



clarence
VALLEY COUNCIL

2019

Ordinary Council Meeting



Minutes

Maclean Chambers

Tuesday, 27 August 2019

2.00 pm

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MINUTES of the ORDINARY MEETING of the CLARENCE VALLEY COUNCIL held in the Council Chambers, Maclean, 27 August 2019, commencing at 2.00 pm.

PRESENT

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

APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE - Nil

DISCLOSURES AND DECLARATIONS OF INTEREST – 03.19.003

Summary of Declarations to Committees

<i>Name</i>	<i>Item</i>	<i>Nature of Interest</i>	<i>Reason/Intended Action</i>
Cr Kingsley	6b.19.020	<input type="checkbox"/> Pecuniary <input checked="" type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: I am friends with family members of one of the objectors. Intended action: Leave the Chamber.
Cr Kingsley	6b.19.024	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: My daughter is a member of Grafton Basketball Association and plays for the Junior Vikings. The Grafton Basketball Association are users of the sports centre. Intended action: Leave the Chamber.
Cr Clancy	6b.19.027	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: I submitted an objection to the first proposal for this development prior to being elected to 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>
Cr Ellem	6c.19.021	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: I am friends with proponent Neil Garrard. Intended action: Leave the Chamber.
Mr Lindsay	07.19.001	<input checked="" type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: Impacts on my performance agreement with Council. Intended action: Leave the Chamber.
Cr Kingsley	6b.19.027	<input type="checkbox"/> Pecuniary <input checked="" type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: Member of the JRPP Panel Intended action: Leave the Chamber.
Cr Simmons	6b.19.027	<input type="checkbox"/> Pecuniary <input checked="" type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: Member of the JRPP Panel Intended action: Leave the Chamber.
Cr Williamson	6b.19.018	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Friendship with a number of objectors Intended action: Leave the Chamber.

<i>Name</i>	<i>Item</i>	<i>Nature of Interest</i>	<i>Reason/Intended Action</i>
Cr Lysaught	6b.19.018	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Friendship with a neighbour Intended action: Leave the Chamber.

CONFIRMATION OF MINUTES**COUNCIL RESOLUTION – 04.19.003**

Kingsley/Novak

That the Minutes of the Ordinary Meeting of Clarence Valley Council dated 23 July 2019, copies of which have been circulated, be taken as read and be confirmed.

Voting recorded as follows:

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

Against: Nil

5. MAYORAL MINUTES

ITEM	05.19.001	RELOCATION OF GOVERNMENT SERVICES
Meeting	Council	27 August 2019
Directorate	Mayoral Minute	
Submitted by	Cr Jim Simmons	
Attachment	Nil	

SUMMARY

Restructure and closure of state government regional services and government funded charity organisations in the Clarence Valley, has a significant impact on communities already disadvantaged by the tyranny of distance. The recent decision to close the Grafton Aboriginal Legal Service and Grafton Rural Fire Service office are the current examples of a growing trend to relocate services out of the Clarence.

PROPOSED MOTION

That

1. Council write to the Premier The Hon Gladys Berejiklian MP, the Deputy Premier and Minister for Regional NSW, Industry and Trade The Hon John Barilaro, the Minister for Local Government, The Hon Shelley Hancock MP requesting State Government Departments communicate plans for relocation (and/or closure) of regional government service offices and staff, with the local government authority, prior to public announcements being made.
2. A copy be forwarded to the Member for Clarence, Chris Gulaptis MP.

MOTION

Mayor Simmons

That

1. Council write to the Premier The Hon Gladys Berejiklian MP, the Deputy Premier and Minister for Regional NSW, Industry and Trade The Hon John Barilaro, MP the Minister for Local Government, The Hon Shelley Hancock MP requesting State Government Departments communicate plans for relocation (and/or closure) of regional government service offices and staff, with the local government authority, prior to public announcements being made.
2. A copy be forwarded to the Member for Clarence, Chris Gulaptis MP.

AMENDMENT TO MOTION

Clancy/Novak

That

1. Council write to the Premier The Hon Gladys Berejiklian MP, the Deputy Premier and Minister for Regional NSW, Industry and Trade The Hon John Barilaro, MP the Minister for Local Government, The Hon Shelley Hancock MP requesting State Government Departments communicate plans for relocation (and/or closure) of regional government service offices and staff, with the local government authority, prior to public announcements being made.
2. This letter indicate that Clarence Valley Council is extremely disappointed that the state government is not supporting the area by allowing regional offices to remain within the valley and further, that the state government consider the transfer of other offices in the northern region to Grafton or the Clarence.

Voting recorded as follows:

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

Against: Nil

The Amendment to Motion was put and declared CARRIED.

COUNCIL RESOLUTION – 05.19.001

Mayor Simmons

That

- 1. Council write to the Premier The Hon Gladys Berejiklian MP, the Deputy Premier and Minister for Regional NSW, Industry and Trade The Hon John Barilaro, MP the Minister for Local Government, The Hon Shelley Hancock MP requesting State Government Departments communicate plans for relocation (and/or closure) of regional government service offices and staff, with the local government authority, prior to public announcements being made.**
- 2. This letter indicate that Clarence Valley Council is extremely disappointed that the state government is not supporting the area by allowing regional offices to remain within the valley and further, that the state government consider the transfer of other offices in the northern region to Grafton or the Clarence.**

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 recent relocation of the Grafton Aboriginal Legal Service to Coffs Harbour was announced in late 2018. While the service continues to provide outreach services to Grafton and Maclean Courts, it is considered that the loss of this vital service as a permanent fixture to disadvantaged communities in the Clarence will take its toll, particularly with the opening of the Grafton Correctional Centre in 2020.

The latest in a continuing trend of service relocation has been the announcement this month of the closure of the Grafton Rural Fire Service (RFS) office. With an RFS restructure creating two new regions, North East and North West, with centralised office locations in Coffs Harbour and Tamworth respectively, the closure of the Grafton office and relocation of staff is imminent. While I am advised that the centralisation of stores in Coffs Harbour makes it easier to get equipment into regional areas, it is difficult to understand why this also required relocation of staff and closure of an office.

In recent years, we have also seen relocation of National Parks and Wildlife services and some charitable services that receive significant government funds.

The Clarence is a vibrant and thriving location, with significant government investment in many other ways, but relocating government services out of the area without consultation and discussion about changed service levels and the impact on local communities, leaves Council in a difficult position understanding, and explaining the change, to community.

For this reason, I call on the Premier and the Minister for Local Government to ensure that regional councils are advised in advance of State regional office and staff relocations and closures, so that we might assist in ensuring community understand changed service levels and any impact caused.

COUNCIL IMPLICATIONS**Budget/Financial**

Nil

ITEM	6a.19.013	PROPERTY 112290 (PALMERS ISLAND) – REQUEST FOR COUNCIL TO UNDERTAKE RENEWAL OF RIVERBANK PROTECTION WORKS
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Meeting	Council	27 August 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Nil	

SUMMARY

This report provides additional information regarding restoration of riverbank protection at Palmers Island as requested by Council at its 23 July 2019 meeting (Resolution 6a.19.006a).

OFFICER RECOMMENDATION

That Council:

1. Note nineteen Palmers Island properties were advised by letter dated 24 February 2015 that Natural Disaster funded riverbank restoration works would be undertaken 'based upon the severity of damage, with works addressing the most severely damaged areas first and progressing until funding has been exhausted'.
2. Note work was only able to be completed on fourteen of the nineteen properties before funding was exhausted, with the cost of the work unable to be completed on the five properties being \$432,000.

COUNCIL RESOLUTION – 6a.19.013

Novak/Baker

That Council:

1. **Note nineteen Palmers Island properties were advised by letter dated 24 February 2015 that Natural Disaster funded riverbank restoration works would be undertaken 'based upon the severity of damage, with works addressing the most severely damaged areas first and progressing until funding has been exhausted'.**
2. **Note work was only able to be completed on fourteen of the nineteen properties before funding was exhausted, with the cost of the work unable to be completed on the five properties being \$432,000.**

Voting recorded as follows:

For: Baker, Clancy, Novak, Williamson, Toms

Against: Simmons, Kingsley, Ellem, Lysaught

FORESHADOWED MOTION

Kingsley

That

1. Council undertake renewal of protection works on the 5 properties not previously carried out.
2. The works be funded from the General Fund.

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

Strategy 2.1.3 Provide strategic asset management planning

BACKGROUND

At its 23 July 2019 meeting Council resolved (Resolution 6a.19.006a):

1. *Defer this item to allow receipt of a report to the August 2019 meeting where that report identifies all identical commitments to a commitment, if any, to property 112290 and where that report details the associated financial liabilities.*
2. *Then consider items i., ii. and iii. in conjunction with the August 2019 report:*
 - i. *Honour its commitment to owner of property number 112290 (as stated in letter dated 24 February 2015) and undertake riverbank protection works at property number 112290 up to a maximum value of \$67,000.*
 - ii. *Include the project in its 2019/20 capital works program and that it be funded from the general fund.*
 - iii. *Notify the owner of property number 112290 that all additional works that exceed the maximum allocation of \$67,000 will need to be carried out at their expense.*

KEY ISSUES

On 24 February 2015 Council advised 19 property owners at Palmers Island that it proposed to undertake restoration of riverbank at Palmers Island damaged in the January 2013 floods. The third paragraph of the letter (copy in confidential attachments to Item 6c.19.011 to the June 2019 meeting) indicated:

The order of works will be based upon the severity of damage with works addressing the most severely damaged areas first and progressing until funding has been exhausted.

The restoration work at Palmers Island was funded under Natural Disaster assistance funding. This funding can be exhausted in two ways:

1. The approved value of the funding is fully expended; or
2. The deadline for work to be completed expires. Under the natural disaster funding assistance guidelines, the deadline for work to be completed is the second financial year after the disaster occurs. As the funding related to a natural disaster which occurred in the 2012/13 Financial Year, any works not completed by 30 June 2015 would not receive funding.

As foreshadowed in the 24 February 2015 letter to the property owners, restoration work was undertaken based on the severity of damage and continued until the funding was exhausted. Restoration work was able to be completed on 14 properties assessed as having the highest priority prior to the funds being exhausted. It is therefore considered that Council "honoured its commitment" in the correspondence to property owners.

Unfortunately work was unable to be completed on 5 properties before the funds were exhausted. Although the correspondence from Council clearly indicated that works would finish when the funding was exhausted, as noted in report 6a.19.006, the owner of Property 112290 apparently interpreted Council's letter as being a guarantee of the restoration works proceeding at some time in the future regardless of whether funding was available.

The 5 properties where restoration was not able to be completed, and the estimated cost of restoration works for each property, were:

Property Number	Estimated Value of Restoration Works
112290	\$67,000
112288	\$55,000
112276	\$94,000
112257	\$179,000
112275	\$37,000
Total	\$432,000

The owner of property 112275 has since undertaken rock protection restoration works at their own expense to protect their property.

COUNCIL IMPLICATIONS

Budget/Financial

The restoration works to Property 112290 foreshadowed under Resolution 6a.19.006 will require an increased allocation to Floodplain Renewal from the General Fund of \$67,000. Were Council to also extend the restoration work to the remaining properties which did not have work completed in 2015 before funds were exhausted, the additional cost to the General Fund would be a further \$328,000.

Should Council determine to undertake work on the four properties, consideration needs to be given, for equity purposes, with regard to the reimbursement of funding to the owner of property 112275, which would have a further additional cost of \$37,000.

Any additional expenditure on riverbank restoration would need to be funded via an increased allocation from the General Fund, which would in turn increase Council's 2019/20 deficit.

Asset Management

The maintenance strategy for riverbank protection assets outlines Council's priority for asset maintenance and renewal. As the rock protection at the above properties only protects private property, it has the lowest priority for asset maintenance and renewal. The policy and strategy were specifically developed to address the issue that Council's current floodplain budget is insufficient to maintain all floodplain assets which have historically been maintained by Council

Policy or Regulation

Riverbank Protection Policy

Consultation

N/A

Legal and Risk Management

Council sought legal advice on the topic of riverbank protection prior to the adoption of the Riverbank Protection Policy. The advice detailed Council's legal obligations in certain scenarios, including situations such as this.

Were Council to undertake any or all of the restoration work at Palmers Island based on the previous correspondence, it may be seen as setting a precedent for other service delivery areas (e.g. frequency of gravel road grading) where Council has previously indicated in writing at a point in time that it will provide a level of service but has subsequently changed the level of service via a new or modified policy.

Climate Change

With expected sea level rises and increased frequency of flood events, riverbank protection is likely to continue to be a challenge for Council and the community into the future. It is therefore considered essential that Council focus any riverbank protection works in areas that will provide greatest benefit to the broader community rather than isolated instances of private property protection.

Prepared by	Greg Mashiah (Manager Water Cycle)
Attachment	Nil

ITEM 6a.19.014 WORKS REPORT

Meeting	Council	27 August 2019
Directorate	Works & Civil	
Reviewed by	Manager - Civil Services (Tim Jenkins)	
Attachment	Yes	

SUMMARY

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

OFFICER RECOMMENDATION

That the Works report be received and noted.

COUNCIL RESOLUTION – 6a.19.014

Toms/Lysaught

That the Works report be received and noted.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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


BACKGROUND


Works are undertaken to maintain Council assets and undertake construction within budgets and timeframes established by Council. Departures from set programs and budgets are reported to Council as part of the works program reporting.


KEY ISSUES


The summary of works undertaken in July is attached.

The following three projects from the current capital works program have been highlighted for Council's information with regard to progress and outcomes to date.

Project:	James Creek Road upgrade	
Project Description:	Widen and seal James Creek Road, Gulmarrad for a length of 900 metres.	
Budget:	\$675,000	
Expenditure:	\$48,583	
Status:	<p>Included in this project is the installation of a new watermain to service future subdivision. This has been brought forward and is not included in the project cost.</p> <p>Work progress to date:</p> <ul style="list-style-type: none"> • Service Relocations (Telstra complete, watermain 30%) • Clearing complete • Stormwater drainage upgrades ongoing progressively • Foundation treatments and pavement widening (150 m commenced). 	

Project:	Installation of Additional Water Treatment Barrier	 
Project Description:	Install Ultra Violet (UV) treatment units at Coutts Crossing, Glenreagh, Minnie Waters, Wooli and Rushforth Road	
Budget:	\$3 million	
Expenditure:	\$1.356 million (+ commitments of \$0.209 million)	
Status:	<p>Works progress to date:</p> <ul style="list-style-type: none"> • UV units at 4 rural villages (Aquatec Maxcon) have been installed and commissioned; completion issued to contractor on 19 August. • Section 60 application submitted to DPIE - Water • UV units at Rushforth Road Water Treatment Plant (Xylem) delivered to site; foundation works complete and pipework installation currently being undertaken • DPIE has engaged and funded SMEC to undertake feasibility study into micro-hydro power generation at Rushforth Road WTP to generate power to offset UV system consumption 	

Project:	Saleyard Cattle Ramps Upgrade	
Project Description:	Removal of loading ramps and sloped concrete pens and installation of new loading ramps with pneumatic gates and pens including relocation of cattle crush	
Budget:	\$126,000	
Expenditure:	\$66,443	
Status:	<p>Works progress to date:</p> <ul style="list-style-type: none"> • Salvage existing rails for future reuse prior to 	

	<p>demolition</p> <ul style="list-style-type: none"> • Demolition and disposal of existing ramps and concrete pens • Commenced installation of new pens and cattle crush, due for completion by 28 Aug 19 	
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COUNCIL IMPLICATIONS

Budget/Financial

Financial details are provided in the attached works summary.

Asset Management

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

Policy or Regulation

There are no policy or regulation implications.

Consultation

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

Legal and Risk Management

There are no legal or risk management implications.

Climate Change

There are no climate change implications.

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

ITEM 6a.19.015 STRONGER COUNTRY COMMUNITIES PROJECTS

Meeting	Council	27 August 2019
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment, Planning & Community (Des Schroder)	
Attachment	Yes	

SUMMARY

The Stronger Country Communities Fund will deliver crucial local infrastructure and programs to improve the quality of life of people living in regional NSW. Round Three of the funding provides \$100 million for community projects, with at least 50% dedicated to youth-related projects.

The Fund objectives are:

1. To boost the liveability of communities in regional areas by providing new or upgraded social and sporting infrastructure or community programs that have strong local support.
2. To provide programs and infrastructure that enhances opportunities for young people to be work ready and thrive in regional NSW.

Local councils, and incorporated, not-for-profit organisations or other organisations that have a public purpose are eligible to apply.

Applications close 5pm, Friday 27 September 2019 with the announcement of successful projects expected from January 2020.

OFFICER RECOMMENDATION

That Council develop Stronger Country Communities project applications, as per the preferences set out in the Council workshop; being:

1. Yamba Skate Park
2. Resurface and Renew Outdoor Basketball Courts, South Grafton
3. South Grafton Skate Park
4. Our Language Connections
5. Building Bridges
6. Out of the Box

COUNCIL RESOLUTION – 6a.19.015

Toms/Baker

That Council develop Stronger Country Communities project applications, as per the preferences set out in the Council workshop; being:

1. **Yamba Skate Park**
2. **Resurface and Renew Outdoor Basketball Courts, South Grafton**
3. **South Grafton Skate Park**
4. **Our Language Connections**
5. **Building Bridges**
6. **Out of the Box**

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

The Stronger Country Communities Fund supports projects (infrastructure and programs) that deliver for local young people and the community. The remaining funding can be provided for other local community and sporting infrastructure, street beautification, and community programs and events.

Round Three has an increased focus on young people aged 12-24, a broader scope of eligible projects.

Funding:

- dedicates 50% dedicated to youth related projects
- invites applications from councils and, for the first time, not-for-profit and community organisations
- has been expanded to cover programs and events as well as infrastructure

General community amenity projects must:

- construct new, or upgrade existing local community infrastructure
- be capital works related to street beautification and other public 'place making'
- deliver programs that benefit the local community
- be infrastructure to assist the delivery of non-youth community programs

KEY ISSUESYamba Skate Park

This proposal aims to complete the development of the Yamba Skate Park. This piece of infrastructure is incredibly well utilised and appreciated within the community. The initial skate park failure and demolition left a very negative taste in the community's mouth. The development of the bowl on vacant Council land, as part of the overall skate park, would be a victory for the community and Council.

Skate parks put young people in the spotlight and link them with the town. It will also be enriched by ongoing connection to CVC's youth programs. Council manages the Yamba Skate Park and CVC is committed to providing spaces for people to engage in activities and encourage sports and have a healthy community.

Management of this project, for the community to get a win, would be a major outcome for Council and close a negative chapter with a positive ending.

The estimate for the proposed works is approximately \$400,000.

Resurface and Renew Outdoor Basketball Courts, South Grafton

There are 3 outdoor basketball courts located in South Grafton, at JJ Lawrence Field (next to McKittrick Park) and Bob Liddiard Park. Both locations are located within a low socio-economic area, and are highly utilised for a variety of sports and programs. The court surfaces are worn, present trip hazards, sharp edges, uneven surfaces and present a risk to users.

Funding was received to repair the court at Bob Liddiard Park, however, we did not have enough money to complete the project. New back boards and rings were installed as well as some static gym equipment in the park. This location is used for programs through Camellia Cottage and is popular before/after school with a bus stop located nearby.

The double courts at JJ Lawrence field are also in poor condition, are heavily utilised by the community in a visible and open space, complementing the surrounding parks. They have been used for 3 on 3 programs and youth events.



Figure 1 & 2 – Basketball court, Bob Liddiard Park

The external funding of this project will provide renewal/maintenance on existing facilities.

The estimated cost for the resurface of both locations is \$180,000.

South Grafton Skate Park

The Mayor and Council staff met with teachers and students from Gillwinga Public School regarding the construction of a skate park in South Grafton, presenting a petition in support of the project (Item 15.111/17). Further investigation and consultation was undertaken with schools and other stakeholders and reported to Council in December 2017 (Item 15.249/17). This report recommends applying for suitable funding for the project.

Silver Jubilee Park (bus interchange) was identified as the preferred location as it already has a level of infrastructure, including toilets.

The proposed design will include street and transition terrain to form a local level park, suitable for beginners through to intermediate skill level and cover a wide range of users including skaters, scooters and bikes.

The social benefits of providing a skate park at South Grafton include:

- Physical activity for children, youth, young adults who are not interested in traditional team sports
- Safe and challenging place for all levels to develop, learn and build confidence
- Provides an environment where participants learn patience and respect for fellow users
- Visually appealing public place for young people to participate in passive recreation
- A facility which can be used by school and youth service organisations to deliver recreational activities and events.

Profile ID outlines that overall, 30.4% of the population in South Grafton are aged between 5 – 29 years old, the primary age for skate park users.



Figure 3 – Example Local Level Skate Park, located Rockhampton

The estimated cost for the construction of a new skate park at South Grafton is \$380,000.

Our Language Connections

This proposal focuses on linking with the stories of our Aboriginal communities and using these to activate our public spaces. The project will result in installation of a projector that displays local stories onto the river and draws attention to a space which is currently shunned by the public, due to antisocial behaviour.



The projection and sound infrastructure, delivered through this project, will bring people to the space for the spectacle. The program can be altered but needs to be based on a community narrative. The initial story told through this space will link to, and build awareness of, our deep local Aboriginal culture. To ensure the stories are authentic and powerful, this project will initiate a process of story collection and language emersion. Working with the Aboriginal communities, the project will develop a bank of language and narrative that can be used in our public spaces.

Several spaces in the Clarence have a recurring antisocial behaviour. These locations are of high public visibility and are of great community value yet it is not appreciated by the community, due to these ongoing problems. This project will activate these spaces and bring community together.

Broad budgeting has commenced to identify an expected cost of approximately \$100,000.

Building Bridges

This project is an opportunity for the Clarence to reflect our image in our public spaces, impacting on community image, community safety, interpretation of history and inclusion of Aboriginal culture and heritage. Initial phase would involve data gathering and forward planning. Moving to completion, the project would result in completed artworks linking both sides of the Clarence and an ongoing plan for further public art in our public spaces.

This project will activate spaces that are not currently well appreciated by the community (or even seen as inspiring). It will help with the beautification of Grafton and South Grafton public spaces.

Broad budgeting has been investigated and estimated at approximately \$80,000.

Out of the Box

Following a review of the Out of the Box program and realisation that the life of the facilities is significantly impacted by constant movement, it is considered critical to extend the life and community use, by creating a stable environment in which to house them. This project is designed to relocate and activate the 2 remaining boxes out of Market Square, to the Grafton Skate Park to create a youth designated hub. Service partners have committed to running youth drop-ins, breakfast programs and outreach activities through the new location. Experience in the Clarence indicates merit in creating a space that is designed specifically for young people; it enables a sense of ownership and a safe and inclusive place.

This project dovetails with the proposed Universal Youth Service being advocated for by the New School of Arts. This will be a creative 'soft entry' point to early intervention, prevention and encourage help seeking behaviour. The project will also build strong partnerships with local services and contractors that will provide the frontline services to young people.

The estimated cost is \$60,000.

COUNCIL IMPLICATIONS

Budget/Financial

Yamba Skate Park

Additions to the skate park will result in a minor increase in ongoing maintenance costs but this is not anticipated to be a large impact.

Resurface and Renew Outdoor Basketball Courts, South Grafton

This project will result in an eventual saving, as this is works that will need to be done at some point.

South Grafton Skate Park

The skate park will result in a minor increase in ongoing maintenance costs but this is not anticipated to be a large impact.

Our Language Connections

This project would create the opportunity for cost saving in project negotiation time.

Building Bridges

This project would have minimal budgetary impact.

Out of the Box

The landing pad will result in a minor increase in ongoing maintenance costs, but this is not anticipated to be a large impact.

Asset Management

Council will be expected to maintain the new assets as part of the ongoing asset maintenance program.

Policy or Regulation

N/A

Consultation

Individual projects have been developed with relevant consultation.

Legal and Risk Management

N/A

Climate Change

All projects will have a focus on active living. This encourages active transport option over carbon based options.

Prepared by	Dan Griffin, Coordinator Community Development
Attachment	<ol style="list-style-type: none">1. Building bridges2. Basketball Courts, South Grafton- SCCF R33. OOTB Relocation4. Yamba Skate Park5. Skate Park, south Grafton- SCCF R36. Our Language Connection

ITEM	6a.19.016	MACLEAN CIVIC HALL LIGHT EQUIPMENT
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Meeting	Council	27 August 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Nil	

SUMMARY

Internal works were completed to the audio and lighting equipment within Maclean Civic Hall to replace failed and unsafe equipment. On completion of the lighting works, representation was received from stakeholders requesting additional works to enable theatrical productions and other like use. This report seeks Council's endorsement and budget to complete the requested works.

OFFICER RECOMMENDATION

That Council allocate:

1. \$4,500 (inc. GST) from the General Fund to hire a lighting system for the Maclean Civic Hall for the Clarence Coast Theatrical Society production of 'Mary Poppins'.
2. \$32,000 (inc. GST) from the General Fund to procure a complete lighting system for the Maclean Civic Hall, to support arts, learning, cultural services, community events and festivals, to meet community expectation and to ensure safe and reliable equipment is provided within a Council building.

COUNCIL RESOLUTION – 6a.19.016

Novak/Kingsley

That Council allocate:

1. **\$4,500 (inc. GST) from the General Fund to hire a lighting system for the Maclean Civic Hall for the Clarence Coast Theatrical Society production of 'Mary Poppins'.**
2. **\$32,000 (inc. GST) from the General Fund to procure a complete lighting system for the Maclean Civic Hall, to support arts, learning, cultural services, community events and festivals, to meet community expectation and to ensure safe and reliable equipment is provided within a Council building.**

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 1 Society

Objective 1.3 We will have a diverse and creative culture

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

BACKGROUND

Maclean Civic Hall is equipped with audio and lighting equipment which is used by schools, dance groups, theatrical societies and others such groups for creative arts, learning, cultural services, community events and festivals. Fees and charges are payable for the use of the equipment in line with Council's adopted fees and charges.

The audio and lighting equipment within Maclean Civic Hall failed in early 2019 (Figures 1 and 2). Due to the age of the equipment, replacement parts were not available and/or the cost to complete the repairs exceeded the replacement value of the equipment. On this basis it was determined that the most financially advantageous approach was renewal. The renewal works triggered the requirement to meet current standards resulting in the removal of the rigging and controller.



Figure 1 – Lighting equipment and rigging



Figure 2 – Audio equipment (speakers)

Council staff met with community stakeholder group Clarence Coast Theatrical Society in February 2019 outlining the proposed work.

KEY ISSUES

Maclean Civic Hall is marketed as being equipped with audio and lighting equipment which was replaced in June 2019. Upon completion of the work and subsequent use, positive comments were received regarding the audio equipment. Conversely, negative issues have been raised from community stakeholder groups that the effectiveness of lighting equipment for productions and lack of provision for specialist lighting equipment such as rigging, power outlets and controller.

Clarence Coast Theatrical Society has a musical production of 'Mary Poppins' commencing 20 September 2019 that requires the use of audio and lighting equipment. Additionally between now and the end of the calendar year, the hall will be used by multiple dance and school groups for shows and events, each requiring audio and lighting equipment at various levels.

Initial investigation has been completed around the provision of stage and production lighting systems from specialist suppliers. Three options are available, these being:

Option 1 (Hire)

Lighting systems are available for hire from local suppliers (Coffs Harbour et al). An entire system consisting of lighting, rigging truss and controller is required for each event. The estimate for the hire of the lighting equipment for a typical show and rehearsals (18 days) such as 'Mary Poppins' including delivery, setup, demo / run through, pickup and return is \$4,500 (inc. GST).

Option 2 (Rigging and Controller)

Lighting systems are available for purchase from local suppliers (Coffs Harbour et al). The minimum requirements to enable a safe operation of lighting as a hall fixture for a typical show and rehearsals are:

- 2 vertical lighting bars (1 either side of the hall) approximately 6.5m from the front of the stage
- 1 horizontal lighting bar above the stage
- a wireless DMX controller
- 16 x pipe clamps
- 16 x safety wires.

The 2 vertical lighting bars (1 either side of the hall) approximately 6.5m from the front of the stage and 1 horizontal lighting bar above the stage are proposed to reduce visual impact on the pressed metal roof (Figure 3).

The estimated cost to supply the above set up is \$9,200 (inc. GST).

Additionally electric works to provide 3 double power outlets (non switched) to each of the 2 vertical lighting bars on their own circuit and a dedicated power outlet for the lighting above the stage all cabled back to the sub board on the side of the stage is \$1,500 (inc. GST).

The total estimated cost for works and contingency is \$12,000 (inc. GST).



Figure 3 – Wall mount lighting equipment (Saraton) reference example.

Option 3 (Complete Lighting System)

Lighting systems are available for purchase from local suppliers (Coffs Harbour et al). The preferred requirements to enable a safe operation of lighting as a hall fixture for a typical show and rehearsals are:

- 2 vertical lighting bars (1 either side of the Hall)
- 1 horizontal lighting bar above the stage
- 6 x LED profile lighting fixtures
- 2 LED fresnel lighting fixtures
- 8 overhead colour LED fixtures
- a wireless DMX controller
- 16 x pipe clamps
- 16 x safety wires

The estimated cost to supply and install a complete lighting system as a hall fixture for a typical show and rehearsals is \$27,000 (inc. GST).

Additionally electric works to provide 3 double power outlets (non switched) to each of the 2 vertical lighting bars on their own circuit and a dedicated power outlet for the lighting above the stage all being cabled back to the sub board on the side of the stage is \$1,500 (inc. GST).

The total estimated cost for works and contingency is \$32,000 (inc. GST).

Conclusion and Recommendation

The upgraded audio equipment is considered suitable, on the other hand the lighting equipment currently provided is considered unsuitable.

Options for the provision of lighting equipment are:

- Option 1 - Hire \$4,500 (inc. GST) per event;
- Option 2 - Rigging and Controller \$12,000 (inc. GST); and
- Option 3 - Complete Lighting System \$32,000 (inc. GST).

The cost to hire lighting equipment for each event by schools, dance groups, theatrical societies and others such groups is expected to be prohibitive and therefore impact the creative arts, learning, cultural services, community events and festivals. In the case that Council contributed the full cost to hire the equipment within 2-3 uses, the cost to provide rigging and controller would be expended. Further, within 7-8 uses (approximately 6-12 months) the cost to provide a complete lighting system would be expended. In addition to the cost there is significant risk that with the use of external lighting equipment an incident to people or property may occur.

It is therefore recommended that Council procure a complete lighting system to ensure safe and reliable equipment is provided within a Council building.

Whilst the above recommendation satisfies the requirements of users on a long term basis long term, the Clarence Coast Theatrical Society has a production scheduled for September 2019 and the equipment will not be able to be procured and installed within the available time. To satisfy the needs of the Clarence Coast Theatrical Society's September 2019 production, it is recommended that the required lighting equipment, identified in Option 1 be hired as a short term solution.

COUNCIL IMPLICATIONS

Budget/Financial

This request is new work. No funds to complete this work were allocated in the 2019/20 budget.

Should Council determine to provide lighting for the Clarence Coast Theatrical Society the timing is such that the equipment will need to be hired, the estimated cost being \$4,500 (inc. GST).

Should Council determine to proceed with installing new equipment, funding would need to be allocated with Option 2 (Rigging and Controller) being estimated at \$12,000 (inc. GST), or Option 3 (Complete Lighting System) being estimated at \$32,000 (inc. GST). The figures provided are budget estimates for works and contingency, any unallocated funding will be returned.

Asset Management

The existing lighting equipment has been decommissioned and removed from Council's asset register, subject to the option endorsed by Council any new equipment purchased will be added to the register adding to Council maintenance, renewal and depreciation liabilities.

Policy or Regulation

N/A

Consultation

Council's Open Spaces & Facilities team has consulted with community stakeholder group Clarence Coast Theatrical Society regarding expectations and minimum requirements and internally with the Environment, Development & Strategic Planning Section regarding heritage impacts, and Community Development Unit regarding requirements and consideration of any future redevelopment.

Legal and Risk Management

Should Council determine to not support the procurement of a complete lighting system there is significant risk that with the use of external lighting equipment an incident to people or property may occur.

Climate Change

The provision of any new asset results in resource consumption and emission production factors that contribute to climate change. As the scope of work is minor, a high percentage of the materials are recyclable (aluminium) and implement current technology (LED) the net contribution to climate change resulting from the completion of this work is assessed as minimal.

Prepared by	David Sutton, Manager Open Spaces & Facilities
Attachment	Nil

ITEM	6a.19.017	SHORT-TERM RENTAL REGULATORY FRAMEWORK
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Meeting	Council	27 August 2019
Directorate	Environment, Planning & Community	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

SUMMARY

The NSW Government has released a Discussion Paper 'A new regulatory framework' for Short-term Rental Accommodation for consultation, which closes on 11 September.

In the package short-term rental is now defined as rental for 21 days or less and will be implemented through a State Environmental Planning Policy (Short-term Rental Accommodation [STRA]) 2019, which will mean the rules are similar across all Local Government areas. Importantly, it will override provisions in Council's LEPs. As part of this package Local Government was asked to recommend a threshold number of nights for STRA, the NSW Government has adopted the 180 day threshold requested by Clarence Valley Council in its November 2018 resolution 14.131/18, for the low density zones for the coastal villages listed (available on the Department link second document on the SEPP in Attachments).

Another component of the planning reforms will provide for visitor safety as detailed in the 'Short-term Rental Accommodation Fire Safety Standard'. This standard in summary limits the number of persons to 2 per bedroom and 12 per house, requires interconnected smoke alarms in all bedrooms, a hall lighting system activated by the fire alarms and has fire door rules in multi unit developments.

The second part of the package administered through the Department of Fair Trading is a Code of Conduct, which sets out the compliance obligations of both hosts undertaking STRA, the STRA booking industry eg real estate agents, Airbnb, Stayz etc and the guests. The Department of Fair Trading can impose restrictions on owners or guests by listing them on an exclusion register if they have received 2 strikes for non compliance with the Code's obligations within a period of 2 years. Importantly, it is proposed that investigations of compliance be undertaken by Council, which will have major resourcing issues for Council. As inevitably there will be growth in STRA as this SEPP effectively means any dwelling within the Local Government area can be an STRA as long as they comply with the SEPP, the Fire Regulation and the Code requirements.

Although the package covers what Council called for in its November resolution it was unclear then who would do the main compliance activity, Council or the Department of Fair Trading. It is now clear that Council will be the main on-ground compliance body and, if so, needs to be resourced to meet this compliance burden.

