Rd	-2,212.30
91070	S94 Quarry Roads Olivedale Pit	-9.25
91075	S94 Quarry Roads Stockyard Creek	-6,091.35
91080	S94 Quarry Roads Peckhams Rd	-31,465.74
91085	S94 Quarry Roads Hanging Rock	-6,574.38
91090	S94 Quarry Roads Heifer Station/ Gorge Rd	-105.56
91100	S94 Road Upgrade Ashby	-116,513.40
91105	S94 Road Upgrade Crisp Dr/Tullymorgan	-30,400.58
91110	S94 Road Upgrade Iluka/Woombah	-76,509.67
91115	S94 Road Upgrade Lawrence	-99,120.77

Financial Reserve Number	Internal/External Reserve	Forecast Balance as at 30/6/19
91116	S94 Road Upgrade Lawrence Pre 1993	-26,669.58
91120	S94 Road Upgrade Maclean/Brooms hd	-10,011.57
91127	S94 Road Upgrade Harvey Rd	-3,643.67
91130	S94 Road Upgrade Red Hill	-31,491.40
91140	S94 Roads & Bridges (Table 01 - 14) Copmanhurst	-776,692.26
91145	S94 Roads & Bridges (Table 15) Copmanhurst	-31,231.40
91150	S94 Roadworks Coutts Crossing	-223,579.11
91155	S94 Roadworks Grafton	-336,447.35
91160	S94 Roadworks Kangaroo Creek	-31,367.50
91165	S94 Roadworks Nymboida	-11,417.61
91170	S94 Roadworks Old Glen Innes Road	-19,310.39
91180	S94 Roadworks Pre-Plan	-34,840.39
91185	S94 Roadworks Ramornie/Jackadgery	-17,616.60
91190	S94 Roadworks Southampton	-51,450.75
91195	S94 Roadworks Tyringham	-130,823.46
91200	S94 Roadworks Ulmarra	-1,401,797.89
91500	S94 Yamba By Pass Angourie/Wooloweyah	27,526.71
91505	S94 Yamba By Pass Industrial Area	-132,414.90
91510	S94 Yamba By Pass Palmers Island	-27,145.67
91515	S94 Yamba By Pass West Yamba	547,677.65
91520	S94 Yamba By Pass West Yamba existing residential	-3,607.57
91525	S94 Yamba By Pass Yamba Town Centre	32,695.57
91999	Voluntary Planning Agreements	-103,122.90

Explanation of Attachment B

A detailed Statement of Reserves by Fund has been provided which includes review report for each reserve.

COUNCIL IMPLICATIONS**Budget/Financial*****General Fund Budget (Surplus)/Deficit***

Original Budget	(\$124,341)	Surplus
Q1 Revised Budget	(\$228,730)	Surplus
Q2 Revised Budget	\$504,631	Deficit
Q3 Revised Budget	\$439,481	Deficit

Reserve Movements

Original Budget	(\$10,250,050)	Increase
Q1 Revised Budget	\$2,260,630	Decrease
Q2 Revised Budget	\$3,673,535	Decrease
Q3 Revised Budget	\$3,171,578	Decrease

A total \$289,483 is returned to the General Fund to offset the Q3 Revised Budget deficit.

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
To be tabled	A – Income and Expenditure Statements by Fund & Sub Service B – Reserve Balance by Fund

ITEM	6c.19.004	REVIEW OF POLICIES
-------------	------------------	---------------------------

Meeting	Corporate, Governance & Works Committee	18 June 2019
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	To be tabled	

SUMMARY

The Policies to be tabled with this report have been reviewed by staff and do not warrant any changes. They are hereby submitted for renewal.

OFFICER RECOMMENDATION

That the

1. Financial Assistance to the Clarence Valley Sporting Community and Clarence Valley Regional Airport Operation policies be rescinded.
2. Asbestos Policy be adopted as exhibited with no submissions received.

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.19.004

Ellem/Lysaught

That the

1. Financial Assistance to the Clarence Valley Sporting Community and Clarence Valley Regional Airport Operation policies be rescinded.
2. Asbestos Policy be adopted as exhibited with no submissions received.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

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

KEY ISSUES

The attached list gives details on the review of Policies. No major changes are proposed so it is recommended that they be adopted.

The following Policies are recommended to be rescinded:

- Financial Assistance to the Clarence Valley Sporting Community – to be rescinded as it is already covered by the Donation Policy and the Clarence Valley Cultural and Sports Trust Policy.
- Clarence Valley Regional Airport Operation – more of an internal directive to staff for supporting the airlines using our regional airport rather than a Council policy.

The Asbestos Policy is recommended for adoption following public consultation that yielded no submissions and no change.

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation

As listed.

Consultation

- The Asbestos Policy was placed on public exhibition, but received no submissions.
- All policies were reviewed in consultation with relevant staff.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Lesley McBay, Coordinator Executive Support
To be tabled	Asbestos Policy

ITEM	6c.19.005	COUNCIL MEETING CHECKLIST – UPDATE ON ACTIONS TAKEN
-------------	------------------	--

Meeting	Corporate, Governance & Works Committee	18 June 2019
Directorate	Corporate & Governance	
Reviewed by	A/General Manager - Laura Black	
Attachment	Yes	

SUMMARY

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

OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Ellem/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.19.005

Ellem/Lysaught

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

Prepared by	Lesley McBay, Coordinator Executive Support
Attachment	Checklist

ITEM	6c.19.006	GLENREAGH POOL, SHANNON PARK (CROWN LAND) – RESPONSE TO IMPROVEMENT STRATEGY
Meeting	Corporate, Governance & Works Committee	18 June 2019
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (David Sutton)	
Attachment	Confidential	

SUMMARY

This report was deferred from the May Ordinary Council meeting. It provides an updated proposal received from the Glenreagh Progress Association regarding the management and operation of the Glenreagh Swimming Pool and adjacent tennis courts in Shannon Park, Glenreagh.

OFFICER RECOMMENDATION

That Council as Crown Land Manager of the reserve:

1. Receive and note the updated proposal for the management and operation of the Glenreagh Pool by Glenreagh Progress Association;
2. Decline the proposal for the management and operation of the Glenreagh Pool submitted by Glenreagh Progress Association acknowledging the work the group completed preparing the submission and the community support for the Glenreagh pool;
3. Seek Expressions of Interest for an interested party:
 - a) to become the Crown Land Manager for Lot 7003 DP1052456 being part Crown Reserve 56448 for public recreation, including the maintenance of the entire parcel, comprising all facilities contained within the parcel; or
 - b) to become the Crown Land Manager of the swimming pool and tennis court facilities and adjacent area, including toilets and BBQ shelter only; or
 - c) to be issued a long term tenure that would include the maintenance and operation of the facilities (i.e. pool, tennis courts, toilets and BBQ shelter) within Lot 7003 DP 1052456, being part Crown Reserve 56448. With that tenure not requiring ongoing expenditure or capital outlay from Council.

MOTION - WITHDRAWN

Toms/Ellem

That Council as Crown Land Manager of the reserve:

1. Receive and note the Glenreagh Progress Association's updated proposal for the future management of the Glenreagh Community Pool and thank them for their work.
2. Decline the Glenreagh Progress Association's proposal but resolve to continue the operations of the pool and tennis courts by Council as Crown Land Managers through the usual contract management method, ensuring public safety by conforming with NSW Government Practice Note (PN) 15 -- Water Safety October 2017 and Royal Life Saving Society Australia Guidelines for Safe Pool Operation (GSPO).
3. Cover the estimated \$65,000 annual cost of managing and maintaining the Glenreagh pool through the General Fund.

COMMITTEE RECOMMENDATION

Kingsley/Toms

That the item be deferred to full Council meeting in accordance with the resolution of the May Council meeting Item 15.081/19.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

MOTION

Toms/Novak

That Council as Crown Land Manager of the reserve:

1. Receive and note the Glenreagh Progress Association's updated proposal for the future management of the Glenreagh Community Pool and thank them for their work.
2. Decline the Glenreagh Progress Association's proposal but resolve to continue the operations of the pool and tennis courts by Council as Crown Land Managers through the usual contract management method, ensuring public safety by conforming with NSW Government Practice Note (PN) 15 -- Water Safety October 2017 and Royal Life Saving Society Australia Guidelines for Safe Pool Operation (GSPO).
3. Install a solar electricity system to reduce expenditure and fund through the Sustainability Reserve.
4. Cover the estimated \$65,000 annual cost of managing and maintaining the Glenreagh Pool through the General Fund.

AMENDMENT TO MOTION

Simmons/Lysaught

That Council as Crown Land Manager of the reserve:

1. Receive and note the Glenreagh Progress Association's updated proposal for the future management of the Glenreagh Community Pool and thank them for their work.
2. Decline the Glenreagh Progress Association's proposal but resolve to continue the operations of the pool and tennis courts by Council as Crown Land Managers through the usual contract management method, ensuring public safety by conforming with NSW Government Practice Note (PN) 15 -- Water Safety October 2017 and Royal Life Saving Society Australia Guidelines for Safe Pool Operation (GSPO).
3. Install a solar electricity system to reduce expenditure and fund through the Sustainability Reserve.
4. Cover the estimated \$65,000 annual cost of managing and maintaining the Glenreagh Pool, by way of a transfer from the Crown reserve funding from the Clarence Coast Holiday Park Fund.

Voting recorded as follows:

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

Against: Nil

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

COUNCIL RESOLUTION – 6c.19.006

Toms/Novak

That Council as Crown Land Manager of the reserve:

1. **Receive and note the Glenreagh Progress Association's updated proposal for the future management of the Glenreagh Community Pool and thank them for their work.**
2. **Decline the Glenreagh Progress Association's proposal but resolve to continue the operations of the pool and tennis courts by Council as Crown Land Managers through the usual contract management method, ensuring public safety by conforming with NSW Government Practice Note (PN) 15 -- Water Safety October 2017 and Royal Life Saving Society Australia Guidelines for Safe Pool Operation (GSPO).**

3. Investigate the installation of a solar electricity system to reduce expenditure and fund through the Sustainability Reserve.
4. Cover the estimated \$65,000 annual cost of managing and maintaining the Glenreagh Pool, by way of a transfer from the Crown reserve funding from the Clarence Coast Holiday Park Fund.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 1 Society

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

Strategy 1.2.2 Improve outcomes for the Clarence Valley through partnerships with key agencies and community organisations

BACKGROUND

At its June 2017 meeting, Council resolved (Item 13.035/17) to review the Glenreagh Pool Operations with a view to sell or long term lease as part of its efficiency savings and improvement opportunities. The item is classified as a service reduction with an anticipated saving of \$64,339 in 2019/20.

Current contract

The Glenreagh pool contract concludes on 30 June, 2019 with no options for extension.

Proposal from Glenreagh Progress Association

The Glenreagh Progress Association (GPA) has met with Council officers on a number of occasions and presented a proposal for the ongoing management of the pool. This submission was included in the Council report 15.002/19, with the following resolution:

That Council:

1. Note the submission from the Glenreagh Progress Association for the operation of the Glenreagh Pool.
2. Continue discussions with the Glenreagh Progress Association regarding the management and operation of the Glenreagh Pool.
3. Invite the Glenreagh Progress Association to present their proposal to the March 2019 Councillor workshop.

Following the Councillor workshop and additional meetings with Council officers, an updated proposal has been received from the group which includes further operational information and is included to this report as an Attachment.

KEY ISSUES

Land

The pool is located at Shannon Park, Glenreagh (on Lot 7003 DP 1052456) being part Crown Reserve 56448 for public recreation, notified 28 September 1923. It is Crown Land managed by Council as a Crown land manager. The land is to be managed as Community land under the *Local Government Act 1993*.

As the land is crown land it is not able to be sold, but is able to be licenced or leased from Council as the Crown Land Manager. Alternatively, should there be an interested party a new Crown land manager could be appointed to manage the reserve and its associated facilities in total or in part. (That is, under the *Crown Land Management Act 2016* two or more Crown land managers could be appointed to manage different

parts of a reserve). In this scenario, any revenue raised by activities on the reserve or expenditure in the maintenance of facilities would be attributable to the respective Crown Land Manager.

Licencing/leasing of facilities

As a consequence of the changed management requirements under the *Crown Land Management Act 2016* all Crown Reserves managed by a council as a Crown land manager must be managed as if it were 'community' land under the *Local Government Act 1993*. A plan of management for the reserve, either a stand alone or generic plan covering the reserve would be required before a tenure for the management of the pool and/or tennis court would be required before Council could issue the tenure.

Native Title

In the absence of a formal determination by the Federal Court native title is deemed to exist on the reserve. Consequently, a Native Title (NT) Assessment would be required to be completed and signed off by one of Council's NT Managers, prior to authorising any future tenure agreement.

Pool Description

The Glenreagh pool was opened in 1959 and services the local Glenreagh community.

It is bordered by tennis courts to the north, a skate park to the south, residential dwellings to the west and the Orara River to the east.

The facility includes a 16m x 6m outdoor pool ranging in depth from 0.7m to 1.7m as well as a small baby pool approx. 3.5m in diameter (0.3m depth).

The closest alternative swimming pool is located in Nana Glen, an approx. 10 minute drive (12km) which includes a 25m x 7 lane pool. The Nana Glen pool is within the neighbouring Coffs Harbour City Council LGA.

Current Management Arrangement

The pool is currently managed by Valley Pool Services who have held the contract since 2003. Under the contract, Council is responsible for costs associated with maintenance, water, electricity and chemicals. The contractor is responsible for on-costs including the provision of lifeguards.

All income from pool entries is collected by Council, however income from other sources (swimming lessons, canteen) is retained by the contractor.

