



clarence
VALLEY COUNCIL

2019

Ordinary Council Meeting



Minutes

Maclean Chambers

Tuesday, 26 February 2019

2.00 pm

Agenda

OPENING OF ORDINARY MEETING

ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THE LAND

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* [14.005/19](#) DA2017/0596 – Bed and Breakfast, 73 Martin Road, Nymboida, Lot 127 DP1186608 51 Y

* 14.006/19	Modification of Development Consent DA1994/0032 by MOD2018/0060 – to Extend Operational Time to an Unlimited Term – No. 2965 Orara Way, Kremnos	63	Y
14.007/19	West Yamba Urban Release Area Sewer and Water Servicing Strategy	68	Y
14.008/19	Vegetation Assessments for New Dwellings on Lots with Existing Dwelling Entitlements	71	Y
* 14.009/19	Planning Proposal – Flood Planning Area Controls for Glenreagh	77	Y
* 14.010/19	Planning Proposal - Function Centres in Rural Zones	80	Y
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* 14.013/19	Cultural and Sports Trust Fund	94	N
* 14.014/19	Donation – Clarence Valley Woodworkers Association Inc	96	N
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* 14.015/19	Development Applications	99	N
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* 14.017/19	Clarence Valley Transport Committee	106	Y

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* 15.008/19	Local Traffic Committee – 20 November 2018	135	Y
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* 15.010/19	Community Sports Facility – Ngayundi Yamba Sports Complex	142	Y
* 15.011/19	Minnie Water Foreshore Reserve – Status Report of Remediation on Crown Land	146	N
* 15.012/19	2018-19 Quarterly Budget Review Statement – December 2018	151	TBT
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* 15.014/19	Road Closure and Acquisition of Land – Part Lionsville Road Lionsville	167	Y
* 15.015/19	Policies Reviewed	170	Y
* 15.016/19	Monthly Investment Report – December 2018 and Investment Strategy Update	174	TBT
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- [18.001/19](#) Mayor Simmons – Functions Attended from 1 December 2018 to 31 January 2019 243 N
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MINUTES of the ORDINARY MEETING of the CLARENCE VALLEY COUNCIL held in the Council Chambers, Maclean, 26 February 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).

OPENING PRAYER – The opening prayer was said by the Mayor

ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THE LAND

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

STATEMENT IN RELATION TO RECORDING OF MEETINGS

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

APOLOGIES – Nil

ANNOUNCEMENTS – Nil

PRESENTATIONS - Nil

DISCLOSURE AND DECLARATIONS OF INTEREST – 08.001/19

Summary of Declarations to Committees

<i>Name</i>	<i>Item</i>	<i>Nature of Interest</i>	<i>Reason/Intended Action</i>
Cr Ellem	14.001/19	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Work for the same company as objector Tim Howard Intended action: Remain in Chamber
Cr Ellem	14.007/19	<input type="checkbox"/> Pecuniary <input checked="" type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: Socialise with one of the landowners Neil Garrard Intended action: Leave the Chamber
Cr Toms	15.005/19	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Contract manager of the Iluka Riverside Holiday Park Intended action: Remain in the Chamber
Cr Toms	15.012/19	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Item 882 re electrical replacement mains board & maintenance Iluka Riverside Holiday Park Intended action: Remain in the Chamber

Mr Lindsay	15.010/19	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Life Member Clarence Coast Magpies JRLFC – Volunteer for Lower Clarence Magpies RLFC Intended action: Remain in the Chamber
Mr Lindsay	15.020/19	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Report details non salary expenses relating to my employment with Council Intended action: Remain in the Chamber

Summary of Declarations to Council

<i>Name</i>	<i>Item</i>	<i>Nature of Interest</i>	<i>Reason/Intended Action</i>
Mr Lindsay	14.018/19	<input type="checkbox"/> Pecuniary <input checked="" type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: Director of Clarence Valley Country University Centre Intended action: Leave the Chamber
Cr Kingsley	14.018/19	<input checked="" type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: My wife and I have engaged the services of the applicant – DRA Architects Pty Ltd Intended action: Leave the Chamber
Cr Novak	14.018/19	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Member of original CUC committee Intended action: Stay in the Chamber

URGENT, SUPPLEMENTARY AND LATE ITEMS OF BUSINESS

Having declared an interest in this item, Mr Lindsay and Cr Kingsley left the Council meeting at 2.05 pm and returned at 2.11 pm.

COUNCIL RESOLUTION – 07.001/19

Toms/Ellem

That Item 14.018/19 Section 94A Contributions for the Country University Centre copies of which have been circulated be accepted as a late item of business.

Voting recorded as follows:

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

Against: Nil

TABLING OF REPORTS AND PETITIONS**COUNCIL RESOLUTION – 09.001/19**

Williamson/Novak

That the petition received from Mr Rod Watters on “The dreadful state of Clarence Way”, signed by 547 petitioners and tabled at this meeting, be noted and a report on the issues outlined together with other supporting letters be presented to the March 2019 meeting.

Voting recorded as follows:

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

Against: Nil

CONFIRMATION OF MINUTES**COUNCIL RESOLUTION – 10.001/19**

Kingsley/Lysaught

That the Minutes of the Ordinary Meeting of Council dated 11 December 2018 and the Minutes of the Extraordinary Meeting of Council dated 20 December 2018, 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

RECOMMENDATIONS FOR ITEMS TO BE CONSIDERED IN CONFIDENTIAL SESSION**COUNCIL RESOLUTION – 12.001/19**

Lysaught/Novak

That Item 22.001/19 Maclean Pool – Contract Extension and Alignment of Pool Contracts be considered in confidential session under Section 10A 2(c) of the Local Government Act as it contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

Voting recorded as follows:

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

Against: Nil

REPORTS FROM THE GENERAL MANAGER

ITEM 13.001/19 LAND ACQUISITIONS FOR THE GRAFTON WATERFRONT PRECINCT PLAN

Meeting	Council	26 February 2019
Directorate	Environment, Planning & Community	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Confidential	

SUMMARY

Authorise the purchase, subdivision and disposal of residue land relating to the Grafton Waterfront Precinct Plan.

OFFICER RECOMMENDATION

That Council:

1. Submit an offer to purchase the lots as identified in the plan and in accordance with the terms shown in the confidential attachment "A" to enable the implementation of the Grafton Waterfront Precinct Plan.
2. Classify the purchased lots as "operational" land.
3. Delegate authority to the General Manager to execute any documents associated with the purchase, subdivision and disposal of the land.
4. Authorise the common seal of Council to be affixed to the purchase and disposal of land documents.

COUNCIL RESOLUTION – 13.001/19

Simmons/Clancy

That Council:

1. Submit an offer to purchase the lots as identified in the plan and up to the terms shown in the confidential attachment "A" to enable the implementation of the Grafton Waterfront Precinct Plan.
2. Should the purchase be concluded, classify the purchased lots as "operational" land.
3. Delegate authority to the General Manager to execute any documents normally involved with land purchase and subdivision.
4. Authorise the common seal of Council to be affixed to the land purchase and subdivision documents.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 3 Economy

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

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

BACKGROUND

Council resolved at its meeting on 21 August 2018, Item 14.098/18 as follows:

That Council:

1. *Initially, use up to \$2 million (of the \$3 million available) of section 94A funds sourced from the Clarence Correctional Centre contribution, to implement the Grafton Waterfront Precinct Plan. The first priority being voluntary land acquisition from private landholders from Memorial Park to Clarence Street.*
2. *Support an application from Round 2 of the Regional Growth Environment and Tourism Fund (second round to be announced shortly) for further purchases if necessary and to implement the works associated with the initial bike/pedestrian access from Memorial Park to Clarence Street including disabled access ramps and new toilets at Memorial Park. The \$2 million in recommendation 1 would form part of the Council direct contribution. This submission would emphasise the importance of the Grafton Waterfront Precinct Plan to help offset negative impacts of the Highway bypass and link with the new Grafton Bridge pedestrian access.*

KEY ISSUES

Council resolved to acquire land with the priority being voluntary land acquisition. There is currently an opportunity to progress with acquisition.

Classification of land will be in accordance with Sections 31-34 of the *Local Government Act 1993*, which requires the proposed classification as operational to be advertised for public comment. Advertising will be undertaken as part of the purchase process once an agreement has been reached with the landowner.

Land required for the Grafton Waterfront Precinct Plan will be reclassified to community land by Council resolution in accordance with Section 33.

COUNCIL IMPLICATIONS**Budget/Financial**

As per Council resolution on 21 August 2018, Item 14.098/18, Council allocated up to \$2 million from Section 94A funds to be spent on this project. Acquisition and subdivision expenditure will be used from this fund with proceeds from sale of the residue land being returned to this project for further acquisitions.

Asset Management

Council will own riverfront land forming part of the Grafton Waterfront Precinct Plan. The land will be included in Council's Assets Management Plan.

Policy or Regulation

Once subdivided, the residue land will be disposed of in accordance with Council's *Disposal of Council Surplus Land & Buildings Policy*.

Consultation

Consultation has been undertaken internally with Council's Property Coordinator.

Legal and Risk Management

N/A

Prepared by	Des Schroder, Director Environment, Planning & Community
Attachment	Confidential - Attachment A Confidential - Valuation

ITEM 13.002/19 AUSTRALIAN CITIZENSHIP CEREMONIES CODE

Meeting	Council	26 February 2019
Directorate	Office of General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

SUMMARY

The Minister for Immigration, Citizenship and Multicultural Affairs has written to councils seeking feedback on the revised Australian Citizenship Ceremonies Code.

OFFICER RECOMMENDATION

That Council provide feedback to the Minister advising:

1. Council does not agree with holding a citizenship ceremony on Australia Day (26 January) due to the additional costs incurred by Council (as Australia Day is a public holiday) but will hold it on the business day nearest to that date.
2. That a citizenship ceremony will be held on Australian Citizenship Day (17 September) as long as it does not fall on a weekend.

COUNCIL RESOLUTION – 13.002/19

Toms/Ellem

That Council provide feedback to the Minister advising:

1. **Council does not agree with holding a citizenship ceremony on Australia Day (26 January) due to the additional costs incurred by Council (as Australia Day is a public holiday) but will hold it on the business day nearest to that date.**
2. **That a citizenship ceremony will be held on Australian Citizenship Day (17 September) as long as it does not fall on a weekend.**

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 5.1.2 Create awareness of Council's roles, responsibilities and services

BACKGROUND

The Minister for Immigration, Citizenship and Multicultural Affairs, the Hon David Coleman MP, wrote to Council on 14 January 2019 advising that he is proposing changes to the Australian Citizenship Ceremonies Code and is seeking feedback by 28 February 2019.

The Department of Immigration issues a regular list to Council of those people who have been approved to make their citizenships. Once this list is received, a ceremony is then organised with the Mayor, as the presiding officer, for the conferees to make their pledge.

KEY ISSUES

Key changes to the code are as follows:

- *Local Government councils will be required to hold a citizenship ceremony on Australia Day (26 January) and Australian Citizenship Day (17 September).*

Comment:

Citizenship ceremonies are held during the year at Maclean or Grafton Council Chambers depending on numbers and where the conferees live. The ceremony is attended by the presiding officer, the Mayor, a staff member and sometimes our Communications Coordinator. This year, Clarence Valley Council held its first 2019 Australian Citizenship Ceremony at the Grafton Chambers on Friday, 25 January, where 15 people (including a family of 4) were naturalised. In recent years Council has not held a Citizenship Ceremony on Australia Day as Council's formal Australia Day Awards ceremony has been held prior to Australia Day. This change to Council's Australia Day celebrations has been well received by our local community and has allowed many of our local towns and villages community members to conduct their own ceremonies on Australia Day which does not conflict with Council celebrations.

While we as a nation celebrate significant days such as Australia Day, the most important date for the conferees is the day they take their pledge to Australia to become one of its citizens.

As Australia Day is a public holiday Council will incur additional costs in having to pay staff overtime to facilitate the Citizenship Ceremony and it is for this reason that Council should provide feedback to the Federal Minister for Immigration, Citizenship and Multicultural Affairs that it does not agree with the new requirement for Council's to hold a Citizenship Ceremony on Australia Day.

Provided Australian Citizenship Day (17 September) doesn't fall on a public holiday Council will ensure that it holds a Citizenship Ceremony on this day.

- *Federal members of Parliament, if attending a ceremony, should read the Minister's message at citizenship ceremonies.*

Comment:

Historically Council has not invited the local Federal Member of Parliament to citizenship ceremonies. This new requirement can be accommodated and the Federal Member for Page will be invited.

- *There will be a recommended standard of dress for ceremonies, which will be set by councils. The attire of attendees at citizenship ceremonies should reflect the significance of the occasion. Conferees may wear national or cultural dress if they wish.*

Comment:

Given our country area, conferees are advised to wear smart casual clothing for ceremonies which allows for celebrations after the ceremony such as picnics in the park to be comfortably held, especially when children are involved.

- *Ceremonies must be scheduled to avoid parliamentary sitting days.*

Comment:

Council has no issue holding ceremonies outside of parliamentary sitting days.

COUNCIL IMPLICATIONS**Budget/Financial**

Should Council decide to hold citizenship ceremonies on public holidays or weekends then there would be a cost involved to have staff work on these days.

Asset Management

N/A

Policy or Regulation

Australian Citizenship Ceremonies Code – Australian Government

Consultation

This matter was discussed at a Councillor Workshop on 12 February 2019.

Legal and Risk Management

There is a risk to staff with regard to health and safety from travelling to work on a busy public holiday and also being isolated in a Council building.

Prepared by	Lesley McBay, Coordinator Executive Support
Attachment	Letter from Minister

ITEM 13.003/19 COUNCILLOR CONFERENCE PLANNING FOR 2019

Meeting	Council	26 February 2019
Directorate	Office of General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Nil	

SUMMARY

The purpose of this report is to plan the attendance by Councillors at conferences for the period February 2019 to February 2020.

OFFICER RECOMMENDATION

That:

1. Councillors be invited to nominate a conference they may wish to attend.
2. Council approve attendance of these conferences without need for a further report.

COUNCIL RESOLUTION – 13.003/19**Kingsley/Novak**

That the following conferences be attended by the nominated Councillors without need for a further report:

- **2019 National General Assembly of Local Government – Mayor Simmons**
- **LGNSW Annual Conference – Mayor Simmons, Cr Toms, Cr Clancy**
- **NSW Coastal Conference – Cr Clancy**

Voting recorded as follows:

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

Against: Williamson

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

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

BACKGROUND

Council recognises the value of Councillors attending conferences to enable them to be both knowledgeable and up-to-date on particular issues to ensure that they can perform their duties and represent residents to the best of their ability. In order to ensure that this attendance at conferences is equitable and within budgetary limits, attendance is limited by Council's policy as follows:

1. Local Government Association of NSW Annual Conference – the number of delegates permitted by the LGA, to include the Mayor.
2. Australian Local Government Association National General Assembly of Local Government, Canberra – the Mayor or his/her nominee.

3. Every Councillor is entitled to attend one conference in NSW or South East Queensland each year. That conference must directly relate to the business of Council and preferably to the business of a Committee on which the Councillor is currently serving. More than one Councillor may attend the same conference if Council considers that this will be beneficial for both Council and the Councillors concerned.

This is in addition to the LGA Conference if the Councillor is authorised to attend that conference.

Within 2 months after the conference, the attending Councillor must report to Council on the proceedings of the conference.

4. No Councillor may attend any conference without the prior approval of Council. Before approving such attendance, Council must be provided with full details of the cost of the conference, including travel and accommodation as well as details of the conference program so that Councillors will be in a position to determine whether or not it directly relates to Council business.
5. Council may authorise a Councillor to attend more than one conference per year but such attendance is dependent on budgetary constraints and on ensuring that all Councillors have equal access to conferences.

KEY ISSUES

Each year Councillors identify relevant conferences for participation, the number of delegates to be approved for funding and the amount of funding to be budgeted to provide this access to Councillors.

Council resolved in December 2017 for Councillors to attend conferences in 2018 as follows:

That

The nominations be as follows:

- *Australian Coastal Councils Assoc Inc Conference and Forum – Cr Clancy*
- *2018 Floodplain Management Australia National Conference – Mayor Simmons*
- *2018 National General Assembly of Local Government – Mayor Simmons*
- *LGNSW Annual Conference – Mayor Simmons, Cr Clancy*
- *NSW Coastal Conference – Cr Clancy*
- *Australian Agriculture Roundtable Conference – Cr Novak*

The outcome for 2018 was attendance as follows with a total registration cost (excluding GST) of \$5,398.38:

- Cr Clancy – Australian Coastal Councils Assoc Conference, LGNSW Annual Conference, NSW Coastal Conference
- Cr Ellem – SWITCH Conference
- Mayor Simmons – LGNSW Annual Conference and National General Assembly

Tabled below is the conference schedule for 2019.

Date in 2019	Place	Registration Cost	Optional Extras	Conference
6-8 March	Kiama, NSW	\$1,386	Gala Dinner- \$137.50	Australian Coastal Councils Conference
17-19 March	Terrigal, NSW	\$770	Dinner - \$160	LGNSW Tourism Conference

Date in 2019	Place	Registration Cost	Optional Extras	Conference
14-17 May	Canberra, ACT	\$1050	Included	2019 Floodplain Management Australia – National Conference
16-19 June	Canberra, ACT	\$989	Dinner - \$140	2019 National General Assembly of Local Government
14-16 October	Warwick Farm, Sydney NSW	N/A	N/A	Local Government NSW Annual Conference
November	TBA	N/A	N/A	NSW Coastal Conference

COUNCIL IMPLICATIONS

Budget/Financial

Registration fees will be deducted from the Councillor Conferences budget (PJ 991001-59-7001-2565).

Asset Management

N/A

Policy or Regulation

[Councillor Attendance at Conferences Policy](#)

[Councillor Expenses and Provision of Facilities for Councillors Policy](#)

Consultation

N/A

Legal and Risk Management

N/A

Prepared by	Karlie Chevalley, Executive Support Assistant
Attachment	Nil

ITEM	13.004/19	REMOVAL OF ABORIGINAL SCAR TREE – CORNER OF BREIMBA AND DOVEDALE STREETS, GRAFTON - ADVICE OF SENTENCING AND ORDERS OF THE COURT
Meeting	Council	26 February 2019
Directorate	Office of General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Confidential	

SUMMARY

On 21 December 2018, Justice Brian Preston handed down his decision concerning the case of: Office of Environment and Heritage v Clarence Valley Council which relates to the removal of a culturally modified tree at the corner of Breimba and Dovedale Streets, Grafton.

OFFICER RECOMMENDATION

That Council receive the report on the removal of an Aboriginal scar tree and that its contents be noted.

MOTION

Baker/Williamson

That Council receive the report on the removal of an Aboriginal scar tree and that its contents be noted.

MOTION OF DISSENT

Cr Toms

That the ruling of the Chairperson on her questions was out of order.

The Chairperson suspended business to consider the Motion of Dissent.

Voting recorded as follows:

For: Novak, Toms, Clancy

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

The Motion of Dissent was put and declared LOST.

AMENDMENT TO MOTION

Toms/Clancy

That:

1. Council receive the report on the removal of an Aboriginal scar tree and that its contents be noted.
2. A separate financial report come to Council at the earliest possible convenience reporting the entire costs of this matter including but not limited to the legal representation and administrative and support activities and all costs associated with the matter.

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

Against: Lysaught

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

COUNCIL RESOLUTION – 13.004/19

Baker/Williamson

That:

- 1. Council receive the report on the removal of an Aboriginal scar tree and that its contents be noted.**
- 2. A separate financial report come to Council at the earliest possible convenience reporting the entire costs of this matter including but not limited to the legal representation and administrative and support activities and all costs associated with the matter.**

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

As previously reported in July 2018 (Item 13.037/18) and November 2018 (Item 13.069/18) Council pleaded guilty to the charge of harming an object that it knew was an Aboriginal object, under the provisions of Section 86(1) of the *National Parks and Wildlife Act 1974*.

Following the adjournment of the sentencing hearing on 24 October 2018 to allow for a Restorative Justice Conference (RJC) to be held, the Court reconvened on 10 December 2018 to finalise the case. The Chief Judge of the Land and Environment Court handed down his decision on 21 December 2018. The full judgement can be read at: <https://www.caselaw.nsw.gov.au/decision/5c16d9a5e4b0b9ab40212304> with the sentencing orders at paragraph 130 of the judgement.

KEY ISSUES

The judgement included 8 orders which are listed below, for Council's information:

Court Orders

1. Clarence Valley Council (the defendant) is convicted of the offence against s86(1) of the *National Parks and Wildlife Act 1974* of harming an object that it knew was an Aboriginal object, as charged.
2. The defendant, pursuant to s205(1)(d) of the *National Parks and Wildlife Act 1974*, is to pay to Grafton Ngerrie Local Aboriginal Land Council, within 28 days of this order, the amount of \$300,000 to be applied towards:
 - a) funding a feasibility study to establish a 'Keeping Place' in the Grafton area for Aboriginal cultural heritage items, including the long-term storage and/or display of the scar tree, and other items that have been repatriated that require restoration, storage and display for community members to visit for educational purposes;

- b) funding research into local Aboriginal cultural heritage, including scar trees, to inform the development of educational resources for the benefit of indigenous and non-indigenous people in the Grafton area to be toured in schools in 2019 and/or to establish a permanent exhibition in Grafton; and
 - c) funding a series of one-day 'Clarence Valley Healing Festivals' to be held in the various local Aboriginal communities in the Clarence Valley throughout 2019 and 2020 to celebrate Aboriginal culture and promote reconciliation through dance, arts and crafts, food, medicine, language and Elder talks on cultural heritage, including scar trees, and a display of artefacts, including the scar tree if the carving is portable.
3. Pursuant to s205(1)(a) of the *National Parks and Wildlife Act 1974*, the defendant is to cause, within 28 days of this order and at its own expense, a notice in the form of Annexure 'A' to be placed within:
 - a) the Sydney Morning Herald (within the first 12 pages at a size of at least 9cm wide);
 - b) the Koori Mail (within the first 5 pages at a size of at least 7cm wide);
 - c) the Grafton Daily Examiner (within the first 5 pages at a size of at least 7cm wide);
 - d) the Clarence Valley Independent (within the first 5 pages at a size of at least 7cm wide);
 - e) the Clarence Valley Coastal Views (within the first 5 pages at a size of at least 7cm wide);
 - f) on the homepage of its website; and
 - g) on its Facebook page.
 4. The defendant is to provide to the prosecutor complete copies of the pages of the publications in order (3) showing the notice, within 14 days of the date of publication of each of the notices.
 5. Pursuant to s205(1)(b) of the *National Parks and Wildlife Act 1974*, the defendant is to:
 - a) notify each of the Local Aboriginal Land Councils in its local government area and the Clarence Valley Aboriginal Advisory Committee of the offence (including the circumstances of the offence) and its consequences and the orders made against the defendant; and
 - b) publicise the offence (including the circumstances of the offence) and its consequences and the orders made against the defendant in its Annual Report.
 6. All future references by the defendant to paying the monetary amount ordered by order (2) to Grafton Ngerrie Local Aboriginal Land Council to be used for the purpose of promoting and protecting Aboriginal cultural heritage in Grafton and the Clarence Valley is to be accompanied by the following statement:

"Clarence Valley Council's funding of Grafton Ngerrie Local Aboriginal Land Council's programs for promoting and protecting Aboriginal cultural heritage in Grafton and the Clarence Valley is part of a penalty imposed on the Council by the Land and Environment Court after Clarence Valley Council was convicted of the offence against s86(1) of the *National Parks and Wildlife Act 1974* of harming an Aboriginal object, being a culturally modified tree, in Grafton."
 7. Pursuant to s205(1)(f) of the *National Parks and Wildlife Act 1974*, the defendant is to establish, and conduct by 30 April 2019, cultural skills development workshops for:
 - a) its field staff in the Works and Civil department; and
 - b) its senior management staff in the Works and Civil, Corporate and Governance, and Environment, Planning and Community departments,in accordance with the outlines developed by Ms Lisa Southgate in Annexure 'B' addressing cultural heritage compliance, Aboriginal engagement and the identification of Aboriginal sites, objects and places in the local government area.
 8. Pursuant to s257B of the *Criminal Procedure Act 1986*, the defendant is to pay to the Registrar of the Land and Environment Court, for payment to the prosecutor, the costs of the proceedings in the amount of \$48,000.

Implementation of Court Orders

The status of the implementation of the orders is as follows:

Order	Status
1	Noted, no action required
2	Money paid via funds transfer on 11 January 2019
3	a) Published 8 January 2019 b) Published 16 January 2019 c) Published 11 January 2019 d) Published 9 January 2019 e) Published 11 January 2019 f) Published 2 January 2019 g) Posted 2 January 2019
4	Copies of the publications associated with order 3 were provided to the prosecutor on 14 January 2019 and 16 January 2019 and the prosecutor advised on 16 January 2019 that the requirements of order 3 have been fulfilled.
5	a) Land Council's and members of the Clarence Valley Aboriginal Advisory Committee were notified on 2 January 2019 b) To be included in Council's 2018/2019 Annual Report
6	Noted
7	Training is currently being organised.
8	Cheque mailed to Land and Environment Court on 11 January 2019.

Restorative Justice Conference

An RJC was held on 22 November 2018 and in accordance with resolution 13.069/18 the Mayor and Deputy Mayor attended on behalf of the elected Council. The below staff also attended the RJC:

- General Manager
- Director (Works & Civil)
- Manager, Open Spaces and Facilities
- Open Spaces Coordinator
- Supervisor, Open Space
- 3 x members of Council's arboriculture team

In addition to the Council representatives listed above, the RJC was also attended by 10 members of the local Aboriginal Community, and a staff member of the Office of Environment and Heritage (OEH). The RJC was facilitated by Mr John McDonald of ProActive ReSolutions.

The outcomes of the RJC are confidential between the parties, and for that reason the restorative conference agreement is attached as a confidential document. The matters contained within the restorative conference agreement are being progressed.

COUNCIL IMPLICATIONS**Budget/Financial**

Included in this report are the costs associated directly with the Order. Not included are costs associated with attendance, legal representation and administrative and support activities conducted in relation to this matter. These will be reported to Council, once reconciled, through a monthly financial budget variation report.

Asset Management

N/A

Policy or Regulation

National Parks and Wildlife Act 1974 (NSW)

Consultation

N/A

Legal and Risk Management

N/A

Prepared by	Troy Anderson, Director (Works & Civil)
Attachment	CONFIDENTIAL – Restorative Justice Agreement

BLOCK VOTE**Williamson/Kingsley**

That the following Items be adopted:

14.004/19	15.004/19	16.001/19
14.005/19	15.006/19	16.002/19
14.006/19	15.007/19	16.003/19
14.009/19	15.008/19	
14.010/19	15.009/19	
14.013/19	15.010/19	
14.014/19	15.011/19	
14.015/19	15.012/19	
14.016/19	15.014/19	
14.017/19	15.015/19	
	15.016/19	
	15.017/19	
	15.018/19	
	15.019/19	
	15.020/19	
	15.022/19	
	15.023/19	
	15.024/19	
	15.025/19	
	15.026/19	
	15.027/19	

Voting recorded as follows:

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

Against: Nil

ENVIRONMENT, PLANNING AND COMMUNITY COMMITTEE

MINUTES of a meeting of the **ENVIRONMENT, PLANNING & COMMUNITY COMMITTEE** of Clarence Valley Council held in the Council Chambers, Maclean on Tuesday, 19 February 2019 commencing at 4.03 pm.

ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THE LAND

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

ANNOUNCEMENT

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

PRESENT

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

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

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

<i>Name</i>	<i>Item</i>	<i>Nature of Interest</i>	<i>Reason/Intended Action</i>
Cr Ellem	14.001/19	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Work for the same company as objector Tim Howard Intended action: Remain in Chamber
Cr Ellem	14.007/19	<input type="checkbox"/> Pecuniary <input checked="" type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: Socialise with one of the landowners Neil Garrard Intended action: Leave the Chamber

Declarations received during the Meeting – Nil**PRESENTATIONS – Nil****DEPUTATIONS**

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

- Tom Schuf (Against)
- Richard Van Dorp (Applicant)

Item 14.002/19 - MOD2018/0053 – Proposed Change to Intersection Treatment for Approved Caravan Park Development

- Paul Reid (Applicant)

Item 14.003/19 - DA2018/0677 – Installation of Telecommunication Facility – 383 North Street, Wooli (Lot 2 DP561320)

- Wayne Judd (Against)
- Matt Evans (Applicant - representing Ericsson)

14.011/19 - Ulmarra-Nymboida Community Based Heritage Study

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

Item 14.012/19 - Clarence Valley Business Excellence Awards

- Adam Gordon (Chair - Clarence Valley Excellence Awards Committee)

REPORTS

MOTION

Williamson/Toms

That the Council meeting have a short break. CARRIED

Council adjourned at 3.30pm and reconvened at 3.40 pm.

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
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Meeting	Environment, Planning & Community Committee	19 February 2019
Directorate	Environment, Planning & Community	
Reviewed by	Manager Environment, Development & Strategic Planning (David Morrison)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Richard van Dorp Architects Pty Ltd
<i>Owner</i>	Joshua Watts
<i>Address</i>	47 Turf Street, Grafton
<i>Submissions</i>	1 st round consultation – 4 submissions against and 1 petition in support of the proposed review. 2 nd round consultation – 5 submissions against the review.

The applicant is seeking Council’s review of the determination to refuse the granting of development consent for the proposed residential development. The original application for a review was further revised following Council’s consideration of this matter in December 2018. Additional public consultation has resulted in further submissions against the proposed review. The revised application does not address all of the grounds that Council provided in refusing the original DA and the latest revisions to the plans result in new non-compliances with the Council’s DCP provisions.

OFFICER RECOMMENDATION

That in determining REV2018/0008 Council uphold its decision to refuse DA2017/0501 with the grounds for this decision being that the revised plans submitted with REV2018/0008 do not resolve all of the grounds on which Council refused DA2017/0501 and further, the revised plans result in further non-compliance with the landscaped area criteria in Council’s DCP for Development in Residential Zones and non-compliance with the minimum private open space dimension in Council’s DCP for Development in Residential Zones for the 5 units and the applicant has not provided adequate justification on planning grounds for the requested variations.

COMMITTEE RECOMMENDATION

Williamson/Novak

That Council

1. Is satisfied, that despite amendments being made to the plans and other documentation with the review application being REV2018/0008, that the amendments to the development now sought in the review application are substantially the same development as the proposed development the subject of the original application for development consent, being DA2017/0501; and
2. Council advise that following its review of the determination of DA2017/0501 and in consideration of, the amended plans and documentation submitted with REV2018/0008 and this report, that it has decided to change the determination and now grants development consent to the development proposed in REV2018/0008 subject to the conditions contained in the Schedule to Item No 14.103/18 as reported to Council on 18 September 2018 with the addition of the following conditions:
 - a. The fence along the section of common boundary between the subject land and land at 219 Bacon Street (subject to owners concurrence) shall be constructed of timber paling, colorbond

- or similar materials to a minimum height of 2 metres for that part of the boundary where no shed building will be located adjacent to that section of boundary prior to occupation of the adjacent unit;
- b. The fence along the northern side of the land at 45 Turf Street, being along part of the southern side of Maud Lane, shall be constructed of timber paling, colorbond or similar materials to a minimum height of 2 metres for the section of that boundary between the rear boundary of No. 45 Turf Street (subject to owners concurrence) to the building line of the house at 45 Turf Street, Grafton. An electric gate that can be activated by remote control suitable for vehicle access from Maud Lane shall be installed along that boundary line at the location of the existing gate;
 - c. That laundry facilities and/or plumbing fittings to suit installation of laundry facilities are not to be located in the garage spaces of the residential units. This requirement does not apply to the garage space in the dwelling fronting Turf Street;
 - d. The visitor car parking spaces shall be surfaced with permeable pavers, or similar hard-standing materials, that provide a minimum of 50% permeability from the finished surface through to natural soil below the parking spaces;
 - e. That detailed landscaping plans shall be submitted to, and approved by, Council prior to issue of the Construction Certificate. This plan must include the information required by clause C22 of Council's DCP for Development in Residential Zones and include the type of plants to be planted and likely mature size, the purpose of plantings, the edge treatment proposed for gardens adjoining grass lawn and a maintenance program for the 6 month period following planting; and
 - f. That the study room within each of the 5 residential units shall not contain built-in wardrobes or similar storage space.

Voting recorded as follows:

For: Williamson, Baker, Simmons, Novak

Against: Clancy

FORESHADOWED MOTION

Clancy

That the Officer Recommendation be adopted.

MOTION

Williamson/Baker

That Council

1. Is satisfied, that despite amendments being made to the plans and other documentation with the review application being REV2018/0008, that the amendments to the development now sought in the review application are substantially the same development as the proposed development the subject of the original application for development consent, being DA2017/0501; and
2. Advise that following its review of the determination of DA2017/0501 and in consideration of, the amended plans and documentation submitted with REV2018/0008 and this report, that it has decided to change the determination and now grants development consent to the development proposed in REV2018/0008 subject to the conditions contained in the Schedule to Item No 14.103/18 as reported to Council on 18 September 2018 with the addition of the following conditions:
 - a. At the developer's cost the fence along the section of common boundary between the subject land and land at 219 Bacon Street (subject to owners concurrence) shall be constructed of timber paling, colorbond or similar materials to a minimum height of 2 metres for that part of the boundary where no shed building will be located adjacent to that section of boundary prior to occupation of

-
- the adjacent unit;
- b. At the developer's cost the fence along the northern side of the land at 45 Turf Street, being along part of the southern side of Maud Lane, shall be constructed of timber paling, colorbond or similar materials to a minimum height of 2 metres for the section of that boundary between the rear boundary of No. 45 Turf Street (subject to owners concurrence) to the building line of the house at 45 Turf Street, Grafton. An electric gate that can be activated by remote control suitable for vehicle access from Maud Lane shall be installed along that boundary line at the location of the existing gate;
 - c. That laundry facilities and/or plumbing fittings to suit installation of laundry facilities are not to be located in the garage spaces of the residential units. This requirement does not apply to the garage space in the dwelling fronting Turf Street;
 - d. The visitor car parking spaces shall be surfaced with permeable pavers, or similar hard-standing materials, that provide a minimum of 50% permeability from the finished surface through to natural soil below the parking spaces;
 - e. That detailed landscaping plans shall be submitted to, and approved by, Council prior to issue of the Construction Certificate. This plan must include the information required by clause C22 of Council's DCP for Development in Residential Zones and include the type of plants to be planted and likely mature size, the purpose of plantings, the edge treatment proposed for gardens adjoining grass lawn and a maintenance program for the 6 month period following planting; and
 - f. That the study room within each of the 5 residential units shall not contain built-in wardrobes or similar storage space.

Voting recorded as follows:

For: Baker, Williamson, Lysaught

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

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

FORESHADOWED MOTION

Clancy/Novak

That in determining REV2018/0008 Council uphold its decision to refuse DA2017/0501 with the grounds for this decision being that the revised plans submitted with REV2018/0008 do not resolve all of the grounds on which Council refused DA2017/0501 and further, the revised plans result in further non-compliance with the landscaped area criteria in Council's DCP for Development in Residential Zones and non-compliance with the minimum private open space dimension in Council's DCP for Development in Residential Zones for the 5 units and the applicant has not provided adequate justification on planning grounds for the requested variations.

AMENDMENT TO MOTION

Baker/Lysaught

That Council

1. In determining REV2018/0008 uphold its decision to refuse DA2017/0501 with the grounds for this decision being that the revised plans submitted with REV2018/0008 do not resolve all of the grounds on which Council refused DA2017/0501 and further, the revised plans result in further non-compliance with the landscaped area criteria in Council's DCP for Development in Residential Zones and non-compliance with the minimum private open space dimension in Council's DCP for Development in Residential Zones for the 5 units and the applicant has not provided adequate justification on planning grounds for the requested variations.

2. Review the classification of Maud Lane as a 2-way street due to the inadequate width that results from the refusal in point 1.

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

The Amendment to Motion was put and declared CARRIED.

COUNCIL RESOLUTION – 14.001/19**Clancy/Novak****That Council:**

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

Voting recorded as follows:

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

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

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

A determination of the development application to refuse DA2017/0501 was subsequently issued by Council on 21 September 2018. The applicant has since requested that Council review that determination by submitting an application for review, being REV2018/0008. That application was duly notified to adjoining persons and persons who made submissions to DA2017/0501 and reported to Council's meeting on 11 December 2018 (see Item 14.144/18 attached). At the December meeting Council resolved as follows:

"That Council defer this item for consideration to allow the applicant to submit any amended plans that they see fit to support the extension of the garages to meet Australian Standards or any other matters to do with the application at the February 2019 Committee Meeting."

Revised plans and a covering written submission were submitted to Council on 4 January 2019 and duly notified to adjoining landowners and persons who had already made submissions.

KEY ISSUES

This report primarily considers the grounds for refusal resolved by Council in September 2018 when it considered DA2017/0501. In addition, the report provides comment on new issues arising as a direct result of changes made to plans revised and submitted by the applicant. These include compliance with relevant criteria within Council's DCP for Development in Residential Zones and they are relevant matters for Council to be aware of and consider in determination of this application (REV2018/0008).

The report provided to Council's December meeting advised that the revised DA plans had not fully satisfied the grounds for Council's refusal of DA2017/0501, being front setback (reduced setback in revised plans), garage setback (no change in revised plans) and landscaped area (no change to plans that Council refused). In addition, changes to the garage spaces resulted in garages that did not comply with the relevant Australian Standard and this deficiency led to undesirable flow-on effects, such as making the private open spaces for the units below the minimum width for a significant part of their area.

The plans submitted in early January have adjusted garage size and layout to ensure satisfaction of the Australian Standard and improve functionality for future occupants. However, the factors that were grounds for Council's refusal of DA2017/0501 in September 2018 have not been fully addressed and the applicant's response to each of the grounds are addressed below:

Front setback – The front setback of the units to Maud Lane was 3.04 metres when Council refused DA2017/0501 in September 2018 citing front setback as one of the factors relevant to a refusal. Last December when Council considered the proposal under this application (REV2018/0008) the setback was reduced to 2.5 metres. In the plans provided to Council in January 2019 and now attached to this report the front setback remains 2.5 metres, being some 0.54 metres less than the setback when Council refused the DA.

Garage setback – This aspect of the proposed development has been improved through an increase from 4.5 metres (as considered at December 2018 meeting) up to 5.0 metres in the latest plans. This remains compliant with the criteria in Council's DCP. Given that the garage spaces have also been increased in size to be 5.4 metres long without laundry facilities the garage spaces now offer an opportunity for the majority of cars to park within the garage with the door closed and for persons to access the garage/car while parked in that space. The laundry is proposed to be provided elsewhere in the residential units. If the development is approved then this aspect needs to be confirmed through a condition.

Landscaped area – The DCP requires a minimum 45% of the site to be landscaped. The revised plans now show landscaped area to be 39.1%. The DA plans considered by Council at the September 2018 and December 2018 meetings provided a landscaped area of 40.5%. Hence, the revised plans and proposal has not responded to this aspect of the development's design in a positive manner as the landscaped area has been reduced by 1.4% since December 2018. Landscaped area is a de facto standard for controlling site coverage of new developments. There are a range of ways that the development could be changed to reduce site coverage and hence, increase landscaped area.

The applicant has not offered further submission to justify the reduction in landscaped area. It appears that modifying the garage length has resulted in the bedroom space moving northwards, encroaching into the private open space and so reducing landscaped area.

In summary, the applicant has not adequately utilised the opportunity provided by Council in December to improve key aspects of the proposed development. The front setback and landscaped area have both reduced compared to the design that Council refused in September 2018.

In addition, private open spaces for each of the residential units no longer meet the 4.5 metre minimum dimension requirement in Council's DCP. Shifting of the bedroom spaces to the north has the effect of reducing the minimum open space dimension to 3.6 metres for between 39% and 52% for the private open space areas. The submission of the applicant that this reduced width is compensated for by the area of the private open space being above the minimum area of 50m² is not justified in the opinion of staff as the excess area is only between 0.6m² and 2.8m² for 4 of the units, ie Units 2-5. For Unit 1 the excess area for the private open space is greater than 17m² which is considered acceptable.

Should Council consider that the revised DA plans and submission from the applicant adequately justifies the variation to the private open space and landscaped area requirements of the DCP for Development in Residential Zones then Council has the option to accept the request for a review and issue development consent for DA2017/0501. Any such approval would need to be granted subject to conditions consistent with the list of conditions contained at Schedule 1 of the report to Council in September 2018 along with additional conditions to address the following issues:

- requests for particular property boundary fencing treatments from adjoining and adjacent landowners;
- laundry facilities and/or plumbing fittings to suit such facilities not to be located in the garage spaces;
- ensure the visitor parking spaces are constructed of permeable surface materials to ensure the proposed partial contribution of this area to the landscaped area for the development;
- demonstrate how the landscaped area of the site will be landscaped; and
- ensure the study space does not contain built-in wardrobes to minimise the potential use of that space as a bedroom with associated additional demand for car parking. (check s4.15 report)

The wording of these additional conditions would be as follows:

- The fence along the section of common boundary between the subject land and land at 219 Bacon Street shall be constructed of timber paling, colorbond or similar materials to a minimum height of 2 metres for that part of the boundary where no shed building will be located adjacent to that section of boundary prior to occupation of the adjacent unit;
- The fence along the northern side of the land at 45 Turf Street, being along part of the southern side of Maud Lane, shall be constructed of timber paling, colorbond or similar materials to a minimum height of 2 metres for the section of that boundary between the rear boundary of No. 45 Turf Street to the building line of the house at 45 Turf Street, Grafton. An electric gate that can be activated by remote control suitable for vehicle access from Maud Lane shall be installed along that boundary line at the location of the existing gate;
- That laundry facilities and/or plumbing fittings to suit installation of laundry facilities are not to be located in the garage spaces of the residential units. This requirement does not apply to the garage space in the dwelling fronting Turf Street;
- The visitor car parking spaces shall be surfaced with permeable pavers, or similar hardstanding materials, that provide a minimum of 50% permeability, from the finished surface through to natural soil below the parking spaces;
- That detailed landscaping plans shall be submitted to, and approved by, Council prior to issue of the Construction Certificate. This plan must include the information required by clause C22 of Council's DCP for Development in Residential Zones and include the type of plants to be planted and likely mature size, the purpose of plantings, the edge treatment proposed for gardens adjoining grass lawn and a maintenance program for the 6 month period following planting; and
- That the study room within each of the 5 residential units shall not contain built-in wardrobes or similar storage space.

COUNCIL IMPLICATIONS**Budget/Financial**

The application has been submitted and paid fees in accordance with Council's Fees and Charges. Assessment of the application has been made using the recurrent budget for staff costs.

Asset Management

No adverse implications on CVC assets as a result of the proposed recommendations.

Policy or Regulation

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

CVC DCP – Development in Residential Zones

Road Rules 2014 endorsed under the *Roads Act 1993*

Consultation

The application seeking a review of Council's determination was advertised and 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 or otherwise impacted by changes to the proposed development.

Legal and Risk Management

The applicant has sought a review under Section 8.2 of the *Environmental Planning and Assessment Act 1979*. The applicant has the option to lodge an appeal to the Land and Environment Court against Council's determination within 6 months of the original determination, ie up until 21 March 2018. Any appeal would be likely to entail some cost to Council, however, this is only a potential at this time.

Prepared by	Scott Lenton, Development Services Coordinator
Attachment	<ol style="list-style-type: none"> 1. Report (and attachments) to September 2018 Council meeting for DA2017/0501 – To be tabled 2. Report (and attachments) to December 2018 Council meeting for REV2018/0008 – To be tabled 3. Revised written submission and plans received from applicant on 4 January 2019 4. Public submissions (5 of)

ITEM	14.002/19	MOD2018/0053 – PROPOSED CHANGE TO INTERSECTION TREATMENT FOR APPROVED CARAVAN PARK DEVELOPMENT
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Meeting	Environment, Planning & Community Committee	19 February 2019
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (David Morrison)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Pridel Pty Ltd
<i>Owner</i>	Pridel Pty Ltd
<i>Address</i>	DA – Lot 22 DP1122186 and Part Lot 27 DP1130643, River Road, Palmers Island Intersection location – Cnr Yamba Road and Yamba Street, Palmers Island
<i>Submissions</i>	Yes – 3 submissions object to the proposal.

Council issued conditional development consent to DA2015/0373 for a proposed caravan park development in May 2017. The development consent contains a condition requiring a nearby intersection to be upgraded with a roundabout. The applicant has provided a revised traffic assessment and now proposes to construct an alternative intersection treatment. As Council resolved to issue the original determination this proposed modification needs to be determined by Council.

OFFICER RECOMMENDATION

That:

1. Council approve of the proposed modification to DA2015/0373 and issue a determination to MOD2018/0053 that replaces the existing Condition No. 68 with the following condition:

68. The intersection of Yamba Road with Yamba Street is to be upgraded to a minimum standard of a channelised intersection treatment prior to occupation of Stage 2 of the development; and

2. An additional advice be included in the determination for MOD2018/0053 to identify the need for the design of the new intersection treatment to revise existing road geometry, alignment and superelevation to encourage traffic speed consistent with the signposted speed limit (currently 60km/hr with 40km/hr during school zone hours) and ensure safe ingress and egress to the Palmers Store site.

COMMITTEE RECOMMENDATION

Williamson/Clancy

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

COUNCIL RESOLUTION – 14.002/19**Novak/Lysaught****That:**

1. Council approve of the proposed modification to DA2015/0373 and issue a determination to MOD2018/0053 that replaces the existing Condition No. 68 with the following condition:

68. The intersection of Yamba Road with Yamba Street is to be upgraded to a minimum standard of a channelised intersection treatment prior to occupation of Stage 2 of the development; and

2. An additional advice be included in the determination for MOD2018/0053 to identify the need for the design of the new intersection treatment to revise existing road geometry, alignment and superelevation to encourage traffic speed consistent with the signposted speed limit (currently 60km/hr with 40km/hr during school zone hours) and ensure safe ingress and egress to the Palmers Store site.

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

Council issued conditional development consent to DA2015/0373 for a proposed caravan park development in May 2017. The development is proposed to be completed over 3 stages and the consent contains a condition that prior to occupation of Stage 2 that the intersection of Yamba Road and Yamba Street at Palmers Island is to be upgraded to a minimum standard of a roundabout with the proponent and Council to agree as to how those works are to be completed and for the proponent to contribute financially to the cost of those works. The applicant has provided a revised traffic assessment and now proposes to construct an alternative intersection treatment.

Prior to submission of the modification application the developer attended a Development Management Unit meeting at Council and staff provided in-principle support to a channelised intersection treatment based on the revised traffic assessment prepared by consultants on behalf of the applicant.

KEY ISSUES

Roundabout vs alternative treatment – The original traffic study was prepared with the assumption that a roundabout would be needed. A review of the traffic analysis by consultants has found that a channelised intersection will serve the existing and future traffic needs for Yamba Road as well as the proposed development. This intersection treatment will be able to be provided at much less cost and with no greater impact on access to/from the Palmers Store. In fact, a roundabout could have a greater adverse impact in terms of traffic safety and associated flow-on effects to Palmers Store and community well-being.

The section of Yamba Road subject to this report is currently classified as a 60km/hr speed zone outside of school zone hours. During the school zone hours it carries a 40km/hr speed zone. The design of the section

of road has been established when higher speed zones of 80km/hr and potentially as high as 100km/hr applied. Hence, the design of the road physically enables higher speed than the 60km/hr as currently signposted. Changes to the design profile, or superelevation, and geometry, eg by flattening the crossfall and/or adjusting the radius of the corner, would naturally require changes in driver behaviour towards lower speeds. These changes could result in movement of the travel lanes away from the Palmers Store side of the road improving safety for motorists entering and leaving the site, especially for west/Maclean bound vehicles.

Submissions – 3 public submissions have been received in response to notification and exhibition of the proposed modification. The issues presented in the submissions are mentioned and discussed below. Copies of each submission are included in the attachments to this report.

- *Access to/from Palmers Store – At present some customers of the Palmers Store that travel eastbound towards Yamba access the Store site by making a right turn into the site after crossing double lines. Some customers also exit the site by making a right turn to the opposite side of the road and then continue eastbound. It is submitted that these manoeuvres involving crossing of the double lines dividing east and westbound travel lanes are legal. The proposed intersection shows in the preliminary design submitted to Council that the eastbound lane on the north side of the road will be moved to the north to make room for a new turning lane that will serve westbound traffic turning right into Yamba Street (to enter Palmers village). Customers that wish to continue to access the Store from the eastbound travel lanes will need to cross 2 lanes to enter the Palmers Store site. Submissions consider that this presents a safety concern.*

Staff Comment – The Palmers Store has existed for many years and would have been established when traffic and road conditions were very different to what they are today. Over time road and traffic conditions have changed as has the management of, and access arrangements to/from, the Store site. The standard of access to/from the Palmers Store site is not optimal at present for traffic entering or leaving the site from either direction. The proximity of both the Yamba Street and School Road intersections as well as the road formation in Yamba Road exacerbates this situation. The proposed channelised intersection will add a level of safety by providing dedicated turning lanes for traffic entering Yamba Street from both directions. This will improve the function and safety of the intersection and is a beneficial improvement.

Preliminary design and assessment of the proposed intersection indicates that it will perform at an acceptable level of service for a considerable period into the future. The existing intersection and road conditions will be improved under the current proposal. Space exists for the localised adjustment to alignment of Yamba Road in conjunction with the intersection upgrade and this would be more fully explored at Civil Construction Certificate application stage if the proposal is approved. The main advantage for the Palmers Store site will be the opportunity to provide more space at the front of that site for vehicles to enter and leave safely. The main beneficiaries would be for westbound traffic, however, the extra space is also considered to benefit traffic leaving the site eastbound. Should customers of the Store not feel safe crossing, or not have the opportunity to cross, the 2 westbound lanes then there is the opportunity to access School Road a short distance to the east and then return to the Store from the east. Driver behaviour will often change to suit the new conditions.

As indicated earlier traffic and road conditions adjacent to the Palmers Store site have changed over the life of that business. Currently the speed zone is 60 km/hr and it has been significantly higher in the past. The current road construction has not changed since those higher speed zones were in place and hence, the design does not encourage traffic to travel at the posted speed. The proposed changes offer potential for the road alignment and profile to be adjusted to generate slower traffic speed through this area and this will be beneficial to safety of motorists, cyclists, pedestrians and customers of Palmers Store. The added safety to the Yamba Road and Yamba Street intersection together with

adjustments to the Yamba Road alignment to benefit access to the Store is considered to outweigh any adverse affect for motorists wanting to access the Store from the west or leave the Store to the east.

- *Impact on business – there is a concern that the proposed changes to access will have an adverse impact on the level of trade and social impact for Store owners/operators and Palmers village community.*

Staff Comment – Comments above are also relevant. The overall improvements for traffic safety at this part of Yamba Road are considered to be beneficial and there is potential for the level of trade to improve if motorists feel safer entering and leaving the site. There is no question that the Palmers Store under current management has become a more active feature of the Palmers village community.

- *Intersection design – Submissions suggest that a roundabout treatment for the intersection is preferred and further that the proposed intersection will be sub-standard.*

Staff Comment – The original traffic study was prepared with the assumption that a roundabout would be needed. A review of the traffic analysis by consultants has found that a channelised intersection will serve the existing and future traffic needs for Yamba Road as well as the proposed development. This intersection treatment will be able to be provided at much less cost and with no greater impact on access to/from the Palmers Store. In fact, a roundabout could have a greater adverse impact in terms of traffic safety and associated flow-on effects to Palmers Store and community well-being. The proposed treatment will not be sub-standard.