OFFICER RECOMMENDATION

That:

1. Council note the release of 'A new regulatory framework' for Short-term Rental Accommodation and acknowledges this is inline with Council's resolution 14.131/18 and that the Government has adopted the 180 night threshold requested by Council for the coastal villages.
2. Council provide feedback to the public exhibition period of the Short-term Rental Accommodation Reform that includes the following points:
 - i. Council is provided with income from fees through cost recovery as outlined on page 14 of the Discussion Paper to undertake compliance activity for STRA's. These fees should be enough to at least fund a full-time officer to undertake this activity (\$100,000 equating to approximately

- \$200 per STRA currently in the Council area, if STRA grows the fees should allow for extra compliance officers).
- ii. To ensure that STRA can contribute to cost recovery, there should be compulsory registration with the Department of Fair Trading of business' undertaking STRA and it should be compulsory for not only industry booking platforms and real estate agents, but also individual owners, to provide the components suggested for a successful register on page 16 of the Discussion Paper. These records need to be made available to Council for its compliance role.
 - iii. The Code calls for complying development certificates to certify that flood lots (the areas mapped for Yamba and part of Iluka) are low risk. Council should request that the urban zones are exempted for our Council area as there is a low flood risk and suitable warning of any likely major flood event. This will reduce Council's workload requests by existing and potential STRA operators to provide complying development certificates.
 - iv. The operation of STRA's bring an extra risk from non-compliant pools, the Code has not considered this issue and it needs to be clear. This could potentially be included with fire compliance inspections; again it is unclear whether these will be required.
 - v. The draft SEPP provisions are silent on provision of car parking for STRA. Council should request that a provision be included in the exempt and complying provisions for no host present requiring on-site parking to be provided for STRA of no less than three (3) car spaces where the dwelling contains four (4) bedrooms or more.

COUNCIL RESOLUTION – 6a.19.017

Williamson/Toms

That:

1. Council note the release of 'A new regulatory framework' for Short-term Rental Accommodation and acknowledges this is inline with Council's resolution 14.131/18 and that the Government has adopted the 180 night threshold requested by Council for the coastal villages.
2. Council provide feedback to the public exhibition period of the Short-term Rental Accommodation Reform that includes the following points:
 - i. Council is provided with income from fees through cost recovery as outlined on page 14 of the Discussion Paper to undertake compliance activity for STRA's. These fees should be enough to at least fund a full-time officer to undertake this activity (\$100,000 equating to approximately \$200 per STRA currently in the Council area, if STRA grows the fees should allow for extra compliance officers).
 - ii. To ensure that STRA can contribute to cost recovery, there should be compulsory registration with the Department of Fair Trading of business' undertaking STRA and it should be compulsory for not only industry booking platforms and real estate agents, but also individual owners, to provide the components suggested for a successful register on page 16 of the Discussion Paper. These records need to be made available to Council for its compliance role.
 - iii. The Code calls for complying development certificates to certify that flood lots (the areas mapped for Yamba and part of Iluka) are low risk. Council should request that the urban zones are exempted for our Council area as there is a low flood risk and suitable warning of any likely major flood event. This will reduce Council's workload requests by existing and potential STRA operators to provide complying development certificates.
 - iv. The operation of STRA's bring an extra risk from non-compliant pools, the Code has not considered this issue and it needs to be clear. This could potentially be included with fire compliance inspections; again it is unclear whether these will be required.
 - v. The draft SEPP provisions are silent on provision of car parking for STRA. Council should request that a provision be included in the exempt and complying provisions for no host present requiring on-site parking to be provided for STRA of no less than three (3) car spaces where the dwelling contains four (4) bedrooms or more.

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

Theme 1 Society

Objective 1.1 We will have proud and inviting communities

Strategy 1.1.1 Encourage vibrant and welcoming towns and villages

BACKGROUND

At the November 2018 Council meeting, Council adopted the following resolution (14.131/18) on STRA:

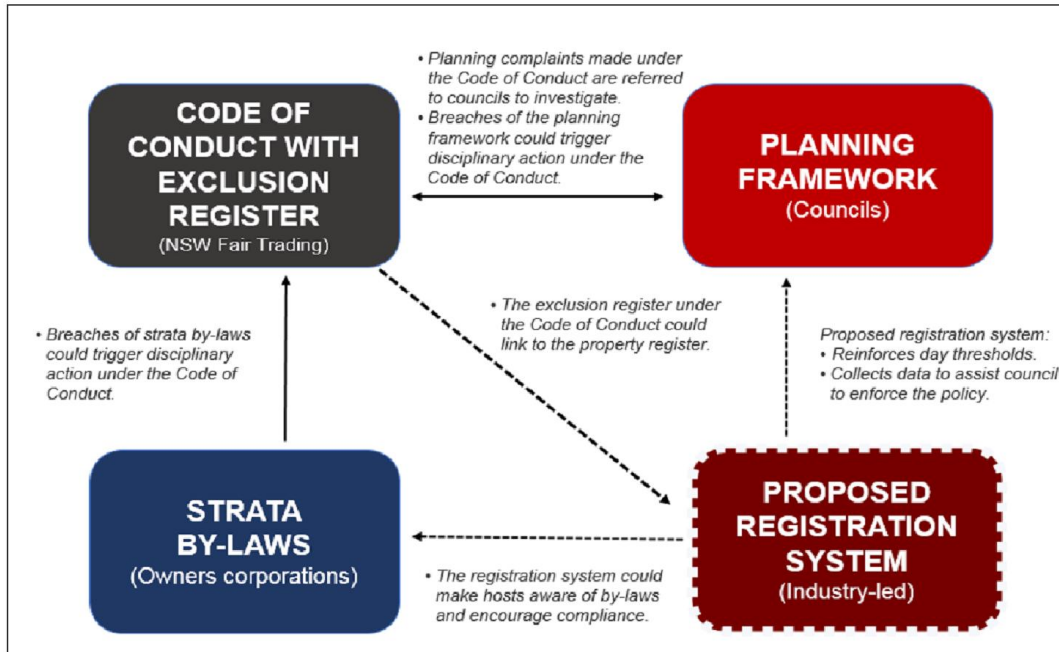
That Council make a submission on the proposed short-term rental accommodation (STRA) planning framework:

1. *Submitting an expression of interest to reduce the number of days that a STRA can be used as exempt or complying development, where the host is not present, to 180 days in any year, in the low density residential zones in coastal villages of Yamba, Iluka, Angourie, Wooloweyah, Brooms Head, Sandon, Wooli, Diggers Camp, and Minnie Water (that the 180 day limitation apply to the above locations only).*
2. *Allowing an approval pathway on merit via a Development Consent for STRA in excess of 180 days where the host is not present.*
3. *Seeking assurances that the Department of Fair Trading will be adequately resourced to meet the compliance and registration requirements of the Code of Conduct to avoid additional impact upon councils to manage community expectations of the mandatory Code, including providing access to Council of registration data under the Code.*
4. *Request that the draft amendments to the Code's SEPP and the Standard Instrument Order be the subject of further consultation and comment prior to adoption.*
5. *Seeking clarification of the following:*
 - a. *Implications on building classification and consequent standards and inspection obligations.*
 - b. *Implication for inspection and compliance of STRAs with swimming pools and other ancillary structures.*
 - c. *Department of Fair Trading's commitment to its precise role and scope in compliance activities with the draft planning framework and to providing councils with details of the STRA registration regime.*
 - d. *Transitional provisions that relate to existing (authorised or unauthorised) STRAs and time for compliance with the exempt development criteria which require building modification.*
 - e. *Implications for disabled access.*

Below is diagrammatic representation of the reforms from the Discussion Paper which is available in the attachments and the whole package is available on the following link:

<https://www.planningportal.nsw.gov.au/exhibition/have-your-say-short-term-rental-accommodation-reforms>

Figure 1: Overview of integrated STRA framework



KEY ISSUES

As outlined in the summary above the package effectively meets the requirements outlined by Council except under point 3 it appears it is the intention that local councils will undertake the on-ground compliance activities for the Code and inspections regarding the Fire Safety Standard, although the Department of Fair Trading will administer the Code and registration through a possible fee arrangement Council needs to be resourced through an appropriate compliance fee from those undertaking STRA to fund compliance officers. At present there are at least 350; more likely over 500 STRA’s in the Clarence Valley, hence, a fee of around \$200 would generate about \$100,000 enough for a full-time compliance officer and with a car.

These fees can only be collected if a registration system is put in place and this should be required for all STRA’s (not only hosting organisations) and the fees paid to the Department of Fair Trading and Council’s compliance component made available to Council.

In addition, Council may need to implement a new fee for STRA fire inspections by the building surveyors. The Code is silent on whether an inspection is necessary and it does not mention pool compliance.

Where the host is not present, the draft SEPP provides that exempt development is only applicable where the lot is not a flood control lot. A flood control lot being a lot to which flood related development controls apply. This would result in the majority of dwellings within the Council area being let for STRA requiring a complying development certificate prior to operating. There have been numerous flood studies completed by Council with the majority of the urban zones considered to be of low flood risk. Most recently constructed dwellings are required to comply with Council’s flood related development controls and there is suitable warning of any likely major flood event. As the SEPP will apply to the whole of the Council area, it is considered that the rural zones are at higher risk than the urban zones.

COUNCIL IMPLICATIONS**Budget/Financial**

As outlined above, the compliance with STRA is potentially another cost shift by the NSW Government without resourcing. Councils need to be funded through a fee from STRA operators for compliance as outlined above.

Asset Management

N/A

Policy or Regulation

The SEPP – Short-term Rental 2019 overrides Council’s LEP provisions.

Consultation

This is a State Government consultation and is available for comment by any person.

Legal and Risk Management

This has a lot of legal risk to Council as it will be the on-ground compliance body.

Climate Change

N/A

Prepared by	Des Schroder, Director Environment, Planning & Community
Attachment	1. Short-term Rental Accommodation - A new regulatory framework Discussion Paper 2. All documents can be viewed on the Department’s website at the following link: https://www.planningportal.nsw.gov.au/exhibition/have-your-say-short-term-rental-accommodation-reforms

VOTE BY EXCEPTION**Williamson/Baker****That the following Items be adopted:**

6b.19.019	6c.19.033	6d.19.002	6e.19.006
6b.19.022	6c.19.034		6e.19.007
6b.19.023	6c.19.036		6e.19.008
6b.19.025	6c.19.037		
6b.19.026	6c.19.038		
	6c.19.039		
	6c.19.040		
	6c.19.041		
	6c.19.042		
	6c.19.043		
	6c.19.044		
	6c.19.045		
	6c.19.046		
	6c.19.047		
	6c.19.048		

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

ITEM	6b.19.017	DA2019/0078 – RECREATIONAL VEHICLE (RV) CAMPGROUND (8 SITES) UPON SMALL PARK, ULMARRA (LOT 1 DP1155085)
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Meeting	Environment, Planning & Community Committee	20 August 2019
Directorate	Environment, Planning & Community	
Reviewed by	A/Manager - Environment, Development & Strategic Planning (Kerry Harre)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Clarence Valley Council
<i>Owner</i>	Clarence Valley Council
<i>Address</i>	50 Coldstream Street, Ulmarra
<i>Submissions</i>	Yes - 7 (6 supporting; 1 objecting)

Development Application DA2019/0078 for a recreational vehicle (RV) campground was submitted to Council on 26 February 2019. The RV campground proposes camping for a total of 8 camp sites on Small Park, Ulmarra.

The matter is being reported to Council seeking a deferred commencement approval to enable the development of a site specific Plan of Management and Camping Management Strategy for the use. This report also addresses concerns raised within the objection relating to the appropriate use of land, potential antisocial impacts and future management of the land.

There were 7 submissions received during the exhibition period (6 supporting and 1 objecting). This report provides an assessment of the application, a summary of the submissions received and a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That:

1. DA2019/0078 be approved as a deferred commencement approval subject to the imposition of conditions contained in Schedule 1; and
2. A Plan of Management for Small Park be prepared and adopted as per the requirements of the Local Government Act 1993; and
3. A Camping Management Strategy for Small Park be prepared and adopted.

COMMITTEE RECOMMENDATION

Clancy/Novak

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons

Against: Nil

COUNCIL RESOLUTION – 6b.19.017**Novak/Ellem****That:**

1. DA2019/0078 be approved as a deferred commencement approval subject to the imposition of conditions contained in Schedule 1; and
2. A Plan of Management for Small Park be prepared and adopted as per the requirements of the Local Government Act 1993; and
3. A Camping Management Strategy for Small Park be prepared and 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 5.1 We will have a strong, accountable and representative Government

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

BACKGROUND

The subject land is freehold land vested in Council and classified as 'community' land under the *Local Government Act 1993*. The land is zoned RE1 Public Recreation under the provisions of the *Clarence Valley Local Environmental Plan 2011* (the LEP). The proposed recreational vehicle (RV) camping ground is defined as a camping ground which is a permitted use within the zone.

The proposed development is considered to meet the following objectives of the zone:

- *To enable land to be used for public open space or recreational purposes*
- *To provide for a range of recreational settings and activities and compatible land uses*
- *To protect and enhance the natural environment for recreational purposes*

As a result of the Pacific Highway upgrade, an Ulmarra Bypass Community Economic Development program (CED) and Ulmarra Riverside and Village Precinct Plan (URVP) was developed to address the ramifications of the bypass and to create economic and social opportunities for the community once it is opened in 2020. The purpose of the CED and URVP was to identify opportunities that increase the vitality of Ulmarra as a place to live, visit and invest.

The provision of a primitive camping ground upon Small Park with links provided to the town centre was identified as one of the opportunities within the URVP that was adopted by Council at the July 2019 Council Meeting (Item No. 6c.19.025). This application to provide a primitive camping ground for RV's is considered to meet the objectives of both the CED and URVP.

KEY ISSUES

1. Requirement for Plan of Management under *Local Government Act 1993*

Small Park is community land categorised as 'General Community Use'. Council's Senior Strategic Planner (Public Land/Native Title) has advised that under the *Local Government Act 1993*, community land is required to be used and managed in accordance with:

- the plan of management applying to the land;

- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land;
- the provisions of Part 2, Division 2 of the Act.

Small Park is included under *the Clarence Valley Community Land, Crown Reserves and other Public Places Generic Plan of Management 2014-2023*, however, the generic POM does not authorise camping grounds as a permitted use. A stand alone POM detailing the scale and intensity of the camping ground (and any other permitted use or development on the land) would be required under the provisions of the *Local Government Act 1993*. The POM would also need to state that approval under Section 68 of the Act was required to operate a camping ground on the land.

Camping grounds are a permissible use within the RE1 Public Recreation zone and the development can be approved under the provisions of the *Environmental Planning and Assessment Act, 1979*. However, in order to meet the requirements of the *Local Government Act 1993*, a POM must be prepared for the site. For this reason it is proposed to issue a deferred commencement approval requiring the POM to be prepared prior to operation of the site as a camping ground.

Council may wish to refuse or defer the application until such time as a POM has been prepared, however, this is not recommended as camping grounds are a permissible use within their own right within the RE1 Public Recreation zone of the *Clarence Valley Local Environmental Plan 2011* which can be approved under the *Environmental Planning and Assessment Act, 1979*.

2. Use of land

The submission objecting to the proposed development states that the land was left by Thomas Small for recreational and sporting use for the Ulmarra Community and that the land was not intended for business or commercial use. It also states that there are plenty of other established council and non-council sites for this type of activity.

Comment

The land was originally agricultural land that was resumed in 1893 for purpose of a public recreation ground. At the time of its resumption, the gazette notice states that the land was in the possession of John Lee, junior. The land was later named Small Park and placed under the Municipal District of Ulmarra as Trustees. A copy of the relevant Government Gazette notices is provided within the attachments.

The land was then vested in an estate in fee simple in the Council of the Shire of Ulmarra under s37AAA of the Crown Lands Consolidation Act 1913 in 1978 (GG 20/1/1978, pp227-8).

It is considered that the inclusion of an RV camping ground on the subject land will attract visitors to Ulmarra and provide for both economic and social opportunities for the community once the village is bypassed because of the new Pacific Highway. The site is considered to be suitable for the proposed campground and is considered a viable use of land without compromising any recreational activities on the land.

3. Antisocial behaviour

Concerns were raised within the objection that there is theft and antisocial behaviour from people that currently use the site for camping.

Comment

Camping that occurs on the site now is undertaken without any approval from Council. As circumstantial evidence for the Maclean Showground RV campground suggests, the use of the site for authorised, managed camping may significantly reduce vandalism and general damage to Council property due to the

presence of overnight campers. It is considered that this will also be the likely outcome if RV camping on the Ulmarra site is approved.

Currently, there is no formal management of the site other than routine Council management. If the RV camping ground is approved then it is likely that this will be managed by an Ulmarra Community group or person with regularity which is likely to reduce any vandalism and antisocial behaviour on the site. A Camping Management Strategy will also be developed to ensure that the site is managed in accordance with expected standards for noise, safety, rubbish management etc.

4. Keeping of animals on site

The keeping of animals (particularly dogs) by RV campers was raised within the objection and states that locals are concerned about entering the park for fear of being attacked by dogs.

Comment

Animals such as horses and dogs are currently permitted on the reserve. The RV campers are permitted to have pets under the *Companion Animals Act 1998*. Management of animals associated with RV camping will form part of the Plan of Management and Camping Management Strategy to be developed as per the conditions of consent. It must be noted that how animals are managed is ultimately the duty and responsibility of individual owners in NSW. However, similar to other camping management strategies on other Council managed sites, a condition that all animals are kept on a leash at all times will be included in the strategy to be developed for this site.

5. Submissions in support of RV camping on the site

This report focuses on the potential issues and concerns surrounding approval of RV camping on Small Park. However, it should also be noted that 6 submissions were received in support of the application for an RV camping ground on the grounds that the development will provide both economic and social benefits to the village of Ulmarra through the promotion of the town as an RV friendly area. Copies of the submissions are provided in the attachments.

COUNCIL IMPLICATIONS

Budget/Financial

The development supports actions and goals outlined in the Ulmarra Community Economic Development Plan (Council resolution 14.093/18) to create opportunities for the village once it is bypassed by the Pacific Highway upgrade.

Asset Management

The use of the site for RV camping is considered a viable use of the site in terms of asset management. As discussed above, there is circumstantial evidence that suggests RV camping significantly reduces vandalism and general damage to Council property due to the presence of overnight campers having a positive outcome in terms of asset management.

Policy or Regulation

Environmental Planning and Assessment Act 1979

Local Government Act 1993

Environmental Planning and Assessment Regulation 2000

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

State Environmental Planning Policy No. 55 - Remediation of Land

State Environmental Planning Policy (Coastal Management) 2018

Clarence Valley Local Environmental Plan 2011

CVC DCP for Development in Environmental Protection, Recreation and Special Use Zones

Ulmarra Community Economic Development Plan

Ulmarra Riverside and Precinct Plan

Clarence Valley Onsite Waste Water Management Strategy 2013

Consultation

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

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Open Space	Supported with no specific conditions
Environment (Waste Water)	Supported with conditions
Environmental Health	Supported with conditions
Strategic Planning (Public Land/Native Title)	Comments contained under Issues section

Legal and Risk Management

To ensure compliance with the requirements of the Local Government Act 1993, approval of the application is dependent on the development of a site specific Plan of Management prior to use or occupation of the site for an RV camping ground. This has been addressed by recommending issue of a deferred commencement approval as per the conditions contained in Schedule 1 of this report.

Climate Change

As stated by the World Tourism Organization (UNWTO), tourism has a broad nature and various components which all contribute to a different extent to climate change (CO₂, heating, air-conditioning, construction, etc). Camping grounds offer an alternative form of accommodation and result in less energy consumption than standard hotels, therefore, approval of the RV camping area will have less impact on climate change than other forms of accommodation.

Prepared by	Carmen Landers, Development Planner (Systems)
Attachment	<ol style="list-style-type: none"> 1. Plan 2. Submissions 3. Government Gazette Notices 4. Extract of Ulmarra Riverside and Village Precinct Plan (URVP) 5. Section 4.15 Assessment

**Schedule 1
Draft Conditions**

PART A – DEFERRED COMMENCEMENT CONDITIONS OF CONSENT

Note: Evidence of compliance with Conditions under Part A is to be submitted to Council within the specified time frame. Upon compliance with the conditions under Part A, and written confirmation from Council to that effect, the consent shall become operative from the date of endorsement included in the written notification subject to the conditions listed in Part B and any other conditions arising from the requirement of Part A.

1. A site specific Plan of Management for Small Park must be prepared and adopted by Council within 12 months of the date of this approval.
2. A Recreational Vehicle (RV) Camping Management Strategy for the site must be prepared and adopted by Council within 12 months of the date of this approval.

PART B – OPERATIONAL CONDITIONS OF CONSENT

3. The development being completed in conformity with the Environmental Planning & Assessment Act, 1979, the Regulations thereunder, the Building Code of Australia (BCA) and being generally in accordance with the Maclean Showground RV Camping Area, dated 30 May 2013, (1) sheet, as amended in red, or where modified by any conditions of this consent.
4. An On-site Wastewater Management Application must be submitted to upgrade the existing OSM system for the proposed recreational vehicle campground. The upgrade must be completed and an Approval to Operate issued prior to operation of the site.
5. An approval under Section 68 of the Local Government Act 1993 to operate a primitive camping ground shall be obtained from Council prior to operation of the primitive camping ground.
6. The primitive camping ground shall be maintained and operated in accordance with the requirements of Section 132 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.
7. The development shall be undertaken in accordance with the approved Recreational Vehicle (RV) Camping Management Strategy.
8. The maximum number of campsites permitted at the site shall not exceed a total of eight (8) primitive campsites.
9. All wastewater generated from camping activities shall be collected and disposed of appropriately. Waste water generated from camping activities must not be disposed upon land.
10. Fire extinguisher hose stand/s with adequate length hose/s must be located within no less than forty (40) metres to each of the designated campsites.
11. All exits and emergency meeting points shall be clearly identified on site.

ITEM	6b.19.018	DA2019/0044 – ALTERATIONS AND ADDITIONS TO AGED CARE FACILITY (INCREASE FROM 63 TO 83 BEDS) – NO. 126 NORTH STREET, GRAFTON
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Meeting	Environment, Planning & Community Committee	20 August 2019
Directorate	Environment, Planning & Community	
Reviewed by	A/Manager - Environment, Development & Strategic Planning (Kerry Harre)	
Attachment	To be tabled	

SUMMARY

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

Development Application DA2019/0044 seeks approval for alterations and additions to the existing aged care facility to increase the number of beds from 63 to 83. The application was originally reported to the June 2019 Council meeting (Item No. 6b.19.002) where it was resolved that the matter be deferred to allow discussions between Council officers and the applicant to address the rear car parking area for employees and minimisation of construction traffic impacts to residents within O'Malley Close.

Council staff have since liaised with the applicant regarding the concerns raised with the original design, mainly being the construction of a 10 space car parking area with access off O'Malley Close. In response to the concerns of the O'Malley Close residents, the applicant has:

- Deleted the 10 car parking spaces accessed off O'Malley Close;
- Provided 10 rear to kerb angled car parking spaces within the North Street road reserve to offset the loss of rear car park area; and
- Provided a Construction Management Plan to address concerns from residents regarding construction impacts.

The amended development will now involve the following works:

- *Demolition and replacement of older, dated accommodation (namely Wings A, B & C) and retention of rooms and associated spaces in the more recent Wings D, E and F.*
- *Construction of a new single storey extension to create a total of 83 bedrooms (each with ensuite) and upgrade/new ancillary areas and facilities – net increase of 20 beds over existing 63 bed facility.*
- *Upgrade existing accesses to North Street and construction of 10 new on-street car parking spaces in the North Street road reserve.*
- *Construction of an emergency driveway/access off O'Malley Close (for emergency access only).*
- *Construction of 18 onsite car parking spaces (including 2 x accessible and 1 x mini bus spaces).*
- *An increase of 2,832m² floor area resulting in a total resultant gross floor area (GFA) of 5,433m².*

There were 40 submissions and one petition containing 114 signatures received during the original notification period. The proposed amendment was not renotified as it is considered that the amended proposal and Construction Management Plan addresses the concerns raised by residents. Most submissions were generally not opposed to the development but concerned about the potential impacts to the residents in O'Malley Close from traffic increases and parking due to the new driveway and parking area containing 10 spaces servicing the development from O'Malley Close.

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

The issues discussed in the June 2019 report have been provided in this report also to ensure that all concerns raised within the submissions can be addressed if need be. This report provides an assessment of the application, a summary of the submissions received and a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That Development Application DA2019/0044 be approved in principle subject to the issue of current Site Compatibility Certificate from Department of Industry and Environment and imposition of conditions contained in Schedule 1.

COMMITTEE RECOMMENDATION

Clancy/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons

Against: Nil

Having declared an interest in this item Crs Williamson and Lysaught left the Council meeting at 2.49 pm and returned at 2.50 pm.

COUNCIL RESOLUTION – 6b.19.018

Toms/Kingsley

That Development Application DA2019/0044 be approved in principle subject to the issue of current Site Compatibility Certificate from Department of Industry and Environment and imposition of conditions contained in Schedule 1.

Voting recorded as follows:

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

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

The matter was reported to the June 2019 Council Meeting where it was resolved under Item No. 6b.19.002:

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

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

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

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

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

Residential care facilities are permitted with consent within the R1 zone under the provisions of the LEP. Development for the purposes of seniors living is permitted with consent within the RU2 zone under Clause 24(2) of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors Living SEPP) subject to the issue of a Site Compatibility Certificate under Clause 25(4)(a) of the Seniors Living SEPP. A Site Compatibility Certificate (SCC) was issued by the Department of Planning and Environment on 19 June 2017 and was provided with the application. The certificate is only valid for 2 years and as such has now expired. In order to grant consent to the development, a current SCC is required. Therefore, it is recommended that the DA be approved in principle subject to the issue of a current SCC. This matter is discussed in further detail in the Issues section of this report.

KEY ISSUES

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

The majority of submissions received during the exhibition period of the original application were from residents within the O'Malley Close subdivision. Potential impacts from access to the rear car parking area off O'Malley Close, was the major concern with regard to increases in traffic and noise, safety and amenity.

Comment

In response to the concerns raised by local residents and following Council's resolution at the June 2019 Council Meeting (Item No. 6b.19.002) the applicant has amended the design by:

- Deleting the 10 rear car parking spaces off O'Malley Close;
- Providing 10 rear to kerb angled car parking spaces within the North Street road reserve to offset the loss of rear car park area; and
- Providing a single access off O'Malley Close for emergency vehicles and maintenance only.

The development will provide for a total of 28 car parking spaces; 18 spaces located within the front setback of the development and being accessed via North Street; and 10 on-street car parking spaces within the North Street road reserve. The development has been provided with more onsite car parking than is required under the provisions of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (herein referred to as the Seniors Living SEPP).

The removal of the rear car park area will reduce any potential long term impacts to local residents within the O'Malley Close subdivision and likely to result in a positive outcome in terms of reduced traffic flows and improved safety.

Council's assessing Development Engineer and Civil Services section support the construction of on-street carparks subject to a detailed design to ensure safe sight distances are achieved and location of the invert

of the existing swale drain in North Street does not adversely impact on the functionality of the street drainage. Draft conditions of consent to this effect are provided within Schedule 1.

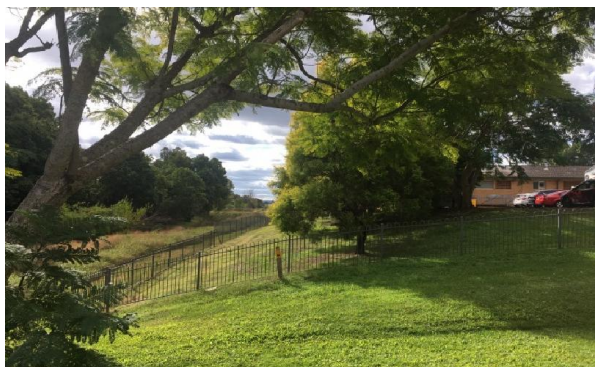
The application has addressed the effects of the proposed development on the surrounding road and intersection networks in accordance with the RMS guide for traffic generating developments. This analysis concluded that there will be a negligible impact on the existing level of service for Queen and North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

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

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

Comment

The removal of the O'Malley Close car park area means that there will be no direct access off O'Malley Close to the site for staff parking. As stated within the original Council report, the possibility of relocating the access to the rear 10 car parking spaces would have required considerable redesign of the proposed building layout to allow adequate width for the required passing places and accommodation of existing overland/underground stormwater flows. The existing corridor along the eastern boundary is 4.2m in width and would not be able to accommodate the minimum required 5.5m wide passing bays which would be required given the length of the access (approx. 80m). In addition to this, the applicant has raised the potential impact of the access way on the root system of the existing fig tree with the site if access was relocated to the rear car parking area from North Street. Photographs of the existing North Street frontage is provided for illustration purposes below. In consideration of the site constraints, the applicant now proposes to provide 10 on-street car parking spaces within the North Street road reserve as discussed above.



North Street frontage – Western boundary



North Street frontage – Eastern boundary

3. Construction impacts

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

Comment

In response to concerns raised within the submissions and Council resolution at the June 2019 meeting, the applicant has since prepared a detailed Construction Management Plan (CMP) and Staging Plan (provided within the attachments).

The applicant has detailed the construction works as follows:

- *The total project is expected to take in the order of 24 months to complete – expected commencement date being 4th quarter of 2019 with completion in June 2022:*

- *Stage 1 – approx. 48 weeks*
- *Stage 2 – approx. 25 weeks*
- *Stage 3 – Approx. 29 weeks*
- *Construction traffic on/via O’Malley Close will only occur during Stage 1 – Stage 2 and 3 construction traffic will be via North Street.*
- *Hours of construction works will be as per Council’s standard building/construction hours (in accordance with consent conditions).*
- *Safety fencing/barriers, signage and traffic and pedestrian control will be provided by the builders where required – key deliveries will be controlled by traffic controllers during peak periods.*
- *It is anticipated that the peak of delivery of construction materials will peak within the first 2 months of construction (up until bulk filling and suspended slab is poured) – after this period, material delivery will be significantly reduced.*
- *All construction vehicles will be parked on the subject land during Stage 1 and a combination of onsite and on street parking (in North Street) during Stages 2 and 3.*
- *Every attempt will be made by the proponent and builder to ensure that any impacts on O’Malley Close are minimised to the greatest extent possible and practicable.*

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

The CMP submitted states that working hours will generally be 7.00am – 5.30pm excluding public holidays and Sundays with some work anticipated on Saturdays between 7.00am and 1.00pm. To minimise any potential impacts during construction, working construction hours will be restricted to 7.00am to 6.00pm Monday-Friday, 7.00am to 1.00pm Saturdays with no work permitted on Sundays or public holidays.

Further to the above, a condition prohibiting all vehicles associated with the Stage 1 works to be parked on, or stored within the surrounding road network.

4. Decrease in property values

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

Comment

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

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

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

Comment

The restriction on use of land referred to in the submission and registered under the section 88B Instrument for each relevant deposited plan in the O’Malley Close residential subdivision, states that no main building shall be erected or to be used for any purpose other than as a single dwelling, two dwellings or home units that are not detached. This restriction does not apply to the subject land being Lot 72 and 73 DP1228271 and therefore the development is consistent with the 88B instrument.

6. Impacts from lighting

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

Comment

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

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

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

Comment

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

Upon lodgement of the application, Council advertised and notified the development in accordance with the provisions of Part B of the Residential Zones Development Control Plan. In response to the submissions received, the matter was reported to Council for determination to ensure that the submitters' concerns were considered and addressed. Given the amount of public interest and potential impacts from the development, Council deferred the matter to allow further discussions between the applicant and Council staff regarding an amended design and relocation of the car parking area. It is considered that the amended proposal has addressed the main concerns within the submissions and hence approval of the development, subject to the imposition of conditions is recommended.

8. Overshadowing of adjoining properties from development

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

Comment

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

9. Stormwater

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

Comment

A detailed stormwater management report was prepared by Bonocci Group and submitted as part of the DA. The stormwater management plan demonstrated that the proposed stormwater devices meet the quantity and quality targets for pollution reduction and pre/post development flows. This has been

demonstrated via the provided DRAINS and MUSIC models. As such, there will be no adverse impacts from stormwater to adjoining residences.

10. Site Compatibility Certificate under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

Due to the delay in determination of the application, the Site Compatibility Certificate required to enable approval of the development over the RU2 zoned land has lapsed. As stated above, development for the purposes of seniors living is permitted with consent within the RU2 zone under Clause 24(2) of the Seniors Living SEPP subject to the issue of a Site Compatibility Certificate under Clause 25(4)(a) of the Seniors Living SEPP. A Site Compatibility Certificate (SCC) was issued by the Department of Planning and Environment on 19 June 2017 which was provided with the application. The certificate is only valid for 2 years and as such has now expired. In order to grant consent to the development, a current SCC is required. Therefore it is recommended that the proposed development be approved in principle subject to the issue of a current SCC. The application would not be formally approved until such time as a SCC has been issued.

Summary

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

- The removal of the O'Malley Close staff car parking area will reduce impacts associated with traffic on the local residents.
- The construction of 10 on-street car parks within the North Street road reserve will provide sufficient car parking for the development as required under the Seniors Living SEPP.
- The Construction Management Plan prepared by Stokes Wheeler Pty Ltd dated 19 July 2019 will ensure any impacts during the construction are minimised.
- The development will provide an additional 20 beds to be used as senior living facilities.
- The development is not inconsistent with the objectives of the residential zone.

COUNCIL IMPLICATIONS

Budget/Financial

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

The development being for seniors living is exempt from payment of section 7.11 and 7.12 contributions as per Clause 2.8 the Clarence Valley Contributions Plan 2011.

Asset Management

The construction of the 10 car parking spaces in the North Street road reserve will become a Council asset. Suitable conditions are included in the Draft Schedule to ensure that the car parking spaces are constructed to an acceptable standard prior to it being accepted on maintenance and prior to becoming a Council asset.

Policy or Regulation

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

Consultation

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

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

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Environmental Health	Supported with conditions
Trade Waste	Supported with conditions
Civil Services	Supported with conditions requiring construction of car parks within North Street road reserve

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

Legal and Risk Management

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

Climate Change

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

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

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

Definitions

Civil CC is a 'Construction Certificate (Civil Engineering)' and applies to each of the following as applicable to the project:

- Environmental Planning and Assessment Act 1979 Section 6.4(b) - Subdivision Works Certificate;
- Roads Act 1993 Sections 138 & 139 - approval for works on a road issued by Council and/or **RMS**;
- Local Government Act Section 68 - drainage, water & sewer approval;
- Approval of Civil engineering works for development on private property. (Refer Environmental Planning and Assessment Act 1979 Section 6.5(2), Building Professionals Act Section 74A - Categories C1 to C6 inclusive and Building Professionals Regulation Section 20C
- A **Civil CC** may be issued by Council and/or accredited private certifier subject to the applicable NSW legislation.

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

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

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

- a Northern Rivers Local Government Development and Design Manual (AUS-SPEC)
- b Northern Rivers Local Government Construction Manual (AUS-SPEC)
- c Northern Rivers Local Government Handbook of Stormwater Drainage Design (AUS-SPEC)
- d Northern Rivers Local Government Handbook for Driveway Access To Property (AUS-SPEC)

AUS-SPEC documents can be obtained from a link under the 'Planning & Building' section of the Clarence Valley Council webpage.

NorBE means the control and mitigation of developed stormwater quality and flow-rate quantity to achieve a neutral or beneficial outcome for post-development conditions when compared to pre-development conditions, in accordance with **NRDC**.

WSUD means Water Sensitive Urban Design

Clarence Valley Council Development Control Plans include Sustainable Water Controls which identify the measures required in the various land use zones. Council endorses the Queensland 'Water By Design - Healthy Waterways' reference and technical guidelines for the design and construction of WSUD drainage systems.