Pool Use

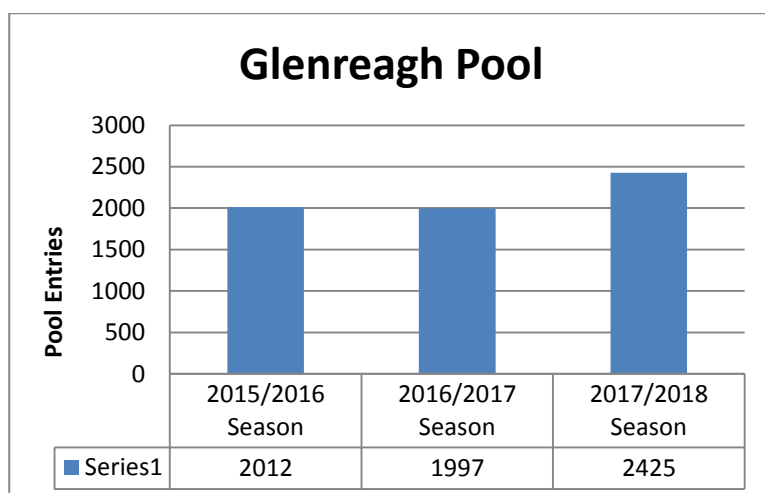
The Glenreagh pool operates from September to March annually and is open to the public at the following times:

Monday – Closed

Tuesday – Friday – 3.00pm – 5.00pm (from 12 to 5pm during school holidays)

Weekends 12.00pm – 5.00pm

The pool visitations for the past three years are outlined in the following table:



Pool Condition

The swimming pool is generally in good condition with minor maintenance works completed annually on the plant and equipment and pool enclosure. The GPA has requested further maintenance and upgrades of the facility as part of their proposal.

Practice Note 15 – Water Safety (October 2017)

The NSW Government has issued Practice Note 15 (PN) (Attachment B) to provide guidance for Council's to minimise risk associated with aquatic facilities under their care, control and management. The PN sets out recommended minimum standards for Council's, a key measure in risk management being the requirement for Council to take all practicable actions to ensure that any person using a aquatic facility under the care, control and management of Council is supervised by qualified personnel.

Supplementary to the PN the Royal Life Saving Society Australia (RLSSA) – Guidelines for Safe Pool Operation (GSPO) provides guidelines for aquatic facility operation, like the PN the GSPO is considered to be industry best practice and should be adhered to.

Deviation away from the PN and GSPO would expose the community and Council to increased risk, and in the instance of an incident this action would reduce Council's ability to defend litigation claims. It is therefore recommended that any future management arrangements consider the PN and GSPO to ensure safety at the facility.

Updated Proposal - Glenreagh Progress Association

GPA submitted an updated proposal for the ongoing operation and management of the pool which also includes the adjacent tennis courts.

GPA has considered feedback and has supplied the following additional information:

- Letters of support from the Scouts Association, Glenreagh Public School and Sherwood Cliffs School
- Over 100 residents have been surveyed, all of which support the pool
- Consumer Price Index (CPI) has been removed from the proposed annual contribution
- Inclusion of a public awareness campaign
- Insurance information for the proposed model

The full proposal is included in the Attachment.

Analysis of Proposal

The proposed operation and management of the facility by the GPA is inconsistent with the intent of Council resolution 13.035/17. It is acknowledged that the inclusion of the tennis courts and other facilities in the reserve go part way to altering this status quo and may increase patronage and income however the proposal is reliant upon a significant annual contribution being made from Council.

The pool supervision operating model proposed by GPA deviates significantly from the PN and GSPO exposing the community and Council to increased risk, it is recommended that this model not be adopted and that an agreement or management contract for the pool meet the requirements of the PN and GSPO as a minimum.

Significant capital works are required to enable the operations per the GPA proposal. Some of the capital works would achieve cost savings (solar installation), however Council does not have proposed in future budgets suitable allocation of funding to allow these works to proceed.

Recommendation

Following consideration of the GPA proposal it is recommended to:

1. Decline the proposal for the management and operation of the Glenreagh Pool submitted by the GPA acknowledging the work the group completed preparing the submission and the community support for the Glenreagh pool;
2. Seek Expressions of Interest for a long term lease to be taken over the Glenreagh Pool. With that lease:
 - a) not requiring ongoing expenditure or capital outlay from Council.
 - b) Including the management and operation of adjacent facilities including the tennis courts, toilet facilities and BBQ's
3. Concurrently with Point 2, seek Expressions of Interest for interested parties to become the Crown Land Manager of Crown Reserve 56448. With the Crown Land Manager being responsible for the maintenance and operation of the entire reserve including all built facilities.

COUNCIL IMPLICATIONS

Budget/Financial

A projected operational budget has been included in the updated GPA submission Annex C. GPA forecast that the income generated by the pool, tennis court hires and any events, etc will be \$12,355. The pool income for the last three years is as follows:

- 2015/16 – \$3,408.98
- 2016/17 – \$4,006.70
- 2017/18 - \$3,548.73

The Association are requesting a number of maintenance and upgrade items to be undertaken by Council as part of the proposal to the value estimated at \$37,200. Of note is the annual contribution of \$50,000 required from Council to the Association to operate the pool. The Association has proposed to meet the operating costs.

The proposal from the GPA is not consistent with Council's previously adopted improvement strategies and is therefore not recommended to be adopted.

Asset Management

The pool assets are in fair to good condition. A full inspection is scheduled at the end of the swimming season (May 2019).

Policy or Regulation

The following references are applicable to this report:

- Local Government Act 1993
- Crown Land Management Act 2016
- Crown Land Management Regulation 2018
- Council Report 13.035/17 – June 2017
- Council Report 15.002/19 – February 2019

- Clarence Valley Aquatic Facility Strategy
- Native Title Act 1993 (Cth)
- Practice Note 15 – Water Safety (October 2017)
- Royal Life Saving Society – Guidelines for Safe Pool Operation

Consultation

Consultation has occurred with representatives from the Glenreagh Progress Association. The group advised that they represent the Glenreagh community.

Legal and Risk Management

There is a significant safety risk to Council with the GPA proposal. It contradicts recommendations included in the Local Government Water Safety Practice Note 15 (PN) and the Guidelines for Safe Pool Operation (GSPO), specifically around supervision. Under the PN, the Glenreagh pool is Category 3 pool that is defined as -

Category 3 Swimming Pool: (Local Community Swimming Pool). Facility with typically lower patronage levels and that typically consists of one small swimming pool, and possibly a wading/toddler pool. Both structured and unstructured activities can occur in these pools.

Specifically, the requirements from the Practice Note are -

Whenever a Category 3 facility is open or available for use it is highly recommended that a person with approved safety training be present. Councils should consider need for a qualified person to be on duty for community organised events and/or high patronage days. Councils should take reasonable steps to encourage any patron using this facility to be accompanied by a responsible adult at all times.

Advice received from Jason Phillips, Regional Manager, Royal Life Saving (RLS) NSW is that:

- The pool should operate under the GSPO
- The pool should operate under the PN

Primary concerns from RLS were water quality and supervision of the pool. The GSPO includes 92 guidelines across seven sections of aquatic facility operation including:

1. General operations
2. Technical operations
3. First Aid
4. Facility Design
5. Supervision
6. Low patronage pools
7. Programs

GPA are proposing that a person with approved safety training won't be present at all times when users can access the pool. GPA are proposing that the pool will be available under a form of controlled access from 6am to 8pm daily during the pool season with a contracted lifeguard available only on Saturday and Sundays between midday and 5 pm.

Climate Change

N/A

Prepared by	Rachelle Passmore, Senior Parks & Recreation Officer
Confidential Attachment	Updated Proposal received from the Glenreagh Progress Association

ITEM 6c.19.007 RECREATIONAL FISHING TRUST FUNDING OFFER

Meeting	Corporate, Governance & Works Committee	18 June 2019
Directorate	Works & Civil	
Reviewed by	Manager - Civil Services (Tim Jenkins)	
Attachment	Nil	

SUMMARY

Council has received an offer of funding from the Recreational Fishing Trusts for the Sportsmans Creek fish cleaning table replacement.

OFFICER RECOMMENDATION

That Council:

1. Accept the Recreational Fishing Trusts funding of \$24,556 for the Sportsmans Creek fish cleaning table replacement.
2. Allocate \$1,701 Council contribution funding from PJ 939000 cost centre 812.

COMMITTEE RECOMMENDATION

Lysaught/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.19.007

Ellem/Lysaught

That Council:

1. **Accept the Recreational Fishing Trusts funding of \$24,556 for the Sportsmans Creek fish cleaning table replacement.**
2. **Allocate \$1,701 Council contribution funding from PJ 939000 cost centre 812.**

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

Council made application to the Recreational Fishing Trusts grant program for facilities at Lawrence (Sportsmans Creek at Flo Clark Park) and Woombah boat ramp.

Recreational fishing trusts have advised Council that its application for:
\$24,556 at Sportsman's Creek has been successful; and
\$34,762 at Woombah is unsuccessful.

The plans for the upgrade of the boat ramp facilities at Sportsmans Creek, Lawrence include the construction of a new pontoon, improvement of traffic management and parking, and the replacement of the deteriorated fish cleaning table. There was an issue with the condition of the boat ramp following the construction of the new Sportsmans Creek Bridge. This has since been rectified with Roads and Maritime Services (RMS) managing the replacement of the boat ramp at their cost.

Funding for the new pontoon has been granted under the NSW Boating Now program and construction of the pontoon is expected to be complete in June 2019. No funding has been allocated to date for the remainder of the upgrade works including the traffic management and parking issues.

KEY ISSUES

It is proposed that the design of the new fish cleaning table will be based on the standard design provided by the NSW Department of Primary Industries for a skillion roof fish cleaning table for four persons.

COUNCIL IMPLICATIONS**Budget/Financial**

The estimated costs for the fish cleaning table is based on cost information provided by the Department of Primary Industries. The total estimated cost for the new fish cleaning tables, including the connecting pathways, is \$26,257 (excluding GST).

The total estimated cost split into the Recreational Fishing Trust funding and required Council contribution from the 2019/20 budget are shown below.

Project	Recreational Fishing Trust Funding	Wharves and Jetties 2019/20 Budget (PJ 939000 Cost Centre 812)	Total project cost
Sportsmans Creek boat ramp fish cleaning facility	\$24,556	\$1,944	\$26,500

Allocation of the \$1,944 from PJ939000 will not impact on any programmed maintenance.

Asset Management

N/A

Policy or Regulation

N/A

Consultation

The application for the Recreational Fishing Trust funding included a letter of support from the Lawrence Fishing Club. The Fishing Club have been consulted regarding the design and location of the fish cleaning facility.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Adele McGeary, Bridges Engineer
Attachment	Nil

ITEM	6c.19.008	YAMBA ROAD/TREELANDS DRIVE ROUNDABOUT
-------------	------------------	--

Meeting	Corporate, Governance & Works Committee	18 June 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Nil	

SUMMARY

At the Extraordinary Council Meeting of 4 September 2018 Council resolved to install a non-conforming roundabout at the Yamba Road/Treelands Drive intersection at an estimated cost of up to \$500,000. Since this resolution design and investigation work has been completed for this roundabout. In addition Council has secured grant funding to complete four intersection upgrades on Yamba Road, including this intersection.

OFFICER RECOMMENDATION

That Council note the preliminary estimates for the construction of the non-conforming roundabout at the intersection of Yamba Road and Treelands Drive Yamba will exceed the estimated cost of \$500,000 as referenced in Council resolution 17.009/18.

COMMITTEE RECOMMENDATION

Ellem/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons

Against: Lysaught

COUNCIL RESOLUTION – 6c.19.008

Baker/Kingsley

That Council

- Note the preliminary estimates for the construction of the non-conforming roundabout at the intersection of Yamba Road and Treelands Drive Yamba will exceed the estimated cost of \$500,000 as referenced in Council resolution 17.009/18.**
- Report, in any future costing report on Yamba Road roundabouts, the climate change affect when measured on the pavement surface proposed as against the effect of using traffic lights that are solar and battery powered with mains power back up.**

Voting recorded as follows:

For: Baker, Williamson, Lysaught, Kingsley, Simmons

Against: Novak, Ellem, Toms, Clancy

POINT OF ORDER – Cr Clancy objected to the issue of traffic lights being raised as it had been dealt with some time ago and thought Cr Baker should submit a Notice of Motion.

The Chair ruled the motion in order.

MOTION OF DISSENT

Clancy

Voting recorded as follows:

For: Novak, Ellem, Toms, Clancy

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

The Motion of Dissent was put and declared LOST.

FORESHADOWED MOTION

Clancy

That the Officer Recommendation be adopted.

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 Extraordinary Council Meeting of 4 September 2018 Council resolved (Item 17.009/18):

That Council replace Resolution 15.134/18 Points 2 and 3 with the following points:

- 2. Adopt a non-conforming roundabout with an estimated cost of up to \$500,000 as described in the last paragraph on Page 34 of the Planit Traffic Impact Assessment Report for the intersection at Yamba Road and Treelands Drive Yamba.*
- 3. Complete the detailed design for the non-conforming roundabout at the intersection of Treelands Drive and Yamba Road.*

Since the passing of this resolution, Council staff have been undertaking design and options analysis to determine options that meet the resolution requirements. The analysis has considered: roundabout size; construction type (including pavement material types); and any potential resumption requirements.

KEY ISSUES

Construction Cost Impacts

Design and investigation work to date has revealed that the works required constructing a roundabout and performing necessary service relocations cannot be undertaken within the existing \$500,000 estimate that is part of resolution 17.009/18. Some of the current cost restricting factors are:

- Overhead electricity relocations
- Alternate pavement materials
- Land acquisitions

Grant Funding

Since the September 2018 resolution, Council has also received and accepted a funding offer under the Restart NSW funding program of \$5,728,000 (including a Council contribution of \$1,300,484) for the

construction of four intersection upgrades (roundabouts) on Yamba Road, including at the Yamba Road/Treelands Drive intersection.