- *Adequacy of traffic study – One submission raises concern that the traffic study has not been independently prepared by or for Council and that the traffic data is not current.*

Staff Comment – Council’s Development Engineers have independently reviewed the traffic study and consider that it provides an acceptable assessment of current and proposed traffic conditions.

- *Conflict with nearby intersection (School Road and Yamba Road) – One submission presents concern that the proposed changes to the Yamba Street and Yamba Road intersection will adversely impact on the function of the School Road and Yamba Road intersection.*

Staff Comment – It is recognised that the School Road intersection is close to the Yamba Street intersection. Future upgrade to that intersection is also likely and will be dependent on assessed changes to traffic conditions both along Yamba Road and to/from School Road. These matters will need to be assessed at a future time to ensure compatible traffic management. The road environment is subject to change over time and any changes that are approved by Council can and will be subject to review and alteration in the future to cater for the requirements at that time once the likely changes to traffic are better understood and more certain.

COUNCIL IMPLICATIONS

Budget/Financial

The application has been submitted and paid fees in accordance with Council’s Fees and Charges. Assessment of the application has been made using the recurrent budget for staff costs. The applicant has indicated that they would fully fund the proposed intersection upgrade.

Asset Management

The Yamba Road and Yamba Street intersection is a Council asset. The proposed changes to the configuration and subsequent reconstruction of the intersection will ensure an improved road asset with a greater asset life and utility value. The intersection will serve current and expected traffic demands

associated with the caravan park development and the applicant has indicated that they would fully fund the proposed intersection upgrade.

Policy or Regulation

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

CVC DCP – Development in Rural Zones

Consultation

The modification application has been advertised and notified consistent with the original DA. In addition, persons who previously made a submission to DA2015/0373 were also notified of this modification application. Public submissions (3 of) have been received. The comment and merit of issues raised have been discussed in the 'Key Issues' earlier.

Council's Development Engineer is satisfied that the channelised intersection treatment can be designed to provide acceptable performance and safety. Council staff have held productive talks with the applicant and his traffic consultant to discuss the proposed treatment, design considerations and how the intersection can be accommodated without unreasonable impact on the access and egress to and from the Palmers Store site on the southern side of the proposed intersection. Further discussion is contained in the 'Key Issues' above.

Legal and Risk Management

All decisions determining a development application carry a legal risk for Council. Adoption of the recommendation to approve the modification could result in an appeal from the applicant if they are dissatisfied with the decision, however, this is considered to be a very low risk. Third parties may appeal if they believe Council has not followed due process in assessing and determining this application. Council officers have given due regard to the concerns raised and will ensure design of the alternative intersection treatment incorporates features to improve traffic safety and function for all users.

Prepared by	Scott Lenton, Development Services Coordinator
Attachment	<ol style="list-style-type: none">1. Proposed intersection layout (ECM 2262111 – prelim design with contours)2. Public submissions (3 of) (ECM 2232031, 2233024 and 2237020)3. RMS submission (ECM 2236932)4. Copy of Original Development Consent

ITEM	14.003/19	DA2018/0677 – INSTALLATION OF TELECOMMUNICATION FACILITY – 383 NORTH STREET, WOOLI (LOT 2 DP561320)
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Meeting	Environment, Planning & Community Committee	19 February 2019
Directorate	Environment, Planning & Community	
Reviewed by	Manager Environment, Development & Strategic Planning (David Morrison)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Jack Rixon – Aurecon Australasia Pty Ltd (on behalf of NBN Co)
<i>Owner</i>	Janet Lee O’Neil
<i>Address</i>	383 North Street, Woolli (being Lot 2 DP 561320)
<i>Submissions</i>	Yes - one submission and one petition (65 signatories)

Council is in receipt of Development Application DA2018/0677 which proposes to install a telecommunication tower with mounted antennas, 2 outdoor cabinets and ancillary equipment. Overall the tower will be 45m high within an enclosed fenced compound 10m x 12m.

During the exhibition of the application, Council received one submission against the proposal. The key issues raised are the adverse impacts to visual amenity, inconsistency with the *Clarence Valley Local Environmental Plan 2011* (the LEP), electrical interference and electromagnetic emissions generated from the site and impacts on proposed development and plans for the submitter’s property. One petition containing 65 signatories was also received for the proposed telecommunication tower to be located outside of the Woolli Village Township.

The applicant has also sought approval for a variation under *Clause 4.6 – exceptions to development standards* of the LEP for the 9m maximum building height limit that is applicable to the subject land. The variation sought is considered to be outside of Council staff delegations to determine; therefore the application is forwarded to Council for a decision.

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

OFFICER RECOMMENDATION

That Council:

1. Support the requested variation under Clause 4.6 – Exceptions to Development Standards of the *Clarence Valley Local Environmental Plan 2011* to relax the 9m maximum building height limit that applies, and
2. Approve Development Application DA2018/0677 subject to the draft conditions and advices contained in Schedule 1 attached.

COMMITTEE RECOMMENDATION

Williamson/Baker

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Simmons, Williamson

Against: Novak

COUNCIL RESOLUTION – 14.003/19

Williamson/Baker

That Council:

- 1. Support the requested variation under Clause 4.6 – Exceptions to Development Standards of the *Clarence Valley Local Environmental Plan 2011* to relax the 9m maximum building height limit that applies, and**
- 2. Approve Development Application DA2018/0677 subject to the draft conditions and advices contained in Schedule 1 attached.**

Voting recorded as follows:

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

Against: Ellem, Novak

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

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

BACKGROUND

Development Application DA2018/0677 was lodged on 1 November 2018 for construction of a telecommunication tower at 383 North Street, Woolli. The site is currently operated as the Solitary Islands Marine Park Resort. The subject land is zoned SP3 Tourist under the LEP. The proposed telecommunication facility is prohibited in the zone, however under the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP), which overrides the LEP, the proposed telecommunication facility is a permissible land use. The proposed development is not considered to be exempt or complying development under the ISEPP, therefore development consent is required.

The purpose of the proposal is to service Woolli with wireless nbn to improve internet services for residences, business and visitors to the area as Woolli has been identified as currently having a poor and unreliable internet service according to the Federal Government's MyBroadband data set results. The new facility will improve the service available for the number of business and residences in Woolli and also will have the capacity during peak tourist seasons.

The proposed facility will consist of:

- 44.1m monopole with circular headframe,
- 1 parabolic dish antenna,
- 6 panel antennas,
- 2 outdoor units on an elevated platform (outdoor cabinet),
- 1 GPS unit mounted on cable ladder,
- Ancillary equipment associated with the operation of the facility including cable trays, cabling, safe access methods, bird proofing, earthing, electrical works and air conditioning equipment, and
- A new access track (bitumen), underground mains (280m) and a 2.4m high chain link fence to secure the compound.

The proposed monopole and ancillary structures are to be within an enclosed compound of approximately 120m² (10m x 12m) with a 10m asset protection zone around the compound. The overall height of the monopole is 45m inclusive of antennas and headframes mounted atop the pole. The parabolic antenna forming part of this proposed tower will provide a line of sight to the 'Barcoongere' fixed wireless hub site on Lot 21 DP1172479, Gilmores Lane, Halfway Creek where a parabolic antenna was recently approved by Council staff under DA2018/0655.

The facility is to be located in the south eastern rear corner of the subject property approximately 180m from North Street and 70m from the Wooli River. The area is currently used as a waste storage area for the resort. The subject land adjoins the Wooli River to the south, Yuraygir National Park to the north and west and a number of businesses and residences to the east. The subject site is located approximately:

- 120m from the Wooli Hotel
- 150m from the General Store
- 250m from nearest residence
- 150m from Wooli River Lodges

Prior to selecting the subject site, the applicant had considered other locations within Wooli. The subject site was considered to be the prime candidate after 2 other options in the Wooli Village were deemed not suitable. Option 1 was to locate the new tower at the rear of the Wooli sporting field, however, tenure on the land was difficult to achieve therefore this option was discounted. The second option was to locate it near the Wooli Hall (across the road from the Bowling Club). The applicant states that this option was discounted due to a number of planning issues and also the significant visual impact to nearby properties and landscape. Additionally, the Wooli water reservoir currently has telecommunication facilities mounted onto it, however, the location of the reservoir site would have resulted in coverage objectives not being achieved by NBN Co.

The subject site was deemed most suitable as it had a lesser impact on the surrounds and also still allowed NBN Co to meet the relevant coverage objectives and targets while being able to provide a link to the fixed wireless hub site at Gilmores Lane, Halfway Creek. The siting of the new tower will have the least impact on the use of the site for the caravan park as the tower is in an area generally used to store waste on-site generated by the park until it is disposed of. The applicant has provided the following justification for locating the tower on the eastern boundary of the subject site as follows:

- Locating the tower in the passive area of the site will increase distance to temporary and long term sites of the caravan park and still achieves a reasonable setback to other nearby residents and businesses,
- Limiting the potential to disrupt future development plans for the caravan park,
- Locating the tower on the western boundary would have positioned the tower closer to Wooli Road and increase the visual presence of the tower as road users enter and leave Wooli, and
- Suitable setbacks are still achieved to the boundary, existing vegetation on-site and Wooli River.

KEY ISSUES

1. Clause 4.6 Variation to Clarence Valley Local Environmental Plan 2011

The applicant has provided a written request to vary a development standard, that being the maximum building height under Clause 4.3 – Height of Buildings under the LEP. The objectives of Clause 4.6 are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Subclause 3 requires that:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

The applicant has highlighted the following matters in justifying their request to the maximum building height for the property as follows:

1. The height of the tower is necessary in order to protrude above surrounding vegetation and ridgelines in order to provide coverage and achieve a line of sight to the Gilmores Lane site to operate the network,
2. Restricting the tower to the 9m height limit would result in poor telecommunication coverage for the Clarence Valley Local Government Area therefore it is unreasonable to enforce compliance with the standard,
3. The proposal is in the public interest as it will provide improved coverage to the area for residents, businesses and visitors,
4. The structure does not include any windows,
5. The proposal is consistent with the objectives of the SP3 zone as it will facilitate tourism, assist visitors research the area and assist local businesses, and
6. The tower is the minimum height possible to still achieve coverage requirements and objectives.

Comment:

The proposed finished height of the telecommunication tower is 45m which is a substantial variation to the 9m height limit of 500%. However, as provided above by the applicant, the height of the tower is required to achieve a link to the NBN Co wireless hub site at Gilmores Lane, Halfway Creek to provide a link to the network. Additionally, the natural topography of the land including the ridgeline on the southern side of the Wooli River and height of vegetation require the tower to be 45m to provide the link to the network.

The tower has been located on the eastern boundary as opposed to the western boundary of the subject site to decrease the visual presence of the tower for road users entering and leaving Wooli. Albeit, closer to residences and businesses the location on the eastern boundary has a greater setback to the road. Furthermore, the compound will largely be shielded from the plain view of road users, adjoining properties and those that use the river by existing vegetation on and off site, in addition to what is proposed by the applicant. The tower has been designed so that all antennas and fixtures to the top of the tower are clustered together and the tower is 2m at the base of the tower and tapering towards the top at approximately 400mm wide which will assist in reducing the overall bulk and visual impact of the proposal. Furthermore, the nature of the proposal being a slim pole structure will not have the same impact of a dwelling house being over the height limit in terms of overshadowing or loss of privacy to adjoining properties.

Furthermore, it should be noted that Council has recently approved other telecommunication towers/poles in the Local Government Area of 41.2m (Brooms Head, DA2018/0158, Item 14.059/18) and 33.5m (Iluka, DA2017/0782, Item 14.020/18) which were both on sites that did not have a building height limit meaning that Council did not make a determination on this matter. Additionally, on this site Council has approved a waterslide and associated structures of 10.5m (DA2017/0164, Item 14.095/17).

The request to vary the LEP maximum building height limit for the subject site of 9m has been assessed on its merit, taking into account the above discussion and points raised by the applicant it is considered that there are suitable grounds to allow the proposal to proceed. Therefore, it is recommended that the variation to the maximum building height be supported to allow a 45m high telecommunication facility to be erected on the site.

2. Issues Raised in Submissions

The main issues raised are highlighted and discussed below.

The proposal will result in adverse impacts to the setting and visual amenity

Comment: The height of the telecommunication facility is discussed in detail in other parts of the report, which provides justification for the significant height of the tower. The low lying nature of the surrounding locality will result in any tall structure built having an impact on the visual amenity and landscape of the Woolli Village and surrounding Yuraygir National Park. The location of the tower has been selected to minimise the impact from the road as depicted in the photomontages while also trying to provide adequate separation from adjoining buildings both on and off the subject site.

The telecommunication facility utilises a slim monopole design with 'turret' antenna configuration atop the pole to minimise bulk and visual clutter. The facility will be finished in a shade of dull, non-reflective grey, similar to surrounding light poles and other monopoles in the area. While the facility significantly exceeds the height of adjoining structures and will be visible from streets and residences to the east of the site and to river users, the impact is not considered to be intrusive or unreasonable. Alternate sites identified by the applicant that have been dismissed would have resulted in greater impact to the visual amenity of the Woolli Woolli River and Woolli Township. The applicant has submitted photomontages of the proposed tower from various points within the park and also in front of the Woolli Hotel from the road which demonstrate no significant views or vistas will be impacted.

Proposed boundary setbacks are inadequate

Comment: The monopole itself is setback approximately 20m from the eastern boundary, with the fence of the compound being 13m and the APZ being 3m from the eastern boundary. The edge of the APZ will also be clear of the edge of the effluent disposal system for the caravan park. Taking into account the height of the structure and the nature of the pole it is not considered that by allowing the proposed setback that it would create unreasonable overshadowing. The tower is also setback 70m from the high water mark. Given the proximity to the river (forming part of the Solitary Islands Marine Park) the application was referred to DPI Fisheries who raised no objection to the proposal, however, provided feedback to be included as conditions of consent. Taking the above into account it is considered that suitable setbacks have been provided for the proposed tower.

Impacts on proposed development/plans for the site

Comment: The adjoining property has consent to establish a tourist facility including 8 holiday cabins at the rear of the Woolli Hotel (Lot 12 DP1185332) which was approved by the Department of Planning on 12 July 2010. Approved plans for the development show landscaping required along the boundary and between cabins, indicative heights on the plans show the plantings up to 3m. Furthermore, established trees on-site not in conflict with the cabins or access road are not to be removed. The site of the tower is located at the rear of the caravan park and is over 90m from the nearest cabin on the adjoining property. Furthermore, plans for the monopole show a landscaped area surrounding the APZ for the tower which will further screen the compound and equipment shelters from view, however, the tower will still be visible from the adjoining site. It is acknowledged that the height of the tower will be visible from surrounding properties, however, the site of the tower has been selected to utilise existing vegetation on the subject site and surrounds to provide a natural screen for the compound and ground level equipment. Furthermore, the tower has been designed so that all antennas are located toward the top, much like a turret which will help

contribute to lessening the bulk of the development, therefore it is considered that the proposed development will not have an unreasonable impact on the proposal on the adjacent site.

Electrical interference and electromagnetic emissions generated from the site.

Comment: The applicant has stated that all things possible will be implemented to limit the impact of electrical interference within the locality and have stated that the provider will investigate any issues that may arise. Generally the nbn facility will utilise separate frequency to other electronic devices such as televisions and radios which the NBN Co has exclusive licensing rights over which will aid in limiting the potential for interference.

It is acknowledged that some people are genuinely concerned about the possible health impacts created from EME propagated from telecommunication facilities. To date there is no scientific evidence indicating that electromagnetic energy (EME) associated with telecommunication facilities has adverse impacts on human health and this is the current position of the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and the World Health Organisation. Telecommunication facilities in Australia are required to operate in accordance with various Acts, Codes and Policies administered by the Australian Communications and Media Authority which incorporate a built-in precautionary approach (or safety margin) with regard to EME and public health. The EME calculations submitted with the proposal suggest the highest EME reading being 308m from the site which is 0.19% of the exposure limit specified by ARPANSA. Additionally, it is a requirement that the models prepared to show EME levels in the locality are based on the maximum power levels of the facility, however, during operation power levels may not reach these power levels. On this basis, the proposed development is not considered to pose a risk to human health or safety. Council officers recommend support for the proposal. It should be noted that the Land and Environment Court of NSW upheld an appeal regarding the refusal of an application based on the precautionary principle in relation to emissions of radiofrequency EME (Telstra Corporation Limited v Hornsby Shire Council 2006 148 LGERA 124).

Major non-compliance with height limits for the property and inconsistencies with the LEP.

Comment: This is acknowledged by the applicant and a Clause 4.6 Variation has been lodged with the application which is discussed in detail in other parts of this report and the Section 4.5 Evaluation Report.

The new tower should be located outside of the Woolli Township.

Comment: The selection and suitability of the site are discussed in other sections of this report.

Other issues raised in the submission include the ground not being suitable to support a structure of this nature, lack of community consultation by NBN Co and/or the applicant, the new tower will create wind tunnelling, overshadowing and proximity, and impact on the wastewater system for the subject land.

It is identified that the groundwater may be high in this location and there is the presence of potential acid sulfate soils. The foundations for the proposal will need to be designed according to site specific conditions as identified by the applicant and contained in geotechnical investigations for the site. On this basis Council officers would have no reason to dispute the structural integrity of the foundations for the proposed development.

Council has no bearing over the community consultation NBN Co and other telecommunication providers undertake in upgrading their assets. The applicant has stated that letters were sent to nearby residents prior to lodging the application providing information of the proposal. Council has notified and advertised the proposal development in accordance with the DCP.

Due to the slim nature of the structure and low surface area it is not considered to create a wind tunnel effect as air is still able to move freely through the area and does not deflect air movement. Furthermore, it is not considered that the proposed development will result in any adverse overshadowing of any adjoining

properties, if overshadowing is experienced it would not be for an extended period of time due to the width of the tower.

The proposed tower, compound and asset protection zones are not located on the effluent disposal area for the subject site. Council technical officers and environmental health officers acknowledge that the wastewater system has historically had issues, however, more recently the property owner has invested in upgrading the system to overcome such issues with the system operating satisfactorily.

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 Regulation 2000

State Environmental Planning Policy 55 - Remediation of Land

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Coastal Management) 2018

Clarence Valley Local Environmental Plan 2011

Clarence Valley Council Development Control Plan for Development in Residential Zones

Consultation

Notification of the development application was given to the NSW Natural Resource Access Regulator and also to NSW Department of Primary Industry (Fisheries). Both State agencies raised no objection to the proposed development, with relevant conditions contained within Schedule 1. The proposal was not referred to other internal sections of Council

Legal and Risk Management

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

Prepared by	James Hamilton, Development Assessment Planner
Attachment	<ol style="list-style-type: none"> 1. Proposed Plans 2. Photomontages of Telecommunication Tower 3. Submission and Petition 4. Section 4.15 Evaluation Report

Schedule 1
Draft Advices and Conditions of Consent for DA2018/0677

Advices

1. Council was notified by correspondence dated 9 January 2019 from the NSW Government Natural Resources Access Regulator that General Terms of Approval have been granted for the telecommunication facility under the *Water Management Act 2000*, however this does not constitute a controlled activity permit or approval under the *Water Management Act 2000*.
2. This development is located immediately adjacent to the waters of the Solitary Islands Marine Park, sensitive fish habitat and marine vegetation. The site is therefore directly linked to extremely sensitive and high conservation value areas. Every effort must be made to implement best practice and avoid any impact to the estuarine and marine environment.
3. 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.
4. No construction is to be commenced until a Construction Certificate has been issued.
5. Prior to work commencing on a development the applicant must give notice to Council of their intention to commence work. Such notice shall be in the form of a Notice of Commencement form and must be submitted to Council at least two (2) business days before work commences.

Conditions

1. The development being completed in conformity with the Environmental Planning & Assessment Act, 1979, the Regulations thereunder, the Building Code of Australia (BCA) and being generally in accordance with plans numbered 2WGL-51-08-WOKZ-C2 - 2WGL-51-08-WOKZ-C4 (Revision 02) and plan numbered 2WGL-51-08-WOKZ-A1 (Revision 02), dated 16 April 2018, four (4) sheets, submitted/drawn by Aurecon Australasia Pty Ltd, as amended in red, or where modified by any conditions of this consent.

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

\$7,110.00

GL S94ACVCOthResAcco

This amount is based on the following calculation:

- a. Proposed cost of carrying out the development is more than \$200,000 = value of development x 0.01
- b. The value of development stated in the application was \$711,000.00

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

In the event of any subsequent amendment to the approved Development Plans, the calculated contribution amounts may vary, and if so will become the contribution payable. A true estimate of the value of development must be provided when application is made for the Construction Certificate.

3. The following approval has also been granted under Section 4.47 of the Environmental Planning & Assessment Act. The general terms of approval is given.
4. Compliance with the conditions and advice of the NSW Natural Resource Access Regulator, as contained in their letter dated 8 January 2019, consisting of five (5) pages], and as attached to this Notice of Determination. Their general terms of approval are below:
- Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the *Water Management Act 2000*,
 - Any proposed excavation on waterfront land must be undertaken in accordance with a plan submitted as part of a controlled activity approval, to be approved by Natural Resources Access Regulator,
 - A. The consent holder must ensure that any proposed materials or cleared vegetation, which may:
 - i. obstruct water flow, or
 - ii. wash into the water body, or
 - iii. cause damage to river banks,are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval.
 - B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land.
 - The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.
 - A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 2018/0677 provided by Council to Natural Resources Access Regulator.
B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.
 - A. The application for a controlled activity approval must include the following plan(s): -
 - a. Final construction plans and
 - b. Sediment and erosion control plans.B. The plan(s) must be prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <https://www.industry.nsw.gov.au/water/licensingtrade/approvals/controlledactivities>
 - All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person.
 - Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by Natural Resources Access Regulator.
 - The application for a controlled activity approval must include plans prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <https://www.industry.nsw.gov.au/water/licensingtrade/approvals/controlled-activities>
 - Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s).
 - The consent holder must inform Natural Resources Access Regulator in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.

5. A controlled activity permit is required from the NSW Natural Resource Access Regulator prior to issue of the Construction Certificate.
6. Sensitive areas of mangroves, seagrass and riparian vegetation are directly adjacent to this site although clearing of this vegetation is not proposed under this application. This vegetation is protected under the *Fisheries Management Act 1994*. Every effort to protect and avoid any impact to riparian and marine vegetation should be made during construction. Should any mangroves or seagrass be impacted by the proposal, the relevant approvals under the *Fisheries Management Act 1994* are to be obtained prior to doing so.
7. The facility shall be finished in a neutral, non-reflective colour to minimise its visual prominence.
8. In the event that the telecommunication facility becomes redundant and no longer in use, the applicant/owner or its agents shall remove the facility within six (6) months of the facility ceasing to operate.
9. Surface water shall be discharged from the development so as not to cause a nuisance, damage or deterioration of the property.
10. The clearing of trees and shrubs is to be restricted to the area to be built upon and bushfire asset protection zones as required in this consent. No further clearing of trees is to occur without the prior written consent of Council.
11. Should any Aboriginal relics or artefacts be uncovered during works on the site, all work is to cease and the Office of Environment and Heritage shall be contacted immediately and any directions or requirements of the Service complied with.
12. **Acid Sulphate Soils** - Any excavation resulting in disturbance of more than one tonne of soil below the natural ground surface, or work that is likely to lower the watertable shall comply with the Acid Sulphate Soil management plan prepared by Martens and Associates Pty Ltd dated 9 November 2018.
13. The development is not to be occupied or used until such time as an Occupation Certificate has been issued.
14. At the commencement of building works and in perpetuity, the property around the structures for a distance of 10 metres in all directions shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'
15. A suitable enclosure shall be provided on site, during construction, for depositing waste materials that could become wind blown. Waste materials shall be disposed of to an approved recycling service or waste depot. No burning of waste materials shall occur.
16. 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.
17. All erosion and sediment control measures are to be installed prior to the commencement of any work, including cutting and filling and are to be constructed and maintained to prevent sediment from leaving the site or entering downstream properties, drainage lines or watercourses.

18. **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.

19. 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.

20. **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.

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

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

22. **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.

23. 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.

24. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.

ITEM	14.004/19	SUB2018/0032 – BOUNDARY ADJUSTMENT – 183 ELLESMERE ROAD, HERNANI AND 3385 WATERFALL WAY, HERNANI
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Meeting	Environment, Planning & Community Committee	19 February 2019
Directorate	Environment, Planning & Community	
Reviewed by	Manager Environment, Development & Strategic Planning (David Morrison)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Malcolm Donnelly (New England Surveying & Engineering)
<i>Owner</i>	Peter & Helen Foster and Mark & Kerry Foster
<i>Address</i>	183 Ellesmere Road (being Lot 1 DP864535) and 3385 Waterfall Way, Hernani (being Lot 3 DP864535)
<i>Submissions</i>	Nil

Council is in receipt of Development Application SUB2018/0032 which proposes a boundary adjustment and requests a reclassification of a road access from Crown road reserve to Council.

Legal and physical access to proposed Lot 1 could be achieved if the Crown road reserve is transferred to Council for a distance of 20m from the maintained section of Ellesmere Road. For Council to accept the transfer of the section of Crown road as a Category 2 road under Council's Roads Policy, it is proposed that some upgrading is undertaken. Category 2 roads are unsealed roads in Council's ownership that are maintained as resources permit, no regular maintenance is scheduled for Category 2 roads.

This report discusses Council's suitable road access provisions and makes a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That Council:

1. Request the transfer of 20m of Crown road adjoining Lot 1 DP864535 (proposed Lot 1).
2. Upon transfer of the abovementioned Crown road and upgrading it to a satisfactory standard that the 20m section of road be included in Council's Roads Asset Register as a Category 2 unsealed road in accordance with Council's Roads Policy.
3. Approve a variation to the Rural Zones Development Control Plan to allow access to proposed Lot 1 via a Category 2 unsealed road in lieu of a maintained sealed or Category 1 unsealed road.
4. Approve Development Application SUB2018/0032 subject to the conditions and advices contained with Schedule 1.

Cr Novak left the EP&C Committee meeting at 5.47 pm and returned at 5.48 pm.

COMMITTEE RECOMMENDATION

Baker/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

COUNCIL RESOLUTION – 14.004/19**Williamson/Kingsley****That Council:**

- 1. Request the transfer of 20m of Crown road adjoining Lot 1 DP864535 (proposed Lot 1).**
- 2. Upon transfer of the abovementioned Crown road and upgrading it to a satisfactory standard that the 20m section of road be included in Council's Roads Asset Register as a Category 2 unsealed road in accordance with Council's Roads Policy.**
- 3. Approve a variation to the Rural Zones Development Control Plan to allow access to proposed Lot 1 via a Category 2 unsealed road in lieu of a maintained sealed or Category 1 unsealed road.**
- 4. Approve Development Application SUB2018/0032 subject to the conditions and advices contained with Schedule 1.**

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

Theme 5 Leadership

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

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

BACKGROUND

Development application SUB2018/0032 was lodged on 19 October 2018 to undertake a boundary adjustment on the subject land. Currently Lot 3 DP864535 is 211.5ha and Lot 1 DP864535 is 554.6ha. The proposal will result in proposed Lot 1 being 325ha (currently Lot 1) which will retain the existing residence and cottage on the property with access from Ellesmere Road. Proposed Lot 2 will be approximately 442ha (currently Lot 3) with access to be retained from Waterfall Way.

Initially Lot 5 DP1220129 was included as part of the proposal to be consolidated into proposed Lot 2. In Council records Lot 5 DP1220129 is shown as still being in the ownership of Crown Lands, confirmation from the applicant has confirmed this ownership status of this portion of land being still under the ownership of the Crown. The lot has been omitted from the proposal and the description of the proposed development be amended to boundary adjustment, affecting only Lot 1 and 3 DP864535.

The subject land is zoned RU1 Primary Production under the *Clarence Valley Local Environmental Plan 2011* (the LEP) and there is a minimum lot size for the subject land of 100ha. The proposed boundary adjustment is considered not to meet the requirements for exempt development under Clause 2.75 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as the change in area of 41% for proposed Lot 1 and 109% for proposed Lot 2 is not considered to be a minor change in area. Therefore, the proposed subdivision is permissible with consent in the zone. The proposal was not notified or advertised.

The dwelling to be retained on proposed Lot 1 was formally recognised by former Nymboida Shire Council on 24 October 1996 under Building Acknowledgment application number BA260/94 for the existing

dwelling and shed on the property. Furthermore, Council records do not indicate that any approval has been granted for the second dwelling on proposed Lot 1, shown as an existing cottage on the proposed plans. This dwelling is not recognised by this application and will be actioned accordingly by Council staff.

KEY ISSUES

Issue 1 - Access

Access is an issue for proposed Lot 1 as it does not have direct frontage or access to a Council maintained road. Currently access is via Ellesmere Road, where the maintained section of the road stops adjacent to the proposed lot resulting in proposed Lot 1 having access to the Ellesmere Road via a Crown road. Access to the property is shown in Figure 1.

The Crown road is utilised by the proponent and an adjoining land owner (Lot 2 DP864535) as access to each respective dwelling for approximately 600m. Options were put forward to the applicant as follows to address this issue, the following options need to be considered:

1. The Crown road could be purchased by the proponent and closed,
2. A small section of the Crown road be transferred to Council,
3. A boundary adjustment with an adjoining landowner to give frontage to the Council road, or
4. Create a right-of-way over an adjoining property that gives access to the maintained section of road.

Following Council's request, the applicant proposes that Council take over part or the entire road to formalise legal access to the property. Legal and physical access to the proposed development could be achieved if a portion of the Crown road is transferred to Council for a distance of approximately 20m from the end of the current maintained section of Ellesmere Road.

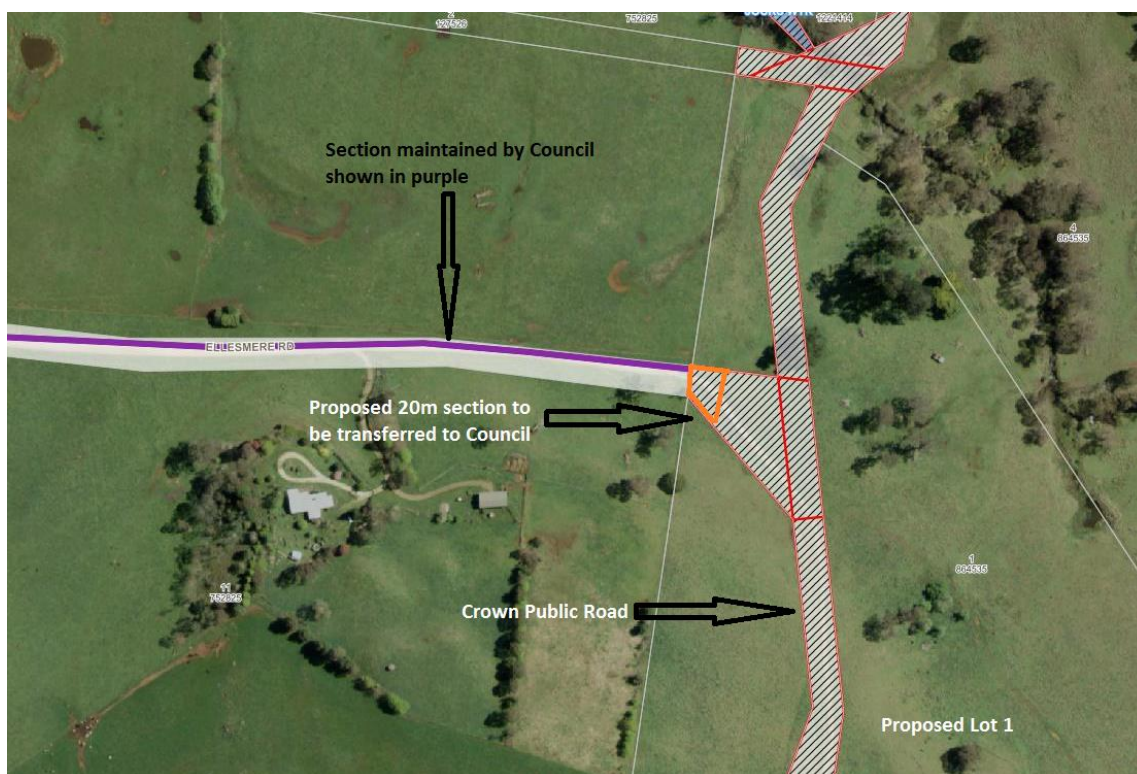


Figure 1 – shows current access arrangement to the property, hatched area shows Crown road with the orange highlighted area to be transferred to Council.

Clause 5.3 of the Roads Policy sets out the provisions in which Council may accept existing Crown roads or extensions of existing Council roads for inclusion as part of Council's constructed road network (as either Category 1 or Category 2 roads) as follows:

1. The subject road must be the sole means of access to at least one continuously occupied residence(s). If a residence is able to obtain access from another maintained road, the road may not be included. Council will also give consideration to the length of road to be maintained, the cost of maintaining the additional length of road and the number of residences on the road and distances between residences in determining whether the road should be accepted.

Comment

The proposed access road is the sole 'legal' access to the proposed Lot 1, all other options have been exhausted. The length of road to be transferred is approximately 20m from the end of the currently maintained section of Ellesmere Road. There are two existing continuously occupied residences that would be served by the road that has been approved by Council.

2. The maximum length accepted shall be the distance to the access point of the last residential property.

Comment

The length of road proposed to be dedicated as Category 2 road extends 20m from the end of the maintained section of Ellesmere Road.

3. Where Council accepts the transfer of a Crown road it shall approach the State Government to have the road reclassified as a public road over the nominated length. If the road is accepted for inclusion to the Roads Asset Register, all costs for reclassification are to be met by the applicant.

Comment

The road is classified as a Crown road reserve. If Council accepts the transfer of the road to Council, all expenses are to be met by the applicant. This will form part of the conditions of consent if approved.

4. The constructed road shall be wholly located within the designated road reserve.

Comment

The access road will be wholly located within the existing road reserve.

5. The road shall be constructed (at no cost to Council) to the required standard specified in the Northern Rivers Development and Design Manual – Version 2 and the Northern Rivers Construction Manual. An exception may be made for existing unmaintained public roads which may be accepted as Category 2 roads. No newly constructed roads will be accepted as Category 2 roads.

Comment

For Council to accept transfer of the section of Crown road as a Category 2 road under Council's Roads Policy, some nominal upgrading to ensure a nominal 100mm deep gravel pavement layer is to be provided over a 4m width.

6. There shall be no timber bridges located on the subject road.

Comment

There are no timber bridges located on the subject road.

Further additions to the Roads Asset Register will only be considered on a written request to Council. In determining an application Council will consider the above criteria, Council's financial position and the ability to maintain the additional road length.

Comment

At the time of writing of this report Council's Roads Policy was under review on public exhibition. If the proposed amendments to the Policy are adopted Council's Manager Civil Services will have delegation to accept the road as a Category 2 road as long as the road meets the minimum standards set out in the Policy.

The proposed development does not meet the provisions of Clause 5.3(5) in that no newly constructed roads should be accepted as Category 2 roads. Whilst the proposed access is technically inconsistent with Council's Roads Policy, maintaining the standard, in this instance, is considered unreasonable because it provides access to an existing approved dwelling.

It is recommended that Council accept the transfer of the Crown road reserve section as a Category 2 road provided the owner/applicant upgrade the road to a suitable standard as set out in the Draft conditions of consent contained in Schedule 1.

The road will also be required to be transferred from the Department of Industry (DPI) Crown Lands to Council (at the expense of the owner) and adopted into the Roads Asset Register, which (currently) requires a resolution of Council. The transfer of the road is supported by Council staff as it will legitimise the existing access to the dwelling.

Issue 2 - Variation to Council's Rural Zones DCP

Clause C8.3 of the Rural Zones DCP provides that for the purposes of clause 7.8(e) of the CVLEP 2011 "suitable road access" for the purposes of development is deemed to be satisfied when the lot being developed has frontage to a sealed public road or a Category 1 unsealed road listed in Council's adopted Roads Policy'.

Allowing the applicant to use a Category 2 road in lieu of a sealed or Category 1 unsealed vehicular access as access requires a variation to the DCP provisions.

Comment

Clause A9 of the DCP allows Council to grant consent to a development proposal that does not comply with the specific requirements of the DCP. It is recommended that, in this instance, Council support a variation to the DCP on the following grounds:

- Access to the lot will be over a portion of road that, once upgraded, will be a standard suitable for the level of use for residential purposes;
- The additional length of road is approximately 20m long;
- There will be minimal maintenance costs to Council as it is being classified as a Category 2 unsealed road and any maintenance will only be undertaken as resources permit;
- Council's Development Engineer supports the classification of the road as Category 2 unsealed road subject to an upgrade of a minimum 4m width constructed of 100mm compacted gravel.
- It is highly unlikely that there will be further dwellings accessing off this portion of the road.

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.

Any decision to extend the Council maintained length of a road will impact on Council's budget. The classification as a Category 2 road will have a lesser effect than classification as a Category 1 road, as maintenance will only occur as resources permit.

Asset Management

If the road is adopted as a Category 2 road the additional 20m of road length will be included in Council's Roads Asset Register and maintained as resources permit.

Policy or Regulation

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

State Environmental Planning Policy No. 55 - Remediation of Land

Clarence Valley Local Environmental Plan 2011

CVC Rural Zones Development Control Plan (DCP)

CVC Roads Policy

Consultation

Notification of the development application was given to the NSW Rural Fire Service for comment, no objection to the proposed development was raised with relevant conditions contained within Schedule 1.

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Development Engineer	No objections raised and conditions provided.

Legal and Risk Management

By including the section of Crown road as a Category 2 road, Council potentially reduces its risk of litigation because the road is then included onto the road maintenance schedule while acknowledging that, as a Category 2 road, it will only be maintained as resources permit.

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

Prepared by	James Hamilton, Development Assessment Planner
Attachment	1. Proposed Plan 2. Section 4.15 Evaluation

Schedule 1
Draft Advices and Conditions of Consent for SUB2018/0032

Advices

1. No construction is to be commenced until a Construction Certificate has been issued.
2. A Subdivision Certificate fee is charged for the endorsement of linen plans. Fees for the 2018/19 financial year are \$79.00 per lot (minimum \$158.00).
3. Category 2 unsealed roads are not listed on Council's regular maintenance schedule and will only be maintained as resources permit.

Conditions

1. The development being completed in conformity with the Environmental Planning & Assessment Act, 1979, the Regulations thereunder, the Building Code of Australia (BCA) and being generally in accordance with plan titled 'Proposed Boundary Adjustment' (Revision C), Reference 20180502, dated January 2019, one (1) sheet, submitted/drawn by New England Surveying and Engineering, as amended in red, or where modified by any conditions of this consent.
2. The following approval has also been granted under Section 4.47 of the Environmental Planning & Assessment Act. The general terms of each approval is given.
3. Compliance with the conditions and advice of the NSW Rural Fire Service, as contained in their letter dated 28 November 2018, consisting of four (4) pages, and as attached to this Notice of Determination.
4. A suitably qualified bushfire consultant is to certify that compliance with the conditions of the NSW Rural Fire Service identified in Condition 3 have been achieved prior to issue of the Subdivision Certificate.
5. It is necessary for proposed Lot 1 to have access to a Council maintained road. The current access from proposed Lot 1 to Ellesmere Road is over Crown public road. The NSW State Government have advised that they will not grant permission for the required roadworks to be undertaken on a Crown road until the road reserve has been transferred to Council. Approximately an additional 20m of Crown road reserve is to be transferred to Council and will become a Council public road (Category 2 road) to provide access to proposed Lot 1. It will be necessary for the applicant to fund the transfer of an additional 20m of Crown road to Council and to upgrade to a satisfactory standard, being a 4m wide gravel surface with a nominal thickness of 100mm of gravel. The applicant will be required to lodge a bond with Council for the cost of the roadworks to ensure that the road is upgraded within an acceptable timeframe after the transfer of the road to Council.
6. The road upgrade works are to be completed prior to issue of the Subdivision Certificate.
7. To facilitate the transfer of the Crown road to Council, Council must apply to the Department responsible for Crown roads. Prior to the application being made by Council for the transfer of the Crown road the applicant will be required to provide to Council:
 - a. A cheque for the application fee made out to the relevant Government department.
 - b. Council's administration fee in accordance with the fees and charges at the time of the application.
 - c. A plan showing the extent of the road to be transferred.
 - d. A bond to the value of 100% of the cost of the road works.

8. The payment to Council of the schedule fee for roadwork Civil Construction Certificate/inspections is required in accordance with the adopted fees and charges current at the time of making application for the Construction Certificate.
9. The applicant is responsible for ensuring that all necessary inspections are undertaken during the course of the work to enable the relevant certifications to be submitted to Council. Failure to activate the necessary inspections may jeopardise the issue of the Subdivision Certificate. The applicant should ensure that their consultants set up a program of hold points or events for inspection and that the inspections are undertaken.
10. The developer must construct the works in accordance with the approved Civil Construction Certificate issued by Council or accredited private certifier. This work must be done under the supervision of a suitably qualified and experienced engineer or land surveyor approved by Council. The Council will hold a bond in accordance with Council's fees and charges against the works until such time as Council is satisfied to take over the system.
11. Certification is to be provided by the supervising engineer to Council confirming that civil engineering works for the development have been constructed in accordance with the approved plans and NRDC.
12. Where occupation of the road reserve is proposed, a Traffic Control Plan must be prepared and submitted to Council showing how vehicle and pedestrian traffic will be safely managed within the road reserve. This plan must be prepared by a person authorised by the RMS to prepare Traffic Control Plans and must be approved by Council prior to the occupation of the road reserve.
13. Upon completion of the work a completed asset register works return must be submitted to Council. The return is to be in the format approved by Council.
14. Erosion and Sediment Control is to be implemented in accordance with the relevant parts of the applicable Council Development Control Plans and NRDC.
15. 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.
16. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
17. Certification is to be provided to the Principal Certifying Authority by a Registered Surveyor prior to the issue of the subdivision certificate, that all services and domestic drainage lines are wholly contained within the respective lots.

ITEM	14.005/19	DA2017/0596 – BED AND BREAKFAST, 73 MARTIN ROAD, NYMBOIDA, LOT 127 DP1186608
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Meeting	Environment, Planning & Community Committee	19 February 2019
Directorate	Environment, Planning & Community	
Reviewed by	Manager Environment, Development & Strategic Planning (David Morrison)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	James Travers-Murison
<i>Owner</i>	James Travers-Murison
<i>Address</i>	73 Martin Road, Nymboida
<i>Submissions</i>	Nil

Development Application DA2017/0596 seeks approval for a Bed and Breakfast and requests a reclassification of the road access from Crown road reserve to Council.

Legal and physical access to the proposed development could be achieved if the Crown road reserve is transferred to Council for a distance of approximately 3,190m from Martin Road. For Council to accept the transfer of the section of Crown road as a Category 2 road under Council's Roads Policy it is proposed that some upgrading is undertaken to ensure a nominal 100mm deep gravel pavement layer is provided over a 4m width, with passing bay as required by the NSW Rural Fire Service.

Category 2 roads are unsealed roads in Council's ownership that are maintained as resources permit. No regular maintenance frequency is proposed for Category 2 roads.

This report discusses Council's suitable road access provisions and makes a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That DA2018/0596 be approved subject to the imposition of conditions contained in Schedule 1.

COMMITTEE RECOMMENDATION

Williamson/Novak

That the matter be deferred until March 2019 Committee meeting as requested by the applicant.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

COUNCIL RESOLUTION – 14.005/19

Williamson/Kingsley

That the matter be deferred until March 2019 Committee meeting as requested by the applicant.

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

A Building Permit was issued under BA46/90 for a two storey four bedroom dwelling on 12 February 1991 on the property. No final inspection was undertaken for the dwelling and a Building Certificate was issued on 8 May 2015 (BLD2015/0047). Photos of the dwelling are provided below.



Photo 1: Front Elevation



Photo 2: Side Elevation

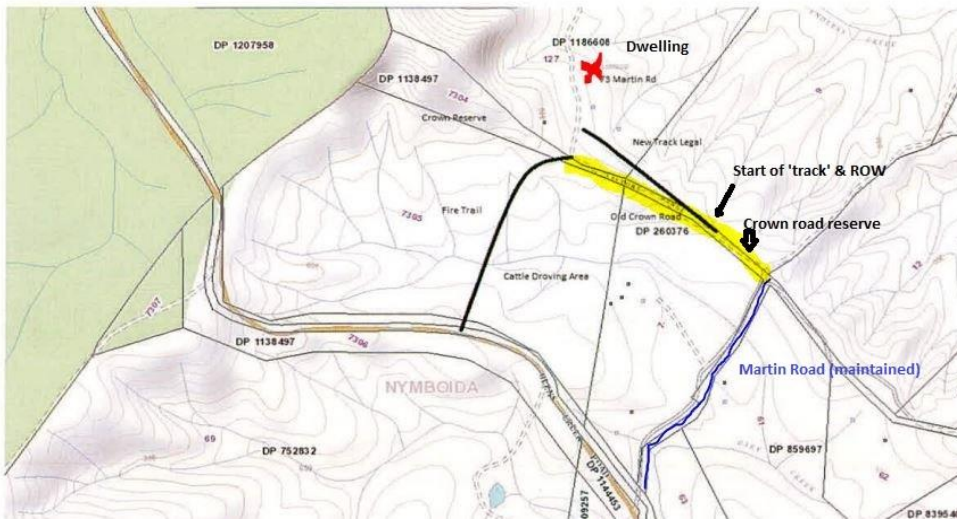
DA2017/0596 for use of the dwelling for Bed and Breakfast accommodation was lodged with Council on 20 September 2017. Issues were raised in regard to the access to the lot (see Map 1 below), NSW Rural Fire Service requirements and proposed number of guest rooms.

KEY ISSUES**Issue 1 - Access**

Access to the property is shown in the attached plan with notations.

3. Access Roads leading directly from Property

Main access road goes down crown road to Martin Road via easement on neighbours land. Second access road runs parallel to this using crown road. Third access road is a fire trail and fairly rough, going from ridge on property boundary near crown reserve heading south across cattle droving area to Glens Creek Rd direct and is marked as fire trail.



Map 1: Access roads

Following Council’s requests the applicant made an application to transfer the road to private ownership with NSW DPI Crown Lands. The transfer required the applicant’s neighbours to acquire the road with the provision of a right-of-way benefiting the applicant and one of the adjoining owners as the applicant does not have direct frontage to the Crown road reserve and Crown Land cannot transfer the road to the applicant for this reason. After a lengthy process neither neighbour was in agreement to the transfer as each wanted to be the owner and the application was refused.

An application for access was made to Crown Lands to use an alternative 430m gravelled track (essentially a fire trail). The track is constructed over the Crown road reserve which then terminates and the track extends into Lot 7304 DP1138497, which is a Crown reserve (but not road). Crown Lands Reserves section were not able to issue a licence over the Crown Reserve for access as requested by the applicant.

There is second track to the property that has been constructed generally parallel to the Crown road and on the northern side of the Crown road, through the neighbouring Lot 9 DP262439. There is a right-of-way benefiting the subject land (Lot 127 DP 1186608) over the track on adjoining Lot 9. Due to the terrain, the difference in level between the track on the Crown road and the “private” track is significant. The “private” track joins the Crown road about 190m from Martin Road.



Photos 3 & 4: Crown road reserve and start of access track.

Comment

The applicant now proposes that Council take over the road to formalise legal access to the property. Legal and physical access to the proposed development could be achieved if the Crown road is transferred to Council for a distance of approximately 190m from Martin Road and the connection made to the “private” track.

Clause 5.3 of the Roads Policy sets out the provisions in which Council may accept existing Crown roads or extensions of existing Council roads for inclusion as part of Council’s constructed road network (as either Category 1 or Category 2 roads) as follows:

1. The subject road must be the sole means of access to at least one continuously occupied residence(s). If a residence is able to obtain access from another maintained road, the road may not be included. Council will also give consideration to the length of road to be maintained, the cost of maintaining the additional length of road and the number of residences on the road and distances between residences in determining whether the road should be accepted.

Comment

The proposed access road is the sole ‘legal’ access to the subject land, all other options have been exhausted. The length of road is approximately 190 metres from the maintained section of Martin Road. There is an existing continuously occupied residence that would be served by the road that has been approved by Council.

2. The maximum length accepted shall be the distance to the access point of the last residential property.

Comment

The length of road proposed to be dedicated as Category 2 road extends approximately 190 metres to the access point of the ROW from the maintained section of Martin Road.

3. Where Council accepts the transfer of a Crown road it shall approach the State Government to have the road reclassified as a public road over the nominated length. If the road is accepted for inclusion to the Roads Asset Register, all costs for reclassification are to be met by the applicant.

Comment

The road is classified as a Crown road reserve. If Council accepts the transfer of the road to Council, all expenses are to be met by the applicant. This will form part of the conditions of consent if approved.

4. The constructed road shall be wholly located within the designated road reserve.

Comment

The access road will be wholly located within the existing road reserve.

5. The road shall be constructed (at no cost to Council) to the required standard specified in the Northern Rivers Development and Design Manual – Version 2 and the Northern Rivers Construction Manual. An exception may be made for existing unmaintained public roads which may be accepted as Category 2 roads. No newly constructed roads will be accepted as Category 2 roads.

Comment

For Council to accept transfer of the section of Crown road as a Category 2 road under Council’s Roads Policy, some nominal upgrading to ensure a nominal 100mm deep gravel pavement layer is

to be provided over a 4m width. Any passing bays required to meet the NSW Rural Fire Service's requirements will need to be provided.

6. There shall be no timber bridges located on the subject road.

Comment

There are no timber bridges located on the subject road.

Further additions to the Roads Asset Register will only be considered on a written request to Council. In determining an application Council will consider the above criteria, Council's financial position and the ability to maintain the additional road length.

Comment

At the time of writing of this report Council's Roads Policy was under review on public exhibition. If the proposed amendments to the Policy are adopted Council's Manager Civil Services will have delegation to accept the road as a Category 2 road as long as the road meets the minimum standards set out in the Policy.

The proposed development does not meet the provisions of Clause 5.3(5) in that no newly constructed roads should be accepted as Category 2 roads. Whilst the proposed access is technically inconsistent with Council's Roads Policy maintaining the standard, in this instance, is considered unreasonable because it provides access to an existing approved dwelling.

It is recommended that Council accept the transfer of the Crown road reserve section as a Category 2 road provided the owner/applicant upgrades the road to a suitable standard as set out in the draft conditions of consent contained in Schedule 1.

The road will also be required to be transferred from Department of Industry (DPI) Crown Lands to Council (at the expense of the owner) and adopted into the Roads Asset Register, which (currently) requires a resolution of Council.

The transfer of the road is supported by Council staff as it will legitimise the existing access to the dwelling.

Issue 2 - Variation to Council's Rural Zones DCP

Clause C8.3 of the Rural Zones DCP provides that for the purposes of clause 7.8(e) of the CVLEP 2011 "suitable road access" for the purposes of development is deemed to be satisfied when the lot being developed has frontage to a sealed public road or a Category 1 unsealed road listed in Council's adopted Roads Policy'.

Allowing the applicant to use a Category 2 road in lieu of a Category 1, sealed constructed vehicular access as access for the construction of a dwelling requires a variation to the DCP provisions.