The **WSUD** documents may be accessed via the 'Water-By-Design' web-site.

Advices

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

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

4. Access for people with disabilities must be provided to and within the building by means of an accessway in accordance with AS 1428.1-2009:
 - a from the main points of a pedestrian entry at the allotment boundary;
 - b from another accessible building connected by a pedestrian link; and
 - c from any required accessible carparking space on the allotment.
5. The Construction Certificate plans shall detail dimensional compliance with the requirements of AS 1428.1-2009 for access and facilities.
6. A Section J Report shall be submitted with the Construction Certificate application addressing the energy efficiency requirements of the Building Code of Australia.
7. No construction is to be commenced until a Construction Certificate has been issued.
8. Civil Construction Certificate (**Civil CC**) approvals, issued by Council and/or accredited private certifier are required for this development.
 - a A private certifier accredited for Civil Construction under the NSW Building Professionals Act 2005 (Categories B and/or C), may be engaged for all or part of civil works (subdivision and/or on private property) other than public infrastructure water and sewer reticulation works.
 - b Connection to Council drainage, water and sewer systems require the approval of Council under the NSW Local Government Act.
 - c Accreditation of private certifiers for public sewer and water reticulation works is not offered under the Building Professionals Act 2005.
 - d Works within public road reserves require the approval of the Road Authority as defined in the NSW Roads Act.
 - e A **Civil CC** application to Council for public and/or private property works requires payment in accordance with the Council's adopted 'Fees and Charges'. The application form may be downloaded from Council's website.

9. No civil construction works, including the removal of vegetation or topsoil, shall be commenced until a **Civil CC** has been issued by Council and/or accredited private certifier.

A private certifier who issues a **Civil CC** must forward a copy of the Certificate along with a copy of the approved plans and **ITP** to Council two days before work commences on the development.

Council attendance at any required inspections will be charged in accordance with the adopted 'Fees & Charges' current at the time of the inspections. Payment is required prior to any inspections.

10. To obtain a Certificate of Compliance for water and or sewer works, Council requires completion of any works on Council's water or sewer infrastructure specified as a condition of this consent and payment of contributions in accordance with Section 64 of the Local Government Act, 1993, which applies Section 306 of the Water Management Act, 2000. The application form for a Certificate of Compliance is available on Council's website.

The proposed development has been assessed as contributing an additional 10 ET demand on Council's water supply, and an additional 15 ET loading on Council's sewerage system. This includes an applicable credit for pre-existing uses. The headworks charges at 2019/20 financial year rates are:

Water Headworks \$4,898.00 x 10 additional ET's	= \$48,980.00
Sewer Headworks \$6,700.00 x 15 additional ET's	= \$100,500.00

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

11. Any activity to be carried out on any part of the road reservation requires the prior approval of Council under the NSW Roads Act 1993.
12. Certification of constructed **Civil Works** by the supervising engineer and/or registered surveyor is required prior to public infrastructure being accepted "on maintenance" and/or "practical completion" being granted for private property works.
13. 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.
14. Any upgrade to the existing water and/or sewerage service to the property will be subject to the costs outlined in Council's list of fees and charges.
15. The 10 car parking spaces accessed from O'Malley Close are not approved as part of this application.

Conditions

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

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

Building Conditions

2. The development is not to be occupied or used until such time as an Occupation Certificate has been issued.
3. **Working/Construction Hours** Working hours on the construction project being limited to the following:

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

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

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

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

5. **Toilet Facilities** are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
 - a A standard flushing toilet, connected to a public sewer, or
 - b An approved temporary chemical closet.

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

6. Prior to commencement of works, a sign must be erected in a prominent position on any work site on which work is being carried out:
 - a Stating that unauthorised entry to the work site is prohibited;

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

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

- 7. The roof covering is to be of a colour which does not produce glare which adversely affects the amenity of adjoining properties. White colorbond, galvanised iron and zincalume are not permitted.
- 8. To meet Council's Floodplain Management Controls the floor level of the primary habitable floor level is to be a minimum of 6.4 metres Australian Height Datum (AHD). A certificate indicating the height of habitable floors on the ground floor (related to AHD) is to be forwarded to the Principal Certifying Authority:
 - a In the case of timber floors, on completion of the floor framing;
 - b In the case of concrete slabs when formwork is in place but prior to pouring concrete.

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

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

Engineering Conditions

- 13. A Certificate of Compliance for Water and or Sewer works must be obtained from Council prior to issue of the Building Occupation Certificate, for each and every stage of the development. This may require payment of a fee.
- 14. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
- 15. An Inspection and Testing Plan (ITP) must be submitted for approval with the application for a Civil Construction Certificate. The supervising engineer or registered surveyor must arrange for the

hold/witness point inspections, and accompany Council and/or accredited Private Certifier on the inspection unless alternative arrangements are made. Hold Point, Witness Point, On/Off Maintenance and/or Practical Completion inspections involving public infrastructure must be attended by Council officers.

Where Council is the Certifying Authority for civil engineering works the applicant must give Council one (1) business day's notice to attend inspections.

Hold Point, Witness Point and Audit inspections must be documented by the ITP and include the following works (but not limited to):

- a Pre-start Meeting (Attended by Council and/or Accredited Private Certifier, Principal Contractor & Supervising Engineer and/or Registered Surveyor)
- b Erosion & Sedimentation Controls
- c Earthworks
- d Roadworks
- e Stormwater Drainage
- f 'On Maintenance' (Public Infrastructure)
- g Practical Completion (Works on Private Property)
- h 'Off Maintenance' (Acceptance of Public infrastructure by Council)

16. A Traffic Control Plan (TCP) must be prepared and submitted to Council showing how vehicle and pedestrian traffic will be safely managed within the work site and road reserve. This plan must be prepared by a person authorised by the Roads and Maritime Services to prepare TCP's and must be endorsed by Council prior to the occupation of the road reserve and commencement of work.

17. All stormwater falling on the property is to be collected within the property and discharged in accordance with the relevant parts of the applicable Clarence Valley Council Development Control Plans and **NRDC**.

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

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

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

18. Prior to the release of any Occupation Certificate which dedicates additional infrastructure to Council, a completed asset register works return must be submitted to Council. The return is to be in the format approved by Council.

19. In accordance with **NRDC** and prior to the release of the Occupation Certificate, the applicant must provide Work as Executed Plans (WAE) for all works and certification from the supervising professional engineer or registered surveyor, that the works have been constructed in accordance with the approved plans and specifications.

20. Prior to release of the Occupation Certificate, where the total value of works to become Council infrastructure is greater than \$10,000, a maintenance bond is required for 5% of the contract value for works that will become Council infrastructure or \$2,500 whichever is greater.

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

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

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

21. Car parking, driveways, manoeuvring and access areas must be constructed, sealed, line marked and drained for a minimum of 18 car parking spaces in accordance with the approved plans and made available thereafter. The car parking classification is Class 2 for the internal parking and it is to be designed in accordance with AS2890, the relevant parts of the applicable Council DCP and **NRDC**. All car parking spaces must be accessible by B99 vehicles.
22. Ten (10) on-street car parking spaces are to be constructed, sealed, line marked and drained in accordance with the DA approved plan prior to issue of the Occupation Certificate for Stage 1. Detailed design of the proposed on-street parking is to be provided and approved as part of the **Civil CC**.
- On-street parking must be designed and constructed in accordance with AS2890.5, **NRDC** and the approved **Civil CC**. Civil construction works must be supervised by a suitably qualified and experienced engineer or registered surveyor who must certify the completed works prior to the release of the Occupation Certificate for Stage 1 works.
23. All construction vehicles associated with Stage 1 are to be parked within the confines of the site at all times.
24. Any fill earthworks to be undertaken on the site must be carried out in accordance with the placement and compaction of fill described in AS 3798, Level 1 inspection and testing and **NRDC**.
25. 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.
26. During dry weather, standard dust suppressions methods are to be used as often as is necessary to ensure that adjoining properties are not adversely affected by undue dust.

Liquid Trade Waste

27. An application to discharge liquid trade waste shall be submitted for assessment with the Construction Certificate application. Detailed trade waste drainage plans shall be submitted with the application.
28. Approval to discharge liquid trade waste to Council's sewerage system shall be obtained prior to release of the Occupation Certificate.

29. All liquid trade waste from the main kitchen shall discharge through an appropriately sized grease arrestor.
30. All liquid trade waste from the servery located in the western side of the building shall discharge through a grease arrestor with a minimum capacity of 1000L.
31. All liquid trade waste from the servery in the northern wing of the building shall discharge through a grease arrestor with a minimum capacity of 1000L.
32. All grease arrestors shall be located in areas that are accessible for the pump out contractor or other acceptable means of pump out are to be made available.
33. All sinks and floor wastes in food preparation areas in the main kitchen shall contain basket arrestors.
34. All sinks and floor wastes in the serveries and residents kitchens shall contain basket arrestors.
35. All sinks and floor wastes in the café shall contain basket arrestors.
36. All liquid trade waste from the laundry shall discharge through an appropriately sized cooling pit which contains a lint basket.

Acid Sulfate Soil Management

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

Contamination

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

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

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

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

Landscaping

40. Any trees or shrubs existing on the site not identified for removal or and not directly in conflict with proposed building footprints are to be retained and protected during construction works.

41. For all trees at the interface with any development related works, compliance with the provisions of Australian Standard *AS4970-2009 Protection of Trees on Development Sites*.
42. All landscaping works are to be completed in accordance with the approved plan prior to the Occupation Certificate being issued.
43. A tree protection zone must be established around the Small Fruited Fig in accordance with the Tree Impact Assessment Report prepared by Michael Hallinan dated 19 December 2018 prior to any construction works commencing on the site.
44. The recommendations contained in Clause 5.1 and 5.2 of the Tree Impact Assessment Report prepared by Michael Hallinan dated 19 December 2018 must be implemented and complied with at all times.

Heritage

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

Restriction on Use

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

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

ITEM	6b.19.019	DA2019/0342 – DEVELOPMENT APPLICATION FOR A DWELLING AND STABLES AT 771 SEELANDS HALL ROAD, SEELANDS, LOT 2 DP776617
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Meeting	Environment, Planning & Community Committee	20 August 2019
Directorate	Environment, Planning & Community	
Reviewed by	A/Manager - Environment, Development & Strategic Planning (Kerry Harre)	
Attachment	Nil	

SUMMARY

<i>Applicant</i>	CM and RL Whyte
<i>Owner</i>	Daniel Wills
<i>Address</i>	Lot 2 DP776617, 771 Seelands Hall Road, Seelands
<i>Submissions</i>	Nil

DA2019/0342 sought approval for a dwelling on Lot 2 DP776617. This vacant property is located at the end of Seelands Hall Road, which is a Council owned road. The Council maintained section of Seelands Hall Road finishes approximately 90m from this property. The property has a dwelling eligibility provided it has vehicular access to a Council maintained road. Council approval is required to extend the maintained length of any road. This report seeks Council's approval to extend the maintenance schedule for Seelands Hall Road to this property to allow a Construction Certificate to be issued for this dwelling.



OFFICER RECOMMENDATION

That the section of Seelands Hall Road, Seelands from the point of current maintenance to 10m north of the southern boundary of Lot 2 DP776617 be added to Council's Road Maintenance Register as a Category 2 road.

COMMITTEE RECOMMENDATION

Baker/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons

Against: Nil

COUNCIL RESOLUTION – 6b.19.019

Williamson/Baker

That the section of Seelands Hall Road, Seelands from the point of current maintenance to 10m north of the southern boundary of Lot 2 DP776617 be added to Council's Road Maintenance Register as a Category 2 road.

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

DA2019/0342 proposes a new dwelling on this 2 hectare vacant lot. The property was created by subdivision in 1988. Although Lot 2 DP776617 is only 2ha in area, it has dwelling eligibility under the provisions of Council's LEP until 23 December 2021. When confirming this advice via a letter dated 5 December 2017 (SCH2017/0122) Council also pointed out that the lot must have 'suitable road access' to permit construction of the dwelling.

A similar situation existed on the adjoining property (Lot 1 DP776617) and a report to Council in September 2016 resulted in Council extending the maintained length of Seelands Hall Road for approximately 70m as a Category 2 road to allow a dwelling to be constructed on the adjoining lot.

DA2019/0342 has been approved subject to a condition requiring the property to have frontage to a Council maintained road prior to issue of the Building Construction Certificate.

KEY ISSUE

1. Access to the land

Section 7.8 (Essential Services) of Council's LEP requires 'suitable road access' be provided to any development. Part C8.5 of Council's DCP for Rural Zones clarifies 'provision of suitable road access' and deems it 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.*' The subject land does not meet these criteria.

Seelands Hall Road is a Council owned road. It is maintained as a Category 1 road to within 160 metres (approximately) of the subject property. Council's GIS mapping system shows the maintained section of the road to be a 4.9m wide unsealed gravel road. After that point it is considered to be a Category 2 road (see definitions below).

'Category 1 roads are unsealed rural roads listed for regular maintenance by council. Grading frequency is up to 2 times per year.'

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

The DCP does not specify the construction standard for a Category 2 road. It does, however, introduce the concept of Category 1 and 2 roads, and sets out the objectives for provision of suitable access. Of particular relevance to this proposal is point 4 which reads: *'to ensure that the approved road access is suitable for use by conventional two wheel drive vehicles and emergency service vehicles.'*

Clause C8.5(f) of the Rural DCP states the factors that Council will consider in approving access via a Category 2 road include the following:

Factors to be considered:	Current situation for this part of Seelands Hall Road
Nature of topography and terrain	The road is located at the end of the Seelands Peninsula. The road slopes to the north (towards the river) at approximately 5 degrees.
Whether other existing lawful dwellings are serviced by the road	One other nearby property (Lot 389 DP751385) takes access from the unmaintained section of the Road. A further 3 lots on the eastern side of Seelands Hall Road front the unmaintained section of the road but take access by a right of way from the section of Category 1 road.
Degree to which the route is subject to natural hazards including flood inundation and bush fire.	Not subject to bush fire. Road is above the 1:100 year flood level.
Vegetation	Road side consists of grassed areas with very little native vegetation.
Number of watercourse crossings – both permanent and intermittent.	No water courses cross this section of road.

Comment

If the additional 100m of Seelands Hall Road is added to Council's Road Maintenance Register as a Category 2 road, the applicant will be able to meet the criteria for 'suitable road access', and as such, a Construction Certificate can be issued to allow a dwelling to be constructed on the land. Council previously agreed to add an adjoining 70m long section of road as a Category 2 road at its September 2016 meeting allowing the adjoining property owner to build their dwelling.

COUNCIL IMPLICATIONS

Budget/Financial

Any decision to extend the Council maintained length of 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.

If the applicant is dissatisfied with Council's decision they may have a right of appeal to the Land and Environment Court, which will incur financial cost to Council.

Asset Management

Seelands Hall Road is currently a Council owned road, so is considered to be an asset.

Policy or Regulation

The following documents were consulted:

LEP

DCP Rural Zones

Council's Roads Policy

Consultation

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

Civil Services Section	The subject section of road has been inspected and is deemed to be of suitable condition to be accepted as a Category 2 road under Council's current Roads Policy. Maintenance will be undertaken at Council's discretion based on inspection, work programs and available funding.
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Legal and Risk Management

If the applicant is dissatisfied with Council's decision they may have a right of appeal to the Land and Environment Court, which will incur financial cost to Council.

Climate Change

Nil impact

Prepared by	Greg McCarthy, Senior Building Surveyor
Attachment	Nil

ITEM	6b.19.020	DA2019/0285 – 34 INDEPENDENT LIVING UNITS AND COMMUNITY ROOM – 4 FREEBURN STREET, YAMBA (LOT 2 DP829279)
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Meeting	Environment, Planning & Community Committee	20 August 2019
Directorate	Environment, Planning & Community	
Reviewed by	A/Manager - Environment, Development & Strategic Planning (Kerry Harre)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Uniting C/- All About Planning Pty Ltd
<i>Owner</i>	Uniting Church In Australia
<i>Address</i>	4 Freeburn Street YAMBA NSW 2464 (being Lot 2 DP829279)
<i>Submissions</i>	Yes - four (4) submissions

Council is in receipt of Development Application DA2019/0285 which proposes to construct 34 independent seniors' living units and community room adjacent to the existing Caroon aged care facility at 4 Freeburn Street, Yamba. Of the 34 units, there will be 32 x 2 bedroom units, 6 of these units will contain a study in addition to the 2 bedrooms and 2 x 1 bedroom units which are proposed as NSW Government Social and Affordable Housing Fund units.

During the exhibition of the application, Council received 4 submissions against the proposal. The key issues raised are the adverse impacts to visual amenity, proposed layout, traffic, access, parking and being inconsistent with the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*. As a result of the public interest in the application, determination of the application 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 DA2019/0285 be approved subject to the imposition of conditions contained in Schedule 1.

Having declared an interest in the item Cr Kingsley left the Environment, Planning and Community meeting at 3.44pm and returned at 3.51pm.

COMMITTEE RECOMMENDATION

Baker/Clancy

That subject to further advice to be received on a minor variation to Condition 17, DA2019/0285 be approved subject to the imposition of conditions contained in Schedule 1 after deletion of Condition 2 and renumbering of Consent Conditions as appropriate.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons

Against: Nil

Having declared an interest in the item Cr Kingsley left the Ordinary Council meeting at 2.50 pm and returned at 2.51 pm.

COUNCIL RESOLUTION – 6b.19.020**Baker/Lysaught**

That DA2019/0285 be approved subject to the imposition of conditions contained in Schedule 1 after deletion of Condition 2 and renumbering of Consent Conditions as appropriate.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 1 Society

Objective 1.4 We will have access and equity of services

Strategy 1.4.2 Encourage the supply of affordable and appropriate housing

BACKGROUND

Development application DA2019/0285 was lodged with Council on 29 May 2019. The development was exhibited from 12 to 27 June 2019. The development application has been lodged under the provisions of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (the SEPP), additionally, the proponent, Uniting, is a Registered Social Housing Provider.

During the exhibition period 4 submissions were received. Council staff provided the applicant with a summary of the main concerns raised, in response to concerns raised the applicant has amended the floor plan and facade of 2 units fronting Freeburn Street to incorporate additional windows and the main entrance to improve the view from the street.

The subject land is zoned part R2 Low Density Residential under the provisions of the Clarence Valley Local Environmental Plan 2011 (LEP). For the purposes of this application the development is defined as:

seniors housing means a building or place that is:

(a) a residential care facility, or

(b) a hostel within the meaning of clause 12 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, or

(c) a group of self-contained dwellings, or

(d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),

and that is, or is intended to be, used permanently for:

(e) seniors or people who have a disability, or

(f) people who live in the same household with seniors or people who have a disability, or

(g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

Seniors Housing is a form of Residential Accommodation which is permitted with consent within the R2 zone under the provisions of the LEP.

The applicant had previously lodged a development application (DA2018/0445) for the 24 Seniors Living Units and Community Room over the same area of the site, see Figure 1 for 24 living units.

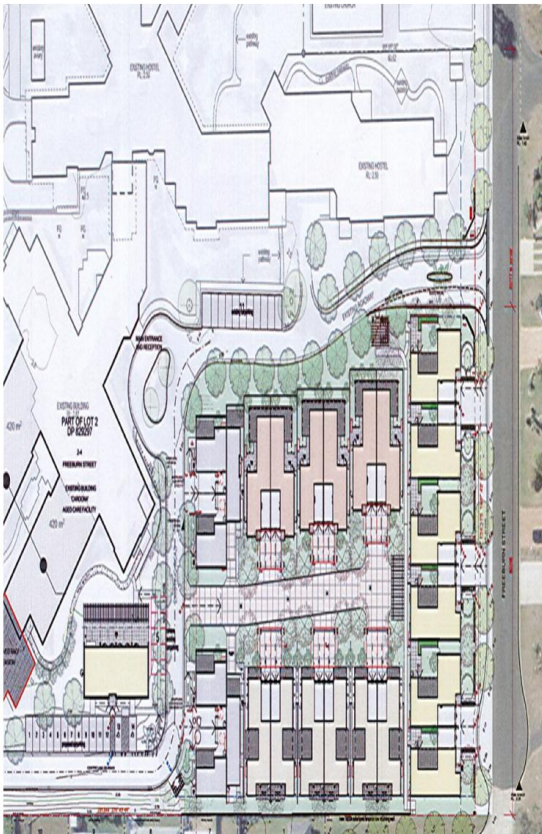


Figure 1 shows the proposed layout submitted with DA2018/0445 (now withdrawn at the applicant's request)

The application was lodged with finished floor levels at 2.5 metres AHD. The 1 in 100 year flood event for the site is 2.5 metres AHD, Council's Development Control Plan for Residential Development (the DCP) requires that residential developments have a finished floor level 500mm above the 1 in 100 year event. For the site, all floor levels are required to be at 3.1 metres AHD. Council staff wrote to the applicant advising that the application as proposed could not be supported as floor levels did not comply with the DCP; this was further compounded by the sensitive land use. Due to the change in floor levels the applicant elected to withdraw the application and lodge a new proposal as significant changes to the design were required. The number of single storey seniors' living units has increased from 24 units to 36 as a direct result of the change in floor height in order to still achieve the provision of seniors housing to account for a loss of ground floor seniors living apartments currently being assessed under DA2019/0331.

KEY ISSUES

1. Impacts to residents from direct access off Freeburn Street

The submissions received raised the potential impacts from two additional driveways servicing the proposal opposite existing dwellings in Freeburn Street with the major concern being an increase in traffic, safety, light spill into opposite houses and amenity. Additionally, the issue was also raised that the driveways will essentially become open cul-de-sacs.

Two of the submissions received also raised the issue that there have been previous agreements with Council, nearby residents and Caroonia that there was a limitation on the development to a single access point. Submissions also highlight that by utilising the existing internal road for access, instead of accessing directly from Freeburn, the impact of traffic could be considered negligible and result in negative impacts being avoided. One submission also raised concern regarding lack of pedestrian access to Yamba Road and the footpath into the Yamba CBD on the northern side of the road.

Comment

Council staff have reviewed the file history and past developments on the subject land and have found that the approved plan for the first stage of Caroonia aged care facility being approved under DA95/120 for '40 bed Aged Care Hostel plus associated infrastructure' showed a single access and entry point from Freeburn Street to service the site, see Figure 2.

No condition of consent on DA95/120 makes reference to requiring a restriction or imposing a limitation on number of access points onto Freeburn Street. The approval is only for the 40 bed capacity facility and represents possible future development on the remainder of the site. The plan does not give a commitment in regard to layout, however, does show it is the intention of Caroonia to develop the area for self contained units since 1995 this being prior to most of the surrounding residential development, including Harbour Estate (William Street Subdivision). The proposed development is generally consistent with the long term intentions of Uniting for the site. All subsequent approvals for extensions on-site have shown only one entry point, however, these plans do not make reference to or show future development for the site.

Proposed sight distance to the north and south from the current entry and both proposed access ways are considered to comply with the Australian Standards. Both new driveways are proposed to be 5.3m wide, however internal access ways are narrower as a result of the small landscaped strip in front of entry/verandah. The result is that the internal aisle widths prevent two-way vehicle movement. The applicant is required to increase the driveway crossover widths to be a minimum of 6m with a minimum internal aisle width of 5.5m for 2-way access in accordance with AS2890 – Parking Facilities. This may result in a small reduction in private open space for dwellings to pick up the additional 500mm required for each of the two internal accesses. Alternatively, the access could be redesigned for one-way internal traffic flow with connection to the main two-way internal access road within the Caroonia site to exit the site. In addition, there are some internal works proposed to upgrade the existing Caroonia entrance from 5.5m wide to a defined entry and exit lanes servicing the aged care facility.

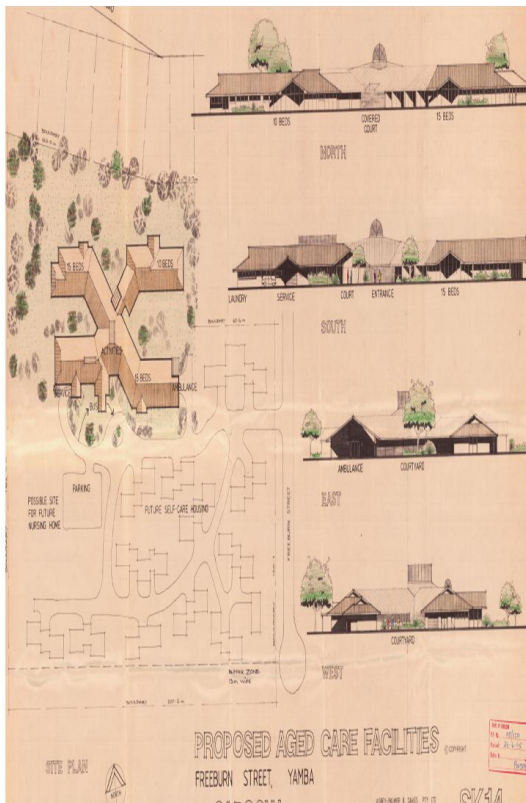


Figure 2 shows original approved plans for initial development of aged care facility.

Light spill from vehicles into dwellings opposite the driveway entrances will be similar to that of a small residential street or multi-unit development. Both proposed new entrances are located almost directly opposite driveways on the eastern side of Freeburn Street which reduces light spill into the living areas of adjacent dwellings. The main entrance point into the Caroonia facility is also directly opposite a dwelling and driveway, should all vehicles associated with the development be required to use this entry and exit point the issue of light spill into opposite residences is shifted. No such issue was raised during the exhibition of the now withdrawn DA where 6 dwellings were proposed with direct access off of Freeburn Street.

The proposed access arrangement has been considered on its merit, taking into account the conclusions drawn from the Traffic Impact Assessment and comments from Council's Development Engineer, the additional access points onto Freeburn Street are not considered to result in a significant traffic generation and the existing road network is able to cater for the additional vehicle movements and access points without off-site road works. There is currently a footpath on the western side of Freeburn Street from the existing entry into Caroonia to Yamba Road. The applicant is proposing to construct a footpath the length of the development site to link to the existing footpath network.

2. Impact on Parking On-Site and Off-Site

Submissions raised concern for the lack of parking existing onsite as currently visitors and staff park on the land subject to this development with no additional parking proposed to allow for proposed 34 units. Further, this could be further compounded with overflow parking of residents, visitors and staff into the street resulting in a traffic hazard.

Comment

When considering this matter it is important to note that the proposed development is for independent living units and residents are not reliant upon the daily services that are provided by the higher level supervised care within the main Caroonia facility on-site. Current conditions of consent for the operation of Caroonia limit the number of staff on-site at any one time to 38, no increase in number of staff on-site is proposed as part of this application, therefore resulting in no additional parking demand for staff of the

facility. While the applicant and Uniting acknowledge that staff and visitors have historically and currently still park on the land subject to this proposal, there is suitable parking at the rear of the facility which is currently underutilised by staff.

The existing facility has approval for 98 beds and 38 staff on-site, parking for this use is to be provided at 1 space per 10 beds and 1 space for 2 staff, therefore requiring a total of 29 spaces to be provided on-site for the existing aged care facility. There are currently 46 car spaces provided for the existing aged care facility on-site. As a result of the community room, 14 of the 16 of the car spaces adjacent to the building are to be relocated and reconstructed resulting in a loss of 2 spaces for the current facility, however, parking on-site will still comply the requirements of the SEPP.

Under the SEPP a total of 1 space per 5 dwellings is to be provided where the application is made by a social housing provider, Caroonia is a registered social housing provider. Hence, a minimum of seven (7) parking spaces could be provided to satisfy the SEPP. All units proposed have access to 1 undercover car space with the exception of the 2 single bed units, an additional 5 visitor car spaces are provided within the units complex resulting in 37 car spaces being provided to service the development. As the development supplied 30 more parking spaces than the SEPP requires it is not expected that visitors or residents will commonly overflow onto the street. Some overflow on occasions is reasonable.

3. Impacts on Amenity

Concerns were raised within the submissions regarding the potential adverse impacts on amenity with regard to the two driveways being quasi cul-de-sacs servicing 17 dwellings resulting in all units being inward facing and failing to interact with the streetscape which is a requirement of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*. Additionally, the development is overly compact and is an excessive number of dwellings for the subject site.

Comment

The application has been lodged pursuant to the SEPP, where there are inconsistencies with Council's planning controls including Development Control Plans, the provisions of the SEPP prevail. A detailed assessment regarding compliance with the SEPP is contained in the attached Section 4.15 report. The issues raised in the submission that relate to the SEPP are detailed below.

Council staff provided the applicant with an opportunity to respond to concerns raised regarding impacts on amenity, the applicant has amended the floor plan and facade of two units fronting Freeburn Street to incorporate additional windows and the main entrance to improve the view from the street. The outlook from properties east of Freeburn Street will be single storey low set dwellings which will maintain the general character of the locality. Further, sufficient landscaping is proposed by the applicant which will add to the streetscape and soften the impact of the development on Freeburn Street. A 5m front setback is proposed by the applicant, Clause 33 (d) of the SEPP provides that '*the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line*', it could be justified that a 6m front setback be required however as no dwellings gain direct access to Freeburn Street (see Figure 3), there is not a need to provide a 6m setback to allow a vehicle to be parked within the front setback. By reducing the front setback to 5m it will not detract from the overall amenity of the streetscape.

When considering matters in relation to design and layout of the facility it is important to note that Clause 50 of the SEPP states:

'A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling (including in-fill self-care housing and serviced self-care housing) on any of the following grounds.... building height...density...scale...parking...private open space.'



Figure 3 shows proposed layout of seniors living units and community room.

The area of land subject to this application is 7,732m², with the area of the entire site being 31,450m². The existing facility has a gross floor area of 6,047m² and the proposed community room being 190m² and self contained units having a combined gross floor area of 2,880m². The floor space ratio of the proposal is 0.29:1, the maximum permissible floor space ratio under Clause 50 is 0.5:1. The proposal satisfies this criteria.

The Residential Zones Development Control Plan for Residential Zones requires at least 45% of the site to be landscaped, however the applicant has lodged the application under the SEPP. Controls under the SEPP require either 30% landscaped area for the site or the provision of 35m² per dwelling (1,190m² for 34 dwellings) if the application is made by a registered social housing provider. The existing Carroona facility contained 98 beds which have a rate of 25m² per bed or 2,450m² of landscaped area, therefore the existing and proposed development to comply with the standard a total of 3,640m² must be provided. The proponent has a site coverage of approximately 61%, leaving a total landscaped area of 12,514m² which complies with the SEPP provisions. Overall, the proposal is considered to be generally consistent with the provisions of the SEPP in terms of density and scale.

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 (Housing for Seniors or People with a Disability) 2004
 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

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

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

Legal and Risk Management

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

Climate Change

The *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* requires a BASIX Certificate to be submitted for all BASIX affected development; the proposal triggers the need for this certificate. A valid BASIX Certificate has been submitted with the application which sets out the obligations of the applicant in regards to the proposal to reduce greenhouse gas emissions, energy efficiency and reduce potable water consumption. Compliance that these commitments have been met will be required to be demonstrated prior to issue of the Occupation Certificate. In general terms, the provision of additional aged housing in an established urban area with suitable access to commercial, recreational and other opportunities reduces the generation of carbon emissions associated with transport and servicing the development

Prepared by	James Hamilton, Development Planner
Attachment	<ol style="list-style-type: none"> 1. Proposed Plans 2. Submissions 3. Section 4.15 Assessment Report

Schedule 1
Draft Advices and Conditions of Consent for DA2019/0285

Definitions

NRDC means the current civil engineering standards in accordance with the :

- a. Northern Rivers Local Government Construction Manual (AUS-SPEC)
- b. Northern Rivers Local Government Handbook for Driveway Access To Property (AUS-SPEC)

AUS-SPEC documents can be obtained from the 'Planning & Building' section of the Clarence Valley Council webpage.

WSUD means Water Sensitive Urban Design

Clarence Valley Council requires the use of the sustainability principles of the DCP. Council endorses the Queensland 'Water By Design - Healthy Waterways' reference and technical guidelines for the design and construction of WSUD drainage systems.

The **WSUD** documents may be accessed via the 'Water-By-Design' web-site.

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

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

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

Advices

1. To obtain a Certificate of Compliance for water and or sewer works, Council requires completion of any works on Council's water or sewer infrastructure specified as a condition of this consent and payment of contributions in accordance with Section 64 of the Local Government Act, 1993, which applies Section 306 of the Water Management Act, 2000. The application form for a Certificate of Compliance is available on Council's website.

The proposed development has been assessed as contributing an additional 20.0 ET demand on Council's water supply, and an additional 25.0 ET loading on Council's sewerage system. The headworks charges at 2019/20 financial year rates are:

Water Headworks \$4,898.00 x 20.0 additional ET = \$97,960.00

Sewer Headworks \$11,977.00 x 25.0 additional ET = \$299,425.00

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

2. Any activity to be carried out on any part of the road reservation requires the prior approval of Council under the NSW Roads Act 1993.
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. The total number of beds in the facility will be 410 once approved. The current grease arrestor servicing the main kitchen caters for up to 399 beds. If all residents have the ability to utilise the services of the existing kitchen, the grease arrestor will need to be upgraded to 3000L capacity. Similarly if the residents have the ability to use the existing laundry facilities the capacity of the cooling pit servicing the laundry will also need to be reviewed.
5. Effective measures are to be taken to prevent any nuisance being caused by noise, vibration, smell, fumes, dust, smoke, waste water products and the like at all times.
6. The property is affected by flooding of the Clarence River. The 'Lower Clarence Flood Model Update 2013' was adopted by Council Resolution 13.043/14 on 18 March 2014. The 1% Annual Exceedance Probability (AEP) water level in the vicinity of the site is RL 2.51m AHD and the Extreme Flood Level is RL 3.56m AHD. Development on the site must be undertaken in compliance with the flood plain management controls listed in the Council Development Control Plan for the relevant land use zone.
7. Any upgrade to the existing water service to the property will be subject to the costs outlined in Council's list of fees and charges.
8. The servery/kitchen in the community room should be provided with a designated hand washing basin in addition to any food preparation or utensil cleaning sinks. The basin should be provided with a hot and cold water supply through a common mixing spout.