Recommendation

It is recommended that the expenditure limitation of \$500,000 be removed from the current resolution which would allow Council to consider a range of pavement and other associated construction options for the roundabout at Yamba Road and Treelands Drive.

Whilst it is recommended that the limitation be removed from the Treelands / Yamba Road Roundabout, expenditure would be managed across the four intersection upgrades to within the limitations of the funding agreement.

COUNCIL IMPLICATIONS

Budget/Financial

The financial implications are detailed above.

Asset Management

N/A

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Tim Jenkins – Manager Civil Services
Attachment	Nil

Under the newly adopted Code of Meeting Practice, Section 18 Time Limits on Council Meetings states that meetings are to conclude no later than 7.00 pm.

MOTION

Williamson/Baker

That consideration of Items, 6c.19.011, 6c.19.014, 6c.19.021 be deferred to the next meeting of Council and the confidential business be dealt with immediately.

Voting recorded as follows:

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

Against: Nil

MOTION

Kingsley/Novak

That Council extend the Ordinary Council meeting time to 7.15 pm. CARRIED.

ITEM	6c.19.009	ALCOHOL PROHIBITED AREAS – JACARANDA FESTIVAL – PART ON CROWN LAND
-------------	------------------	---

Meeting	Corporate, Governance & Works Committee	18 June 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Nil	

SUMMARY

An application for the use of Market Square and Memorial Park being part R85477, Grafton for the 2019 Jacaranda Festival has been received. The application includes events that will permit the sale and consumption of alcohol. The parks are alcohol prohibited areas and approval of the sale and consumption of alcohol within the parks requires the temporary revoking of the restriction for the duration of the events.

OFFICER RECOMMENDATION

1. That Council revoke the alcohol prohibition at Market Square for the 2019 Jacaranda Festival as follows:
 1. Friday 25 October 2019 between 5:00pm – 12:00am.
 2. Saturday 26 October 2019 between 4:00pm – 11:00pm.
 3. Sunday 27 October 2019 between 10:00am – 4:00pm.
 4. Sunday 3 November 2019 between 1:00pm – 4:00pm.
2. That Council as Crown Land Manager of Memorial Park (R85477) revoke the alcohol prohibition at Memorial Park for the 2019 Jacaranda Festival as follows:
 - a. Friday 1 November 2019 between 4:00pm – 10:00pm.
 - b. Saturday 2 November 2019 between 11:00am – 11:00pm.

COMMITTEE RECOMMENDATION

Ellem/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.19.009

Ellem/Lysaught

1. That Council revoke the alcohol prohibition at Market Square for the 2019 Jacaranda Festival as follows:
 1. Friday 25 October 2019 between 5:00pm – 12:00am.
 2. Saturday 26 October 2019 between 4:00pm – 11:00pm.
 3. Sunday 27 October 2019 between 10:00am – 4:00pm.
 4. Sunday 3 November 2019 between 1:00pm – 4:00pm.
2. That Council as Crown Land Manager of Memorial Park (R85477) revoke the alcohol prohibition at Memorial Park for the 2019 Jacaranda Festival as follows:
 - a. Friday 1 November 2019 between 4:00pm – 10:00pm.

Saturday 2 November 2019 between 11:00am – 11:00pm.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 3 Economy

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

Strategy 3.1.5 Attract and grow events which contribute to the economy with a focus on high participatory events

BACKGROUND

The Grafton Jacaranda Festival is the longest running floral festival in Australia, the Festival is held under canopies of purple blossoms from the last weekend in October to the first weekend of November every year. This year being the 85th Anniversary.

The festival commences regally with the crowning of their Jacaranda Queen and Princesses. Local arts, crafts and sporting groups take the week long opportunity to showcase their work. The city of Grafton comes to a standstill on Jacaranda Thursday with the main street lined with market stalls, rides and entertaining skits performed by local businesses.

The mighty Clarence River is a spectacular backdrop for the Riverlight event on Friday evening where spectators line the riverbank to watch local performers before a fantastic finale of fireworks. The festival culminates with a float parade on Saturday afternoon followed by a sunset family concert on the Riverbank.

KEY ISSUES

Alcohol Prohibited Areas

The drinking of alcohol is prohibited at Market Square, Grafton all hours (24/7) and Memorial Park, Grafton 9.00 pm until 9.00 am [Item 15.035/19]. This prohibition is in place to promote the safe use of the park.

Alcohol prohibited areas are enforced by the police.

Jacaranda Festival

The Jacaranda Festival is a multiday, multi faceted event (see attached program). As part of the committees desire to grow the event and cater for resident and visiting communities expectation it is proposed that 6 events within the larger calendar of events will permit the sale and consumption of alcohol. The events being;

- Jacaranda Ball (Friday 25 October 2019 between 5:00pm – 12:00am)
- The Queen Crowning (Saturday 26 October 2019 between 4:00pm – 11:00pm)
- Retrofest (Sunday 27 October 2019 between 10:00am – 4:00pm)
- RiverLIGHT (Friday 1 November 2019 between 4:00pm – 10:00pm)
- RiverFEAST (Saturday 2 November 2019 between 11:00am – 11:00pm)
- Jacaranda Long lunch (Sunday 3 November 2019 between 1:00pm – 4:00pm)

The applicant has advised that alcohol will be served by qualified attendants who hold an RSA Certificates within a delineated area. Police will be notified of the event and available to attend if required, however it is envisaged that the style of the event will determine positive behaviour.

It is proposed to adjust the prohibition in this instance to allow alcohol consumption as part of this event.

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation

The following references are applicable to this report:

- Local Government Act 1993, section 644
- Council Minute 15.035/19
- Native Title Act 1993

Consultation

The Application has been received from Jacaranda Festival Committee.

Internal consultation has occurred with Economic Development Coordinator and Council's Native Title Manager.

Legal and Risk Management

If endorsed by Council, the service of alcohol will occur with a delineated area by qualified attendants who hold an RSA Certificates, risk management plan and actions implemented, and Police notification of the event will form conditions of approval.

Native Title is assumed to exist over Memorial Park being part R85477 as it has not been extinguished. This Act does not require notification under the Native Title Act 1993.

Climate Change

N/A

Prepared by	David Sutton, Manager Open Spaces & Facilities
Attachment	Nil

ITEM	6c.19.010	BARYULGIL WASTE TRANSFER STATION – TRIAL MANAGEMENT (GATING AND STAFFING)
-------------	------------------	--

Meeting	Corporate, Governance & Works Committee	18 June 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Nil	

SUMMARY

Baryulgil Waste Transfer Station (Baryulgil WTS) is the only waste disposal facility in the Clarence Valley that has uncontrolled access (24/7). This report seeks Council's endorsement to accept \$25,000 grant funding through North East Waste from the NSW Environment Protection Authority (EPA) for a staffing and controlled access trial that is aimed at improving health, safety, environmental and financial outcomes for the community and Council.

OFFICER RECOMMENDATION

That Council:

1. Endorse the trial of controlled access (4 days a week) at the Baryulgil WTS in line with similar waste disposal facilities in the Clarence Valley.
2. Accept \$25,000 grant funding through North East Waste from the NSW Environment Protection Authority (EPA) to fund the trial for approximately 4 months.
3. Receive a future report summarising the outcomes of the trial, including but not limited to:
 - a) Summary of community feedback
 - b) Quantity and types of waste collected
 - c) Incidents of illegal dumping
 - d) Possible future management options for the site.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.19.010

Ellem/Lysaught

That Council:

1. Endorse the trial of controlled access (4 days a week) at the Baryulgil WTS in line with similar waste disposal facilities in the Clarence Valley.
2. Accept \$25,000 grant funding through North East Waste from the NSW Environment Protection Authority (EPA) to fund the trial for approximately 4 months.
3. Receive a future report summarising the outcomes of the trial, including but not limited to:
 - a) Summary of community feedback
 - b) Quantity and types of waste collected
 - c) Incidents of illegal dumping

d) Possible future management options for the site.

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

Baryulgil WTS is a rural waste disposal facility located approximately 80 km from Grafton on the Clarence Way. It is the only waste disposal facility in the Clarence Valley that has uncontrolled access (24/7), no staff supervision and no disposal fees. The site services the Aboriginal communities of Baryulgil and Malabugilmah in addition to the surrounding rural properties.

Kerbside Collection

A domestic waste collection service (red and yellow bins only) is provided along the Clarence Way between Copmanhurst and Malabugilmah. The surrounding rural properties located off this collection route do not receive a kerbside service or other waste collection service; such properties are reliant on the Baryulgil WTS for waste disposal.

Waste Volume Trends and Issues

In recent years the quantity of waste received at the site has increased from an average of 150 tonnes per annum to a peak of 250 tonnes – see Figure 1. There are anecdotal reports of waste coming from as far away as Casino, Tabulam and Grafton to avoid disposal fees. The increased quantities of waste have resulted in the site being regularly overcapacity and generally unsafe for additional waste disposal.

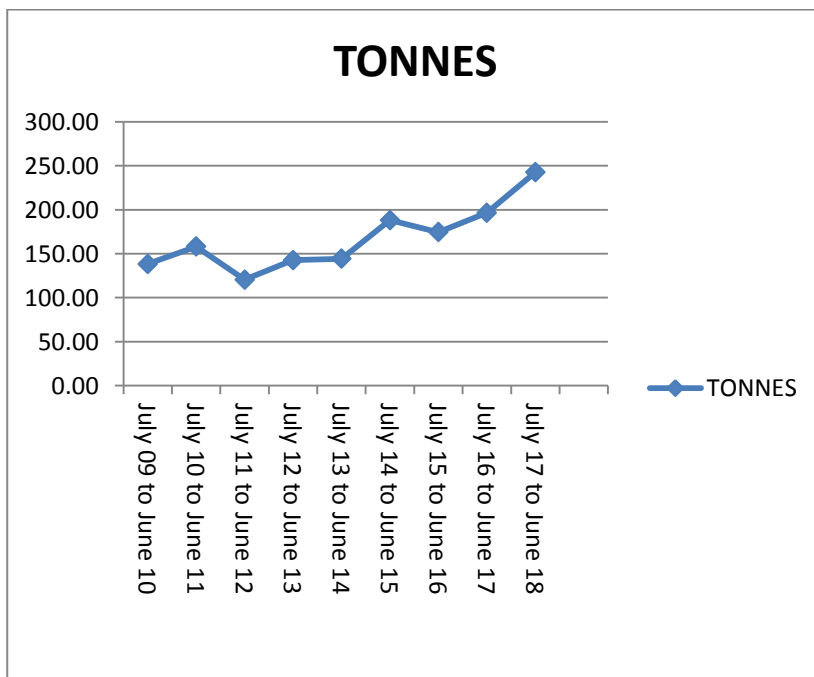


Figure 1 – Waste Volumes

In addition to the increase quantity of waste, there has been an increase in the instances of illegal disposal of problematic waste including; asbestos (requiring licenced contractors to clean up); bulk loads of tyres; and other various hazardous & dangerous wastes. The illegal disposal of problematic waste at the site has resulted in an increase 'clean-up' of the facility from every 6-8 weeks to 2-3 weeks.

This increased volume and illegal disposal of problematic waste places a significant cost burden on Council and creates a health and safety risk for persons reliant on the site and staff / contractors when cleaning up.

KEY ISSUES

Trial Parameters

North East Waste (NE Waste) applied for funding from the NSW EPA on behalf of Clarence Valley Council, and recently advised Council that funding of \$25,000 has been received. It is proposed that the funding is sufficient to conduct the trial for approximately 4 months (July 2019 to October 2019).

In line with other like waste disposal facilities in the Clarence Valley, it is proposed that during the trial access is controlled with the facility open between 8:00 am and 2:00pm (exact times to be finalised), 4 days a week, and that during operating hours the facility be staffed. It is proposed that the staffing of the site will be undertaken through the Baryulgil Local Aboriginal Land Council.

In addition to the trial it is proposed that Council will improve the waste management facilities at the Baryulgil WTS including provision of household recycling facilities, signage, gates and a site shed.

Fees

Waste disposal at the Baryulgil WTS is currently free and it is proposed that free waste disposal continue for the period of the trial.

Monitoring

Through the trial period, Council officers will collect data around the quantities of waste and recycling received, commentary received from the community, incidents of illegal dumping and the like to help inform a decision about the future management of the site.

Education

As part of the trial, Council officers will continue to work closely with the Malabugilmah and Baryulgil Aboriginal communities to provide education around waste minimisation, household recycling and the other sustainable household waste measures.

Trial Implications

Although it is proposed that Council officers will notify all affected landholders in writing, release information in local print media, on social media platforms and place signage / notices at the site outlining the proposed trial, it is foreseeable that there will be some illegal dumping outside of the facility. It is also expected that there will be negative commentary directed to Council.

Recommendation

As a result of the current management model in place at Baryulgil WTS there has been a significant increase in the quantity of waste received together with the incidents and volume of illegal disposal of problematic waste. These factors place a significant cost burden on Council and create a health and safety risk for persons reliant on the site and staff / contractors when cleaning up.

In consideration of the above and given that funding for the trial has no financial impact on Council it is recommended that Council:

- endorse the trial of controlled access (4 days a week) at the Baryulgil WTS in line with similar waste disposal facilities in the Clarence Valley

- accept \$25,000 grant funding through North East Waste from the NSW EPA to fund the trial for approximately 4 months
- receive a report following the completion of the trial, to enable consideration of the future management of the site taking into account community feedback, quantity and types of waste collected, incidents of illegal dumping etc.

Should Council not endorse the recommendation, it is foreseeable that: waste volumes; incidents; and the volume of illegal disposal of problematic waste will continue to increase. These increases in waste will be accompanied by increasing: financial burden; likelihood of a serious injury; and likelihood of the NSW EPA closing the facility.