Comment

Clause A9 of the DCP allows Council to grant consent to a development proposal that does not comply with the specific requirements of the DCP. It is recommended that, in this instance, Council support a variation to the DCP on the following grounds:

- Access to the lot will be over a portion of road that, once upgraded, will be a standard suitable for the level of use for the Bed and Breakfast accommodation;
- The road is approximately 190m long;

- There will be minimal maintenance costs to Council as it is being classified as a Category 2 Unsealed Road and any maintenance will only be undertaken as resources permit;
- Council's Engineering Section have inspected the road and support the classification of the road as Category 2 Unsealed Road subject to an upgrade of a minimum 4m width constructed of 100mm compacted gravel and associated drainage and passing bays as required by the NSW Rural Fire Service;
- It is highly unlikely that there will be further dwellings accessing off this portion of the road.

Issue 3 - NSW Rural Fire Service requirements

Issues were raised with the applicant in regard to the development meeting the NSW Rural Fire Service's requirements for access and asset protection zones.



Photos 5 & 6: part access track to the dwelling house.

Comment

Normally, such applications are referred to the NSW Rural Fire Service as an integrated development, however, there are exemptions under the NSW Rural Fire Service Regulation where development is for the purpose of Bed and Breakfast accommodation using an existing building, but only if the building is more than 30 metres from native vegetation. While it appears that the 30 metre buffer is achieved, this will need to be confirmed through a condition of consent.

The standard requirement of the Rural Fire Service for access for firefighting vehicles requires a 6m wide pavement or 4m wide with passing places at maximum 200m spacing. The section of Crown road can generally be provided at this width, and there is scope for passing spaces to be provided as required. The "private" track is constructed on the side of the steep slope, so widening is difficult and surface stability in some sections is of some concern. The length of the private track to be used for the access is approximately 280m, so for this to be an acceptable route it would be necessary to construct a passing bay within this length.

To ensure that the development meets the recommended bushfire standards the applicant will be required to submit a report from a suitably qualified consultant that the requirements of the Rural Fire Service have been met by the development prior to use of the dwelling for a Bed and Breakfast accommodation.

Issue 4 – Number of guest bedrooms per existing amenities

Clause 5.4(1) of the Clarence Valley Local Environmental Plan (the LEP) requires that Bed and Breakfast accommodation must consist of no more than 3 bedrooms. The applicant has applied to have 3 guest bedrooms for Bed and Breakfast accommodation in the dwelling. The applicant has been advised that with the current amenities only up to a maximum of 2 should be allowed.

Comment

Council's Development in Rural Zones DCP (Part L5) requires that adequate toilet and bathroom facilities must be provided for guests. A minimum of 1 bathroom must be provided for every 2 guest bedrooms or part thereof; as per the Building Code a bathroom is to have a bath or shower, toilet and washbasin.

The dwelling has 1 bathroom with a toilet and basin on the ground floor and a separate toilet and basin on the second level. Ideally, toilet and bathroom facilities for guests should be separate from those used by the permanent residents of the house, though this is not a requirement specified in the DCP, nor is it proposed under this application.

As such the amenities in the building are sufficient for only up to 2 guest rooms and as such the proposal will be conditioned to restrict the accommodation to no more than 2 guest rooms.

Summary

Whilst the proposed access is technically inconsistent with Council's Roads Policy and DCP, maintaining the standard is considered unreasonable, in this instance, because:

- The proposal will formalise legal access to the property.
- A dwelling has been approved on the site under the existing access arrangements.
- No additional accesses will be gained from an extension of the road network.
- Council has supported similar variations to the Roads Policy and DCP in the past.
- The proposal will be required to meet the NSW Rural Fire Service requirements.
- Restricting the number of guest bedrooms to a maximum of 2 is reasonable given the limited bathrooms and facilities available.

Council may wish to refuse the application because the development does not meet the provisions of suitable road access in Council's Roads Policy or Clause C8.3 of the Rural Zones DCP, or for other good reasons, however this is not recommended for the reasons provided above.

COUNCIL IMPLICATIONS

Budget/Financial

There will be minimal cost to Council as the road has been classified as Category 2 unsealed road and maintenance will only occur as resources permit.

Asset Management

If the road is adopted as a Category 2 Road the additional 190m of road length will be included in Council's Roads Asset Register and maintained as resources permit.

Policy or Regulation

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

State Environmental Planning Policy No. 55 - Remediation of Land

State Environmental Planning Policy (Coastal Management) 2018

Clarence Valley Local Environmental Plan 2011

CVC Residential Zones Development Control Plan (DCP)

CVC Roads Policy

Consultation

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

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Development Engineer	Supported with conditions contained in Schedule 1
Building Surveyor	Supported with conditions contained in Schedule 1

Legal and Risk Management

By including the section of Crown road as a Category 2 road, Council potentially reduces its risk of litigation because the road is then included onto the road maintenance schedule while acknowledging that, as a Category 2 road, it will only be maintained as resources permit.

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

Prepared by	Pat Ridgway, Senior Development Planner
Attachment	1. Section 4.15 Assessment 2. Applicant's submission

Schedule 1
Draft Advices and Conditions

Advices

Council in determining the subject application requests you to take note of the following advice and where pertinent to convey the advice to future owners or tenants:

1. This development has been assessed under Section 4.14 of the *Environmental Planning and Assessment Act 1979* on the basis that the development is excluded from the requirements for a bush fire safety authority under Clause 45 of the Rural Fires Regulation 2013.

Development is excluded from the operation of Section 100B of the *Rural Fires Act 1979* where development is for the purpose of Bed and Breakfast accommodation using an existing building, but only if the building is more than 30 metres from native vegetation.

2. This proposal does not authorise the clearing of native vegetation. Separate approvals for any clearing of native vegetation is to be obtained from the relevant authority where required.
3. For any part of the development that comes under the jurisdiction of another Government department, approval by the relevant concurrence authority or approval body is required. Any such approval must be obtained and provided to Council prior to final inspection.
4. The 4 bedroom dwelling was approved under BA46/90 on 24 May 1990 and a Building Certificate was issued under BLD2015/0047 on 8 May 2015. Access to the dwelling on Lot 127 DP1186608 is from Martin Road, then over approximately 190m of Crown public road and then via a Right-of-Way over adjoining Lot 9 DP262439.

Building Advice

5. All building and construction work, which includes subdivision and civil works, which cost \$25,000 or more require the payment of the long service levy prior to a Construction Certificate being issued. The levy is required under the Building and Construction Industry Long Service Payments Act, 1986. Value of works must be included on Construction Certificate Application form.
6. A safety balustrade shall be provided in accordance with Clause 3.9.2 of the Building Code of Australia (BCA) to all landings, balconies and stairways with a height of 1 metre above ground level. The balustrade is to be constructed in such a manner that a 125mm sphere is not able to pass through it at any point. Wire balustrade systems shall comply with the requirements of Clause 3.9.2.3(f) of the BCA. The height must not be less than:
 - a. 1m above the floor of any path, balcony, landing or the like; or
 - b. 865mm above the nosing of stair treads or the floor of a ramp.
7. A smoke alarm system designed to ensure the occupants are given adequate warning so they can evacuate the building in an emergency, and complying with Part 3.7.2 of the Building Code of Australia, shall be installed. Smoke alarms must be interconnected where there is more than one alarm. A licensed electrical contractor's installation certificate is to be submitted to Council prior to final inspection and commencement of operation.
8. Portable fire extinguishers must be provided and must be selected, located and distributed in accordance with AS 2444.
9. No more than 2 bedrooms are to be used for the Bed and Breakfast accommodation.

Engineering Advice

10. The NSW State Government will not grant permission for roadworks to be undertaken on a Crown road until the road reserve has been transferred to Council. If Council supports the transfer of the road, the applicant will be required to lodge a bond with Council for the cost of the roadworks to ensure that the road is upgraded within an acceptable timeframe after the transfer of the road to Council.
11. To facilitate the transfer of the Crown road to Council, Council must apply to the Department responsible for Crown roads. Prior to the application being made by Council for the transfer of the Crown road the applicant will be required to provide to Council:
 - a A cheque for the application fee made out to the relevant Government department.
 - b Council's administration fee in accordance with the fees and charges at the time of the application.
 - c A plan showing the extent of the road to be transferred.
 - d A bond to the value of 130% of the cost of the road works.
12. Civil Construction Certificate (**CivilCC**) approvals, issued by Council and/or accredited private certifier are required for this development.
 - A private certifier accredited for Civil Construction under the NSW Building Professionals Act 2005 (Categories B and/or C), may be engaged for all or part of civil works (subdivision and/or on private property) other than public infrastructure water and sewer reticulation works.
 - Works within public road reserves require the approval of the Road Authority as defined in the NSW Roads Act.
 - A **CivilCC** application to Council for public and/or private property works requires payment in accordance with the Council's adopted 'Fees and Charges'. The application form may be downloaded from Council's website.
13. A 'Notice of Commencement' form must be submitted to Council at least 2 business days before civil engineering work commences. The form may be downloaded from Council's website.

Environmental Health Advice

14. The Bed & Breakfast needs to be registered with Council's annual inspection roster for food premises which is subject to an annual fee detailed in the Council's Fees and Charges. The food business must be notified to Council in advance of trade. Food Premise Registration Forms are available on Council's website or by request to a Council EHO.

An inspection of the premise is required by an Environmental Health Officer in advance of trade. Contact Council to arrange a time for inspection.

The food premise must have a NSW Food Authority Food Safety Supervisor employed in advance of trade. The list of registered training organisations that provide the certificate is available on the NSW Food Authority web page -<<http://www.foodauthority.nsw.gov.au/rp/fss-food-safety-supervisors/approved-training-providers>>

15. Council at its meeting of February 2019 resolved to transfer approximately 190m of the Crown Road Reserve as Category 2 road under the Council's Roads Policy.

Conditions of Consent

1. The development being completed in conformity with the Environmental Planning & Assessment Act, 1979, the Regulations thereunder, the Building Code of Australia (BCA) and being generally in accordance with plans for the dwelling approved under BA46/90, (2) sheets, as amended in red, or where modified by any conditions of this consent.
2. A minimum of 1 bathroom (with a bath or shower, toilet and washbasin) is to be provided for every 2 guest bedrooms. The dwelling has 1 bathroom with a toilet and washbasin on the ground level and a toilet with a washbasin on the second level. The Bed and Breakfast accommodation is to be restricted to a maximum of 2 guest bedrooms under the current bathroom arrangements.
3. The Bed and Breakfast accommodation is to be for short term guests only. No long term or permanent accommodation is to be provided.

The Bed and Breakfast accommodation is to be operated by the permanent residents of the dwelling.
4. No more than 10 residents (including permanent residents) of the Bed and Breakfast accommodation are to be accommodated at any one time.
5. A separate Development Application will be required for any advertisements that are not defined as "exempt development".
6. 1 car space is to be provided per guest room in addition to the 1 space required for the dwelling. Adequate provision of the car parking spaces is to be provided prior to final inspection.

Building Conditions

7. Mandatory Inspections: The head contractor or owner-builder must give Council as the certifying authority at least 24 hours notice to enable the following inspections to be performed at the appropriate time:
 - a. After works have been completed and prior to commencement of operation.
If the inspection is not performed an Occupation Certificate cannot be issued for the building. Inspection bookings can be made online at www.clarence.nsw.gov.au until midnight on the day before the inspection or by calling Council on 02 6643 0200 during office hours. The Development Application number must be provided when booking an inspection.
8. A total of 45,000L of water storage capacity shall be provided to the dwelling for domestic purposes. It is recommended that a first flush device is fitted before the water tank. Where a catchment roof has lead flashings, tank water cannot be used for drinking water.
9. A report is to be prepared by a suitably qualified bushfire consultant to address the requirements of Planning for Bushfire Protection 2006. A copy of the report is to be submitted to Council and the recommendations of the report are to be implemented prior to request for final inspection.

Engineering Conditions

10. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.

11. The road between the property and Martin Road is on a Crown road reserve currently under the control of the NSW State Government. The transfer of the Crown road to Council must be completed prior to issue of the **CivilCC**.
12. For any section of the access to the development that passes through lots other than those being developed, a right-of-way for access must be created, to ensure legal access is provided to the development.
13. A detailed plan of the proposed driveway including longitudinal sections, typical cross sections, road levels, earthwork batters, retaining walls, drainage culverts, property boundaries and other site specific considerations must be submitted for approval with the **CivilCC** to demonstrate that access to the development is provided in accordance with **NRDC**.
14. Grades and travel paths for persons with disabilities are to be provided from designated car parking bays to the main entrance of the building in accordance with AS2890, AS1428.1 and the Building Code of Australia.
15. Upon transfer of the Crown road to Council, it will be necessary for the applicant to construct a gravel surfaced road to provide access. It will be necessary for the developer to upgrade the road to a standard that is satisfactory for access by firefighting vehicles, providing either a 6m wide pavement with nominal 100mm gravel thickness, or 4m wide pavement with passing places at no greater than 200m spacing, with nominal 100mm gravel thickness.
16. The use of the dwelling for Bed and Breakfast accommodation is not to occur until such time as the road has been transferred to Council, the road is upgraded in accordance with the conditions of this consent and a satisfactory final inspection for the Bed and Breakfast accommodation has been completed.

Environmental Health Conditions

17. Prior to final inspection the applicant shall prepare and submit to NSW Health a Water Quality Assurance Program (QAP) for the proposed development. The QAP shall satisfy the requirements of the *Public Health Act 2010* and *Regulation 2012* and demonstrate that drinking water supplied to the development will consistently meet the *Australian Drinking Water Guidelines*.

Note: Guidance for private water suppliers in the preparation of a QAP is available on the NSW Health website - www.health.nsw.gov.au
18. All food preparation and food storage areas shall comply with the requirements of Standard 3.2.3 of Chapter 3 of the Food Standards Code.
19. Walls shall be of solid construction, sealed, of an impervious material, and able to be easily and effectively cleaned.
20. External windows and doors to the food preparation and food storage areas shall be made insect/vermin proof.

ITEM	14.006/19	MODIFICATION OF DEVELOPMENT CONSENT DA1994/0032 BY MOD2018/0060 – TO EXTEND OPERATIONAL TIME TO AN UNLIMITED TERM – NO. 2965 ORARA WAY, KREMOS
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Meeting	Environment, Planning & Community Committee	19 February 2019
Directorate	Environment, Planning & Community	
Reviewed by	Manager Environment, Development & Strategic Planning (David Morrison)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	MOD2018/0060 – John Andrew Green C/- Green Bros Investments P/L
<i>Owner</i>	Louis Andrew Green
<i>Address</i>	2965 Orara Way, Kremnos
<i>Submissions</i>	Nil

Council has received an application under Section 4.55 of the *Environmental Planning and Assessment Act, 1979* to modify DA1994/0032 to extend the life of the extractive industry (sand and gravel quarry) to an unlimited term. The approval is currently conditioned to impose a limited lifespan of the quarry for a period of 23 years from date of the approval with the approval set to lapse on 19 March 2020.

The applicant has requested that the quarry be granted an unlimited operation time which would allow the quarry to operate until such time as the designated extraction areas are exhausted of material.

The modification to extend the operational time limit does not alter or change the annual extraction limit of 12,200m³ of material and there is no proposed change to any of the other conditions of consent.

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

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

OFFICER RECOMMENDATION

That MOD2018/0060 be approved subject to the amended conditions contained in Schedule 1.

COMMITTEE RECOMMENDATION

Williamson/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Novak, Simmons, Williamson

Against: Clancy

COUNCIL RESOLUTION – 14.006/19**Williamson/Kingsley****That MOD2018/0060 be approved subject to the amended conditions contained in Schedule 1.****Voting recorded as follows:****For: Simmons, Kingsley, Baker, Ellem, Clancy, Novak, Williamson, Lysaught, Toms****Against: Nil****LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

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

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

BACKGROUND

Development Application DA1994/0032 was granted consent by the former Ulmarra Shire Council on 19 March 1997 for the extraction of gravel and sand over a 23 year time frame with a proposed annual extraction rate of 12,200m³ (sand and gravel combined). A copy of the consent is provided in Attachment 1. Three separate areas were identified for work within the subject land and this is shown on the plan by Bennell and Associates in Attachment 2. This consent is set to lapse on 19 March 2020. The applicant has requested that the approval be extended to allow the quarry to operate for an unlimited period until such time as the designated areas of extraction are exhausted of material.

The original development was determined as designated development and an Environmental Impact Statement (EIS) was prepared as part of that application. Appropriate conditions related to the operational and environmental aspects of the development were imposed on the approval at the time in response to recommendations contained in the EIS and submissions received from Government agencies.

For information purposes it should be noted that the Environment Protection Authority (EPA) has approved a Property Vegetation Plan (PVP) for private native forestry (PNF) number PNF-PVP-05823 under the *Native Vegetation Act 2003* over the subject land (Lots 31, 39 and 45 DP752829). The approval commenced on 26 April 2017 and will cease on 25 April 2032.

KEY ISSUES

1. Unlimited operational time on consent

The applicant has requested that the 23 year time limit imposed by Condition 17 of DA1994/0032 be amended to an unlimited term as there has been little to no works on this site to date. The quarry would cease to operate when the approved areas are exhausted.

There are 3 designated areas for quarry operations to be undertaken on the site and this is enforced via Condition 7 of the approval.

It should be noted that quarry operations are cyclical depending on demand for material at the time and as such, there has been little extraction on the site to date. The site offers further opportunity to extract material and it is considered that the continued operation will allow material to be extracted in accordance with the existing conditions of consent.

The site has been considered and approved for the purposes of a quarry and it is considered that the amendment be supported to enable the quarry to operate to its full potential. If Council wishes to refuse the application then a new application would be required to be submitted.

The subject land is zoned RU2 Rural Landscape under the *Clarence Valley Local Environmental Plan 2011*. Extractive industries are permitted with consent within the RU2 zone under the provisions of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*, Clause 7(3). The quarry is considered to be a suitable use of the land and through the imposition of the existing conditions will achieve the following aims of the SEPP:

- (a) *to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and*
- (b) *to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and*
- (b1) *to promote the development of significant mineral resources, and*
- (c) *to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources, and*
- (d) *to establish a gateway assessment process for certain mining and petroleum (oil and gas) development:*
 - (i) *to recognise the importance of agricultural resources, and*
 - (ii) *to ensure protection of strategic agricultural land and water resources, and*
 - (iii) *to ensure a balanced use of land by potentially competing industries, and*
 - (iv) *to provide for the sustainable growth of mining, petroleum and agricultural industries.*

2. Potential Impacts from operation of quarry with unlimited term

The potential impacts of the extractive industry were considered as part of the Environmental Impact Statement provided with the original application. It is considered that the development consent contains appropriate conditions regarding clearing, an annual review of site rehabilitation, retention of hollow bearing trees, protection of Black Swamp Creek and road upgrade requirements. A copy of the approval is contained in Attachment 1.

In summary, it is recommended that Council approve the Section 4.55 amendment to permit the operation of the extractive industry to an unlimited term subject to amendment to Condition 17 which would allow the extractive industry to continue until such time as the extractive material has been exhausted from the 3 sites.

COUNCIL IMPLICATIONS

Budget/Financial

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

Asset Management

N/A

Policy or Regulation

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulations 2000
- Clarence Valley Local Environmental Plan 2011
- Rural Zones Development Control Plan 2011
- State Environmental Planning Policy (Rural Lands) 2008

Consultation

No 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 determination of the DA, they may appeal to the Land & Environment Court.

Prepared by	Carmen Landers, Development Planner
Attachment	<ol style="list-style-type: none">1. Copy of DA1994/00322. Plan3. Section 4.55 Assessment Report for MOD2018/0060 (DA1994/0032)

Schedule 1 Draft Amended Conditions of Consent for DA1994/0032 (MOD2018/0060)

17. This consent is valid *until such time as the extractive material has been exhausted from the three (3) sites shown on the approved plans.* ~~for a period not exceeding 23 years from the date of the issue of this consent unless otherwise extended by Council. At the end of this period the development shall cease and all equipment and buildings shall be removed from the land the site rehabilitated to the satisfaction of Council. Applications for an extension to a limited consent must be made in writing and received by Council prior to expiration of the period referred to above as a new development application will be required.~~

ITEM	14.007/19	WEST YAMBA URBAN RELEASE AREA SEWER AND WATER SERVICING STRATEGY
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Meeting	Environment, Planning & Community Committee	19 February 2019
Directorate	Works & Civil	
Reviewed by	Director - Environment, Planning & Community (Des Schroder)	
Attachment	Yes	

SUMMARY

At its meeting of 21 July 2015 Council adopted (Resolution 13.094/15) an amendment to the Residential Zones Development Control Plan (DCP) which incorporated the West Yamba Release Area (WYURA). The DCP noted that a servicing strategy is required before urban development can be connected to the Yamba Sewage Treatment Plant (STP), and that if subdivision development occurs before hydraulic modelling by Council is completed the intending developer would be required to investigate water supply requirements.

On 24 July 2015 the Joint Regional Planning Panel approved SUB2014/0016 for a 161 lot subdivision in the WYURA, with consent condition 16 requiring the applicant to prepare a sewerage servicing strategy which must be approved by Council. As Council had not undertaken hydraulic modelling of the WYURA, in accordance with the DCP the developer was also required to investigate water supply requirements. The applicant has prepared a sewer and water servicing strategy which, although endorsed in general terms by other WYURA landowners, has not addressed a specific concern raised by some landowners about capacity to service future lot yields. It is therefore recommended that the water supply and sewer servicing strategy be approved in principle by Council, and the General Manager be authorised to approve the final servicing strategy when the concerns of other WYURA landholders regarding lot yields have been adequately addressed.

OFFICER RECOMMENDATION

That Council:

1. Note that, while West Yamba Urban release area landowners generally support the proposed water supply and sewer servicing strategy, concerns were raised that sewer trunk mains did not provide sufficient capacity for possible lot yields.
2. Provide "in principle" approval of the draft West Yamba Urban Release Area Water Supply and Sewer Servicing Strategy, subject to finalisation of the trunk sewerage infrastructure.
3. Delegate to the General Manager the authority to approve the West Yamba Urban Release Area Water Supply and Sewer Servicing Strategy subject to reasonable concurrence from other landowners that their concerns regarding the sewerage infrastructure providing capacity for possible lot yields have been addressed.

Having declared an interest in this item Cr Ellem left the EP&C Committee meeting at 5.53 pm and returned at 5.54 pm.

COMMITTEE RECOMMENDATION

Novak/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

Having declared an interest in this item Cr Ellem left the Council meeting at 4.49 pm and returned at 4.50 pm.

COUNCIL RESOLUTION – 14.007/19

Toms/Lysaught

That Council:

- 1. Note that, while West Yamba Urban release area landowners generally support the proposed water supply and sewer servicing strategy, concerns were raised that sewer trunk mains did not provide sufficient capacity for possible lot yields.**
- 2. Provide “in principle” approval of the draft West Yamba Urban Release Area Water Supply and Sewer Servicing Strategy, subject to finalisation of the trunk sewerage infrastructure.**
- 3. Delegate to the General Manager the authority to approve the West Yamba Urban Release Area Water Supply and Sewer Servicing Strategy subject to reasonable concurrence from other landowners that their concerns regarding the sewerage infrastructure providing capacity for possible lot yields have been addressed.**

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 2.1.1 Maintain and renew water and sewer networks

BACKGROUND

Yamba Residential Subdivision Pty Ltd engaged consultants Hunter H2O to develop a sewer and water servicing strategy meeting the requirements of SUB2014/0016 and the Residential Zones DCP. When the final draft strategy was provided to Council on 28 November 2018 the covering advice indicated that “We also have the agreement of all landowners in the West Dapto (sic) area to the report”. Council staff have commented on the servicing strategy at various stages of its development, and the final draft of the servicing strategy was provided to other WYURA property owners to confirm their agreement. Responses from other WYURA are included in the attachments.

KEY ISSUES

While the other WYURA landowners generally support the principles in the draft strategy, concerns have been raised by several landowners that the lot yields adopted in the draft strategy are too low and therefore the sewerage infrastructure proposed in the strategy may not provide capacity for their proposed developments. Hunter H2O advised that this issue was raised by other landowners prior to submission of the final draft strategy to Council and the draft strategy proceeded with a note that lot yields are not final and future stages should be revisited once future lot yields are finalised, or to update the strategy accordingly with further analysis. As this does not provide certainty regarding the size of trunk sewer infrastructure (i.e. increased lot yields may require larger trunk sewer infrastructure), the current draft strategy does not give sufficient certainty for servicing the WYURA. It is therefore considered that, before

the strategy can be adopted, additional analysis is required to determine the size of trunk sewerage infrastructure required to service potentially higher lot yields.

Condition 16 in SUB2014/0016 requires that the servicing strategy be approved by Council prior to the development being permitted to connect to the Yamba STP, and the developer requested the draft strategy be considered by Council prior to finalising the sizing of the trunk sewerage infrastructure so the first stage of their development can proceed. As the draft servicing strategy is otherwise generally supported by WYURA landowners, it is recommended to avoid unnecessary delay the draft strategy be approved “in principle” and that the General Manager be authorised to approve the final strategy when the concern regarding capacity to service possible lot yields has been reasonably addressed.

It is considered that “in principle” approval of the draft strategy meets the provisions of Condition 16 for Stage 1 (57 lots) of the development as this stage will not utilise the trunk sewerage infrastructure, and Stage 1 could therefore proceed subject to the issue of a Civil Construction Certificate. As future stages of SUB2004/0016 will utilise the trunk sewer infrastructure, these stages would be unable to proceed until the final strategy is adopted.

The DCP requires that WYURA developers provide the sewer and water infrastructure identified in the strategy; how this infrastructure is provided (and the apportionment of costs) is up to the developers.

COUNCIL IMPLICATIONS

Budget/Financial

The “background” section in Section 11 of Schedule X1 of the Residential Zones DCP indicates “all transfer works to the STP are at the cost of developers”. Advice 13 in SUB2014/0016 indicates that when a strategy is adopted, developer contributions from the developer preparing the strategy will be reduced on a pro-rata basis to cover the cost of the strategy.

Asset Management

The sewer and water infrastructure provided under the strategy will become Council assets.

Policy or Regulation

Residential Zones DCP

Consultation

The final draft strategy was provided for comment to Rob Donges Planning Consultant (representing Kahuna No. 1), Jim O’Donohue (representing Ron Jeffrey), Andrew Fletcher (representing Dougherty Bros. and the estate of Bate Leslie Pty Ltd), Mavid Properties (as applicant/developer of Lot 1 DP568545) and Simone and John Tory (owners of Lot 3 DP733507). Their responses are included in the attachments.

Legal and Risk Management

N/A

Prepared by	Greg Mashiah, Manager Water Cycle
Attachment	<ol style="list-style-type: none"> 1. West Yamba Urban Release Area Water Supply and Sewerage Strategy prepared by Hunter H2O 2. Submissions from other Landowners regarding the draft strategy

ITEM	14.008/19	VEGETATION ASSESSMENTS FOR NEW DWELLINGS ON LOTS WITH EXISTING DWELLING ENTITLEMENTS
Meeting	Environment, Planning & Community Committee	19 February 2019
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment, Planning & Community (Des Schroder)	
Attachment	Yes	

SUMMARY

This report addresses Council's resolution of 21 August 2018 to remove the development control plan requirements for a vegetation assessment for proposed new dwellings on rural and rural residential lots with an existing dwelling entitlement.

OFFICER RECOMMENDATION

That Council:

1. Endorse the attached draft amendment to the Rural Zones and Residential Zones Development Control Plans for exhibition purposes, to remove the requirement for a baseline ecological assessment to be submitted by applicants in circumstances where a dwelling is proposed on an existing lot with a dwelling eligibility.
2. As a consequence of the removal of the requirement for a baseline ecological assessment in the circumstances under Recommendation 1, not require any monetary biodiversity offset contribution and accept that in these circumstances, the Development Control Plan's objective to "*protect, maintain and improve biodiversity in the Clarence Valley*" may not be met.
3. In determining development applications under Section 4.15 of the Environmental Planning and Assessment Act, authorise the General Manager to engage ecological expertise as required to meet the requirements of Section 7.3 of the Biodiversity Conservation Act 2016.

COMMITTEE RECOMMENDATION

Baker/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Novak, Simmons, Williamson

Against: Clancy

MOTION

Clancy/Novak

That Council not endorse the attached draft amendment to the Rural Zones and Residential Zones Development Control Plan for exhibition purposes and does not remove the requirement for a baseline ecological assessment to be submitted by applicants in circumstances where a dwelling is proposed on an existing lot with a dwelling eligibility as to do this would place extra cost burden on the ratepayers.

Voting recorded as follows:

For: Clancy, Novak, Toms, Ellem

Against: Lysaught, Williamson, Kingsley, Baker, Simmons

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

COUNCIL RESOLUTION – 14.008/19

Lysaught/Baker

That Council:

- 1. Endorse the attached draft amendment to the Rural Zones and Residential Zones Development Control Plans for exhibition purposes, to remove the requirement for a baseline ecological assessment to be submitted by applicants in circumstances where a dwelling is proposed on an existing lot with a dwelling eligibility.**
- 2. As a consequence of the removal of the requirement for a baseline ecological assessment in the circumstances under Recommendation 1, not require any monetary biodiversity offset contribution and accept that in these circumstances, the Development Control Plan's objective to "*protect, maintain and improve biodiversity in the Clarence Valley*" may not be met.**
- 3. In determining development applications under Section 4.15 of the Environmental Planning and Assessment Act, authorise the General Manager to engage ecological expertise as required to meet the requirements of Section 7.3 of the Biodiversity Conservation Act 2016.**

Voting recorded as follows:

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

Against: Clancy, Ellem, Novak

LINKAGE TO OUR COMMUNITY PLAN

Theme 4 Environment

Objective 4.1 We will preserve and enhance our natural environment

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

BACKGROUND

Council, on 21 August 2018 resolved:

COUNCIL RESOLUTION – 17.008/18

That Council:

- 1. For the purpose of public exhibition propose amendments to Clarence Valley Council Residential Zones Development Control Plan 2011 Part E. Vegetation Controls; to remove 'E4.2 & Note E4.3' and any other planning provisions that differentiate 'the former Maclean Shire Council area' from other areas, or that result in provisions more onerous or restrictive upon 'the former Maclean Shire Council area' than on other areas within CVC area and,*
- 2. For the purpose of public exhibition propose amendments to all Council Policy and Planning Documents necessary to enable consideration of Development Applications for the construction of dwellings, associated structures and bushfire protection purposes, on Lots in residential zones and Lots with a dwelling eligibility, to not be restricted by:*
 - i. any vegetation removal necessary to construct a 'dwelling, associated structures and bushfire protection footprint' to a footprint plan submitted with a Development Application for a dwelling (and associated) where approval of such DA will result in vegetation removal*

- or by,*
- ii. *any requirement to provide ecological or similar reports associated with the removal of the vegetation necessary for the clearing in accordance with the footprint plan.*
3. *Receive a report or reports on implementation of points 1 and 2 where that report is to include any other DCP anomalies or recommendations for amendment with those reports to be received, if possible, by the October 2018 meeting.*

This report addresses Item 2 of that resolution. Item 1 is being implemented through an amendment to the relevant DCPs currently being advertised.

Council adopted the Clarence Valley Biodiversity Management Strategy in 2010. That Strategy recommended the preparation of planning controls (local environmental plan and development control plan) to assist implementation of the Strategy's objectives and actions. An LEP amendment was subsequently prepared but not approved by the State Government due to the lack (and impracticality) of detailed vegetation mapping to support the LEP.

A development control plan (DCP) was prepared and adopted by Council on 19 July 2016, taking effect from late August 2016.

KEY ISSUES

The DCP requires the submission of a "Baseline Ecological Assessment" (BEA) to accompany a development application if the development footprint is likely to affect native vegetation. That BEA provides information on the significance of that impact and provides the basis for the DCP's requirements to ameliorate impacts on native vegetation through offsets, either through physical provision of offset plantings or where not possible, via a monetary contribution in lieu. As identified in the DCP, a BEA is not required where land has been cleared prior to the lodgement of the development application, which is very often the case. The DCP applies to all new development applications lodged since its adoption, whether for subdivision or for dwelling purposes.

The issue identified in Council's resolution arises from the application of the DCP requirements to a development application on an existing lot approved and created through subdivision prior to the adoption of the DCP. Where such lots contain native vegetation, some associated clearing is required to meet bushfire requirements for asset protection zones and this calls up the DCP's requirements for a BEA.

This has created some concern that more recent dwelling applications are being subjected to vegetation assessment requirements that other lots in the locality or same subdivision have not been subjected to, whether they have been lodged before or after the DCP's adoption. In most cases since the DCP's adoption, a BEA has not been required as the site at the time of the dwelling application has already been cleared. In some cases however, the allotment has still retained significant native vegetation and hence a BEA as required by the DCP has been requested. Council's staff have been consistent in applying the adopted DCP in this regard.

It is open to Council to amend its DCP to "turn off" its requirements through an amendment to the DCP in defined circumstances. These may include:

- There is an existing dwelling eligibility
- The dwelling is sited to minimise clearing of native vegetation
- Where possible, offset planting on site is provided subject to other site and bushfire constraints

Legal advice has been sought (refer Confidential Attachment 3) to clarify the:

1. Applicability of other environmental legislation and
2. The status, if any, that can be given to past development consents for subdivision

3. Some common scenarios

in terms of Council's legal obligations in determining a development application under Section 4.15 (formerly Section 79C) of the *Environmental Planning and Assessment Act 1979*.

1. That advice confirms that notwithstanding the "turning off" of the DCP requirements in certain circumstances, that does not affect Council's obligations to consider any potential impact on threatened or endangered species under Part 7 of the *Biodiversity Conservation Act 2016* ("BC Act") as part of the Section 4.15 development application assessment still remains. Similarly, for properties greater than 1 hectare, State Environmental Planning Policy No.44 (Koala Habitat) potentially applies. In the absence of a BEA under the DCP being submitted by the applicant, in a number of cases Council will not have the in-house expertise to make that assessment on behalf of the applicant and hence be able to discharge its legal responsibility under Section 4.15. Hence in those cases, Council would need to engage ecological expertise as required in order to determine the application.

The BC Act has a number of requirements that may apply irrespective of a Council DCP. Section 7.7 of the BC Act Biodiversity Development Assessment Report (BDAR) may be required if clearing exceeds the Act's thresholds (for example >2,500sq metres in a R5 Zone) or if the allotment is indicated on the Biodiversity Values Map (in most cases, this rarely applies to existing subdivided allotments). The more problematic scenario, normally arising from subdivision consents issued some years ago, is that for circumstances that fall below those thresholds, the BC Act still requires a "Test of Significance" under clause 7.3 (often referred to as the "five point test") as part of the assessment of the development application under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. The requirement to consider such an assessment needs to be prepared by someone with suitable ecological qualifications.

The potential number of instances where this scenario may apply is difficult to estimate. A desktop assessment of the R5 Large Lot Residential Zone in Woombah, Ashby and Gulmarrad has been undertaken and suggests that about 50 subdivided lots with significant vegetation, hence currently requiring a BEA, may exist. Such an assessment in the rural zones is impractical as the Council resolution from August 2018 would apply to all existing dwelling entitlements irrespective of whether they are created through an approved subdivision.

2. A question arises as to how much weight can be given to a previous subdivision approval when assessing a subsequent development for a dwelling on one of the lots created by that subdivision. The advice suggests that unless clearing was explicitly identified and approved as part of the subdivision works, that the obligation to consider the requirements of other related legislation still applies. The identification of building envelopes (whether as part of a restriction on title or otherwise) does not alter that conclusion as a defined building envelop only restricts the location of a dwelling to a particular area of the site and does not authorise any consequential clearing. In short, the dwelling application is required to be assessed on its own merits in accordance with the legislature at the time of application. The fact that the subdivision that created the particular allotment may have occurred some time previously with different assessment requirements does not alter that current obligation.

Deleting the requirement for a BEA will also mean that there will not be a technical basis on which to base a monetary biodiversity offset which may otherwise be required by the DCP. Hence in those instances, none would apply. That is a policy decision of Council.

Conclusion – The key issue is that while Council may have the discretion to amend or delete its DCP requirements as seen fit, that cannot negate other statutory requirements to consider the ecological requirements of other legislation, especially the BC Act. A DCP cannot over-ride an Act. While for the circumstances identified in Council resolution the BC Act's thresholds and mapping will rarely apply, in R5 zones (although more likely to apply in RU1 and RU2 Zones), the need for a test of significance will still need to be considered as part of the development application assessment, utilising suitable ecological expertise.

The Council resolution is not limited to a particular zone but to dwelling eligibilities generally and therefore would also apply to rural zones, where the likelihood of more extensive assessment (such as a BDAR or SEPP 44) is far greater. The recommendation effectively transfers the cost of that assessment from the applicant to Council.

OPTIONS

1. Remove the DCP requirement for an applicant to provide a baseline ecological assessment for dwelling on lots with an existing dwelling entitlement in the R5, RU1 and RU2 zones, and Council undertake that assessment on behalf of applicants as required.
2. To remove the DCP requirement for a monetary biodiversity offset associated with dwellings on existing lots providing that all reasonable measure to minimise loss of native vegetation and physical offsets on site are undertaken.
3. Authorise the General Manager to engage, as appropriate, ecological expertise to enable Council to discharge its obligations under clause 7.3 of the BC Act (i.e. "test of significance" but not a BDAR) when determining development applications.
4. Require applicants to provide a baseline ecological assessment as currently required by the DCP.
5. Not amend its DCP.

Options 1, 2 and 3 are recommended in accordance with Council's resolution of August 2018. Extension of Option 3 to include all assessments (i.e. BDAR) would expose Council to significant potential costs.

COUNCIL IMPLICATIONS

Budget/Financial

The recommended amendments would mean that for the circumstances defined, Council would effectively be incurring the cost of meeting the legislative requirements to consider the natural environmental impacts at development application stage rather than the applicant, as is currently the case.

It would be speculative to place a cost estimate on that, however, recent experience with BEAs that have been lodged suggests the cost for an individual assessment may be in the range of \$2,100 to \$5,000, although that would depend on individual circumstances and market forces. The BEA under Council's DCP would normally meet the requirements of Section 7.3 of the BC Act (test of significance). If however a BDAR under the BC Act is triggered (by clearing threshold or through Biodiversity Values Map) the cost would most likely be significantly greater and difficult to estimate other than by a case by case basis.

The cost of technical reports required to support a development application is normally borne by the applicant.

Should Council resolve to take on this cost, a range of funding approaches may be available.

Asset Management

N/A

Policy or Regulation

Environmental Planning and Assessment Act 1979

Biodiversity Conservation Act 2016

State Environmental Planning Policy No.44

Consultation

The recommended DCP amendments will require statutory advertising for comment prior to formal adoption.

Legal and Risk Management

In determining a development application Council staff are effectively certifying that all relevant legislative requirements have been met. If they do not possess all the relevant technical expertise to do so, they need to obtain it, either by requesting the applicant to provide it or source it internally if available. At present, in many instances the subject of this report, that specific ecological expertise is not available in-house. Determining a development application without making reasonable inquiries to satisfy that the legislative provisions have been met may expose Council and the officer involved to legal challenge. Should Council/staff not make reasonable efforts to avail itself of sufficient information to make an informed decision and it is later proven that in doing so there is significant harm to threatened species or relics, the implications and penalty actions against Council and/or the individual staff are potentially significant.

Prepared by	David Morrison, Manager Environment Development & Strategic Planning
Attachment	1. Draft DCP Amendments 2. Biodiversity Conservation Act 2016 – Assessment and Approval Pathways Chart
Confidential Attachment	3. Legal Advice

ITEM 14.009/19 PLANNING PROPOSAL – FLOOD PLANNING AREA CONTROLS FOR GLENREAGH

Meeting	Environment, Planning & Community Committee	19 February 2019
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (David Morrison)	
Attachment	Yes	

SUMMARY

This report seeks a Council resolution to finalise the Planning Proposal for Glenreagh Flood Planning Maps. As no comments were received during the public exhibition of the proposal, it recommends that Council continue to support the Planning Proposal as exhibited and without further amendment.

OFFICER RECOMMENDATION

That Council:

1. Support the Planning Proposal, as exhibited and without further amendment.
2. Exercise its delegated authority pursuant to section 3.36(2) of the Environmental Planning and Assessment Act 1979 to finalise the amendment to Clarence Valley LEP 2011 to apply Flood Planning Area controls over land within the Glenreagh township and nearby rural land along the Orara River and Tallawudjah Creek.

COMMITTEE RECOMMENDATION

Williamson/Novak

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

COUNCIL RESOLUTION – 14.009/19

Williamson/Kingsley

That Council:

1. Support the Planning Proposal, as exhibited and without further amendment.
2. Exercise its delegated authority pursuant to section 3.36(2) of the Environmental Planning and Assessment Act 1979 to finalise the amendment to Clarence Valley LEP 2011 to apply Flood Planning Area controls over land within the Glenreagh township and nearby rural land along the Orara River and Tallawudjah Creek.

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

BACKGROUND

This Planning Proposal follows the finalisation of the Glenreagh Floodplain Risk Management Study and Plan (GHD, 2018) and the subsequent adoption of this report by Council on 15 May 2018. Included in the resolution was the determination to prepare a Planning Proposal to apply flood mapping in the Clarence Valley Local Environmental Plan 2011, as recommended by the Glenreagh Floodplain Risk Management Study.

Council received a Gateway Determination dated 10 October 2018 from the Department of Planning and Environment that stated the Planning Proposal can continue to public exhibition and required consultation with five public authorities. A copy of the Gateway Determination is at Attachment 2. Council was also issued plan making delegation.

The Planning Proposal was placed on public exhibition from 2-30 November 2018. This involved sending letters to each landowner affected by the proposed flood planning area mapping in addition to sending letters to each of the five authorities as required by the Gateway Determination.

KEY ISSUES

Responses were received from the NSW State Emergency Services, NSW Rural Fire Service and the NSW Office of Environment and Heritage. No issues were raised.

No comments were received throughout the public exhibition period.

Options available to Council include:

1. To continue to support the Planning Proposal.
This is recommended by Council officers as the planning maps are a clear way to communicate to land owners the risk of flooding and to ensure new developments respond to these risks appropriately.
2. To abandon the Planning Proposal.
This is not recommended by Council officers as the above benefits will not be achieved.

COUNCIL IMPLICATIONS**Budget/Financial**

Preparation of the Planning Proposal and administration of the CVLEP amendment process has been accommodated within the existing recurrent budget for Council's Strategic Planning team.

Asset Management

N/A

Policy or Regulation

Environmental Planning and Assessment Act 1979 – including relevant State environmental planning policies, Minister's Section 9.1 Directions made under the Act and the North Coast Regional Plan 2036.

Consultation

The Gateway Determination required:

- i. Public exhibition for a minimum of 28 days.
- ii. Consultation with NSW State Emergency Services, NSW Office of Environment and Heritage, Bureau of Meteorology, WaterNSW and NSW Rural Fire Service.

The Planning Proposal was exhibited for a period of 28 days. Written notification of the public exhibition of the Planning Proposal was given to all property owners affected by the proposed flood mapping.

Letters were also sent to the above authorities.

No submissions were received from members of the public and no issues were raised by the notified authorities.

Legal and Risk Management

There are no legal appeal rights for third parties who may oppose the proposal.

Prepared by	Maya Dougherty, Strategic Planner
Attachment	<ol style="list-style-type: none">1. Planning Proposal, as exhibited2. Gateway Determination3. Copy of submissions

ITEM	14.010/19	PLANNING PROPOSAL - FUNCTION CENTRES IN RURAL ZONES
Meeting	Environment, Planning & Community Committee	19 February 2019
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (David Morrison)	
Attachment	Yes	

SUMMARY

This report considers planning controls to allow function centres as a permissible use in the RU1 and RU2 zones and recommends proceeding with a Planning Proposal that makes changes to the Clarence Valley Local Environmental Plan and associated changes to the Rural Zones DCP.

OFFICER RECOMMENDATION

That Council:

1. Endorse the attached Planning Proposal to allow function centres in the RU1 and RU2 zones as permissible uses with consent.
2. Forward the Planning Proposal to the Department of Planning and Environment requesting a Gateway Determination, pursuant to Section 3.34(1) of the *Environmental Planning and Assessment Act 1979*.
3. Advise the Department of Planning and Environment that it will accept any plan making delegations that may be offered to Council.
4. Publicly exhibit the Draft Rural Zones Development Control Plan amendment in relation to function centres (Appendix 6 of the draft Planning Proposal) concurrent with the Planning Proposal, following the receipt of a Gateway Determination to proceed, for a period of 28 days.

COMMITTEE RECOMMENDATION

Williamson/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

COUNCIL RESOLUTION – 14.010/19

Williamson/Kingsley

That Council:

1. Endorse the attached Planning Proposal to allow function centres in the RU1 and RU2 zones as permissible uses with consent.
2. Forward the Planning Proposal to the Department of Planning and Environment requesting a Gateway Determination, pursuant to Section 3.34(1) of the *Environmental Planning and Assessment Act 1979*.

3. Advise the Department of Planning and Environment that it will accept any plan making delegations that may be offered to Council.
4. Publicly exhibit the Draft Rural Zones Development Control Plan amendment in relation to function centres (Appendix 6 of the draft Planning Proposal) concurrent with the Planning Proposal, following the receipt of a Gateway Determination to proceed, for a period of 28 days.

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

BACKGROUND

On 26 June 2018, Council resolved to “prepare a Planning Proposal to allow function centres in RU1 and RU2 under the Clarence Valley Local Environmental Plan 2011 as uses permitted with consent and that the Planning Proposal includes the insertion of a new clause into the CVLEP that ensures the impacts of function centres are properly considered when development consent for function centres is sought in rural areas.”

Currently in the RU1 and RU2 zones, it is only possible to grant development consent under the Temporary Use clause in the CVLEP as function centres are not listed as a permissible use.

Adding function centres as permissible with consent in the RU1 and RU2 zones will allow operators to prepare for the use in the longer term. The benefits of this include investing in noise mitigation measures and being able to book weddings and other functions well in advance of the event, providing greater certainty to the operation, as well as to surrounding residents.

It is proposed to exhibit both the CVLEP changes and the Rural Zones DCP changes so landowners and operators can gain an understanding of the full suite of considerations that will apply to future development applications (DAs) for function centres.

KEY ISSUES

The attached Planning Proposal includes the Draft CVLEP Clause and Draft Rural Zones DCP section that aim to address the key issues outlined in the 26 June 2018 Council Report.

Generally this involves ensuring that the subject land is capable of accommodating a proposal for a function centre and that the impact on surrounding landowners will be minimal.

Options

1. Apply function centres as uses permissible with consent in the RU1 and RU2 zones, apply a specific clause in the CVLEP for function centres and apply DCP controls to ensure consideration of potential impacts.

This is the recommended approach as it provides the greatest level of certainty for applicants, operators and surrounding landowners.

2. Apply function centres as uses permissible with consent in the RU1 and RU2 zones and apply DCP controls to ensure consideration of potential impacts.

This approach would not include the addition of a specific clause for function centres in the CVLEP. This is not recommended as the benefits listed above would not be achieved.

3. Abandon the Planning Proposal.

This approach is not recommended as function centres would continue to only be permissible in RU1 and RU2 zones through the Temporary Uses clause and the current issues are likely to persist.

COUNCIL IMPLICATIONS

Budget/Financial

Preparation of the Planning Proposal and administration of the CVLEP amendment process would be accommodated within the existing staffing and advertising budgets for Council's Land Use Planning functions.

Asset Management

N/A

Policy or Regulation

Environmental Planning and Assessment Act 1979

Clarence Valley Local Environmental Plan 2011

Clarence Valley Rural Zones Development Control Plan

Consultation

This report has been prepared in consultation with staff from Council's Environmental Health, Development Services and Strategic Planning teams. The Planning Proposal will be publically exhibited in accordance with the Gateway Determination as applicable.

Legal and Risk Management

Continuing to issue development approvals for operations that are intending to be ongoing as "Temporary Uses" is a potential risk. In addition, if those uses have any adverse amenity impacts, they are not permissible under Clause 2.8 and such decisions have been overturned by the Land and Environment Court. This places both the proponent and Council at risk of financial loss.

Prepared by	Maya Dougherty, Strategic Planner
Attachment	Planning Proposal – Function Centres in Rural Zones

ITEM	14.011/19	ULMARRA-NYMBOIDA COMMUNITY BASED HERITAGE STUDY
Meeting	Environment, Planning & Community Committee	19 February 2019
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (David Morrison)	
Attachment	Yes	

SUMMARY

The Ulmarra-Nymboida Community Based Heritage Study (CBHS) commenced in August 2017 with the appointment of Cosmos Archaeology Pty Ltd to undertake the study. This heritage study covers the former Ulmarra and Nymboida Shire areas and was identified as a priority in Council's adopted Heritage Strategy 2013 as the missing link to the existing heritage studies carried out within Clarence Valley Council of the former Maclean Shire, Copmanhurst Shire and Grafton City areas.

This report examines the background, key issues and findings of the study which has resulted in identification of 109 individual heritage items and 6 Heritage Conservation Areas. This includes the review and assessment of 18 existing heritage items and 1 existing Heritage Conservation Area at Ulmarra. The scope of the study is primarily non-indigenous, as a separate Aboriginal Heritage Study was carried out for Clarence Valley Council in 2013 and Aboriginal cultural heritage sites are predominantly under a different system of legal management. However, Aboriginal cultural sites may be included subject to agreement from the Local Aboriginal Land Councils.

OFFICER RECOMMENDATION

That Council:

1. Adopt the Draft Ulmarra-Nymboida Community Based Heritage Study and Contextual History for public exhibition purposes (Attachments 1 and 2), and places the reports on public exhibition for a minimum of 28 days, utilising a range of media to invite public submissions and input;
2. Consult property owners of places or items identified as potential heritage items or within a potential Heritage Conservation Area including an invitation to discuss any matters with planning staff, or the study consultant; and
3. Consider the findings of the Draft Ulmarra-Nymboida CBHS in the assessment of any development applications lodged in relation to identified potential heritage items.

COMMITTEE RECOMMENDATION

Novak/Williamson

That Council:

1. Adopt the Draft Ulmarra-Nymboida Community Based Heritage Study and Contextual History for public exhibition purposes (Attachments 1 and 2), and places the reports on public exhibition for a minimum of 60 days, utilising a range of media to invite public submissions and input;
2. Consult property owners of places or items identified as potential heritage items or within a potential Heritage Conservation Area including an invitation to discuss any matters with planning staff, or the study consultant; and
3. Consider the findings of the Draft Ulmarra-Nymboida CBHS in the assessment of any development applications lodged in relation to identified potential heritage items.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

COUNCIL RESOLUTION – 14.011/19

Simmons/Novak

That Council:

- 1. Adopt the Draft Ulmarra-Nymboida Community Based Heritage Study (CBHS) and Contextual History for public exhibition purposes (Attachments 1 and 2), and place the reports on public exhibition for a minimum of 60 days, utilising a range of media to invite public submissions and input.**
- 2. Write to property owners of places or items identified as potential heritage items or within a potential Heritage Conservation Area regarding the proposed heritage listing including an invitation for those owners to provide a written submission to Council and affording the opportunity to discuss any relevant matters with planning staff or the consultant.**
- 3. Consider the findings of the Draft Ulmarra-Nymboida CBHS in the assessment of any development applications lodged in relation to identified potential heritage items.**
- 4. Provide a report with recommendations following the period of public exhibition and receipt of submissions.**

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 1 Society

Objective 1.1 We will have proud and inviting communities

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

BACKGROUND

The study area comprises an area of approximately 6,000 square kilometres including rural and coastal villages, National Parks, State Forests and rural lands and riverine areas of the Orara, Mann and Nymboida Rivers. It extends south from the Sandon River to Halfway Creek on the coastline including the coastal villages of Woolli, Minnie Water and Diggers Camp. The rural hinterland extends from the southern side of the Clarence River to the boundary of the Nymboida River near Dorrigo and includes historic settlements at Ulmarra, Tucabia, Nymboida, Glenreagh, Ramornie, Jackadgery, Cangai, Seelands, Eatonsville, Lilydale and Newbold.