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
 - Materplan 1:750, Drawing Number 020 (Revision K) and Masterplan 1:400, Drawing Number 030 (Revision K), dated 15 April 2019,
 - Freeburn Street/Southern Boundary Elevations, Drawing 040, Revision B, dated 15 April 2019,
 - ILU Type B1 Plan, Drawing B1-101, B1-103 and B1-104, Revision K, dated 15 April 2019,
 - ILU Type B2 Plan, Drawing B2-101, B2-103 and B2-104, Revision K, dated 15 April 2019,
 - ILU Type B3 Plans, Drawing B3-101, dated 1 August 2019,
 - ILU Type C1 Plan, Drawing C1-101, C1-103 and C1-104, Revision K, dated 15 April 2019,
 - ILU Type C1 Plan, Drawing C1-101, C1-103 and C1-104, Revision K, dated 15 April 2019,
 - ILU Type D1 Plan, Drawing D1-101, D1-103 and D1-104, Revision K, dated 15 April 2019,
 - Community Room Plan, Drawing CR101 and CR103, Revision J, dated 15 April 2019,Twenty one (21) sheets, drawn by Environa Studio,
 - Landscape Site Plan, Drawing Number 2503 LP-00, 2503 LP-01, dated 10 April 2019, two (2) sheets, drawn by John Lock & Associates, as amended in red, or where modified by any conditions of this consent.
2. Payment to Council of the contributions pursuant to Section 94 of the Environmental Planning and Assessment Act:
Clarence Valley Contribution Plan 2011 Open Space/Recreation Facilities
 - a. Coastal \$2,261.45 x 34 additional units = \$76,889.30 GL S94CVCOSCoastal

Clarence Valley Contributions Plan 2011 Community Facilities

- a. Maclean surrounds \$2,261.45 x 34 additional units = \$76,889.30 GL S94CVCCFMaclean

Clarence Valley Contributions Plan 2011 Plan of Management

- a. Rate per Self Contained Dwelling in a Seniors Housing Development \$43.10 x 34 additional units = \$1465.40 GL S94CVCPoMSnrHouse

Yamba Urban By-pass and Urban Intersections Contributions Plan 2000

- a. West Yamba (existing) \$633.20 x 2 persons x 34 additional units = \$ 43,057.60 GL S94YBPWestYambaER

N.B.

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

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

In the event of any subsequent amendment to the approved Development Plans, the calculated contribution amounts may vary and if so will become the contribution payable.

All contribution plans are available for inspection at Clarence Valley Council Offices, 50 River Street, Maclean and 2 Prince Street, Grafton.

3. The floor plan Independent Living Units numbered ILU 7 and ILU 23 on the masterplan are to be amended in accordance with ILU Type B3 Plans, Drawing B3-101, dated 1 August 2019.
4. The flood emergency plan for the facility shall be updated in consultation with the local State Emergency Service (SES) taking into account the increased size of the facility. A copy shall be submitted to the SES and Council for their information prior to issue of an Occupation Certificate.
5. A restriction as to user is to be placed against the title of the property restricting the occupation of the accommodation to the following:
 - a) seniors or people with a disability,
 - b) people who live within the same household with seniors or people who have a disability,
 - c) staff employed to assist in the administration of and provision of services to housing provided under the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.The restriction is required to be registered prior to the issue of an Occupation Certificate.
6. 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.
7. Any other signage other than signage shown on the approved plans will require separate development consent if not defined as "exempt development".
8. All landscaping works are to be completed generally in accordance with the Landscape Details, Drawing Number 2503 LP-3.0, 2503 LP-3.1, 2503 LP-3.2, 2503 LP-3.3 and 2503 LP-3.4, dated 10 April 2019, two (2) sheets, drawn by John Lock & Associates.
9. All landscaping works are to be completed in accordance with the approved plan prior to the occupation Certificate being issued.

10. The onsite landscaping is to be maintained on a regular basis, to comply with the approved plans.
11. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
12. An amended waste management plan for the ongoing operation of the aged care facility shall be submitted to Clarence Valley Council and approved prior to issue of the Building Construction Certificate. The approved waste management plans shall be complied with during the demolition, construction and ongoing operation of the aged care facility. All waste management facilities in the development shall be in place prior to the issue of the Occupation Certificate.

Engineering

13. A Certificate of Compliance for Water and or Sewer works must be obtained from Council prior to issue of the Building Occupation Certificate, for each and every stage of the development. This may require payment of a fee.
14. An **ITP** must be submitted for approval with the application for a **Building Construction Certificate**. The supervising engineer or registered surveyor must arrange for the hold/witness point inspections, and accompany Council and/or accredited Private Certifier on the inspection unless alternative arrangements are made. Hold Point and Witness Point inspections involving public infrastructure must be attended by Council officers.

Where Council is the Certifying Authority for civil engineering works the applicant must give Council one (1) business day's notice to attend inspections.

Hold Point, Witness Point and Audit inspections must be documented by the ITP and include the following works (but not limited to):

- a. Pre-start Meeting (Attended by Council and/or Accredited Private Certifier, Principal Contractor & Supervising Engineer and/or Registered Surveyor)
 - b. Erosion & Sedimentation Controls
 - c. Roadworks
 - d. Stormwater Drainage
15. A **TCP** must be prepared and submitted to Council showing how vehicle and pedestrian traffic will be safely managed within the work site and road reserve. This plan must be prepared by a person authorised by the **Roads & Maritime Services** to prepare **TCP's** and must be endorsed by Council prior to the occupation of the road reserve and commencement of work.
 16. A detailed Erosion and Sediment Control Management Plan must be submitted for assessment and approval by Council or accredited private certifier, prior to issue of the Building Construction Certificate in accordance with the relevant parts of the applicable Council Development Control Plans, 'NSW Managing Urban Stormwater - Soils and Construction (Blue Book)' and NRDC. This shall be compatible with the Stormwater Management Plan and must include procedures for clean-up and restoration of public / private property and infrastructure. All such remedial works are to be completed to the satisfaction of Council or accredited private certifier. This shall include **WSUD** components of the proposed drainage system.
 17. The proposed additional driveway crossovers are to be a minimum of 6m in width to provide for two way entry and exit. Internal access ways must be a minimum of 5.5m in carriageway width for two-way traffic in accordance with AS2890.

Alternatively, connection between the proposed additional access driveways and the existing

internal access can be made to allow for one-way traffic flow through the site. This will restrict both additional driveway access ways to entry only.

Proposed details are to be submitted for approval with the application for the Building Construction Certificate.

18. Car parking, driveways, manoeuvring and access areas must be constructed, sealed, line marked and drained in accordance with the approved plans and made available thereafter. The car parking classification is Class 1 for the internal parking and is to be designed in accordance with AS2890, the relevant parts of the applicable Council DCP and **NRDC**. All car parking spaces must be accessible by B99 vehicles.
19. Prior to the issue of the Building, the adequacy of parking, car parks, driveways, garages and vehicular accesses for the development is to be demonstrated by the submission of standard scale plans with manoeuvring paths shown in accordance with AS2890. This must clearly demonstrate that the parking area will function as intended. The parking area plans are to be submitted and approved by Council or accredited private certifier.
20. All on-site visitor parking spaces are to be clearly marked, and a sign or signs conspicuous and legible from the street are to be permanently displayed indicating that visitor parking is available on the site.
21. All stormwater falling on the property is to be discharged in accordance with the relevant parts of the applicable Clarence Valley Council Development Control Plans and **NRDC**.

A Stormwater Management Plan (SWMP) is to be generally in accordance with the Stormwater Assessment and Management Proposed Living (Villa) at Freeburn Street, Yamba report dated 9th April 2019 prepared by Lucena Civil & Structural Engineers.

A revised SWMP must be submitted with the Building Construction Certificate providing design details demonstrating that the existing infiltration basin volume is adequate for the ultimate developed site catchment.

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

22. A concrete or paved footpath, 1.2m width is to be provided in accordance with the approved plans, parallel to the Freeburn Street frontage of the development site to provide a link with the existing footpath in Freeburn Street, north of the existing Caroon entrance. The footpath is to be in accordance with NRDC, Clarence Valley Council - Bike Plan and Pedestrian Access and Mobility Plan, AS1428 and AS2890. Disabled access requirements are to be included.
23. Prior to the release of any Occupation Certificate which dedicates infrastructure to Council, a completed asset register works return must be submitted to Council. The return is to be in the format approved by Council.
24. Prior to the release of the Occupation Certificate, the applicant must provide Work as Executed Plans (WAE) for all works to be dedicated to Council and certification from the supervising professional engineer or registered surveyor, that the works have been constructed in accordance with the approved plans and specifications.
25. 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.

Trade Waste

26. If residents in the self contained units are to utilise a meal service and laundry facilities in the existing Residential Aged Care Facility, a review is required to be undertaken and submitted to Council for assessment with regards to the grease arrestor capacity servicing the kitchen and the cooling pit capacity servicing the laundry. The review must take into account the requirements of Council's trade waste policy to ensure that the pre treatment equipment is of adequate capacity to service the volume of liquid trade waste discharged from the property.
27. The review shall be submitted for determination by Council prior to issuing the Construction Certificate
28. The sinks and floor wastes in the food preparation areas in the Community Room shall contain basket arrestors.
29. All liquid trade waste from the Community Room shall discharge through a 1000L grease arrestor. The grease arrestor shall be installed in accordance with AS3500 Plumbing and Drainage, Part 2: Sanitary Plumbing and Drainage, the Plumbing Code of Australia and in an area that is accessible for the pump-out contractor.

Health and Building

30. No construction is to be commenced until a Construction Certificate has been issued.
31. All building construction below 3.01m AHD shall be of flood compatible materials.
32. The building shall comply with the Australian Building Codes Board Standard for Construction of Buildings in Flood Hazard Areas. A Structural Engineers certificate shall be submitted prior to issue of the construction certificate to verify the building will withstand the likely forces imposed on it by a 1:100 year flood event including hydrostatic, hydrodynamic, debris, wave, erosion and scour actions.
33. The Construction Certificate plans will need to detail compliance with Part 3.7.1 - Fire Separation of Volume 2 of the BCA, particularly in regard to between non-appurtenant garages/carports and the adjacent dwellings.
34. 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.
35. A person who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land shall, at their own expense and where necessary:
 - a Preserve and protect the building from damage; and
 - b If necessary, underpin and support the building in an approved manner, details of which are to be submitted with the application for the Construction Certificate and certified by a professional engineer or an accredited certifier.

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

36. 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.

37. During the course of the works, the applicant must ensure that vehicles and plant associated with the works do not adversely impact on the roadways to such an extent that cause them to become hazardous for other road users particularly during wet weather. Any such damage is to be rectified by the contractor immediately.

38. 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.

39. 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.

40. Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:

- a has been informed in writing of the licensee's name and contract licence number; and
- b is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
- c has been informed in writing of the person's name and owner builder permit number, or has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of **owner-builder work** in Section 29 of that Act.

A Certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that part is sufficient evidence the person has complied with a and b.

41. 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.

42. 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.

43. 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.
44. A fully dimensioned and notated work as executed sewer drainage and storm water plan is to be submitted to Council and the property owner upon completion of all drainage lines. A Certificate of Compliance for Plumbing and Drainage Work shall be submitted to Council upon completion of work.
45. A minimum height of 150mm shall be maintained between the top of the sewer overflow gully riser and the lowest fixture connected to the drain. The overflow gully shall also be 75mm above surrounding ground level, except if located in a path where it shall finish at a level so as to prevent the ponding and ingress of water.
46. A minimum height of 150mm shall be maintained between the top of the sewer overflow gully riser and the lowest fixture connected to the drain. The overflow gully shall also be 75mm above surrounding ground level, except if located in a path where it shall finish at a level so as to prevent the ponding and ingress of water.
47. To meet Council's Floodplain Management Controls the floor level of the primary habitable floor level is to be a minimum of 3.01 metres Australian Height Datum (AHD). A certificate indicating the height of habitable floors on the ground floor (related to AHD) is to be forwarded to the Principal Certifying Authority:
- a In the case of timber floors, on completion of the floor framing;
 - b In the case of concrete slabs when formwork is in place but prior to pouring concrete.

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

48. Prior to the issue of an Occupation Certificate the principal contractor responsible for the construction work shall provide Council with a certificate which states that **all commitments** listed within the current Basix Certificate (quoting number and date) have been installed in accordance with the requirements of that Basix Certificate.
49. The development is not to be occupied or used until such time as an Occupation Certificate has been issued.

ITEM	6b.19.021	PLANNING PROPOSAL JUNCTION HILL (REZ2019/0003)
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Meeting	Environment, Planning & Community Committee	20 August 2019
Directorate	Environment, Planning & Community	
Reviewed by	A/Manager - Environment, Development & Strategic Planning (Kerry Harre)	
Attachment	To be tabled	

SUMMARY

Proponent	<i>Garrard Building Pty Ltd; Rob Donges, consultant as authorised representative</i>
Owner	<i>Kahuna No 1 Pty Ltd</i>
Subject land	<i>Part of Lot 102 DP1221192, Summerland Way, Koolkhan</i>
Site area	<i>8.91 ha (whole of Lot 2) 2.21 ha (E2 zoned area subject to planning proposal)</i>
Current Zoning CVLEP 2011	<i>E2 Environmental Conservation (Part Lot 102, area subject to planning proposal)</i>
Proposal	<i>To rezone part of Lot 102 DP1221192 Summerland Way, Koolkhan (the land) from E2 Environmental Conservation to E3 Environmental Management with the ultimate aim of enabling a dwelling house to be erected on the land.</i>

Council has received a planning proposal that seeks to rezone part of Lot 102 DP1221192 Summerland Way, Koolkhan (the land) from E2 Environmental Conservation to E3 Environmental Management with the ultimate aim of enabling a dwelling house to be erected on the land.

This report recommends that Council provide its initial support to the planning proposal to the "Planning Gateway".

OFFICER RECOMMENDATION

That Council:

1. As the Planning Proposal Authority, endorse the planning proposal and seek a Gateway Determination to amend the Clarence Valley Local Environmental Plan 2011 over part Lot 102 DP1221192, Summerland Way, Koolkhan, to rezone the land from E2 Environmental Conservation to E3 Environmental Management and otherwise give effect to achieving the objectives and intended outcomes of the planning proposal.
2. Accept inconsistencies with Section 9.1 Directions 2.1 Environment Protection Zones and 4.1 Acid Sulfate Soils due to the inconsistencies being of a minor nature and advise the Department of Planning, Industry and Environment (the Department) accordingly.
3. Forward the planning proposal to the Department requesting a "Gateway" Determination, pursuant to Section 3.34 (1) of the Environmental Planning and Assessment Act.
4. Advise the Department that should the Gateway Determination allow the planning proposal to proceed, that it will accept any plan making delegations offered under Section 3.36 of the Environmental Planning and Assessment Act, 1979.
5. Require the proponent, prior to exhibition of the planning proposal, to undertake and provide a Stage 1 Preliminary Investigation to form part of the publicly exhibited planning proposal. In order to comply with the relevant provisions of State Environmental Planning Policy No. 55 - Remediation of Land, the Stage 1 Preliminary Investigation should be prepared in accordance with Managing Land Contamination: Planning Guidelines - SEPP 55 - Remediation of Land (Department of Urban Affairs and Planning and NSW EPA 1998).

COMMITTEE RECOMMENDATION

Baker/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons

Against: Nil

Having declared an interest in this item, Cr Ellem left the Ordinary Council meeting at 2.51 pm and returned at 2.52 pm.

COUNCIL RESOLUTION – 6b.19.021

Williamson/Toms

That Council:

- 1. As the Planning Proposal Authority, endorse the planning proposal and seek a Gateway Determination to amend the Clarence Valley Local Environmental Plan 2011 over part Lot 102 DP1221192, Summerland Way, Koolkhan, to rezone the land from E2 Environmental Conservation to E3 Environmental Management and otherwise give effect to achieving the objectives and intended outcomes of the planning proposal.**
- 2. Accept inconsistencies with Section 9.1 Directions 2.1 Environment Protection Zones and 4.1 Acid Sulfate Soils due to the inconsistencies being of a minor nature and advise the Department of Planning, Industry and Environment (the Department) accordingly.**
- 3. Forward the planning proposal to the Department requesting a "Gateway" Determination, pursuant to Section 3.34 (1) of the Environmental Planning and Assessment Act.**
- 4. Advise the Department that should the Gateway Determination allow the planning proposal to proceed, that it will accept any plan making delegations offered under Section 3.36 of the Environmental Planning and Assessment Act, 1979.**
- 5. Require the proponent, prior to exhibition of the planning proposal, to undertake and provide a Stage 1 Preliminary Investigation to form part of the publicly exhibited planning proposal. In order to comply with the relevant provisions of State Environmental Planning Policy No. 55 - Remediation of Land, the Stage 1 Preliminary Investigation should be prepared in accordance with Managing Land Contamination: Planning Guidelines - SEPP 55 - Remediation of Land (Department of Urban Affairs and Planning and NSW EPA 1998).**

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

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

BACKGROUND

Lot 102 DP1221192 is currently zoned part R1 General Residential (R1), part E2 Environmental Conservation (E2) and part RU1 Primary Production under the Clarence Valley LEP 2011 (the LEP), as indicated in Figure 3 below. The location of the land is shown in Figure 1 below. An aerial image of Lot 102 is at Figure 2 below.

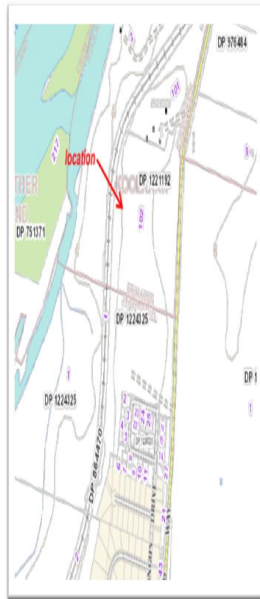


Figure 1 – Lot 102 - location plan

Figure 2 - Lot 102 - aerial image

Council has received a planning proposal that aims to rezone proposed Lot 2 in the proposed subdivision of Lot 102 DP1221192 Summerland Way, Koolkhan (the land) from E2 Environmental Conservation (E2) to E3 Environmental Management (E3). A copy of the lodged planning proposal is at Attachment 1.

According to the submitted planning proposal the intended outcome is “to permit the portion proposed to be rezoned E3 to be subdivided from the portion of R1 General Residential to which it is attached under

the approved plan of subdivision”. That is the part of Lot 102 that is currently zoned E2 as shown in Figure 3 below is proposed to be zoned E3 Environmental Management.

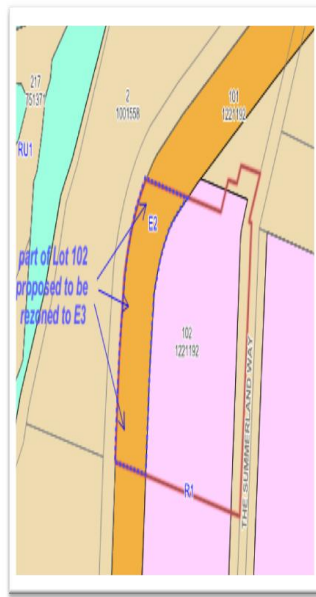


Figure 3 – current land zoning

This in turn would allow a development application (DA) to be submitted for the construction of a dwelling on the E3 zoned lot. The current E2 zoning does not permit this intended outcome for reasons outlined below.

The E2 zoned portion has an area of 2.213ha, while the Lot Size Map indicates a minimum lot size of 40ha. Accordingly, the E2 zoned portion cannot be separated by subdivision from the R1 General Residential zoned portion of the property under Clause 4.1 Minimum subdivision size of the LEP.

KEY ISSUES

The planning proposal does not appear to raise any major issues other than the Minister’s section 9.1 Direction relating to Environment Protection Zones (Direction 2.1) and acid sulfate soils and its associated Minister’s Direction 4.1.

Minister’s section 9.1 Direction - 2.1 Environment Protection Zones (Direction 2.1)

As the land is currently zoned E2 and is proposed to be rezoned E3, Direction 2.1 is both applicable and relevant. The objective of Direction 2.1 is to protect and conserve environmentally sensitive areas.

In particular the direction requires that a planning proposal:

- (i) “must include provisions that facilitate the protection and conservation of environmentally sensitive areas.
- (ii) that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 “Rural Lands”.

The planning proposal has provided an assessment of this specific direction by commenting that the proposal is “inconsistent but justified”. The proposal further states that it *“is inconsistent if a rezoning from E2 to E3 is considered to reduce the level of environmental protection. If it is, then the*

inconsistency is justified by the current lack of an environmental value as assessed in the Preliminary Biodiversity Assessment and the proposed vegetating and on-going management of appropriate species as illustrated in the Landscape Plan and defined in the Vegetation Management Plan to be provided prior to public exhibition. These documents provide justification under 6 (b) of the Direction. If the rezoning from E2 to E3 is not considered to reduce the level of environmental protection in this instance, then the proposal is consistent”.

The discussion addressing the direction and the proposal’s inconsistency with it is generally supported, as is the discussion in the lodged planning proposal at 4.1 (pp 11-15) and section 4.6 (p.16).

The objectives of the E3 zone appear to be more suited to the attributes and values of the land than the E2 zone objectives. The attributes and values of the land are outlined in more detail below the following table. A comparison of the respective E zone objectives is provided in the table below.

E2 zone objectives (current)	E3 zone objectives (proposed)
<ul style="list-style-type: none"> To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values. 	<ul style="list-style-type: none"> To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
<ul style="list-style-type: none"> To prevent development that could destroy, damage or otherwise have an adverse effect on those values. 	<ul style="list-style-type: none"> To provide for a limited range of development that does not have an adverse effect on those values.
<ul style="list-style-type: none"> To protect coastal wetlands and littoral rainforests. 	<ul style="list-style-type: none"> To prevent inappropriate development in geologically hazardous areas so as to minimise erosion and other adverse impacts on escarpment areas.
<ul style="list-style-type: none"> To protect land affected by coastal processes and environmentally sensitive coastal land. 	<ul style="list-style-type: none"> To ensure that development does not unreasonably increase the demand for public services or public facilities.
<ul style="list-style-type: none"> To prevent development that would adversely affect, or be adversely affected by, coastal processes. 	<ul style="list-style-type: none"> To ensure development is not adversely impacted by environmental hazards.
	<ul style="list-style-type: none"> To protect prominent hillsides, ridgelines, other major natural features, riparian areas and water catchment areas.

The land is not mapped as High Environmental Value under the North Coast Regional Plan 2036. The planning proposal incorporates a preliminary biodiversity assessment prepared by GeoLINK. It notes that the *“native vegetation within the E2 zone is very sparse and limited to four naturally occurring trees within exotic grassland”*. It summarise the vegetation within the E2 zone at the site as follows:

- Native vegetation: the E2 zone is highly disturbed and contains five native trees (one of which is planted). Vegetation is not characteristic of any Plant Community Type (PCT).
- Disturbance history: the E2 zone has been cleared and modified for agriculture. Native vegetation is limited to four remnant trees.
- Threatened flora species: no threatened flora species occur.
- Threatened ecological communities: two trees within the E2 zone form part of the TEC Lowland Rainforest in the NSW North Coast and Sydney Basin Bioregions, which occurs on adjacent land to the south.
- Threatened fauna habitat: due to the lack of woody vegetation, the site does not contain significant habitat for threatened fauna.

Acid Sulfate Soils

The land is Class 5 acid sulfate soils (ASS) and Minister's s.9.1 Direction in relation to Acid Sulfate Soils (Direction 4.1) is applicable and relevant. In its assessment against this Direction the planning proposal acknowledges that the Direction requires that where a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils (ASS) the Council is to consider an ASS study assessing the appropriateness of the change of land use given the presence of ASS.

An ultimate outcome of the proposal is a future dwelling house on a lot that is proposed to be separated from the part of the current lot that is zoned R1. This constitutes an intensification of the land use, albeit only a slight intensification. The proposal is therefore strictly inconsistent with the Direction due to the above and also for the reason that it is not supported by an ASS study.

The proposal has acknowledged this inconsistency and puts a case for justifiable inconsistency as follows:

"An ASS study is not considered to be necessary in this case as the land where a future dwelling is proposed has an elevation of 30m above AHD which is well beyond all reasonable limits and likelihood of triggering the works thresholds in clause 7.1 Acid sulfate soils of the LEP and therefore there is little likelihood of significant adverse environmental impact resulting from the planning proposal.

Due to the above circumstances the inconsistency is considered to be of minor significance as per paragraph 8(b) of the Direction". This assessment is supported.

Other issues

Other issues include Aboriginal cultural heritage assessment, noise and land contamination.

Aboriginal cultural heritage assessment

The proposal in addressing Action 18.2 of the North Coast Regional Plan stated that:

"The previous Archaeological Assessments (Everick Heritage Consultants) involving Aboriginal community consultations and extensive targeted ground excavation found no issues on the subject land. Nevertheless, the assessments can be reviewed and updated prior to public exhibition if required".

It is possible that a further Aboriginal cultural heritage assessment (ACHA) may be required to be provided as a consequence of any "may proceed" Gateway Determination that may be issued.

Noise

The proposal refers to the *Junction Hill Residential Development Road Traffic & Rail Noise Impact Assessment Report* (Cardno December 2011) which forms Annexure F to the submitted planning proposal. It determined that any future dwellings within 40m - 80m of the North Coast Rail Line would be located with Zone B and would be required to be constructed in accordance with Road Noise Control Treatment Category 2 (p16, Annexure F).

The indicative dwelling site falls within the 40m - 80m zone. The Report recommends that should future stages include lots within the designated buffer, a detailed assessment of rail noise impacts would be required based on the criteria mentioned above (p.32). Accordingly, dwellings are not precluded from the subject land and any future DA for a dwelling would need to be accompanied by an assessment against the nominated criteria.

Land contamination

The proposal states that:

“The subdivision application for Lot 102 DP1221192 was accompanied by a Phase 1 Contamination Assessment (Regional Geotechnical Solutions, May 2016), an Addendum undertaking further sampling (RGS March 2017) and an Addendum dated July, 2017. All concluded the assessment met the requirements for a Residential A site as detailed in the National Environmental Protection (Assessment of Site Contamination) Measure (NEP 2013). The assessments were restricted to the R1 component of the property and did not include the adjoining subject land (E2). The proposal would create environmental management land rather than residential land, and although the E2 land has been utilised for the same grazing activities as the tested R1 land, a Stage 1 Preliminary investigation in accordance with the provisions of State Environmental Planning Policy 55, Remediation of Land may be required prior to public exhibition of the proposal”.

It is agreed that due to the fact that the previous site investigation did not cover the E2 zoned land, further land contamination assessment (“Stage 1 - preliminary investigation”) is likely to be required prior to public exhibition to comply with the provisions of SEPP 55.

COUNCIL IMPLICATIONS**Budget/Financial**

The applicant has paid the rezoning application fee which is expected to cover the reasonable costs associated with dealing with this matter, excluding the cost of any additional studies or other documentary requests that may be specified in any Gateway Determination.

Asset Management

N/A

Policy or Regulation

Environmental Planning and Assessment Act 1979 - including relevant State Environmental Planning Policies and Minister’s Section 9.1 Directions

Consultation

There has been no consultation undertaken to date. Consultation and public exhibition will occur after the Planning Gateway stage.

Legal and Risk Management

There are no legal appeal rights for third parties who may oppose the proposal. The applicant may request a review of the Gateway Determination if they are dissatisfied with the determination.

Climate Change

This proposal does not raise any foreseeable climate change implications.

Prepared by	Terry Dwyer, Strategic Planning Coordinator
Attachment	Planning Proposal - Part Lot 102 DP1221192, Summerland Way, Koolkhan – To be tabled

ITEM	6b.19.022	PROPOSED AMENDMENT TO CLARENCE VALLEY CONTRIBUTIONS PLAN 2011
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Meeting	Environment, Planning & Community Committee	20 August 2019
Directorate	Environment, Planning & Community	
Reviewed by	A/Manager - Environment, Development & Strategic Planning (Kerry Harre)	
Attachment	Nil	

SUMMARY

The purpose of this report is to gain a Council resolution to amend the Clarence Valley Contributions Plan 2011 to:

1. Make provision for a section 7.11 (former section 94) contribution for manufactured home estates (MHE) and caravan park developments/conversions proposing long term caravan sites/moveable dwellings;
2. Update "old Act" references in the contributions plan to sections 94 and 94A to the correct references under the more recently amended and updated Environmental Planning and Assessment Act 1979.

OFFICER RECOMMENDATION

That Council:

1. Initiate an amendment to Clarence Valley Contributions Plan 2011 to:
 - (a) Make provision for a section 7.11 (former section 94) contribution for manufactured home estates and caravan park developments/conversions proposing long term caravan sites/moveable dwellings based on "assumed average household occupancy rate" of 1.5 persons per dwelling in a manufactured home in a manufactured home estate (MHE) or to proposed long term caravan sites/moveable dwellings in a caravan park; and
 - (b) Update "old Act" references in the contributions plan to sections 94 and 94A to the correct references under the more recently amended and updated Environmental Planning and Assessment Act 1979.
2. Authorise a draft amendment to Clarence Valley Contributions Plan 2011 being prepared and being publicly exhibited in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000.

COMMITTEE RECOMMENDATION

Novak/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons

Against: Nil

COUNCIL RESOLUTION – 6b.19.022

Williamson/Baker

That Council:

1. **Initiate an amendment to Clarence Valley Contributions Plan 2011 to:**
 - (a) **Make provision for a section 7.11 (former section 94) contribution for manufactured home estates and caravan park developments/conversions proposing long term caravan**

sites/moveable dwellings based on “assumed average household occupancy rate” of 1.5 persons per dwelling in a manufactured home in a manufactured home estate (MHE) or to proposed long term caravan sites/moveable dwellings in a caravan park; and

- (b) Update “old Act” references in the contributions plan to sections 94 and 94A to the correct references under the more recently amended and updated Environmental Planning and Assessment Act 1979.

2. Authorise a draft amendment to Clarence Valley Contributions Plan 2011 being prepared and being publicly exhibited in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

Strategy 2.1.3 Provide strategic asset management planning

BACKGROUND

Manufactured home estates (MHE) are a form of development which appears to be on the rise not only on the North Coast but also in the Clarence Valley to some extent. For instance, Council has recently granted development consent to a DA (DA2018/0373) for a 200 site MHE at Carrs Drive, Yamba.

Further, Council recently had a DMU meeting for a 220 plus site MHE proposal on land within the Gulmarrad Urban Land Release Area.

MHE developments are largely of a residential nature and are a form of residential development that are not effectively captured by Clarence Valley Contributions Plan 2011 (CVCP 2011) other than via the section 7.12 (former section 94A) levy.

There is also emerging interest in converting caravan parks or existing caravan park short term sites in to long term sites including proposals to redevelop such sites as dwelling sites with moveable dwellings. This could be possibly as an alternative to undertaking an MHE development under SEPP 36.

KEY ISSUES

Current gap in Council’s current contributions plan – certain development types

The principal issue is the apparent gap in Council’s current contributions plan whereby Council is unable to impose a section 7.11 (former s.94) contribution upon an MHE development or a caravan park development/conversion proposing long term caravan sites/moveable dwellings at the same rate as it can for the various forms of residential accommodation development. This is simply due to the definition of *residential accommodation* which means a building or place used predominantly as a place of residence, and includes any of the following:

- (a) attached dwellings
- (b) boarding houses
- (c) dual occupancies
- (d) dwelling houses
- (e) group homes
- (f) hostels
- (g) multi dwelling housing

- (h) residential flat buildings
- (i) rural workers' dwellings
- (j) secondary dwellings
- (k) semi-detached dwellings
- (l) seniors housing
- (m) shop top housing

but does not include tourist and visitor accommodation or caravan parks.

At best, Council is only able to apply a fixed development consent s.7.12 levy (former s.94A levy) to an MHE development or a caravan park development/conversion proposing long term caravan sites/moveable dwellings under CVCP 2011.

By virtue of the aims of State Environmental Planning Policy No. 36 - Manufactured Home Estates (SEPP 36) MHE's are *"....a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements...."*

It is considered reasonable to apply an "assumed average household occupancy rate" of 1.5 persons per dwelling to a manufactured home in an MHE or to proposed long term caravan site/moveable dwelling in a caravan park. This is the same assumed average household occupancy rate that is applied to a "self-contained seniors' housing dwelling" and this is considered to be fair and reasonable in the circumstances. This is particularly so given that the MHE development in DA2018/0373 was for the purposes of calculating headwork charges assessed as follows:

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

It should be noted that 1.5 persons per dwelling equates to approximately 0.6 of an ET/lot/dwelling house.

Below is a comparison of the contributions (s.7.12/s.94A levy versus s.7.11/s.94 contribution) for the recently approved 200 site MHE development at Carrs Drive, Yamba (DA2018/0373), if CVCP 2011 had made provision for the s.7.11/s.94 contribution rate being recommended by this report.

Comparison of the s.7.12/s.94A levy versus s.7.11/s.94 contribution for the 200 site MHE development at Carrs Drive, Yamba (DA2018/0373)	
s.7.12/s.94A levy (\$)	s.7.11/s.94 contribution
\$127,250	\$452,290
<i>Note - calculation based on 1% of stated value of development (\$12,725,000)</i>	<i>Note - calculation based on 200 MHE "dwellings" x \$2,261.45 current rate for 1.5 persons per dwelling being the "assumed average household occupancy rate" recommended by this report.</i>

Updating of EP&A Act references in the CVCP 2011

The Environmental Planning and Assessment Act 1979 (EP&A Act) was significantly updated and amended commencing in March 2018. This included a complete renumbering of Act sections. The opportunity should now be taken to update the Act references in CVCP 2011. For instance:

Old Act references	Amended Act references
Section 94 - Contribution towards provision or improvement of amenities or services	Section 7.11 - Contribution towards provision or improvement of amenities or services
Section 94A - Fixed development consent levies	Section 7.12 - Fixed development consent levies
Section 94E - Directions by Minister	Section 7.17 - Directions by Minister

COUNCIL IMPLICATIONS**Budget/Financial**

The Planning Proposal has been prepared and is being managed utilising existing in-house resources requiring no additional budget allocation at this stage. An amendment to the CVCP 2011 as recommended will collect an increased contribution amount from MHE developments and caravan park developments/conversions proposing long term caravan sites/moveable dwellings.

Asset Management

An amendment to the CVCP 2011 as recommended should enable the better long term asset management of Council's open space areas/facilities and community facilities through the provision of greater funding via development contributions.

Policy or Regulation

- Environmental Planning and Assessment Act 1979 (EP&A Act)
- State Environmental Planning Policy No. 36 - Manufactured Home Estates (SEPP 36)
- Clarence Valley Contributions Plan 2011

Consultation

There has been no formal consultation at this stage. Once a draft amendment to CVCP 2011 has been prepared it will be placed on public exhibition for a minimum of 28 days as required by Schedule 1 of the Act.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Terry Dwyer, Strategic Planning Coordinator
Attachment	Nil

ITEM	6b.19.023	DRAFT ON-SITE WASTEWATER MANAGEMENT STRATEGY 2019
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Meeting	Environment, Planning & Community Committee	20 August 2019
Directorate	Environment, Planning & Community	
Reviewed by	A/Manager - Environment, Development & Strategic Planning (Kerry Harre)	
Attachment	Yes	

SUMMARY

A draft On-site Wastewater Management Strategy 2019 (draft Strategy) has been prepared for public exhibition following a review of the existing Strategy. The preparation of the draft Strategy is a statutory obligation of the *Local Government Act 1993* and updating this document (from 2013) is required to be consistent with all current and relevant guidelines, standards and regulations. It is recommended that the draft Strategy be placed on public exhibition for 28 days.

OFFICER RECOMMENDATION

That:

1. Council place the draft On-site Wastewater Management Strategy 2019 on public exhibition for a period of not less than 28 days and be referred to all relevant stakeholders for comment.
2. Any submissions and proposed amendments to the draft On-site Wastewater Management Strategy 2019 to be reported to Council for consideration for adoption.

COMMITTEE RECOMMENDATION

Novak/Clancy

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons

Against: Nil

COUNCIL RESOLUTION – 6b.19.023

Williamson/Baker

That:

1. Council place the draft On-site Wastewater Management Strategy 2019 on public exhibition for a period of not less than 28 days and be referred to all relevant stakeholders for comment.
2. Any submissions and proposed amendments to the draft On-site Wastewater Management Strategy 2019 to be reported to Council for consideration for adoption.