COUNCIL IMPLICATIONS

Budget/Financial

The budget of the staffing component will be funded by NSW EPA to a value of \$25,000. The improvements to the waste management facilities at the Baryulgil WTS including household recycling, signage, gates and site shed is funded from Baryulgil Transfer Station Upgrade (PJ530199 Cost Centre 875) and Transfer Station Maintenance (PJ 994490 Cost Centre 875).

Asset Management

Works are undertaken in accordance with Council's Waste Asset Management Plan.

Policy or Regulation

The two main acts that are relevant to this site are the *Protection of the Environment Operations Act* and the *Work Health and Safety Act* and Regulation. This trial will assist Council to comply with this legislation.

Consultation

All residents in the surrounding areas will be notified of the trial (mail, media and signs) and change to opening hours. Council is working with the CEO of both Aboriginal communities (Baryulgil and Malabugilmah) to advise these communities of the changes.

Legal and Risk Management

This trial will reduce current risks at the site through improved environmental and health and safety management.

Climate Change

Improved waste management and resource recovery at this site will:

- reduce waste to landfill and the corresponding methane gas that would be produced.
- Recover raw materials (steel, glass, household recyclables) which can be reprocessed into new materials rather than being landfilled.

Prepared by	Richard Roper, Senior Waste and Sustainability Officer
Attachment	Nil

ITEM	6c.19.011	PROPERTY 112290 (PALMERS ISLAND) – REQUEST FOR COUNCIL TO UNDERTAKE RENEWAL OF RIVERBANK PROTECTION WORKS
-------------	------------------	--

Meeting	Corporate, Governance & Works Committee	18 June 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Confidential	

SUMMARY

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

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

OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That Council:

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

Voting recorded as follows:

For: Kingsley, Lysaught, Ellem, Simmons

Against: Toms

COUNCIL RESOLUTION – 6c.19.011

Williamson/Baker

That this matter be deferred to July Ordinary Council meeting.

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 2.1.3 Provide strategic asset management planning

BACKGROUND

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

A copy of the historic correspondence is included in the confidential attachments.

KEY ISSUES

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

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

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

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

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

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

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

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

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

message to private property owners that riverbank protection that will only benefit them is not a priority for Council.

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

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

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

COUNCIL IMPLICATIONS

Budget/Financial

Nil if the officer recommendation is adopted.

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

Asset Management

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

Policy or Regulation

Riverbank Protection Policy

Consultation

N/A

Legal and Risk Management

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

Climate Change

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

Prepared by	Kieran McAndrew (Floodplain Coordinator) and Greg Mashiah (Manager Water Cycle)
Confidential Attachment	Correspondence with owner of property 112290

ITEM	6c.19.012	NORTH GRAFTON SEWAGE TREATMENT PLANT ENVIRONMENTAL IMPACT STATEMENT
-------------	------------------	--

Meeting	Corporate, Governance & Works Committee	18 June 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	To be tabled	

SUMMARY

An Environmental Impact Statement (EIS) has been prepared for the North Grafton Sewage Treatment Plant. As Council is both proponent and a determining authority, an independent determination report has been sought from consultant SMEC. It is recommended that the scheme proceed subject to the recommendations in the determination report.

OFFICER RECOMMENDATION

That Council:

1. Pursuant to Part V of the *Environmental Planning and Assessment Act, 1979*, having considered an Environmental Impact Statement and Determination Report for the North Grafton Sewage Treatment Plant, is of the opinion the proposal would not result in unacceptable or unsustainable impacts on the biophysical or socio economic environments, and may proceed subject to the proposed mitigation measures in the EIS and Submissions Report as modified by the thirteen recommendations contained in Appendix A of the SMEC Determination Report.
2. Proceed with the design of the North Grafton Sewage Treatment Plant upgrade in accordance with the Environmental Impact Statement and recommendations in the Determination Report.
3. Advise Government agencies responsible for future approvals of scheme components of its determination.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.19.012

Ellem/Lysaught

That Council:

1. Pursuant to Part V of the *Environmental Planning and Assessment Act, 1979*, having considered an Environmental Impact Statement and Determination Report for the North Grafton Sewage Treatment Plant, is of the opinion the proposal would not result in unacceptable or unsustainable impacts on the biophysical or socio economic environments, and may proceed subject to the proposed mitigation measures in the EIS and Submissions Report as modified by the thirteen recommendations contained in Appendix A of the SMEC Determination Report.

2. Proceed with the design of the North Grafton Sewage Treatment Plant upgrade in accordance with the Environmental Impact Statement and recommendations in the Determination Report.
3. Advise Government agencies responsible for future approvals of scheme components of its determination.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

Strategy 2.1.2 Ensure adequate natural disaster management

BACKGROUND

At its meeting of 15 September 2015 Council noted the North Grafton Sewage Treatment Plant (STP) Environment Protection Licence (EPL) Pollution Reduction Program (PRP) requirements and timeline (Resolution 14.176/15). At its meeting of 27 June 2017, following a public exhibition process Council resolved (Resolution 15.104/15) that its strategy for meeting the PRP would be to construct a new STP on the existing North Grafton STP site. Consultants GHD were subsequently engaged to prepare an EIS which assessed the proposal.

As Council is both proponent and a determining authority of the proposal, Council engaged consultants SMEC to prepare an independent review of the EIS and submissions, and to provide Council with an independent determination report in accordance with Part V of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). A copy of SMEC's Determination Report is included in the Attachments. The report provides a detailed summary and appraisal of all issues raised in the submissions.

Council is now in a position to determine the EIS under Part V of the EP&A Act.

KEY ISSUES

The SMEC Determination report concludes:

Having regard to the assessment in the EIS and consideration of the submissions received, it is concluded that the proposal is not likely to significantly affect the environment (including critical habitat) or threatened species, populations of ecological communities, or their habitats.

*The environmental impact assessment (EIS and Determination Report) is recommended to be approved subject to the proposed mitigation measures in the EIS and Submissions Report, and the recommended conditions of approval (refer **Error! Reference source not found.**).*

The Determination Report contains 13 recommendations to be included with the approval, which address a range of issues and concerns. They require that the proposal complies with the mitigation measures outlined in the EIS unless modified by the conditions.

The EIS identifies specific additional approvals which are required:

- Section 60 approval from DoI – Water under the *Local Government Act 1993*
- A variation to the Environment Protection Licence, in accordance with section 48 of the *Protection of the Environment Operations Act 1997* (POEO Act) and clause 36, Schedule 1 to the POEO Act

- A section 138 consent, in accordance with the *Roads Act 1993*.

These approvals will be sought when design has proceeded sufficiently to enable those approvals to be gained.

The recommended conditions in the determination report are considered to be acceptable.

Sections 5.8(3) and 5.8(3)(A) of the *Environmental Planning & Assessment Act, 1979* require a determining authority to forward submissions to the Planning Secretary and the EPA not less than 21 days before granting an approval. Submissions were forwarded to both departments on 17 May 2019, which complies with this requirement.

COUNCIL IMPLICATIONS

Budget/Financial

The cost of amelioration measures required by the determination are included in the current estimated capital cost. As noted in report 15.104/17 to the 27 June 2017 Council meeting, the estimated capital cost of constructing a new STP at North Grafton (including a contingency allowance) is \$26.8 million. This cost was included in the sewer fund financial modelling reported to Council's 16 May 2017 meeting (Resolution 13.018/17). The strategy has estimated the additional annual operating cost of the new STP as \$0.29 million, and this was also included in the financial modelling.

Asset Management

The PRP requires an upgraded/new STP to be in operation by 31 December 2027. Much of the existing North Grafton STP will be life expired by 2027 and require renewal, with some structures over 90 years old. The inlet works at the North Grafton STP was upgraded in 2010, and while the strategy considered reusing this part of the STP, it was not considered feasible and hence this component will be demolished as part of the scheme.

Policy or Regulation

Environmental Planning and Assessment Act
Environmental Planning and Assessment Regulation
Protection of the Environment (Operations) Act

Consultation

The North Grafton STP Detailed Concept Strategy, which was adopted by Council on 27 June 2017 and forms the basis of the EIS, was exhibited from February to May 2017 with no submissions received.

A summary of the proposal and proposed EIS process was provided on the Council website and a community meeting held in August 2018 attended by about 15 residents. Comments raised during the community consultation to date have been addressed in the EIS, which included the location of the STP, flooding impacts, water quality, noise impacts and odour issues.

Government agency consultation was undertaken via the preparation of the Secretary's Environmental Assessment Requirements (SEARs) and also through separate input from the NSW Environment Protection Authority (EPA).

The EIS was placed on public display from Tuesday 5 March 2019 to Friday 5 April 2019 at the Clarence Valley Council offices in Grafton and Maclean, Department of Planning and Environment in Grafton and Nature Conservation Council of NSW in Sydney. The EIS could also be downloaded from the Clarence Valley website, and a link to download the EIS was sent to government agencies which had responded to the SEARs and regulators. Community consultation activities undertaken for the EIS exhibition comprised:

- Placement of advertisements in the Sydney Morning Herald (5 and 29 March 2019, and Daily Examiner (5, 9 and 30 March 2019). This exceeded the minimum requirements in the *Environmental Planning*

and Assessment Act that an EIS be advertised twice in both a newspaper circulating throughout NSW and in a local newspaper.

- Placement of information on the CVC website and Facebook page (5 and 29 March 2019)
- Media Release issued on 29 March 2019
- Community information session held on 13 March 2019 at CVC Chambers in Grafton with four attending community representatives.

The author of the EIS, GHD , has prepared a submissions report which is included in the attachments.

Legal and Risk Management

Non compliance with EPL conditions has a risk of prosecution under the Protection of the Environment (Operations) Act. Should the author of a submission be dissatisfied with Council's determination of the EIS, they may appeal to the Land & Environment Court.

Climate Change

As Council is required to upgrade the North Grafton STP by a PRP condition on its EPL, the EIS did not specifically consider climate change in its assessment of the proposal. The SEARs did not specifically require consideration of climate change in the EIS; however, Section 5.8 of the Determination Report has considered Climate Change.

Prepared by	Greg Mashiah, Manager Water Cycle
To be tabled	Submissions Report Determination Report prepared by SMEC

ITEM	6c.19.013	REVIEW OF CLASSIFICATION OF MAUD LANE, GRAFTON
-------------	------------------	---

Meeting	Corporate, Governance & Works Committee	18 June 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	To be tabled	

SUMMARY

At the February 2019 meeting, Council considered item 14.001/19 - REV2018/0008 – Request for Review of Council’s Determination to Refuse DA2017/0501 – Construction of 5 Residential Units and Alterations & Additions to a Dwelling-House, 47 Turf Street, Grafton.

Part of the resolution in regards to this matter was to review the classification of Maud Lane as a 2-way street. This report provides advice with regard to that review.

OFFICER RECOMMENDATION

That there be no change to the status of Maud Lane.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.19.013

Ellem/Lysaught

That there be no change to the status of Maud Lane.

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 February 2019 Council meeting Council considered item 14.001/19 - REV2018/0008 – Request for Review of Council’s Determination to Refuse DA2017/0501 – Construction of 5 Residential Units and

Alterations & Additions to a Dwelling-House, 47 Turf Street, Grafton. In determining the matter Council resolved in part:

That Council:

2. Review the classification of Maud Lane as a 2-way street due to the inadequate width that results from the refusal in point 1.

A review of the classification of Maud Lane has been undertaken.

Maud Lane is located between Maud Street and Turf Street, Grafton. There is also a small lane off Maud Lane that will be impacted by any decision. Lane widths vary, as depicted in the map below.



Council wrote to residences fronting Maud Lane to gauge their response to the option of Maud Lane being converted to a one-way street and to identify any issues that may influence a decision on whether Maud Lane should be changed. Five responses were received (four written, one verbal). Four of the respondents objected to any change. The basis for the objections were:

- Maud Lane on the western (Maud Street) end is wide enough for two vehicles to pass and is used for horse float and truck access. Access from the eastern (Turf Street) end is restricted for these vehicles by over-hanging trees.
- Access to and from the Maud Street entrance is required for large vehicles as they cannot negotiate the bend if entering from Turf Street.
- Making the eastern end of Maud Lane one-way would inconvenience owners of 41, 43 and 45 Turf Street who need to use the lane to move ride-on mowers from the front to the rear of their property as they cannot do this within their property.
- There is no history of traffic issues to warrant a change.

KEY ISSUES*Technical Assessment:*

The section of Maud Lane from Turf Street to the laneway off Maud Lane is only 3.96 m wide. At this width the laneway is not wide enough for two vehicles to pass.

Approximately mid-way along the laneway there is two 90-degree bends. The configuration of the laneway at this location is not adequate for an articulated vehicle (e.g. car and caravan or larger truck) to negotiate these corners if entering from Turf Street. If an articulated vehicle of reasonable size enters the laneway from Turf Street it will also need to exit the laneway via Turf Street although this would also be difficult. As the laneway from the Maud Street end is wider (6.095 m) there is adequate room for articulated vehicles to enter and leave from this direction and also access the laneway off Maud Lane.

Community Requirements:

In general, the community members who responded do not want to see a change to the current situation. Their comment that the section of Maud Lane accessed from Maud Street is needed to remain two-way for articulated vehicles is acknowledged and agreed from a technical standpoint. The respondents also note that use of the laneway is self-regulating. Traffic volumes on the laneway are exceptionally low and sight distance from either entrance to the laneway is good, meaning that vehicles entering or leaving the laneway are able to determine a suitable response should there be another vehicle on the laneway at the same time. Therefore the comment that the traffic on the laneway is self regulating to this extent is also understood.