The project's scope is to address all aspects of heritage including built, natural, landscapes and movable items within the study area. A LGA-wide Aboriginal Heritage Study was undertaken for the Council area in 2013.

The study is based upon a thematic and contextual history which assists in an understanding of the key events and factors which have shaped the development of the study area. This includes a historical review of the following themes as outlined in the report:

- Municipal Matters: a history of the administration and governance of these areas.
- Environment: Coast, ranges, tablelands, rivers and creeks.
- First People: Yaegl, Gumbaingirr, and Bandjalang.
- Discovery: Voyagers, cedar, squatters and pastoralists.
- Settlement: Grafton, Glen Innes, Ulmarra, Nymboida.
- Industry: Agriculture, dairying, Dalmorton gold mining, timber, forestry, public works.
- Transport: Clarence River shipping, North Coast Rail, roads and bridges, hydro power.
- Twentieth Century: WWII, peace, sandmining, commercial fishing, recreation, camping and fishing, oyster leases, off roading, surfing, sea and tree changers.

The places identified by the community and study co-ordinator are referenced to these historical themes.

The Ulmarra-Nymboida CBHS commenced in 2017 and has now been completed to the stage for formal public exhibition.

The study findings are summarised in the report titled Volume 1 Management December 2018. (Attachment 1).

The study is backed by a Contextual History Volume 2. This is a broad historical overview which sets out the important historic chronology and themes that have shaped the development of the Ulmarra and Nymboida former shires. This was completed by Historian Dan Tuck and the potential heritage items are linked to the themes in this report. (Attachment 2).

For each of the heritage items there is an inventory sheet which has been prepared under the OEH State Heritage Inventory web based application. Two sample inventory sheets are included at Attachment 3 as examples. Due to the volume of information and photographs, it is not practical to attach a copy of the heritage inventory for every item to this Council report. However, the relevant inventory sheet will be provided to owners at the time of consultation for review, and copies of any item can be provided on request.

KEY ISSUES

The aim of a community based heritage study is to reveal places or buildings that are important to the local community. This process tends to identify a greater variety of places than items that are highly visible and often of architectural interest.

This community based process is the best practice model endorsed by NSW Environment and Heritage Office. It has been used successfully by many NSW councils and formed the basis of the heritage studies carried out for the Grafton, Maclean and Copmanhurst Council areas.

As part of this process, public meetings and working groups have been held in various locations over the last year throughout the study area. Site inspections have been carried out in the company of key members of the community with historical knowledge and background, and revealed many places of historical interest and significance. Potential items were assessed and researched on the basis of information provided by the community, historical archives, photographs, web based resources, other heritage registers and Council records.

Limitations

The vast area and rural nature of the study area and associated budget were limitations for the study. Site assessment was sometimes restricted to places which were visible from public roads. Subsequently, there are likely to be historical rural items on private properties that are not recorded or addressed by the study.

ISSUES

Why heritage list a property or item?

The overall aim of heritage management is to conserve places and objects from the past so they can be appreciated and enjoyed by future generations. Heritage provides a link between past, current and future generations and is integral to the identity and unique character of places. Protection of these values is recognised as having long term value.

Links to the past and managed change

Whilst the study area is rural and dispersed, it sits within a context of the North Coast region which is experiencing growing population and development. Places of heritage significance within this area need to be formally recognised with policies which enable carefully managed change whilst protecting the heritage significance of these items and places.

Significance and the State guidelines

All items (existing and proposed) have been assessed using the NSW guidelines provided by the NSW Office of Environment and Heritage. An item can be of significance if it meets one or more of the following criteria:

- a) **Historical** - the item is important in the course or pattern of NSW's history (cultural or natural) or of the history of the local area.
- b) **Social** - the item has special associations with the life or works of a person or group of importance in NSW's cultural or natural history or of the local area.
- c) **Aesthetic/architectural** - the item is important in demonstrating visual character or high degree of creative/technical achievement.
- d) **Community** - an item has strong or special association with a community or cultural group in NSW or the local area for social, cultural or spiritual reasons.
- e) **Scientific/Technical** - an item has potential to yield information that contributes to an understanding of NSW history or the local area important in demonstrating innovation and development.

In addition an item is assessed as:

- f) **Rare** - or outstanding example, or
- g) **Representative** - example.

Why assess significance?

Understanding the significance of an item helps when making decisions about any changes in the future.

Proposed Heritage Items and Heritage Conservation Areas

The study has identified rural, domestic, commercial, civic, industrial, recreational and ecclesiastical buildings and settings which are considered worthy of protection. The study also recommends that Heritage Conservation Areas are established around parts of Diggers Camp, Glenreagh Village, Minnie Water, Sandon River Cabins, Ulmarra (existing) and Woolli to protect the collective values and settings of

these areas. The findings of the study recommend 109 individual heritage items and 6 Heritage Conservation Areas. This includes the review and assessment of 18 existing heritage items and 1 existing Heritage Conservation Area at Ulmarra.

Level of Significance

The majority of items identified in the study are assessed as having local significance and Council will be the consent authority if the items are added to the Clarence Valley LEP 2011.

Five items (below), all of which are currently existing heritage items of local significance, are recommended for inclusion on the State Heritage Register as items of State Significance:

- Nymboida Hydro Electric Power Station, weir and tail race
- Ramornie Meatworks site - Archaeological site
- Ulmarra Courthouse and Police Station/Official Residence
- Briner Bridge over the Upper Coldstream River Tucabia
- Glenreagh Railway Station complex

The final decision rests with the NSW Office of Environment and Heritage as delegate of the Heritage Council.

Consultation

Owners of items recommended for individual listing or within a Heritage Conservation Area will receive a copy of the Inventory Sheet for the property or Conservation Area plus a letter outlining how the heritage listing consent process works. Council has prepared the following information for landowners to assist them with understanding the implications of heritage listing. Additional information is available on Council's website.

INFORMATION SHEET Implications of Heritage Listing

A Is the owner required to carry out work as a result of heritage listing?

Under the Local Environmental Plan listings of local significance there are no policies which can enforce an owner to carry out works or maintenance. However, normal maintenance is required for any property and annual heritage grants have been offered since 2001 through the Clarence Valley as a conservation incentive which have encouraged and supported restoration and conservation works.

B Does Heritage listing stop an owner doing anything with the property?

Heritage listing does not prevent changes being made to an item providing that they are sensitive and will not adversely affect the significance of an item. Heritage listing essentially applies to the external part of a building unless the interior is specifically included. Works such as replacing kitchens and bathrooms are subject to meeting building code requirements and interior works such as floor polishing, carpets and painting do not require consent, which would apply to any property.

The heritage exemptions in the Clarence Valley LEP allow a range of maintenance and minor works to be approved in writing by Council without the need for a development application. This might include verandah restorations, small structures, re-roofing and repainting works to the exterior. Owners are encouraged to discuss proposals first and can gain free heritage advice on materials and conservation approaches for historic buildings from Council's heritage officer where appropriate.

New extensions, pools and additions all require consent whether an item is heritage listed or not, so there is not a great difference in consent requirements.

C Demolition

The demolition or removal of a heritage item is not likely to be supported as it is in conflict with the aim of conservation, but the owner retains the right to lodge a Development Application which will be considered on its merits.

D Heritage Listing can offer more flexibility

The heritage incentives clause gives Council the ability to grant consent to uses or development which would normally be otherwise not permitted in the zone providing that it results in the conservation of the item and does not have an adverse affect on the amenity of the surrounding area.

E Heritage is another layer in the planning process

Heritage is part of the environment. It needs to be considered in the same way as water quality, flora and fauna, flooding or access. The heritage items recommended in this study are considered important enough to be retained for future generations.

COUNCIL IMPLICATIONS

Budget/Financial

This project (Project 994398-07-8495) is fully funded by the Department of Environment and Heritage with a budget of \$40,000. The project has been coordinated by Council staff with support from the Strategic Planning section.

Asset Management

The project has identified some assets which are under Council management such as cemeteries or halls which are of assessed heritage significance and it will be necessary for relevant staff to have a clear understanding of appropriate practice and requirements in dealing with future works. This process is already applicable to other heritage items which are in Council's control and management such as the existing heritage listing for Glenreagh School of Arts.

Policy or Regulation

The Heritage Study was carried out in accordance with the guidelines set out by the NSW Office of Environment and Heritage under the coordination and direction of an independent heritage advisor.

Following adoption of the study, a Planning Proposal will be required to legally include the items in Schedule 5 of the Clarence Valley LEP 2011. The majority of potential Heritage Items and places within a Heritage Conservation Area are proposed as items of local significance and will be subject to the requirements under Clause 5.10 of the Clarence Valley LEP for which Council is the consent authority.

The 5 items nominated for inclusion on the State Heritage Register, if included, would be subject to the Heritage Act 1977 and under the jurisdiction of the Heritage Council or its delegate, the NSW Department of Environment and Heritage.

Consultation

Details of consultation took place over the last year during the study process as outlined in the study report. This included several public meetings, working group meetings and detailed consultation and site visits with interested and knowledgeable members of the community.

A web page was developed under Clarence Conversations, posts were sent out on social media and newspaper adverts. An article was included in the rates newsletter which goes to every ratepayer by mail. A study update was also provided as part of a public meeting with the Ulmarra business community in relation to the future bypass of the village and economic activity promotion.

The next step is to place the study on formal public exhibition and notify property owners of potential heritage items, of the study findings and include information about the meaning of heritage listing and its implications such as the maintenance and minor works exemptions process, development applications and heritage grant opportunities.

Legal and Risk Management

No legal issues are anticipated or likely to arise from exhibition of the draft study. The Heritage Study is a non-statutory document, which will be placed on exhibition for public consultation. Further to the consultation phase and review of submissions, the study will form the basis of a future Planning Proposal to include additional Heritage Items and Heritage Conservation Areas on Schedule 5 of the Clarence Valley Local Environmental Plan 2011. This process must meet all relevant legislative requirements of the Environmental Planning and Assessment Act 1979.

Prepared by	Deborah Wray, Senior Strategic Planner
Attachments	<ol style="list-style-type: none"> 1. January 2019. Cosmos Archaeology Pty Ltd. Former Ulmarra and Nymboida Shires Community Based Heritage Study Volume 1 Management Cosmos Archaeology Pty Ltd. 2. April 2018. Cosmos Archaeology Pty Ltd. From the Tablelands to the Sea. A Contextual History. Former Pristine Waters Council Area (Ulmarra and Nymboida Shires) – To be tabled 3. Sample State Heritage Inventory data sheet – To be tabled

ITEM	14.012/19	CLARENCE VALLEY BUSINESS EXCELLENCE AWARDS
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Meeting	Environment, Planning & Community Committee	19 February 2019
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (David Morrison)	
Attachment	Yes	

SUMMARY

Clarence Valley Business Excellence Awards has requested Council sponsorship for the 2019 Awards are increased to Platinum (\$10,000). Clarence Valley Council has supported the Awards since their inception.

OFFICER RECOMMENDATION

That Council support the Clarence Valley Business Excellence Awards as a Silver sponsor (\$3,000).

COMMITTEE RECOMMENDATION

Williamson/Clancy

That Council support the Clarence Valley Business Excellence Awards as a Silver sponsor (\$4,000).

Voting recorded as follows:

For: Baker, Clancy, Simmons, Williamson

Against: Novak

Crs Clancy & Novak left the Council meeting at 5.19 pm.

MOTION

Kingsley/Simmons

That due to the absence of Crs Clancy and Novak, the next item called be considered 15.001/19. CARRIED

MOTION

Novak/Toms

That Council defer this item until the March 2019 meeting and workshop to investigate and provide a report on what funding is currently made available to other Council 355 committees or community committees.

These include but are not limited to:

1. Clarence Valley Sports Awards
2. Clarence Valley Business Awards
3. Clarence Valley Australia Day Awards
4. Plunge Festival
5. Clarence Valley Sports Committees
6. Clarence Valley Sporting Event Initiatives
7. Clarence Valley Community Grants Program
8. Clarence Valley Cultural Committee

The Motion was WITHDRAWN

COUNCIL RESOLUTION – 14.012/19

Williamson/Ellem

That Council support the Clarence Valley Business Excellence Awards as a Silver sponsor (\$4,000).

Voting recorded as follows:

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

Against: Novak

LINKAGE TO OUR COMMUNITY PLAN

Theme 3 Economy

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

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

BACKGROUND

Council has supported and sponsored the Clarence Valley Business Excellence Awards (CVBEA) since its inception. The event Committee has requested that Council consider increasing its sponsorship level.

KEY ISSUES

The CVBEA have three levels of sponsorship; Platinum (\$10,000), Gold (\$5,000) and Silver (\$3,000). The benefits relating to each level of sponsorship are outlined in the table below:

Sponsorship Levels and Benefits

Sponsorship Benefit	Platinum \$10,000* Cash	Gold \$5000* Cash	Silver \$3000* Cash	Media \$3000 In kind	Donation \$50+* Cash or in kind
Logo on Presentation Dinner tickets and advertising	✓				
Banner displayed on stage at Presentation Dinner	✓				
Present Clarence Valley Business of the Year Award at Presentation Dinner	✓				
5 Minute speech or video at Awards night	✓				
Logo at top of Awards website	✓				
Awards to be presented	2	2	1	1	0
¼ page advertisement in Awards feature	✓	✓			
Logo on print advertising, entry form and website	✓	✓	✓	✓	
Mention in media releases and radio advertising	✓	✓	✓	✓	
Link from the Awards website to your business website	✓	✓	✓	✓	
Banner displayed at Presentation Dinner	✓	✓	✓	✓	
Facebook posts about your business	✓	✓	✓	✓	✓
Business name/logo on Presentation Dinner program	✓	✓	✓	✓	✓
Logo on PowerPoint presentation played throughout the Awards Presentation Dinner	✓	✓	✓	✓	✓
Complimentary tickets to the Presentation dinner	8	4	2	2	0

Since its inception, Council has sponsored the Awards annually as a Silver (\$3,000) sponsor. In 2018, following a request from the CVBEA Committee, Council resolved to undertake Gold (\$5,000) sponsorship.

The CVBEA Committee has requested that Council consider increasing the 2019 Awards sponsorship to Platinum (\$10,000).

COUNCIL IMPLICATIONS**Budget/Financial**

2018/19 Economic Development Programs (996015) budget allocation for Business Awards is \$4,900.

Asset Management

N/A

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

N/A

Prepared by	Elizabeth Fairweather, Economic Development Coordinator
Attachment	CVBEA Sponsorship Proposal 2019

ITEM 14.013/19 CULTURAL AND SPORTS TRUST FUND

Meeting	Environment, Planning & Community Committee	19 February 2019
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment, Planning & Community (Des Schroder)	
Attachment	Nil	

SUMMARY

Council has received a request for assistance from the Clarence Valley Cultural and Sports Trust Fund on behalf of Tyler Gaddes.

OFFICER RECOMMENDATION

That Council approve a donation of \$500 allocated from the Clarence Valley Cultural and Sports Trust Fund to assist Tyler Gaddes who has been selected to represent Australia in the School Sports All Australian International Hockey Team at the SSA Australian Hockey Tour to be held in Europe from 24 May – 12 June 2019.

COMMITTEE RECOMMENDATION

Baker/Clancy

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

COUNCIL RESOLUTION – 14.013/19

Williamson/Kingsley

That Council approve a donation of \$500 allocated from the Clarence Valley Cultural and Sports Trust Fund to assist Tyler Gaddes who has been selected to represent Australia in the School Sports All Australian International Hockey Team at the SSA Australian Hockey Tour to be held in Europe from 24 May – 12 June 2019.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 1 Society

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

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

BACKGROUND

Tyler Gaddes of Grafton has been selected to represent Australia in the School Sports Australia All Australian International Hockey Team at the SSA Australian Hockey Tour of Netherlands, France, Belgium and Germany from 24 May – 12 June 2019. The funding will assist with player levy, travel, accommodation and competition costs.

KEY ISSUES

The Trust provides financial support, in any calendar year, to a maximum of \$250 for individuals to attend one event at National level and \$500 per individual for one event at International level.

The application as submitted meets the criteria for financial assistance from the Fund.

COUNCIL IMPLICATIONS**Budget/Financial**

This recommendation for support totals \$500. The available budget held in Cost Centre 930 (PJ 997113-58-7012-2534) is as follows:

Funds reserved for Sport and Cultural Trust 2018/2019	\$5,000
Funds available as at 31/01/19	\$2,500

Asset Management

N/A

Policy or Regulation

Cultural and Sports Trust Fund
Financial Assistance to the Clarence Valley Sporting Community

Consultation

N/A

Legal and Risk Management

N/A

Prepared by	Sammy Lovejoy, Community Projects Officer – Community Grants
Attachment	Nil

ITEM	14.014/19	DONATION – CLARENCE VALLEY WOODWORKERS ASSOCIATION INC
Meeting	Environment, Planning & Community Committee	19 February 2019
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment, Planning & Community (Des Schroder)	
Attachment	Nil	

SUMMARY

A request has been received from the Clarence Valley Woodworkers Association Inc. for the donation of Development Application and Construction Certificate fees for extensions to their sheds.

OFFICER RECOMMENDATION

That Council donate to the Clarence Valley Woodworkers Association Inc. 50% of the Development Application and Construction Certificate fees (\$348.60) for extensions to Sheds C & D Part Lot 22 DP261727 off Hoof Street, Grafton leased by the group.

COMMITTEE RECOMMENDATION

Novak/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

COUNCIL RESOLUTION – 14.014/19

Williamson/Kingsley

That Council donate to the Clarence Valley Woodworkers Association Inc. 50% of the Development Application and Construction Certificate fees (\$348.60) for extensions to Sheds C & D Part Lot 22 DP261727 off Hoof Street, Grafton leased by the group.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 1 Society

Objective 1.1 We will have proud and inviting communities

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

BACKGROUND

Clarence Valley Woodworkers Association Inc (CVWA) is a not for profit organisation providing fellowship and skill development opportunities to men and women with interest in woodcrafts, and they work with local high schools to achieve similar woodworking goals with young people.

CVWA operate out of Sheds C & D Part Lot 22 DP261727 off Hoof Street, Grafton leased from Council, and are seeking a fee waiver of the Development Application and Construction Certificate fees for a covered concrete apron, container adjacent to Shed C & D, and installation of a kitchenette and toilet facilities with a passive solar kiln to the rear.

The fees payable for the construction works include:

CC Building Inspection Charge	285.80
CC Archiving Fee	36.00
Development Application Fee	200.00
DA Archiving Fee	36.00
Plumbing Inspection Fee	<u>139.40</u>
Total DA/CC Fees	\$697.20

This request complies with Clause 8.1.1. of Council's Policy as the works to be done are located on Council owned land where the facility is for the exclusive use of the organisation.

Total DA/CC fees eligible to be waived are \$348.60

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 this donation request from Clarence Valley Woodworkers Association Inc., there are sufficient funds remaining in the Donations budget held in Cost Centre 930 (PJ# 997113-58-7043-2534).

Approved budget 26 June 2018, 13.027/18		\$100,000.00
Reserved funds for Sport & Cultural Trust Fund applications 18/19	\$5,000.00	\$95,000.00
less: June - 14.067/18 Community Initiatives Round 1 - Rates/Fee Waivers	\$40,017.82	\$54,982.18
less: June - 14.067/18 Community Initiatives Round 1 - Cash	\$34,817.85	\$20,164.33
less: June - 14.069/18 Chatsworth Island Public School fee waiver	\$448.00	\$19,716.33
less: June - Mayoral Minute 11.007/18 (Cr Simmons) Country University Centre Grafton	\$10,340.00	\$9,376.33
<i>less: underestimated - additional DA fees (\$697) CC fees (\$715)</i>	\$1,412.21	\$7,964.12
less: July - 14.083/18 South Grafton RSL Sub Branch refund	\$4,200.00	\$3,764.12
<i>add: return of donation Chatsworth Island PS - not required</i>	<i>-\$448.00</i>	\$4,212.12

less: Sept - 13.056/18 fee waiver "About for Drought Community Fun Day" 14 Oct 2018	\$1,470.00	\$2,742.12
less: Oct - 14.123/18 Clarence Valley Ramblers DA fee waiver	\$228.90	\$2,513.22
less: Oct - 14.123/18 Port of Yamba Historical Society DA fee waiver	\$2,307.98	\$205.24
<i>add: Budget Variation request for funds to allow for CIP Round 2</i>	<i>-\$11,979.87</i>	\$12,185.11
less: Dec - 14.148/18 Community Initiatives Round 2 - cash/rates/fee waivers	\$11,979.87	\$205.24
<i>add: return of donation Maclean RSL Sub-Branch - not required</i>	<i>-\$1,000.00</i>	\$1,205.24
<i>add: return of donation LCACA - not required (advised 29/12/18)</i>	<i>-\$1,500.00</i>	\$2,705.24
Available funds remaining as at 31 January 2019		\$2,705.24

Asset Management

N/A

Policy or Regulation

Donations Policy

Consultation

Internal consultation with CVC Planners.

Legal and Risk Management

N/A

Prepared by	Sammy Lovejoy, Community Projects Officer – Community Grants
Attachment	Nil

ITEM 14.015/19 DEVELOPMENT APPLICATIONS

Meeting	Environment, Planning & Community Committee	19 February 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

Williamson/Novak

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

COUNCIL RESOLUTION – 14.015/19

Williamson/Kingsley

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 January 2019 are:

No. of Applications Received	No of Applications Approved	Value of Approved Works	No of Lots Approved	Average Processing Times
504	496	\$60,727,161.00	68	55 days (including stop-the-clock days)

Of the 496 approved Development Applications between 1 July 2018 and 31 January 2019, 232 were determined within 40 days or less (47%).

As of 1 February 2019 there were 105 outstanding development applications, which have been with Council for the following:

Less than 40 days	39
41 - 60 days	21
61 - 80 days	7
81+ days	36

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

Exceptions to Development Standards under Clause 4.6 of the LEP

The following table outlines the use of Clause 4.6 during December 2018 and January 2019.

Application No.	Property	LEP Development Standard Varied	Date of approval and concurring authority
DA2018/0646	688 South Arm School Road, Brushgrove	Clause 4.2D(2)(c) requires 100m separation distance and the development approved a separation distance of 750m	By Council at its Meeting of 11 December 2018 (Assumed concurrence under PS18-003)
DA2018/0598	193 River Street, Maclean	Clause 4.3 Maximum height of Buildings - Clause 4.3 requires a maximum building height of 9m. The extent of the variation is 3.75% (0.338m) to provide a maximum building height of 9.338m	Assumed concurrence under PS18-003 19/12/2018

Reasons for Undetermined Applications over 40 days

Application No.	Received Date	Days	Description	Property	Reason
DA2018/0785	21/12/2018	41	Alterations and additions to existing indoor recreation facility	300 Powell Street, GRAFTON NSW 2460	Awaiting additional information (Landowners consent and Stormwater Management Plan)
DA2018/0787	21/12/2018	41	Alterations and Additions to existing dwelling and secondary dwelling	21 The Crescent, ANGOURIE NSW 2464	Awaiting additional information (Amended design and Photomontages)
DA2018/0783	20/12/2018	42	Alterations and additions including part demolition of the Grafton Regional Gallery	158 Fitzroy Street, GRAFTON NSW 2460	Currently being assessed* (Anticipated report to JRPP in March 2019)
DA2018/0784	20/12/2018	42	Alterations and additions to existing dwelling	319 Braunstone Road, BRAUNSTONE NSW 2460	Currently being assessed*
SUB2018/0038	19/12/2018	43	Two lot subdivision and carport	22 Charles Street, ILUKA NSW 2466	Awaiting internal referral and consideration of submission received
DA2018/0780	18/12/2018	44	Deck	11 Sussex Street, COPMANHURST NSW 2460	Unauthorised works and currently being assessed*
DA2018/0774	17/12/2018	45	Construct a sporting clubhouse facility for community use	Rushforth Road, SOUTH GRAFTON NSW 2460	Additional information received (plans) and currently being assessed*
DA2018/0777	17/12/2018	45	Shop top housing in existing premises	80 River Street, MACLEAN NSW 2463	DCP variation submitted 29/1/2019 for consideration (Shop top housing component)

Application No.	Received Date	Days	Description	Property	Reason
DA2018/0770	14/12/2018	48	Covered deck	Island View Road, WOOMBAH NSW 2469	Awaiting additional information (Bushfire Assessment/BAL rating)
DA2018/0763	13/12/2018	49	Dwelling	829 Rogan Bridge Road, THE WHITEMAN NSW 2460	Awaiting additional information (Flood assessment)
DA2018/0764	13/12/2018	49	Retaining Wall	2 Salen Lane, MACLEAN NSW 2463	Determination being processed
DA2018/0765	13/12/2018	49	Shed	16 Robin Place, GULMARRAD NSW 2463	Determination being processed
DA2018/0766	13/12/2018	49	Shed	22A Angus Drive, JUNCTION HILL NSW 2460	Determination being processed
SUB2018/0037	11/12/2018	51	Two lot residential subdivision	40 Stanley Street, MACLEAN NSW 2463	Currently being assessed*
DA2018/0758	10/12/2018	52	Shed	154 Mountainview Circuit, MOUNTAIN VIEW NSW 2460	Awaiting additional information (OSM)
DA2018/0759	10/12/2018	52	Shed	10 Roseland Avenue, YAMBA NSW 2464	Determination being processed
DA2018/0761	10/12/2018	52	Alterations and Additions to dwelling	4380 Lawrence Road, ILARWILL NSW 2463	Currently being assessed*
DA2018/0750	5/12/2018	57	Alterations and Additions to dwelling	24 Clares Lane, WOODFORD ISLAND NSW 2463	Determination being processed
DA2018/0751	5/12/2018	57	Dwelling	14 Young Street, ILUKA NSW 2466	Currently being assessed*
DA2018/0747	4/12/2018	58	Shed	77 Palmers Channel North Bank Road, PALMERS ISLAND NSW 2463	To be withdrawn by applicant
DA2018/0741	3/12/2018	59	Dwelling	3 Stockmans Place, GULMARRAD NSW 2463	Determination being processed
DA2018/0744	3/12/2018	59	Dwelling	180 Schultz Road, BILLYS CREEK NSW 2453	Awaiting additional information (Amended OSM and plans)
DA2018/0738	29/11/2018	63	Asphalt Plant	Tyson Street, SOUTH GRAFTON NSW 2460	Awaiting external referral (EPA)
DA2018/0731	27/11/2018	65	Two additional dwelling houses (multi dwelling housing)	36 Park Avenue, YAMBA NSW 2464	Awaiting additional information (Sewer setback and parking)
SUB2018/0036	26/11/2018	66	Two lot rural subdivision	157 Poley House Road, BRAUNSTONE NSW 2460	Awaiting additional information (Contaminated lands assessment)
DA2018/0725	22/11/2018	70	Dwelling	69 Dianella Drive, GULMARRAD NSW 2463	Awaiting additional information (OSM)
DA2018/0716	20/11/2018	72	Shed	418 Rushforth Road, SOUTH GRAFTON NSW 2460	Determination being processed
SUB2018/0035	19/11/2018	73	Staged DA - Dwelling envelope and consolidation of lots	85 Exmouth Street, LAWRENCE NSW 2460	Awaiting additional information (Contaminated Land Assessment)
DA2018/0689	9/11/2018	83	Dwelling	3 Bluegum Way, SOUTH GRAFTON NSW 2460	Awaiting additional information (Variation to front setback)
DA2018/0677	5/11/2018	87	Telecommunications facility - monopole and ancillary structures	383 North Street, WOOLI NSW 2462	Report to February Council Meeting
DA2018/0678	5/11/2018	87	Telecommunications facility - monopole & ancillary structures	Hiawatha Road, MINNIE WATER NSW 2462	Additional information submitted for consideration (Biodiversity)
DA2018/0681	5/11/2018	87	Dwelling	830 Armidale Road, ELLAND NSW 2460	Awaiting additional information (Access via crown road and TSR)
DA2018/0673	2/11/2018	90	Shed	230 Villiers Street, GRAFTON NSW 2460	Determination being processed
SUB2018/0032	19/10/2018	104	Boundary Adjustment	183 Ellesmere Road, HERNANI NSW 2453	Report to February Council Meeting
DA2018/0633	18/10/2018	105	Construction of dual occupancy, two lot subdivision and associated filling	15 McHugh Street, GRAFTON NSW 2460	Additional Information submitted 25/1/2019 (Amended plans, driveways and landscaping). Currently being assessed*
DA2018/0634	18/10/2018	105	Upgrade saleyards truckwash & new amenities	267-287 Armidale Road, SOUTH GRAFTON NSW 2460	Additional information received and referred to DPI - Water
DA2018/0632	17/10/2018	106	Demolish shed & erect shed	128 Golf Links Road, ILARWILL NSW 2463	Awaiting additional information (Amended plans)
DA2018/0630	16/10/2018	107	Dual occupancy	1431 Pacific Highway, ULMARRA NSW 2462	Awaiting additional information (Geotechnical assessment of riverbank and OSM)

Application No.	Received Date	Days	Description	Property	Reason
SUB2018/0030	16/10/2018	107	Boundary adjustment	Pacific Highway, TYNDALE NSW 2460	Awaiting additional information (Contaminated land assessment)
DA2018/0615	11/10/2018	112	Replace car showroom building (including demolition of existing) and new pylon sign	37 Turf Street, GRAFTON NSW 2460	Awaiting additional information (Heritage and amended plans)
SUB2018/0027	8/10/2018	115	Two lot subdivision	20 The Glen, MACLEAN NSW 2463	Awaiting additional information (Biodiversity and bushfire)
DA2018/0579	24/09/2018	129	Cut and fill of land (to create house pad)	Pacific Highway, COWPER NSW 2460	Additional information received and awaiting external referral (NRAR)
DA2018/0575	21/09/2018	132	Dwelling	44 The Drive, YAMBA NSW 2464	Determination being processed*
DA2018/0574	20/9/2018	133	Dwelling	61 Williams Crescent, WOOLI NSW 2462	Awaiting additional information (Amended plans and Basix)
DA2018/0567	18/9/2018	135	Aged care facility (144 beds)	425 Bent Street, SOUTH GRAFTON NSW 2460	Application renotified and additional information required (Biodiversity and Bushfire)
DA2018/0557	13/9/2018	140	Health services facility (Medical centre and auxiliary pharmacy)	202 Queen Street, GRAFTON NSW 2460	Awaiting additional information (Amended design – setbacks and parking)
SUB2018/0021	7/9/2018	146	Four (4) lot industrial subdivision	Federation Street, SOUTH GRAFTON NSW 2460	Awaiting additional information (Status of dip site and stormwater)
DA2018/0537	6/9/2018	147	Dwelling	21 Fat Duck Road, WOOMBAAH NSW 2469	Awaiting additional information (Baseline ecological assessment)
DA2018/0512	24/8/2018	160	Storage shed	75-79 Spenser Street, ILUKA NSW 2466	Awaiting additional information (non compliant setbacks)
SUB2018/0018	10/08/2018	174	Consolidation to create two lots	3 Blaxlands Flat Road, BLAXLANDS CREEK 2460	Currently being assessed*
DA2018/0445	6/08/2018	178	Seniors independent living (24 villas)	4 Freeburn Street, YAMBA NSW 2464	Awaiting additional information (Flooding and floor heights)
DA2018/0449	6/08/2018	178	Viewing deck	26 Ocean Road, BROOMS HEAD NSW 2463	Second additional information sent (Amended plans, view sharing issues)
DA2018/0419	26/07/2018	189	Shed	302 Gwydir Highway, WATERVIEW NSW 2460	Awaiting additional information (Essential Energy compliance)
DA2018/0407	23/07/2018	192	Demolition and extension to car dealership	34-40 Ryan Street, SOUTH GRAFTON NSW 2460	Awaiting additional information (Site plan and parking)
DA2018/0373	4/07/2018	211	200 Dwelling manufactured home estate and communal facilities	Carrs Drive, YAMBA NSW 2464	Awaiting additional information (Biodiversity Development Assessment Report, contaminated land, ASS, Traffic). Extension granted due to holiday period.
DA2018/0219	18/04/2018	288	Dwelling	333 Moonpar Road, MOONPAR NSW 2453	RFS response received and determination being processed
DA2018/0102	5/03/2018	332	Speedway practice track	334 School Lane, SOUTHGATE NSW 2460	Awaiting external referral (EPA)
SUB2018/0004	23/02/2018	342	12 lot large lot residential subdivision	Bloodwood Grove, GULMARRAD NSW 2463	Awaiting additional information (Stormwater Management and Biodiversity)
DA2017/0671	18/10/2017	470	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>)
DA2017/0596	20/09/2017	498	Bed & Breakfast (Health Retreat)	73 Martin Road, NYMBOIDA NSW 2460	Report to February Council Meeting
DA2017/0527	22/08/2017	527	Dwelling	Bostock Road, TUCABIA NSW 2462	Additional information received and currently considering Biodiversity Offsets
DA2017/0528	22/08/2017	527	Five lot rural subdivision & five dwellings	Bostock Road, TUCABIA NSW 2462	Awaiting additional information (Biodiversity Offsets)
SUB2015/0034	11/12/2015	1147	162 lot Residential Subdivision and new roads	Hickey Street, ILUKA NSW 2466	Application on exhibition under EPBC Act until 4 February 2019 as controlled action by Department of Environment and Energy. Awaiting

Application No.	Received Date	Days	Description	Property	Reason
					comments/referral.

*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	Carmen Landers, Development Planner
Attachment	Nil

ITEM 14.016/19 DEVELOPMENT APPLICATION PROCESS REVIEW – PROGRESS REPORT

Meeting	Environment, Planning & Community Committee	19 February 2019
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment, Planning & Community (Des Schroder)	
Attachment	Yes	

SUMMARY

This report provides an update of the on-going project to review Council's development application and related processes.

OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Novak/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

COUNCIL RESOLUTION – 14.016/19

Williamson/Kingsley

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

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 review of the development application processes within Council commenced in mid 2018.

KEY ISSUES

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

A key focus is on moving towards an “e-Planning” environment with the ultimate aim of development applications being able to be submitted, processed internally and issued electronically. The survey of external customers in late 2018 clearly identified this as a priority.

To this end, Council is working with the Department of Planning and Environment to enable lodgement of development applications and complying development certificates through the Department’s Planning Portal, at this stage anticipated to be available from May. At this stage however, construction certificates are not facilitated by the Portal. The Portal will also facilitate Government Agency referrals on development applications. This is intended to align with Council facilitating electronic lodgement of all applications by early May, including payment. It is intended that by the beginning of July, electronic lodgement will be Council’s preferred method of lodging development related applications.

To enable these outcomes, Council’s existing corporate platforms need to be integrated with changes to the processing on applications. In essence, this requires more detailed assessment of applications including fee assessments prior to formal lodgement and acceptance, and integration with changes to existing corporate processing systems. This has included the purchase of dedicated software to facilitate electronic issue of approved plans. This also will enable in time greater mobility for Council’s assessment staff (especially building inspectors) as it will enable more of their work to be done in the field.

A review of the Assessment team’s structure has identified the need to adequately resource this review process and the on-going need to ensure that there is alignment with changing processes, the technology that supports them and legislative requirements without taking resources away from assessing applications. To this end, an additional 1.0FTE has been added to the development planning team to manage on-going process review (as well as providing additional resourcing to approvals).

COUNCIL IMPLICATIONS

Budget/Financial

The additional resourcing mentioned above including software is expected to be cost neutral to Council as increased fee revenue from increased development activity is expected to offset those costs. For the 2018 Calendar Year, DAs were up 12% on the 5 year average (836 applications), and CCs up 10% on the 5 year average (754 applications).

Asset Management

N/A

Policy or Regulation

Environmental Planning and Assessment Act 1979

Consultation

N/A

Legal and Risk Management

N/A

Prepared by	David Morrison, Manager Environment, Development & Strategic Planning
Attachment	Project Status Report

ITEM	14.017/19	ITEMS FOR INFORMATION
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Meeting	Environment, Planning & Community Committee	19 February 2019
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment, Planning & Community (Des Schroder)	
Attachment	Yes	

OFFICER RECOMMENDATION

That the Items for Information as listed below be adopted:

1. Clarence Valley Transport Committee: Minutes of meeting held 15 November 2018.

COMMITTEE RECOMMENDATION

Baker/Williamson

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

COUNCIL RESOLUTION – 14.017/19

Williamson/Kingsley

That the Items for Information as listed below be adopted:

1. Clarence Valley Transport Committee: Minutes of meeting held 15 November 2018.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

Prepared by	Debbie McGilvray, Executive Support Officer
Attachment	As above

CLOSE OF COMMITTEE MEETING

There being no further business the Environment, Planning & Community Committee meeting closed at 6.17 pm.

ITEM	14.018/19	SECTION 94A CONTRIBUTIONS FOR THE COUNTRY UNIVERSITY CENTRE
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Meeting	Council	26 February 2019
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment, Planning & Community (Des Schroder)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	DRA Architects Pty Ltd
<i>Owner</i>	Mervyn William Smidt, Lynette Anne Smidt, Colin John Smidt
<i>Address</i>	146 Pound Street Grafton

DA 2018/0619 was approved by officer delegation on 19 December 2018. The DA under condition 2 levels a section 94A contribution of \$6,500 being 1 percent of the DA value.

OFFICER RECOMMENDATION

That Council amend DA2018/0619 condition 2 to waive the \$6,500 section 94 A contribution in lieu (section 2.18.2 of the Clarence Valley Contribution Plan 2011) of the material public benefit that a Country University will bring to the Clarence Valley.

Having declared an interest in this item, Mr Lindsay and Cr Kingsley left the Council meeting at 2.05 pm and returned at 2.11 pm.

COUNCIL RESOLUTION – 14.018/19

Ellem/Clancy

That Council amend DA2018/0619 condition 2 to waive the \$6,500 section 94 A contribution in lieu (section 2.18.2 of the Clarence Valley Contribution Plan 2011) of the material public benefit that a Country University will bring to the Clarence Valley.

Voting recorded as follows:

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

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

Both the NSW Government and Federal Government have now contributed to establishing a Country University Centre at 146 Pound Street Grafton (beside the library). A DA was submitted and approved by delegation on 10 December 2018.

The Country University Board have now requested a waiver of section 94A fees of \$6,500 levied under condition 2 of the consent in lieu of the material public benefit the establishment of a Country University Centre will bring to the Clarence Valley.

KEY ISSUES

Under the adopted Clarence Valley contributions Plan 2011 section 2.18.2 *Offer of land or a material public benefit made before imposition of a Local Infrastructure Contribution condition under this Plan* Council and Section 80A of the EP&A Act the Consent Authority may impose a condition which enables material public benefit to be provided wholly or partly in lieu of a requirement imposed by a Condition of Development Consent authorised by a Plan that the applicant make a Local Infrastructure Contribution.

COUNCIL IMPLICATIONS**Budget/Financial**

By allowing material public benefit in lieu of the Section 94A contribution Council won't collect an amount of \$6,500.

Asset Management

The Country University Board is entirely responsible for the Centre.

Policy or Regulation

Section 80A of the EP&A Act and section 2.18.2 of the Clarence Valley Contributions Plan 2011

Consultation

N/A

Legal and Risk Management

N/A

Prepared by	Dave Morrison, Manager
Attachment	DA 2018/0619

CORPORATE GOVERNANCE & WORKS COMMITTEE

MINUTES of a meeting of the **CORPORATE, GOVERNANCE & WORKS COMMITTEE** of Clarence Valley Council held in the Council Chambers, Maclean on Tuesday 19 February 2019 commencing at 2:00 pm.

ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THE LAND

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

ANNOUNCEMENT

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

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.

APOLOGY - Nil**DISCLOSURE AND DECLARATIONS OF INTEREST**

<i>Name</i>	<i>Item</i>	<i>Nature of Interest</i>	<i>Reason/Intended Action</i>
Cr Toms	15.005/19	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Contract manager of the Iluka Riverside Holiday Park Intended action: Remain in the Chamber
Cr Toms	15.012/19	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Item 882 re electrical replacement mains board & maintenance Iluka Riverside Holiday Park Intended action: Remain in the Chamber
Mr Ashley Lindsay	15.010/19	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Life Member Clarence Coast Magpies JRLFC – Volunteer for Lower Clarence Magpies RLFC Intended action: Remain in the Chamber
Mr Ashley Lindsay	15.020/19	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Report details non salary expenses relating to my employment with Council Intended action: Remain in the Chamber

REPORTS

ITEM 15.001/19 RIVERBANK PROTECTION POLICY

Meeting	Corporate, Governance & Works Committee	19 February 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Yes	

SUMMARY

Council's draft Riverbank Protection Policy was placed on exhibition and several submissions were received. The policy has been amended and is presented for adoption.

OFFICER RECOMMENDATION

That:

1. The Riverbank Protection Policy, as amended, be adopted.
2. A report outlining a proposed maintenance strategy for Council's existing riverbank protection assets be presented to the March 2019 Council meeting.

COMMITTEE RECOMMENDATION

Simmons/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Toms, Kingsley, Lysaught, Ellem, Simmons

Against: Nil

Crs Clancy & Novak returned to the Council meeting at 5.21 pm for consideration of this item.

Cr Kingsley left the Council meeting at 5.47 pm.

COUNCIL RESOLUTION – 15.001/19

Williamson/Baker

That:

1. The Riverbank Protection Policy, as amended, be adopted.
2. A report outlining a proposed maintenance strategy for Council's existing riverbank protection assets be presented to the March 2019 Council meeting.
3. Council seek a quotation from an appropriately qualified consultant to review the immediate impact line in the "Palmer's Island: Bank Erosion Assessment and Management Plan, July 1992" for the section of riverbank between River Road and the northern boundary of Lot 21 on DP1131567, and the quotation be reported to the March Council meeting.

Voting recorded as follows:

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

Against: Clancy, Novak, Toms

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

Strategy 2.1.3 Provide strategic asset management planning

BACKGROUND

The draft Riverbank Protection Policy was exhibited from 30 November 2018 until 18 January 2019. In order to promote the exhibition several communication channels were utilised including:

- Block advertisements
- Media releases (two issued during the period)
- Facebook
- Promotion on Council's website
- Dissemination through Council's Floodplain Risk Management Committee, which includes members of industry associations such as the Canegrowers and Chambers of Commerce.
- Dissemination to the cattle industry via the Grafton Saleyards – the auctioneer made a public announcement during sale days and hard copies of the draft policy were provided on tables near the canteen.

KEY ISSUES

A total of 8 submissions were received, and copies are included in the attachments. Three submissions (#2, #4 and #7) supported the policy, for the following reasons:

1. That it ensures that Council funds are not spent on riverbanks with no Council assets; and
2. It provides a clearer pathway for approvals for riverfront property owners seeking to undertake their own self funded riverbank protection works.

Several amendments and a flow chart have been added to the policy in response to the submissions to provide clarification.

The following clarifications were added to the draft policy:

Page 1

- "This policy does not override existing riverbank plans such as the Palmers Island Riverbank Management Plan" (added in response due to Submission #5).

Page 2

- "A road reserve that is located on the riverbank which is not maintained by Council is not considered to be an asset Council would protect with riverbank works".
- "Works are not to proceed without consultation with Council".

Page 3

- "Please note that Council may require removal of substandard work, and that penalties may apply for work undertaken without prior approval."

COUNCIL IMPLICATIONS**Budget/Financial**

Adoption of the policy will provide clarification on financial responsibility for asset installation and maintenance.

Asset Management

Submission #8 suggests that Council has a plan for abandonment of some assets. Council, including predecessor Councils, have previously installed and sporadically maintained riverbank protection works in locations where no Council asset exists. In line with this policy recommended for adoption and the legal advice received (see below), Council staff consider a riverbank protection maintenance strategy needs to be developed. It is proposed the strategy will assign priorities for asset maintenance.

Policy or Regulation

Coastal Management Act, 2016

State Environmental Planning Policy (Infrastructure), 2007

Consultation

Submission #8 criticises the exhibition period for the policy including the Christmas / New Year period. Council's standard exhibition period is for a period of 28 days. In recognition of the holiday period this draft policy was exhibited for a total of 49 days (being from 30 November 2018 until 18 January 2019).

Submission #6 suggests that more information should be provided in the background section of the policy, whereas Submission #4 suggests that less information should be provided. The policy needs to be understood by the general public and the two submissions suggest that Council has met a happy medium in the level of detail. It is therefore not proposed to change the information in the background section.

Two submissions (#1 and #3) received were not considered as relevant to the draft policy and were forwarded on to the relevant sections of Council for action.

Legal and Risk Management

Two submissions (#6 and #8) encouraged a greater involvement by Council in maintaining riverbank assets that currently (or in future may) exist on property without public assets (such as watermain, roads or levees). Council staff obtained legal advice regarding Council's obligation to install or maintain riverbank protection works in these instances (see confidential attachment). Based on the legal advice received the core principle of the policy remains unchanged – i.e. “where the objective of erosion management works is solely the protection of private property all works are the responsibility of the private land owner”.

Prepared by	Kieran McAndrew (Floodplain Coordinator) and Greg Mashiah (Manager Water Cycle)
Attachment	Reviewed Policy Submissions Received Legal Advice on Riverbank Protection Assets (Confidential)

ITEM 15.002/19 MANAGEMENT AND OPERATION OF GLENREAGH POOL

Meeting	Corporate, Governance & Works Committee	19 February 2019
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	To be tabled	

SUMMARY

Council has received a proposal for the management and operation of the Glenreagh Pool from the Glenreagh Progress Association.

OFFICER RECOMMENDATION

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.

COMMITTEE RECOMMENDATION

Lysaught/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Toms, Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 15.002/19

Lysaught/Novak

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.

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 April 2017 meeting, Council resolved (13.016/17) to include efficiency savings and improvement opportunities in its exhibited budget that were subsequently adopted at the June 2017 meeting. These opportunities included 'Review Glenreagh Pool operations with a view to sell or long term lease' as a service reduction with an anticipated saving of \$64,339 in 2019/20.

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

The Glenreagh Progress Association met with Council officers and presented a proposal for the ongoing management of the pool (Confidential Attachment B). Discussions will continue based on the proposal with further information sought from the group.

KEY ISSUES

Land

The pool is located at Shannon Park, Glenreagh being Lot 7003 DP 1052456 Crown Reserve 56448. It is Crown Land managed by Council as Land Manager. The purpose of the reserve is Public Recreation. The land will be managed as Community land.

Native Title

A Native Title (NT) Assessment is required to be completed and signed off by the NT Manager, authorising a tenure agreement.

Tenure Arrangement

Further investigation is required to confirm the length and type of agreement that could be considered.

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, residents 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 in 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.

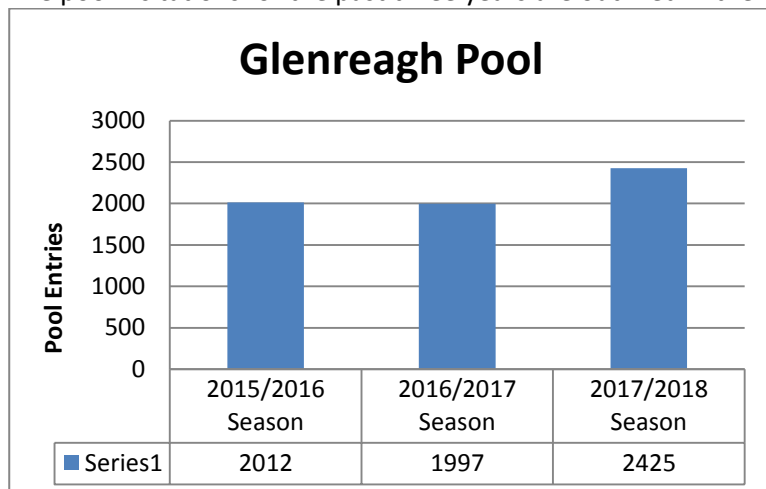
Pool Use

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 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 in their proposal.

Practice Note 15 – Water Safety (October 2017)

The NSW Government has issued this Practice Note (PN) (tabled Attachment A) to help Council's minimise risks associated with aquatic locations under their care and control to keep people as safe as possible while they enjoy the water. The PN sets out recommended minimum standards for Council's to take reasonable steps to ensure that any person using an aquatic council facility is supervised by qualified personnel.

The PN is not a stand alone document and has to be adhered to in conjunction with the Royal Life Saving Society Australia (RLSSA) – Guidelines for Safe Pool Operation (GSPO). It is strongly recommended that any future management arrangements consider the PN and GSPO to ensure safety at the facility.

Glenreagh Progress Association

The Glenreagh Progress Association (GPA) has presented a proposal (Confidential Attachment B) for the ongoing management of the pool which also includes the adjacent tennis courts.

COUNCIL IMPLICATIONS

Budget/Financial

The current management fee is \$44,772 inc GST per annum. Other costs including water, electricity, minor maintenance and chemicals are estimated to be \$10,000 - \$15,000 per annum.

Asset Management

The pool assets are in reasonable condition. A full inspection is scheduled at the end of the swimming season (April 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 12 May, 2019 – Item 14.104/15

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

Consultation

Consultation has occurred with representatives from the Glenreagh Progress Association in December 2018.

Legal and Risk Management

There is a significant safety risk to Council with the GPA proposal that needs further discussion and clarification.

Prepared by	Rachelle Passmore, Senior Parks & Recreation Officer
Attachment	To be tabled – Practice Note 15, Water Safety – October 2017 CONFIDENTIAL - Proposal – Future Management of the Glenreagh Community Pool and Tennis Courts

ITEM 15.003/19 CLARENCE VALLEY SIGNAGE STYLE GUIDE

Meeting	Corporate, Governance & Works Committee	19 February 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Yes	

SUMMARY

A Clarence Valley signage style guide for buildings, facilities, parks, open spaces and public place signage is being developed and draft signage designs are presented to Council for adoption.

OFFICER RECOMMENDATION

That Council:

1. Adopt the draft designs for signage and complete the Clarence Valley Signage Style Guide.
2. Receive a report to its June 2019 meeting which provides a schedule and annual budget allocation for the implementation of Clarence Valley signage.

COMMITTEE RECOMMENDATION

Lysaught/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Toms, Kingsley, Lysaught, Ellem, Simmons

Against: Nil

MOTION

Simmons/Lysaught

That the CG&W Committee meeting move into debate on this motion. CARRIED.

FORESHADOWED MOTION

Toms

That this item be deferred until March to enable the enquiries made by several Councillors to be actioned before a decision is made.

MOTION

Clancy/Ellem

That Council

1. Not adopt the draft design for signage for the Clarence Valley Signage Style Guide.
2. Receive a briefing to its June 2019 workshop which provides an extended range of signage styles similar to town signs at Inverell and other northern tableland towns and those in the Richmond Valley Council.

AMENDMENT TO MOTION

Baker/Toms

That Council

1. Not adopt the draft design for signage for the Clarence Valley Signage Style Guide.
2. Receive a briefing to its June 2019 workshop which provides an extended range of signage styles to provide that signage to all required places and similar to town signs at Inverell and other northern tableland towns and those in the Richmond Valley Council and indicative costs be provided for provision of that extended range of signage.

Voting recorded as follows:

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

Against: Williamson, Lysaught, Kingsley

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

COUNCIL RESOLUTION – 15.003/19

Clancy/Ellem

That Council:

1. **Not adopt the draft design for signage for the Clarence Valley Signage Style Guide.**
2. **Receive a briefing to its June 2019 workshop which provides an extended range of signage styles to provide that signage to all required places and similar to town signs at Inverell and other northern tableland towns and those in the Richmond Valley Council and indicative costs be provided for provision of that extended range of signage.**

Voting recorded as follows:

For: Toms, Ellem, Novak, Clancy, Simmons

Against: Baker, Williamson, Lysaught, Kingsley

The Motion was put and declared CARRIED. The Motion became the Council Resolution.