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	4.2.5 Educate the community, business and industry about sustainable practices in the home, at work and in public places

BACKGROUND

Clarence Valley Council contains approximately 9,500 on-site wastewater management systems, 130 to 150 new systems are installed each year and approximately 1,800 inspections are undertaken annually in accordance with Council's inspection program.

The *Local Government Act 1993* (Section 68) requires that:

- Council has an *On-site Wastewater Management Strategy* suitable for its own area,
- Council maintain a register of on-site wastewater management systems, and
- That Council must report in the annual State of the Environment Report the performance of on-site wastewater systems throughout the shire.

In accordance with Council's statutory obligation and recent changes to relevant guidelines, standards and regulations this draft Strategy has been developed and updated to supersede Clarence Valley Council's existing '*On-site Wastewater Management Strategy 2013*' and form part of the Operational and Delivery Plan for 2019 and beyond.

This draft Strategy aims to provide consistency for managing existing and new on-site wastewater systems in accordance with all current and relevant guidelines, standards and regulations.

There are 5 supporting documents which provide additional technical information in conjunction with the draft Strategy. These technical supporting documents do not form part of the draft Strategy for Council's adoption in this report but are provided to assist applicants and operators with understanding the document and preparing an application for a new or upgraded system.

The aim of the draft Strategy is to update and maintain the existing management system that provides both short and long term approaches to on-site wastewater management in the Clarence Valley while achieving positive impacts for the environment and public health.

The draft Strategy provides a framework for Council to regulate and manage the selection, design, installation, operation, maintenance and approval of on-site wastewater management systems. This will ensure Council meets both its statutory obligations and duty of care in its role as regulator to provide sustainable development while protecting the environment, public health and community amenity.

KEY ISSUES

The main objective of the draft Strategy is to provide an updated version of the 'Clarence Valley Council On-site Wastewater Management Strategy 2013' in accordance with all current and relevant regulations, standards and guidelines and other LGAs in the region to manage new and existing wastewater systems in the CVC Local Government Area (LGA).

The major outcomes from updating the draft Strategy are -

- Inspection program** – To provide consistency with neighbouring councils in our region, our inspection program will change from the previous risk based system to a targeted system where high risk On-site Sewerage Management Systems (OSM Systems) will still be inspected annually and all other OSM Systems will be targeted for inspection.
 - Previous Inspection Program: All properties with OSM systems were inspected on a 1, 3, 5 and 10 year risk based inspection cycle and "Approvals to Operate" were issued based on a pass/fail report.

- Revised Inspection Program: All high risk areas will continue to be inspected annually and all other properties will be targeted for inspection based on; development pressure, environment and public health compliance reporting, historical data, change of owner and pre-purchase inspections. Approvals to operate with no set expiry date will be issued to every property with an OSM system which will remain valid until change of owner of that property.
- ii. **Staffing and Revenue** – In order to continue the inspection program it has been found that 2 full-time wastewater inspectors, one full-time administration staff member and environmental officer specialist advice and support are required to meet the inspection regime and administration demands. The cost of staffing the inspection program continues to be self funding through a current annual charge of \$38.00 (2019/20 period) levied against all properties with on-site wastewater systems. Fees are set annually as outlined in Council’s Management Plan and the details of this charge are highlighted in Section 5.0 of the draft Strategy and detailed further in this report.
 - iii. **Wastewater Systems and Disposal Areas** – Approved wastewater treatment and disposal systems will be upgraded to the requirements of the draft On-site Wastewater Management Strategy 2019 in accordance with current and relevant guidelines, standards and regulations. Details of the updated and approved treatment and disposal systems can be found in Technical Support Document Number 3.
 - iv. **Consistent with other LGAs** – The draft On-site Wastewater Management Strategy 2019 has been developed in line with other local LGAs requirements to provide consistency in the management of on-site wastewater systems over the Northern Rivers region.

COUNCIL IMPLICATIONS

Budget/Financial

The inspection program continues to be self funding (Account: 994700). An annual charge of \$38.00 for the 2019/20 period is levied for all properties with on-site wastewater systems that will fund the inspection program and administration.

Local Government Area	Annual OSM Charge	Pre-purchase OSM Charge	Change Owner OSM Charge
CVC	\$38.00	\$442	Nil
Ballina	\$55.00	\$560	\$63
Kyogle	NA	\$362	\$58
Richmond Valley	\$48.00	\$300	\$60
Lismore	\$42.00	\$646	\$79
Tweed	\$46.00	\$412	\$125
Coffs Harbour	\$34.00 to \$204	\$435	\$63

Fees will be set annually as outlined in Council’s Fees and Charges. The details of this charge are highlighted in Section 5.0 of the draft Strategy and detailed further in this report.

Asset Management

N/A

Policy or Regulation

The *Local Government Act 1993 (LG Act)* requires that ‘Council have an *On-site Wastewater Management Strategy* suitable for its own area’.

The draft On-site Wastewater Management Strategy 2019 is a document that meets the requirements of the *LG Act* and aims to achieve positive benefits to the environmental and public health as well as adopting current best practices principles to the field of wastewater management at all levels.

Consultation

Preparation of the draft Strategy has been undertaken in-house with key staff and users of the Strategy. Council's Water Cycle section was consulted with to provide an inspection regime of our drinking water catchments consistent with their drinking water management plan. The draft Strategy will be placed on public exhibition for 28 days where plumbers, consultants, developers and ratepayers will be given the opportunity to provide feedback or submissions to be considered and incorporated into the final draft.

Legal and Risk Management

In 1997 there was a food poisoning incident in the Wallis Lakes region near Forster where hundreds of people were poisoned and one person died. This incident was traced back to the consumption of oysters from a farm in the Wallis Lake area and investigations linked failing septic systems to the contaminated oysters.

The NSW State Government undertook a survey that showed up to 70% of sewage management systems were experiencing some type of failure. Surprisingly, many new systems were also not working efficiently through incorrect installation, maintenance and management.

As a result of this incident statutory requirements were developed for all NSW Councils to have an On-site Wastewater Management Strategy which stipulates that every on-site sewage management facility will be inspected to ensure it is not having an adverse impact on the health of people or the surrounding environment.

Risk management for on-site wastewater management is identified in the *draft Strategy* as the identification, assessment, reduction, and monitoring of:

- Public health risks;
- Environmental risks; and
- Organisational, professional and operational risks.

Climate Change

Consistent with Council's Climate Change Policy the draft On-site Wastewater Management Strategy 2019 has been assessed against relevant industry and NSW Health standards and best practice. The draft On-site Wastewater Management Strategy 2019 will not increase green house gases and is considered sustainable in regard to the potential impacts on climate change.

Prepared by	Scott Moore, Acting Senior Environmental Officer
Attachment	Draft On-site Wastewater Management Strategy 2019

ITEM	6b.19.024	BUDGET FOR GRAFTON SPORTS CENTRE OPERATIONS
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Meeting	Environment, Planning & Community Committee	20 August 2019
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment, Planning & Community (Des Schroder)	
Attachment	Nil	

SUMMARY

Additional funds are required for the operation and management of the Grafton Sports Centre (GSC) during the Police Citizens Youth Club (PCYC) handover period. Funds allocated to management of the GSC have been expended with the finalisation of the GSC management contract. Council is in on-going negotiation to establish a date for PCYC to take-over GSC management.

OFFICER RECOMMENDATION

That additional funding, of \$67,000, be allocated from Council's General Fund accumulated working funds to cover Grafton Sports Centre operations and any income be utilised to offset the expenses.

Having declared an interest in the item Cr Kingsley left the Environment, Planning and Community meeting at 3.55 pm and returned at 3.57 pm.

COMMITTEE RECOMMENDATION

Novak/Clancy

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons

Against: Nil

Having declared an interest in the item Cr Kingsley left the Ordinary Council meeting at 2.52 pm and returned at 2.52 pm.

COUNCIL RESOLUTION – 6b.19.024

Toms/Williamson

That additional funding, of \$67,000, be allocated from Council's General Fund accumulated working funds to cover Grafton Sports Centre operations and any income be utilised to offset the expenses.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

Council has been negotiating for the establishment of a new PCYC in the Clarence Valley since 2006. The GSC was identified as an ideal location for a PCYC owned, operated and branded facility. Council has been in constant communication with PCYC regarding a handover date for the facility. A range of factors impact on the discussions including Crown Land management, community obligations, proposed timing of build and PCYC recruitment.

Council Resolutions

- A Memorandum of Understanding (MOU) was developed between PCYC and Council in December 2017 in line with Council Resolution 13.069/17.
- At its May 2018 ordinary meeting, Council resolved to transfer the GSC and surrounding land to the PCYC [Item 13.022/18] and defined the terms further, at the March 2019 ordinary meeting [Item 13.007/19]. Negotiations are ongoing.
- At its May 2019 ordinary meeting, Council resolved to terminate the contract for the management and operation of the GSC with Grafton Basketball Association Incorporated (GBA) [Item 16.013/19].

PCYC have committed four million dollars to improvements and upgrades at the GSC. The DA for these works has been approved. These works will commence by September 2019. It is anticipated that building works will be completed in May 2020.

KEY ISSUES

Negotiations with PCYC

PCYC are required to have Police staff on-site, for operation of the GSC. The Police Commissioner has not yet assigned staff to the Grafton facility. The establishment of PCYC will be a significant saving for Council, even with this short-term expenditure. The social benefit of youth focused programs, support for sporting organisations and extra Police will be substantial.

Development of the Facility

The PCYC will finance and manage the renovations and extension project at the GSC. PCYC anticipate that, following their tender process, works could commence by September 2019. While there will be an impact on operations, it is intended that the GSC will still be functional.

Community Impact

The GSC is an important community facility with many bookings already in place. Keeping the GSC functioning, especially through the construction period, has been continually canvassed during stakeholder discussions. Council staff clearly understands the value in the PCYC negotiations and handover but are also working to assist the community with the transition.

COUNCIL IMPLICATIONS

Budget/Financial

Option 1: The budget identified in this report covers a worst case scenario, with Council continuing to administer the GSC until the end of building works, in 2020. It is anticipated that an earlier takeover date can be negotiated, resulting in a lower cost to Council.

Grafton Sports Centre Budget

Activity	Detail	Admin hr/wk	Complete Staff (+GST) per/hr	Per/wk	Sub Total
Admin July-Dec 2019	Regular bookings	7	\$54.21	\$379.47	\$8,727.81
	Weekend bookings	6.34	\$78.11	\$495.22	\$11,390.00
Admin Jan-May 2020	Regular bookings	5	\$54.21	\$271.05	\$5,421.00
	Weekend bookings	3	\$78.11	\$234.33	\$4,686.60
Cleaning	Courts and grandstands	6	\$54.21	\$325.26	\$13,986.18
Ongoing cost/month					
Operating Expenses July 19 - May 20	Mowing, gas, cleaning and toilet product		\$203.65		\$2,036.50
	Electricity		\$3,000.00		\$30,000.00
	Waste Collection		\$133.00		\$1,330.00
	Phone		\$150.00		\$1,500.00
	Fire Protection		\$109.17		\$1,091.67
	Security		\$600.00		\$6,000.00
			Total expenses		\$86,169.76
			Income		-\$19,127.00
			Total cost		\$67,042.76

Option 2: Close the sports centre during construction. This would reduce the financial impact on Council but it would be highly likely to provoke negative community reaction from GCS users. Financially, there is a cost incurred by Council, due to the reluctance of PCYC to take on management, and this is reflected in the table below.

With the proposed construction, the centre would be closed from late August 2019 until early May 2020. The impact would be dramatic on users (including a local business that operates from the centre). While it may be possible for these organisations to find alternate venues, to run reduced programs, there would be inevitable backlash. PCYC have planned the project management, for construction, to allow the continued operation of the centre. This planning has been communicated to, and created expectation in, the community.

Impacted Bookings:

The following organisations have bookings from 1 August 2019 and will be impacted if the centre closes during construction:

- Jacaranda Basketball Tournament
- Grafton High School
- McAuley Catholic College
- Clarence Valley Anglican School
- North Coast Shield Basketball training
- Aussie Hoops junior basketball program
- Miniball basketball program
- High school basketball competition
- NJL basketball training
- Senior basketball competition
- Rebound 2460 program (formally midnight basketball)
- Representative Futsal Training
- Netball scrimmage
- Grafton Basketball Association
- Grafton Ghosts

Additionally, there are other carnivals and temporary bookings.

Grafton Sports Centre Management Budget

Activity	Detail	Admin hr/wk	Complete Staff (+GST) per/hr	Per/wk	Sub Total
Admin July-Aug 2019	Regular bookings	7	\$54.21	\$379.47	\$3,035.76
	Weekend bookings	6.34	\$78.11	\$495.22	\$3,961.74
Cleaning	Courts and grandstands	6	\$54.21	\$325.26	\$2,602.08
Ongoing cost/month					
Operating Expenses July - Aug 2019	Lawn mowing, gas, cleaning and toilet product		\$203.65		\$407.30
	Electricity		\$3,000.00		\$6,000.00
	Waste Collection		\$133.00		\$266.00
	Phone		\$150.00		\$300.00
	Fire Protection		\$109.17		\$218.33
	Security		\$600.00		\$1,200.00
			Total expenses		\$17,991.21
			Income		-\$5,137.00
			Total cost		\$12,854.21

Assumptions

- Regular users will require assistance transitioning to the new administration system.
- Users and construction will reach a 'status quo' beyond December and not require the same level of attendance, hence reduced hours in 2020.
- CVC will be negotiating with PCYC to takeover centre operation prior to May 2020 but there are no certainties at this point. An earlier handover will result in a saving.

Asset Management

The assets are in reasonable/good condition, however, will be renovated as part of the PCYC development.

Policy or Regulation

The following references are applicable to this report:

- Clarence Valley Sports Facility Strategy

Consultation

Consultation has occurred externally with the GBA, Grafton Ghosts and the PCYC, as well as internal with Council's Property Coordinator, Council's Community Development Coordinator, Council's Insurance and Risk Officer and other Council Officers throughout the process.

Legal and Risk Management

There is a risk that the PCYC may not agree to management of the GSC until completion of construction in 2020. Closure of the centre would create negative community sentiment.

Climate Change

The development of the GSC will allow for improvements that make the centre more efficient to operate and have far less energy drain.

Prepared by	Dan Griffin, Community Services Coordinator
Attachment	Nil

ITEM	6b.19.025	COAST & ESTUARY COMMITTEE: REQUEST FOR REVIEW OF COUNCIL'S SUSTAINABLE WATER REQUIREMENTS: INFORMATION FOR APPLICANTS
Meeting	Environment, Planning & Community Committee	20 August 2019
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Water Cycle (Greg Mashiah)	
Attachment	Yes	

SUMMARY

At its meeting of 21 June 2019 the Coast and Estuary Management Committee recommended that Council review (and update where necessary) its *Sustainable Water Requirements: Information for Applicants*.

OFFICER RECOMMENDATION

That Council:

1. Note the minutes of the 21 June 2019 Coast and Estuary Management Committee meeting.
2. Consider a budget allocation to undertake a review of the *Sustainable Water Requirements: Information for Applicants* as part of the 2020/21 Operational Plan.

COMMITTEE RECOMMENDATION

Novak/Baker

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons

Against: Nil

COUNCIL RESOLUTION – 6b.19.025

Williamson/Baker

That Council:

1. Note the minutes of the 21 June 2019 Coast and Estuary Management Committee meeting.
2. Consider a budget allocation to undertake a review of the *Sustainable Water Requirements: Information for Applicants* as part of the 2020/21 Operational Plan.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 4 Environment

Objective 4.1 We will preserve and enhance our natural environment

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

BACKGROUND

Council's Coast and Estuary Management Committee has existed since 2004 and provides input towards management direction contained in coastal zone management plans and also advice to Council on issues relevant to the Clarence Valley coast and estuary. The Committee most recently met on 21 June 2019 and the minutes of that meeting are attached.

KEY ISSUES

Council's sediment and erosion control requirements and processes have been a subject of concern for Committee members. Council's *Sustainable Water Requirements: Information for Applicants* was adopted by the newly amalgamated Clarence Valley Council in 2004. Given nearly 15 years has passed since the adoption of the requirements, the committee recommends that these requirements be reviewed to ensure they comply with contemporary methods and legislation.

Any review of *Sustainable Water Requirements: Information for Applicants* would be undertaken by Council's Environment, Planning and Community section and they do not have the staff resources to undertake a review "in house". The review of this document is not currently included on the development standard review priority list. Noting that a current development design standard (Aus-Spec) is used across most Northern Rivers councils, one possibility would be for there to be a common sustainable water document across several Council areas.

It is suggested that any such review is held over to be considered in the 1920/21 budget allocation.

COUNCIL IMPLICATIONS**Budget/Financial**

The estimated cost for a consultant to undertake a review is \$50,000 plus staff time. There is no current budget allocation in the 2019/20 budget to undertake a review. Were Council to agree to the committee's recommendation, a specific budget allocation for the review would be required and the staff time required to manage the engagement may mean that other works are delayed.

One particular concern raised by Coast and Estuary Committee members was stormwater management measures in rural residential areas. An issue with some stormwater management measures is the cost of maintenance requirements for the measures to work at their design efficiency. Even were Council at some time in the future to implement a stormwater levy to fund stormwater management measures, the levy can only be imposed (and used) on urban development and would therefore not be able to fund rural residential stormwater management.

Asset Management

N/A

Policy or Regulation

A number of Council's DCPs refer to *Sustainable Water Requirements: Information for Applicants*

Consultation

The recommendation to review the *Sustainable Water Requirements: Information for Applicants* is from the Coast and Estuary Management Advisory Committee. Council's Environment, Planning and Community section, which would be undertaking the review were the advisory committee recommendation adopted, has provided the advice in this report regarding resourcing.

Legal and Risk Management

N/A

Climate Change

The *Sustainable Water Requirements: Information for Applicants* does not currently specifically include consideration of potential climate change impacts, and any review of the document would need to consider these impacts.

Prepared by	Peter Wilson, Coasts & Estuary Coordinator
Attachment	Minutes of 21 June 2019 Committee meeting

ITEM 6b.19.026 DEVELOPMENT APPLICATIONS

Meeting	Environment, Planning & Community Committee	20 August 2019
Directorate	Environment, Planning & Community	
Reviewed by	A/Manager - Environment, Development & Strategic Planning (Kerry Harre)	
Attachment	Nil	

SUMMARY

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

OFFICER RECOMMENDATION

That the update on Development Applications be noted.

COMMITTEE RECOMMENDATION

Novak/Clancy

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons

Against: Nil

COUNCIL RESOLUTION – 6b.19.026

Williamson/Baker

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 2019 to 31 July 2019 are:

No. of Applications Received	No of Applications Approved	Value of Approved Works	No of Lots Approved	Average Processing Times
59	67	\$16,995,873.00	11	69 days (including stop-the-clock days)

Of the 67 approved Development Applications between 1 July 2019 and 31 July 2019, 29 were determined within 40 days or less (47%).

As of 1 August 2019 there were 126 outstanding development applications, which have been with Council for the following:

Less than 40 days	63
41 - 60 days	17
61 - 80 days	11
81+ days	35

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

Exceptions to Development Standards under Clause 4.6 of the LEP

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

DA No.	Property	Standard to be Varied	Extent of Variation	Concurring Authority & Justification
DA2018/0738	Tyson Street, South Grafton	Clause 4.3 – height of buildings map	The proposal was for a 122.2% variation for the tower and 38.8% variation for the silos	Clarence Valley Council at their meeting 23 July 2019. The proposal is not out of character with existing industrial uses along this entrance including Jim Pearson Transport and McLennan Earthmoving on Tyson Street and further on Notaras & Sons Timber milling on Schwinghammer Street. The height variations are for the mixing tower and silos only and required for operational needs. In regard to the bulk and scale of the proposal it is not considered to be inconsistent with what would be typically expected for an industrial zone and what is already approved in the area. There are sufficient environmental planning grounds to justify the contravention of the maximum heights as proposed.

Reasons for Undetermined Applications over 40 days

Application No.	Received Date	Days	Description	Property	Reason
DA2019/0340	20/06/2019	41	Deck and carport to dwelling	53 Clarence Street, YAMBA NSW 2464	DCP variation requested (setback) and currently being assessed*
DA2019/0334	19/06/2019	42	Install brewery in backpackers cafe	26 Coldstream Street, YAMBA NSW 2464	Awaiting additional information (revised floor plan and elevations, trade waste, waste management)
DA2019/0332	18/06/2019	43	Alteration to roof structure for existing amenities	286 O'Keefes Lane, PALMERS ISLAND NSW 2463	Currently being assessed*
DA2019/0331	18/06/2019	43	50 self contained senior living units	56 Yamba Road, YAMBA NSW 2464	Additional information required (acid sulfate soil management plan)
DA2019/0327	18/06/2019	43	Awnings	9 School Drive, SWAN CREEK NSW 2462	Additional information required (amended plan)

Application No.	Received Date	Days	Description	Property	Reason
DA2019/0325	17/06/2019	43	Industrial activity (wrecking yard)	11 Bessie Street, SOUTH GRAFTON NSW 2460	Currently being assessed*
DA2019/0323	14/06/2019	47	Carport	3 Oban Street, MACLEAN NSW 2463	DCP variation requested (setback) and currently being assessed*
DA2019/0321	14/06/2019	47	Relocated dwelling	9 Lorikeet Place, GLENREAGH NSW 2450	Currently being assessed*
DA2019/0320	13/06/2019	48	Shop fit out (Beauty Premise)	25 King Street, GRAFTON NSW 2460	Currently being assessed*
SUB2019/0018	11/06/2019	49	8 lot residential subdivision	9 Gundaroo Crescent, ILUKA NSW 2466	Awaiting external referral (NRAR and DPI Fisheries)
DA2019/0310	11/06/2019	49	Convert shed to dwelling	94 Citris Drive, WELLS CROSSING NSW 2460	Additional information required (contamination assessment)
DA2019/0307	7/06/2019	54	Addition of jet ski dock to existing pontoon	27 Westringia Place, YAMBA NSW 2464	Currently being assessed*
DA2019/0303	6/06/2019	55	Backpacker accommodation for up to 74 guests and managers residence	26-28 Wharf Street, SOUTH GRAFTON NSW 2460	Additional information required (comment regarding noise and privacy issues)
DA2019/0300	5/06/2019	56	Dwelling	25 Emu Drive, WOOMBAAH NSW 2469	Additional information required (Baseline Ecological assessment)
DA2019/0299	5/06/2019	56	Dwelling	60 Armidale Street, SOUTH GRAFTON NSW 2460	Council staff to confirm proposed access is suitable and currently being assessed*
DA2019/0298	4/06/2019	56	Alterations and additions to commercial building (Veterinary Clinic)	91 Prince Street, GRAFTON NSW 2460	Currently being assessed*
DA2019/0294	3/06/2019	58	Extensive agriculture (nut orchard)	38 Wampi Place, JAMES CREEK NSW 2463	Submissions received and currently being assessed*
DA2019/0285	29/05/2019	63	34 independent living units and community room	4 Freeburn Street, YAMBA NSW 2464	To August Council meeting.
SUB2019/0017	24/05/2019	68	Two lot subdivision and boundary adjustment, and convert cabin and office on proposed lot 1 to dual occupancy	365-369 North Street, WOOLI NSW 2462	Additional information received (additional plans, OSM details, water servicing) and being assessed
DA2019/0273	23/05/2019	69	Demolition of existing pavilion & construction of new pavilion (Maclean Showground)	12 Cameron Street, MACLEAN NSW 2463	Currently being assessed*
DA2019/0272	23/05/2019	69	Alterations and additions to dwelling	5 Melaleuca Drive, YAMBA NSW 2464	DCP variation requested (building line to canal) and currently being assessed*
DA2019/0266	22/05/2019	70	Remediation of riverbank erosion and construction of 2 dams and 2 flood mounds	Kings Creek Road, LAWRENCE NSW 2460	Awaiting external referral (NRAR)
DA2019/0262	21/05/2019	71	Alterations and additions, carport, swimming pool and deck around pool	1 Adams Street, WOOMBAAH NSW 2469	Additional information submitted (29/07) and currently being assessed*
DA2019/0254	16/05/2019	76	Dwelling and secondary dwelling	31 Riverside Drive, WOOLI NSW 2462	Application has been amended, awaiting additional information (amended OSM report)
DA2019/0253	16/05/2019	76	Upgrade to Equine veterinary hospital	160 Old Lilypool Road, SOUTH GRAFTON NSW 2460	Awaiting additional information (Stormwater management plan and amended plans)
SUB2019/0015	15/05/2019	77	15 lot residential subdivision	25 Mookin Street, TUCABIA NSW 2462	Awaiting additional information (Stormwater management plan and site history)
DA2019/0248	14/05/2019	78	Regrading land (cut and fill)	Arthur Street, GRAFTON NSW 2460	Awaiting external referral (NRAR)
DA2019/0243	13/05/2019	79	Shipping container building with playground, cafe and rooftop restaurant	383 North Street, WOOLI NSW 2462	Awaiting additional information (setbacks, access, OSM and parking)
DA2019/0225	30/04/2019	92	Dwelling	22 Church Street, YAMBA NSW 2464	DCP variation currently being assessed*
DA2019/0215	26/04/2019	96	Filling of land	2 Micalo Road, MICALO ISLAND NSW 2464	Applicant to respond to DPI – Fisheries additional information

Application No.	Received Date	Days	Description	Property	Reason
DA2019/0212	24/04/2019	98	Additions to dwelling & carport	1D Spenser Street, ILUKA NSW 2466	request. Additional information submitted and currently being assessed*
DA2019/0208	23/04/2019	99	Redevelopment & refurbishment of Pacific Hotel (including demolition of beach house and northern section of hotel, construction of new tourist accommodation and ancillary works)	16 Pilot Street, YAMBA NSW 2464	Awaiting additional information (Sediment and erosion control plans and assessment against steep land provisions of the DCP). Applicant to reconsider proposal in response to public submissions
SUB2019/0010	23/04/2019	99	Two lot subdivision (includes lot size variation)	401 Kungala Road, KUNGALA NSW 2460	Staff to consult with Department of Planning regarding concurrence
DA2019/0195	15/04/2019	107	Additions to caravan park - 33 cabins for long term use	42 Marandowie Drive, ILUKA NSW 2466	Awaiting external referral (RFS)
DA2019/0181	9/04/2019	113	Earthworks (Filling of land)	52-54 Miles Street, YAMBA NSW 2464	Staff liaising with applicant regarding proposed clearing
SUB2019/0008	1/04/2019	121	Subdivision of 3 lots into 2 lots	61 Lake Road, SWAN CREEK NSW 2462	Additional information received (residential buffer to rural land use) and being assessed
SUB2019/0007	29/03/2019	124	Subdivision of seven lots into four lots	961 Woolli Road, PILLAR VALLEY NSW 2462	Awaiting additional information (demonstrate compliance with Clause 4.1B of the LEP and preliminary contamination assessment)
DA2019/0160	29/03/2019	124	New vehicle repair workshop, construction of three sheds for storage, advert sign and demolition of existing shed	9 Bultitude Street, TRENAYR NSW 2460	Awaiting additional information (Stormwater Management Plan, Amended Plans, Use of various shed and of site)
DA2019/0152	26/03/2019	127	Temporary use of land (function centre)	Micalo Road, MICALO ISLAND NSW 2464	Additional information submitted and currently being assessed*
DA2019/0130	20/03/2019	133	Dwelling and two lot subdivision	17 Taloumbi Street, MACLEAN NSW 2463	Access to property being addressed and currently being assessed*
DA2019/0128	19/03/2019	134	Machinery shed	1 Youngs Lane, HARWOOD NSW 2465	Awaiting additional information (Contaminated land assessment & geotechnical report of mound)
DA2019/0126	19/03/2019	134	Vegetation management control	35 Victoria Street, GRAFTON NSW 2460	Applicant to review scope of proposal
DA2019/0111	13/03/2019	140	Dwelling & shed	200 McIntyres Lane, GULMARRAD NSW 2463	Submissions received and currently being assessed*
DA2019/0089	6/03/2019	147	Deck	128 Main Street, WOOLI NSW 2462	Awaiting internal comment regarding coastal erosion
DA2019/0085	4/03/2019	149	Shed	Vere Street, SOUTH GRAFTON NSW 2460	Awaiting additional information (Additional Plans) and still needs to be exhibited
DA2019/0078	26/02/2019	155	Recreational vehicle campground (8 sites)	50 Coldstream Street, ULMARRA NSW 2462	Report to August Council meeting
SUB2019/0002	6/02/2019	175	13 large lot residential subdivision	198 Gardiners Road, JAMES CREEK NSW 2463	Awaiting additional information (Applicant to respond to OEH comments regarding BDAR)
DA2019/0044	5/02/2019	176	Alterations and additions to aged care facility (Increase from 63 to 83 beds)	126 North Street, GRAFTON NSW 2460	Report to August Council meeting
SUB2019/0001	24/01/2019	188	Seven lot subdivision (5 additional lots)	39/57 Chatsworth Road, CHATSWORTH NSW 2469	Awaiting additional information (Contaminated land assessment, access and heritage)
DA2018/0632	17/10/2018	287	Demolish shed and erect shed	128 Golf Links Road, ILARWILL NSW 2463	Awaiting additional information (Amended plans)
DA2018/0630	16/10/2018	288	Dual occupancy	1431 Pacific Highway, ULMARRA NSW 2462	Geotechnical assessment of riverbank submitted for review
SUB2018/0030	16/10/2018	288	Boundary adjustment	Pacific Highway, TYNDALE NSW 2460	Awaiting additional information (Contaminated land assessment)
SUB2018/0027	8/10/2018	296	Two lot subdivision	20 The Glen,	Awaiting additional information

Application No.	Received Date	Days	Description	Property	Reason
				MACLEAN NSW 2463	(Biodiversity and bushfire)
DA2018/0574	20/9/2018	314	Dwelling	61 Williams Crescent, WOOLI NSW 2462	Awaiting additional information (Amended plans and Basix)
DA2018/0567	18/9/2018	316	Aged care facility (144 beds)	425 Bent Street, SOUTH GRAFTON NSW 2460	Department of Planning to review and approved Koala Plan of Management and land owners consent for off-site planting to be obtained
SUB2018/0021	7/9/2018	327	Four lot industrial subdivision	Federation Street, SOUTH GRAFTON NSW 2460	Awaiting additional information (Status of dip site and stormwater management)
DA2018/0449	6/08/2018	359	Viewing deck	26 Ocean Road, BROOMS HEAD NSW 2463	Second additional information sent (Amended plans, view sharing issues)
DA2018/0419	26/07/2018	370	Shed	302 Gwydir Highway, WATERVIEW NSW 2460	Additional information submitted and currently being assessed*
DA2018/0102	5/03/2018	513	Speedway practice track	334 School Lane, SOUTHGATE NSW 2460	Awaiting additional information (noise assessment)
SUB2018/0004	23/02/2018	523	12 lot large lot residential subdivision	Bloodwood Grove, GULMARRAD NSW 2463	Awaiting additional information (Stormwater Management Plan to be amended to reflect amended plan)
DA2017/0671	18/10/2017	651	Caravan Park - Alterations & Additions (10 additional sites) and amenities	391 Goodwood Island Road, GOODWOOD ISLAND NSW 2469	Awaiting additional information (Building Certificate Application, plans and compliance with <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005</i>)
DA2017/0527	22/08/2017	708	Dwelling	Bostock Road, TUCABIA NSW 2462	Being determined
SUB2015/0034	11/12/2015	1328	162 lot residential subdivision and new roads	Hickey Street, ILUKA NSW 2466	Report to September JRPP meeting. Notation report to August Council meeting

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

Prepared by	James Hamilton, Development Planner
Attachment	Nil

MOTION

Kingsley/Baker

That Cr Williamson serve as Chair for Item 6b.19.017 in the absence of the Mayor and Deputy Mayor who have declared an interest in the item and intend to leave the Chamber.

Voting recorded as follows:

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

Against: Nil

Having declared an interest in Item 6b.19.017, Crs Simmons and Kingsley left the Ordinary Council meeting at 2.53 pm and returned at 3.46 pm with Cr Simmons resuming the Chair.

ITEM	6b.19.027	ASSESSMENT TO THE JOINT REGIONAL PLANNING PANEL (2015NTH026) SUB2015/0034 – 140 LOT COMMUNITY TITLE SUBDIVISION UPON LOT 99 DP823635 – HICKEY STREET, ILUKA
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Meeting	Environment, Planning & Community Committee	20 August 2019
Directorate	Environment, Planning & Community	
Reviewed by	A/Manager - Environment, Development & Strategic Planning (Kerry Harre)	
Attachment	To be tabled	

SUMMARY

<i>Applicant</i>	Stevens Group
<i>Owner</i>	Birrigan Gargle Local Aboriginal Land Council
<i>Address</i>	Lot 99 DP823635 – Hickey Street, Iluka
<i>Submissions</i>	Yes

Development Application SUB2015/0034 (JRPP Reference No. 2015NTH026) seeks consent for a 140 Lot Community Title Subdivision upon Lot 99 DP823635 in Hickey Street, Iluka. The site is currently vacant.

Attached is the Assessment Report and Recommendation to the Joint Regional Planning Panel (JRPP) – Northern. The report is provided to Council for information and to assist in deciding if they wish to make a representation to the Panel.

The proposed development is classified as regionally significant development under Clause 8 Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011 as it is a coastal subdivision over 100 lots that is not within the metropolitan zone and is wholly or partly located in a sensitive coastal location. In accordance with the SEPP, the proposed development has triggered referral to the Joint Regional Planning Panel for a decision.

OFFICER RECOMMENDATION

That the report to the Joint Regional Planning Panel for determination of the proposed 140 Lot Community Title Subdivision be noted.

COMMITTEE RECOMMENDATION

Clancy/Novak

That this matter be deferred to the full Council meeting.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons

Against: Nil

COUNCIL RESOLUTION – 6b.19.027

Baker/Toms

That Council:

- 1. Recommend to the Joint Regional Planning Panel that Development Application SUB2015/0034 (JRPP reference No. 2015NTH026) for a 141 lot Community Title Subdivision upon Lot 99 DP823635, Hickey Street, Iluka, be approved subject to the imposition of advices and conditions contained in Schedule 1 attached to this report and,**

2. Provide the following reasons in support of this recommendation:
- The development provides for an ecologically sustainable development through the protection of significant areas of EEC, potential threatened flora species and koala food trees.
 - The subdivision provides for quality urban design through the provision of suitable habitat landscaping and habitat management.
 - The development will deliver a sustainable land use that retains and manages key biodiversity and environmental values on the site.
 - The development is consistent with the goals and actions contained in the North Coast Regional Plan 2036 in that it provides for a development within an identified growth area while providing for the protection and management of matters of environmental significance.
 - It will deliver new high-quality development that protects the distinct character of the North Coast, consistent with the North Coast Urban Design Guidelines (2009).
 - The development will provide opportunities to build wealth and strengthen economic independence in the Local Aboriginal community as outlined in the North Coast Regional Plan Direction 17.
 - The development provides for water sensitive urban design.
 - The development is not inconsistent with the following objectives of the Environmental Planning and Assessment Act 1979:
 - (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
 - (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
 - (c) to promote the orderly and economic use and development of land,
 - (d) to promote the delivery and maintenance of affordable housing,
 - (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
 - (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
 - (g) to promote good design and amenity of the built environment,
 - (h) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
 - (i) to provide increased opportunity for community participation in environmental planning and assessment.