On the basis of the information obtained and provided the following conclusions are drawn:

- The section of Maud Lane from Maud Street should remain two-way to allow articulated vehicles access to properties in Maud Lane and the laneway off Maud Lane.
- Although the section of Maud Lane from Turf Street is only 3.96 m wide, vehicles of a particular length and configuration cannot make the turns in Maud Lane at the bends and therefore will need to also exit from this point. Also, it is agreed that due to the traffic volumes being low and sight distance being good if or when there is a potential conflict in traffic it becomes self-regulating as to who has right-of-way. It is also thought that if the laneway is made one-way the local community would simply ignore the direction due to the low traffic volumes on the laneway.

On this basis it is considered that the status-quo should remain.

Should Council continue with converting part of Maud Lane one-way there is a process that needs to be followed. The recommended steps are:

1. Council advertise for public comment for not less than 28 days the proposal to convert all or part of Maud Lane, Grafton to a one-way street;
2. Council write to the immediately affected residents of the proposal seeking comments;
3. Subject to Council resolution to the proposal to convert all or part of Maud Lane, Grafton to a one-way street following the advertising period, Council seek consent from the Roads and Maritime Service for the change.
4. Once all approvals are gained the changes can be implemented.

COUNCIL IMPLICATIONS**Budget/Financial**

There is limited financial implication for Council. Council's cost will be the installation of signage at an estimated cost of \$1,000.

Asset Management

N/A

Policy or Regulation

Road Rules 2008

Roads Act 1993 – clauses 116 - 118

Consultation

There has been some limited consultation with local residents.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Tim Jenkins – Manager Civil Services
To be tabled	Submissions received

ITEMS BY EXCEPTION – CORPORATE, GOVERNANCE & WORKS COMMITTEE

Kingsley/Lysaught

That the following Items be adopted as recommended in Corporate, Governance and Works Committee business paper:

6c.19.014

6c.19.015

6c.19.016

6c.19.017

6c.19.018

6c.19.019

6c.19.020

6c.19.021

Voting recorded as follows:

For: Simmons, Lysaught, Toms, Ellem, Kingsley

Against: Nil

ITEM	6c.19.014	THE SEALING OF 1,066 METRE LONG SECTION OF MCINTYRES LANE NEW PACIFIC HIGHWAY ALIGNMENT TO THE EXISTING SEAL AT SHEEHANS LANE GULMARRAD
-------------	------------------	--

Meeting	Corporate, Governance & Works Committee	18 June 2019
Directorate	Works & Civil	
Reviewed by	Manager - Civil Services (Tim Jenkins)	
Attachment	To be tabled	

SUMMARY

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

OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.19.014

Williamson/Baker

That this matter be deferred to July Ordinary Council meeting.

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

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

a) A current road improvement priority list.

- b) *The status of roadworks as shown in the DCP for residential zones at Gulmarrad in Section S and Map S2.*
- c) *A thorough costing being available for Council's June meeting, there be conditional approval as follows:*
- i. Council include in the 2019/20 capital works budget the sealing of 1,066 metre section of McIntyres Lane (new Pacific Highway alignment to the existing seal towards Sheehans).*
 - ii. The General Manager consult with RMS regarding Council's programing of sealing the 1,066 metre section to ensure there are no conflicts with upgrading of the Pacific Highway.*
 - iii. The General Manager report back to Council if RMS have concerns that could delay the project in the next financial year.*
 - iv. Council fund this upgrade either from, existing reserves, including from RA 11150 – IR – Infrastructure Assets Renewal Reserve, grants, or from State and or Federal government grants.*

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

KEY ISSUES

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

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

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

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

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

As such, there is no single road improvement priority list but rather a number of projects and lists that meet various asset management objectives. The actual projects selected in any one year depend on the type of funding, the established programs in place (such as the reseal program) and safety and asset

management priorities. There is multiple millions of dollars in estimated costs to fund currently identified works.

Unsealed Road Network

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

- Item 15.043/18 – March 2018 re sealing gravel roads and a benefit-cost analysis of sealing roads identified in report Item 13.103/11.
- Item 15.184/18 – 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.

During this time Council has:

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

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

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

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

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

Sub-arterial roads (part S4.4)

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

Collector Roads (part S4.5)

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

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

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

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

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

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

The section of McIntyres Lane that is classed in the DCP as a collector road, fronts land zoned R5 Large Lot Residential and remains unsealed is some 760 metres in length. The eastern end of this unsealed segment starts at the northern boundary of 202 McIntyres Lane and terminates at the western side of land known as 89 Clyde Essex Drive that has dual frontage to McIntyres Lane. In this segment the development potential is deemed to be a maximum of 18 additional lots.

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

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

Access roads (part S4.7)

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

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

Cul-de-sacs (part S4.8)

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

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

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

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

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

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

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

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

Design Investigations

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

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

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

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

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

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

Current Project Estimate

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

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

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

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

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

Council plant will be located to the east of the overbridge, so there is little potential for construction conflict. There is potential for conflict in truck movements to and from the site, as this traffic will pass through the section of McIntyres Lane utilised by the Pacific Highway upgrade traffic as well as increased traffic at the Pacific Highway intersection.

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

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

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

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

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

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

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

Impact Upon Road Network

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

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

COUNCIL IMPLICATIONS**Budget/Financial**

The financial implications of these works are detailed above.

Asset Management

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

Policy or Regulation

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

Consultation

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

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Tim Jenkins – Manager Civil Services
To be tabled	Extract – Residential Zones Development Control Plan 2011 – Part S4 (Future Road Network Requirements) including Map S2

ITEM	6c.19.015	REHABILITATION OF FORMER MACLEAN, TOWNSEND & ILARWILL SEWAGE TREATMENT PLANTS – UPDATE REPORT
-------------	------------------	--

Meeting	Corporate, Governance & Works Committee	18 June 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Nil	

SUMMARY

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

OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.19.015

Ellem/Lysaught

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

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

Strategy 2.1.1 Maintain and renew water and sewer networks

BACKGROUND

At its meeting of 15 November 2016 Council awarded a Tender for rehabilitation of Maclean, Townsend and Ilarwill Sewage Treatment Plants (STP) to Ledonne Constructions Pty Ltd and engaged Public Works Advisory to undertake Project Management services of the contract (Resolution 16.023/16). The tender documents proposed that where possible material be reused on site on the basis that most of the material

met the requirements of the New South Wales Environmental Protection Authority (NSWEPA) Environmental Guidelines: Use and Disposal of Biosolids Products ("The Guidelines"). The Tender accepted by Council in the amount of \$1,450,352.73 (ex GST) was prepared on that basis.

KEY ISSUES

a) Ilarwill STP

The site auditors' final site audit statement was issued to Council on 16 April 2019. A valuation is currently being prepared for future sale of the site.

b) Maclean STP

The site remediation validation report was submitted to the Contaminated Land Site auditor on 15 May 2019, and the site audit statement will take up to 6 weeks to issue following receipt. Quotations are currently being obtained to undertake a boundary adjustment at this site.

c) Townsend STP

The site auditor is negotiating with the EPA regarding high levels of metals in groundwater, which are considered to be naturally occurring, and the final site audit statement is scheduled to be issued to Council by 7 June 2019. Contracts for sale of this parcel have been exchanged.

d) Rezoning of sites

The rezoning of the three STP sites have been completed.

COUNCIL IMPLICATIONS

Budget/Financial

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

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

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

Foreshadowed increases in provisional rate items and contracts variations are:

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

The project's current financial position is:

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

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

Asset Management

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

Policy or Regulation

Contaminated Land Management Act, 1997

Consultation

Public Works Advisory; Ledonne Constructions

Legal and Risk Management

The timetable for issuing site audit statements depends on any additional issues raised by the audit.

Climate Change

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

Prepared by	Greg Mashiah, Manager Water Cycle
Attachment	Nil

ITEM	6c.19.016	LIFEGUARD SERVICE, PATROLLED BEACH SUMMARY 2018-2019 SEASON – ON CROWN LAND
-------------	------------------	--

Meeting	Corporate, Governance & Works Committee	18 June 2019
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (David Sutton)	
Attachment	To be tabled	

SUMMARY

This report provides a summary of the 2018/19 lifeguard services (excluding volunteer lifeguards) at the patrolled beaches in the Clarence Valley for information.

OFFICER RECOMMENDATION

That Council, as Crown Land Manager receive and note this information report regarding the lifeguard service provided at Yamba Main Beach, Wooli Beach, Turners Beach (Yamba), Pippi Beach (Yamba), Minnie Water Beach, Iluka Bluff Beach and Brooms Head Beach.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.19.016

Ellem/Lysaught

That Council, as Crown Land Manager receive and note this information report regarding the lifeguard service provided at Yamba Main Beach, Wooli Beach, Turners Beach (Yamba), Pippi Beach (Yamba), Minnie Water Beach, Iluka Bluff Beach and Brooms Head Beach.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 1 Society

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

Strategy 1.2.2 Improve outcomes for the Clarence Valley through partnerships with key agencies and community organisations

BACKGROUND

The Australian Lifeguard Service is engaged to perform lifeguard services at seven locations within the Clarence Valley local government area on a varied schedule commensurate to usage patterns. A

requirement of the contract is to provide a Season Report. Key statistics from this Season Report are summarised in the following report and a copy of the Season Report is presented as Attachment A for information.

KEY ISSUES

Lifeguard Service

Lifeguard services are provided by Council's contractor (Australian Lifeguard Service), these services are summarised below:

Beach	Patrol Dates	Days of Service	Patrol Times
Iluka Bluff Beach, ILUKA	22/12/2018 to 29/01/2019	7 days	9am - 5pm
	13/04/2019 to 28/04/2019	7 days	9am - 4pm
Turners Beach, YAMBA	15/12/2018 to 21/12/2018	7 days	9am - 5pm
	22/12/2018 to 29/01/2019	7 days	9am - 5pm
	6/04/2019 to 28/4/2019	7 days	9am - 4pm
Main Beach, YAMBA	22/09/2018 to 14/10/2018	5 days	9am - 4pm
	15/12/2018 to 29/01/2019	5 days	9am - 5pm
	6/04/2019 to 28/4/2019	5 days	9am - 4pm
Pippie Beach, YAMBA	22/12/2018 to 29/01/2019	7 days	9am - 5pm
	19/04/2019 to 22/04/2019	7 days	9am - 4pm
Brooms Head Main Beach, BROOMS HEAD	22/12/2018 to 29/01/2019	7 days	9am - 5pm
	13/04/2019 to 28/04/2019	7 days	9am - 4pm
Minnie Water Main Beach, MINNIE WATER	22/12/2018 to 28/01/2019	5 days	9am - 5pm
	13/04/2019 to 28/04/2019	5 days	9am - 4pm
Wooli Beach, WOOLI	22/12/2018 to 28/01/2019	7 days	9am - 5pm
	13/04/2019 to 28/04/2019	7 days	9am - 4pm

NOTE: * 2 lifeguards at Turners Beach Easter Long Weekend – 19/4/19 to 22/4/19.

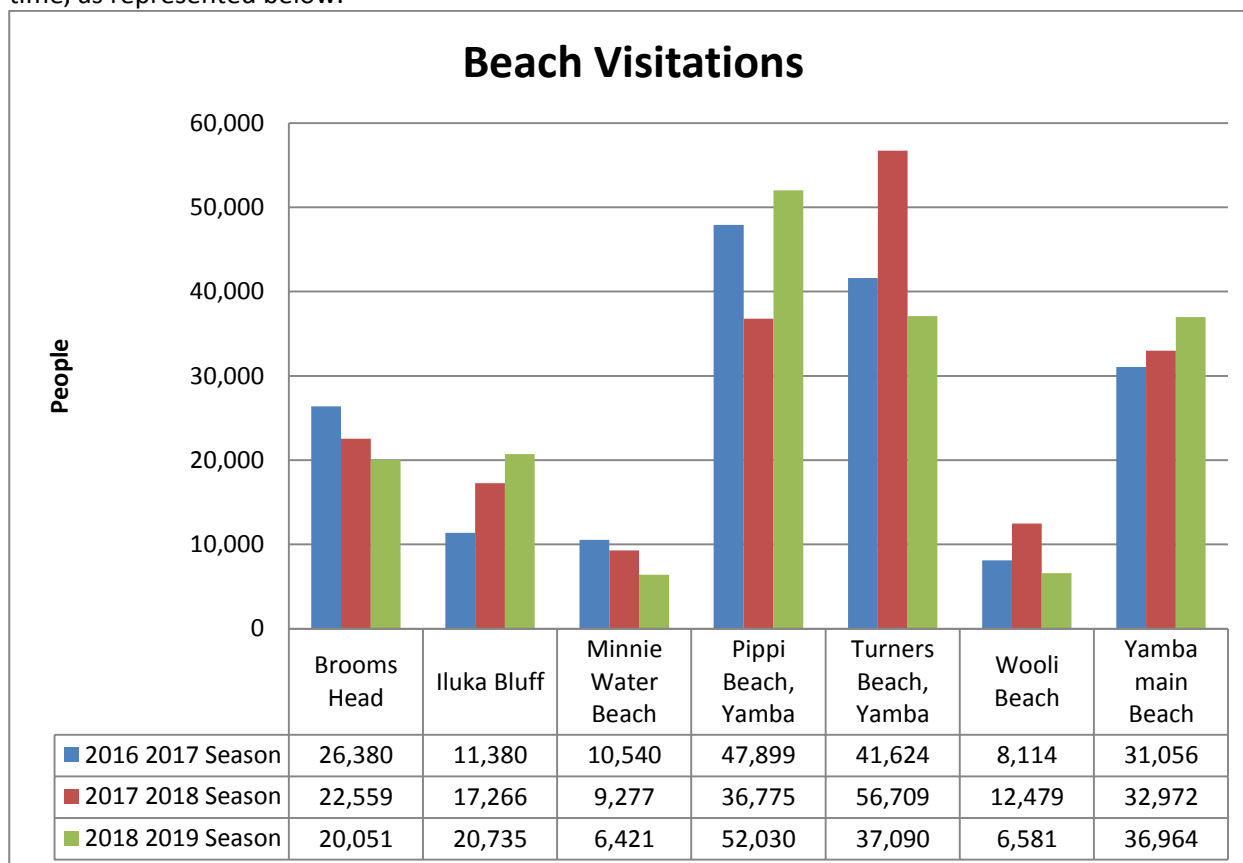
Lifeguard services on weekends and public holidays are provided by volunteers and this information is not included in this report.