FORESHADOWED MOTION

Williamson

That Council:

1. Adopt the draft designs for signage and complete the Clarence Valley Signage Style Guide.
2. Receive a report to its June 2019 meeting which provides a schedule and annual budget allocation for the implementation of Clarence Valley signage.

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

A Clarence Valley signage style guide that is applicable for buildings, facilities, parks, open spaces, local government area entry points and public places has been developed to provide a uniform approach and branding to the Clarence Valley. Draft signage designs have been completed for Council consideration to enable the style guide to be completed.

Consultation with the Aboriginal community to have acknowledgement of country placed on the major entry points and towns is a key part of the project. Agreement regarding this acknowledgment has now been reached following consultation with the Clarence Valley Aboriginal Advisory Committee (CVAAC), Yaegl Traditional Owners and as part of the discussion at the restorative justice conference held with the Aboriginal community affected by the removal of the scar tree.

KEY ISSUES

A consistent and uniform approach to signage for our public places across the local government area that acknowledges country and provides for interpretation of place names, subject to further consultation, is a key initiative.

The draft designs that have been developed have been used as part of consultation with CVAAC and the Yaegl Traditional Owners. They are supportive to move forward with implementation.

The draft designs are completed for Council consideration prior to finalising the signage style guide that will also include a full schedule of the suite of signage including materials, specifications, structural details and prices.

COUNCIL IMPLICATIONS**Budget/Financial**

A budget for the implementation of the signage style guide has been requested in the 2019/20 budget and details will be provided at the June 2019 Ordinary meeting.

Asset Management

The style guide will inform the renewal, upgrade and placement of new signage that will part of a group of assets for Council to be considered as part the relevant Asset Management Plan.

Policy or Regulation

- Local Government Act 1993

Consultation

Consultation has been held with –

- Clarence Valley Aboriginal Advisory Committee
- Yaegl Traditional Native Title Holders
- Strategic Planning, Development and Environmental Services

Legal and Risk Management

N/A

Prepared by	Peter Birch, Manager Open Spaces & Facilities
Attachment	Draft Signage Designs

ITEM 15.004/19 RENEWAL OF YAMBA OVAL BOUNDARY FENCE ON CROWN LAND

Meeting	Corporate, Governance & Works Committee	19 February 2019
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Nil	

SUMMARY

The boundary fence and associated bench seating that encloses Yamba Oval, Yamba has deteriorated such that maintenance works are unable to repair the failed or vandalised sections. To mitigate risk to persons and property the fence requires removal and renewal. This report presents the issue to Council for its consideration and seeks funding to undertake the works.

OFFICER RECOMMENDATION

That Council as Crown Land Manager of Yamba Oval (R82747) -

1. Endorse the proposed actions to remove and renew the existing boundary fence that encloses Yamba Oval;
2. Allocate \$14,375 from IR10519 (Yamba Oval Sports Upgrade) and \$29,625 from the IR10122 (Building/Assets Reserve) to fund the works.

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Toms, Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 15.004/19

Williamson/Kingsley

That Council as Crown Land Manager of Yamba Oval (R82747) -

1. Endorse the proposed actions to remove and renew the existing boundary fence that encloses Yamba Oval;
2. Allocate \$14,375 from IR10519 (Yamba Oval Sports Upgrade) and \$29,625 from the IR10122 (Building/Assets Reserve) to fund the works.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 1 Society

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

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

BACKGROUND

Yamba Oval & Skate Park (R82747) is a Crown reserve for Public Recreation being located on the corner of Coldstream and River Street, Yamba. The reserve provides significant social, environmental and economic benefit to the community; it contains tennis courts, a children’s playground, a skate park, cricket / rugby grounds, public amenities and picnicking facilities. A remnant stand of broad-leaved paperbark occurs in the eastern end of the reserve. The Reserve is made up Lot 126 DP 751395; Lot 7060 DP 1115112 and Lot 7301 DP 1147287, refer Figure 1.

KEY ISSUES

Existing Condition

Yamba Oval is enclosed by an approximately 400 linear metre long steel post / top rail with timber pickets and associated seating. The steel post / top rail and associated seating were installed approximately 20 years ago and the timber pickets and supporting rails were installed approximately 15 years ago. The fence has deteriorated such that maintenance works are unable to repair the failed or vandalised sections and to mitigate risk to persons and property the fence requires removal and renewal.

Grant funding to remove and renew the fence and seating has been sought from the Public Reserve Management Fund on multiple occasions without success.

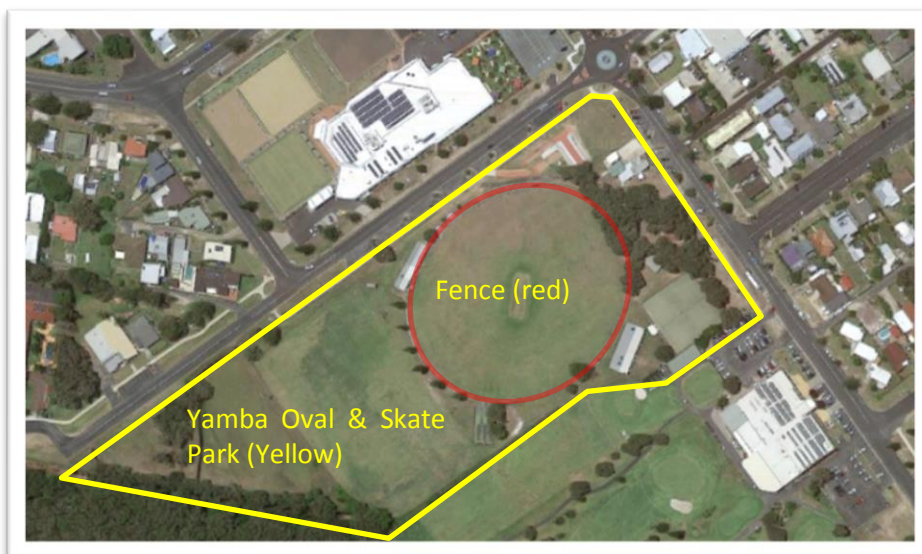


Figure 1: Reserve boundary and fence location



Figure 2: Representative image of fence condition

Proposed Works

Works required making safe the fence include complete removal and renewal.

Removal

The removal works would be undertaken by Council's day labour workforce and the work and disposal of materials is estimated to cost \$6,500.

Renewal

Several systems have been investigated for installation. The systems and quoted cost to supply install being:

- Recycled plastic picket fence panels with steel posts and rails - \$65,000 (ex GST);
- PVC picket fence panels with PVC posts and rails (lower rail includes aluminium stiffener) - \$32,000 (ex GST);
- Pre-galvanised mild steel fence panels with steel posts and rails - \$90,000 (ex GST);

It is expected that approximately 2-3 weeks will be required to complete the work for all systems listed above. The works would be coordinated to limit impact to sporting groups and other community groups that use the fields.

Whole of Life consideration

All of the systems listed above have been installed as commercial projects in similar locations. Greater environmental benefits can be achieved through the use of the recycled plastic and PVC systems. The most robust system in terms of vandalism is the mild steel system, with the recycled plastic and PVC equal. The lowest maintenance system, in this environment, is the PVC system as all components corrode at the slowest rate.

All systems enable removal and replacement of damaged or failed sections when required. In consideration of the cost, durability and maintenance requirements it is recommended to use the PVC system.

COUNCIL IMPLICATIONS

Budget/Financial

It is proposed that the works can be undertaken using day labour with support of contractors and external fabricators. A budget estimate for works has been developed as follows:

No.	Item Description	Cost
1	Site establishment & Preliminaries	\$1,500
2	Removal and disposal existing fence	\$6,500
3	Installation of new PVC fence	\$32,000
	Sub-total	\$40,000
	10% Contingency	\$ 4,000
	Total	\$44,000

Funds of \$14,375 are available from IR10519 (Yamba Oval Sports Upgrade) and \$29,625 from the IR10122 (Building/Assets Reserve) to fund the works.

Asset Management

The existing fence and associated asset has exceeded its useful life and requires renewal. The asset is required to protect the field from vandalism and as separation from cricket / rugby games. The proposed system offers the lowest level of maintenance and the lowest renewal cost.

Policy or Regulation

The following references are applicable to this report:

- State Environmental Planning Policy (Infrastructure) 2007
- Local Government Act 1993
- Clarence Valley Open Spaces Strategic Plan 2012

Consultation

Council has received several requests from members of the community regarding and in support of works at this location, these requests being recorded in Council's Customer Request Management System and Electronic Communications System.

Additionally Council holds copies of letters of support from cricket and rugby for the works.

Legal and Risk Management

N/A

Prepared by	David Sutton, Open Spaces Coordinator
Attachment	Nil

Moved Kingsley/Simmons that the meeting be adjourned for a short break at 6.57 pm and reconvened at 7.03 pm.

ITEM	15.005/19	BROOMS HEAD HOLIDAY PARK REDEVELOPMENT – BUSINESS DEVELOPMENT STRATEGY AND MASTER PLAN – ON CROWN LAND
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Meeting	Corporate, Governance & Works Committee	19 February 2019
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Confidential	

SUMMARY

The business development strategy and master plan has been completed for the redevelopment of Brooms Head Holiday Park and is reported to Council as the Crown Lands Manager for their consideration.

OFFICER RECOMMENDATION

That Council as Crown Land Manager:

1. Adopt the business development strategy and master plan for the redevelopment of Brooms Head Holiday Park.
2. Seek tenders for the detailed design, documentation and construction cost estimate for the redevelopment of the Brooms Head Holiday Park with the tender to be reported by the July 2019 meeting.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Toms, Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 15.005/19

Williamson/Novak

That Council as Crown Land Manager:

1. Adopt the business development strategy and master plan for the redevelopment of Brooms Head Holiday Park.
2. Seek tenders for the detailed design, documentation and construction cost estimate for the redevelopment of the Brooms Head Holiday Park with the tender to be reported by the July 2019 meeting.

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

BACKGROUND

At its meeting on 15 December 2017, Council considered a report presenting the final concept design for the Brooms Head Holiday Park (BHHP) Redevelopment [Item 15.256/17] resolving:

That Council as Corporate Trust Manager of the Clarence Coast Reserve Trust:

- 1. Adopt the final concept design for redevelopment of the Brooms Head Holiday Park.*
- 2. Receive and note feedback received from Department of Industry – Crown Lands Division and Yaegl Traditional Owners Aboriginal Corporation.*
- 3. Proceed to complete business development strategy in accordance with the 2017/18 Operational Plan.*

This report responds to point 3 of resolution 15.256/17.

KEY ISSUES

Integrated Site Design (ISD) were engaged to prepare the draft business development strategy (BDS) and have examined the issues associated with the improvement and management of BHHP. The objective of ISD's engagement was to develop a commercially sustainable business strategy and master plan with capacity to guide the future operation and improvement of the park.

Council, as Crown Land Manager, requires the business development strategy to provide forward implementation and investment plans that give consideration to cost, benefit, risk and timeframes to ensure the park, which operates in a highly competitive tourist accommodation market, maintains current patronage and improves overall occupancies by attracting new business. The implementation of the master plan has been dissected into stages to reflect anticipated cash flows and achieve minimum disruption to guests.

The business development strategy and master plan reflects the objectives of a successful holiday park, which include:

- a) To provide an attractive, accessible and family-friendly holiday park that capitalises on the park's location;
- b) To attain a minimum Trip Advisor 4-star rating;
- c) To attract a broader range of tourists to the park and increase occupancy rates;
- d) To enhance the commercial capacity of the holiday park and ensure the park remains financially sustainable in the long term; and
- e) To create a more environmentally sustainable holiday park facility, conserving the natural environment for future generations.

The strategy identifies the actions required for the development of the business with the aim of enhancing the park's market presence and commercial outcomes by consolidating growth in revenue and profit. The requirement is for a practical and financially sustainable approach to the improvement of the park, where investment generates appropriate growth in occupancy and income.

Based upon the above the intent of the BDS is to:

1. Outline the planning and legislative framework in which the park operates.
2. Analyse the current industry trends, including details of the local region to inform the master plan of the park.
3. Review the existing situation, the strategic qualities for BHHP and the current financial performance of the park.
4. Provide forward financial estimates, demonstrating the ability of the park to fund the capital upgrades.

5. Provide a summary of recommendations, for consideration by the Trust, to guide the future business direction of the BHHP.

Business Development Strategy – Calypso Yamba Holiday Park

It is worth noting that the BDS prepared by ISD for the Calypso Yamba Holiday Park redevelopment was an invaluable tool when completing the grant funding application forms and was a significant contributing factor in the successful grant application of \$6.7m from the NSW Regional Growth – Environment and Tourism Fund.

COUNCIL IMPLICATIONS

Budget/Financial

PJ560119 Brooms Head Holiday Park Detailed Design currently has a carry forward allocation of \$134,368 (ex GST).

Asset Management

Items included in the Brooms Head Holiday Park business development strategy and master plan are identified in Holiday Park Asset Management Plans.

Policy or Regulation

Requests for tenders will be in accordance with Council's Sustainable Procurement and Purchasing and Tendering policies.

Consultation

Financial and occupancy data was provided to Integrated Site Design in preparation of the business development strategy.

Legal and Risk Management

Proceeding with the redevelopment plans will address inherent infrastructure risks within the park.

Prepared by	Julie Schipp, Holiday Parks and Saleyards Officer
Confidential Attachment	Draft Business Development Strategy & Master Plan

ITEM	15.006/19	COMMUNITY BUILDING PARTNERSHIP – SUCCESSFUL APPLICATIONS ACCEPTANCE
Meeting	Corporate, Governance & Works Committee	19 February 2019
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Nil	

SUMMARY

Council has been advised that funding from the State Government has been provided under the *2018/19 Community Building Partnership*, towards the cost of relocating the Junction Hill Playgroup, upgrade the existing septic sewer system to Braunstone Community Hall, accessibility improvements at Dundurrabin Community Hall, the upgrade of Tucabia Hall kitchen facilities, building improvements to Jackadgery and Coaldale Community Halls. It is recommended that Council accept these grants offered for these community facility upgrades.

OFFICER RECOMMENDATION

That Council accept the grant funding from the Community Building Partnership of -

- a) \$3,500 for the Junction Hill Playgroup relocation
- b) \$4,000 for the septic system upgrade improvements to Braunstone Community Hall
- c) \$4,000 for the building and accessibility improvements to Dundurrabin Community Hall
- d) \$5,000 for the Tucabia Hall kitchen upgrade – Stage 2
- e) \$4,000 for the building improvements to Jackadgery Community Hall
- f) \$3,000 for the building improvements to Coaldale Community Hall

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Toms, Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 15.006/19

Williamson/Kingsley

That Council accept the grant funding from the Community Building Partnership of -

- a) \$3,500 for the Junction Hill Playgroup relocation
- b) \$4,000 for the septic system upgrade improvements to Braunstone Community Hall
- c) \$4,000 for the building and accessibility improvements to Dundurrabin Community Hall
- d) \$5,000 for the Tucabia Hall kitchen upgrade – Stage 2
- e) \$4,000 for the building improvements to Jackadgery Community Hall
- f) \$3,000 for the building improvements to Coaldale Community Hall

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme	1 Society
Objective	1.1 We will have proud and inviting communities
Strategy	1.2.1 Provide, maintain and develop sport and recreational facilities and encourage greater utilisation and participation

BACKGROUND

Council submitted 6 applications totalling \$70,846 under the Community Building partnership program for a variety of projects that include –

1. Junction Hill Playgroup Relocation
2. Septic System upgrade improvements to Braunstone Community Hall
3. Building and accessibility improvements to Dundurrabin Community Hall
4. Tucabia Hall kitchen upgrade – Stage 2
5. Building improvements to Jackadgery Community Hall
6. Building improvements to Coaldale Community Hall

KEY ISSUESJunction Hill Playgroup Relocation - \$3,500

This project will enhance the Junction Hill precinct through the provision of a safe and inclusive play space for the playgroup to meet. The project includes:

- Install 50 linear metres of fencing at rear of building
- Install glass sliding doors for rear building access
- Install safety fence and gate at the entry

There are additional funds \$5,806 (ex GST) to match grant funding from Council's recurrent budget to assist with building modifications to the new playgroup location.

Additional funds as reported to Council in March 2018 (Item 15.037/18) are required as the existing playgroup building is in poor condition with white ant activity present and asbestos containing materials. The playground is also in poor condition. Given the condition of the existing facilities, it is recommended that they are demolished and an allocation has been made in the 2019/20 budget for this to occur.

Septic System Improvements to Braunstone Community Hall - \$4,000

This project is to provide an upgraded land application area for effluent for the existing septic system. The approved grant funding for this project is complimented with funds from Council's Halls Centres Renewal budget.

Building and Accessibility Improvements to Dundurrabin Community Hall - \$4,000

Works will include new door panic bolts, replacing the roof gable end cladding, new roof guttering and downpipes and installing a new stormwater drainage system to prevent erosion and direct water away from the building.

Tucabia Hall Kitchen Upgrade – Stage 2 - \$5,000

A new kitchen is proposed with this grant.

Building Improvements to Jackadgery Community Hall - \$4,000

The project will restore the kitchen for the local community to use with window flashings and new doors installed.

Building Improvements to Coaldale Community Hall - \$3,000

The project will be installing new roof guttering, repairing balustrades and new vinyl floor coverings.

COUNCIL IMPLICATIONS**Budget/Financial**

This funding will reduce Council's recurrent Building Maintenance financial burden by \$35,423.

The Braunstone Hall septic system project upgrade budget was originally \$12,500 to complete the works and additional quotes are being sought. The remaining funds required of \$8,500 ex GST for the septic system project will be funded from PJ570325 – Community Halls, renewals.

The remaining funding required of \$11,000 Ex GST for the other Community Halls will be funded from PJ946070 – Public Halls, general maintenance.

The matching funds required for the Tucabia Hall kitchen upgrade will be funded by Tucabia Hall Section 355 committee.

The remaining funding of \$5,806 ex GST for the Junction Hill Playgroup Project will be funded from PJ946031 – Commercial building, general maintenance.

Asset Management

Demolishing the old playgroup building and relocating playgroup will have a positive benefit for Council's building assets. Grant funding will assist reduce Council's maintenance and renewal expenditure.

Policy or Regulation

N/A

Consultation

A letter of support was submitted with the applications. Ongoing consultation has occurred with the Junction Hill Playgroup and Playgroup NSW Inc.

There has been constant consultation with Finance and Supply and the Community Halls Committees.

Legal and Risk Management

If the existing playgroup building and dilapidated play equipment is not removed, there is a public safety risk due to the white ant activity and asbestos in the building.

The Braunstone Hall septic system is a public safety risk to the current stakeholders. The other community halls have various improvement items that need to be completed to achieve building compliance.

Prepared by	Leah Munro, Grant Officer
Attachment	Nil

ITEM 15.007/19 URGENT REPAIRS OF SHORELINE EROSION - KOLORA PARK, YAMBA

Meeting	Corporate, Governance & Works Committee	19 February 2019
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Nil	

SUMMARY

The western shoreline of Kolora Lake, located within Kolora Park, Yamba is being eroded by wave action and pedestrian trampling. The erosion has increased in size such that the sheet piling and concrete collar near the viewing point is now undermined and likely to fail. This report presents the issue to Council for its consideration and seeks funding to undertake urgent repairs to limit further erosion, and mitigate risk to people and property.

OFFICER RECOMMENDATION

That Council:

1. Note the erosion that is occurring and endorse the proposed actions to repair sections of the Kolora Lake shoreline;
2. Allocate \$25,000 from IR10122 (Building/Assets Reserve) to fund the works.

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Toms, Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 15.007/19

Williamson/Kingsley

That Council:

1. **Note the erosion that is occurring and endorse the proposed actions to repair sections of the Kolora Lake shoreline;**
2. **Allocate \$25,000 from IR10122 (Building/Assets Reserve) to fund the works.**

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 1 Society

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

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

BACKGROUND

Kolora Park is public land that was dedicated to Maclean Shire in 1984 under Section 94 of the Environmental Planning and Assessment Act. The reserve provides an aesthetically appealing entry to Yamba and is a popular area for swimming and passive recreation being located between Yamba Road, Witonga Drive and Gumnut Drive at Lot 93 DP 844097 and Lot 22 DP 746368.

The eastern portion of the Lake was constructed by sand extraction and dredging in 1984 with the western portion being added in 1996. The construction of the western section of the Lake included the creation of an island in the central section for the purpose of a bird refuge to provide habitat and a viewing point adjacent with partial hard edge treatment. The island has since eroded and no longer exists, the interface between the sheet piling and natural shoreline of the viewing point has been significantly eroded undermining the collar structure and sections of the western shoreline have eroded such that the walkway is at risk of being undermined.

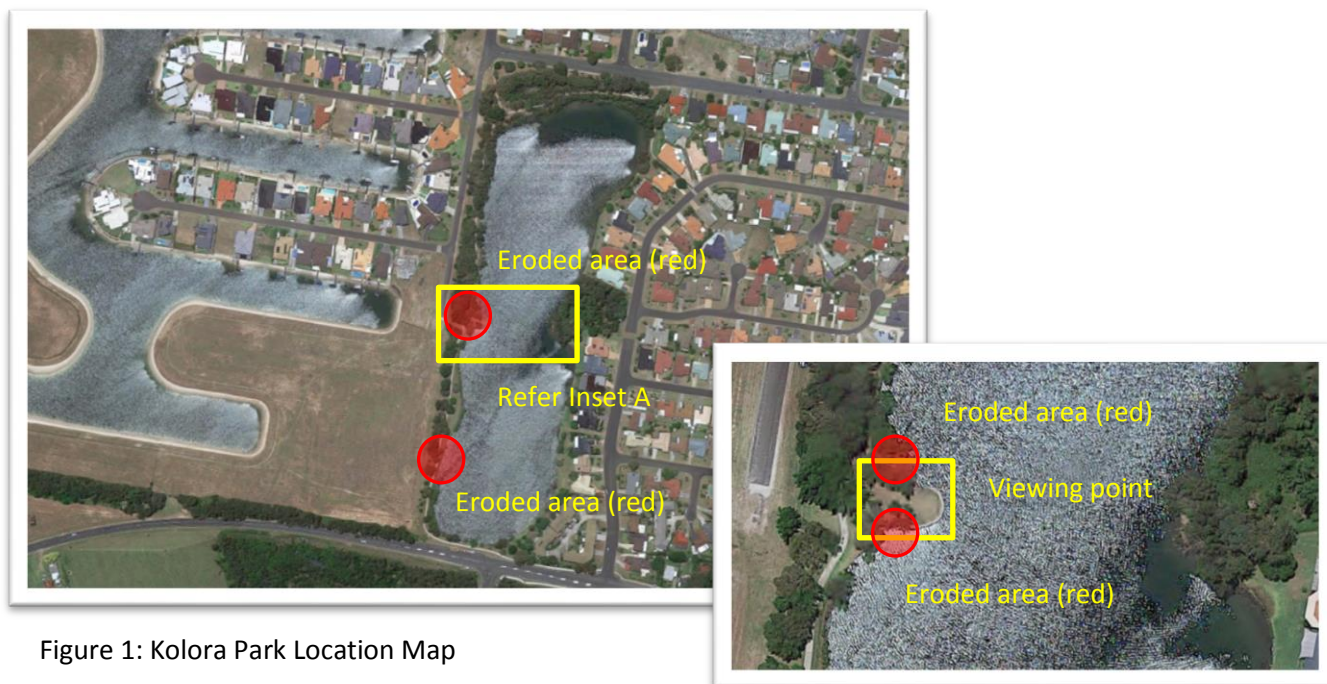


Figure 1: Kolora Park Location Map

Inset A

KEY ISSUES

Existing Condition

The Kolora Lake viewing point is a constructed peninsular, the most prominent portion of the peninsular has been hardened using sheet piles. The sheet pile was constructed such that it abruptly ends on the northern and southern sides. The interface between natural bank and sheet piling on the northern side is somewhat protected by riparian vegetation, this side has eroded resulting in minor undermining of the concrete collar that secures the sheet piling. The interface between natural bank and sheet piling on the southern side is exposed primarily due to the community using this area as an entry / exit point for swimming, and fishing (refer Figures 2, 3, 4). The erosion on the southern side of the peninsular has expanded such that the concrete collar that secures the sheet piling is now significantly undermined. Continued erosion in this area may see the concrete collar fail posing significant risk to people or property.



Figure 2: Kolora Lake – viewing point



Figure 3: Extent of erosion – southern side



Figure 4: Extent of erosion – northern side

A concrete walkway extends along the western shoreline of Kolora Lake between Yamba Road and Gumnut Drive, sections of the shoreline from the viewing point to the southern edge of the Lake have eroded such that this walkway is at risk of being undermined. Continued erosion in these areas may see the concrete walkway fail posing significant risk to people or property and resulting loss of amenity and community connectivity.

Proposed Works

Works required to halt the erosion at the viewing point are outlined below:

- site establishment, including signs, pedestrian control, material stockpiles;
- place geo-fabric against bank and lake floor to align with sheet piling; back fill with cobble to 200mm below natural ground line; wrap geo-fabric over cobble;
- armour with 200-300mm diameter rock on water side between sheet pile to natural bank;

- back fill with top soil; turf;
- construct fillet wall approximately 1500mm from bank for approximately 2000mm south past the armour to reduce impact of wave action;
- construct aluminium access steps/ladder to enable safe entry / exit of the Kolora Lake and to help reduce future pedestrian trampling.

Works required to halt the erosion along the western shoreline in areas likely to impact the walkway are outlined below:

- site establishment, including signs, pedestrian control, material stockpiles;
- construct fillet wall approximately 1500mm from bank for approximately 2000mm north and south of the critical areas to reduce impact of wave action.

It is expected that approximately 3-4 weeks will be required to complete the work and to allow settlement of cobble and establishment of the turf. Pedestrian access onto the viewing point / walkway would be excluded as required.

It is proposed that the work be completed under ISEPP 2007 Stormwater management systems (State Environmental Planning Policy (Infrastructure) 2007) and that development is permitted without consent and would not require a specific REF (Review of Environmental Factors).

The control of the erosion is required. If no action is taken the viewing area will be completely eroded and fail, and the walkway will be undermined and fail. If these assets fail there is significant risk of injury to people or property. The proposed works are considered to be the most economic solutions available at this time and as such it is recommended to proceed.

COUNCIL IMPLICATIONS

Budget/Financial

It is proposed that the works can be undertaken using Council day labour with support of contractors and external fabricators. A budget estimate for works has been developed as follows:

No.	Item Description	Cost
1	Site establishment & preliminaries	\$2,000
2	Erosion stabilisation at viewing area	\$9,000
3	Access steps / ladders to viewing area	\$5,000
4	Fillet wall to walkway	\$5,000
	Sub-total	\$21,000
	Contingency	\$ 4,000
	Total	\$25,000

Asset Management

Kolora Lake, the constructed viewing area and walkway are existing assets. The construction of the cobble / armour / access point at the viewing area and the fillet wall will add additional assets while helping to retain and protect existing. It is forecast that the cobble / armour / fillet wall structures will require limited maintenance with partial renewal required at 30 years subject to environmental conditions and use. The access point may require removal of marine growth twice annually.

Policy or Regulation

The following references are applicable to this report:

- State Environmental Planning Policy (Infrastructure) 2007
- Local Government Act 1993
- Clarence Valley Open Spaces Strategic Plan 2012

Consultation

Council's Open Spaces and Facilities team liaised with staff from Water Cycle and Civil Services Sections to inform the proposed works.

Council has received several requests from members of the community regarding and in support of works at this location, these requests being recorded in Council's Customer Request Management System and Electronic Communications System.

Legal and Risk Management

N/A

Prepared by	David Sutton, Open Spaces Coordinator
Attachment	Nil

ITEM 15.008/19 LOCAL TRAFFIC COMMITTEE – 20 NOVEMBER 2018

Meeting	Corporate, Governance & Works Committee	19 February 2019
Directorate	Works & Civil	
Reviewed by	Manager - Civil Services (Tim Jenkins)	
Attachment	Yes	

SUMMARY

This report lists the recommendation made at 20 November 2018 meeting of the Clarence Valley Council Local Traffic Committee.

OFFICER RECOMMENDATION

That the recommendations of the Local Traffic Committee included in the Minutes of its 20 November 2018 meeting be adopted by Council.

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Toms, Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 15.008/19

Williamson/Kingsley

That the recommendations of the Local Traffic Committee included in the Minutes of its 20 November 2018 meeting be adopted by Council.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

The following items were discussed at the Local Traffic Committee held on 20 November 2018.

Item: 035/18 QUEEN STREET/CROWN STREET INTERSECTION, GRAFTON

That:

1. a No Stopping zone 8 metres long be installed on Queen Street on the south-western side of the intersection with Crown Street, Grafton, commencing from the start of the parking bays closest to the intersection; and
2. the hold line in Crown Street be moved 200 mm towards Queen Street.

Item: 036/18 PARKING – GRAFTON GALLERY, FITZROY STREET, GRAFTON

That 1 hour timed parking be installed along the frontage of the Grafton Gallery at 158 Fitzroy Street, Grafton for a length of 20 metres (5-6 spaces) Monday to Friday 9:00am to 5:00pm.

Item: 037/18 EVENT APPLICATION – MACLEAN MACMARKETS 2019

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

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

KEY ISSUES

Agenda, minutes and attachments are attached.

COUNCIL IMPLICATIONS**Budget/Financial**

As per minutes.

Asset Management

N/A

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

N/A

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

ITEM 15.009/19 LOCAL TRAFFIC COMMITTEE – 15 JANUARY 2019

Meeting	Corporate, Governance & Works Committee	19 February 2019
Directorate	Works & Civil	
Reviewed by	Manager - Civil Services (Tim Jenkins)	
Attachment	Yes	

SUMMARY

This report lists the recommendation made at 15 January 2019 meeting of the Clarence Valley Council Local Traffic Committee.

OFFICER RECOMMENDATION

That the recommendations of the Local Traffic Committee included in the Minutes of its 15 January 2019 meeting be adopted by Council.

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Toms, Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 15.009/19

Williamson/Kingsley

That the recommendations of the Local Traffic Committee included in the Minutes of its 15 January 2019 meeting be adopted by Council.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

The following items were discussed at the Local Traffic Committee held on 15 January 2019.

Item: 001/19 EVENT APPLICATION – EAT STREET GRAFTON TO BE HELD IN GRAFTON ON 23 MARCH 2019

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

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

ITEM 002/19 EVENT APPLICATION – EVERINGHAM OWNERS' SHOW AND SHINE TO BE HELD IN GRAFTON ON 30 MARCH 2019

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

1. Valid public liability insurance being held by the event organiser (minimum \$20,000,000 ~~where event uses a Roads and Maritime asset such as a bridge, Motorway or viaduct~~) – *to be provided by applicant prior to event after approval*
2. NSW Police approval is obtained – *application lodged, awaiting approval confirmation*
5. The submission and approval of relevant council event application/s and compliance with any conditions imposed therein - *Provided*
6. Local Traffic Committee advice is sought for the event Traffic Management Plan prior to approval of traffic control devices. This includes a Risk Management Plan and Traffic Control Plan/s. The following traffic control conditions shall also be observed;

- a. Traffic Control Plans to include a map indicating any alternative routes required for traffic detours. – *Council has an approved Traffic Control Plan for the event*
 - b. Traffic Control Plans to be drawn to scale and indicate the provision of passageways and clearances for pedestrian and emergency access. Plans should be prepared in accordance with Roads & Maritime Services Guide to Traffic Control at Worksites - *Provided*
 - c. All signage erected for the event should not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event – *As per Traffic Control Plan provided.*
 - e. Conformance with approved Traffic Management Plan and associated Traffic Control Plans which shall be implemented and controlled by Roads & Maritime Services accredited persons – *Approved contract supplier*
7. Consultation with emergency services (Fire & Ambulance) and any identified issues addressed in a timely manner – *to be undertaken by applicant prior to event after approval*
 8. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event – *to be undertaken by applicant prior to event after approval*
 9. Community and affected business consultation including adequate response/action to any raised concerns – *undertaken by applicant – impacted business agrees with event*
 10. Arrangements made for private property access and egress affected by the event – *no impacts*
 11. The event organiser notifies local community of the impact of the event/s by advertising in the *local paper/s* a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints – *to be undertaken by applicant prior to event after approval*
 12. That the applicant organise for the events to be listed on council's web page – *to be undertaken by applicant prior to event after approval*

ITEM 003/19 DISABLED PARKING – KING STREET, GRAFTON (NEAR CENTRELINK)

That the existing disabled car park adjacent to Centrelink in King Street, Grafton be converted to a double disabled car park in accordance with AS 2890.6.

ITEM 004/19 EIGHT MILE LANE AND PACIFIC HIGHWAY SIGNAGE

That “Vehicles Under 12.5 m Excepted (R9-225) and No Right Turn (R2-6R) signs” be installed on Eight Mile Lane at the intersection Eight Mile Lane and Pacific Highway.

ITEM 005/19 PARKER ROAD STOP SIGNS

That a duplicated “Stop Sign” and “No Right Turn” sign (size B) be installed on the right hand side of the Parker Road at the intersection with the Pacific Highway.

KEY ISSUES

Agenda, minutes and attachments are attached.

COUNCIL IMPLICATIONS**Budget/Financial**

As per minutes.

Asset Management

Not applicable.

Policy or Regulation

Not applicable.

Consultation

Not applicable.

Legal and Risk Management

Not applicable.

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

ITEM 15.010/19 COMMUNITY SPORTS FACILITY – NGAYUNDI YAMBA SPORTS COMPLEX

Meeting	Corporate, Governance & Works Committee	19 February 2019
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Confidential	

SUMMARY

This report outlines recent additional funding announcements of \$500,000 from the Federal Government and confirms the contribution source from Council to construct a community sports amenities and club facility next to the rectangular field in the complex.

OFFICER RECOMMENDATION

That Council:

1. Note the Federal Government funding announcement in the sum of \$500,000 toward the project.
2. Endorse the expenditure from the Clarence Valley S94 Contributions Plan 2011 Open Spaces and Recreation Facilities (Local Government Area Service Catchment) towards the project.

COMMITTEE RECOMMENDATION

Ellem/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Toms, Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 15.010/19

Williamson/Kingsley

That Council:

1. **Note the Federal Government funding announcement in the sum of \$500,000 toward the project.**
2. **Endorse the expenditure from the Clarence Valley S94 Contributions Plan 2011 Open Spaces and Recreation Facilities (Local Government Area Service Catchment) towards the project.**

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

The proposed facility is located on Crown Land with Council as Land Manager. The existing Plan of Management was adopted in September 2003 and states that *a rugby league stadium would be constructed and maintained.*

Evolution of the Facility

In 2007, the Lower Clarence Magpies prepared a concept plan for a large scale two story stadium with grandstand seating, however a building of this calibre was unrealistic, not considered affordable nor required to meet current or future demand.

In 2008, the Clarence Coast Magpies Junior Rugby League club lodged a Development Application for a long rectangular shaped single story which included four dressing rooms plus other supporting facilities. This building was considered too large and a smaller building design was completed.

In 2013, Council tendered for the construction of a smaller single story building including 2 change rooms and public amenities. Five tenders were received; however all were well above the proposed budget. As a result, no tenders were accepted and Council resolved *to undertake further consultation with the stakeholders with a view to achieve a suitable outcome within budgetary constraints.*

Ongoing consultation with the Lower Clarence Magpies has continued since regarding facility design with numerous applications for funding submitted for the project, all of which have been unsuccessful until 2017. During this period meetings were also held with local Federal and State members on site about the project.

Further preliminary designs were produced based on a two change room design. However as consultation with the user groups continued, this concept grew to include four change rooms, two referee rooms, public amenities, food and beverage areas, storage, first aid, a time keepers box as well as a social/community space. This design is consistent with the NRL guidelines for a local and regional (in some aspects) level playing facility.

Negotiations/discussions continued in early 2018 with stakeholders including representatives from the Lower Clarence Magpies (juniors and seniors), National Rugby League, Country Rugby League and others as required, primarily regarding the building design. While this design includes 4 change rooms, the Lower Clarence Magpies advised that this will meet expected future demands of their sport.

The floor plan of the proposed facility is attached for reference.

Contamination Assessment

To progress the project, Council officers attended a Development Management Unit (DMU) meeting in April 2018 where it was identified additional investigation and reports would be required. One of these items was a Contamination Assessment report regarding the mound where the proposed structure would be placed on the western side of the NRL ground. The mound had been placed at the ground when other filling for the spectator mounds was placed and was known to consist of inert soils, clays, and potentially road waste (bricks/concrete etc). This report was required to address the State Environmental Planning Policy No 55 Remediation of Land.

In June 2018 a qualified contractor was engaged and completed a contaminated soil assessment. The testing was in two stages as the Lower Clarence Magpies (LCM) had structures/shipping containers in the areas where testing was required. It was agreed with the LCM that they would remove their structures at the end of the 2018 season to allow a second stage of testing to be undertaken. Stage two was completed in December 2018.

Development Application

A Development Application (DA) (2018/0550) was lodged in August 2018, pending the receipt of further information including the stormwater report and results of stage one of the soil testing. The DA was approved on 30 October 2018 with a number of building conditions.

Following the approved DA, Council engaged an architect and engineer to advance the plans to detailed design stage to issue for tender. This is currently in progress with plans and specifications due in late February 2019.

Funding

NSW Stronger Country Communities Funding

Council were successful for funding for \$355,000 through round one of the NSW Stronger Country Communities Fund (SCCF) R1, announced in December 2017 based on costs for the previous two change room design.

Federal Government Community Sports Infrastructure Fund

In February 2019, Council were notified of another successful funding application through the Community Sport Infrastructure Fund (CSIF) for \$500,000 towards this project.

Cost Estimate

With the SCCF grant and the proposed development confirmed, Council engaged a Quantity Surveyor (QS) in May 2018 to provide a trade based estimate for the construction of the facility. The QS estimate is provided as a confidential attachment.

KEY ISSUES

Council Sporting Priorities

This project has been identified in several of Council's planning and guidance documents including:

- Yamba Sports Complex Plan of Management
- Clarence Valley Sports Facilities Strategic Plan
- The Clarence 2027 – to provide a safe, active and healthy region...
- Council report Item 13.005/17 – Identifying the proposed development as a priority
- Council report Item 13.073/17 – Identifying the proposed development as a high priority

Community Benefit

Whilst discussions and consultation has primarily occurred with the Lower Clarence Magpies, there are numerous other community groups that will benefit from this project. The field provides for a secure location including adequate fencing and controls for school groups to run programs and events as well as other sporting codes to use the ground and associated infrastructure. It would particularly benefit other rectangular field sports including rugby union and football (soccer).

The Lower Clarence Magpies, in 2018, had a total of 224 registered players including seniors, U18, ladies league tag and juniors. They primarily use the facility during the winter sporting season from April – September. The Club has relocated from the Maclean Showground and the transfer has had a positive benefit for the Club in so far as having access to a field without interruptions from Showground events. The move has also benefited other traditional users of the Showground that have events during the winter season.

There is potential to maximise the use of the facility in the summer season, but also compliment the current use during the winter season with school and other sporting codes.

Native Title

Native title has been extinguished on the reserve.

COUNCIL IMPLICATIONS**Budget/Financial**

The project budget has been discussed with the current user group including the Lower Clarence Magpies as well as the National Rugby League and Country Rugby League, however no funds have been contributed from any sporting group for this project.

The QS estimate is attached as a confidential attachment.

Funding includes -

- Stronger Country Communities Fund - \$355,000 (State)
- Community Sport Infrastructure Fund - \$500,000 (Federal)
- Council S94 and S94AFund Balance of funds

In item 25.7 the sports stadium is identified in the 2011 section 94 contribution plan under the Local Government Area Service Catchment for contributions. At present this account has \$371,724 in the account earning an extra \$43,904 to date this financial year. In addition the Coast Open Space and Recreation facilities reserve has \$133,778. It is suggested that these funds have clear nexus and can be used for this development. The likely rapid residential development now gaining real momentum in West Yamba is likely to contribute further to these funds in the near future.

Asset Management

The proposed new asset is identified within the current Open Spaces Asset Management Plan subject to external funding. The new asset will be entered into Council's asset management system and regularly maintained as required. Options to reduce operations and maintenance costs will be reviewed with the user groups.

Policy or Regulation

- Clarence Valley Open Spaces Strategic Plan
- Clarence Valley Sports Facilities Plan
- Yamba Sports Complex Plan of Management
- Crown Land Management Act 2016
- Local Government Act 1993
- Council Report Item 13.125/13 – RFT Tender for Sports Amenities Yamba (25 June 2013)
- Council Report Item 13.00517 – Community Sporting Priority Projects (21 November 2017)
- Council Report Item 13.07317 – Local Member Infrastructure Priorities (21 March 2017)

Consultation

Ongoing consultation has been held with the user groups Lower Clarence Magpies (seniors and juniors), the National Rugby League and Country Rugby League – all who have had representation on regular project team and site meetings.

Legal and Risk Management

An extension to the SCCF is required to be made.

Prepared by	Rachelle Passmore – Senior Parks & Recreation Officer
Attachment	Proposed Floor Plan CONFIDENTIAL - Quantity Surveyor Estimate

ITEM	15.011/19	MINNIE WATER FORESHORE RESERVE – STATUS REPORT OF REMEDIATION ON CROWN LAND
Meeting	Corporate, Governance & Works Committee	19 February 2019
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Nil	

SUMMARY

This report provides a status report on the remediation works at Minnie Water Foreshore Reserve following the unexpected find of asbestos contaminating material.

OFFICER RECOMMENDATION

That Council as Crown Land Manager of the Minnie Water Foreshore Reserve (RE84129)

1. Note the status of works completed as at 1 February 2019.
2. Note that the cost of works completed to date is valued at \$282,837 (ex GST)
3. Increase the budget by \$30,000 to be funded from RA70010 [CCRT Reserve] to enable works to be completed and
4. Receive a report upon completion of the works which details the final costs attributed to the project.

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Toms, Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 15.011/19

Williamson/Kingsley

That Council as Crown Land Manager of the Minnie Water Foreshore Reserve (RE84129)

1. Note the status of works completed as at 1 February 2019.
2. Note that the cost of works completed to date is valued at \$282,837 (ex GST)
3. Increase the budget by \$30,000 to be funded from RA70010 [CCRT Reserve] to enable works to be completed and
4. Receive a report upon completion of the works which details the final costs attributed to the project.

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

At the October 2018 Ordinary meeting of Council the following resolution (Item 13.060/18) was passed –

That Council as Crown Land Manager of the Minnie Water Foreshore Reserve (RE:84129) -

- 1. note the actions to remediate the asbestos containing material found on the reserve.*
- 2. place the Minnie Water Foreshore Reserve Concept Plan on exhibition for a 2 week period and, if there are no significant objections received, adopt and implement the plan immediately.*
- 3. allocate \$256,625 from the Reserve (RA70010) to fund the remediation of the reserve and delegate to the General Manager to fund any variations in cost up to 10% of this amount with final costs to be reported to Council as Crown Reserve Manager.*
- 4. seek funding from the Crown Reserve Improvement Fund for the cost of undertaking the works.*

At the November 2018 Ordinary meeting of Council the following resolution (Item 13.074/18) was passed –

That Council, as Crown Land Manager of the Minnie Water Foreshore Reserve (RE84129), endorse the Minnie Water Foreshore Reserve - Concept Plan inclusive of the recommended actions outlined in this report to enable the finalisation of the Environmental Management Plan and Remediation Action Plan.

This report contained a number of actions, the action and status of each is provided in key issues:

KEY ISSUES**Status of works as at 1 February 2018**

The contaminated material has been removed and a clearance certificate received. The removal of contaminated material occurred in two phases due to the nature of the material found and the requirements around disposal as follows –

1. Phase 1 removed 770 tonnes of contaminated material being completed between 12 and 20 December 2018. On completion of Phase 1 works the southern car park was opened to public, this area catered for the parking requirements during the summer holiday period. No complaints were received during the holiday period given the tight timeframes and pending Christmas break.
2. Phase 2 removed 33 tonnes of contaminated material being completed 17 January 2019. To achieve efficiencies in work the removal trucks were back loaded with road base material, a total of 1,200 tonne of material was supplied and installed forming the base of the two car parking areas. Other works completed as at 1 February 2019 include the boundary fence.

At the time of preparing the initial estimate the full scope and nature of the distribution of contaminated material was not fully known. The quantity of materials over and above those which were initially estimated have been required. The works completed to date, have been based on removing and rehabilitating areas which contained both asbestos containing materials and lead contamination. The full extent of these materials was only able to be discovered upon excavation. The complete removal of the materials to the site auditor's direction was required to enable a clearance certificate to be issued.

Due to additional quantities of contaminated materials and increased disposal costs, further funds are being sought in order to complete the installation of grass stabilisation cells, turf, furniture and showers. The current resolution gives the General Manager a 10% variance on the budget, which was established as a contingency sum, however this has been utilised due to the increased quantities and disposal costs.

Subject to the provision of funding, all works are expected to be completed by April 2019 with install of grass cells, soils and turf within 2/3 weeks from date of writing this report.

Status of Actions

Actions identified in Item 13.074/18 as listed below, the action and status of each is provided;

Action	Status
That the parking arrangement proposed in the Minnie Water Foreshore Reserve - Concept Plan be developed as proposed and that a removable barrier (chain) be located within each car park to allow for over flow parking for events or during peak holiday times.	Provision of a removable chain has been allowed for and will be included in final construction.
That Council consider alternate car park surface treatments that limit environmental impact, maintain visual amenity, enable accessibility and balance capital, operations and maintenance costs.	Recycled plastic grass stabilisation cells will form a base over the road base material enabling the car park areas to be grassed, the use of the product combined with the grass will allow for parking while maintaining current visual amenity of the reserve. Materials have been procured, final quotes are being sought for installation, works are planned to commence in the coming weeks.
That the 5 picnic tables and associated bins in the Minnie Water Foreshore Reserve - Concept Plan be developed as proposed, that a beach shower / tap be located at one of the two beach access points, that Council enter into discussions with the SLSC around provision of toilets for events and consideration be given to the provision of portable toilets for peak holiday periods.	5 aluminium picnic tables with umbrella holes, 2 bins and 2 beach showers have been procured and installation works are planned to commence in the coming weeks. Discussions with the SLSC around provision of toilets for events pending
That Council locate 1 additional bin within the Reserve and undertake additional empties during holiday times and enter into discussions with the SLSC around provision of bins for events.	Additional empties during holiday times were undertaken in line with council's service standard
That Council receive and note the submissions and undertake further consultation with adjacent properties to confirm location and species of trees.	Discussions with adjacent properties to confirm location and species of trees pending
That Council receive and note the submissions and implement Council minute 15.148/18.	Works commenced prior to summer holiday period enabling 50% of parking capacity and access to 90% of the site. The balance of works scheduled to commence in coming weeks.
That Council receive and note the submissions and investigate what controls could be implemented within capital works program for Sandon Road.	Not yet undertaken, action subject to further investigation.
That Council endorse the Minnie Water Foreshore Reserve - Concept Plan to enable the finalisation of the EMP and RAP.	Works commenced prior to summer holiday period enabling 50% of parking capacity and access to 90% of the site. The balance of works scheduled to commence in coming weeks.

COUNCIL IMPLICATIONS**Budget/Financial**

At the time of preparing the initial estimate the quantity and nature of the distribution of contaminated material was not fully known. The works completed to date, have been based on removing and rehabilitating both asbestos containing materials and lead contamination. The full extent of these materials could only be discovered upon excavation, which required all found materials to be removed to enable a clearance certificate could be issued. The quantity of materials removed has differed from that originally estimated and as a result the consequent cost and variance is listed below:

No.	Item Description	Estimated Cost	Actual Cost 1/2/19	Variance
1	Preliminaries, site safety systems, etc	\$5,000	\$4,499	-10%
2	Supervising consultant and investigations	\$20,000	\$26,740	34%
3	Contractor removal costs	\$40,000	\$109,025	176%
4	Waste disposal	\$20,000	\$11,609	-42%
5	Car parking pavements	\$86,100	\$77,722	-10%
6	Bollards and barriers	\$10,000	\$16,846	68%
7	Top dressing and turf	\$10,000	\$16,100	61%
8	Park furniture and seating	\$15,000	\$20,295	35%
	Sub-total	\$206,100		
	Project management 5%	\$10,305		
	Contingency @20%	\$40,220		
	Total	\$256,625	\$282,837	10%

Explanation to variances

- Item 2 – Additional supervision costs and works required to obtain waste disposal and transport clearances.
- Items 3 – Variance due to quantum of material and transport/disposal rate based on the actual volumes excavated and disposed of. Initial estimates were much less than actuals due to the unknown quantities.
- Item 4 - Variance due to time and plant required to complete site works.
- Items 6 and 7 – Additional materials and labour required due to the required removal of additional materials.
- Contingency used for budget over expenditure to date.

Contact has been made to DPI Lands regarding the project and to date no reply regarding funding or the project received. Further contact will be made the DPI Lands.

Asset Management

N/A

Policy or Regulation

The following references are applicable to this report:

- State Environmental Planning Policy (Infrastructure) 2007
- Local Government Act 1993
- Clarence Valley Open Spaces Strategic Plan 2012
- Minnie Water Foreshore Reserve Plan of Management
- Asbestos Management Policy

Consultation

N/A

Legal and Risk Management

N/A

Prepared by	David Sutton, Open Spaces Coordinator
Attachment	Nil

ITEM 15.012/19 2018-19 QUARTERLY BUDGET REVIEW STATEMENT – DECEMBER 2018

Meeting	Corporate, Governance & Works Committee	19 February 2019
Directorate	Corporate & Governance	
Reviewed by	Manager - Finance & Supply (Matthew Sykes)	
Attachment	To be tabled	

SUMMARY

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

Budget adjustments for the quarter ended 31 December 2018 (subject to council resolution) result in a net General Fund deficit of \$733,361 decreasing the current year projected budget result to a \$504,631 deficit.

OFFICER RECOMMENDATION

That Council:

1. Receive and note the information in the Quarterly Budget Review Statement to December 2018.
2. Approve General Fund variations detailed in this report totalling \$571,194, which results in a projected General Fund budget deficit of \$504,631 for the year and note that the General Manager has instructed staff to identify strategies and savings to be reported to the April Council meeting which will bring Council's General Fund budget position to a balanced position by 30 June 2019.
3. Approve the variations for the Financial Reserves as detailed in this report totalling \$396,807, which results in a projected decrease in the External and Internal Reserves Funds of \$5,933,665.

COMMITTEE RECOMMENDATION

Lysaught/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Toms, Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 15.012/19

Williamson/Kingsley

That Council:

1. **Receive and note the information in the Quarterly Budget Review Statement to December 2018.**
 2. **Approve General Fund variations detailed in this report totalling \$571,194, which results in a projected General Fund budget deficit of \$504,631 for the year and note that the General Manager has instructed staff to identify strategies and savings to be reported to the April Council meeting which will bring Council's General Fund budget position to a balanced position by 30 June 2019.**
-

3. Approve the variations for the Financial Reserves as detailed in this report totalling \$396,807, which results in a projected decrease in the External and Internal Reserves Funds of \$5,933,665.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

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

BACKGROUND

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

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

The QBRS includes:

Attachments

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

Other Matters:

5. Quarterly Budget Review – Provides the proposed variations for the month of December. Summarises the General Fund budget variations during the quarter and the impact on the overall projected result and reserves.
6. Capital Budget Review.
7. Key Performance Indicators – Provides a projected result against the benchmark for Council's General Fund key performance indicators.