Voting recorded as follows:

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

Against: Clancy

FORESHADOWED MOTION

Clancy

That Council:

1. Recommends to the Joint Regional Planning Panel that Development Application SUB2015/0034 (JRPP reference No. 2015NTH026) for a 141 lot Community Title Subdivision upon Lot 99 DP823635, Hickey Street, Iluka, be refused.
2. Provide the following reasons in support of this recommendation:
 - The development does not provide for an ecologically sustainable development as the proposed protection of significant areas of EEC, potential threatened flora species and koala food trees is inadequate to sustain these populations into the future.
 - The subdivision does not provide for quality urban design through the provision of suitable habitat

landscaping and habitat management as these features are too limited to be viable in the long term.

- The development will not deliver a sustainable land use that retains and manages key biodiversity and environmental values on the site in the long term.
- The development is not consistent with the goals and actions contained in the North Coast Regional Plan 2036 as although it provides for a development within an identified growth area it does not provide for the adequate protection and management of matters of environmental significance.
- The development will provide limited opportunities to build wealth and strengthen economic independence in the Local Aboriginal community as outlined in the North Coast Regional Plan Direction 17.
- The development is inconsistent with the following objectives of the Environmental Planning and Assessment Act 1979:
 - a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
 - b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
 - c) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
 - d) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
 - e) to provide increased opportunity for community participation in environmental planning and assessment.
- The planner's report contains omissions and inaccuracies e.g. the statement that the site is not potential koala habitat is clearly incorrect and misleading as it is core koala habitat.
- The recommendations of the Biodiversity and Conservation Section of the North East Branch of the Department of Planning, Industry and Environment have not been fully addressed.
- The development is inconsistent with the Clarence Valley Biodiversity Management Strategy and Council's Koala Plan of Management adopted by Council in 2015.

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

Regional Panel meetings to determine a DA are generally conducted in a public forum. The applicant and any person who has made a submission can make a presentation to the Regional Panel to express their views on the DA. Comments made at the public meeting are considered by the Regional Panel members when making a decision on the DA.

Briefing meetings may also be held on request from the Chair. These meetings provide an opportunity for the Council to brief the Regional Panel on the key elements of a proposed development and planning controls that affect it.

A formal site visit by the Regional Panel will be arranged prior to the meeting at the discretion of the Chair.

For more information on the panel meeting assessment and determination process please refer to the operational procedures and the Code of Conduct as well as the FAQ's. Anyone wishing to address the Regional Panel at a determination meeting must register with the regional secretariat before the meeting. The meeting is scheduled to be held on 18 or 19 September 2019 (to be confirmed). For more information telephone (02) 9228 2060 or email jrppenquiry@jrpp.nsw.gov.au

Prepared by	Carmen Landers, Development Planner (Systems)
Attachment	JRPP Report – To be tabled

ITEM	6c.19.033	REQUEST FROM ACCOUNT 2121747 FOR CONSIDERATION FOR REDUCTION IN WATER ACCOUNT
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Meeting	Corporate, Governance & Works Committee	20 August 2019
Directorate	Corporate & Governance	
Reviewed by	A/Manager Finance & Supply	
Attachment	Confidential	

SUMMARY

Council received a request from the owner of Water Account 2121747 on 29 March 2019 for a reduction on water usage charges due to an undetected leak, which has since been rectified.

OFFICER RECOMMENDATION

That:

1. Council not grant additional concession on Account 2121747 as it does not comply with the Concealed Leak Policy Procedures.
2. The property owner be advised that if a suitable arrangement is entered into by 31 August 2019, Council will extend the period for payment of this account to twelve months.
3. If a payment arrangement is not entered into by 31 August 2019, Council will continue with its debt recovery process in accordance with its Rates and Charges Debt Recovery Policy.

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That Council grant a concession on Account 2121747 to the amount of \$901.60.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.19.033

Williamson/Baker

That Council grant a concession on Account 2121747 to the amount of \$901.60.

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 received a letter (refer attachment) from the owners of the property dated 29 March 2019 advising that when they received their water consumption account they had noticed a significant increase in consumption. The owners together with Council staff were able to identify a leak in the toilet which had gone undetected for a period of time. This leak occurred during a holiday break where there was no one on site. They have taken steps to repair the leak.

The following is a breakdown of the consumption history on account **2121747** since 2016.

Meter ID	Reading Date	Consumption	Amount	Daily Average
11X08095	9/05/2019	143	\$350.35	1.538
11X08095	5/02/2019	549	\$1,345.05	6.169
11X08095	8/11/2018	290	\$710.50	3.118
11X08095	7/08/2018	127	\$306.07	1.512
11X08095	15/05/2018	227	\$547.07	2.316
11X08095	6/02/2018	102	\$245.82	1.121
11X08095	7/11/2017	131	\$315.71	1.440
11X08095	8/08/2017	120	\$284.40	1.558
11X08095	23/05/2017	187	\$443.19	1.781
11X08095	7/02/2017	138	\$327.06	1.500
11X08095	7/11/2016	160	\$379.20	1.778
11X08095	9/08/2016	118	\$225.38	1.422
11X08095	18/05/2016	169	\$322.79	1.724
11X08095	10/02/2016	110	\$210.10	1.196

KEY ISSUES

The period which the leak in the toilet occurred was during a holiday break when there was no one on site. It is noted that the water consumption for the period 08/11/2018 – 05/02/2019 had significantly increased and is highlighted by the daily average consumption of 6.169.

Council did not receive a “Concealed Leak Application Form” as it was not a concealed leak. The leaking toilet has been fixed and the owner now seeks a reduction in their account.

COUNCIL IMPLICATIONS**Budget/Financial**

If no adjustment is granted there will be no impact on the income for the 2018/19 financial year, however, if a concession is granted to this account as per the ratepayers request which if approved would be \$901.60 (based on the Concealed Leak Policy), income for the 2018/2019 financial year on PJ 902125-03-6219-1241 (Water –Usage Non Residential Income) will be reduced by this amount.

Asset Management

N/A

Policy or Regulation

Concealed Water Leak Allowance Policy

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Paula Krahe, Revenue Co-Ordinator
Confidential Attachment	Letter from the owner seeking reduction in their account

ITEM 6c.19.034 PROPERTY RATIONALISATION UPDATE

Meeting	Corporate, Governance & Works Committee	20 August 2019
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Confidential	

SUMMARY

This report presents to Council an update on the progress of the property rationalisation sales and seeks a decision on properties identified for possible disposal.

OFFICER RECOMMENDATION

That Council:

1. Note the status of the current property rationalisation sales.
2. Dispose of 146-148 Ryan Street, South Grafton as per the terms in the confidential attachment Schedule A.
3. Dispose of 184-190 Ryan Street, South Grafton as per the terms in the confidential attachment Schedule B.
4. Delegate authority to the General Manager to execute documents associated with each sale.

COMMITTEE RECOMMENDATION

Simmons/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.19.034

Williamson/Baker

That Council:

1. **Note the status of the current property rationalisation sales.**
2. **Dispose of 146-148 Ryan Street, South Grafton as per the terms in the confidential attachment Schedule A.**
3. **Dispose of 184-190 Ryan Street, South Grafton as per the terms in the confidential attachment Schedule B.**
4. **Delegate authority to the General Manager to execute documents associated with each sale.**

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

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

BACKGROUND

Council resolved at various prior meetings to dispose of Council owned freehold land classified as operational. A summary of the current property sales is as follows:

Properties - Sold.

SITE LOCATION	LAND TITLE	Resolution	Action
Gurrangang Railway Station Road, Gurrangang	Lot 1 and 2 Section 4 DP 758495	13.017/16 - 15 March 2016 15.178/18 - 16 October 2018	Sold 4/7/2019
23 Kelly Street, South Grafton	Lot 1 DP 38004	13.017/16 - 15 March 2016 15.125/18 - 17 July 2018	Sold 18/1/2019
121 Ryan Street, South Grafton	Lot 6 DP 1021625	13.017/16 - 15 March 2016 15.246/17 - 12 December 2017	Sold 20/11/2018
27 Cowan Street, South Grafton	Lot 2 DP 711407	13.149/11 - 16 August 2011	Sold 20/11/2018
33 Cowan Street, South Grafton	Lot 2 DP 843545	13.017/16 - 15 March 2016	Sold 20/11/2018
121 Bent Street, South Grafton	Lot 12 DP 574773	15.125/18 - 17 July 2018	Sold 5/4/2019
Townsend STP	Lot 2 DP 634170	16.023/16 - 15 November 2016 15.214/18 - 11 December 2018	Sold 5/7/2019

Note, sales previously reported to Council, have been removed from the list so as to not duplicate.

Properties – being progressed.

SITE LOCATION	LAND TITLE	Resolution	Action
146-148 Ryan Street, South Grafton	Lot 7 DP 782908, Lot 10-12 DP 1093513, Lot 12 DP 1137853	13.017/16 - 15 March 2016	See key issues and resolution in this report
184-190 Ryan Street, South Grafton	Lot 4 DP 587768	13.017/16 - 15 March 2016	See key issues and resolution in this report
Barrett Street, Fineflower	Lot 3, 10 & 11 Section 3 DP 5552, Lot 1, 19 & 20 Section 4 DP 5552	13.017/16 - 15 March 2016 15.178/18 - 16 October 2018	Contract to exchange
Yamba Road, Yamba	Lot 1 DP 1117062	13.017/16 - 15 March 2016	Pending - negotiations with adjoining landowner
Parklands Drive, Coutts Crossing	Lot 2 DP 1170555	13.017/16 - 15 March 2016	Investigation pending - further report to be prepared
7871 Pacific Highway, South Grafton	Lot 3 DP 872232	13.017/16 - 15 March 2016	Investigation pending - further report to be prepared
Spring Street, South Grafton	Lot 2 DP 839420	15.193/17 - 19 September 2017 13.019/18 - 17 April 2018 15.151/18 - 18 September 2018 15.168/18 - 18 September 2018	Ford & Dougherty engaged. Listed on market.
267-287 Armidale Road, South Grafton (Saleyards)	Part Lot 1 DP 536315	15.125/18 - 17 July 2018	Settlement pending
Illarwill STP	Lot 2313 DP 857839	16.023/16 - 15 November 2016	Contract to exchange
Maclean STP	Lot 1 DP 553965 Lot 3 DP 564828	16.023/16 - 15 November 2016	Pending final clearance certificate for site remediation and survey

KEY ISSUES

Council resolved on 15 March 2016 as shown at the beginning of each property matter.

Item 13.017/16 – That Council endorse the recommendations for each property as tabled below.

Property – Lots 7/782908, 10-12/1093513, 12/1137853 - 146-148 Ryan Street, South Grafton

PROPERTY NUMBER	SITE LOCATION	LOT	DP	RECOMMENDATION
106557	146-148 Ryan Street, South Grafton	7 10-12 12	782908 1093513 1137853	Further investigation required – recommended to be sold as two dwelling sites, encumbrances on property to be removed. General Manager to report back to Council on recommended strategy for sale.

There are issues with the boundary and titles to these properties. The titles are limited and qualified titles. The issues relate to the conversion from old systems title to Torrents title. Council's solicitor is working through the issues and once they have been resolved, it is recommended to sell this property based on a current market valuation at that time.

Property – Lot 4 DP 587768 – 184-190 Ryan Street, South Grafton

PROPERTY NUMBER	SITE LOCATION	LOT	DP	RECOMMENDATION
106567	184-190 Ryan Street, South Grafton	4	587768	Further investigation required – site currently used to drain natural stormwater flow. Subdivision may be required to create saleable lot. General Manager to report back to Council on recommended strategy for sale.

There is a natural low level drain that runs through the eastern side of the land. Council's Manager Civil Services has inspected the site and recommends an easement to drain water to be registered over the drain if a sale proceeds. An identification survey has been completed to determine the area subject to the proposed easement. A valuation report has been obtained taking the proposed easement into consideration. Appropriate conditions will be placed in the contract to enable the easement to be registered prior to sale.

COUNCIL IMPLICATIONS**Budget/Financial**

Proceeds from the sale of these properties will be remitted into the Strategic Building Reserve.

Asset Management

There are no built assets on the land to be sold. The land parcels are held in our asset register as vacant operational land. The land would be disposed of in the asset register once settlement is completed.

Policy or Regulation

Local Government Act 1993 - Under Section 377 (1)(h) Council must determine the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property.

Consultation

Consultation has been undertaken with Council's Open Spaces & Facilities and Civil Services sections relating to the disposal of the land.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Kylee Baker, Property Coordinator
Confidential Attachments	A & B Property Rationalisation & Property Valuation

ITEM 6c.19.035 2019/20 MONTHLY FINANCIAL REPORT – JULY 2019

Meeting	Corporate, Governance & Works Committee	20 August 2019
Directorate	Corporate & Governance	
Reviewed by	A/Manager - Finance & Supply	
Attachment	Yes	

SUMMARY

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

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

The General Fund end of year result previously adopted 25th June, 2019 Item 6a.19.001 is a net deficit \$140,398. Budget variations identified in this report that impact the General Fund end of year result, total \$37,400 of which \$0 has been reported to Council previously throughout July.

There have been no reserve funded budget variations identified in this report, which remains unchanged from that adopted being an increase of \$2,329,333.

OFFICER RECOMMENDATION

That

1. The monthly financial information report for July 2019, attached to this report, be received and noted.
2. Council endorse the proposed General Fund variation as set out in this report totalling (\$37,400) for inclusion in the September 2019 Quarterly Budget Review Statement to be presented to Council in October 2019.

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Simmons

Against: Toms

FORESHADOWED MOTION

Toms

That

1. The monthly financial information report for July 2019, attached to this report, be received and noted.
2. Council not endorse the proposed General Fund variation as set out in this report totalling (\$37,400) for inclusion in the September 2019 Quarterly Budget Review Statement to be presented to Council in October 2019.

COUNCIL RESOLUTION – 6c.19.035**Toms/Novak****That**

- 1. The monthly financial information report for July 2019, attached to this report, be received and noted.**
- 2. Council defer the proposed General Fund variation as set out in the report totalling \$37,400 to the September Corporate, Governance & Works Committee meeting in order to permit a site inspection prior to the meeting.**

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

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

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

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

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

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

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

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

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

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
821	Service – Internal Road Services Sub-Service – Depot Management <ul style="list-style-type: none"> Remove razor wire on adjoining fence between South Grafton High School and Rushforth Road Works Depot, and erect new security fencing parallel to existing. 	\$37,400	\$Nil	N/A
	TOTAL Proposed General Fund / Reserve Balance Impact	\$37,400	\$Nil	

Explanation of Attachment

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

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

COUNCIL IMPLICATIONS

Budget/Financial

Proposed Impact on General Fund Result

Original Budget Net Deficit Position Adopted by Council June 2019	\$140,398
Variations endorsed by Council Minute July 2019	\$0
July 2019 proposed variations	\$37,400
Proposed Movement of General Fund 19/20 Budget Result July 2019 – Deficit	\$177,798

Proposed Impact on External and Internal Financial Reserve Funds Result

Variations endorsed by Council Minute prior to this report – Decrease in reserves	\$2,329,333
All reserve movements resolved by Council Minute July 2019	\$0
July 2019 proposed movements	\$0
Proposed Reserve Funds budgeted movements - unchanged	\$2,329,333

Asset Management

N/A

Policy or Regulation

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

Consultation

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

Legal and Risk Management

N/A

Climate Change

N/A

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

ITEM	6c.19.036	COUNCIL MEETING CHECKLIST – UPDATE ON ACTIONS TAKEN
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Meeting	Corporate, Governance & Works Committee	20 August 2019
Directorate	Corporate & Governance	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

SUMMARY

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

OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.19.036

Williamson/Baker

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

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

A formal monthly report is required for each Council meeting to include the full checklist from the previous month and any outstanding actions from earlier meetings.

KEY ISSUES

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

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

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation

Local Government Act 1993 S335 (1)

Consultation

Staff and Managers

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Karlie Chevalley, Executive Support Assistant
Attachment	Checklist

ITEM	6c.19.037	PROPOSED PERMANENT ROAD CLOSURES – SOUTH GRAFTON AND MACLEAN
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Meeting	Corporate, Governance & Works Committee	20 August 2019
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Nil	

SUMMARY

Through the course of planning and undertaking other projects, encroachments of Council facilities onto road reserves are sometimes found. This report considers closure of these sections of road and retention of the land in Council's ownership.

OFFICER RECOMMENDATION

1. That,
 - a) part of the Council public road being part of Centenary Drive, Maclean, adjoining Lot 105 DP 1189229 marked "A" on Diagram 1, be closed, subject to no objections being received,
 - b) part of Lot 1021 DP 1232390 marked "B" on Diagram 1 be reclassified as "community" land and a boundary adjustment be processed between Lot 1021 and Lot 105 DP 1189299,
 - c) a consolidation plan be registered over the section of closed road, Lot 105 DP 1189299 and part Lot 1021 DP 1232390,
 - d) the newly consolidated lot be classified as "community" land.

2. That,
 - a) part of the Council public road being part of Armidale Street, South Grafton, adjoining Lot 1 DP 1162943 marked "A" on Diagram 2, be closed, subject to no objections being received,
 - b) upon closure the section of closed road be classified as "operational" land,
 - c) a consolidation plan be registered over the section of closed road and Lot 1 DP 1162943,
 - d) the newly consolidated lot remain classified as "operational" land.

3. Authority is delegated to the General Manager to execute the documents associated with the closures and survey plans.

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.19.037

Williamson/Baker

1. That,
 - a) part of the Council public road being part of Centenary Drive, Maclean, adjoining Lot 105 DP 1189229 marked "A" on Diagram 1, be closed, subject to no objections being received,
 - b) part of Lot 1021 DP 1232390 marked "B" on Diagram 1 be reclassified as "community" land and

- a boundary adjustment be processed between Lot 1021 and Lot 105 DP 1189299,
- c) a consolidation plan be registered over the section of closed road, Lot 105 DP 1189299 and part Lot 1021 DP 1232390,
 - d) the newly consolidated lot be classified as “community” land.

2. That,

- a) part of the Council public road being part of Armidale Street, South Grafton, adjoining Lot 1 DP 1162943 marked “A” on Diagram 2, be closed, subject to no objections being received,
- b) upon closure the section of closed road be classified as “operational” land,
- c) a consolidation plan be registered over the section of closed road and Lot 1 DP 1162943,
- d) the newly consolidated lot remain classified as “operational” land.

3. Authority is delegated to the General Manager to execute the documents associated with the closures and survey plans.

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

There are sections of Council public road that have had encroachments constructed on them and as such have not been used, and are not likely to be used for future, road purposes. Under the *Roads Act 1993*, road that is not required for road purposes can be closed.

KEY ISSUES

Road – Part Centenary Drive, Maclean – Applicant is Clarence Valley Council

The pool at Maclean is located on Lot 105 DP 1189229. It was vested to Council as a public reserve and is classified as Community land. A recent project for upgrade of pool facilities has identified that the western end of the pool facility is encroaching onto part of the Centenary Drive, Maclean, road reserve. The encroachment is a building.

The pool facility (buildings and pool) also encroaches onto part Lot 1021 DP 1232390, which is part of Cameron Park and is operational land. As part of the upgrade, it is required to prepare a boundary adjustment to rectify the current encroachments over lots and also the new lot will allow the pool facility to meet the required set backs for the Development Application for the pool infrastructure.

The section of road reserve affected by the encroachment will be closed. A boundary adjustment will be processed to fix the encroachment on Lot 1021 DP 1232390 and then all lots will be consolidated so that the pool facility is wholly on one Lot. It is beneficial to fix all encroachments at the one time.

Under Section 33 of the *Local Government Act 1993*, Council can reclassify operational land to community land by a resolution of Council. The section of Lot 1021 DP 1232390 affected by the encroachment which is

currently operational will be consolidated with the other lots and will become one lot classified as community land.

The Plan of Management will be updated to show the new status as part of the Plan of Management review which is currently taking place.

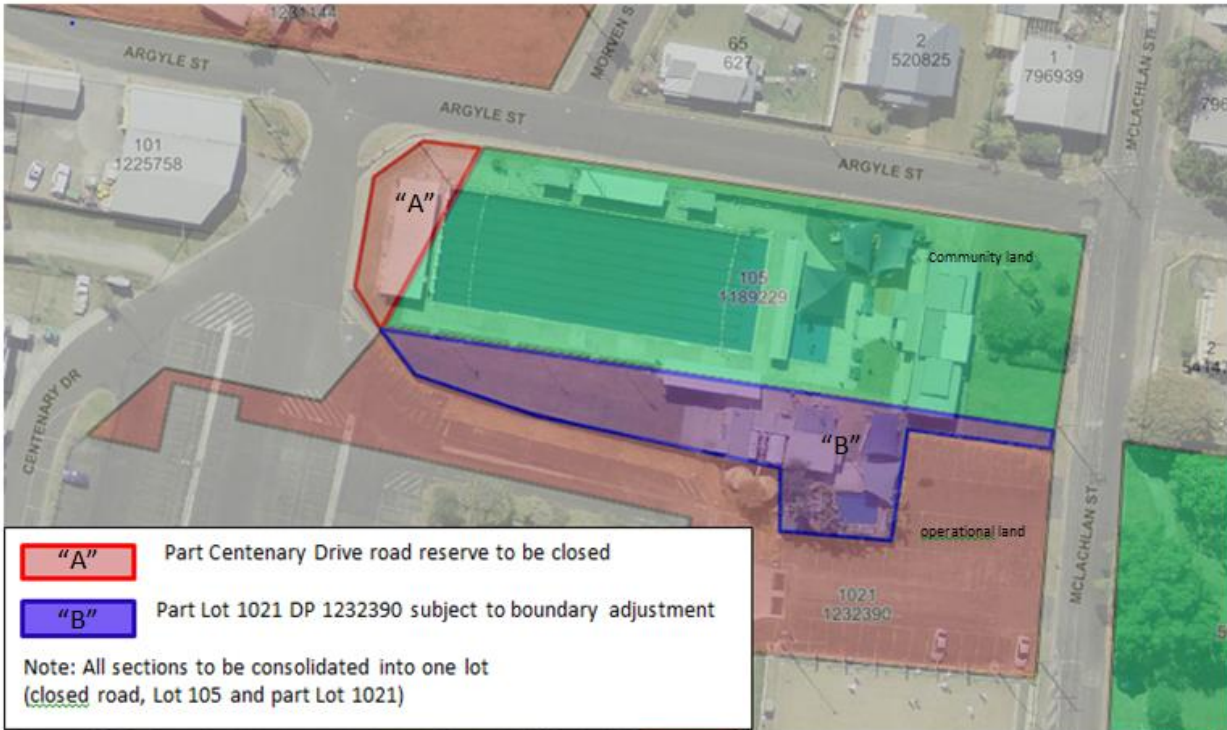


Diagram 1

Road – Part Armidale Road, South Grafton – Applicant is Clarence Valley Council

The pool at South Grafton is located on Lot 1 DP 1162943. It is Council owned freehold land and is classified as operational land. A recent review of management of the pool facility has identified that the eastern and southern end of the pool facility is encroaching onto part of the Armidale Road, South Grafton, road reserve. The encroachments are part of the building, part of the car park and garden edging.



Diagram 2

COUNCIL IMPLICATIONS**Budget/Financial**

Expenses associated with the proposed road closures will be covered by project costs for each project Maclean Pool – PJ 996750 Category 5842 and South Grafton Pool - PJ 996750 Category 5843.

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

As the land will be retained by Council, there will be no income received. If the property is sold in the future then a pro-rata of the area sold will be remitted to RA 10899 Roads – Road Acquisitions and utilised for further road acquisitions.

Asset Management

Council currently has the sections of road listed in the Assets register and an adjustment to the area listed will be made if the road closures are approved.

Policy or Regulation

Roads Act 1993

Local Government Act 1993

Consultation

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

Legal and Risk Management

Closing the sections of road reserve subject to the encroachments enables the facilities to be managed appropriately under relevant legislation.

Climate Change

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

Prepared by	Kylee Baker, Property Coordinator
Attachment	Nil

ITEM 6c.19.038 REVIEW OF POLICIES

Meeting	Corporate, Governance & Works Committee	20 August 2019
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Yes	

SUMMARY

The report recommends adoption of policies which have been reviewed.

OFFICER RECOMMENDATION

That, having been on exhibition and receiving no submissions, the following policies be adopted:

- a. Reward
- b. Clarence Valley Cultural and Sports Trust Fund

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.19.038

Williamson/Baker

That, having been on exhibition and receiving no submissions, the following policies be adopted:

- a. Reward**
- b. Clarence Valley Cultural and Sports Trust Fund**

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

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

KEY ISSUES

At the May Council meeting it was resolved (Item 15.079/19) to place two policies on exhibition for comment.

Reward Policy – purpose is to provide an incentive for residents to provide information leading to the conviction of an offender for malicious damage to, or stealing of, Council property.

Clarence Valley Cultural and Sports Trust Fund Policy – purpose of the policy is to establish guidelines for the allocation of funds from the Clarence Valley Cultural and Sports Trust Fund that ensures that decisions relating to this assistance are equitable and transparent and that Council is accountable for them.

Having received no submissions or comments on these policies they are now put forward for adoption.

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation

As listed.

Consultation

All policies were reviewed in consultation with relevant staff.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Lesley McBay, Coordinator Executive Support
To be tabled	Policies

ITEM	6c.19.039	NORTH GRAFTON SEWAGE TREATMENT PLANT – DETAILED DESIGN PHASE
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Meeting	Corporate, Governance & Works Committee	20 August 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Confidential	

SUMMARY

Council's adopted procurement strategy for its sewerage schemes is to undertake detailed design with "construct only" contracts. Pollution Reduction Program (PRP) conditions on the North Grafton Sewage Treatment Plant (STP) Environmental Protection Licence (EPL) are based around continuing to follow this strategy. It is recommended that Council continue with its procurement strategy.

To assist with delivery of the detailed design phase of the North Grafton project, Council sought a single invitation proposal under the Memorandum of Understanding (MoU) with Public Works Advisory (PWA).

OFFICER RECOMMENDATION

That

1. Council confirm the procurement strategy for the North Grafton STP is detailed design followed by a "construct only" contract.
2. The upper limit fee proposal from Public Works Advisory for Project Management of the detailed design phase of the North Grafton STP upgrade of \$233,295.70 (including GST) be accepted, to be funded from North Grafton – EPA Licence Requirements (PJ910108, Cost Centre 892).

COMMITTEE RECOMMENDATION

Kingsley/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.19.039

Williamson/Baker

That

1. Council confirm the procurement strategy for the North Grafton STP is detailed design followed by a "construct only" contract.
2. The upper limit fee proposal from Public Works Advisory for Project Management of the detailed design phase of the North Grafton STP upgrade of \$233,295.70 (including GST) be accepted, to be funded from North Grafton – EPA Licence Requirements (PJ910108, Cost Centre 892).

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 19 September 2006 Council adopted a procurement strategy for its Sewerage Augmentations (Resolution 11.114/06). Following evaluation of a number of delivery options, the adopted strategy was detailed design followed by “construct only” contracts. Between 2008 and 2015 this procurement strategy successfully delivered the Grafton-Maclean-Lawrence-Townsend-Illarwill, Iluka and Yamba sewerage projects.

The PRP conditions in the North Grafton STP EPL, which has various milestones aimed at upgrading the plant by 31 December 2027 were also based around this procurement strategy. At its meeting of 15 September 2015 Council noted (Resolution 14.176/15) the milestones included calling for detailed design tenders by 30 June 2020 and submitting the detailed design to the EPA by 30 June 2022.

KEY ISSUES

The augmented North Grafton STP needs to retain commonality with the other STPs in terms of equipment specified and operational philosophy. The main issue with other procurement options such as Design and Construct or Alliance is that any item which needs to be changed from the tenderer’s proposal to give commonality will come at an increased variation cost. The procurement strategy of detailed design followed by “construct only” contracts successfully delivered the previously mentioned sewerage projects which have been recognised with numerous Australian and international industry awards. It is therefore recommended that the same strategy be followed for this project.

At its meeting of 25 June 2019, Council issued environmental planning approval for the North Grafton STP project and resolved that the project proceed to design in accordance with the Environmental Impact Statement and recommendations in the Determination Report. (Resolution 6c.19.012) The previous sewerage projects have split the detailed design into two sequential phases: 1. Detailed concept design; and 2. Detailed design. This design approach allows adjustment of the concept without requiring rework. It is proposed that the same approach be used during the design phase of the North Grafton STP.

At its meeting of 15 September 2015, Council resolved (Resolution 14.169/15) to renew its MoU with PWA for supportive project management services. One of the projects identified in the MoU was the North Grafton STP upgrade. Council therefore sought a single invitation upper limit fee proposal from PWA to undertake Project Management of the detailed design phase of the project. The upper limit fee proposal, which is included in the confidential attachments, is \$212,087 (ex GST). Staff have assessed the PWA proposal and consider that it is comparable with current industry expectations and reflects their level of project management expertise. The PWA personnel nominated in the proposal have extensive project management experience and have successfully worked on Council’s previous sewerage augmentation projects. It is therefore recommended that PWA’s upper limit project management fee proposal be accepted.

COUNCIL IMPLICATIONS**Budget/Financial**

The “North Grafton – EPA Licence Requirements” (PJ910108) is funded over multiple years and has a total proposed budget for the detailed design phase of \$1.136 million. The PWA proposal represents approximately 19% of the budget.

Asset Management

The PRP requires an upgraded/new STP to be in operation by 31 December 2027. Much of the existing North Grafton STP will be life expired by 2027 and require renewal, with some structures over 90 years old. The inlet works at the North Grafton STP was upgraded in 2010, but reusing this part of the STP is considered feasible.

Policy or Regulation

Protection of the Environment (Operations) Act

Consultation

Nil for this phase of the project.

Legal and Risk Management

Non compliance with EPL conditions has a risk of prosecution under the Protection of the Environment (Operations) Act. The PRP requires the detailed design to be submitted to the EPA by 30 June 2022.

Climate Change

Climate change was considered in the determination report for the project.

Prepared by	Greg Mashiah, Manager Water Cycle
Confidential Attachment	Project Management Proposal from PWA

ITEM	6c.19.040	FAT DUCK ROAD – REQUEST FOR INCLUSION ON COUNCIL’S ROAD MAINTENANCE REGISTER - UPDATE
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Meeting	Corporate, Governance & Works Committee	20 August 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Yes	

SUMMARY

In April 2018, Council considered a request to include Fat Duck Road on Council’s Road Maintenance Register (Item 15.066/18). This report provides an update on the resolution regarding this matter.

OFFICER RECOMMENDATION

That Council:

1. Note the responses received with regard to the requirement for financial contribution and associated upgrade of Fat Duck Road (West).
2. Confirm that the water main along Fat Duck Road is to be relocated to the road verge by the beneficiaries of the water main.
3. Rename Fat Duck Road (West) to ‘Old Fat Duck Road’ subject to the concurrence of the Geographical Names Board.

COMMITTEE RECOMMENDATION

Simmons/Ellem

That the Officers Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.19.040

Williamson/Baker

That Council:

1. Note the responses received with regard to the requirement for financial contribution and associated upgrade of Fat Duck Road (West).
2. Confirm that the water main along Fat Duck Road is to be relocated to the road verge by the beneficiaries of the water main.
3. Rename Fat Duck Road (West) to ‘Old Fat Duck Road’ subject to the concurrence of the Geographical Names Board.

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

In April 2018 Council considered a request to include Fat Duck Road on Council's Road Maintenance Register (Item 15.066/18). Council adopted the following resolution:

That:

- 1. Council seek a contribution of \$20,000 (in total) from affected landowners to upgrade 2 km of Fat Duck Road, Woombah to a Category 2 type road.*
- 2. Council contact beneficiaries of the private water main that is located in the trafficable area of Fat Duck Road and request that the water main be relocated to the verge of Fat Duck Road.*
- 3. Council add 2 km of Fat Duck Road, Woombah to the Council Road Maintenance Register as a Category 2 type road following the payment of the contribution as detailed in point 1 and the relocation of the water main in point 2.*
- 4. The Fat Duck Road (west) be renamed to avoid confusion for emergency services with the Fat Duck Road located 180 metres further east along Iluka Road. Consultation to be held with affected property owners over the name change.*

Following the resolution, staff wrote to the owners of eight blocks along the road detailing Council's resolution and in particular the details of the contribution required for the road upgrade and the requirement to relocate the private water main.

Council received responses from three landowners. Two of the landowners agreed to contribute to the upgrade while one landowner refused, primarily due to their understanding that they do not have a building entitlement on their block. One of the respondents also owned the water main and there have been continuing discussions in regards to its relocation.

KEY ISSUES

There are a number of outstanding issues regarding the resolution which are detailed below.

Financial Contribution

As indicated above, Council contacted the owners of eight blocks regarding contributions to the upgrade of the road and received three responses. Of the remaining five blocks where a response was not received, two blocks are owned by the National Parks and Wildlife Service (NPWS). It is unlikely that Council will receive any contribution from NPWS.

In addition to the correspondence received from the three landowners, a letter was received from the Woombah Residents Association requesting that Council undertake an upgrade of the road (and not landowners) for the following reasons:

- The road is a gazetted public road with at least six landowners requiring its use, as well as visitors, tourists and emergency services (particularly RFS for backburning).
- Woombah is a popular and fast growing community and this road will potentially become home to more residents and tourists.
- A five acre block was subdivided off for residential purposes over 20 years ago and Council did not require the developer to upgrade the road then and has not carried out any follow-up maintenance.
- The road also provides access to Mororo Road, Blueberry Lane and West Street. With the Pacific Highway upgrade road changes, it is also the current route used by a property owner further out on Clair Road. [Council officers are aware that a track used by residents to the Pacific Highway during wet

weather when Fat Duck Road is impassable and has been permanently closed as part of the Pacific Highway upgrade.]

- This road gives access to fire trails surrounding the village of Woombah and should therefore always be maintained to a required standard to provide essential emergency services such as ambulance, police and fire brigade.

Officer's comment

The road is a Public road and therefore under the care and control of Council. The road is in poor condition but continues to be used by local residents as well as (anecdotally reported to Council) logging contractors. Even though the road is not on Council's maintenance list, Council carries a liability for the road by it being a Public road. With the road being in poor condition Council's liability is higher than it might otherwise be. Should Council want to reduce its liability in this situation the only option is to undertake some maintenance on the road.

Relocation of the Water Main

The water main provides water to Lot 35 DP 751394. The owners of the property have raised the following matters in relation to the water main:

- The family purchased the property in 1994 with Council road access and water supply. It was only after purchase that they realised that the water meter was not at the property boundary but on Iluka Road (approximately 2 km from the property).
- Council has not maintained the road or water main for over 20 years.
- The pipeline was installed in the middle of the road and due to lack of road maintenance has become exposed. This has resulted in line breakages and water loss. The issue has been exacerbated by repairs using coarse gravel which damages the water main when vehicles drive over it.
- The family have had to repair the water main and also pay for the water lost.
- The family believe Council should relocate the water main at its cost and locate the meter at the corner of Lot 35 DP 751394.