Beach Visitations

There were a total of 179,872 people who visited Clarence Valley beaches during this period, at the following locations:

Brooms Head	20,051
Iluka Bluff	20,735
Minnie Waters	6,421
Pippi Beach	52,030
Turners Beach	37,090
Wooli Beach	6,581
Yamba Main Beach	36,964

In comparison to the 2017/18 season, there were 8,165 people less at the Clarence beaches during this time, as represented below:



Significant increases were at Pippi Beach, Iluka Bluff and Yamba Main Beach. A decline in patronage numbers was seen at Brooms Head, Minnie Waters, Wooli and Turners Beach in Yamba.

Service Statistics

A summary of statistics for Clarence Valley beaches is as follows:

Beach	Rescues Performed	Preventative Actions	First Aid Treatments	Law Enforcements	Public Relations
Brooms Head	4	1,833	12	2	1,452
Iluka Bluff	1	647	27	7	1,194
Minnie Water Beach	1	1,106	22	0	727
Pippi Beach, Yamba	0	1,911	47	10	1,345
Turners Beach, Yamba	3	2,439	57	30	1,471
Wooli Beach	0	1,383	0	1	1,215
Yamba main Beach	7	1,937	37	14	1,828
TOTAL	16	11,256	202	64	9,232

Further operational information is included in the Australian Lifeguard Service, Season Report 2018 – 2019.

Drone Surveillance – Yamba Main Beach

Yamba Main Beach was included in a trial for the use of drones through the Department of Primary Industries (DPI), with the Australian Lifeguard Service (ALS) delivering the program. The drone was used primarily for shark surveillance, however was also used to identify issues in the water including rip currents and other hazards, locating swimmers in distress and assisting with rescues to dispatch equipment types (pods, aircraft, sirens etc).

The drones were in use on weekends between 3/11/18 to 24/4/19 as well as weekdays during the busy period.

Data regarding the drone use through this period is currently been processed and will be provided to Council in due course.

COUNCIL IMPLICATIONS

Budget/Financial

The contract to supply the surf life saving services is funded from PJ 994165, cost centre 845.

Asset Management

N/A

Policy or Regulation

The following guideline is applicable to this report:

- Project Blueprint – 2016

Consultation

Regular consultation has occurred with Council's surf lifesaving contractor throughout the season.

Legal and Risk Management

There is a significant safety risk to the community if the lifeguard service is not provided, particularly during the peak season. Additionally, there is a further risk at some Clarence Valley beaches due to their remote locations.

Climate Change

Rising sea levels will bring significant change to Australia's coastal zone in the coming decades. Many coastal environments including beaches are closely linked to the sea level which could result in beach loss. Additionally, the lifeguard service could be affected by extreme and more frequent adverse weather events.

Prepared by	Rachelle Passmore – Senior Parks & Recreation Officer
To be tabled	Surf Lifesaving Services, Season Report 2018 - 2019

ITEM	6c.19.017	QUARTERLY REPORT – REGIONAL WATER SUPPLY HEADS OF AGREEMENT BETWEEN CLARENCE VALLEY COUNCIL, ESSENTIAL ENERGY AND NSW GOVERNMENT
Meeting	Corporate, Governance & Works Committee	18 June 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Nil	

SUMMARY

At its meeting of June 2015 Council considered and subsequently signed a Heads of Agreement to progress a number of matters associated with the Regional Water Supply. This report provides an update of progress regarding the agreement.

OFFICER RECOMMENDATION

That the June 2019 Quarterly Report on the Regional Water Supply Heads of Agreement be received and its contents noted.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.19.017

Ellem/Lysaught

That the June 2019 Quarterly Report on the Regional Water Supply Heads of Agreement be received and its contents 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 2.1.1 Maintain and renew water and sewer networks

BACKGROUND

At its June 2015 meeting Council resolved (14.119/15) to receive quarterly reports with regard to progress of the agreement. This report provides progress to 3 June 2019.

KEY ISSUES

The table below provides a status report on each of the items.

ITEM	STATUS
Transfer of Weir and Tunnel Number Two to the relevant government agency	EE advises that, following discussions with Infrastructure NSW, formal documentation has been delivered but a response is yet to be received.
Release of water for environmental and recreational purposes	EE advise that there is no plan by EE to invest in facilities to reinstate recreational purposes i.e. canoeing and rafting.
Protection of heritage value of the power generation buildings (including equipment installed within the facility)	Item complete.
Transfer of property rights for the ongoing ownership and operation of the Nymboida Canoe Centre	EE advises the land has been transferred to the Canoe Centre and this item is now complete.
Transfer of Tunnel Number One to Clarence Valley Council	EE advised that this matter had not progressed further and that the matter needs to be attended to as part of water licence matters. This issue is still subject to further discussions between Essential Energy and the relevant Ministers.
Transfer of licences and other authorisations to support its ownership of Tunnel Number One	EE advised that this matter had not progressed further and that the matter needs to be attended to as part of water licence matters. This issue is also still subject to further discussions between Essential Energy and the relevant Ministers.
Transfer of Goolang Creek Bridges to Clarence Valley Council	<p>The Essential Energy contract for bridge restoration achieved practical completion for all bridges other than bridge #7 in the 2nd week of May 2018. Bridge signage (tonnage) has been updated and engineering certification issued.</p> <p>Bridge #7 requires replacing and designs and estimations have been completed. Various alternate options for access to the affected property are currently being investigated.</p> <p>At a meeting in November 2017 Council reiterated its position that it will not 'own' any bridges which do not provide a critical service link for Council's water supply. Essential Energy has requested Council assistance in facilitating transfers of ownership to the respective parties involved.</p>
Investigate the possible construction of a 285ML 'surge tank' to provide recreational water flows for the operation of the Nymboida Canoe Club	EE advise that there is no plan by EE to invest in facilities to reinstate recreational purposes ie canoeing and rafting.
Nymboida power generation buildings and ancillary infrastructure to be decommissioned and secured	Item complete. The infrastructure is now in a program of ongoing preservation and maintenance.

No further feedback has been received regarding the matters discussed between Council, Local Member Chris Gulaptis and Essential Energy in November 2017.

COUNCIL IMPLICATIONS**Budget/Financial**

N/A At this point

Asset Management

N/A at this point

Policy or Regulation

N/A at this point

Consultation

N/A at this point

Legal and Risk Management

N/A at this point

Climate Change

At its meeting of 26 June 2018 Council resolved (Resolution 17.005/17) to investigate the economics of Council generating electricity from the Nymboida Power Station. A consultant is being engaged to progress this study.

Prepared by	Greg Mashiah, Manager Water Cycle
Attachment	Nil

ITEM	6c.19.018	WORKS REPORT
-------------	------------------	---------------------

Meeting	Corporate, Governance & Works Committee	18 June 2019
Directorate	Works & Civil	
Reviewed by	Manager - Civil Services (Tim Jenkins)	
Attachment	To be tabled	

SUMMARY

Reports on capital and major maintenance works carried out by the Works and Civil Group up until late May 2019 and advises of projects proposed to be deferred until 2019/20.

OFFICER RECOMMENDATION

That the Works report be received and noted.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.19.018

Ellem/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 in May is attached.

COUNCIL IMPLICATIONS**Budget/Financial**

Financial details are provided in the attached works summary.

Asset Management

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

Policy or Regulation

There are no policy or regulation implications.

Consultation

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

Legal and Risk Management

There are no legal or risk management implications.

Climate Change

N/A

Prepared by	Tim Jenkins, Greg Mashiah, David Sutton
To be tabled	Works Program

ITEM	6c.19.019	NYMBOIDA HYDRO ELECTRIC POWER STATION – STATUS REPORT 1
-------------	------------------	--

Meeting	Corporate, Governance & Works Committee	18 June 2019
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (David Sutton)	
Attachment	Nil	

SUMMARY

This report provides an update on the investigation into the economics of recommissioning the Nymboida Hydro Electric Power Station.

OFFICER RECOMMENDATION

That the Nymboida Hydro Electric Power Station – Status Report 1 be received and its contents noted.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.19.019

Ellem/Lysaught

That the Nymboida Hydro Electric Power Station – Status Report 1 be received and its contents noted.

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

BACKGROUND

At its meeting held on the 26 June 2018 Council resolved (Item 17.005/18) to undertake an investigation into the economics of recommissioning the Nymboida Hydro Electric Power Station.

Council has engaged consultant GHD to undertake the investigation.

KEY ISSUES

For some time Council has been negotiating with Essential Energy (EE) as the owner of the Nymboida Hydro Electric Power Station. This negotiation has been to: gain access to the site; and to key data held by EE to enable the investigation to proceed. EE have been concerned that by providing access and information on the site may compromise future commercial opportunities that EE may have with the site.

On the 15 May 2019, EE agreed to work with Council and GHD to facilitate the investigation subject to a comprehensive confidentiality agreement. The agreement has been reviewed by Council and although it imposes restrictions on the use and release of information, it should not prevent the investigation proceeding and the final report being presented to Council.

Subject to GHD concurrence to work under the confidentiality agreement, the project should commence within the next two weeks, with the final report received 10 weeks after the project commences.

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

Council must comply with the confidentiality agreement with Essential Energy

Climate Change

The recommissioning of the Nymboida Hydro Electric power station to produce renewable energy will have a positive climate change outcome by significantly reducing greenhouse gas emissions

Prepared by	Ken Wilson, Waste & Sustainability Coordinator
Attachment	Nil

ITEM	6c.19.020	ENTERPRISE ASSET MANAGEMENT PROJECT UPDATE
-------------	------------------	---

Meeting	Corporate, Governance & Works Committee	18 June 2019
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Nil	

SUMMARY

This report provides a status of the Enterprise Asset Management project, that commenced in August 2018, and highlights significant achievements and some variations in the project.

OFFICER RECOMMENDATION

That Council note the Enterprise Asset Management project status and associated variations to date.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.19.020

Ellem/Lysaught

That Council note the Enterprise Asset Management project status and associated variations to date.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

In June 2018, Council resolved to implement the TechnologyOne Asset Management System (13.029/18) with a view to providing a single source of truth for our asset data.

A further report was adopted by Council in August 2018 (15.143/18), which identified the key issues and gaps in our current asset management practices and also the benefits that would be achieved via the implementation of the TechnologyOne Asset Management Software Solution.

The project officially commenced in August 2018 with the securing of the required licencing. Scoping sessions with TechnologyOne and staff were conducted to identify key asset management and data capture requirements in November 2018. With an agreed preliminary scope, the onsite implementation process then began in December 2018.

KEY ISSUES

The key achievements to date include:

- Configuration and implementation of new CIAnywhere server farm.
- Asset Management Solution software installed and configured with agreed default settings.
- Project team established and associated business specialists identified.
- External Project manager engaged to assist in the next phase of the project.

To date, the original scope has been extended to include the following items:

- Technical server build assistance
- Automatic asset defect scoring process
- Automation of fleet odometer recording and fuel payment processes for our various fuel companies

These items have been completed within the original budget contingency and allocated timeframe for the project.

In April 2019, our current Project Manager resigned. Due to the critical nature of the data capture phase, an External Project Manager has been engaged to ensure this phase can be completed within the current project timeframe. The data capture phase will commence in July 2019 and will include data collection, cleansing and asset process configuration phase of the project. This phase will require a significant commitment for operational staff in order to ensure the completeness and accuracy of the asset data and processes within the new Asset Management Solution.

COUNCIL IMPLICATIONS

Budget/Financial

While costs were estimated at up to \$1 million, dependent on resources required for implementation, Council previously resolved an allocation of \$850,000 toward implementation. This is represented as follows:

- RA14045 \$450,000
- Water & Sewer contributions \$200,000
- General Fund contribution \$200,000

Asset Management

Clarence Valley Council is the custodian of approximately \$2.1B of community assets which provide services to our community. An Asset Management System is required to appropriately manage these assets.

Policy or Regulation

N/A

Consultation

Consultation to date has involved the Executive team, the Finance and Asset Accounting staff, Asset Management staff, Corporate Systems staff and Financial Corporate Planning staff.

Legal and Risk Management

Council is exposed to risk of limited capacity to appropriately plan and manage its significant asset burden if it continues to use current ad hoc systems.

Climate Change

N/A

Prepared by	Tim Howarth, Manager information and Corporate Systems
Attachment	Nil

ITEM	6c.19.021	MONTHLY INVESTMENT REPORT – MAY 2019
-------------	------------------	---

Meeting	Corporate, Governance & Works Committee	18 June 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 May 2019 be received and noted.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.19.021

Williamson/Baker

That this matter be deferred to July Ordinary Council meeting.