8. Improvement Strategies - Details the overall progress in achieving the adopted Improvement Strategies in 2018/19.
9. Loan Borrowing Portfolio – Provides a summary of Councils outstanding loan balances (Attachment E).
10. Grant Funding - Summary of Councils successful grants and activity on grant applications in the financial year.

KEY ISSUE**QUARTERLY BUDGET REVIEW**

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

Major Budget Variations Proposed

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

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
611	Service – Organisation Performance and Governance Sub-Service – Organisational Governance <ul style="list-style-type: none"> • Fund cost of Consultant to undertake Corporate Risk Framework review from RA 10275 – Statewide Risk Management. 	\$Nil	\$40,000	N/A
713	Service – Finance & Supply Sub-Service – Supply & Light Fleet Management <ul style="list-style-type: none"> • Recognition Improvement Strategy 1 – Service Review \$75,775 – reduction of 1 FTE - Koolkhan Depot Stores officer position. 	\$Nil	\$Nil	N/A
715	Service – Information Systems Sub-Service – Corporate Systems <ul style="list-style-type: none"> • Fund Enterprise Budgeting Project from RA 10005 – Strategic Organisational Action Plan (SOAP) Implementation Reserve. 	\$Nil	\$35,000	N/A
717	Service – Finance & Supply Sub-Service – Administration & Overhead Management <ul style="list-style-type: none"> • Reverse 2017/18 Improvement Strategy recognised in 2018/19 Original Budget. 	\$373,924	\$Nil	N/A
841	Service – Sporting Facilities Sub-Service – Sporting Facilities <ul style="list-style-type: none"> • Round 2 Stronger Country Communities Fund Grant to fund: Ellem Oval reconfiguration of irrigation system \$295,000 Rushforth Park Stage 2 new amenities and 	\$Nil	\$Nil	13.014/18

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
	canteen \$500,000 Ngayundi Sport Complex car-park and playing surface \$370,000 Ken Leeson Oval Stage 1 upgrade \$150,000.			
852	Service – Natural Resources Management Sub-Service – Weed Management <ul style="list-style-type: none"> Align budget for Noxious Weeds – Reduce Grant income and expenditure by \$4,091 to reflect actual funds received. 	\$Nil	\$Nil	N/A
864	Service – Buildings, Properties & Leases Sub-Service – Buildings in Other Services <ul style="list-style-type: none"> Round 2 Stronger Country Communities Fund Grant to fund: Enhancement of Yamba Museum Precinct \$250,080 Archive Facility – Clarence River Historical Society \$59,091. 	\$Nil	\$Nil	13.014/18
878	Service – Waste Management Sub-Service – Waste Transfer Stations and Other Waste <ul style="list-style-type: none"> Fund Additional cost of Richmond Valley Council Audit from RA 31171 – North East Waste (NEW) Group. 	\$Nil	\$30,000	N/A
881	Service – Environmental Sustainability Sub-Service – Sustainability Projects/Climate Change <ul style="list-style-type: none"> Contribution from RA 10818 – Sustainability Reserve to NRMA towards establishment of an Electric Vehicle Charging Station at the Grafton Regional Library. 	\$Nil	\$8,420	15.222/18
882	Service – Caravan Parks Sub-Service – Caravan Parks <ul style="list-style-type: none"> Purchase new Creepy Crawley for Minnie Waters Holiday Park pool to be funded from RA 70010 – CCRT Maintenance Reserve. Replace mains electricity board and fund additional electrical maintenance at Iluka Riverside Holiday Park to be funded from RA 70010 – CCRT Maintenance Reserve. 	\$Nil \$Nil	\$3,000 \$35,000	N/A 13.073/18
883	Service – Saleyards Sub-Service – Saleyards <ul style="list-style-type: none"> Replace manager office/scale room roof, repair storage shed, install carport style shed funded from RA 10910 – Saleyards Asset Replacement Reserve. 	\$Nil	\$15,000	N/A

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
892	<p>Service – Sewerage Services Sub-Service – Sewer Construction</p> <ul style="list-style-type: none"> Estimated final cost of Maclean, Townsend & Ilarwill Sewer Treatment Plant (STP) Rehabilitation Project now complete to be funded from RA 79025 - Sewer Reserves Account. 	\$Nil	\$1,579,809	15.229/18
920	<p>Service – Development & Environmental Sub-Service – Planning and Assessment</p> <ul style="list-style-type: none"> Align Development Application and Subdivision Construction Certificates Fees to reflect increased development applications. Purchase and implement “Trapeze” suite of mapping tools for electronic Development Application assessment and management. 	(\$245,000)	\$Nil	N/A
921	<p>Service – Development & Environmental S Sub-Service – Building and Environmental</p> <ul style="list-style-type: none"> Align Statutory Fees reflect increased development applications. 	(\$45,000)	Nil	N/A
940	<p>Service – Libraries Sub-Service – Clarence Regional Library</p> <ul style="list-style-type: none"> Align State Library Funding to reflect 2018/19 Allocations. 	\$Nil	(\$26,849)	N/A
941	<p>Service – Libraries Sub-Service – Public Libraries</p> <ul style="list-style-type: none"> Align State Library Funding to reflect 2018/19 Allocations. 	\$34,102	\$Nil	N/A
961	<p>Service – Land Use Planning Sub-Service – Land Use Planning</p> <ul style="list-style-type: none"> Fund Woolli Beach Scraping through Office Environmental Heritage Grant \$50,000, Coastal Communities Protection Alliance \$25,000 and matching CVC Contribution: \$12,500 from General Fund and \$12,260 from RA 79000 - CCRT Bank Account. Align Office of Environmental Heritage Grant to reflect remaining funding to be received to complete Brooms head Geotech Study & Hazard Review \$2,564. Prepare James Creek Road developer Contribution Plan to be funded from RA 91200 – S94 Roadworks Ulmarra. 	\$12,500	\$12,260	14.076/17
		\$Nil	\$Nil	N/A
		\$Nil	\$23,000	15.184/18

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
967	Service – Economic Development Sub-Service – Tourism <ul style="list-style-type: none"> Reverse duplicated 18/19 Improvement Strategy Item 17 to restore Tourism Marketing Budget. 	\$80,000	\$Nil	N/A
	TOTAL Proposed General Fund / Reserve Balance Impact	\$270,526	\$1,754,640	

The table below summarises the General Fund budget variations endorsed during the quarter (Minutes 15.204/18 October and 15.213/18 November) and the impact on the overall projected result.

Quarter 2 Budget Variations	Council Minutes Actioned	Budget Review Variations	\$	Net Impact	Council Minute Reference
October	\$149,667	\$14,511	\$164,178	Deficit	15.204/18
November	\$0	\$298,657	\$298,657	Deficit	15.213/18
December Proposed	\$12,500	\$258,026	\$270,526	Deficit	
Total	\$162,167	\$571,194	\$733,361	Deficit	

Original Adopted Budget Movement			(\$124,341)	Surplus
Q1 QBRS adopted variations	\$70,000	(\$174,389)	(\$104,389)	Surplus
Q2 QBRS proposed variations	\$162,167	\$571,194	\$733,361	Deficit
Revised Budget as at 31 December 2018			\$504,631	Deficit

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

Quarter 2 Reserve Funds Variations	Council Minutes Actioned	Budget Review Variations	\$	Net Impact	Council Minute Reference
October	\$1,598,739	\$186,666	\$1,785,405	Decrease	15.204/18
November	\$19,000	\$113,990	\$132,990	Decrease	15.213/18
December Proposed	\$1,658,489	\$96,151	\$1,754,640	Decrease	
Total	\$3,276,228	\$396,807	\$3,673,035	Decrease	

Original Adopted Budget Reserve Funds Movement			(\$10,250,050)	Increase
Q1 QBRS adopted variations	\$2,200,546	\$10,310,133	\$12,510,680	Decrease
Q2 QBRS proposed variations	\$3,276,228	\$396,807	\$3,673,035	Decrease
Revised Budget as at 31 December 2018			\$5,933,665	Decrease

CAPITAL BUDGET REVIEW

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

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

KEY PERFORMANCE INDICATORS

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

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

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

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

IMPROVEMENT STRATEGIES

The table below details the overall progress in achieving the adopted Improvement Strategies in 2018/19:

18/19 Improvement Strategy	Action	18/19 Amended Budget Target	Recognised in OBUD	Recognised to Date	Yet to be Recognised
Item 1 – Depot Review	Service Review	\$297,126	-	\$75,775	\$221,351
Item 2 – Payment Options Review	Cost Reduction	\$34,000	-	-	\$34,000

18/19 Improvement Strategy	Action	18/19 Amended Budget Target	Recognised in OBUD	Recognised to Date	Yet to be Recognised
Item 3 - Infrastructure Services Review	Change in Service Delivery	\$549,371	-	-	\$549,371
Item 4 – Additional Revenue	Change in Service Delivery	\$92,910	-	-	\$92,910
Item 5 – Building, Properties & Leases	Cost Reduction	\$55,000	-	-	\$55,000
Item 6 - Regulatory Services	Cost Reduction	\$750	-	\$750	-
Item 7 - Full Cost Recovery of Airport	Additional Revenue	\$134,477	-	-	\$134,477
Item 8 – Increase User Charges (Sporting Fields)	Additional Revenue	\$20,620	-	-	\$20,620
Item 9 – Saleyards Cost Recovery	Additional Revenue	\$19,125	-	-	\$19,125
Item 10 - Development & Environmental Services (DMU Charges)	Additional Revenue	\$671	-	\$671	-
Item 11 - Full Time Parking officer, Footpath binning and Dog Registrations Officer	Additional Revenue	\$12,927	\$12,927	-	-
Item 12 - Review of DA and CC Lodgement Procedures	Additional Revenue	\$1,342	-	\$1,342	-
Item 13 - Improved Procurement Strategies – Offset against Alternate	Cost Reduction	\$2,500	\$2,500	-	-
Item 14 - Water Fund Dividend Payment - Offset against Alternate	Additional Revenue	\$148,000	-	-	\$148,000
Item 16 - Phone line audit and true up	Cost Reduction	\$769	-	\$769	-
Item 17 - Tourist Information - Offset against Additional Item 18	Change in Service Delivery	\$208,880	\$80,000	-	\$128,880
Item 18 - Community Centres – Model review	Change in Service Delivery	\$72,129	\$23,760	-	\$48,369
Item 19 - Review Environment Planning and Community Directorate Structure	Service Review	\$15,186	\$15,186	-	-
Item 20 – Regional Gallery Operations	Service Review	\$30,000	\$30,000	-	-
Item 21 - Review Library Operations	Cost Reduction	\$1,500	\$1,500	-	-
Item 22 - Review Natural Resource Management Services	Service Reduction	\$7,189	-	\$7,189	-

18/19 Improvement Strategy	Action	18/19 Amended Budget Target	Recognised in OBUD	Recognised to Date	Yet to be Recognised
Item 23 - Review Executive Support Services	Service Review	\$14,742	-	-	\$14,742
Item 24 – Review South Grafton Pool	Service Reduction	\$370,345	-	-	\$370,345
Item 26 - Street Sweeping Operations review	Service Reduction	\$2,724	-	\$2,724	-
Item 27 – Graphic Design Position to be fully cost recovered	Additional Revenue	\$18,457	\$22,787	-	(\$4,330)
Item 28 - Contribution to Roads re damage to road infrastructure	Additional Revenue	\$189,000	\$189,000	-	-
Item 29 - Community Initiatives Program	Cost Reduction	\$371	-	\$371	-
Item 30 - Events & Festivals Contributions	Cost Reduction	\$569	-	\$569	-
Item 31 – Purchase New Mapping Solution	Cost Reduction	\$1,153	-	\$1,153	-
Item 32 - Review General Manager Sub Service	Cost Reduction	\$2,150	-	\$2,150	-
Item 33 - Review Corporate and OPAG Service	Service Review	\$282,881	-	-	\$282,881
Item 34 - Review Asset Management Sub-Service	Service Review	\$1,833	-	\$1,833	-
Item 35 – Civil & Works Administrative Service	Service Review	\$2,517	-	\$2,517	-
Item 36 – Review Parks & Open Space Service	Service Review	\$1,801	-	\$1,801	-
TOTAL		\$2,593,015	\$377,660	\$99,614	\$2,115,741

Additional savings identified during 2018/19 are as follows:

- A policy premium saving of \$200,000 has been realised by reviewing and increasing the public liability excess from \$12,500 to \$50,000. Following review, other minor variations across all policies have resulted in a total net saving on insurance expense of \$318,000.

LOAN BORROWING PORTFOLIO

As at 31 December 2018, Council's loan borrowing portfolio had a principal outstanding balance of \$114,475,643 (see Attachment F for individual loans outstanding).

On a Fund basis the balance is comprised of:

Fund	Balance
General Fund loans	\$ 15,439,851
Water Fund loans	\$ 22,924,377
Sewer Fund loans	\$ 69,916,036
Domestic Waste Management Fund loans	\$ 6,195,379
TOTAL	\$ 114,475,643

Institution	Balance
ANZ	\$ 15,645,687
CBA	\$ 104,452
Dexia	\$ 62,187,993
NAB	\$ 33,756,399
NSW Treasury	\$ 100,700
Westpac	\$ 2,680,412
TOTAL	\$ 114,475,643

Council does not have any internal borrowings. Council made \$3,964,713 in loan repayments for the December 2018 quarter, which comprised \$1,975,549 of principal and \$1,989,164 of interest. These payments are included in Council's 2018/19 budget.

GRANT FUNDING

Active = Successful grant application, work/program commenced

Future = Successful grant application, work/program not commenced

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

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

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

2018/19 Grant Applications as at 31 December 2018	No. of Applications	Other Applications	State Applications	Federal Applications	Total Applications
Successful	14	\$0	\$3,637,379	\$0	\$3,637,379
Unsuccessful	10	\$0	\$681,012	\$0	\$681,012
Application in Progress	2	\$0	\$180,948	\$28,752	\$209,700
Submitted	12	\$0	\$343,423	\$0	\$343,423
Total	38	\$0	\$4,842,762	\$28,752	\$4,871,514

Council's success rate for grant applications financial year to date (as at 31 December 2018) is 58%, equating to 14 successful applications of the 24 applications that have been determined, and approved funding of \$3,637,379.

COUNCIL IMPLICATIONS**Budget/Financial**

The proposed General Fund budget variations for the December 2018 quarter will result in a revised 2018/19 Budget as at 31 December 2018 of a \$504,631 deficit. The approved Reserve Funds variations for the December 2018 quarter has resulted in a revised 2018/19 Budget Reserve Funds movement as at 31 December 2018 of a \$5,933,665 reduction.

Asset Management

N/A

Policy or Regulation

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

Consultation

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

Legal and Risk Management

N/A

Prepared by	Nathan Binns, Corporate Financial Planner
To be tabled	<ul style="list-style-type: none"> A. Quarterly Budget Review Income Statement by Fund B. Quarterly Budget Review Sub Service Summary C. Quarterly Budget Review Summary of Restrictions D. Quarterly Budget Review Contracts and Other Expenses E. Outstanding Loans by Fund Report as at 31.12.18

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

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

It is my opinion that the Quarterly Budget Review Statement for Clarence Valley Council for the quarter ended 31 December 2018 indicates that Council's projected short term financial position at 30 June 2019 will be satisfactory, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

The estimated available working capital for Council's General Fund as at 30 June 2019 was \$5.964m.

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

Estimated Balance of Working Capital	Amount \$'000
General Fund working capital as at 30 June 2018	\$6,469
Adopted original budget for 2018/19 – Surplus	\$124
Variations for September 2018 Quarterly Review – Surplus	\$104
Variations for December 2018 Quarterly Review – Deficit	(\$733)
Estimated Balance of Working Capital at 30 June 2019	\$5,964

Council's adopted benchmark goal for the General Fund working capital is for it to be maintained above \$4m. The estimated balance of the working capital for General Fund at 30 June 2019 of \$5.964m is above Council's benchmark and can be considered a satisfactory result as at 30 June 2019. However, Council must continue to maximise its revenue and contain expenditure to budget expectations to ensure the forecast for 2018/19 does not deteriorate.

Signed Matthew Sykes, Responsible Accounting Officer, Clarence Valley Council
Date 11/02/2019

ITEM	15.013/19	CODE OF MEETING PRACTICE
Meeting	Corporate, Governance & Works Committee	19 February 2019
Directorate	Corporate & Governance	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	To be tabled	

SUMMARY

This report recommends the public exhibition, prior to adoption, of a new Code of Meeting Practice to meet the objectives of the Office of Local Government's Model Code of Meeting Practice, prescribed in December 2018.

OFFICER RECOMMENDATION

That the draft Code of Meeting Practice be placed on public exhibition for a period of 28 days and:

- i. subject to there being no public comment that changes the intent of the Code, it be adopted,
- ii. if submissions are received that change the intent of the Code, the Code and submission(s) be reported to Council for consideration.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

The draft Code of Meeting Practice be placed on public exhibition for a period of 28 days and:

- i. subject to there being no public comment, it be adopted,
- ii. if submissions are received, the Code and submission(s) be reported to Council for consideration.

Voting recorded as follows

For: Toms, Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 15.013/19

Novak/Kingsley

The draft Code of Meeting Practice be placed on public exhibition for a period of 28 days and:

- i. subject to there being no public comment, it be adopted,
- ii. if submissions are received, the Code and submission(s) be reported to Council for consideration.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.7 Undertake the civic duties of Council in an ethical manner

BACKGROUND

The draft Model Code was released in early 2018 and recommended mandatory and optional inclusions for Council's consideration. Throughout 2018, Council workshopped the various optional inclusions for inclusion in its draft Code of Meeting Practice.

Included in the draft Code are 'Local Policy' matters. One new Local Policy issue, devised by a Notice of Motion submitted by Councillor Baker and relating to 'inviting and receiving advice from the general manager', is included in the draft Code.

The draft Code details the new council meeting date schedule adopted in 2018 as follows:

3.1 Committee and council meeting dates, being the third and fourth Tuesday of the month.

The Code provides greater mandated definition and direction to councillors, chair and general manager regarding matters included in the existing Code of Meeting Practice.

While councillors were in agreement on which elements should be included in the draft, there were opposing views on the issue of Public Forum. It should be noted that the draft includes the option for a Public Forum that is not part of the meeting, but which is better managed. The Public Forum also incorporates Deputations.

KEY ISSUES

A summary of key issues follows:

Optional inclusions requested for inclusion through 2018 development of draft at councillor workshops.

Section	Comment
3.13	Notices of motion are limited to 2, per meeting cycle
3.14	If the general manager determines the notice of motion to have legal, strategic, financial or policy implications that should be taken into consideration, the general manager may either prepare a report to accompany the notice of motion, or defer consideration of the notice of motion.
3.15	If a notice of motion calls for expenditure of funds on works or services, not already provided for in council's adopted operational plan/budget, the source of funds must be identified.
3.34 – 3.41	Provision of the governance for hosting of workshops and briefing sessions.
4.1 – 4.20	Provision of governance for deputations prior to commencement of a committee meeting in line with the Office of Local Government's recommendation. Limiting the number of deputations for or against any one item of business, limiting question time of speakers and providing opportunity for the general manager to seek to have an item deferred, if the deputation raises questions that require further investigation by staff.
4.20 – 4.23	Control over presentations to council, of matters that are not related to an item on the agenda.
5.13 – 5.15	Provision of governance regarding cancellation of meetings.
7.1 – 7.4	Provision for terms of address.
10.9	Motions requiring expenditure of funds
Section 13	Dealing with items by way of exception – replacing what has previously been referred to as 'block voting'.
14.3 – 14.7	Recommends no more than 2 speakers be allowed to make representation to the council in regards to closure of a meeting for consideration of confidential business, for no more than 3 minutes.

15.4 – 15.15	Strengthening guidelines for expulsion from meetings. Note, OLG does offer an alternative option, that the Chair, without a resolution as is recommended in this draft Code, may also expel a councillor.
Section 18	Provision to end and/or extend the meeting at 7pm.

Mandated inclusions that are new or improved

3.11	Submission of notices of motion to the ordinary meeting.
3.16 – 3.18	Governance prohibiting questions with notice that imply a wrong doing by the general manager or member of staff.
9.6 – 9.10	Provision for considering funding implications of a Mayoral Minute.
10.16	Allowing an amendment to become a motion without debate or vote, when it is accepted by the councillor who moved the original motion.
10.24	Provision to shorten speeches to expedite business.
15.2	Provision of condition for a point of order.
15.20 – 15.23	Use of mobile phones during meetings.
17.12 – 17.14	Clarification of use of motions to rescind or alter resolutions in cases of urgency. <ul style="list-style-type: none"> NB Council's previous Local Policy position that rescission motions may only be listed at ordinary meetings, is overridden by mandated provisions for rescission motions.
17.15 – 17.20	Provision to recommit matters to correct an error.

Local Policy additional inclusions for consideration

3.3 – 3.4	Provides opportunity for calling an extraordinary meeting in an emergency, by the General Manager and Mayor. These clauses were included in the OLG Draft distributed for consultation, but have been removed from the prescribed Code.
Parts a and b of 3.9	Provide for circulation of supplementary material to the business paper. These clauses were included in the OLG Draft distributed for consultation, but have been removed from the prescribed Code.
3.13	Places a limit on the number of notices of motion per meeting cycle. This clause was included in the OLG Draft (allowing councils to determine the number) distributed for consultation, but has been removed from the prescribed Code.
3.15	Provision for consideration of funds required to fulfil a notice of motion. This clause was included in the OLG Draft (allowing councils to determine the number) distributed for consultation, but has been removed from the prescribed Code.
Section 4	Incorporates OLGs recommended way of including any public address. It also provides for better management of presentations, whether from the public or corporate partners such as consultants.
15.24 – 15.27	Subject of a NOM by Cr Baker and requires Council's agreement for inclusion as Local Policy relating to 'Inviting and receiving advice from the General Manager'.

Recommended removal of Local Policy

Section	Recommended action
5.2 a) Councillors present at meetings are expected to refrain from leaving the meeting room during the course of the meeting, unless the concurrence of the chairperson is obtained. The time at which they left and the time at which they returned, should be recorded in the minutes.	Remove from the Code as the activity remains impractical to manage and could prove disruptive to the meeting if implemented as stated. The intent of the Model Code of Meeting Practice provides that only councillors present may participate.
Petitions	Remove from Code of Meeting Practice and provide as a separate Guideline available on the website.

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation

Council is required to adopt a Code of Meeting Practice that reflects the new Model Code, within six months of prescription.

Consultation

The draft was prepared through Council workshops with senior staff.

Legal and Risk Management

N/A

Prepared by	Laura Black, Director Corporate & Governance
To be tabled	Draft Code of Meeting Practice

ITEM	15.014/19	ROAD CLOSURE AND ACQUISITION OF LAND – PART LIONSVILLE ROAD LIONSVILLE
Meeting	Corporate, Governance & Works Committee	19 February 2019
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Yes	

SUMMARY

Lionsville Road, Lionsville, is a Council maintained road with part of it currently located on private land and not within the public road reserve. This report considers acquisition of land for road purposes and the subsequent closure of an unused Council public road and transfer to the land owner in lieu of compensation.

OFFICER RECOMMENDATION

That Council:

1. Acquire part of Lot 99 DP 721299 and Lot 32 DP 752369 for road purposes.
2. Process a road closure over the unused Council public road reserves within Lot 99 DP 721299 and Lot 32 DP 752369.
3. Transfer the closed road sections to the owners of Lot 99 DP 721299 and Lot 32 DP 752369 in lieu of compensation for the acquired land.
4. Meet all survey and legal costs.
5. Affix the Common Seal to the survey and transfer documentation.
6. Authorise the General Manager to execute the transfer of land to effect the above requirements.

COMMITTEE RECOMMENDATION

Simmons/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Toms, Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 15.014/19

Williamson/Kingsley

That Council:

1. Acquire part of Lot 99 DP 721299 and Lot 32 DP 752369 for road purposes.
2. Process a road closure over the unused Council public road reserves within Lot 99 DP 721299 and Lot 32 DP 752369.
3. Transfer the closed road sections to the owners of Lot 99 DP 721299 and Lot 32 DP 752369 in lieu of compensation for the acquired land.
4. Meet all survey and legal costs.
5. Affix the Common Seal to the survey and transfer documentation.
6. Authorise the General Manager to execute the transfer of land to effect the above requirements.

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

Part of Lionsville Road, Lionsville, has been constructed over privately owned land being Lot 99 DP 721299 and Lot 32 DP 752369. This was a regular occurrence years ago as roads were constructed on the most suitable topographical alignment. The land owner of Lot 99 DP 721299 has approached Council to rectify the situation.

KEY ISSUES

The thin purple line in the attachment to this report identifies the road alignment currently maintained by Council, while shaded areas identify current ownership per the legend provided on the map.

The landowners of Lot 99 DP 721299 and Lot 32 DP 752369 have been consulted. The landowner of Lot 99 DP 721299 consents to the proposal. The landowner of Lot 32 DP 752369 has not yet provided consent.

Aligning ownership with current road maintenance practice reduces risk for both Council and the landowner.

COUNCIL IMPLICATIONS**Budget/Financial**

Quotations have been obtained for the survey of the road for acquisition and closure purposes.

The closure process, survey and legal fees are estimated at \$23,000. Costs for this will be covered by RA 10899 Roads – Road Acquisitions.

Asset Management

Council is currently maintaining the section of road traversing the private land and has it recorded in the Asset Management Plan. There is no change to Asset Management. This will fix the ownership of the road.

Policy or Regulation

Roads Act 1993

Conveyancing Act 1919

Consultation

Affected landowners have been advised of the proposal. Council's Civil Services Section has been consulted and agree to the proposal. Relevant authorities will be consulted as part of the road closure process and any objections will be reported back to Council for further consideration.

Legal and Risk Management

Locating the public road within a road reserve provides Council legal access to maintain the road and removes liability risk to the landholder.

Prepared by	Kylee Baker, Property Coordinator
Attachment	Map of proposed road acquisition and road closure

ITEM	15.015/19	POLICIES REVIEWED
Meeting	Corporate, Governance & Works Committee	19 February 2019
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Yes	

SUMMARY

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

OFFICER RECOMMENDATION

That:

1. The Privacy Statement and Privacy Management Plan be placed on public exhibition for a period of 28 days and:
 - i. subject to there being no public comment that changes the intent of the plan, the plan be adopted,
 - ii. if submissions are received that change the intent of the plan, the plan and submission(s) be reported to Council for consideration.
2. The Expenses and the Provision of Facilities for Councillors Policy be placed on public exhibition for a period of 28 days and:
 - i. subject to there being no public comment that changes the intent of the policy, the policy be adopted
 - ii. if submissions are received that change the intent of the policy, the policy and submission(s) will be reported to Council for consideration.

COMMITTEE RECOMMENDATION

Kingsley/Toms

That:

1. the draft Privacy Statement and draft Privacy Management Plan be placed on public exhibition for a period of 28 days and:
 - i. subject to there being no public comment, the plan be adopted,
 - ii. if submissions are received, the plan and submission(s) be reported to Council for consideration.
2. the draft Expenses and the Provision of Facilities for Councillors Policy be placed on public exhibition for a period of 28 days and:
 - i. subject to there being no public comment, the policy be adopted
 - ii. if submissions are received, the policy and submission(s) will be reported to Council for consideration.

Voting recorded as follows

For: Toms, Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 15.015/19**Williamson/Kingsley****That:**

1. the draft Privacy Statement and draft Privacy Management Plan be placed on public exhibition for a period of 28 days and:
 - i. subject to there being no public comment, the plan be adopted,
 - ii. if submissions are received, the plan and submission(s) be reported to Council for consideration.

2. the draft Expenses and the Provision of Facilities for Councillors Policy be placed on public exhibition for a period of 28 days and:
 - i. subject to there being no public comment, the policy be adopted
 - ii. if submissions are received, the policy and submission(s) will be reported to Council for consideration.

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 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

All Council policies are scheduled for review at least once during the term of the elected body. The policies contained in this report have been reviewed and amended as required. Where there are material changes, or it is a new policy or the policy has a significant impact on community, the policies would normally be placed on public exhibition for 28 days.

KEY ISSUES**Policies under review**

The proposed amendments to the policies are in revision marking.

A. Privacy statement and privacy management plan

The purpose of the Privacy statement and privacy management plan is to provide Council's approach to the collection and management of personal information and the requirements under the Privacy and Personal Information Protection Act 1998 (PPIP Act) and the Health Records and Information Privacy Act 2002 (HRIP Act).

The Privacy statement and privacy management plan has been reviewed and amended to include a privacy statement providing a quick guide to Council's collection and management of personal information;

The proposed changes are not considered to be material in nature. It is recommended that the privacy statement and privacy management plan be placed on public exhibition for a period of 28 days and:

- i. subject to there being no public comment that changes the intent of the policy, the policy be adopted
- ii. if submissions are received that change the intent of the policy, the policy and submission(s) will be reported to Council for consideration.

B. Expenses and the provision of facilities for Councillors

The policy has been placed into a the format provided by the Office of Local Government in line with better practice advice, therefore tracked changes in the current policy are not possible. A copy of the previous Policy V13 is available on our [website](#). The format provided by OLG aims to provide clarity about the availability of expenses, access to facilities and related reimbursement and to ensure all legislation requirements pertaining to the provision of expenses and facilities are detailed in the policy.

The key changes follow:

General travel arrangements and expenses

Councillors are responsible for liaising with the Executive Assistant team when booking transport to travel outside the Council boundaries on official business. Reasonable notice should be provided when booking a vehicle to ensure availability. A request to book a vehicle may be declined where reasonable notice of need is not provided.

Travel and accommodation related expenses not covered

Council will not pay for, or reimburse:

- traffic or parking fines or administrative charges for road toll accounts
- mini bar, pay movies or additional accommodation services not identified in this policy
- personal entertainment expenses
- personal requirement expenses, such as alcohol, cigarettes, medication
- transport, travel and/or accommodation undertaken in addition to that required for official business.

Professional Development

Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the Councillor's civic duties, the Councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.

Approval for professional development activities is subject to a prior written request to the General Manager outlining the:

- details of the proposed professional development
- relevance to Council priorities and business
- relevance to the exercise of the Councillor's civic duties.

In assessing a Councillor's request for a professional development activity, the General Manager must consider the matters raised in the written request as well as the cost of the activity in relation to the existing budget.

Reimbursement to Council

If Council has incurred an expense on behalf of a Councillor that exceeds, or is not included in the provisions of this policy, the Councillor will be invoiced for the expense. If the Councillor is unable to meet the terms of payment detailed on the invoice, they are to submit a written explanation to the General Manager, who may elect to deduct the amount from the Councillor's allowance.

Reporting

Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.

Auditing

The operations of this policy, including claims made under the policy, are subject to random audit.

Breaches

Suspected breaches of this policy are to be reported to the General Manager. Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

Accommodation and meals

The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

Aligning the upper limit for accommodation and meals with the award is regarded as best practice it should be noted that this is the upper limit of expenditure. The current process of obtaining the best value for money when all aspects, for example government discounts, location and travel costs are considered remains in place. Costs are verified and acquitted against actual expenditure.

The proposed changes are in line with legislation and proposed by the OLG. However, for transparency it is recommended that the Expenses and the provision of facilities for Councillors policy be placed on public exhibition.

COUNCIL IMPLICATIONS**Budget/Financial**

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

Asset Management

N/A

Policy or Regulation

Privacy statement and privacy management plan

- Privacy and Personal Information Protection Act 1998
- the Health Records and Information Privacy Act 2002 (HRIP Act)

Expenses and the provision of facilities for Councillors

- Code of Conduct
- Councillor Attendance at Conferences
- Electronic Communications Protocol
- Social Media Policy

Consultation

It is proposed that both policies be placed on public exhibition to seek comment.

Legal and Risk Management

Council's policies form part of the risk management framework.

Prepared by	Stephen McAlister, Governance Coordinator
Attachment	A Privacy statement and privacy management plan B Expenses and the provision of facilities for Councillors V14

ITEM	15.016/19	MONTHLY INVESTMENT REPORT – DECEMBER 2018 & INVESTMENT STRATEGY UPDATE
Meeting	Corporate, Governance & Works Committee	19 February 2019
Directorate	Corporate & Governance	
Reviewed by	Manager - Finance & Supply (Matthew Sykes)	
Attachment	To be tabled	

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 and to present to Council a revised Investment Strategy that sets out current market conditions, how Council is responding to structure its investment portfolio, realistic objectives for the investment portfolio, and risk management.

OFFICER RECOMMENDATION

That:

1. The report indicating Council's funds investment position as at 31 December 2018 be received and noted.
2. The revised Investment Strategy as detailed in and attached to this report be adopted.

COMMITTEE RECOMMENDATION

Kingsley/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Toms, Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 15.016/19

Williamson/Kingsley

That:

1. The report indicating Council's funds investment position as at 31 December 2018 be received and noted.
2. The revised Investment Strategy as detailed in and attached to this report be adopted.

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

BACKGROUNDInvestment Report

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*.

Investment Strategy

Council's current Investment Policy and Strategy was adopted by Council at its meeting on 26 June 2018 (Item 115.106/18). The Strategy is now due for review. In accordance with contractual arrangements, Council's investment advisor, CPG Research & Advisory P/L, have reviewed Council's Investment Strategy, and a copy is attached (refer Attachment C).

KEY ISSUES

The overall purpose and objectives of Council's Investment Policy has not changed from the current Investment Policy adopted in June 2018. The Policy outlines the framework for the investment of Council's surplus funds and identifies four (4) primary objectives for Council's investment portfolio. These being:

- Compliance with legislation, regulations, the prudent person tests of the Trustee Act and best practice guidelines;
- The preservation of the amount invested;
- To ensure there is sufficient liquid funds to meet all reasonably anticipated cash flow requirements; and
- To generate income from the investment that exceeds the performance benchmarks detailed in the document.

Council's Investment Strategy will run in conjunction with its Investment Policy and will outline:

- Council's current cash flow expectations and the implications for deviations from a long-term liquidity profile;
- Diversification: the allocation of investment type, credit quality, counterparty exposure and term to maturity profile;
- Market conditions and the appropriate responses – particularly relative positioning within the limits outlined in the Policy;
- Relative return outlook, risk-reward considerations, assessment of the market cycle and hence constraints on risk; and
- Appropriateness of overall investment types for Council's portfolio.

Returns above 3% are currently difficult to achieve in complying products at a guaranteed yield or volume, but AA FRNs are joining BBB FRNs in issuing at the 3%+ floating income rate.

Council's total investment income will face pressure from reinvestments through 2019, barring a very improbable early interest rate shock. Maturing assets will generally be reinvested below current returns, but wider credit spreads should help to moderate that.

The prolonged low period of interest rates should also be incorporated into future budgets for the foreseeable future, with no rate increase built into market pricing ever.

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.

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 December 2018 which details compliance with Council's Investment Policy Portfolio Credit Limits.

PORTFOLIO CREDIT LIMITS as at 31 DECEMBER 2018				
Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
AAA	100.00%	6,446,963	5.36%	Yes
AA	100.00%	33,198,147	27.59%	Yes
A	60.00%	30,155,176	25.07%	Yes
BBB	50.00%	50,506,060	41.98%	Yes
TOTAL INVESTMENTS		120,306,346	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.

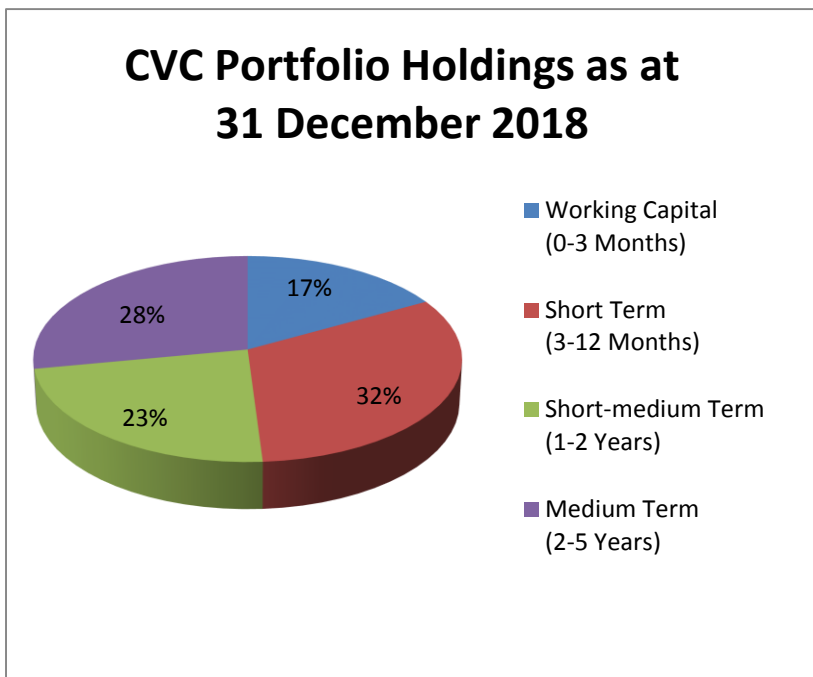
Individual Institution or Counterparty Limits

Tabled below is a summary of Council's investments as at 31 December 2018 which details compliance with Council's Investment Policy Counterparty Limits.

INDIVIDUAL INSTITUTION or COUNTERPARTY LIMITS as at 31 DECEMBER 2018					
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%	3,000,000	2.49%	Yes
ANZ*	AA-	30.00%	2,000,000	1.66%	Yes
BoQ	BBB+	15.00%	15,000,000	12.47%	Yes
Bendigo	BBB+	15.00%	7,000,000	5.82%	Yes
Bendigo*			1,006,060	0.84%	
Rural Bank			5,000,000	4.16%	
CBA*	AA-	30.00%	999,360	0.83%	Yes
Credit Union Australia	BBB	15.00%	6,000,000	4.99%	Yes
Defence	BBB	15.00%	7,000,000	5.82%	Yes
G&C Mutual	BBB-	15.00%	1,000,000	0.83%	Yes
IMB	BBB	15.00%	1,000,000	0.83%	Yes
ING Direct	A	15.00%	14,000,000	11.64%	Yes
ME Bank	BBB	15.00%	6,000,000	4.99%	Yes
NAB	AA-	30.00%	16,000,000	13.30%	Yes
NAB*			998,470	0.83%	
P&N	BBB	15.00%	3,000,000	2.49%	Yes
People's Choice	BBB	15.00%	1,000,000	0.83%	Yes
RaboDirect	A+	15.00%	11,000,000	9.14%	Yes
Suncorp	A+	15.00%	1,000,000	0.83%	Yes
Westpac	AA-	30.00%	7,000,000	5.82%	Yes
TOTAL TERM DEPOSITS & FRNs*			109,003,890	90.61%	
MANAGED FUNDS					
TCorp	AAA	40.00%	1,946,963	1.62%	Yes
TOTAL MANAGED FUNDS			1,946,963	1.62%	
FUNDS AT CALL					
AMP	A	15.00%	2,155,176	1.79%	Yes
ANZ	AA-	30.00%	2,261,977	1.88%	Yes
CBA	AA-	30.00%	4,938,340	4.10%	Yes
TOTAL FUNDS AT CALL			9,355,493	7.78%	
TOTAL INVESTMENTS			120,306,346	100.00%	

Portfolio Holdings by Maturity

Illustrated and tabled below is a summary of Council’s investments by maturity as at 31 December 2018. Excluding “at-call” working capital, 39.07% of Council’s investments are maturing within the next twelve months.



REGISTER OF INVESTMENTS - CLARENCE VALLEY COUNCIL					
AS AT 31 DECEMBER 2018					
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	1,946,963	1.62%	At-Call	1.80%	AAA
AMP Bank Ltd	2,155,176	1.79%	At-Call	2.05%	A
ANZ Banking Group Ltd	2,261,977	1.88%	At-Call	2.15%	AA-
Commonwealth Bank of Australia	4,938,340	4.10%	At-Call	1.40%	AA-
Credit Union Australia	3,000,000	2.49%	13/02/2019	2.67%	BBB
ME Bank Ltd	2,000,000	1.66%	23/01/2019	2.85%	BBB
RaboDirect (Australia) Ltd	2,000,000	1.66%	14/02/2019	3.70%	A+
Suncorp	1,000,000	0.83%	04/02/2019	2.65%	A+
TOTAL WORKING CAPITAL (0-3 MONTHS)	19,302,456	16.04%		2.25%	
SHORT TERM (3-12 MONTHS)					
AMP Bank Ltd	2,000,000	1.66%	23/07/2019	3.05%	A
AMP Bank Ltd	1,000,000	0.83%	30/08/2019	2.70%	A
Bank Of Queensland Ltd	1,000,000	0.83%	17/06/2019	3.55%	BBB+
Bendigo Bank	2,000,000	1.66%	28/10/2019	2.95%	BBB+
Bendigo Bank	1,000,000	0.83%	21/11/2019	2.70%	BBB+
Bendigo Bank	2,000,000	1.66%	16/12/2019	2.85%	BBB+
Bendigo Bank	2,000,000	1.66%	18/12/2019	2.85%	BBB+
Credit Union Australia	1,000,000	0.83%	29/07/2019	2.70%	BBB
Credit Union Australia	2,000,000	1.66%	06/08/2019	2.78%	BBB
IMB	1,000,000	0.83%	03/06/2019	2.75%	BBB
ING	1,000,000	0.83%	06/11/2019	2.87%	A
ING	2,000,000	1.66%	08/11/2019	2.85%	A
ING	2,000,000	1.66%	10/12/2019	2.87%	A
ME Bank Ltd	2,000,000	1.66%	08/05/2019	2.80%	BBB
National Australia Bank	3,000,000	2.49%	20/05/2019	2.76%	AA-
National Australia Bank	2,000,000	1.66%	29/07/2019	2.76%	AA-
National Australia Bank	2,000,000	1.66%	05/09/2019	2.71%	AA-
National Australia Bank	3,000,000	2.49%	05/09/2019	2.71%	AA-
National Australia Bank	2,000,000	1.66%	13/09/2019	2.75%	AA-
National Australia Bank	2,000,000	1.66%	11/11/2019	2.73%	AA-
National Australia Bank	2,000,000	1.66%	11/12/2019	2.75%	AA-
People's Choice Credit Union	1,000,000	0.83%	12/12/2019	2.77%	BBB
TOTAL SHORT TERM (3-12 MONTHS)	39,000,000	32.42%		2.82%	
SHORT - MEDIUM TERM (1-2 YEARS)					
Bank Of Queensland Ltd	1,000,000	0.83%	06/07/2020	3.00%	BBB+
Bank Of Queensland Ltd	1,000,000	0.83%	26/10/2020	3.20%	BBB+
Bank Of Queensland Ltd	1,000,000	0.83%	26/10/2020	3.20%	BBB+
Bank Of Queensland Ltd	1,000,000	0.83%	02/12/2020	3.60%	BBB+
Defence Bank	1,000,000	0.83%	04/03/2020	2.80%	BBB
Defence Bank	2,000,000	1.66%	11/05/2020	3.00%	BBB
Defence Bank	2,000,000	1.66%	20/11/2020	3.00%	BBB
Defence Bank	2,000,000	1.66%	17/12/2020	3.00%	BBB
G&C Mutual Bank	1,000,000	0.83%	18/03/2020	4.00%	BBB-
ING	3,000,000	2.49%	14/02/2020	2.87%	A
ING	2,000,000	1.66%	20/02/2020	2.89%	A
ING	2,000,000	1.66%	02/03/2020	2.87%	A
ING	1,000,000	0.83%	10/11/2020	2.92%	A
ME Bank Ltd	2,000,000	1.66%	06/05/2020	3.11%	BBB
Rural Bank Ltd	2,000,000	1.66%	10/02/2020	2.85%	BBB+
Rural Bank Ltd	1,000,000	0.83%	04/03/2020	2.80%	BBB+
Rural Bank Ltd	2,000,000	1.66%	04/03/2020	2.80%	BBB+
Bendigo Bank (3m BBSW +110bps) (Principal Value \$1,000,000)					
Market Value	1,006,060	0.84%	21/02/2020	3.04%	BBB+
TOTAL SHORT-MEDIUM TERM (1-2 YEARS)	28,006,060	23.28%		3.01%	

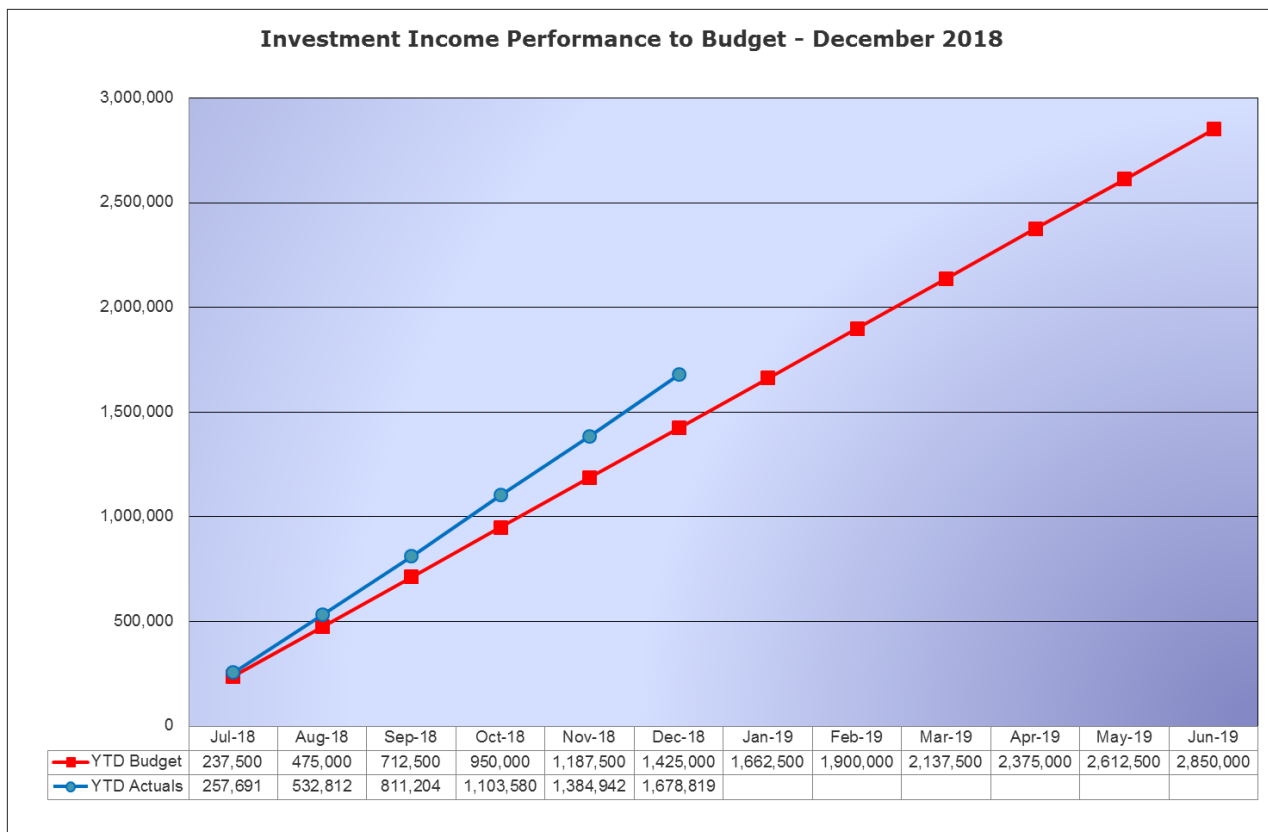
Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
MEDIUM TERM (2-5 YEARS)					
Bank Of Queensland Ltd	2,000,000	1.66%	12/01/2021	3.65%	BBB+
Bank Of Queensland Ltd	1,000,000	0.83%	29/06/2021	3.45%	BBB+
Bank Of Queensland Ltd	1,000,000	0.83%	02/12/2021	3.80%	BBB+
Bank Of Queensland Ltd	1,000,000	0.83%	09/05/2022	3.60%	BBB+
Bank Of Queensland Ltd	1,000,000	0.83%	03/08/2022	3.60%	BBB+
Bank Of Queensland Ltd	2,000,000	1.66%	08/02/2023	3.55%	BBB+
Bank Of Queensland Ltd	2,000,000	1.66%	21/08/2023	3.60%	BBB+
ING	1,000,000	0.83%	04/10/2022	3.66%	A
P&N Bank	3,000,000	2.49%	11/03/2021	3.82%	BBB
RaboDirect (Australia) Ltd	2,000,000	1.66%	14/06/2021	3.02%	A+
RaboDirect (Australia) Ltd	1,000,000	0.83%	21/06/2021	3.07%	A+
RaboDirect (Australia) Ltd	2,000,000	1.66%	13/09/2022	3.40%	A+
RaboDirect (Australia) Ltd	1,000,000	0.83%	05/12/2022	3.21%	A+
RaboDirect (Australia) Ltd	1,000,000	0.83%	17/08/2023	3.40%	A+
RaboDirect (Australia) Ltd	2,000,000	1.66%	19/09/2023	3.40%	A+
Westpac Bank	2,000,000	1.66%	05/03/2021	3.00%	AA-
Westpac Bank	1,000,000	0.83%	16/11/2021	3.14%	AA-
Westpac Bank	2,000,000	1.66%	18/07/2022	3.05%	AA-
Westpac Bank	2,000,000	1.66%	13/03/2023	2.95%	AA-
ANZ Banking Group Ltd (3m BBSW +103bps) (Principal Value \$2,000,000) Market Value	2,000,000	1.66%	06/12/2023	3.01%	AA-
Commonwealth Bank (3m BBSW +80bps) (Principal Value \$1,000,000) Market Value	999,360	0.83%	25/04/2023	2.71%	AA-
National Australia Bank (3m BBSW +80bps) (Principal Value \$1,000,000) Market Value	998,470	0.83%	10/02/2023	2.74%	AA-
TOTAL MEDIUM TERM (2-5 YEARS)	33,997,830	28.26%		3.33%	
TOTAL INVESTMENTS	120,306,346	100.00%		2.91%	

COUNCIL IMPLICATIONS

Budget/Financial

Portfolio Investment Returns to 31 December 2018			
	Actual	Budget 2018/19	Over/(Under)
This Month			
Cash Deposits & FRNs	\$287,925	\$235,800	\$52,125
Managed Funds	\$5,952	\$1,700	\$4,252
	\$293,877	\$237,500	\$56,377
Year to Date			
Cash Deposits & FRNs	\$1,649,328	\$1,414,800	\$234,528
Managed Funds	\$29,491	\$10,200	\$19,291
	\$1,678,819	\$1,425,000	\$253,819

- Actual results have shown that total interest income to 31 December 2018 is \$0.254M above the 2018-19 budget of \$1.425M.
- As at 31 December 2018 the Floating Rate Notes (FRNs) had unrealised capital losses of \$8,900.