In response, the Manager Water Cycle has provided the following advice, noting that similar advice was provided to the property owner in October 2016.

- Under Section 552 of the *NSW Local Government Act 1993* (the Act), properties which are within 225 metres of a Council water main can be charged water availability.
- Under Section 124 of the Act a property within 225 metres of Council's main can be ordered to connect to the water supply.
- Properties within 225 metres of a Council water main are therefore entitled to connect to Council's water system and their water meter is located on the property boundary.
- Until the revocation of the Private Water Line Connection Policy (Policy 1.49) properties further than 225 metres from Council's water mains were (like this property) able to connect to Council's water supply as a "private" water service with the water meter being located at the connection point to Council's main. With the revocation of Policy 1.49 new private connections are not permitted but under the grandfathering clause existing connections can be relocated.
- Council has also looked at the possibility of relocating the water meter closer to the property if future subdivisions occurred. Lots immediately south of the property (Lots 20 and 21) are Large Lot Residential zoning and are currently not able to be subdivided. Lot 17 is potentially able to be subdivided so the water meter may be able to be relocated closer to the property at some future date but at present the water main is a private main from the meter to the property.

Council's position is therefore that the water main is a private line and all costs need to be met by the owner.

Naming of the Road

Council has received one recommendation to name the road as 'Old Fat Duck Road' as it is locally known. It is recommended that this be conveyed to the Geographical Names Board for approval.

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

There is no implication until the road is added to Council's maintenance register.

Policy or Regulation

The Roads Policy applies.

Consultation

All property owners were advised of the situation. There has been discussions with some owners, the results of which are included in the report.

Legal and Risk Management

There is a portion of liability risk that is attributed to Council as it is the road authority for public roads. The responsibility to drive to the conditions remains with the user of the road.

Climate Change

N/A

Prepared by	Tim Jenkins, Manager Civil Services
Attachment	Correspondence from Landowners and Woombah Residents Association

ITEM 6c.19.041 SEE PARK, GRAFTON COMMUNITY CONSULTATION

Meeting	Corporate, Governance & Works Committee	20 August 2019
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (David Sutton)	
Attachment	Yes	

SUMMARY

This report presents feedback from the community consultation undertaken for See Park, Grafton.

OFFICER RECOMMENDATION

That:

1. Council include the development of a master plan and associated cost estimates for See Park in its 2020/2021 capital works program.
2. The master plan include the key themes that were identified through the consultation period.

COMMITTEE RECOMMENDATION

Simmons/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.19.041

Williamson/Baker

That:

1. Council include the development of a master plan and associated cost estimates for See Park in its 2020/2021 capital works program.
2. The master plan include the key themes that were identified through the consultation period.

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 1.1.1 Encourage vibrant and welcoming towns and villages

BACKGROUND

Council, at its February 2019 Ordinary meeting (Item 17.003/19), resolved:

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.*

KEY ISSUES

Context and Location

See Park is located in the heart of Grafton on Council owned community land being Lot 7006 DP 1055181. The Park is part of a relatively continuous corridor of open space that follows the path of Alumny Creek.

The Park is frequently used by a broad cross section of our community for a range of purposes including:

- Community events eg Jacaranda festival
- Weddings and private events
- Families and friends gathering space
- Disability carers and their clients
- Informal light exercise groups eg tai chi
- Young people to interact with the wildlife and play equipment

See Park is very popular during the Jacaranda Festival and season with mature trees lining Garden and Turf Streets creating many photo opportunities.



Image 1 – See Park, Grafton

Community Engagement

Community engagement was undertaken and included:

1. On site pop up sessions

Two pop up sessions were held at See Park over different days to engage a range of users, the dates being:

- Tuesday 9 July, 2019 – from 11am – 1pm
- Saturday 13 July, 2019 – from 11am – 1pm

The pop up sessions at See Park enabled the community to speak directly with Open Spaces staff. The sessions were well attended, valuable open feedback received and surveys completed.

The key themes that were received through this form of engagement are summarised as follows:

- Play equipment suitable for the younger age group

- Regular maintenance of the pond and water feature
- Refurbishment of the public toilets
- Upgrade/replacement of the barbecues and park furniture
- Lights for the jacaranda trees during season
- Consideration of public art

In response to prior and initial feedback received through this consultation, a specific activity targeted the playground equipment inviting children to place a sticky dot on their preferred play equipment. The intent was to gauge an understanding of what items the children would like to see installed to compliment the existing equipment in the Park. This was recorded as follows:

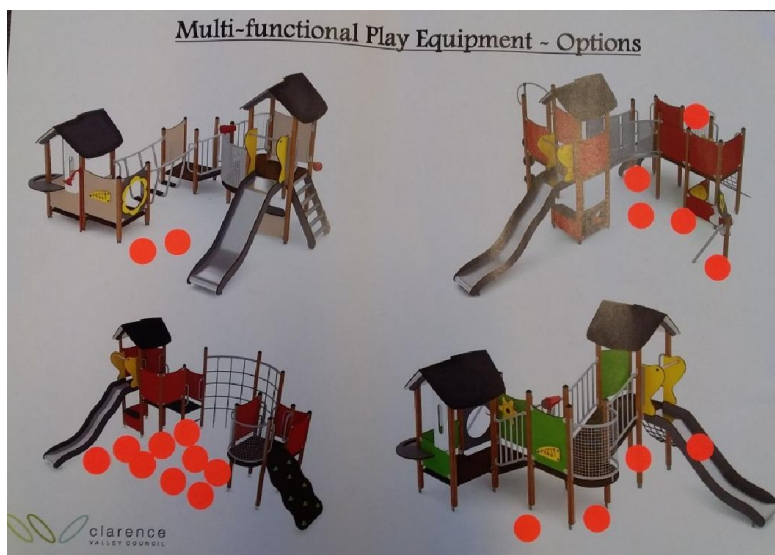


Image 2 – Play equipment consultation poster

2. Media Release to the local media

An article promoting the consultation was published on 6 / 7 July, 2019 by a local media agency.



POPULAR PARK: Maddy Cullen, Hugo McPherson and Gabby Cullen feed ducks in See Park, Grafton. Photo: Clarence Valley Council

Council calls for residents' input

CLARENCE Valley Council is inviting residents to share their thoughts and ideas on a re-vamp of See Park in Grafton. The park often swells with visitors during Jacaranda season thanks to its abundance of stunning bursts of colour and has hosted countless weddings, kids' birthday parties and family get-togethers. Senior parks and recreation officer Rachelle Passmore said

she would like to hear the things people like about the park and where improvements could be made. "We want to know what elements the community feels are important in any redevelopment of See Park," she said. "We want to know what people use it for or is there anything missing that should be included in any future plans for it?"

Anyone interested in sharing their thoughts and ideas on the future of the park are invited to come along to on-site community engagement events on Tuesday, July 9, and Saturday, July 13, both at 11am. However, residents can provide feedback now by visiting the Clarence Conversations website: <https://www.clarenceconversations.com.au/see-park>

Image 3 – Media – Daily Examiner 6/7 July, 2019

3. Facebook posts

Three social media posts were released being depicted below:



Image 4 – Social Media 2/7/19

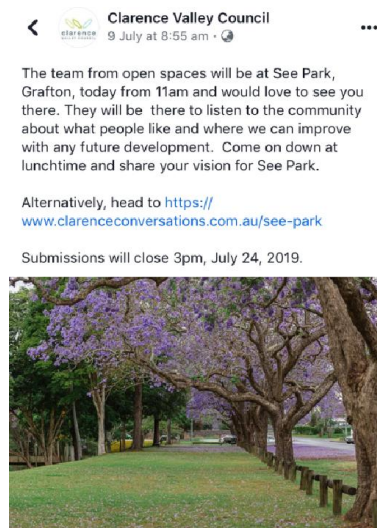


Image 5 – Social Media 9/7/19

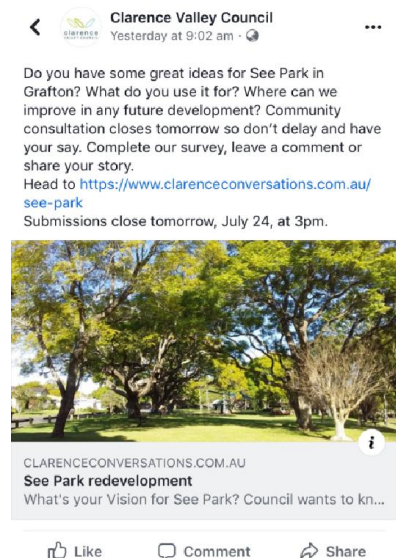


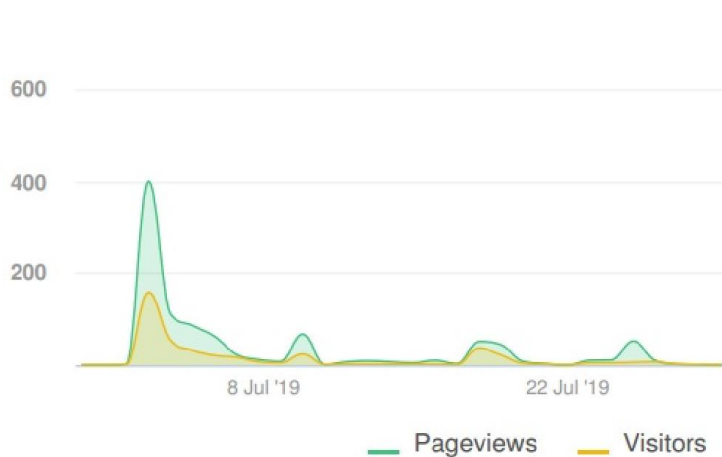
Image 6 – Social Media 23/7/19

The first post on 2 July, 2019 reached 1,823 people and engaged 393 people. There were over 20 shares from this site alone and many comments recorded. The social media posts provided a link to the online survey, additionally it advised of the pop up meetings. Comments specific to the project were captured and incorporated into the survey / summary of comments.

4. Clarence Conversations

The Clarence Conversations webpage was used to engage the community regarding See Park. Through this method of engagement provided: an online survey; open forum and online questions. A summary of this information is as follows:

Visitors Summary



Highlights

TOTAL VISITS	MAX VISITORS PER DAY	
445	158	
NEW REGISTRATIONS		
3		
ENGAGED VISITORS	INFORMED VISITORS	AWARE VISITORS
188	259	397

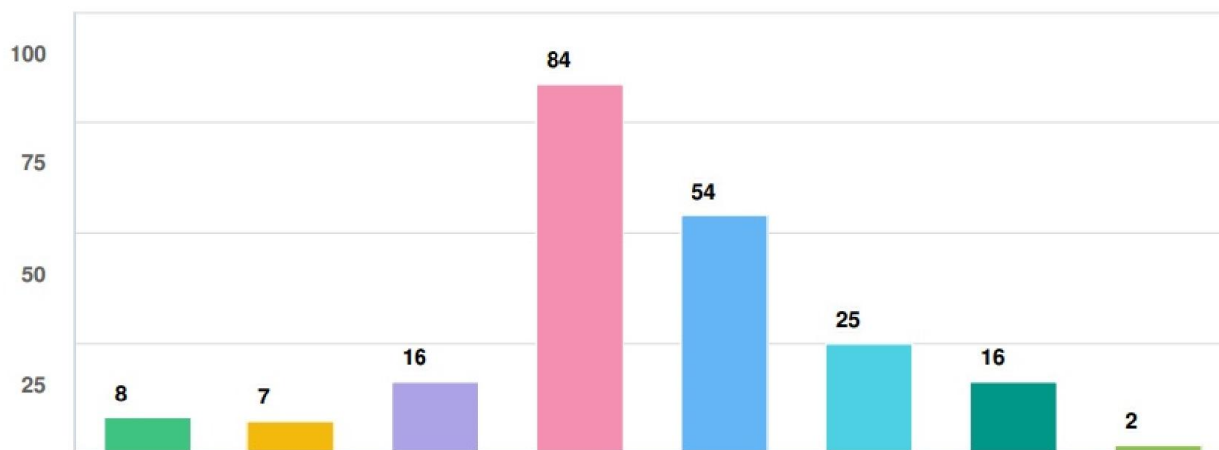
Table 1 – Community consultation summary

This graph indicates that the page had a total of 445 visitors to the page, broken down into engaged, informed and aware visitors:

- Engaged - People who directly contributed to a survey, posted ideas on the forum or asked a question that related to the project.
- Informed – People who have been into several sections of the site, possibly downloaded related documents, contributed to a discussion.
- Aware - People who have visited the page at least once.

There were a total of 213 people who completed the survey, which was available online and onsite at the pop up engagement sessions. 82% of participants were recorded as female and 18% male.

The age group of survey participants varied, with the most popular age group being 25 – 39 years.



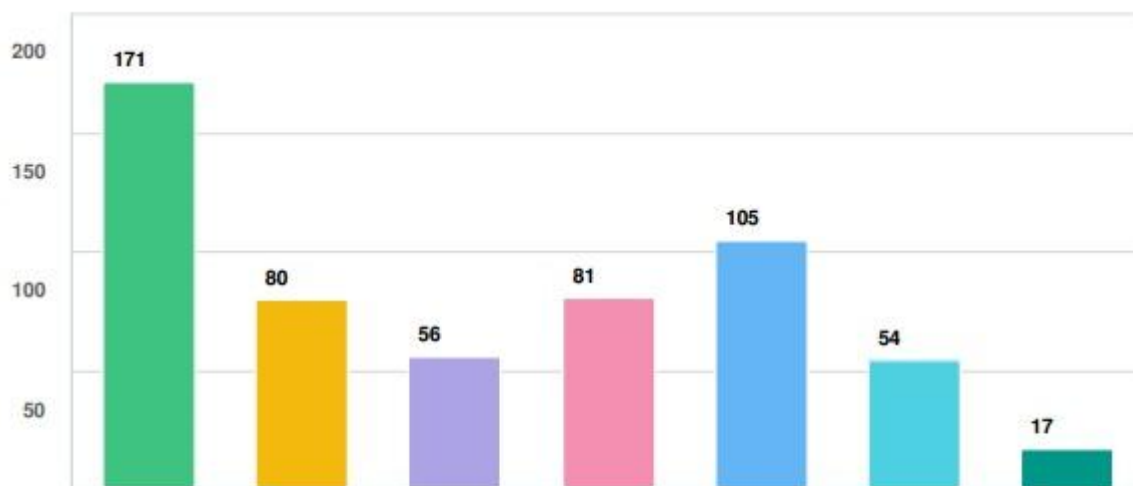
Question options

- Under 12
- 12 to 17
- 18 to 24
- 25 to 39
- 40 to 55
- 56 to 65
- 66 to 75
- Over 75

Optional question (212 responses, 1 skipped)

Table 2 – Age results of survey participants

We asked ‘what features and character best represent See Park generally’:



Question options

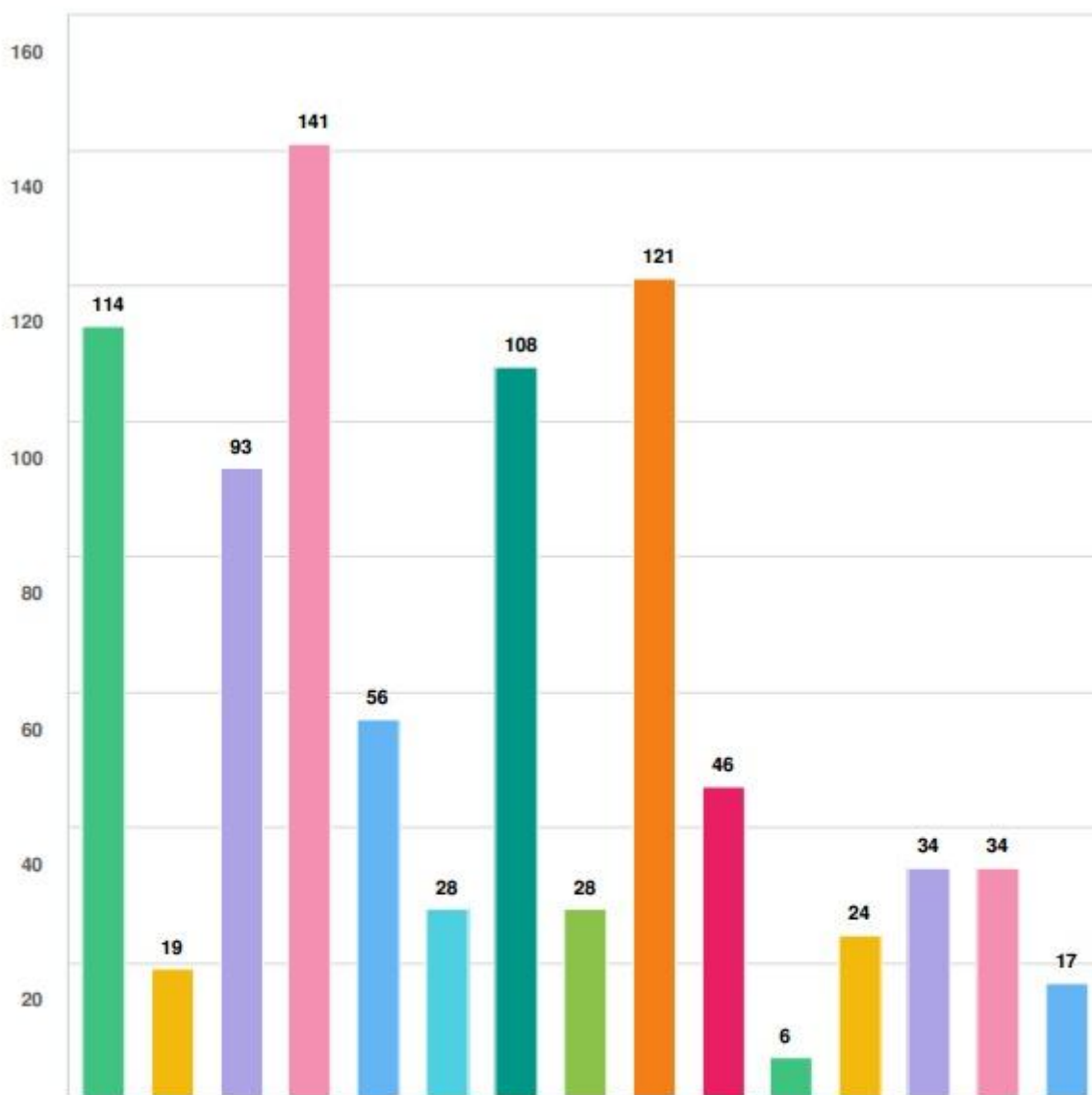
- Water fountain and pond space
- BBQ and picnic facilities
- Gardens
- The play equipment
- Jacaranda trees
- The wildlife
- Connection with the local community

Optional question (210 responses, 3 skipped)

Table 3 – Features results of survey participants

The water fountain and pond space was the overwhelming favourite feature, followed by the jacaranda trees, then play equipment and BBQ facilities.

We asked what ‘elements are critical for any future design of See Park’:



Question options

- Providing more picnic infrastructure (eg BBQs, tables, shelters)
- Keeping the area open and well maintained
- Providing for disability / inclusive access
- Regular maintenance of the water feature and pond
- Identifying commercial opportunities (eg food/coffee vans)
- Having bright colours and exciting features
- Providing more trees and vegetation
- Replacing or upgrading the toilet facilities
- Providing spaces for photographic opportunities
- Being low key and simple
- Providing more play space elements
- Formalised parking
- Public art
- Providing a gathering or event space eg amphitheatre
- Other

Optional question (210 responses, 3 skipped)

Table 4 – Future design results of survey participants

The top five items selected were:

- i. Replacing or upgrading the toilet facilities (141)
- ii. Providing more play space elements eg junior equipment (121)
- iii. Providing more picnic infrastructure eg BBQs, tables, seating (114)
- iv. Regular maintenance of the water feature and pond (108)
- v. Keeping the area open and well maintained (93)

In addition to the information capture above, there were a further 141 comments left for consideration. These are provided as an attachment to this report. The key themes captured through the commentary are as follows:

- Extension of the play equipment to include play elements for younger age children
- Upgrade/ renovation of the toilet block
- Upgrade of existing park infrastructure including tables, seating and shelters
- Improved accessibility

5. **Written correspondence (unsolicited)**

The Grafton Jacaranda Festival Committee (the committee) has an extensive vision for See Park during festival time. It has been on file for nearly four years and is not possible unless there is better and more extensive access to power at See Park.

The committee's vision includes up-lighting of trees, twilight/ evening food festival, interactive art installations highlighting local talent, roaming evening entertainment etc.

The festival is going through a time of great change and re-invigoration. Part of the longer term vision is the incorporation of the three parks (Memorial Park, Market Square and See Park) as the focal points of the festival.

Without adequate power at See Park the festival will continue to revolve around the Memorial Park/Market Square axis, missing a sizeable number of the visitor market.

Summary

See Park is commonly used for picnics, gatherings, play and special events being very popular during the Grafton Jacaranda Festival with locals and tourists.

- The consultation was promoted via print media and social media.
- Analytics from the first post on social media on 2 July, 2019 indicated that the post reached 1,823 people with 393 people engaged.
- A total of 213 surveys were completed.
- The 25-39 age group completed greatest number of surveys.

The key themes captured through the community engagement are summarised as follows:

- Complete regular maintenance on the pond and water feature.
- Upgrade Park infrastructure including shelters, tables, seating.
- Extend the play space by installing junior play equipment.
- Renovate the toilet facilities.
- Investigate power options / limitations.
- Review and investigate options to increase accessibility in and around the Park.

The above noted key themes generally require the construction of new features within the Park, with the exception of the pond pavement works (stage 2), no design information or costing is available to guide the placement or the likely cost of this work.

It is therefore recommended that Council include the development of a suitable master plan and associated cost estimates, which captures the key themes identified throughout the consultation in its 2020/2021 capital works program.

COUNCIL IMPLICATIONS

Budget/Financial

It is recommended that the project be considered in a future capital works program.

Asset Management

See Park being a district level reserve has a significant level of assets which vary in condition and remaining useful life. Assets including the BBQ shelters, BBQ settings and Park furniture are assessed as condition 4 and require renewal or upgrade. The pond edge and walkway have had renewal works undertaken in the 2018/19 financial year with further works being undertaken in the current financial year.

Other major assets such as the toilet block and bridge are assessed as condition 3 and the lighting pole as condition 2.

In addition to the renewal of assets, operations and maintenance levels may need to be reconsidered in response to use ie frequency of BBQ and amenity cleaning. Any change will need to be considered in the context of available resources and budgets.

Policy or Regulation

- NSW Disability inclusion Act 2014
- Disability Inclusion Action Plan 2017 – 2021
- Open Spaces Strategy
- Council Report 17.003/19

Consultation

Council's Open Spaces team has conducted two onsite pop-up engagement sessions at See Park and it was promoted in local newspapers, through social media and a dedicated webpage at Clarence Conversations.

The Grafton Jacaranda Festival Committee has also provided feedback on future development for the Park.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Rachelle Passmore, Senior Parks & Recreation Officer
Attachment	Feedback from Clarence Conversations

ITEM	6c.19.042	ENVIRONMENTAL TRUST – RESTORATION & REHABILITATION GRANT – REQUEST FOR SUPPORT
Meeting	Corporate, Governance & Works Committee	20 August 2019
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (David Sutton)	
Attachment	Nil	

SUMMARY

Council has been successful in obtaining \$97,138 through the *Environmental Trust – Restoration & Rehabilitation Grants 2019* over a three year period. Funds were sought for employing a project officer, and revegetation of habitat in the Maclean rainforest, gully and Maclean lookout reserve. The project is a collaboration between Council, TAFE and Yaegl Traditional Owners Aboriginal Corporation (Yaegl TOAC) RNTBC to undertake regeneration across this culturally important landscape.

Council is required to provide \$25,000 over a three year period commencing with \$8,000 from the 2019/20 budget to contribute to the part-time Project Officer to administer the grant.

OFFICER RECOMMENDATION

That Council allocate \$25,000 over three years being \$8,000 in the 2019/20 budget, \$8,000 in the 2020/21 budget, and \$9,000 in the 2021/22 budget from RA10245 (Biodiversity Offset Reserve) for the part-time Project Officer position to coordinate the implementation of the Environmental Trust – Restoration & Rehabilitation Grant.

COMMITTEE RECOMMENDATION

Simmons/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.19.042

Williamson/Baker

That Council allocate \$25,000 over three years being \$8,000 in the 2019/20 budget, \$8,000 in the 2020/21 budget, and \$9,000 in the 2021/22 budget from RA10245 (Biodiversity Offset Reserve) for the part-time Project Officer position to coordinate the implementation of the Environmental Trust – Restoration & Rehabilitation Grant.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 4 Environment

Objective 4.1 We will preserve and enhance our natural environment

Strategy 4.1.2 Promote sustainable Natural Resource Management

BACKGROUND

Weeds - predominately Lantana, Madeira Vine, Dutchmans Pipe and garden escapees are threatening native vegetation communities in Maclean and impacting habitat connectivity.

Yaegl TOAC and contractors will rehabilitate lowland rainforest and sclerophyll forest in Maclean which form part of the Lower Clarence climate change corridor. These systematic bush regeneration works will control weed threats and improve habitat for threatened species, increase habitat connections, vegetation extent and resilience, reduce weed impacts and increase landowner restoration skills and awareness. Restoration efforts as part of this project will also see work undertaken in the rainforest and thereby relieve pressure on residents where the flying-fox camp has expanded into unsuitable habitat near residential areas in the township of Maclean.

KEY ISSUES

The project will focus on properties which share a boundary with the Maclean Lookout Reserve and have E2/E3 zoning (Environmental Protection/Management Clarence Valley Council LEP 2012). This includes Crown Reserves, Yaegl TOAC RNTBC land, Nungera and private properties. The area for this project covers 14ha. Three sites contain gullies of degraded forest with potential to restore to lowland subtropical rainforest. The sites also form part of the Lower Clarence climate change corridor.

On ground activities will be strongly linked to the Yaegl community encouraging working on country and provide opportunities for gaining qualifications in Conservation and Land Management through TAFE.

COUNCIL IMPLICATIONS

Budget/Financial

As part of the grant conditions Council is required to contribute \$25,000 over three years being:

- \$8,000 in 2019/20
- \$8,000 in the 2020/21, and
- \$9,000 in the 2021/22

It is proposed that these funds be taken from RA10245 (Biodiversity Offset Reserve – balance as at 30 June 2019 \$124,164) to support the part-time Project Officer position to coordinate the implementation of the Environmental Trust – Restoration & Rehabilitation Grant.

Asset Management

N/A

Policy or Regulation

N/A

Consultation

A steering committee will be formed with representatives from Council, Yaegl TOAC, Nungera, Envite and TAFE to coordinate management actions.

Legal and Risk Management

The project officer, along with implementing the funded actions, will reduce the economic, social and environmental risks associated with weed infested land.

Climate Change

Healthy ecosystems have been shown to sequester more carbon and function more effectively, enabling these areas to resist pressures from a changing climate. Removing weeds and encouraging native regrowth will help restore ecosystem functions.

Prepared by	Heather Mitchell, NRM Officer Biodiversity
Attachment	Nil

ITEM 6c.19.043 FUTURE JACARANDA BOULEVARD PLANTING

Meeting	Corporate, Governance & Works Committee	20 August 2019
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (David Sutton)	
Attachment	Nil	

SUMMARY

This report presents the outcome of investigations completed for potential further planting of Jacaranda trees to create Jacaranda Boulevards at the various entranceways to Grafton and South Grafton.

OFFICER RECOMMENDATION

That:

1. Council receive and note the outcomes of the investigations.
2. Due to the identified constraints, Council not plant additional Jacaranda trees to create continuous Boulevards at the following locations:
 - a) Current Pacific Highway – north and south of the intersection of Charles Street and Pacific Highway for a distance of 5km in each direction
 - b) Ryan Street South Grafton - Bent Street to Rogan Bridge Road
 - c) Armidale Road - from the intersection of Maxwell Avenue to the Brickworks Lane intersection
 - d) Summerland Way - end of current plantings to Clarence Way.

COMMITTEE RECOMMENDATION

Kingsley/Toms

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.19.043

Williamson/Baker

That:

1. Council receive and note the outcomes of the investigations.
2. Due to the identified constraints, Council not plant additional Jacaranda trees to create continuous Boulevards at the following locations:
 - a) Current Pacific Highway – north and south of the intersection of Charles Street and Pacific Highway for a distance of 5km in each direction
 - b) Ryan Street South Grafton - Bent Street to Rogan Bridge Road
 - c) Armidale Road - from the intersection of Maxwell Avenue to the Brickworks Lane intersection
 - d) Summerland Way - end of current plantings to Clarence Way.

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	1.1.1 Encourage vibrant and welcoming towns and villages

BACKGROUND

Council at its February 2019 Ordinary meeting (Item 17.003/19) resolved -

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.*

Grafton is commonly referred to as the 'city of trees', there is weight behind this title with more than 7,000 mature or semi-mature trees being located within the urban road networks of Grafton and South Grafton. Many of these trees hold significance such as 'remnant', 'rare in cultivation', and/or 'endangered' being preserved or planted by the luminaries of their time. The management of this valuable asset is guided by the Tree Management Policy and the Clarence Valley Urban Tree Management Strategy.

One group of trees being the Jacaranda (*Jacaranda mimosifolia*) following an initial planting in 1910 became a favourite and was planted in such numbers that by 1935 the effect of the flowering trees was so widely regarded in New South Wales that the Jacaranda Festival was born. The Jacaranda Festival is the longest running floral festival in Australia and a significant economic driver for Grafton, and the Clarence Valley. The Jacaranda represents 36% of the total canopy cover of Grafton and South Grafton and, while significant, represents only one of the 96 tree species that make up Grafton's street tree diversity, (Wrigley 1991).

One key reason for the consistency of avenues, the size and growth characteristics of the trees is that Grafton is located on a major bend in the Clarence River on an alluvial plain where soils have been built up through deposited fluvial sands, silts and clays by flooding events. The soil is relatively fertile with a high water table that allows good growing performance for many species of trees. This landscape type is similar for areas of South Grafton located closer to the river in the heritage precinct. The landform steepens as the alluvial plain is replaced with posolic soils found on the hill crests and mid to upper slopes. These soil types on the rises are lower in fertility. (Refer Figure 1.1)

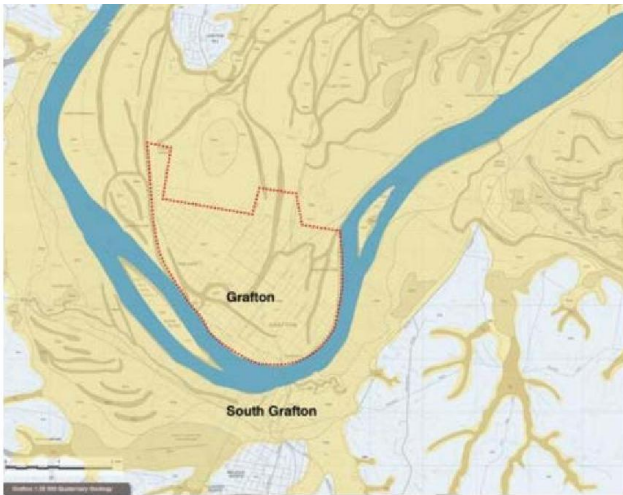


Figure 1.1 - Geomorphology diagram of Grafton (Clarence Valley Urban Tree Management Strategy)

Other key reasons for the consistency of avenues, the size and growth characteristics of the trees is the available space for trees being governed by existing infrastructure, services, building setbacks, verge widths and run off distances.

KEY ISSUES

Context

The selection of appropriate species is critical to successful establishment and uniformity of street tree avenues and important in minimizing any future risk associated with conflicts with other infrastructure and people using / occupying this infrastructure.

Assessment Criteria

In response to the resolution and prior to undertaking the on-ground investigation, an understanding of the limiting parameters was developed to enable a reference point, these included:

- Safe sight distances must be applied according to the design speed, a general rule would be that a 1.2m minimum clearance from the fog line must be adhered to. Mature Jacaranda trees have an estimated 10m wide canopy spread meaning the trees would have to be planted at least 7m off the fog line on these roads. Refer Figure 2.1.

Figure 2.1 – Fog line (Site Distance)

- The clear zone must be kept clear of all non-frangible vegetation. The clear zones vary based on vehicle speed, approx. and the number of daily vehicles trips. Being conservative in each case the following distances are to be considered: 60km/hr = 5.0m; 70-80km/hr = 6.5m; 90km/hr = 7.5m; 100km/hr = 10.0m. Refer Figure 2.2.

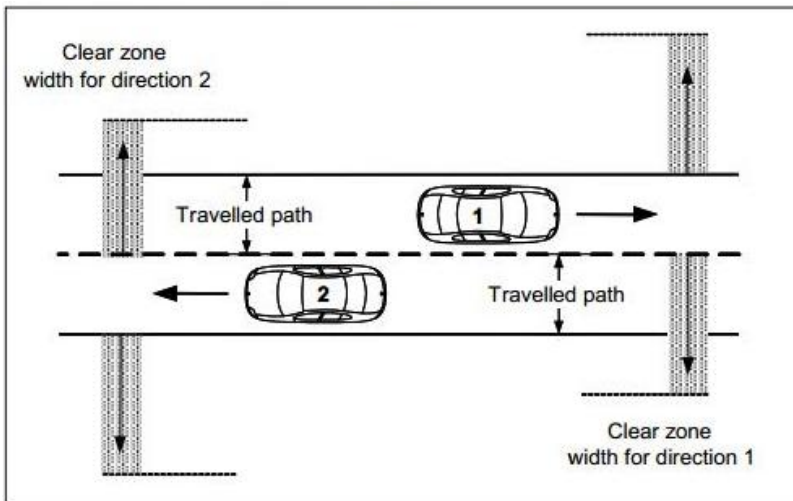


Figure 2.2 – Clear Zones

- The trees must not create hidden public spaces with poor surveillance.
- The trees must not obscure signage.
- The trees must not be hazardous to buildings and maintenance.
- The trees should not obstruct access to or otherwise block the flow of table drains.
- The trees should be planted at least 15 metres away from powerlines or a distance equal to its mature height – whichever is greater. Refer Figures 2.3 and 2.4.



Figure 2.3 – Overhead electrical wires

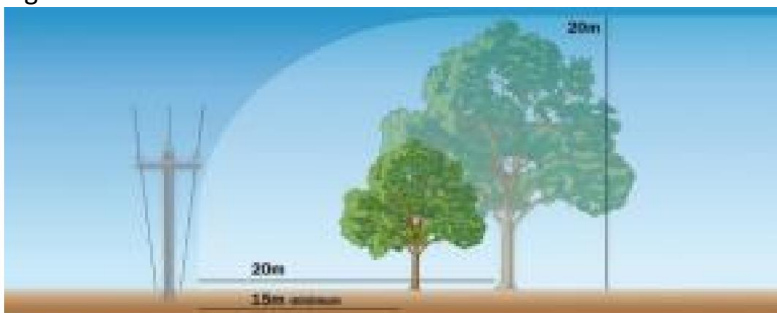


Figure 2.4 – Essential Energy (Plan before you plant guide)

- The trees should be planted in the alluvial soils, with good drainage and a shallow water table.
- The trees should not be planted on cutting or fill embankments. Refer Figure 2.5.