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

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

KEY ISSUES

Source of Funds Invested

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

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

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

Portfolio Credit Limits

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

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

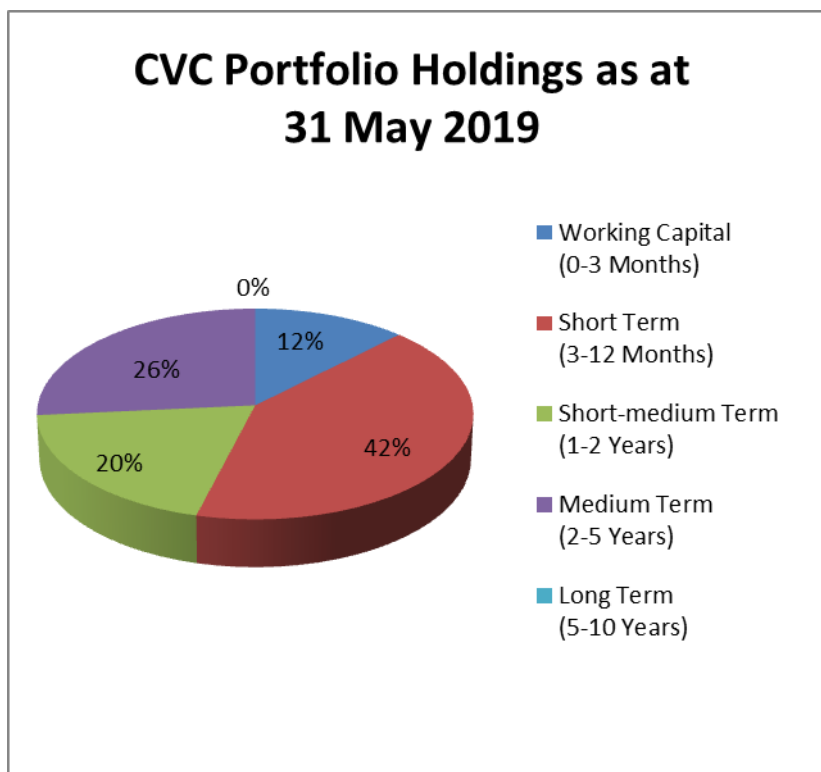
Individual Institution or Counterparty Limits

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

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

Portfolio Holdings by Maturity

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



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

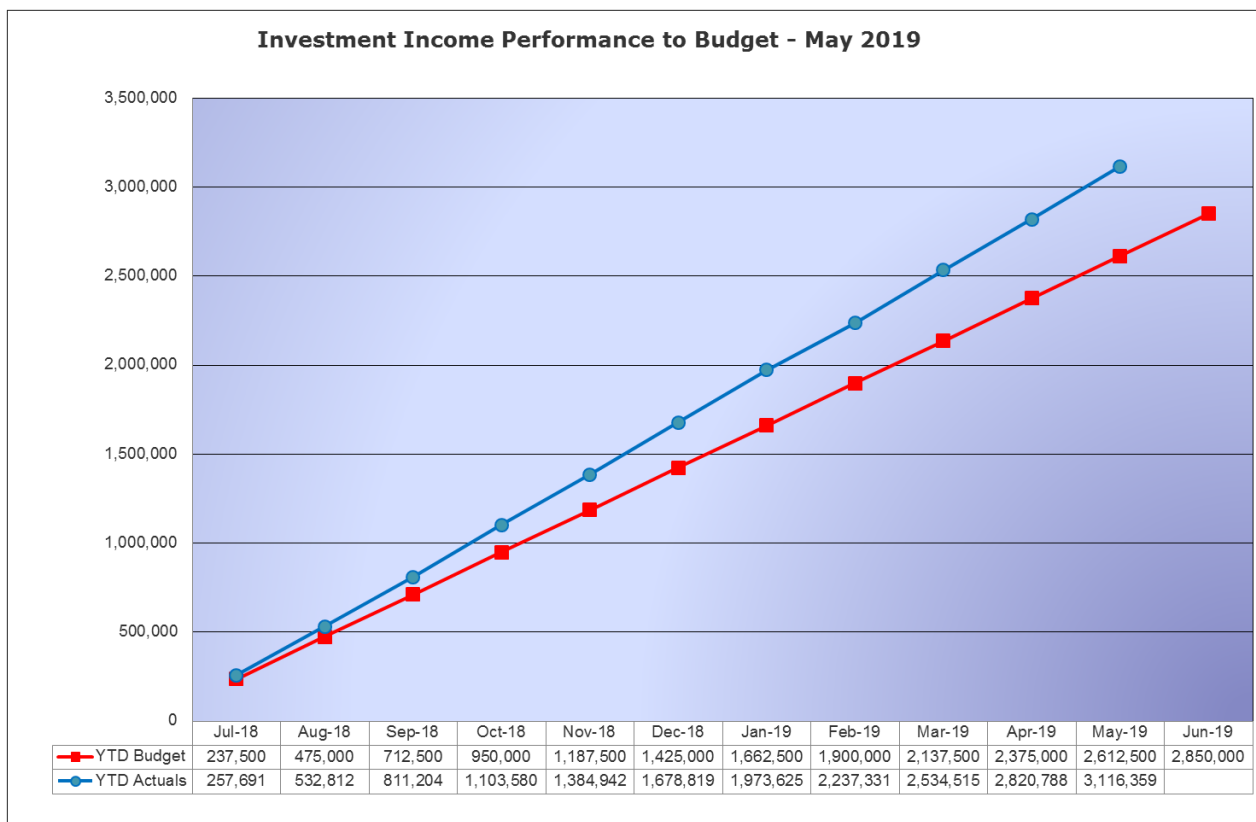
Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
MEDIUM TERM (2-5 YEARS)					
Bank Of Queensland Ltd	2,000,000	1.63%	29/06/2021	3.45%	BBB+
Bank Of Queensland Ltd	1,000,000	0.81%	02/12/2021	3.80%	BBB+
Bank Of Queensland Ltd	1,000,000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

COUNCIL IMPLICATIONS

Budget/Financial

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

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

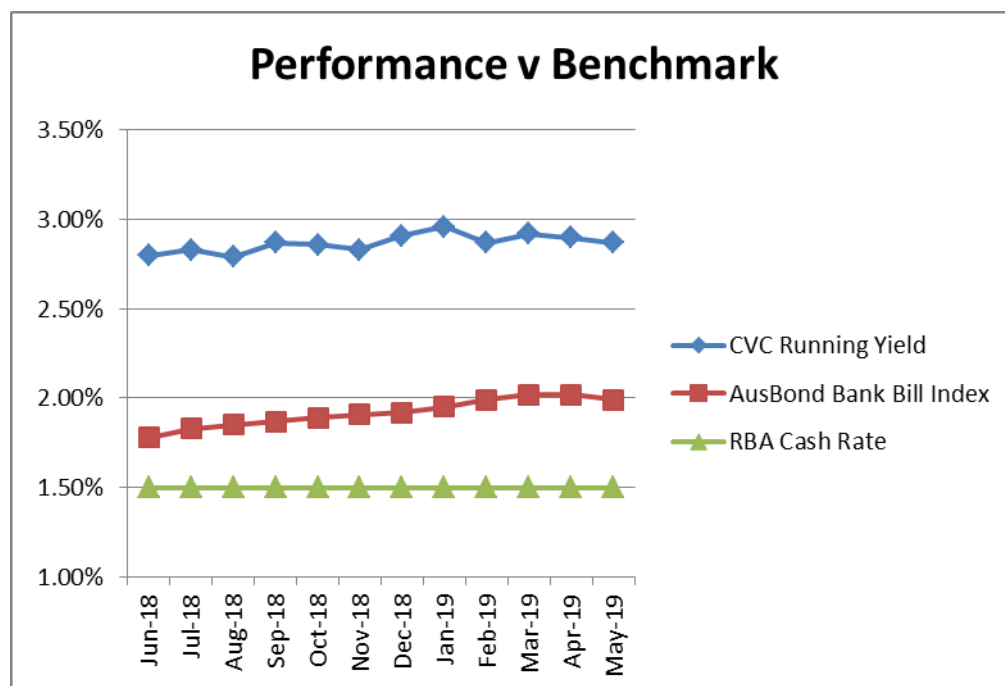


- Running yields* to 31 May 2019 have been:

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

*Running yield is a measure of the return (before costs) that would be earned from current positions if there were no trades and no fluctuation in market yields.

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



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

Asset Management

N/A

Policy or Regulation

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

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

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

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

CLOSE OF COMMITTEE MEETING

There being no further business the Corporate, Governance and Works Committee closed at 3.30 pm.

d. INFORMATION ITEMS

ITEM	6d.19.001	ITEMS FOR INFORMATION
Meeting	Council	25 June 2019
Directorate	Office of General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	To be tabled	

OFFICER RECOMMENDATION

That the Item for Information as listed below be adopted:

1. Coaldale Barretts Creek Hall Committee – Minutes 4 May 2019
2. Nymboida Hall Management Committee – Minutes 25 March 2019
3. Oyster Cove Foreshore Reserve Management Committee – Minutes 31 March 2019
4. Tucabia Community Hall – Minutes 11 March and 8 April 2019
5. Dundurrabin Community Centre Committee – Minutes 30 April 2019
6. Clarence Valley Coast & Estuary Management Committee – Minutes 22 March 2019
7. Clarence Valley Access Committee: Minutes of meeting held 15 May 2019
8. Clarence Regional Library Committee: Minutes of meeting held 16 May 2019
9. Shadow Minister for Emergency Services – Response on Emergency Services Levy

COUNCIL RESOLUTION – 6d.19.001

Ellem/Lysaught

That the Item for Information as listed below be adopted:

1. Coaldale Barretts Creek Hall Committee – Minutes 4 May 2019
2. Nymboida Hall Management Committee – Minutes 25 March 2019
3. Oyster Cove Foreshore Reserve Management Committee – Minutes 31 March 2019
4. Tucabia Community Hall – Minutes 11 March and 8 April 2019
5. Dundurrabin Community Centre Committee – Minutes 30 April 2019
6. Clarence Valley Coast & Estuary Management Committee – Minutes 22 March 2019
7. Clarence Valley Access Committee: Minutes of meeting held 15 May 2019
8. Clarence Regional Library Committee: Minutes of meeting held 16 May 2019
9. Shadow Minister for Emergency Services – Response on Emergency Services Levy

Voting recorded as follows:

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

Against: Nil

Prepared by	Lesley McBay, Coordinator Executive Support
To be tabled	As above

e. TENDERS

ITEM	6e.19.001	TENDER 10023521 - CONVENT BEACH PRESSURE SEWERAGE SYSTEM
Meeting	Council	25 June 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Confidential	

SUMMARY

At its meeting of 20 March 2018 Council resolved (Resolution 15.042/18) to adopt replacement of the existing Y3 sewer pump station at Convent Beach Yamba and associated gravity reticulated system with a pressure sewer network as its preferred option.

Public Works Advisory (PWA), on behalf of Council, called open tenders for this work and the Tender which is considered most advantageous to Council having regards to all the circumstances (price and non-price) is from Ledonne Constructions Pty Ltd.

It is therefore recommended that the Tender to demolish the Convent Beach sewage pump station and construct a new pressure sewerage system be awarded to Ledonne Constructions Pty Ltd.

OFFICER RECOMMENDATION

That Council:

1. Accept Tender 1002352119/003 from Ledonne Constructions Pty Ltd for "Convent Beach Pressure Sewerage System" in the amount of \$459,465 (GST inclusive) to be funded from PJ910115 (Convent Beach Pump Station (Y3) Replacement).
2. Note that a future budget variation from the Sewer Fund reserve will be required to fund completion of the project.
3. Authorise the General Manager to approve variations totaling up to 10% of the original contract sum.

COUNCIL RESOLUTION – 6e.19.001

Ellem/Lysaught

That Council:

1. **Accept Tender 1002352119/003 from Ledonne Constructions Pty Ltd for "Convent Beach Pressure Sewerage System" in the amount of \$459,465 (GST inclusive) to be funded from PJ910115 (Convent Beach Pump Station (Y3) Replacement).**
2. **Note that a future budget variation from the Sewer Fund reserve will be required to fund completion of the project.**
3. **Authorise the General Manager to approve variations totaling up to 10% of the original contract sum.**

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

Strategy 2.1.1 Maintain and renew water and sewer networks

BACKGROUND

As outlined in report 15.042/18 to the 20 March 2018 Council meeting, replacing the existing Y3 Sewer Pump Station and gravity reticulation network with a pressure sewer system was considered to give best value for Council in the longer term as it eliminated an environmental and public liability risk and removed the on-going requirement of repairing pump station erosion.

KEY ISSUES

PWA called open tenders for this work on 9 May 2019, which closed on 6 June 2019. The tender provides for Council to supply the pressure sewer units under period supply contract 18-012. One tender, with an alternative option offering contractor supplied pressure sewer units, was received. The apparent tendered amounts (including GST) are tabulated below:

Tenderer	Conforming Tender	Alternate Tender
Ledonne Construction Pty Ltd	\$459,465	\$549,721

The Tender Evaluation Panel (TEP) consisted of staff from PWA and Councils Water Cycle Section. Tenders were assessed using a weighting of 70% price and 30% non price. A detailed report from the TEP is included in the confidential attachments.

Ledonne have agreed to remove qualifications and departures in the conforming tender at no cost. This price is approximately 15% below the detailed pre-tender estimate and is therefore considered to represent value for money. The TEP considers that, having regard to all the circumstances, the conforming tender from Ledonne Constructions is the most advantageous and recommends that this Tender be accepted.

As with all construction projects it is likely that some contract variations will be required during the work. It is therefore recommended that the General Manager be authorised to approve variations totalling up to 10% of the contract award values.

COUNCIL IMPLICATIONS

Budget/Financial

At its meeting of 20 March 2018 Council allocated \$0.5 million for the replacement of Pump Station Y3 (Resolution 15.042/18), with the "Budget/Financial" section of the report indicating:

... there are significant uncertainties associated with the project due to access difficulties and future budget variations, if required, would be reported to Council.

Current project costs are tabulated below:

Item	Cost (ex GST)
Survey and concept design for tender specification	\$30,940.00
Tendering costs	\$19,190.00
Recommended tender amount (Conforming Ledonne tender)	\$417,695.45
Supply of pressure sewer units under contract 18-012	\$66,490.91
Variation allowance (10% of contract sum)	\$41,769.55
Total	\$576,085.91
Current Project Budget (PJ910115)	\$500,000.00
Project shortfall	-\$76,085.91

It is recommended that a future budget variation from the Sewer Fund reserve be undertaken to fund the shortfall following completion of the project.