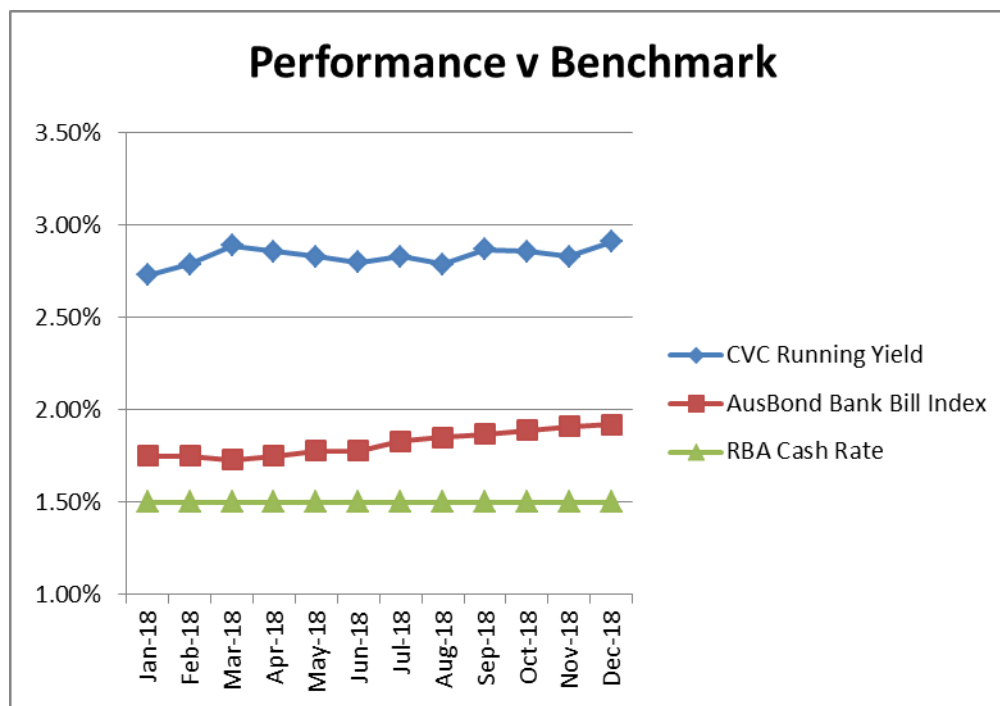


- Running yields* to 31 December 2018 have been:

AMP Business	1.80%
AMP 31 Day Notice	2.30%
ANZ Premium Business	2.15%
CBA General	1.35%
24hr Call Account	1.45%
T-CorpIM Cash Fund	1.80%
Floating Rate Notes	2.90%
Term Deposits	<u>3.04%</u>
Total	2.91%

***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 December was 1.50%. The benchmark AusBond Bank Bill Index was 1.92% for December.
- The current running yield of the total investment portfolio remains at elevated levels above the cash rate. At month-end, it stood at +2.91% (November 2.83%).



- The following investments were arranged since the previous report:
 - \$2.0M Term Deposit AMP Bank (A+) matured 3/12/2018 – reinvested for 270 days @ 2.70% maturing 30/8/2019,
 - NEW \$2.0M Floating Rate Note ANZ (AA-) invested 6/12/2018 for 5 years @ 3m BBSW + 103bps maturing 6/12/2023,
 - \$2.0M Term Deposit NAB (AA-) matured 11/12/2018 – reinvested 1 year @ 2.75% maturing 11/12/2019,
 - \$1.0M Term Deposit People’s Choice (BBB) matured 12/12/2018 – reinvested 1 year @ 2.77% maturing 12/12/2019,
 - \$2.0M Term Deposit ING (A-) matured 17/12/2018 – redeemed
 - NEW \$2.0M Term Deposit Defence Bank (BBB) invested 17/12/2018 for 2 years @ 3.00% maturing 17/12/2020, and
 - NEW \$2.0M Floating Rate Note CBA (AA-) invested 11/01/2019 for 5 years @ 3m BBSW + 113bps maturing 11/01/2024.

Investment Strategy Review for Quarter 1 2019 (provided by CPG Research & Advisory)

The CPG report indicates that Council's Investments as at 31 December 2018 are materially consistent with Policy. Council staff continue to place investments in accordance with Council's cash flow requirements whilst maximising investment returns where possible. Key points from the CPG report include:

- As at the end of December, deposits yielded a very strong +3.04% p.a.; +154bp above the official cash rate. This return is very competitive with even very long deposits.
- We recommend that Council expand its holdings, averaging through the cycle by buying new issues as they emerge. The combination with longer deposits has produced excellent results, but we now look to increase the FRN weighting towards historical peak levels.
- The portfolio is distributed across maturities with a bulk of assets maturing in the out years. With assets to 2023, Council has excellent fixed rate protection on medium to long durations as the low rate cycle extends. Even at this late stage, with the cash rate now stable for almost 2 years, Council has secured rates well above the current market.
- As at the review date, Council did not have an overweight position to any single counterparty. Overall the portfolio is well diversified across the entire credit spectrum.
- CPG propose an FRN-focused strategy for 2019's investment. The excess of AA-rated FRN issuance would inevitably see rating quality migrate upwards, and leave Council again able to direct flows in a later period when deposits are more relatively attractive.
- Council's portfolio has appropriate liquidity, with 16% of assets at call or maturing within 3 months and an additional 32% maturing within 12 months.
- We are of the view that FRN allocation is the most attractive risk-adjusted return stream available.

Asset Management

N/A

Policy or Regulation

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

Consultation

N/A

Legal and Risk Management

N/A

Prepared by	Kirsty Gooley – Assistant Financial Accountant (Reporting/Assets)
To be tabled	A: Movement of funds between months and Other Internal Reserves (detail) B: Strategy Review for Q1 2019 C: Revised Investment Strategy (changes in red font)

ITEM 15.017/19 MONTHLY INVESTMENT REPORT – JANUARY 2019

Meeting	Corporate, Governance & Works Committee	19 February 2019
Directorate	Corporate & Governance	
Reviewed by	Manager - Finance & Supply (Matthew Sykes)	
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 January 2019 be received and noted.

COMMITTEE RECOMMENDATION

Lysaught/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Toms, Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 15.017/19

Williamson/Kingsley

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

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 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 January 2019, which details compliance with Council's Investment Policy Portfolio Credit Limits.

PORTFOLIO CREDIT LIMITS as at 31 JANUARY 2019				
Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
AAA	100.00%	6,451,203	5.43%	Yes
AA	100.00%	34,606,993	29.15%	Yes
A	60.00%	29,158,563	24.56%	Yes
BBB	50.00%	48,508,470	40.86%	Yes
TOTAL INVESTMENTS		118,725,229	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.

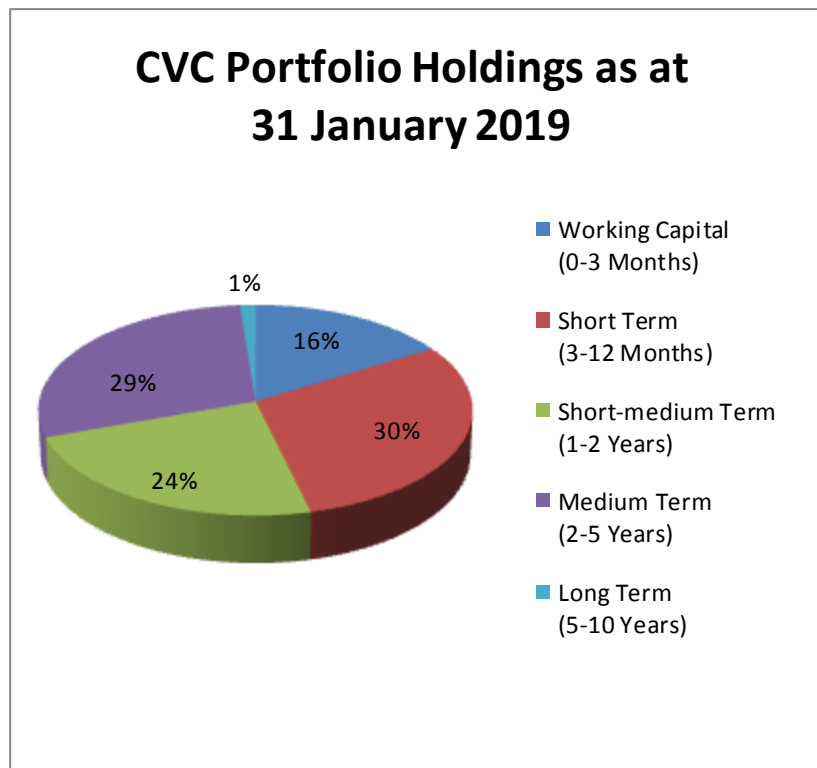
Individual Institution or Counterparty Limits

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

INDIVIDUAL INSTITUTION or COUNTERPARTY LIMITS as at 31 JANUARY 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%	3,000,000	2.53%	Yes
ANZ*	AA-	30.00%	1,998,740	1.68%	Yes
BoQ	BBB+	15.00%	15,000,000	12.63%	Yes
Bendigo	BBB+	15.00%	7,000,000	5.90%	Yes
Bendigo*			1,008,470	0.85%	
Rural Bank			5,000,000	4.21%	
CBA*	AA-	30.00%	1,993,920	1.68%	Yes
Credit Union Australia	BBB	15.00%	6,000,000	5.05%	Yes
Defence	BBB	15.00%	7,000,000	5.90%	Yes
G&C Mutual	BBB-	15.00%	1,000,000	0.84%	Yes
IMB	BBB	15.00%	1,000,000	0.84%	Yes
ING Direct	A	15.00%	14,000,000	11.79%	Yes
ME Bank	BBB	15.00%	4,000,000	3.37%	Yes
NAB	AA-	30.00%	16,000,000	13.48%	Yes
NAB*			993,560	0.84%	
P&N	BBB	15.00%	3,000,000	2.53%	Yes
People's Choice	BBB	15.00%	1,000,000	0.84%	Yes
RaboDirect	A+	15.00%	11,000,000	9.27%	Yes
Suncorp	A+	15.00%	1,000,000	0.84%	Yes
Westpac	AA-	30.00%	7,000,000	5.90%	Yes
Westpac*	AA-		1,500,000	1.26%	Yes
TOTAL TERM DEPOSITS & FRNs*			109,494,690	92.23%	
MANAGED FUNDS					
TCorp	AAA	40.00%	1,951,203	1.64%	Yes
TOTAL MANAGED FUNDS			1,951,203	1.64%	
FUNDS AT CALL					
AMP	A	15.00%	1,158,563	0.98%	Yes
ANZ	AA-	30.00%	2,271,108	1.91%	Yes
CBA	AA-	30.00%	3,849,665	3.24%	Yes
TOTAL FUNDS AT CALL			7,279,336	6.13%	
TOTAL INVESTMENTS			118,725,229	100.00%	

Portfolio Holdings by Maturity

Illustrated and tabled below is a summary of Council's investments by maturity as at 31 January 2019. Excluding "at-call" working capital, 37.90% of Council's investments are maturing within the next twelve months.



REGISTER OF INVESTMENTS - CLARENCE VALLEY COUNCIL					
AS AT 31 JANUARY 2019					
Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
WORKING CAPITAL (0-3 MONTHS)					
T-CorplM Cash Fund	1,951,203	1.64%	At-Call	2.64%	AAA
AMP Bank Ltd	1,158,563	0.98%	At-Call	2.05%	A
ANZ Banking Group Ltd	2,271,108	1.91%	At-Call	2.15%	AA-
Commonwealth Bank of Australia	3,849,665	3.24%	At-Call	1.40%	AA-
Credit Union Australia	3,000,000	2.53%	13/02/2019	2.67%	BBB
National Australia Bank	2,000,000	1.68%	23/01/2019	2.85%	AA-
RaboDirect (Australia) Ltd	2,000,000	1.68%	14/02/2019	3.70%	A+
Suncorp	2,000,000	1.68%	04/02/2019	2.65%	A+
TOTAL WORKING CAPITAL (0-3 MONTHS)	18,230,539	15.36%		2.42%	
SHORT TERM (3-12 MONTHS)					
AMP Bank Ltd	2,000,000	1.68%	23/07/2019	3.05%	A
AMP Bank Ltd	1,000,000	0.84%	21/11/2019	2.70%	A
Bank Of Queensland Ltd	1,000,000	0.84%	17/06/2019	3.55%	BBB+
Bendigo Bank	2,000,000	1.68%	28/10/2019	2.95%	BBB+
Bendigo Bank	2,000,000	1.68%	16/12/2019	2.85%	BBB+
Bendigo Bank	2,000,000	1.68%	18/12/2019	2.85%	BBB+
Defence Bank	2,000,000	1.68%	12/12/2019	2.77%	BBB
IMB	1,000,000	0.84%	03/06/2019	2.75%	BBB
ING	1,000,000	0.84%	06/11/2019	2.87%	A
ING	2,000,000	1.68%	08/11/2019	2.85%	A
ING	1,000,000	0.84%	11/11/2019	2.73%	A
ING	2,000,000	1.68%	10/12/2019	2.87%	A
ME Bank Ltd	2,000,000	1.68%	08/05/2019	2.80%	BBB
National Australia Bank	3,000,000	2.53%	20/05/2019	2.76%	AA-
National Australia Bank	2,000,000	1.68%	29/07/2019	2.70%	AA-
National Australia Bank	3,000,000	2.53%	05/09/2019	2.71%	AA-
National Australia Bank	2,000,000	1.68%	13/09/2019	2.75%	AA-
People's Choice Credit Union	1,000,000	0.84%	11/12/2019	2.75%	BBB
RaboDirect (Australia) Ltd	1,000,000	0.84%	06/08/2019	2.78%	A+
RaboDirect (Australia) Ltd	2,000,000	1.68%	05/09/2019	2.71%	A+
Suncorp	1,000,000	0.84%	29/07/2019	2.76%	A+
TOTAL SHORT TERM (3-12 MONTHS)	36,000,000	30.32%		2.82%	
SHORT - MEDIUM TERM (1-2 YEARS)					
Bank Of Queensland Ltd	1,000,000	0.84%	06/07/2020	3.00%	BBB+
Bank Of Queensland Ltd	1,000,000	0.84%	26/10/2020	3.20%	BBB+
Bank Of Queensland Ltd	1,000,000	0.84%	26/10/2020	3.20%	BBB+
Bank Of Queensland Ltd	1,000,000	0.84%	02/12/2020	3.60%	BBB+
Bank Of Queensland Ltd	2,000,000	1.68%	12/01/2021	3.65%	BBB+
Bendigo Bank	1,000,000	0.84%	20/11/2020	3.00%	BBB+
Defence Bank	1,000,000	0.84%	04/03/2020	2.80%	BBB
Defence Bank	2,000,000	1.68%	11/05/2020	3.00%	BBB
Defence Bank	2,000,000	1.68%	10/11/2020	2.92%	BBB
G&C Mutual Bank	1,000,000	0.84%	18/03/2020	4.00%	BBB-
ING	3,000,000	2.53%	14/02/2020	2.87%	A
ING	2,000,000	1.68%	20/02/2020	2.89%	A
ING	2,000,000	1.68%	02/03/2020	2.87%	A
ME Bank Ltd	2,000,000	1.68%	06/05/2020	3.11%	BBB
Rural Bank Ltd	2,000,000	1.68%	10/02/2020	2.85%	BBB+
Rural Bank Ltd	1,000,000	0.84%	04/03/2020	2.80%	BBB+
Rural Bank Ltd	2,000,000	1.68%	04/03/2020	2.80%	BBB+
Bendigo Bank (3m BBSW +110bps) (Principal Value \$1,000,000)					
Market Value	1,008,470	0.85%	21/02/2020	3.04%	BBB+
TOTAL SHORT-MEDIUM TERM (1-2 YEARS)	28,008,470	23.59%		3.05%	

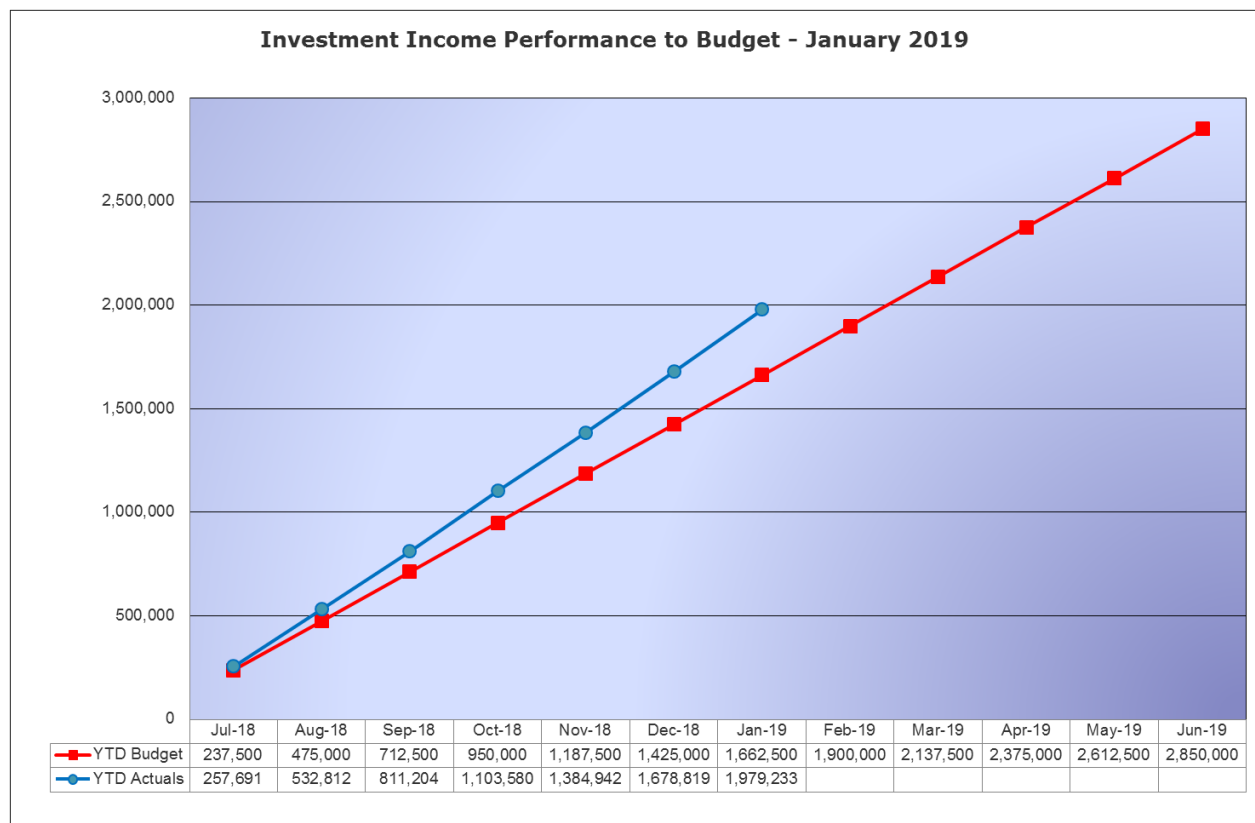
Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
MEDIUM TERM (2-5 YEARS)					
Bank Of Queensland Ltd	1,000,000	0.84%	29/06/2021	3.45%	BBB+
Bank Of Queensland Ltd	1,000,000	0.84%	02/12/2021	3.80%	BBB+
Bank Of Queensland Ltd	1,000,000	0.84%	09/05/2022	3.60%	BBB+
Bank Of Queensland Ltd	1,000,000	0.84%	03/08/2022	3.60%	BBB+
Bank Of Queensland Ltd	2,000,000	1.68%	08/02/2023	3.55%	BBB+
Bank Of Queensland Ltd	2,000,000	1.68%	17/08/2023	3.40%	BBB+
Credit Union Australia	1,000,000	0.84%	19/09/2023	3.40%	BBB
ING	1,000,000	0.84%	04/10/2022	3.66%	A
National Australia Bank	2,000,000	1.68%	21/08/2023	3.60%	AA-
National Australia Bank	2,000,000	1.68%	06/12/2023	3.01%	AA-
P&N Bank	3,000,000	2.53%	11/03/2021	3.82%	BBB
RaboDirect (Australia) Ltd	2,000,000	1.68%	14/06/2021	3.02%	A+
RaboDirect (Australia) Ltd	1,000,000	0.84%	21/06/2021	3.07%	A+
RaboDirect (Australia) Ltd	2,000,000	1.68%	13/09/2022	3.40%	A+
RaboDirect (Australia) Ltd	1,000,000	0.84%	05/12/2022	3.21%	A+
Westpac Bank	2,000,000	1.68%	05/03/2021	3.00%	AA-
Westpac Bank	1,000,000	0.84%	16/11/2021	3.14%	AA-
Westpac Bank	2,000,000	1.68%	18/07/2022	3.05%	AA-
Westpac Bank	2,000,000	1.68%	13/03/2023	2.95%	AA-
ANZ Banking Group Ltd (3m BBSW +103bps) (Principal Value \$2,000,000) Market Value	1,998,740	1.68%	06/12/2023	3.01%	AA-
Commonwealth Bank (3m BBSW +80bps) (Principal Value \$1,000,000) Market Value	993,920	0.84%	25/04/2023	2.71%	AA-
Commonwealth Bank (3m BBSW +113bps) (Principal Value \$1,000,000) Market Value	1,000,000	0.84%	11/01/2024	3.31%	AA-
National Australia Bank (3m BBSW +80bps) (Principal Value \$1,000,000) Market Value	993,560	0.84%	10/02/2023	2.74%	AA-
TOTAL MEDIUM TERM (2-5 YEARS)	34,986,220	29.47%		3.29%	
LONG TERM (5-10 YEARS)					
Westpac Bank (3m BBSW +114bps) (Principal Value \$1,500,000) Market Value	1,500,000	1.26%	24/04/2024	3.22%	AA-
TOTAL LONG TERM (5-10 YEARS)	1,500,000	1.26%		3.22%	
TOTAL INVESTMENTS	118,725,229	100.00%		2.96%	

COUNCIL IMPLICATIONS

Budget/Financial

Portfolio Investment Returns to 31 January 2019			
	Actual	Budget 2018/19	Over/(Under)
This Month			
Cash Deposits & FRNs	\$296,174	\$235,800	\$60,374
Managed Funds	\$4,240	\$1,700	\$2,540
	\$300,414	\$237,500	\$62,914
Year to Date			
Cash Deposits & FRNs	\$1,945,502	\$1,650,600	\$294,902
Managed Funds	\$33,731	\$11,900	\$21,831
	\$1,979,233	\$1,662,500	\$316,733

- Actual results have shown that total interest income to 31 January 2019 is \$0.317M above the 2018-19 budget of \$1.662M.
- As at 31 January 2019 the Floating Rate Notes (FRNs) had unrealised capital losses of \$11,780.



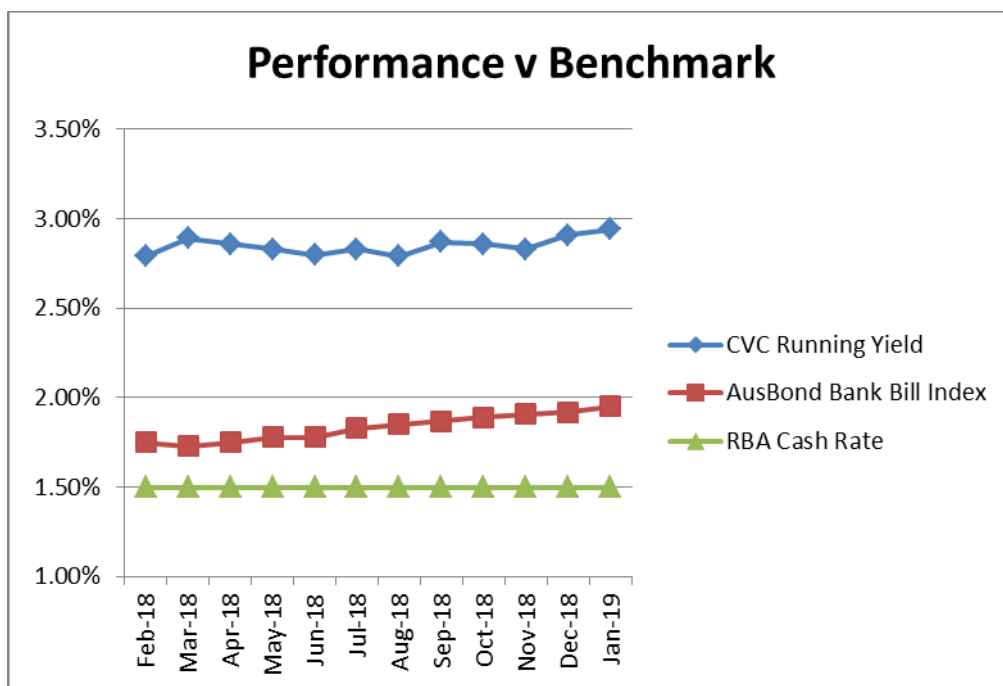
- Running yields* to 31 December 2019 have been:

AMP Business	1.80%
AMP 31 Day Notice	2.30%
ANZ Premium Business	2.15%
CBA General	1.35%

24hr Call Account	1.45%
T-CorpIM Cash Fund	2.64%
Floating Rate Notes	3.02%
Term Deposits	<u>3.05%</u>
Total	2.96%

***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 January was 1.50%. The benchmark AusBond Bank Bill Index was 1.95% for January.
- The current running yield of the total investment portfolio remains at elevated levels above the cash rate. At month-end, it stood at +2.96% (December 2.91%).



- The following investments were arranged since the previous report:
 - \$2.0M Term Deposit ME Bank Ltd (BBB) matured 23/1/2019 – redeemed.
 - NEW \$1.5M Floating Rate Note Westpac Bank (AA-) invested 24/1/2019 for 5.25 years @ 3m BBSW + 114bps maturing 24/4/2024.
 - \$1.0M Term Deposit Suncorp (A+) matured 4/2/2019 – redeemed.

Asset Management

N/A

Policy or Regulation

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

Consultation

N/A

Legal and Risk Management

N/A

Prepared by	Kirsty Gooley – Assistant Financial Accountant (Reporting/Assets)
Attachment	Movement of funds between months and other Internal Reserves (detail)

ITEM 15.018/19 BENCHMARK AND REPORT CARD Q2 2018/19

Meeting	Corporate, Governance & Works Committee	19 February 2019
Directorate	Corporate & Governance	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	To be tabled	

SUMMARY

The Benchmark and Report Card report gives Council and community oversight of our services and how we compare against industry averages and, how we are tracking toward goals. It also provides some key information about the quantity of activity being undertaken. This is the second of such documents and the data relates to Quarter 2 of 2018/19

OFFICER RECOMMENDATION

That the Benchmark and Report Card Q2 2018/19 report be received and noted.

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Toms, Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 15.018/19

Williamson/Kingsley

That the Benchmark and Report Card Q2 2018/19 report be received and noted.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

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

BACKGROUND

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

KEY ISSUES

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

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

N/A

Prepared by	Laura Black, Director Corporate & Governance
To be tabled	Benchmark and Report Card Q2 2018/2019

ITEM 15.019/19 2018/19 OPERATIONAL PLAN – QUARTERLY REVIEW AS AT 31 DECEMBER 2018

Meeting	Corporate, Governance & Works Committee	19 February 2019
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	To be tabled	

SUMMARY

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

OFFICER RECOMMENDATION

That the Quarterly Operational Plan outcomes as at 31 December 2018 be noted.

COMMITTEE RECOMMENDATION

Simmons/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Toms, Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 15.019/19

Williamson/Kingsley

That the Quarterly Operational Plan outcomes as at 31 December 2018 be noted.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

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

BACKGROUND

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

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

THEMES	OBJECTIVES
SOCIETY	1.1 We will have proud and inviting communities 1.2 We will have a safe, active and healthy region 1.3 We will have a diverse and creative culture 1.4 We will have access and equity of services
INFRASTRUCTURE	2.1 We will have communities that are well serviced with appropriate infrastructure
ECONOMY	3.1 We will have an attractive and diverse environment for business, tourism and industry
ENVIRONMENT	4.1 We will preserve and enhance our natural environment 4.2 We will foster a balance between development and the environment considering climate change impacts
LEADERSHIP	5.1 We will have a strong, accountable and representative Government 5.2 We will have an effective and efficient organisation

KEY ISSUES

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

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



The report shows that as at the end of December 2018, the Council’s programs, projects and services are 47% completed. Outstanding activities are explained in the report, some are continuing into the next financial year and a few have been reliant on positions that have been vacant for part of the year delaying commencement.

COUNCIL IMPLICATIONS**Budget/Financial**

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

Asset Management

N/A

Policy or Regulation

Section 404(5) of the Local Government Act 1993

Consultation

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

Legal and Risk Management

N/A

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

ITEM 15.020/19 REPORTING OF GENERAL MANAGER'S EXPENSES

Meeting	Corporate, Governance & Works Committee	19 February 2019
Directorate	Corporate & Governance	
Reviewed by	Manager - Finance & Supply (Matthew Sykes)	
Attachment	Nil	

SUMMARY

The purpose of this report is to inform Council of the details of the General Manager's expenses for the period 1 July 2018 to 31 December 2018.

OFFICER RECOMMENDATION

That the report indicating the General Manager's expense summary for the period 1 July 2018 to 31 December 2018 be received and noted.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Toms, Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 15.020/19

Williamson/Kingsley

That the report indicating the General Manager's expense summary for the period 1 July 2018 to 31 December 2018 be received and noted.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

In March 2016, it was resolved that a bi-annual report be provided to Council, detailing the General Manager's expense statements (Resolution 11.004/16, 15 March 2016).

The General Manager incurs various expenses in the course of his duties such as mobile phone, business travel, seminars, training and conferences.

KEY ISSUES

N/A

COUNCIL IMPLICATIONS**Budget/Financial**

Total costs incurred for the period 1 July 2018 to 31 December 2018 was \$3,101 as follows:

- Mobile Phone and internet costs \$375
- Conferences (Local Government NSW) \$1,966
- Business travel \$760

Asset Management

N/A

Policy or Regulation

The Guidelines for the Appointment and Oversight of General Managers issued by the Office of Local Government in accordance with Section 23A of the Local Government Act 1993 recommends that the governing body of council should ensure there are adequate policies in place with respect to expenditure of council funds, as well as adequate reporting in relation to that expenditure.

Consultation

N/A

Legal and Risk Management

N/A

Prepared by	Vickie Stacey, Finance Officer (Accounting)
Attachment	Nil

ITEM	15.021/19	THE AUSTRALASIAN LOCAL GOVERNMENT PERFORMANCE EXCELLENCE PROGRAM 2017/2018
Meeting	Corporate, Governance & Works Committee	19 February 2019
Directorate	Corporate & Governance	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	To be tabled	

SUMMARY

This report provides the results of Council's participation in the annual Australasian Local Government Performance Excellence program, coordinated by PricewaterhouseCoopers and LG Professionals NSW.

The report undertakes a comparison against the aggregated data of all participating councils (139), 48% of which are NSW councils.

Data is self report, extracted from system reports and uploaded in part, but also through manual data entry.

The intent of the report is to provide benchmarking guidance to assist in determining activities that may benefit from a review of process or delivery.

OFFICER RECOMMENDATION

That Council receive and note the Australasian Local Government Performance Excellence Program report for Clarence Valley Council.

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Toms, Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 15.021/19

Toms/Kingsley

That Council receive and note the Australasian Local Government Performance Excellence Program report for Clarence Valley Council.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 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

Clarence Valley Council has participated in the Australasian Local Government Performance Excellence Program for 3 financial years, first commencing in 2015/2016.

In 2017/2018 the participation rate was 139 councils, almost half of which are NSW councils. The vast majority of participating councils are classified medium size (10,000 > 100,000) and a significant proportion are regional councils. Participating councils come from South Australia, Western Australia, Queensland, the ACT and New Zealand, as well as NSW.

All charts in the report represent Council's results relative to the survey population.

The activities reported against are: Workforce, Finance, Operations, Service Delivery, Risk Management, Corporate Leadership and Asset Management. At start of each section relating to these activities a trend summary or snapshot is provided.

KEY ISSUES

Examples of pleasing results, against previous years and/or aggregated data, include:

- A continued reduction in our FTE in line with commitments made to increase our sustainability.
- A reduction in our staff turnover and in particular our new staff turnover.
- A reduction in median sick leave days.
- An increase in capital expenditure per resident.
- Lower levels of residual waste collection and higher levels of dry recyclables and organic/green waste, while maintaining costs within average range.

Examples of results indicating opportunities for further exploration and in some cases, a review of practise, include:

- An increased turnover rate for younger employees.
- An increase in annual leave and long service leave balances.
- A lower than average level of gender diversity.
- A lower than average level of investment in equipping staff with new skills.
- Above average finance compliance and control activities and reduced strategic financial advice activities.
- A significantly lower than average investment in IT to support activities.
- Increasing Council meeting duration and matters being reported.

Some activities on which we are currently focussing and where a change to our reporting will be seen, include:

- Opportunity for increased effort in relation to service reviews and reporting of.
- Improvement in our risk management approach commencing with an agreed 3 year internal audit plan and a scheduled review of our risk management framework.
- Implementation of Enterprise Asset Management for planning our management of assets.
- Increased opportunity for customer self service and integration of our systems to increase efficiency.

COUNCIL IMPLICATIONS

Budget/Financial

Participation in the program is costed at \$17,000 per annum.

Asset Management

N/A

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

In order to share the report with third parties by way of a report to Council, the following disclaimer is required to be made public, per the participation agreement:

“The information and/or metrics referred to are extracted from the Australasian Local Government Performance Excellence Program survey conducted by PricewaterhouseCoopers and commissioned by LG Professionals NSW. The survey was not conducted for the specific purposes of the council and was limited to only the councils that participated in it, and based on the data they provided. The reliability, accuracy or completeness of this information has not been verified by PwC, LG Professionals NSW or any other person.

Accordingly, no one should act on the basis of this information and neither LG Professionals NSW, nor PwC accept any responsibility for the consequences of any person’s use of or reliance on, this information or any reference to it.”

Prepared by	Laura Black, Director Corporate & Governance
To be tabled	The Australasian LG Performance Excellence Program Clarence Valley Council FY18 report

ITEM 15.022/19 DECEMBER QUARTER WASTE SERVICES REPORT

Meeting	Corporate, Governance & Works Committee	19 February 2019
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Nil	

SUMMARY

Clarence Valley Council provides a comprehensive waste management service to all sectors of the Clarence community. The following report provides an overview of waste services during the December quarter 2018.

OFFICER RECOMMENDATION

That the waste activity report be received and noted.

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Toms, Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 15.022/19

Williamson/Kingsley

That the waste activity 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 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

Clarence Valley Council provides a wide range of waste management services with the primary aim of resource recovery and minimising waste going to landfill. The service includes:

- Kerbside residual waste, recycling and organics collection to approximately 21 500 households
- Processing of organics and recyclables at processing facilities located at the Grafton Regional Landfill

- Commercial waste management services to approx. 850 businesses
- Management of Public Place bins
- Operation of Grafton Regional Landfill
- Operation of a network of eight Waste Transfer Stations across the valley
- Waste Education including the Environmental Learning Facility (ELF) located at the Grafton Regional Landfill
- Host Council and member of North East Waste who deliver waste projects across the north east region
- Response to Illegal Dumping in association with compliance staff and other section of Council

KEY ISSUES

The following table presents quarterly data on key waste activities.

Activity	September	December	March	June	Annual
Kerbside Residual Waste to Landfill (t)	2048	2141			4189
Kerbside Bulky Waste to Landfill (t)	97	0			97
Kerbside Recycling (t)	1575	1838			3413
Kerbside Food & Garden Organics (t)	1273	1480			2753
Kerbside Service Diversion Rate	58%	61%			63%
Recycling Service Contamination Rate	5%	4%			4.5%
Organics Service Contamination Rate	0.8%	0.4%			0.6%
Landfill Airspace consumed	-	18,120m3	-		18,120m3
Concrete/masonry crushed	0	981			981
Scrap metal recovered at landfill (t)	0	403			403
Illegal Dumping Reports	37	57			118

Compliance:

EPA Licence – Council met its licence conditions under the Protection of the Environment Operation Act for the Grafton Regional landfill.

Education:

The Clarence Environmental Learning Facility hosted 19 events involving 284 visitors for a range of learning activities, including our annual *Trip to the Tip*, work skills, community meetings and training days, and other presentations.

Summer advertising campaign

Our new regional advertising campaign, *Recycle Right* reinforces the recycling message urging residents and visitors to the Clarence to use the right bin over the holiday season. Social media, The Daily Examiner/Coastal Views, The Independent as well as Radio 2GF/104.1fm were engaged to saturate the holiday period. The key messaging is Keep it clean, Keep it simple, Keep it coming 'round.

Community Outreach

The ELF was the chosen venue by the EPA to conduct its 3 day regional connection to country training for indigenous leaders and community.

Community Recycling Centres:

There are three community recycling centres at Grafton and Maclean Transfer Stations and Grafton Regional Landfill where residents can drop off household problem waste items for free disposal, in a way that will minimise their impact on the environment. These include, paint (oil and water based), gas bottles and fire extinguishers, fluoro globes and tubes, household batteries, car batteries, motor and other oils, smoke detectors and E-waste.

Illegal Dumping:

There was a summer illegal dumping campaign which involved a concentrated effort around key illegal dumping hotspots including the Carrs Drive boat ramp in Yamba. At this site bollards have been installed to limit vehicle access to key dumping spots and permanent signs have been erected along Carrs drive. A media campaign around ID, including specific Yamba-based social media and traditional advertising has also been undertaken.

Grafton Regional Landfill Cell 4b:

Detailed design and tender documents are being finalised with the aim of going to tender for the construction of landfill cell 4B in February 2019.

Container Deposit Scheme (CDS) Update:

Council has finalised a revenue sharing agreement with the operator of the Grafton materials recycling facility (Pollytrade P/L) to share the CDS revenue generated by the eligible containers remaining in the yellow kerbside bins.

China's Ban on Waste Imports:

Our regional *Recycle Right* campaign is addressing the issue of China's ban on dirty and incorrect recycling.

COUNCIL IMPLICATIONS**Budget/Financial**

Waste management activities during 2018/19 are self funded by way of the annual domestic waste charge, user fees, annual waste levy and State Government grants.

Asset Management

Council maintains the waste assets as per Council's Waste Asset Management Plan.

Policy or Regulation

Council's Landfill and network of waste transfer stations are operated in accordance with the *Protection of the Environment Operations Act and the POEO (Waste) Regulation*.

Consultation

N/A

Legal and Risk Management

N/A

Prepared by	Ken Wilson, Waste and Sustainability Coordinator
Attachment	Nil

ITEM	15.023/19	REHABILITATION OF FORMER MACLEAN, TOWNSEND & ILARWILL SEWAGE TREATMENT PLANTS – UPDATE REPORT
Meeting	Corporate, Governance & Works Committee	19 February 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Yes	

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

Simmons/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Toms, Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 15.023/19

Williamson/Kingsley

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

Remediation has been completed, including transport of biosolids to landfill Queensland, and the final validation report completed. The contaminated site auditor requires EPA Concurrence to issuing the site audit statement due to there being elevated dissolved metals in groundwater which both the contaminated land consultant and auditor assess as being naturally occurring. A drone photograph of the rehabilitated site is in the attachments.

b) Maclean STP

Remediation has been completed, with quarry overburden used for backfill and biosolids transported to landfill in Queensland. The final round of site validation testing was undertaken in the second week of February and (subject to EPA concurrence to elevated dissolved metals in groundwater) the site remediation validation report is scheduled to be issued to Council in mid March.

c) Townsend STP

Remediation has been completed and biosolids transported to landfill in Queensland. A drone photograph of the rehabilitated STP is in the attachments; the site has had spraygrass applied since the photo was taken. The final round of site validation testing was undertaken in the first week of February and (subject to EPA concurrence to elevated dissolved metals in groundwater) the site remediation validation report is scheduled to be issued to Council in the last week of February.

d) Rezoning of sites

The rezoning of the three STP sites has been completed. Negotiations with the interested party for purchase of the Townsend STP site reported to Council's December 2018 meeting (Resolution 14.214/18) were successful, with the interested party agreeing to Council's price and terms. The property cannot be transferred until the site remediation certification is received.

COUNCIL IMPLICATIONS

Budget/Financial

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

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

Item	Cost
Original Contract Sum (Ledonne Constructions)	\$1,450,353.00
Approved Ledonne contract variations and increases in provisional sums	\$1,446,370.82
Original project management sum (Public Works Advisory)	\$146,853.00
Approved Public Works Project Management variation	\$6,618.00
Expert Biosolids Advice	\$2,350.00
Total Expenditure and Commitments to date	\$3,052,544.82

Foreshadowed increases in provisional rate items and contracts variations are:

Item	Cost
Public Works Project Management variation for 13 months extension to Mar 2019	\$9,464
Biosolids transport to landfill and supply and place additional imported material	\$488,782
Fence at Pump Station 10 (former Maclean STP site)	\$6,500
Total	\$504,746

The project's current financial position is:

Item	Cost
Total Expenditure and Commitments to date	\$3,052,544.82
Advised future variations and increases in provisional rate items	\$504,746.00
Estimated Project cost	\$3,557,290.82
Current approved project budget	\$1,950,000
Projected project budget shortfall	\$1,607,290.92

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

Asset Management

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

Policy or Regulation

Contaminated Land Management Act, 1997

Consultation

Public Works Advisory; Ledonne Constructions

Legal and Risk Management

The contract provides a delay rate to the Contractor of \$3,067.27 (ex GST) per day.

Prepared by	Greg Mashiah, Manager Water Cycle
Attachment	Drone Photos of Rehabilitated Townsend and Ilarwill STP sites

ITEM 15.024/19 GRAVEL ROAD MAINTENANCE TRIAL

Meeting	Corporate, Governance & Works Committee	19 February 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Yes	

SUMMARY

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

OFFICER RECOMMENDATION

That the Gravel Road Maintenance Trial report be received and noted.

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Toms, Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 15.024/19

Williamson/Kingsley

That the Gravel Road Maintenance Trial report be received and noted.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

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

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

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

Relevant treatments were then applied to the relevant sections as detailed in the table below.

The test sections are split as below:

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

KEY ISSUES

Since the trial commenced each site has been monitored monthly.

Section No.	Inspection Results to Date	Comments
1 & 6	Fair	Surface: Loose stones and fines, Shape: Variable crossfall, rutting in some sections, corrugations commencing, flat in some sections. Fines Loss: High resulting in loss of stone and high dust Estimated Intervention: Within 3 months, need to rework with possible adding of material.
2 & 7	Excellent	Surface: Solid, compact, excellent ride Shape: Crossfall maintained, no rutting or corrugations, water shed quickly Fines Loss: Minimal, no loss of stone, minimal dust Estimated Intervention: None planned, >12 months, possibly longer, good material to rework with minimal added material

3 & 8	Fair	Surface: Loose stone and fines, moderate dust Shape: Variable crossfall, rutting in some sections Fines Loss: High, resulting in loss of stone and high dust. Estimated Intervention: 3- 6 months, need to rework and add PolyCom and possible small amount of material.
4 & 9	Very good	Surface: Some areas highly compacted and stabilised, isolated areas of loose material and loss of fines, reduced dust, Shape: Crossfall variable, generally good, isolated flat sections Fines Loss: Low, isolated areas, minimal dust Estimated Intervention: 6 - 9 months, need to rework cement based material, workability requirements of cement stabilisation to be determined.
5 & 10	Excellent	Surface: Generally highly compacted, isolated small patches of loose material Shape: Very good crossfall Fines Loss: Minimal Estimated Intervention: >12 months, probably longer, need to determine rework requirements due to nature and cost of bitumen additive.

Initial trial observations:

The weather conditions to date have generally been extremely dry. The lack of moisture being retained in the road surface, particularly in the 'non-specification' material, leads to a greater loss of fine material from the road surface.

Haulage is the biggest cost factor. For this reason there has been a traditional preference to use of local non-specification materials as haulage costs are significantly less. One of the conclusions to examine at the end of the trial is whether the increased cost of haulage (or application of more expensive treatments) is offset by reduced maintenance requirements.

Cement stabilisation is labour intensive and may be best suited for short isolated sections. Workability of material for future grading maintenance is to be determined.

Similar to cement stabilisation, bitumen additive may be best suited to sites with particular maintenance issues due to the high cost of the treatment. The workability of the material with future maintenance grading is also currently unknown.

The purpose of the trial is to determine the most appropriate treatment for specific sites based on cost and maintenance needs.

COUNCIL IMPLICATIONS

Budget/Financial

An analysis of the costs for the various treatments has been performed. The costs below have been generalised to allow application to any road.

Product	Costs
Standard resheet material (non spec)	\$16.00/tonne for material plus haulage (variable cost). 1 tonne of gravel will cover around 4 – 5 m ² at a depth of 100 mm. Therefore approximately \$8,500 for material for a 400 m section + haulage.
Resheet material to spec	\$18.30/tonne for material plus haulage (variable cost). 1 tonne of gravel will cover around 4 – 5 m ² at a depth of 100 mm. Therefore approximately \$9,700 for material for a 400 m section + haulage. Note that haulage costs may be significant due to longer haul distances.

Polycom additive	PolyCom application – 1 bottle (\$600) per 100m. Therefore \$2,400 per 400 m, noting that gravel may also need to be added prior to application (as per sites 1 & 6). Application would occur as part of the gravel maintenance process.
Cement Stabilisation	Cement application – \$1,900 per 400 m, noting that gravel may also need to be added prior to application (as per sites 1 & 6). Application would occur as part of the gravel maintenance process.
Bitumen emulsion Stabilisation	Emulsion application – \$9,500 per 400 m, noting that gravel may also need to be added prior to application (as per sites 1 & 6). Application would occur as part of the gravel maintenance process.

Asset Management

Council is seeking to minimise maintenance costs and extend the life of the gravel pavements for the unsealed road network. A combination of the above treatments is likely to ultimately be used to treat the differing pavement types within the road network.

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

N/A

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

ITEM 15.025/19 RUSHFORTH ROAD WORKS DEPOT – PROJECT CLOSE

Meeting	Corporate, Governance & Works Committee	19 February 2019
Directorate	Works & Civil	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Nil	

SUMMARY

Construction works for the Rushforth Road Works Depot concluded in February 2018. Since that time Council has been working with its project manager and contractor to finalise outstanding items and accounts. In late December 2018, Council and Hutchinson Builders (HB) agreed to a commercial position and finalised the contract works. All that currently remains with regard to the contract is the finalisation of the defects liability period.

This report provides Council with the closing financial position of the project.

OFFICER RECOMMENDATION

That Council receive and note the contents of the report on the Rushforth Road Works Depot.

COMMITTEE RECOMMENDATION

Simmons/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Toms, Kingsley, Lysaught, Simmons

Against: Ellem

COUNCIL RESOLUTION – 15.025/19

Williamson/Kingsley

That Council receive and note the contents of the report on the Rushforth Road Works Depot.

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

Works for the construction of the Rushforth Road Works Depot (RRWD) were completed in February 2018. Council staff commenced the move to the new facility in late February culminating with all of Council's Grafton based works operations moved to the site by the end of April 2018.

RRWD is fully operational and all planned activities are now occurring from this location.

KEY ISSUES

As previously reported to Council, the contract contained two elements, these being:

1. Construction of the depot facilities; and
2. Former Sewage Treatment Plant (STP) Remediation.

This report addresses the financial completion of both of these elements.

Construction Works

Council initially awarded a contract to Hutchinson for \$11,986,985.00 for the construction of the depot, and authorised a construction budget of \$12,820,732, which provided a construction contingency of \$833,747.

During the course of construction there were numerous variations to the contract which totalled \$795,472.67, and represented 6.22% of the construction costs. These variations were managed by the contract superintendent and reported via the Project Control Group.

Table 1 summarises the project budget and shows that the construction element of the contract was completed within budget with a balance of \$34,375.51 remaining.

Table 1 – Project budget summary

Item	Cost
Construction budget	\$ 12,820,732.00
Construction contract	\$ 11,986,985.00
Contingency	\$ 833,747.00
Construction variations	\$ 795,472.67
Negotiation*	\$ 3,898.82
Remaining contingency	\$ 34,375.51

*Negotiation in accordance with resolution 22.010/18.

STP Remediation

Remediation of the former STP was undertaken during the period November 2016 to February 2017. In accordance with Council resolution 13.062/16 these works were undertaken to the requirements of the NSW EPA and were paid for by the sewer fund.

At its February 2018 meeting, Council resolved:

COUNCIL RESOLUTION – 15.006/18

That Council:

1. *Receive and note the site audit report for the former South Grafton Sewage Treatment Plant prepared by Cavanba Consulting dated October 2017.*
2. *Note that the remediation works at the former South Grafton Sewage Treatment Plant have now been completed and that monthly reporting in accordance with Council resolution 13.062/16 cease.*
3. *Receive a report to a future meeting of Council detailing the final costs of the remediation once they have been established.*

4. Note the proposed land purchase of Lot 1 on DP557049.

Whilst the physical remediation works were completed in February 2017, the financial completion of the remediation works has only been recently finalised following resolution 22.010/18.

In responding to point 3 of item 15.006/18, the total cost for the remediation is \$7,867,935.59.

COUNCIL IMPLICATIONS

Budget/Financial

Construction Works

Table 1 above summarises the project budget revealing that the project was constructed within budget and variations represented 6.22% of the project costs.

STP Remediation

The total cost for the remediation is \$7,867,935.59. The remediation works were funded by the sewer fund in accordance with resolution 13.062/16.

Asset Management

The depot is covered by Council's buildings and facilities Asset Management Plan.

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

N/A

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

ITEM	15.026/19	ITEMS FOR INFORMATION
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Meeting	Corporate, Governance & Works Committee	19 February 2019
Directorate	Office of General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

OFFICER RECOMMENDATION

That the Items for Information as listed below be adopted:

1. The Hon Sarah Mitchell MLC – Response to letter re Aboriginal Legal Service
2. The Hon Don Harwin MLC – Successful application of \$70,000 for Gallery
3. The Hon Tanya Davies MP – Thank you for Art of Ageing Exhibition at Libraries
4. Ilarwill Hall Management Committee – Minutes of Meeting 20 October 2018
5. Water Efficiency Working Group Meeting – Minutes of Meeting 22 November 2018

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Toms, Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 15.026/19

Williamson/Kingsley

That the Items for Information as listed below be adopted:

1. The Hon Sarah Mitchell MLC – Response to letter re Aboriginal Legal Service
2. The Hon Don Harwin MLC – Successful application of \$70,000 for Gallery
3. The Hon Tanya Davies MP – Thank you for Art of Ageing Exhibition at Libraries
4. Ilarwill Hall Management Committee – Minutes of Meeting 20 October 2018
5. Water Efficiency Working Group Meeting – Minutes of Meeting 22 November 2018

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.3 Engage with the community to inform decision making

Prepared by	Lesley McBay, Coordinator Executive Support
Attachment	As above

URGENT, SUPPLEMENTARY AND LATE ITEMS OF BUSINESS

MOTION

Kingsley/Simmons

That Item 15.027/19 Council Meeting Checklist be accepted as a late item of business for the Corporate, Governance & Works Committee. CARRIED

ITEM	15.027/19	COUNCIL MEETING CHECKLIST – UPDATE ON ACTIONS TAKEN
Meeting		Corporate, Governance & Works Committee
Directorate		Corporate & Governance
Reviewed by		General Manager - Ashley Lindsay
Attachment		Yes
		19 February 2019

SUMMARY

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

OFFICER RECOMMENDATION

That the schedule of actions taken on Council resolutions be noted and those resolutions marked as complete, i.e. C in the status column, be removed from the checklist.

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Toms, Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 15.027/19

Williamson/Kingsley

That the schedule of actions taken on Council resolutions be noted and those resolutions marked as complete, i.e. C in the status column, be removed from the checklist.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

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

KEY ISSUES

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

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

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation

Local Government Act 1993 S335 (1)

Consultation

Staff and Managers

Legal and Risk Management

N/A

Prepared by	Lesley McBay, Coordinator Executive Support
Attachment	Checklist

NOTICES OF MOTIONS

ITEM	17.001/19	CONSTITUTIONAL REFERENDUM FOR ELECTION OF MAYOR
Meeting	Corporate, Governance & Works Committee	19 February 2019
Directorate	Notice of Motion	
Submitted by	Cr Arthur Lysaught	
Attachment	Nil	

SUMMARY

The next Council election in 2020 provides an opportunity for Council to consider a constitutional referendum to change the method of how the Mayor attains office.

PROPOSED MOTION

That:

1. Council take the following question to a constitutional referendum in conjunction with the next Council election.
The Mayor of Clarence Valley Council is currently elected every 2 years by the Councillors. Do you favour the election of the Mayor by the electors for a four year term and without changing the number of Councillors from nine, including the Mayor?
2. The General Manager advise the Electoral Commission accordingly if they are to administer the referendum together with the election.
3. The cases for and against the proposed constitutional referendum as previously resolved 12.029/14 on 9 December 2014 and as amended in this report, be adopted for the information of voters.

COMMITTEE RECOMMENDATION

Lysaught/Kingsley

That:

1. Council take the following question to a constitutional referendum in conjunction with the next Council election.
The Mayor of Clarence Valley Council is currently elected every 2 years by the Councillors. Do you favour the election of the Mayor by the electors for a four year term and without changing the number of Councillors from nine, including the Mayor?
2. The General Manager advise the Electoral Commission accordingly if they are to administer the referendum together with the election.
3. The cases for and against the proposed constitutional referendum as previously resolved 12.029/14 on 9 December 2014 and as amended in this report, be adopted for the information of voters.

Voting recorded as follows

For: Lysaught

Against: Toms, Kingsley, Ellem, Simmons

The Motion was put and declared LOST.

MOTION

Lysaught/Novak

That:

1. Council take the following question to a constitutional referendum in conjunction with the next Council election.
The Mayor of Clarence Valley Council is currently elected every 2 years by the Councillors. Do you favour the election of the Mayor by the electors for a four year term and without changing the number of Councillors from nine, including the Mayor?
2. The General Manager advise the Electoral Commission accordingly if they are to administer the referendum together with the election.
3. The cases for and against the proposed constitutional referendum as previously resolved 12.029/14 on 9 December 2014 and as amended in this report, be adopted for the information of voters.

Voting recorded as follows:

For: Lysaught, Williamson

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

The Motion 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 5.1.7 Undertake the civic duties of Council in an ethical manner

BACKGROUND

The Local Government Act and Regulations provide for a council to conduct a constitutional referendum to change the basis for the Mayor attaining office.

The Act provides two methods by which a Mayor can be elected – by popular vote at an ordinary election for a 4 year term or for 2 years by the Councillors. At present, the Clarence Valley Council Mayor is elected by the second method. This method can be changed with the approval of the electors at a constitutional referendum. If such a change were approved then it would come into effect for the electoral term commencing September 2024.

Many councils in the northern rivers area elect their Mayor by popular vote at an ordinary election. These include:

- Richmond Valley Council
- Ballina Shire Council
- Bellingen Shire Council
- Byron Shire Council
- Coffs Harbour City Council
- Lismore City Council

KEY ISSUES

A report describing the cases both for and against the proposed changes for a popularly elected Mayor was presented to Council in December 2014 and should be referred to in conjunction with this report. It is important to note that it is not the intent to increase the number of elected members from the current nine.

COUNCIL IMPLICATIONS**Budget/Financial**

The NSW Electoral Commission has advised that the cost to administer a constitutional referendum on 1 question in conjunction with the local government election would be an additional 10% of the contract amount. The cost for the Clarence Valley local government election in 2016 was \$267,443 ex GST.

Policy or Regulation

A constitutional referendum is a poll initiated by a council in order to give effect to a matter referred to in Section 16 of the Local Government Act. It provides for a number of actions that a council may not do unless approval to do so has been given at a constitutional referendum. One such matter is to change the basis on which the mayor attains office (that is, by election by the councillors or by election by the electors).

Section 17 provides that the decision made at a constitutional referendum binds the council until changed by a subsequent constitutional referendum.

Section 19 makes it clear that a constitutional referendum may be taken on any Saturday.

Section 20 of the Act provides that the question at a constitutional referendum is carried if it is supported by a 'yes' vote by the majority of votes cast, and must therefore proceed to be implemented. If the question fails, it can only proceed after being posed and passed at a later constitutional referendum.

In order to assist voters make an informed decision, cases for and against the referendum should be presented to the public. A report "Cases for and Against Proposed Constitutional Referendum - Changing the Method for Voting for the Mayor" was put to Council on 9 December 2014 (Item 12.029/14). Council resolved the following:

"That the following cases for and against the proposed constitutional referendum, be adopted for the information of voters.

YES Case – The Mayor would be elected by the electors and not elected by the Councillors:

- 1. Election of the Mayor by the electors would give predictability about the style and direction of the Council leadership and stability to the office for a period of four years.*
- 2. The Mayor would be able to provide leadership, adhere to agreed strategic directions and influence long term planning and policy setting.*
- 3. Election of the Mayor by the electors would remove the internal politics of Councillors each year during the time leading up to the election of Mayor.*
- 4. Election of the Mayor by the electors would give residents an opportunity to consider Mayoral candidates' policies and vote accordingly.*
- 5. A Mayor elected by the electors will have a high public profile and clear public endorsement.*
- 6. Election of the Mayor by the electors would make the position of Mayor more accountable to residents and give the office a stronger community focus.*
- 7. The possibility of a Mayor being elected "out of the hat" is avoided in the event of two or more Councillors receiving equal votes from their peers.*
- 8. Mayor is chosen on personal calibre, rather than alliances with other councillors.*

NO Case - The elected Councillors would elect the Mayor:

- 1. Election of the Mayor by the electors could benefit financially resourced candidates.*
- 2. Neither electors nor the Council would be able to change an unsatisfactory Mayor before the next election.*
- 3. The elected council should elect their leader and not have one imposed on them and with whom they may not be able to work constructively or cooperatively.*
- 4. Individuals may pick a Mayor based on their popularity and not on their ability*
- 5. Councillors should have the option of assessing the Mayor every year and be able to change that person if she/he does not perform to expectation, or if conflict develops.*
- 6. Election of the Mayor by the electors and his/her planning and policy directions, views and actions may not have the support of the majority of Councillors.*
- 7. If a Mayor elected by the electors resigned from the Office of Mayor, outside the last 18 months of their term, the community would have to meet the high costs of a by-election to determine a new Mayor.*
- 8. The four year Mayoral term may be too great a commitment for some candidates to make and this may limit the nominations.*
- 9. The positions of Prime Minister and Premier are not elected by popular vote and the popular election of the Mayor would be inconsistent with this."*

Prior to the 2016 Council elections the legislation was changed with the term of the Mayor being increased to 2 years for Mayors that are elected by the councillors. As a result of this the following changes are recommended to be made to the Yes and No Cases as adopted at the December 2014 meeting:

YES Case – Changes to the following point:

1. No change.
2. No Change.
3. Election of the Mayor by the electors would remove the internal politics of Councillors every 2nd year during the time leading up to the election of Mayor.
4. No Change.
5. No Change.
6. No Change.
7. No Change.
8. No Change.

NO Case - Changes to the following point:

1. No Change.
2. No Change.
3. No Change.
4. No Change.
5. Councillors should have the option of assessing the Mayor every 2 years and be able to change that person if she/he does not perform to expectation, or if conflict develops.
6. No Change.
7. No Change.
8. No Change.
9. No Change.

Consultation

The decision to conduct a constitutional referendum does not require prior public consultation.

To promote an informed outcome, it is recommended that the Council publish balanced material that outlines the arguments for and against the question being taken to the constitutional referendum as described in this report, if Council resolves to take the question to a constitutional referendum.

Legal and Risk Management

The relevant Risk sections of the Local Government Acts and Regulation are described above.

ITEM	17.002/19	CREATION OF JACARANDA BOULEVARDS TO THE ENTRANCES OF GRAFTON
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Meeting	Corporate, Governance & Works Committee	19 February 2019
Directorate	Notice of Motion	
Submitted by	Cr Arthur Lysaught	
Attachment	Nil	

To the General Manager, Clarence Valley Council, I propose that the following report and notice of motion be submitted to Council.

SUMMARY

Grafton is commonly known as the Jacaranda City. With the upcoming bypass of Grafton with the Pacific Motorway construction it is important that Grafton further establish its claim for being the Jacaranda City.

PROPOSED MOTION

That Council:

- Investigate the plantings of Jacaranda trees to create a Jacaranda Boulevard at the following locations:
 - Current Pacific Highway – north and south of the intersection of Charles Street and Pacific Highway for a distance of 5km in each direction
 - Ryan Street South Grafton – Bent Street to Rogan Bridge Road
 - Armidale Road –from the intersection of Maxwell Avenue to Brickworks Lane intersection
 - Summerland Way – end of current plantings to Clarence Way intersection
- Provide a report to the June 2019 meeting of Council which details restraints, proposed costs and all other relevant matters.

COMMITTEE RECOMMENDATION

Lysaught/Kingsley

That Council:

- Investigate the plantings of Jacaranda trees to create a Jacaranda Boulevard at the following locations:
 - Current Pacific Highway – north and south of the intersection of Charles Street and Pacific Highway for a distance of 5km in each direction
 - Ryan Street South Grafton – Bent Street to Rogan Bridge Road
 - Armidale Road –from the intersection of Maxwell Avenue to Brickworks Lane intersection
 - Summerland Way – end of current plantings to Clarence Way intersection
- Provide a report to the June 2019 meeting of Council which details restraints, proposed costs and all other relevant matters.

Voting recorded as follows

For: Toms, Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 17.002/19**Lysaught/Novak****That Council:**

1. Investigate the plantings of Jacaranda trees to create a Jacaranda Boulevard at the following locations:
 - Current Pacific Highway – north and south of the intersection of Charles Street and Pacific Highway for a distance of 5km in each direction
 - Ryan Street South Grafton – Bent Street to Rogan Bridge Road
 - Armidale Road – from the intersection of Maxwell Avenue to Brickworks Lane intersection
 - Summerland Way – end of current plantings to Clarence Way intersection
2. Provide a report to the August 2019 meeting of Council which details restraints, proposed costs and all other relevant matters.

Voting recorded as follows:

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

Against: 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

With the Pacific Motorway bypassing Grafton in 2020, further plantings of Jacaranda Trees is required to be provided along the main road network into Grafton to create a greater 'Jacaranda Boulevard' approach to Grafton and South Grafton.

KEY ISSUES

I propose that Council, in conjunction with the relevant authorities, investigate the planting of Jacaranda Trees adjacent to the main approach roads to Grafton and South Grafton. It is suggested that the following roads be investigated:

- Current Pacific Highway – north and south of the intersection of Charles Street and Pacific Highway
- Ryan Street South Grafton – Bent Street to Rogan Bridge Road
- Armidale Road – from the intersection of Maxwell Avenue to Brickworks Lane intersection
- Summerland Way – end of current plantings to Clarence Way Intersection

COUNCIL IMPLICATIONS**Budget/Financial**

To be advised in a future report.

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

N/A

STAFF COMMENT – Peter Birch, Manager Open Spaces & Facilities

Strengthening existing avenues and the creation of new avenues of Jacaranda trees has been undertaken in consultation with the Jacaranda Committee. The additional locations identified in the NOM can be investigated and suitability reported back. Site conditions considered include, but are not limited to: soil, services (overhead and subterranean), existing trees, available space, vehicle clearance and runoff areas.

ITEM 17.003/19 INVESTGATE FUTURE DEVELOPMENT OF SEE PARK

Meeting	Corporate, Governance & Works Committee	19 February 2019
Directorate	Notice of Motion	
Submitted by	Cr Arthur Lysaught	
Attachment	Nil	

To the General Manager, Clarence Valley Council, I propose that the following report and notice of motion be submitted to Council.

SUMMARY

See Park in Grafton is frequently used for weddings and events. I propose that Council seek community input in order to develop a plan for future development which will enhance this park.

PROPOSED MOTION

That:

1. Council consult with the community to determine the desires and needs of any future development of See Park.
2. A report be provided to Council no later than June 2019 which details the findings of the consultation.

COMMITTEE RECOMMENDATION

Lysaught/Kingsley

That:

1. Council consult with the community to determine the desires and needs of any future development of See Park.
2. A report be provided to Council no later than June 2019 which details the findings of the consultation.

Voting recorded as follows

For: Toms, Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 17.003/19

Lysaught/Novak

That:

1. Council consult with the community to determine the desires and needs of any future development of See Park.
2. A report be provided to Council no later than August 2019 which details the findings of the consultation.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 3 Economy

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

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

BACKGROUND

See Park, Grafton is a frequently used park in the centre of Grafton and is heavily utilised for weddings, functions and general park use.

KEY ISSUES

See Park is currently a very well used park and hosts many weddings and wedding photographs. To ensure that this park is retained as one of the premier parks in Grafton there needs to be future development to provide, but not limited to:

- Formalised car parking
- Areas of the park that have specific plant species which creates alternate spaces and photographic opportunities
- Updated and more accessible facilities
- Better connection to and with the water body

I propose that community opinion be sought on the future development of See Park so that a suitable plan for such works can be established.

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

N/A

STAFF COMMENT

The proposal has merit however is not part of the current operational plan and given the amount of park consultation, and projects being undertaken due to grant funding, Open Spaces and Facilities do not have the capacity to run this consultation and report back by June 2019 as stated in the recommendation. August 2019 would be better suited for a response.

ITEM 17.004/19 CENTENARY DRIVE CLARENZA – PACIFIC HIGHWAY TRAFFIC MANAGEMENT

Meeting	Corporate, Governance & Works Committee	19 February 2019
Directorate	Notice of Motion	
Submitted by	Cr Richie Williamson	
Attachment	Nil	

To the General Manager, Clarence Valley Council, I propose that the following report and notice of motion be submitted to Council.

SUMMARY

Centenary Drive being used as an alternate route to the Pacific Highway.

PROPOSED MOTION

That Council as a matter of urgency contact the Roads & Maritime Services requesting they find a solution for the better management of Pacific Highway traffic using Centenary Drive as a short cut and seek to have measures in place before the Easter 2019 break.

COMMITTEE RECOMMENDATION

Kingsley/Toms

That the matter be deferred to full Council meeting.

Voting recorded as follows

For: Toms, Kingsley, Lysaught, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 17.004/19

Williamson/Baker

That Council as a matter of urgency contact the Roads & Maritime Services requesting they find a solution for the better management of Pacific Highway traffic using Centenary Drive as a short cut and seek to have measures in place before the Easter 2019 break.

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 5.1.5 Represent our community at Regional, State and Federal levels

BACKGROUND

Over the Christmas/summer holiday break the amount of Pacific Highway traffic using Centenary Drive was, in my opinion, at an unacceptable level.

At times the traffic queue trying to enter back to the highway on the northern intersection was backed up many hundred metres onto Centenary Drive which greatly increased the risk of traffic entering back on to the highway with highway traffic travelling at 100km per hour.

I've had representations from residents in the Clarenza area informing me of the increased risk for them as local residents and very long traffic queues on the southern entry point off the highway onto Centenary Drive. Residents also informed me of speeding drivers and "bumper to bumper" conditions on what is a local road.

Measures that could be considered by the RMS might include:

- the use of variable-message signage (VMS) both north and south of Centenary Drive instructing drivers to ignore GPS and not use Centenary Drive,
- signage making Centenary Drive for local traffic only and a
- possible speed reduction on Centenary Drive.

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

STAFF COMMENT – Manager Civil Services

RMS has advised at a recent Traffic Committee meeting that they are examining options for Centenary Drive. While their concern is primarily about the northern intersection of Centenary Drive with the Pacific Highway, potential options may also assist with traffic management on Centenary Drive.

CLOSE OF COMMITTEE MEETING

There being no further business the Corporate, Government & Works Committee meeting closed at 3.52 pm.

TENDERS AND CONTRACTS FOR SUPPLY

ITEM	16.001/19	T19/005 SUPPLY OF TWO NEW ROAD MAINTENANCE TRUCKS
Meeting	Council	26 February 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Confidential	

SUMMARY

Tenders were called for the supply of two new road maintenance patching trucks in accordance with the adopted plant replacement program. This report assesses the conforming tenders received and makes a recommendation to Council for the purchase of the 2 new trucks.

OFFICER RECOMMENDATION

That:

1. Council accept the tender from Coffs Harbour Hino for T19/005 supply of 2 new road maintenance trucks at a cost of \$505,904.00 (GST inclusive).
2. The purchase to be funded from Heavy Fleet Acquisitions (PJ 558500 Cost Centre 822) and the Council seal attached.
3. Council dispose of the current 2 trucks via public auction.

COUNCIL RESOLUTION – 16.001/19

Williamson/Kingsley

That:

1. Council accept the tender from Coffs Harbour Hino for T19/005 supply of 2 new road maintenance trucks at a cost of \$505,904.00 (GST inclusive).
2. The purchase to be funded from Heavy Fleet Acquisitions (PJ 558500 Cost Centre 822) and the Council seal attached.
3. Council dispose of the current 2 trucks via public auction.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

Council currently operates a number of road maintenance patching trucks within its truck fleet. These vehicles are designed and built with specialist road maintenance bodies on the back which allows the crews to maintain Council's sealed road network. The current 2 trucks are due for replacement and as such tenders were called through the Local Government Procurement Vendor Panel contract NPN04-13 and NPN115 Trucks and Specialised Bodies.

Tenders were received as follows:

Tenderer	ABN	Address
Coffs Harbour Hino	18 157 829 626	3 Elswick Place, Coffs Harbour
K&J Trucks Coffs Harbour Pty Ltd	71 003 113 675	1-3 Isles Drive, North Boambee, Coffs Harbour

KEY ISSUES

The evaluation team has undertaken an assessment of the conforming tenders taking into consideration the following factors:

- Operational requirements
- Tendered price offer (whole of life)
- Mechanical assessment
- Warranty offered, local service and parts backup

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.

The TEC recommends that Council accept the tender from Coffs Harbour Hino.

COUNCIL IMPLICATIONS**Budget/Financial**

Council's adopted Uniqco Plant and Fleet Asset Management Plan has listed the 2 road maintenance trucks for replacement in the 2018/19 financial year. Funds are available from PJ558500 Heavy Fleet Acquisitions to fund the purchase. The available budget for the tender is, PJ 558500 Cost Centre 822 and the GST exclusive tender price is \$459,912.72

Asset Management

Replacement of these plant items is in accordance with the adopted plant replacement program. Council's asset records will be updated upon receipt of the plant items.

Policy or Regulation

The tendering process followed is consistent with the requirement of the Local Government Act and Regulation and Council's Sustainable Procurement Policy – Supporting Local Business.

In accordance with Council's Sustainable Procurement Policy the following processes were undertaken:

- Local suppliers, contractors and/or consultants were notified through local advertising.
- Tender specifications were structured so local suppliers and/or contractors were not excluded from being the prime supplier/contractor.

Consultation

Council Fleet Coordinator, Manager Civil Services and senior Civil Services operational staff have been consulted during the tender development and evaluation process.

Legal and Risk Management

The tendering and evaluation process followed was consistent with the requirements of the Local Government Act and Regulations while the evaluation process was based on the evaluation criteria contained within the tender documentation. The confidential attachment provides details of the evaluation assessment.

Prepared by	Paul Gallagher, Fleet Coordinator
Confidential Attachment	Tender Assessment

ITEM	16.002/19	TENDER – NATURAL DISASTER RELIEF ASSISTANCE FOR RIVERBANK PROTECTION WORKS
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Meeting	Council	26 February 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Confidential	

SUMMARY

In September 2018 Council accepted funding under the Natural Disaster Relief Assistance (NDRA) Program for replacement of riverbank rock protection at various sites that were damaged in the March 2017 flood event where the NSW Government had provided funding for the full estimated value of restoration works. In December 2018 Public Works Advisory, on behalf of Council, called open tenders for the works. The tenders were split into 3 geographic packages.

Tenders received have exceeded the approved NDRA funding and a subsequent claim for additional funds has been submitted due to items identified by Tenderers which were not part of the original estimates. As advice is yet to be received regarding the additional funds, it is recommended Council delegate to the General Manager the authority to award these Tenders subject to funding being available within \$10,000 of the requested amount.

If the additional funding is not available, it is recommended that Council enter into direct negotiation with the preferred Tenderers to undertake work within the available budget. In consideration of the draft Riverbank Protection Policy that is currently before Council, it is recommended that riverbank protection works at Palmers Island not proceed as these works exist only for protection of private property and thus provide an immediate exception to the draft Policy which potentially sets a precedent for the hundred of kilometres of riverbank that is not protected by Council.

OFFICER RECOMMENDATION

That:

- If the request for additional National Disaster Relief Assistance (NDRA) funding is approved to within \$10,000 of the claimed amount, Council contribute the balance (i.e. up to \$10,000) of the funding from PJ941060 (Floodplain Minor Works/Renewals) and delegate to the General Manager the authority to award the following tenders:
 - Package A (Ulmarra) to Ledonne Constructions for the tendered amount of \$547,520.00.
 - Package B (Goodwood Island only) to Local Land Services for the tendered amount of \$200,851.00.
 - Package C (Waterview and Tyndale) to Ledonne Constructions for the tendered amount of \$258,982.00.
- If the request for additional NDRA funding is not approved to within \$10,000 of the claimed amount, Council decline to accept any of the tenders and delegate the authority to the General Manager to enter into negotiations with the preferred tenderers for Package A, B (Goodwood only) and C with a view to entering into a contract with an upper limiting fee of the available funds. In accordance with Clause 178(4) of the *Local Government (General) Regulation*, the reasons for declining to call fresh tenders and enter into negotiations are:
 - The NDRA funding needs to be expended by 30 June 2019 and calling fresh tenders would leave insufficient time to complete the works by this deadline.
 - The preferred tenders for each package are selected as they have demonstrated through an open tender process that they are the most advantageous for Council.

COUNCIL RESOLUTION – 16.002/19**Williamson/Kingsley****That:**

1. If the request for additional National Disaster Relief Assistance (NDRA) funding is approved to within \$10,000 of the claimed amount, Council contribute the balance (i.e. up to \$10,000) of the funding from PJ941060 (Floodplain Minor Works/Renewals) and delegate to the General Manager the authority to award the following tenders:
 - Package A (Ulmarra) to Ledonne Constructions for the tendered amount of \$547,520.00.
 - Package B (Goodwood Island only) to Local Land Services for the tendered amount of \$200,851.00.
 - Package C (Waterview and Tyndale) to Ledonne Constructions for the tendered amount of \$258,982.00.

2. If the request for additional NDRA funding is not approved to within \$10,000 of the claimed amount, Council decline to accept any of the tenders and delegate the authority to the General Manager to enter into negotiations with the preferred tenderers for Package A, B (Goodwood only) and C with a view to entering into a contract with an upper limiting fee of the available funds. In accordance with Clause 178(4) of the *Local Government (General) Regulation*, the reasons for declining to call fresh tenders and enter into negotiations are:
 - The NDRA funding needs to be expended by 30 June 2019 and calling fresh tenders would leave insufficient time to complete the works by this deadline.
 - The preferred tenders for each package are selected as they have demonstrated through an open tender process that they are the most advantageous for Council.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

Strategy 2.1.2 Ensure adequate natural disaster management

BACKGROUND

The topic of riverbank protection works has been the subject of several recent Council reports. The below table is provided as a summary of this recent history:

Council Meeting Date	Council Resolution Number	Detail
21/8/18-	15.132/18	Council resolved to accept partial NDRA funding for 3 claim sites subject to a decision of Council at the September 2018 meeting verifying that it is able to allocate the shortfall in funds.
18/9/18	13.051/18	Council resolved to decline the NDRA partial funding offered of \$116,776.50 for claims 9, 10 and 15 and inform Public Works and property owners that the damage on the 3 rural floodplain assets which have not been approved in full

		by Public Works will not be repaired. Furthermore, Council resolved to develop a Policy on riverbank rock protection/armouring assets, with the draft policy to be considered at the November 2018 Council meeting.
20/11/18	15.203/18	Council resolved that the Riverbank Protection Policy be placed on public exhibition for a period of 28 days, if submissions are received that change the intent of the policy, the policy and submission(s) will be reported to Council for consideration.
26/2/19		The Riverbank Protection Policy is being reported to this meeting (Report 15.001/19) with the Officer's Recommendation being the Riverbank Protection Policy, as amended, be adopted and a report outlining a proposed maintenance strategy for Council's existing riverbank protection assets be presented to the March 2019 Council meeting.

KEY ISSUES

Open tenders for the approved restoration works were called on 19 December 2018 and closed on 22 January 2019. The works were for replacement of lost pre-existing rock armour due to erosion and slumping at numerous locations including adjacent to levees, drain outlets and riverbanks from the March 2017 flood event. The Tender was divided into 3 packages:

- Package A (Ulmarra)
- Package B (Palmer's Island and Goodwood Island) with a mandatory alternative for works at Goodwood Island only, and
- Package C (Waterview and Tyndale)

Corbett Earthmoving advised the tender Contact Officer at the tender closing time that they were having difficulty accessing the electronic tender box, and emailed a copy of their tender direct to the Contact Officer. An investigation indicated that the inability to lodge a tender was due to errors by Corbett Earthmoving and that other Tenderers were able to successfully lodge their tenders. Clause 177(2) of the *Local Government (General) Regulation* indicates that "A council must not consider a tender that is not submitted to the council by the deadline for the closing of tenders. This subclause is subject to subclauses (4) and (5)". As neither of the extenuating circumstances in subclauses 177(4) or 177(5) are applicable, Council is therefore unable to consider the tender from Corbett Earthmoving.

Three, five, and four tenders were received for Packages A, B, and C respectively. Tenders were assessed by a Tender Evaluation Panel comprising Council and Public Works Advisory staff, and a copy of the Tender assessment is included in the confidential attachments. The Tender Evaluation Panel considers, having regards to all the circumstances, that the most advantageous Tenders are:

- Package A - Ledonne Construction
- Package B – Local Land Services (both alternatives)
- Package C – Ledonne Construction.

Funding

The Tendered amounts for all 3 packages exceed the available NDRA funding. Council sought advice regarding top up NDRA funding where the grant does not cover the actual cost of carrying out repairs to the essential public assets, and was advised that the only circumstances under which additional funding would be provided is where there were latent conditions which could not reasonably be anticipated at the time the cost estimate was developed.

The tenderers identified further works required to repair the flood damage, which were not included in Council's original estimates and the Public Works Advisory approval of the value of the restoration works:

- Site establishment including signage and fencing, vehicle access provisions and initial implementation of all management plans.
- Dilapidation survey of all access ways and surrounds that may be impacted by the works.
- Site survey and geotechnical investigations.
- Locating all services, provide temporary protection and maintenance of services during the works if necessary.
- Felling and removal of the existing trees and vegetation at all sites where required to complete the works as per the scope of works and as mentioned in the Review of Environmental Factors.
- Provision of work as executed drawing activities associated with the works.

Council has submitted a claim to Public Works Advisory to vary the approved NDRA funding for the amounts Tendered for each site with the justification that the above items could not reasonably have been anticipated at the time estimates were prepared. As at 19 February 2019, Council has not received advice regarding its claim.

It is possible that Council's claim for additional funding may be partially approved. Accordingly, it is recommended that Council contribute up to \$10,000 towards the works. As Tenders cannot be awarded unless funding is available, it is recommended that Council delegate to the General Manager the authority to award the Tenders to the most advantageous tenderer for each package subject to additional NDRA funding (within \$10,000 of the Tendered amounts) being approved. If additional NDRA funding within \$10,000 of the Tendered amounts is not approved, it is recommended that Council delegate to the General Manager the authority to enter into negotiation with the preferred Tenderers for each package with a view to undertaking works within the available funding.

Palmer's Island Works

All claim sites in Packages A (Ulmarra) and Package C (Waterview and Tyndale) are for riverbank protection works to protect an identified Council asset (being urban and rural levees and drain outlets). Package B contained protection works for an identified Council asset (Goodwood Island levee) as well as protection works for private property only (Palmer's Island). Council's Draft Riverbank Protection Policy, which is currently being considered by Council (Item 15.001/19), has recommended that "where the objective of erosion management works is solely the protection of private property all works are the responsibility of the private land owner". In consideration of the draft Policy, Package B contained a mandatory alternative for Goodwood Island works only in addition to the amount for all works (Palmer's and Goodwood).

Council staff have identified from historical NSW Public Works Annual Reports that Palmer's Island rock work was installed by Public Works in the late 1960s. In these reports it states that "a total of 836 tons of stone was placed along the right bank at Palmer's Island to counteract erosion (1966/67)" and "a total of 1,102 tons of stone was placed along the bank at Palmer's Island to counteract erosion (1967/68)". This information confirms that the assets were not installed by Council initially, and it is unclear as to why the former Clarence River County Council accepted responsibility for the ongoing maintenance of riverbank works that existed purely for private property protection. Council are aware of many kilometres of riverbank that is eroding private property where Council has not intervened and provided rock protection works (examples being in the Great Marlow, Lawrence and Ilarwill areas).

If Council adopts the draft Riverbank Protection Policy as per the Officer Recommendation in report 15.001/19, for consistency it is recommended that the mandatory alternative for Package B (i.e. works on Goodwood Island only) be adopted and that Council not undertake riverbank protection restoration on the Palmer's Island sites.

COUNCIL IMPLICATIONS**Budget/Financial**

The Tendered works are proposed to be funded by the NDRA. It is possible that Council's claim for additional NDRA funding will be partially approved. PJ941060 (Floodplain Minor Works/Renewals) currently has an unexpected budget of \$11,900, and it is proposed that up to \$10,000 from this allocation be contributed to works if necessary to address a shortfall in NDRA funding.

Asset Management

The works which are being restored are currently on Council's asset register.

Policy or Regulation

Natural Disaster Relief Assistance guidelines
Draft Riverbank Protection Policy

Consultation

Landowners at Palmers Island whose properties were included in the tendered works for Package B have been advised the Officer Recommendation is that Council not undertake these works.

Legal and Risk Management

As outlined in Report 15.001/19 on the draft Riverbank Protection Policy, legal advice (in the confidential attachment to that report) indicated that "there is no positive statutory obligation on Council under the Coastal Management Act to maintain riverbank protection assets installed by Council on private land."

Prepared by	Kieran McAndrew, Floodplain Coordinator and Greg Mashiah, Manager Water Cycle
Confidential Attachment	Tender Panel Recommendation Report – Package A (Confidential) Tender Panel Recommendation Report – Package B (Confidential) Tender Panel Recommendation Report – Package C (Confidential)

ITEM	16.003/19	TENDER - PROVISION OF LOCAL GOVERNMENT ELECTION SERVICES TO NOMINATED COUNCILS REGPRO061819
Meeting	Council	26 February 2019
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Yes	

SUMMARY

This report recommends to Council the acceptance of an offer from the tenderer to honour its tender to an open single source tender for the Provision of Local Government Election Services for 5 years from 1 April 2019 to 31 March 2024, and to postpone consideration of the tender until such time as IPART has conducted its review of the costs of conducting Local Government elections in NSW. The Tender (REGPRO061819) was called by Regional Procurement Initiative on behalf of several New South Wales (NSW) Councils.

OFFICER RECOMMENDATION

That:

1. Regarding the tender received under Tender REGPRO061819 from the Australian Election Company (AEC) to provide NSW Local Government Election Services for the period 1 April 2019 to 31 March 2024, Council accept the AEC offer to honour its tender and postpone consideration of the tender until such time as IPART has conducted its review of pricing.
2. Under s296AA (1)(a), Council reserves the right to enter into a contract, or otherwise, with the NSW Electoral Commission, pending IPART's review of the NSW Electoral Commission's pricing for administration of elections.
3. Under Section 296AA (4) of the Local Government Act 1993 (NSW), Council publish a notice of failure to comply with s296AA (1) until such time as IPART has completed its review of NSW Electoral Commission's pricing for administration of elections.

COUNCIL RESOLUTION – 16.003/19

Williamson/Kingsley

That:

1. **Regarding the tender received under Tender REGPRO061819 from the Australian Election Company (AEC) to provide NSW Local Government Election Services for the period 1 April 2019 to 31 March 2024, Council accept the AEC offer to honour its tender and postpone consideration of the tender until such time as IPART has conducted its review of pricing.**
2. **Under s296AA (1)(a), Council reserves the right to enter into a contract, or otherwise, with the NSW Electoral Commission, pending IPART's review of the NSW Electoral Commission's pricing for administration of elections.**
3. **Under Section 296AA (4) of the Local Government Act 1993 (NSW), Council publish a notice of failure to comply with s296AA (1) until such time as IPART has completed its review of NSW Electoral Commission's pricing for administration of elections.**

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 is a member of Regional Procurement Initiative, a Division of Hunter Councils Inc., which was established in response to a need for a collaborative approach to regional tendering and contracting.

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

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

The Regional Procurement contract will run for 5 years from 1 April 2019 to 31 March 2024. A 2 year option may be taken up by individual councils based on satisfactory performance by the successful tenderer. This is designed to take in the 2024 Local Government elections.

The tender offerings are as follows:

- Option 1: A fully costed solution listed under Option 1 in the Tender Price Schedule for an all inclusive election service.
- Option 2: The Service Provider must provide a full breakdown of costs clearly showing items the Service Provider considers Nominated Councils may source/provide themselves to reduce costs.
- Option 3: The Service Provider is to submit a proposal outlining a fully costed package of resources that will enable the member councils listed under Option 3 in the Tender Price Schedule to properly conduct a Local Government election in their own right. A 'Help Desk' number is to be provided as part of this Option.

The package of resources is to clearly show what the member council must do to fully conform to all NSW Legislative requirements associated with the calling of a Local Government election.

The prices offered under Options 1, 2 and 3 of the Tender Price Schedule spreadsheet are deemed to be for the 2020 NSW Local Government elections. As such, these prices shall remain fixed and not subject to variation except in the case of Federal or NSW Government statutory increases.

Only 1 tender was received, which was from Australian Election Company (AEC). In an email dated 11 February 2019, from Regional Procurement Initiative, Council was advised that the AEC will honour its tender offer until January 2020 (see Attachment A).

Note AEC is not offering packages as per Option 3 for councils to run their own elections due to no interest across participating councils for this during the 2016 NSW elections. AEC is prepared to consider potential shared Returning Officer arrangements with councils upon request. Costs are not provided at this stage.

KEY ISSUES

Since 2012, councils have been able to choose whether to conduct their own elections, or to enter into arrangements with the NSW Electoral Commission (NSWEC).

Most councils have continued to have their elections conducted by the NSW Electoral Commission. Management is not confident that Council has the capacity to administer its own elections and as such propose to outsource administration of the 2020 election. Under Section 296AA, each council is required to pass a resolution outlining its choice for administering the elections at least 18 months before the next ordinary election of councils.

Under Section 296AA, councils must make a decision on how their September 2020 elections are to be administered no later than 11 March 2019. An OLG Circular 18-43, issued on 12 December 2018, confirmed that each council in NSW must resolve whether its General Manager will administer its 2020 Local Government election, or if it will arrange for the NSWEC to do so and if a council fails to resolve to engage the NSWEC to administer its elections by 11 March 2019, it will be required to administer its own elections (see Attachment B).

An OLG Circular 19-02, issued on 8 February 2019, advised councils that the NSW Government has approved a review by the Independent Pricing and Regulatory Tribunal (IPART), of the costs of conducting Local Government elections in NSW (see Attachment C). The purpose of IPART's review is to ensure a robust methodology for determining how costs are applied, in order to minimise the financial burden on councils and ratepayers and to ensure Local Government elections are conducted efficiently and cost effectively. IPART has been requested to report by 30 August 2019 to the Minister for Local Government recommending a costing methodology to be applied in determining the amount the NSW Electoral Commissioner charges councils to administer their ordinary elections. As the outcomes of the IPART review may impact on the administration of the September 2020 council elections, it is *proposed to introduce legislation in the first parliamentary sitting period of 2019 following the NSW State Election* to amend the Local Government Act 1993 (the LGA) to extend the deadline for councils to make a decision on the administration of their elections under sections 296AA and 296. This deadline will be extended to 1 January 2020.

In a letter to the General Manager dated 11 February 2019 from the NSWEC, it was stated that in light of the IPART review and the proposed legislative changes that the NSWEC will not be providing cost estimates to councils for the 2020 ordinary elections at this time as it would not be practical for the NSWEC to estimate its costs to councils without first having regard to the findings of the IPART review and the Government's response. Similarly, councils will wish to consider the IPART findings and the Government's response to those findings, before making a final decision to engage the NSWEC (see Attachment D).

COUNCIL IMPLICATIONS**Budget/Financial**

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

AEC's Tender Price Schedule, see confidential Attachment G, includes fees associated with full administrative services as Option 1 and partial outsourcing with Council providing the items listed and additional savings if a local Returning Officer is used at Option 2.

The Tender Evaluation Report is provided as Attachment F and the Non Price Criteria Evaluation and Details of Minor Non Conformance is provided as Attachment G.

Asset Management

N/A

Policy or Regulation

The tendering process followed is consistent with the requirement of the Local Government Act and Regulation (Part 7 Tendering, where expenditure on a tender exceeds \$150,000 over the term of the contract, a council must adopt by resolution a report accepting the tender recommendation) and Council's Sustainable Procurement Policy.

In accordance with Council's Sustainable Procurement Policy the local supply provisions of the Policy were assessed by the Project Manager as not being relevant due to the specialist nature of the services being sourced by the tender.

This tender has been conducted in accordance with Clause 166(a) of the Local Government (General) Regulation 2005.

The evaluation of the AEC tender was conducted in accordance with the Local Government Tendering Guidelines, Regional Procurement Tendering Code of Conduct and Tendering Evaluation Principles and Process.

Consultation

Consultation has been undertaken with Steve Robb who is the Director of Customer Service & Relationship Management at the NSW Electoral Commission and Peter Salafia who is the Manager of the Regional Procurement Initiative.

Legal and Risk Management

Section 296AA(1) of the Local Government Act 1993 (NSW), states that councils must, at least 18 months before each ordinary council election, resolve to either enter into an election arrangement with the NSWEC to administer its elections or that elections are to be administered by the council's general manager. Under Section 296AA (4) of the Local Government Act 1993 (NSW) if a council fails to comply with subsection (1), the General Manager of the council must publish a notice of that failure on the council's website.

Section 296(3) (b) of the Local Government Act 1993 (NSW), states that where a council enters into an election arrangement with the NSWEC, the arrangement must be entered into no later than 15 months before the ordinary council elections.

Section 296(5) of the Local Government Act 1993 (NSW), states that councils can enter into an election arrangement for the NSWEC to administer an ordinary council election less than 15 months before the election if the council has resolved to enter into the election arrangement and the NSWEC is satisfied that there are exceptional circumstances that make it necessary or desirable for the election to be administered by the NSWEC.

The Principal of the Australian Election Company is Richard Kidd.

Prepared by	Matthew Sykes (Manager Finance & Supply)
Attachment	<p>Confidential Attachment A – Regional Procurement Initiative advice that the AEC will honour its tender offer until January 2020.</p> <p>Attachment B – OLG circular 18-43 Council decisions on administration of 2020 elections</p> <p>Attachment C – OLG Circular- 19-02 - IPART Review on cost of elections</p> <p>Attachment D – NSWEC letter re IPART review into NSW LG election costs</p> <p>Confidential Attachment E - Australian Election Company REGPRO061819 Tender Price Schedule</p> <p>Confidential Attachment F – Australian Election Company REGPRO061819 Tender Evaluation Report</p> <p>Confidential Attachment G – REGPRO061819 Tender Non Price Criteria Evaluation & Details of Minor Non Conformance</p>

FUNCTIONS ATTENDED AND REPORTS FROM COUNCIL DELEGATES

ITEM	18.001/19	FUNCTIONS ATTENDED BY MAYOR JIM SIMMONS – 1 DECEMBER 2018 TO 31 JANUARY 2019
Meeting	Council	26 February 2019
Directorate	General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Submitted by	Cr Jim Simmons	
03.12.18	Funding announcement by Chris Gulaptis for Ellem Oval and Clarence Historical Society – Grafton	
	Meeting with Acting CEO of Aboriginal Legal Services regarding relocation to Coffs Harbour – Grafton	
04.12.18	Meeting with resident – Grafton	
	Councillor Workshop – Grafton	
05.12.18	Grafton High School Presentation Night – Grafton	
06.12.18	Grafton Public School Awards Ceremony – Grafton	
	Maclean High School Presentation Night and Prize Giving – Yamba	
07.12.18	Iluka Bike Path Opening – Iluka	
	Meeting with business owner – Maclean	
	Meeting with resident – Grafton	
	Lower Clarence Arts & Crafts Christmas Party and Opening of Phyllis Austin Exhibition – Maclean	
08.12.18	Lions Club of Maclean - Launch of Book Swap Library – Gulmarrad	
09-10.12.18	Scar Tree Court Case Hearing – Sydney	
11.12.18	South Grafton High School Presentation Day – South Grafton	
	Ordinary Council Meeting – Grafton	
13.12.18	Clarence Village on Queen Christmas Party – Grafton	
14.12.18	Aboriginal Legal Service Community Forum – Grafton	
17.12.18	Citizenship Ceremony – Maclean	
	Citizenship Ceremony – Grafton	
18.12.18	Meeting with Bishop and Registrar - Anglican Diocese – Grafton	
19.12.18	Funding announcement by Chris Gulaptis for the NSW Government Growing Local Economies funding for Connecting the Marine Precinct at Harwood	
20.12.18	Extraordinary Council Meeting – Grafton	
	PCYC Announcement – Grafton	
	Gurehlgam - End of Year Celebration – Grafton	
15.01.19	Meeting with resident – Maclean	
16.01.19	Funding announcement by Chris Gulaptis for the Grafton Regional Gallery – Grafton	
19.01.19	Truck Drivers Memorial Wall Service – South Grafton	
24.01.19	Australia Day Awards Ceremony Dinner – South Grafton	
25.01.19	Citizenship Ceremony – Grafton	
26.01.19	Loving Life FM103.1 Australia Day Concert – Grafton	
29.01.19	Westpac Helicopter Op Shop 10 year anniversary celebration – South Grafton	

Jim Simmons
MAYOR

ITEM 18.002/19 NSW COASTAL CONFERENCE 2018

Meeting	Council	26 February 2019
Directorate	Notice of Motion	
Submitted by	Cr Greg Clancy	
Attachment	Yes	

To the General Manager, Clarence Valley Council, I propose that the following report and notice of motion be submitted to Council.

SUMMARY

The 27th New South Wales Coastal Conference for 2018 was held in Merimbula from Wednesday, 7 November to Friday, 9 November 2018. Council was represented by Cr Greg Clancy.

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

PROPOSED MOTION

That Council receive and note the New South Wales Coastal Conference 2018 report.

COUNCIL RESOLUTION – 18.002/19

Williamson/Novak

That Council receive and note the New South Wales Coastal Conference 2018 report.

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 5.1.5 Represent our community at Regional, State and Federal levels

BACKGROUND

The 2018 NSW Coastal Conference was hosted by the City of Merimbula and ran from Wednesday, 7 November to Friday, 9 November 2018.

Cr Clancy was Council's delegate to the conference. This approval was provided by Council at its December 2017 meeting refer Item 15.243/17.

KEY ISSUES

A summary of the [conference program](#) is attached. The attached photographs taken at Tathra illustrate the historic wharf, erosion from storm surges at the headland, the effects of the severe bushfire and the beach erosion at the Tathra Surf Life Saving Club.

The conference commenced at 9.00am on Wednesday, 7 November with a welcome to country followed by a welcome from the Mayor of Bega Shire Council Councillor Kristy McBain.

The keynote address 'Towards a better understanding of the role of the ocean and cryosphere in coastal risk and resilience' was presented by DR Kathy McInnes, CSIRO Oceans and Atmosphere. Following morning tea concurrent sessions under the themes 'New Science and Innovation', 'Coastal Planning and Engineering', and 'Changing Coasts' were presented.

After lunch concurrent session with the themes 'Dangerous ideas', 'Estuary research, planning and management' and 'protecting our coast and oceans' were presented.

The program format was similar on Thursday and Friday with the conference finishing at lunch time on Friday. The plenary on Thursday morning was 'Environment-Schmironment: Climate Change as a Finance and Liability Risk for State & Local Governments' presented by Sarah Barker, Special Counsel, MinterEllison. There was no plenary on Friday morning.

Field trips were held on the Thursday afternoon and I attended the one to Tathra – Coastal Hazard.

COUNCIL IMPLICATIONS**Budget/Financial**

A summary of the costs incurred (including GST) for attendance at the conference is tabled below:

- Conference Registration \$885.00, includes conference dinner
- Accommodation – 3 nights \$540.00
- Vehicle allowance: Coutts Crossing to Port Macquarie (237 km) and return (237 km) @ \$0.78/km \$369.72
- Total Cost \$1,794.72

All costs are covered by delegates' expenses for Councillors within Cost Centre 552.

Attachment:	Summary 2018 New South Wales Coastal Conference Program Photos from field trip to Tathra
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ITEM 18.003/19 NSW PUBLIC LIBRARIES ASSOCIATION ANNUAL SWITCH CONFERENCE REPORT

Meeting	Council	26 February 2019
Directorate	Notice of Motion	
Submitted by	Cr Peter Ellem	
Attachment	Nil	

To the General Manager, Clarence Valley Council, I propose that the following report and notice of motion be submitted to Council.

SUMMARY

The New South Wales Public Libraries Association's Annual SWITCH Conference was held in Coffs Harbour on Tuesday and Wednesday, November 27-28, 2018. Council was represented by Cr Peter Ellem.

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

PROPOSED MOTION

That Council receive and note the New South Wales Public Libraries Association's Annual SWITCH Conference report.

COUNCIL RESOLUTION – 18.003/19

Williamson/Novak

That Council receive and note the New South Wales Public Libraries Association's Annual SWITCH Conference report.

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 New South Wales Public Libraries Association's Annual SWITCH Conference was held on 27-28 November and was hosted by Coffs Harbour City Council.

As Chair of the Clarence Regional Library Committee, Cr Ellem represented Clarence Valley Council.

KEY ISSUES

Coffs Harbour City Council hosted hundreds of delegates from country and metropolitan NSW, which was very much seen as a coup for our neighbouring council with Coffs Ex-Services Club as the venue for all sessions and the trade show.

Highlights of day one included keynote speaker Susan Benton, President and CEO, Urban Libraries Council of USA and Canada on Libraries as Collaboration for Social Equity.

Ms Benton outlined her work with the Obama White House on lifting literacy levels with a 30 city challenge to put a library card in the hands of every student through a partnership between Federal Government, councils and school superintendents.

This was in response to alarming research which showed 75 per cent of American children were not reading at grade level in 3rd and 4th grade, leading to a lack of confidence in a generation that was bad not only for the economy but for democracy.

So successful was the challenge that a total of 540,317 library cards were issued in a rollout to 60 cities in 15 months, and in regional libraries park benches were built so that underprivileged kids could access Wi-Fi out of hours for study or job hunting.

Ms Benton's theme was that public libraries were becoming more like community hubs and had an indispensable role in a civil society to ensure that library users of all ages were learning as fast as the world is changing.

Much of day one was focussed on 'Renew Our Libraries' – the Association's non-partisan, virtuous campaign to redress the historic underfunding of the public library system in New South Wales, one which has gained the attention of the State Government and Opposition as a State election looms.

The Association and Local Government NSW have partnered with Essential Media to drive this campaign which has the support of 90 out of 128 councils state-wide and approaching 10,000 individual supporters.

The conference floor heard from Essential Media's Senior Account Manager Darren Rodrigo on the progress of the campaign and he also attended a break-out session with councillor representatives, predominantly from country LGAs.

There has been more than 40 years of under-investment by NSW Governments – Liberal/National Coalition and Labor – to the extent that councils contribute 92.5 per cent (\$314 million a year) of the cost of maintaining and operating public libraries.

The NSW Government only contributes 7.8 per cent of total funding, well below other states like Victoria (18 per cent) and Queensland (12 per cent).

Renew Our Libraries seeks a fairer and more sustainable funding model with a doubling of the State Government contribution to \$94 million over four years plus indexation to keep pace with the Consumer Price Index.

Both major parties have now committed to \$60 million over four years with Labor agreeing to index their pledge, but Mr Rodrigo and NSWPLA President Cr Dallas Tout are hopeful that those commitments will be increased with the election coming down to a seat-by-seat proposition.

With yearly visits to libraries increasing from 27 million in 2000 to 35 million in 2017, Mr Rodrigo said it was vital to gain community support for the campaign to put pressure on Government to adequately fund libraries now and into the future.

It was envisaged that the campaign would run well beyond the current election cycle.

A highlight of day two was a panel discussion, Libraries Designed for Communities, in which senior librarians shared their experiences of building new libraries in the City of Canada Bay, Lachlan Shire, the City of Sydney and Shellharbour City Council.

This session dovetailed with a presentation by Annie Hensley, Principal, fjmt Architects, who designed a new library for Moe and refurbished another at the Port of Sale, Melbourne.

All parties were concerned with getting value for money with each build, but importantly, they reinforced the need for design excellence to make clever use of available space and reinforcing a sense of place, thereby enhancing users' experiences.

With Clarence Valley Council planning new libraries in Yamba and Maclean, there are some good examples across Australia of what can be achieved with smaller town libraries to make them 'more than a library' (a community hub) which will be embraced and stand the test of time.

Other speakers included the Executive General Manager of Foodbank NSW & ACT, John Robertson, on Fighting Hunger Across Australia; and author, actor, comedian and artist Anh Doh on life as a refugee growing up in the tougher suburbs of Sydney and his remarkable career.

Attachment:	N/A
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AUTHORITY TO AFFIX THE COMMON SEAL OF COUNCIL FOR ITEMS NOT INCLUDED IN REPORTS

- Nil Items

OPEN FORUM - Nil

FORWARD MEETING DATES

Description	Date	Time	Venue
Corporate, Governance & Works Committee	Tuesday 19 March 2019	2:00pm	Grafton Chambers
Environment, Planning & Community Committee	Tuesday 19 March 2019	3.30pm	Grafton Chambers
Council Meeting	Tuesday 26 March 2019	2.00pm	Grafton Chambers

CONFIDENTIAL BUSINESS

ITEM	22.001/19	MACLEAN POOL – CONTRACT EXTENSION AND ALIGNMENT OF POOL CONTRACTS
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Meeting	Council	26 February 2019
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Nil	

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

CONFIDENTIAL BUSINESS

MOTION

Williamson/Toms

That Council move into confidential session to consider the following item in accordance with the Local Government Act 1993:

- **22.001/19 Maclean Pool – contract Extension and Alignment of Pool contracts** *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*

Voting recorded as follows:

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

Against: Nil

Council moved into closed session at 7.36pm. The microphones were turned off and the gallery and press excluded.

MOTION

Williamson/Baker

That Council move out of the confidential 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 7.38 pm. The microphones were turned on and the gallery opened to the public.

COUNCIL RESOLUTION – 22.001/19

Kingsley/Baker

That Council adopt and make public the following resolution:

That

- 1. Council negotiate the contract terms with Valley Pool Services Pty Ltd to extend pool management and operation services for the Maclean Swimming Pool to 30 June 2022.**
- 2. If agreement between Council and Valley Pool Services Pty Ltd to extend to 30 June 2022 cannot be reached then Council terminate the current contract on 31 July 2019 and seek tenders to manage and operate the Maclean Swimming Pool to 30 June 2022.**
- 3. Council consult with the operators of Yamba, Grafton and South Grafton pools to align their current pool contracts to complete on 30 June 2022.**

Voting recorded as follows:

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

Against: Nil

CLOSE OF ORDINARY MEETING

There being no further business the Ordinary Council meeting closed at 7.42 pm.