Asset Management

The existing Y3 sewer pump station is near the end of its life and it is proposed the asset be demolished and replaced with a new pressure sewer system. The new pressure sewer system will be a Council asset.

Policy or Regulation

The tendering process followed is consistent with the requirements of the *Local Government Act* and *Local Government (General) Regulation*. The local supply provisions of Council's Sustainable Procurement Policy – Supporting Local Business policy were assessed by the Manager Water Cycle as not being relevant as no Clarence Valley based companies hold the appropriate demolition accreditation.

Consultation

Public Works Advisory

Ocean and Ritz Street property owners impacted by proposal (during preparation of the Concept Design Plans)

Legal and Risk Management

Directors of the tendering entity are:

<i>Tenderer</i>	<i>Director</i>	<i>Director's Address</i>
Ledonne Constructions Pty Ltd	T & J Ledonne	43 Planthurst Rd, CARLTON NSW 2221

Climate Change

The existing Y3 pump station is at on-going risk of erosion from heavy seas and were the pump station to be renewed in situ rather than replaced with a pressure sewer network it is likely this risk would increase in the future due to projected sea level rise. This was a key factor in the recommendation which Council adopted in March 2018 to replace the pump station with a pressure sewer system.

Prepared by	Greg Mashiah, Manager Water Cycle
Confidential Attachment	Tender Evaluation Panel report

ITEM	6e.19.002	ARCHIVE FACILITY – CLARENCE RIVER HISTORICAL SOCIETY
-------------	------------------	---

Meeting	Council	25 June 2019
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (David Sutton)	
Attachment	Confidential	

SUMMARY

This report seeks Council endorsement to award the contract for the construction of the Archive Facility - Clarence River Historical Society located at Koolkhan – Works Depot to Clarence Coast Constructions and to vary the budget to enable the completion of works.

OFFICER RECOMMENDATION

That Council:

1. Accept the quotation from Clarence Coast Constructions for the construction of the Clarence River Historical Society Archive Facility including racking located at Koolkhan Works Depot for a lump sum contract cost of \$72,213.64 (GST exclusive) to be funded from Archive Facility - Clarence River Historical Society (PJ 570107, Cost Centre 863)
2. Increase the budget for the project by \$20,000.00 to be funded from S94 – Community Facilities Grafton Surrounds (RA92021).
3. Authorise the General Manager to approve any project variations that are within the allocated budget.

COUNCIL RESOLUTION – 6e.19.002

Ellem/Lysaught

That Council:

1. **Accept the quotation from Clarence Coast Constructions for the construction of the Clarence River Historical Society Archive Facility including racking located at Koolkhan Works Depot for a lump sum contract cost of \$72,213.64 (GST exclusive) to be funded from Archive Facility - Clarence River Historical Society (PJ 570107, Cost Centre 863)**
2. **Increase the budget for the project by \$20,000.00 to be funded from S94 – Community Facilities Grafton Surrounds (RA92021).**
3. **Authorise the General Manager to approve any project variations that are within the allocated budget.**

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

Council received a request from the Clarence River Historical Society for assistance in sourcing funding for the construction of a purpose-built archive facility on council owned land within the Koolkhan Depot. The facility would enable the Society to better manage the storage and archiving of the Society's artefacts which has outgrown what is available at Schaeffer House. The project was estimated to cost \$65,000.00.

Council, at its April 2018 Ordinary meeting, considered a report on the NSW Government's Stronger Country Communities Round 2 (SCCF 2) funding, resolving '*That Council submit the following projects for funding under the NSW Government's Stronger Country Communities Round 2 funding program*' line 7 of the resolution being '*...Clarence River Historical Society – Archive Facility*' [Item 13.012/18].

Council was successful in obtaining \$60,000.00 from the SCCF 2 program.

KEY ISSUES

On receipt of the grant funding project planning and design work commenced. This work included the development of a detailed design and specification documentation used to seek quotations.

The facility specifications include the following elements and meet the necessary standards for other council like archive facilities:

- Roof and Wall Insulation
- Vermin Flashing
- Fire Extinguisher
- Temperature Controlled Environment
- Alarm System

A separate specification was developed for internal racking / hanging equipment and quotations for supply and installation sought separately.

The specification and methodology used to develop the estimate for the purposes of applying for the grant funding was completed by others and is not known. The project was estimated to cost \$65,000.00. Funding received from the NSW Government being \$60,000.00.

Quotations have now been received for the construction of the Clarence River Historical Society - Archive Facility and the internal racking / hanging equipment. The quotations received exceeded the available budget as outlined in the Budget/Finance section of this report.

COUNCIL IMPLICATIONS

Budget/Financial

Quotations were sought from 3 local contractors being Clarence Valley Sheds, Ledonne Constructions Pty Ltd, and Clarence Coast Constructions. The quotation received from Clarence Valley Sheds was assessed to be non-conforming as it did not meet the required specification and the quotation from Ledonne Constructions was assessed as being cost prohibitive.

The quotation received from Clarence Coast Constructions was assessed to be the most advantageous price for construction at a lump sum contract cost of \$72,213.64 (GST exclusive), including the provision of racking.

Including a 10% project contingency allocation there is a requirement to either increase the current budget or reduce the scope of the project. In order to provide a product that meets the requirements it is recommended that the budget be increased.

It is recommended that an increase funding of \$20,000 is applied from S94 – Community Facilities Grafton Surrounds (RA92021).

Asset Management

The proposed structure will be constructed with materials suitable materials to achieve the greatest useful life. Being a new structure maintenance and operations budgets will need to be included into any future Council votes.

Policy or Regulation

The following references are applicable to this report:

- State Environmental Planning Policy (Infrastructure) 2007
- Local Government Act 1993
- Asset Management Policy

Consultation

Internal stakeholder consultation has been completed covering off the asset location and property related issues, site access, facility design and specification and ongoing facility operation and maintenance.

External stakeholder has been limited to the Clarence River Historical Society.

Legal and Risk Management

N/A

Climate Change

This project is a new development being located on an existing developed site. The climate impact will be minimal and associated with the manufacturing, transport of materials and construction and operation of the facility.

This impact has been minimised by the facility

- being located on a brown field site (no additional vegetation / habitat loss)
- being insulated to reduce heat transfer (loss / gain)
- the climate control equipment (AC units) not containing ozone depleting coolants, having high energy efficiency rating
- the internal lighting being LED
- opportunity for photovoltaic to offset energy consumption

Prepared by	Sisa Rasaku, Project Manager
Confidential Attachment	A Archive Facility Building Quote B Archive Facility Racking Quote

ITEM	6e.19.003	T19/011 CONSTRUCTION OF YAMBA SPORTSFIELD CLUBHOUSE FACILITY LOCATED ON CROWN LAND
Meeting	Council	25 June 2019
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (David Sutton)	
Attachment	Confidential	

SUMMARY

Tenders were called for the construction of a sporting clubhouse facility including change rooms, amenities, canteen facilities, community space and ancillary areas adjacent to the existing rectangular field used by rugby league at the Ngayundi Yamba Sports Complex, Angourie Road, Yamba.

This report presents the outcome of the tender process and seeks Council's endorsement to accept the most advantageous tender enabling the commencement of construction.

OFFICER RECOMMENDATION

That, subject to the receipt of a positive financial assessment, Council:

1. Accept the alternate tender from AGS Commercial Pty Ltd for T19/011 Construction of Yamba Sportsfield Clubhouse, Angourie Road, Yamba at a cost of \$1,151,352.91 (ex GST) to be funded from Yamba Sports Complex Upgrade (PJ 540130, Cost Centre 841).
2. Note that the proposed works do not include the provision of a time keepers box, and fixtures and fittings to the wet bar and canteen.
3. Authorise the General Manager to approve variations up to 5% of the contract value.

COUNCIL RESOLUTION – 6e.19.003

Ellem/Lysaught

That, subject to the receipt of a positive financial assessment, Council:

1. **Accept the alternate tender from AGS Commercial Pty Ltd for T19/011 Construction of Yamba Sportsfield Clubhouse, Angourie Road, Yamba at a cost of \$1,151,352.91 (ex GST) to be funded from Yamba Sports Complex Upgrade (PJ 540130, Cost Centre 841).**
2. **Note that the proposed works do not include the provision of a time keepers box, and fixtures and fittings to the wet bar and canteen.**
3. **Authorise the General Manager to approve variations up to 5% of the contract value.**

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

Council called for tenders on Friday 5 April 2019 for the construction of the Yamba Sportsfield Clubhouse, located in the Ngayundi Yamba Sports Complex, Angourie Road, Yamba.

A non-mandatory site meeting was held on Wednesday 17 April 2019 and tenders closed on Tuesday, 28 May 2019.

The tender enabled tenderers the opportunity to submit an alternate non-conforming tender on the basis that a conforming tender had been submitted.

KEY ISSUESTenders Received

Seven submissions were received in response to the Request for Tender process, including one non-conforming tender:

1. AGS Commercial Pty Ltd (submitted a conforming and non-conforming tender submission)
 2. Ben Campbell Building Pty Ltd
 3. CM & RL Whyte Builders
 4. Greg Clarke Building Pty Ltd
 5. Nanobuild Pty Ltd
 6. O'Donnell & Hanlon Pty Ltd
- (listed in alphabetic order)

The Company Directors are as follows:

Tenderer	Name of Partners and Directors	Position
AGS Commercial Pty Ltd	Simon David Booth	Director
Ben Campbell Building Pty Ltd	Benjamin Robert Campbell	Director
CM & RL Whyte Builders	Cheyne Michael Whyte	Owner & Builder
	Rachael Louise Whyte	Owner
Greg Clark Building Pty Ltd	Greg Clark	Director
Nanobuild Pty Ltd	Ronald Van Vyfeyken	Managing Director
	Elizabeth Bloomer	Director
O'Donnell & Hanlon Pty Ltd	Michael O'Donnell	Managing Director
	Trent O'Donnell	Construction Director
	Ben O'Donnell	Operations Director

A Tender Evaluation Committee (TEC) evaluated the submissions against the criteria to ensure compliance with the Tender Evaluation Plan (TEP). The TEC recommendation is included in the Tender Evaluation Report which is included as a confidential attachment.

COUNCIL IMPLICATIONS**Budget/Financial**Funding

This project includes funding from the following sources:

Stronger Country Communities Fund – NSW Government	\$ 355,000.00
Community Sporting Infrastructure Fund – Federal Government	\$ 500,000.00
Clarence Valley Council – cash contribution [Item15.010/19]	\$ 505,502.00
Total	<u>\$1,360,502.00</u>

Expenses incurred to date against the project are:

Description	Cost
Preliminary site works inc survey, earthmoving	\$ 9,985.54
New Concrete E-One inc materials, labour and ancillary plumbing works	\$ 13,782.47
Preliminary electrical works	\$ 5,502.82
Quantity surveyor expenses	\$ 1,920.00
Project management expenses	\$ 13,135.00
Construction certificate and DA fees	\$ 10,331.90
Tender advertising	\$ 563.17
Soil sampling and testing	\$ 1,090.00
Site contamination assessment - mound	\$ 13,830.00
Engineering design services	\$ 16,000.00
Detailed design services	\$ 18,050.00
TOTAL	\$ 104,190.90

Available Funds

The available budget for the construction of the clubhouse facility is \$1,256,311.00 and is to be funded from Yamba Sports Complex Upgrade (PJ 540130, Cost Centre 841).

Asset Management

The facility will be a new asset for Council and will need to be included into Council's Buildings Asset Management Plan.

Policy or Regulation

The tendering process followed is consistent with the requirement of the Local Government Act and Regulation and Council's Sustainable Procurement Policy – Supporting Local Business.

In accordance with Council's Sustainable Procurement Policy the following processes were undertaken:

- Local suppliers, contractors and/or consultants were notified through local advertising.
- Tender specifications were structured so local suppliers and/or contractors were not excluded from being the prime supplier/contractor.
- The tender specification requested tenderers to identify the local suppliers/contractors that would be involved in delivering/constructing the project and the tender assessment included a 15% weighting of the total tender score for local supplier content.

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Rachelle Passmore, Senior Parks & Recreation Officer
Attachment	Confidential – Tender Recommendation Report

7. NOTICE OF MOTIONS*Nil***8. CONFIDENTIAL BUSINESS**

ITEM	08.19.001	ROMIAKA CHANNEL BRIDGE REPLACEMENT – CONTRACT NEGOTIATIONS
Meeting	Council	25 June 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Confidential	

CONFIDENTIAL *The General Manager advises that the following matter be dealt with in Closed Session as the matter and information are confidential in accordance with the Local Government Act 1993 Section:*
10A 2 (c) The report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

MOTION

Novak/Williamson

That Council move into Closed Session in order to consider Item 18.19.001 on Romiaka Channel Bridge Replacement – Contract Negotiations under Section 10A(2)-c of the Local Government Act as the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting business.

Voting recorded as follows:

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

Against: Nil

Council moved into closed session at 7.02 pm. The microphones were turned off and the gallery and press excluded.

MOTION

Toms/Williamson

That Council move out of the Closed Session and into open forum.

Voting recorded as follows:

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

Against: Nil

Council moved into open forum at 7.05 pm. The microphones were turned on and the gallery opened to the public.

MOTION

Toms/Kingsley

That Council Resolution 08.19.001 passed in Closed Session not be made public under Section 10A(2)-c of the Local Government Act as the resolution contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting business.

Voting recorded as follows:

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

Against: Nil

9. LATE ITEMS OF BUSINESS AND MATTERS ARISING

Nil

10. CLOSE OF ORDINARY MEETING

There being no further business the Ordinary Council meeting closed at 7.07 pm.