Figure 2.5 - Batters

With the establishment of these limiting parameters it was determined that should a potential site conflict with one or more of the following: site distance, clear zone, overhead wires or soil (batters / table drains), it would be considered not suitable. Other parameters, such as obscure signage and poor surveillance, would be assessed on a case by case basis but would not necessarily render a potential site as not suitable.

Benefits of Planting

Avenue planting provides climatic benefits including reduction of heat, absorption of CO₂, visual relief and habitat, and in addition the proposed tree plantings in these locations may contribute to providing a safer road by:

- Feature tree planting can help provide milestones and relieve the monotony of long journeys and connect travellers coming into Grafton.
- Tree planting can help create a self-explaining road by providing visual cues to drivers as to the road alignment and the appropriate speed limits.
- Frangible vegetation can help slow or stop errant vehicles before they hit non-frangible objects.
- Anecdotal evidence has shown that an interesting, not distracting, visual experience can help improve driver behaviour and alertness.

Potential sites

The resolution identified the four roads that connect Grafton and South Grafton. The following figures map the approximate extent of the potential sites:

(North)

(South)

Figure 2.5 - Current Pacific Highway – 5km north and south of the Charles Street intersection

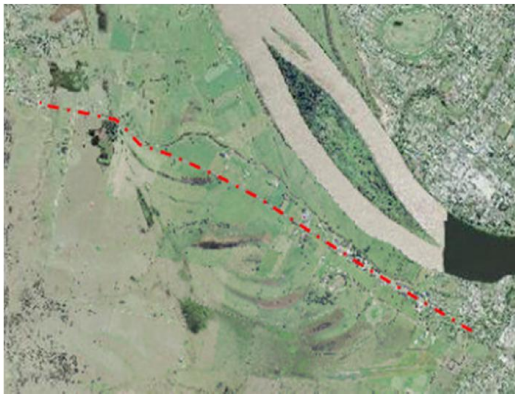


Figure 2.6 - Ryan Street South Grafton: Bent Street to Rogan Bridge Road (6.2km approx.)



Figure 2.7 - Armidale Road Maxwell Avenue intersection to Brickworks Lane intersection (1.6km approx.)

Figure 2.8 - Summerland Way end of current plantings to Clarence Way intersection (4.8kms approx.)
 Should planting be possible across all locations and based on trees at 12m centres along a total combined road corridor length of 22.6km, an approximate total of 3,750 trees would be required.

Assessment

The value of planting any tree cannot be understated, however the resolution sought to ‘create a Jacaranda Boulevard’ and as such the assessment was made for a road corridor with a general suitable or not suitable position being determined.

ASSESSMENT OF IDENTIFIED LCOATIONS

Current Pacific Highway -North of the intersection of Charles Street (5km)

Criteria	Site Distance	Clear Zone	Overhead Wires	Soil	Batters/Drains
Assessment	varies min. 10m available	0.7km : 60km/hr 1.5km : 80km/hr 2.8km : 100km/hr	3.6km impacted on 1 side by OH wires 2.4km no OH wires	1.5km on alluvial 3.5km other	1.5km clear 3.5km impacted
Suitable /	suitable	suitable	3.6km not suitable	1.5km suitable	1.5km suitable

not suitable		suitable	2.4km suitable	3.5km not suitable	3.5km not suitable
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Summary and Recommendation

The proposed planting area from the intersection for a distance of 5km North is impacted by one or more of the following constraints: overhead (OH) wires; batters / drains; a number of existing trees (various species); and other infrastructure constraints. Areas that are clear of infrastructure constraints generally occur away from the alluvial soil. The constraints of the corridor prevent 'Boulevard' style planting, however a single line of trees Jacaranda or other species could be planted in suitable areas that do not have existing trees.

Considering the constraints it is recommended that this area not be considered as a future Jacaranda Boulevard, however there are opportunities along this corridor to undertake additional planting of native trees such as Flooded Gum and Silky Oak in locations that compliment the existing trees. Given the constraints, context and increased maintenance requirements of additional trees any planting would be completed as a low priority when assessed against the requirement to renew existing corridors within urban areas.

Current Pacific Highway - South of the intersection of Charles Street (5km)

Criteria	Site Distance	Clear Zone	Overhead Wires	Soil	Batters/Drains
Assessment	0.9km constrained 4.1km varies min. 10m available	0.9km : 60km/hr 1.2km : 80km/hr 2.9km : 100km/hr	3.1km impacted on 1 side by OH wires 1.9km no OH wires	0.4km on alluvial 0.5km other 1.6km on alluvial 2.5km other	2.5km clear 2.5km impacted
Suitable / not suitable	not suitable suitable	suitable	3.1km not suitable 1.9km suitable	2.0km suitable 3.0km not suitable	2.5km suitable 2.5km not suitable

Summary and Recommendation

The proposed section of road corridor from the intersection for a distance of 5km South is impacted by one or more of the following constraints: overhead (OH) wires; batters / drains; a number of existing trees (various species); and other infrastructure constraints. Areas that are clear of infrastructure constraints generally occur away from the alluvial soil. The constraints of the road corridor prevent 'Boulevard' style planting, however a single line of trees Jacaranda or other species could be planted in suitable areas that do not have existing trees.

Considering the constraints it is recommended that this area not be considered as a future Jacaranda Boulevard, however there are opportunities along this road corridor to undertake additional planting of native trees such as Flooded Gum and Silky Oak in locations that compliment the existing trees. Given the constraints, context and increased maintenance requirements of additional trees any planting would be completed as a low priority when assessed against the requirement to renew existing corridors within urban areas.

Ryan Street, South Grafton - Bent Street to Rogan Bridge Road (6.2km approx.)

Criteria	Site Distance	Clear Zone	Overhead Wires	Soil	Batters/Drains
Assessment	varies min. 10m available	2.8km : 60km/hr 3.4km : 100km/hr	2.8km impacted on 1 side by OH wires 3.4km no OH wires	6.2km on alluvial (generally)	6.2km clear (generally)
Suitable / not suitable	suitable	suitable (existing) not suitable (shared path)	2.8km not suitable 3.4km suitable	6.2km suitable (generally)	6.2km suitable (generally)

Summary and Recommendation

Existing 'Boulevard' planting is in place for a distance of 2.8km from the intersection of Bent and Ryan Streets, this existing planting is predominantly Jacaranda trees. Commencing from 2.8km from the intersection of Bent and Ryan Streets, a 3.4km section of road corridor is located on alluvial soil, provides suitable clearance (one side impacted by the shared path), achieves the required site distance, is generally clear of batters, drains, OH wires and existing trees. This location is constrained however due to the provision of the shared path, this constraint prevents a 'Boulevard' style planting. A single line of trees could be planted in suitable areas that do not have existing trees.

Considering the constraints it is recommended that this area not be considered as a future Jacaranda Boulevard per se; however there is an opportunity along this road corridor to undertake the additional planting of a single line of Jacaranda trees. Given the constraints, context and increased maintenance requirements of additional trees any planting would be completed as a medium priority when assessed against the requirement to renew existing corridors within urban areas.

Armidale Road - Maxwell Avenue to Brickworks Lane intersection (1.6kms approx.)

Criteria	Site Distance	Clear Zone	Overhead Wires	Soil	Batters/Drains
Assessment	varies min. 8m available	0.6km : 60km/hr 1.0km : 80km/hr	1.6km impacted on 1 side by OH wires	0.5km on alluvial 1.1km other / marginal	1.6km clear
Suitable / not suitable	suitable	suitable suitable	1.6km not suitable	0.5km suitable 1.1km not suitable	1.6km suitable

Summary and Recommendation

Commencing from the intersection of Maxwell Avenue and Armidale Road and extending to Brickworks Lane intersection the majority of the road corridor is impacted by one or more of the following constraints: overhead (OH) wires; batters / drains; a number of existing trees (various species); and other infrastructure constraints. Areas that are clear of infrastructure constraints generally occur away from the alluvial soil. The constraints of the road corridor prevent 'Boulevard' style planting, however pocket plantings of native species could be planted in suitable areas that do not have existing trees.

Considering the constraints it is recommended that this area not be considered as a future Jacaranda Boulevard, however there are opportunities along this road corridor to undertake additional planting of native trees such as Flooded Gum and Silky Oak in locations that compliment the existing trees. Given the constraints, context and increased maintenance requirements of additional trees any planting would be completed as a low priority when assessed against the requirement to renew existing corridors within urban areas.

Summerland Way - End of current plantings to Clarence Way intersection (4.8kms approx.)

Criteria	Site Distance	Clear Zone	Overhead Wires	Soil	Batters/Drains
Assessment	varies min. 8m available	0.6km : 80km/hr 1.1km : 60km/hr 3.1km : 80km/hr	0.6km clear 4.2km impacted on 1 side by OH wires	0.6km on alluvial 4.2km other	4.8km generally clear
Suitable / not suitable	suitable	suitable	0.6km suitable 4.2km not suitable	0.6km suitable 4.2km not suitable	4.8km suitable

Summary and Recommendation

Commencing from the end of the existing planting (near Earl Street) a 0.6km section of road corridor is located on alluvial soil, in general there is suitable clearance and site distance, and is generally clear of batters and drains and OH wires. Sections of this area have existing planting and infrastructure (shared path) that would reduce the impact of the Boulevard. 0.6km onwards is not suitable.

Considering the constraints it is recommended that this area not be considered as a future Jacaranda Boulevard per se; however there is an opportunity along this road corridor to undertake the additional planting of a single line of Jacaranda trees. Given the constraints, context and increased maintenance requirements of additional trees any planting would be completed as a medium priority when assessed against the requirement to renew existing corridors within urban areas.

Recommendation

Considering the constraints it is recommended that Council not plant additional Jacaranda trees to create continuous Boulevards at the following proposed locations, these being:

5km North / South on the current 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 from end of current plantings to Clarence Way intersection.

COUNCIL IMPLICATIONS

Budget/Financial

Proposed Costings

Cost analysis of planting out a 45L Jacaranda mimosifolia (planting needs may vary depending on soil condition).

Category	Item	Quantity	Price	Total
Tree + planting needs	45L Jacaranda mimosifolia	1	\$145	\$145.00
	Hardwood stakes	2	\$3.25	\$6.50
	Tree tablets	2	50c	\$1.00
	Soil conditioner (compost/mushroom compost)	.7m2	\$77m2	\$11.00
	Mulch (tea tree/pinewood)	.7m2	\$66m2	\$9.50
Staff/on costs	Labourer	2	\$77	\$154.00
	Truck	1	\$34	\$34.00
Totals per tree				\$361.00

Given the above assessment and identified constraints an estimated 200 (combined total) Jacaranda trees may be able to be planted along Ryan Street and the Summerland Way as feature trees but not as Boulevards. Additionally another 500 (estimated combined total) other trees (preferably natives suited to location and soil type) could be planted along the current Pacific Highway, Summerland Way, and Armidale Road to strengthen existing vegetation.

The estimated cost to procure and install 200 Jacaranda trees is \$72,200 and the 500 other trees is \$180,500.

The estimated cost to undertake the ongoing required establishment of the Jacaranda trees is \$17,760 (20 min. water + attend x 4 times / 200 trees = \$17,760 (1 season only)). If establishment period is successful and no external factors impact the tree (ie vandalism), maintenance costs will be negligible for 30-40 years for these trees. The whole of life costs for tree maintenance across Council's urban forest is not calculated on a per tree basis but rather the average operational budget for tree maintenance across 3 years is \$660,000.

Asset Management

The urban forest consisting of street and park trees are currently not considered a financial asset. While this remains the current position, the urban forest should be considered one of the most valuable assets within the Clarence Valley Council LGA in monetary terms requiring considerable resources to manage

them adequately for current and future generations. Trees like any assets require maintenance and the more items Council owns the more it will cost to maintain.

Policy or Regulation

- Austroads | August 2018 | Guide to Road Design Part 6: Roadside Design, Safety and Barriers
- Roads and Maritime Services | December 2018 | Landscape design guidelines
- Essential Energy | Plan Before you Plant (A guide to planting and managing trees near powerlines)
- Urban Tree Management Policy
- Clarence Valley Urban Tree Management Strategy
- Yamba Street Tree Masterplan
- Recommended Street Trees for Clarence Valley

Consultation

Internal consultation was held between Open Spaces, Civil and Works and Water Cycle Sections to confirm technical parameters used for assessment.

Legal and Risk Management

These recommendations of adhering to safe site distances, fog line clearances and not planting in unfavourable growing conditions/poor soils types should be upheld and not overruled.

Climate Change

The planting of trees can assist in moderating the effects of climate change. Trees absorb carbon dioxide from the atmosphere, locking up carbon that in turn helps regulate the earth's climate. On a local level street trees can also assist in fighting climate change. Their shade lowers the local temperatures of hard surfaces by 3 - 5°C. They reduce evaporation from the soil by retaining moisture in soil. Indirectly, street trees can reduce heating or cooling requirements in nearby buildings therefore reducing power consumption. It is important that the right tree species are chosen to suit and adapt to a changing climate.

Street trees improve our air quality and therefore our health. Trees absorb carbon dioxide (CO₂) and release oxygen (O₂). As part of this process the tree stores carbon in its roots, trunk, branches and leaves. Newly planted trees tend to grow quickly and will sequester carbon quicker than an older, more mature tree. Trees also reduce air pollution by intercepting and filtering harmful gases and airborne particle pollution, such as car fumes.

Prepared by	Andrew Auglys, A/Open Spaces Coordinator
Attachment	Nil

ITEM	6c.19.044	MONTHLY INVESTMENT REPORT – MARCH 2019 – RESUBMITTED FROM 23 APRIL (ITEM 13.011/19)
Meeting	Corporate, Governance & Works Committee	20 August 2019
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Nil	

SUMMARY

This report was originally presented to the April Ordinary Council meeting under Item 13.011/19. The motion put forward as follows:

“That

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

And was declared lost and as 3 months have now passed it is being resubmitted for consideration.

The purpose of this report is to inform Council of the details of Council’s investment funds as at the end of each month.

OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Simmons/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.19.044

Williamson/Baker

That the report indicating Council’s funds investment position as at 31 March 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 March 2019 which details compliance with Council's Investment Policy Portfolio Credit Limits.

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

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

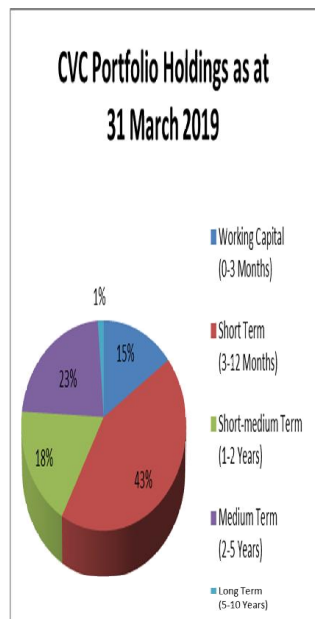
Individual Institution or Counterparty Limits

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

Individual Institution or Counterparty Limits as at 31 March 2019					
Financial Institution	Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
TERM DEPOSITS & FRNs*					
AMP	A	15.00%	6,000,000	4.91%	Yes
ANZ*	AA-	30.00%	2,022,380	1.65%	Yes
BoQ	BBB+	15.00%	15,000,000	12.27%	Yes
Bendigo	BBB+	15.00%	7,000,000	5.72%	Yes
Bendigo*			1,006,320	0.82%	
Rural Bank			5,000,000	4.09%	
CBA*	AA-	30.00%	2,026,680	1.66%	Yes
Credit Union Australia	BBB	15.00%	3,000,000	2.45%	Yes
Defence	BBB	15.00%	9,000,000	7.36%	Yes
G&C Mutual	BBB-	15.00%	1,000,000	0.82%	Yes
IMB	BBB	15.00%	1,000,000	0.82%	Yes
ING Direct	A	15.00%	14,000,000	11.45%	Yes
ME Bank	BBB	15.00%	4,000,000	3.27%	Yes
NAB	AA-	30.00%	16,000,000	13.08%	Yes
NAB*			1,000,940	0.82%	
P&N	BBB	15.00%	3,000,000	2.45%	Yes
People's Choice	BBB	15.00%	1,000,000	0.82%	Yes
RaboDirect	A+	15.00%	11,000,000	8.99%	Yes
Westpac	AA-	30.00%	7,000,000	5.72%	Yes
Westpac*	AA-		1,523,610	1.25%	
TOTAL TERM DEPOSITS & FRNs*			110,579,930	90.42%	
MANAGED FUNDS					
TCorp	AAA	40.00%	1,960,182	1.60%	Yes
TOTAL MANAGED FUNDS			1,960,182	1.60%	
FUNDS AT CALL					
AMP	A	15.00%	3,168,192	2.59%	Yes
ANZ	AA-	30.00%	2,272,067	1.86%	Yes
CBA	AA-	30.00%	4,317,027	3.53%	Yes
TOTAL FUNDS AT CALL			9,757,286	7.98%	
TOTAL INVESTMENTS			122,297,398	100.00%	

Portfolio Holdings by Maturity

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



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

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

COUNCIL IMPLICATIONS

Budget/Financial

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

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

- Running yields* to 31 March 2019 have been:

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

***Running yield** is a measure of the return (before costs) that would be earned from current positions if there were no trades and no fluctuation in market yields.

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

Performance v Benchmark

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

Asset Management

N/A

Policy or Regulation

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

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Michael Salvestro, Financial Accountant
Attachment	Previously distributed under Item 13.011/19 – 23 April 2019

ITEM 6c.19.045 MONTHLY INVESTMENT REPORT – JULY 2019

Meeting	Corporate, Governance & Works Committee	20 August 2019
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Yes	

SUMMARY

The purpose of this report is to inform Council of the details of Council's investment funds as at the end of each month.

OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Kingsley/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.19.045

Williamson/Baker

That the report indicating Council's funds investment position as at 31 July 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 July 2019 which details compliance with Council's Investment Policy Portfolio Credit Limits.

Portfolio Credit Limits as at 31 July 2019				
Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
AAA	100.00%	6,474,423	5.25%	Yes
AA	100.00%	39,631,983	32.14%	Yes
A	60.00%	32,693,569	26.51%	Yes
BBB	50.00%	44,509,215	36.10%	Yes
TOTAL INVESTMENTS		123,309,190	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.

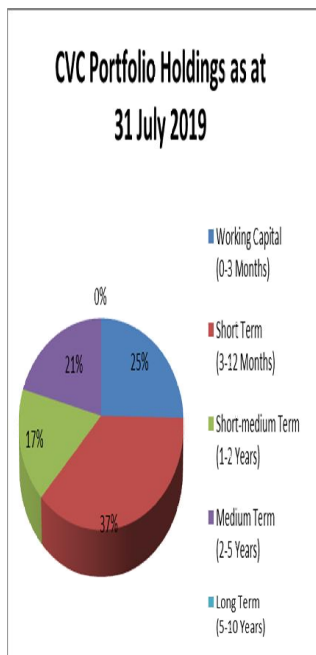
Individual Institution or Counterparty Limits

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

Individual Institution or Counterparty Limits as at 31 July 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%	4,000,000	3.24%	Yes
ANZ*	AA-	30.00%	2,045,120	1.66%	Yes
BoQ	BBB+	15.00%	14,000,000	11.35%	Yes
Bendigo	BBB+	15.00%	7,000,000	5.68%	Yes
Bendigo*			1,009,215	0.82%	
Rural Bank			5,000,000	4.05%	
CBA*	AA-	30.00%	2,033,175	1.65%	Yes
Credit Union Australia	BBB	15.00%	2,000,000	1.62%	Yes
Defence	BBB	15.00%	9,000,000	7.30%	Yes
G&C Mutual	BBB-	15.00%	1,000,000	0.81%	Yes
IMB	BBB	15.00%	-	0.00%	Yes
ING Direct	A	15.00%	14,000,000	11.35%	Yes
ME Bank	BBB	15.00%	4,000,000	3.24%	Yes
NAB	AA-	30.00%	16,000,000	12.98%	Yes
NAB*			1,014,620	0.82%	
P&N	BBB	15.00%	3,000,000	2.43%	Yes
People's Choice	BBB	15.00%	1,000,000	0.81%	Yes
RaboDirect	A+	15.00%	11,000,000	8.92%	Yes
Westpac	AA-	30.00%	7,000,000	5.68%	Yes
Westpac*	AA-		1,536,623	1.25%	
TOTAL TERM DEPOSITS & FRNs*			105,638,753	85.67%	
MANAGED FUNDS					
TCorp	AAA	40.00%	1,974,423	1.60%	Yes
TOTAL MANAGED FUNDS			1,974,423	1.60%	
FUNDS AT CALL					
AMP	A	15.00%	4,693,569	3.81%	Yes
ANZ	AA-	30.00%	273,524	0.22%	Yes
CBA	AA-	30.00%	10,728,921	8.70%	Yes
TOTAL FUNDS AT CALL			15,696,014	12.73%	
TOTAL INVESTMENTS			123,309,190	100.00%	

Portfolio Holdings by Maturity

Illustrated and tabled below is a summary of Council’s investments by maturity as at 31 July 2019. Excluding “at-call” working capital, 47.85% of Council’s investments are maturing within the next twelve months.



Register of Investments - Clarence Valley Council as at 31 July 2019					
Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
WORKING CAPITAL (0-3 MONTHS)					
T-CorpIM Cash Fund	1,974,423	1.60%	At-Call	2.16%	AAA
AMP Bank Ltd	4,693,569	3.81%	At-Call	1.55%	A
ANZ Banking Group Ltd	273,524	0.22%	At-Call	1.30%	AA-
Commonwealth Bank of Australia	10,728,921	8.70%	At-Call	1.03%	AA-
AMP Bank Ltd	1,000,000	0.81%	30/08/2019	2.70%	A-
Bendigo Bank	2,000,000	1.62%	28/10/2019	2.95%	BBB+
Credit Union Australia	2,000,000	1.62%	06/08/2019	2.78%	BBB
National Australia Bank	2,000,000	1.62%	05/09/2019	2.71%	AA-
National Australia Bank	3,000,000	2.43%	05/09/2019	2.71%	AA-
National Australia Bank	2,000,000	1.62%	13/09/2019	2.75%	AA-
RaboDirect (Australia) Ltd	2,000,000	1.62%	14/08/2019	2.85%	A+
TOTAL WORKING CAPITAL (0-3 MONTHS)	31,670,437	25.68%		1.95%	
SHORT TERM (3-12 MONTHS)					
AMP Bank Ltd	3,000,000	2.43%	6/03/2020	2.75%	A-
Bank Of Queensland Ltd	1,000,000	0.81%	6/07/2020	3.00%	BBB+
Bendigo Bank	1,000,000	0.81%	21/11/2019	2.70%	BBB+
Bendigo Bank	2,000,000	1.62%	16/12/2019	2.85%	BBB+
Bendigo Bank	2,000,000	1.62%	18/12/2019	2.85%	BBB+
Defence Bank	1,000,000	0.81%	4/03/2020	2.80%	BBB
Defence Bank	2,000,000	1.62%	11/05/2020	3.00%	BBB
G&C Mutual Bank	1,000,000	0.81%	18/03/2020	4.00%	BBB-
ING	1,000,000	0.81%	6/11/2019	2.87%	A
ING	2,000,000	1.62%	8/11/2019	2.85%	A
ING	2,000,000	1.62%	10/12/2019	2.87%	A
ING	3,000,000	2.43%	14/02/2020	2.87%	A
ING	2,000,000	1.62%	20/02/2020	2.89%	A
ING	2,000,000	1.62%	2/03/2020	2.87%	A
ME Bank Ltd	2,000,000	1.62%	6/05/2020	3.11%	BBB
ME Bank Ltd	2,000,000	1.62%	8/05/2020	2.30%	BBB
National Australia Bank	2,000,000	1.62%	11/11/2019	2.73%	AA-
National Australia Bank	2,000,000	1.62%	11/12/2019	2.75%	AA-
National Australia Bank	3,000,000	2.43%	20/05/2020	2.20%	AA-
National Australia Bank	2,000,000	1.62%	30/07/2020	1.80%	AA-
People's Choice Credit Union	1,000,000	0.81%	12/12/2019	2.77%	BBB
Rural Bank Ltd	2,000,000	1.62%	10/02/2020	2.85%	BBB+
Rural Bank Ltd	2,000,000	1.62%	4/03/2020	2.80%	BBB+
Rural Bank Ltd	1,000,000	0.81%	4/03/2020	2.80%	BBB+
Bendigo Bank (3m BBSW +110bps) (Principal Value \$1,000,000) Market Value	1,009,215	0.82%	21/02/2020	2.66%	BBB+
TOTAL SHORT TERM (3-12 MONTHS)	45,009,215	36.50%		2.76%	
SHORT - MEDIUM TERM (1-2 YEARS)					
Bank Of Queensland Ltd	1,000,000	0.81%	26/10/2020	3.20%	BBB+
Bank Of Queensland Ltd	1,000,000	0.81%	26/10/2020	3.20%	BBB+
Bank Of Queensland Ltd	1,000,000	0.81%	02/12/2020	3.60%	BBB+
Bank Of Queensland Ltd	2,000,000	1.62%	12/01/2021	3.65%	BBB+
Bank Of Queensland Ltd	1,000,000	0.81%	29/06/2021	3.45%	BBB+
Defence Bank	2,000,000	1.62%	20/11/2020	3.00%	BBB
Defence Bank	2,000,000	1.62%	17/12/2020	3.00%	BBB
Defence Bank	2,000,000	1.62%	09/03/2021	3.00%	BBB
ING	1,000,000	0.81%	10/11/2020	2.92%	A
P&N Bank	3,000,000	2.43%	11/03/2021	3.82%	BBB
RaboDirect (Australia) Ltd	2,000,000	1.62%	14/06/2021	3.02%	A+
RaboDirect (Australia) Ltd	1,000,000	0.81%	21/06/2021	3.07%	A+
Westpac Bank	2,000,000	1.62%	05/03/2021	3.00%	AA-
TOTAL SHORT-MEDIUM TERM (1-2 YEARS)	21,000,000	17.03%		3.25%	

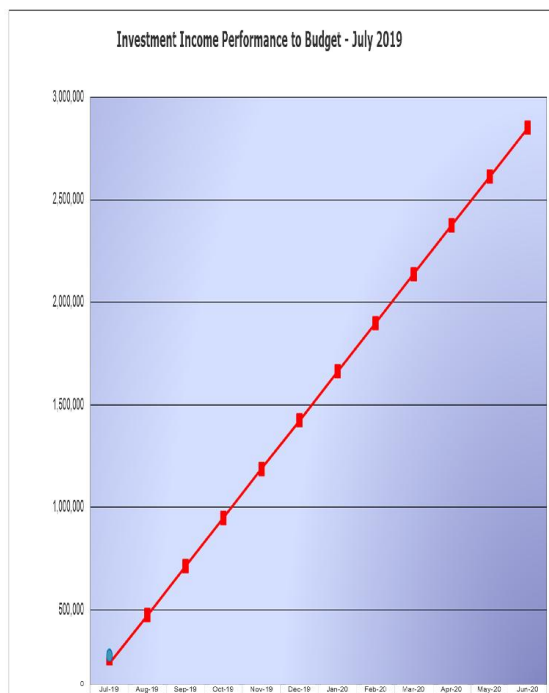
Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
MEDIUM TERM (2-5 YEARS)					
Bank Of Queensland Ltd	1,000,000	0.81%	02/12/2021	3.80%	BBB+
Bank Of Queensland Ltd	1,000,000	0.81%	09/05/2022	3.60%	BBB+
Bank Of Queensland Ltd	1,000,000	0.81%	03/08/2022	3.60%	BBB+
Bank Of Queensland Ltd	2,000,000	1.62%	08/02/2023	3.55%	BBB+
Bank Of Queensland Ltd	2,000,000	1.62%	21/08/2023	3.60%	BBB+
ING	1,000,000	0.81%	04/10/2022	3.66%	A
RaboDirect (Australia) Ltd	2,000,000	1.62%	13/09/2022	3.40%	A+
RaboDirect (Australia) Ltd	1,000,000	0.81%	05/12/2022	3.21%	A+
RaboDirect (Australia) Ltd	1,000,000	0.81%	17/08/2023	3.40%	A+
RaboDirect (Australia) Ltd	2,000,000	1.62%	19/09/2023	3.40%	A+
Westpac Bank	1,000,000	0.81%	16/11/2021	2.83%	AA-
Westpac Bank	2,000,000	1.62%	18/07/2022	2.17%	AA-
Westpac Bank	2,000,000	1.62%	13/03/2023	2.95%	AA-
ANZ Banking Group Ltd (3m BBSW +103bps) (Principal Value \$2,000,000) Market Value	2,045,120	1.66%	06/12/2023	2.41%	AA-
Commonwealth Bank (3m BBSW +80bps) (Principal Value \$1,000,000) Market Value	1,009,325	0.82%	25/04/2023	1.85%	AA-
Commonwealth Bank (3m BBSW +113bps) (Principal Value \$1,000,000) Market Value	1,023,850	0.83%	11/01/2024	2.26%	AA-
National Australia Bank (3m BBSW +80bps) (Principal Value \$1,000,000) Market Value	1,014,620	0.82%	10/02/2023	2.45%	AA-
		0.00%			
Westpac Bank (3m BBSW +114bps) (Principal Value \$1,500,000) Market Value	1,536,623	1.25%	24/04/2024	2.23%	AA-
TOTAL MEDIUM TERM (2-5 YEARS)	25,629,538	20.78%		3.01%	
LONG TERM (5-10 YEARS)					
					AA-
TOTAL LONG TERM (5-10 YEARS)	-	0.00%		0.00%	
TOTAL INVESTMENTS	123,309,190	100.00%		2.69%	

COUNCIL IMPLICATIONS

Budget/Financial

Portfolio Investment Returns to 31 July 2019			
	Actual	Budget 2019/20	Over/(Under)
This Month			
Cash Deposits & FRNs	\$276,806	\$235,800	\$41,006
Managed Funds	\$3,286	\$1,700	\$1,586
	\$280,092	\$237,500	\$42,592
Year to Date			
Cash Deposits & FRNs	\$276,806	\$235,800	\$41,006
Managed Funds	\$3,286	\$1,700	\$1,586
	\$280,092	\$237,500	\$42,592

- Actual results have shown that total interest income to 31 July 2019 is \$0.0426M above the 2019-20 budget of \$0.2375M.
- As at 31 July 2019 the Floating Rate Notes (FRNs) had an unrealised capital gain of \$117,698.

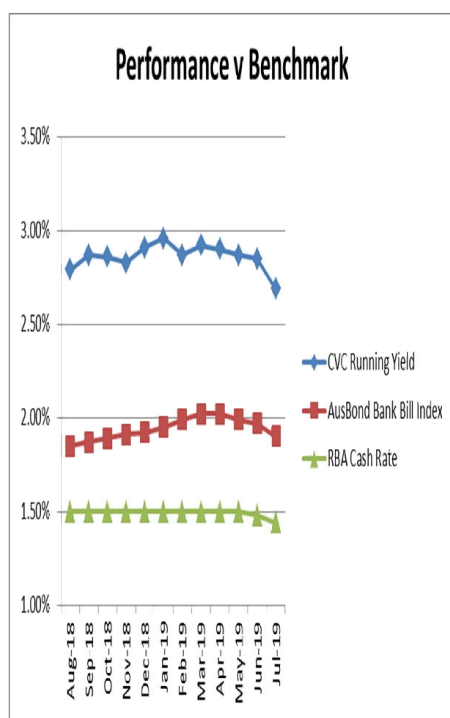


- Running yields* to 31 July 2019 have been:

AMP Business	1.30%
AMP 31 Day Notice	1.80%
ANZ Premium Business	1.30%
CBA General	1.10%
24hr Call Account	0.95%
T-CorpIM Cash Fund	2.16%
Floating Rate Notes	2.32%
Term Deposits	2.97%
Total	2.69%

*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 July was 1.00%. The benchmark AusBond Bank Bill Index was 1.90% for July.
- The current running yield of the total investment portfolio remains at elevated levels above the cash rate. At month-end, it stood at +2.69% (June 2.83%).



- The following investments have been arranged since the previous report:
 - AMP Bank \$2.0m TD matured 23/07/19, redeemed
 - NAB \$2.0m TD matured 29/07/19, reinvested for 367 days at 1.8% - matures 30/07/2020
 - CBA \$1.0m TD matured 29/07/19, redeemed

Quarterly Investment Report 30 June 2019 (provided by CPG Research & Advisory)

The CPG report indicates that Council's Investments as at 30 June 2019 is 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 June, deposits yielded an excellent +3.01% p.a.; +176bp above the official cash rate of 1.25%. This return is above any deposit rate from the market which are now typically in the high 1s or low 2s.
- CPG has recommended FRNs and deposits as both margins widened. Both are now reaching a level where they are more difficult to chase. Harvesting the major bank FRNs has been an attractive strategy and Council has accrued new gains (increasing in early FY20).
- The portfolio is well distributed across maturities with considerable maturities in the coming year (as expected) but a spread out to 2024. Council has excellent fixed rate protection as the low rate cycle extends and rates set new records. Even at this late stage, with the cash rate now stable for 3 years, Council has secured rates far above the current market.
- Council now faces record low deposit rates, post-GFC low credit spreads, and record low returns on TCorp's cash funds but with a year of protection in place before facing it.
- Council's investment portfolio of \$120.7m is anchored by fixed and floating rate term deposits (84%). The remainder of the portfolio is directed to cash account (9%), FRNs (6%) and call notice accounts (less than 1%).

- As at the review date, Council did not have an overweight position to any single counterparty. Overall the portfolio is well diversified across investment grade.
- Council's portfolio has strong liquidity, with 24% of assets at call or maturing within 3 months and an additional 36% maturing within 12 months.
- The deposit and FRN opportunity sets are both becoming quite tight. Council has the medium and long-term capacity to purchase them as they arise and should do so opportunistically based on relative value on the day. We consider FRNs likely to be the highest returning fixed interest asset class for FY20.

Asset Management

N/A

Policy or Regulation

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

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

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

Prepared by	Vickie Stacey, Finance Officer (Accounting) & Kirsty Gooley, Assistant Financial Accountant (Reporting & Assets)
Attachment	A: Movement of funds between months and Other Internal Reserves (detail) B: CPG Research & Advisory Quarterly Investment Report as at 30 June 2019

ITEM 6c.19.046 PETITION – SPEEDING ON GUMNUT ROAD, YAMBA

Meeting	Corporate, Governance & Works Committee	20 August 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	To be tabled	

SUMMARY

Council has received a petition regarding noise and speeding traffic on Gumnut Road, Yamba. The following report details actions taken.

OFFICER RECOMMENDATION

That Council note the concerns raised in the petition and actions taken to date.

COMMITTEE RECOMMENDATION

Simmons/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.19.046

Williamson/Baker

That Council note the concerns raised in the petition and actions taken to date.

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

Gumnut Road, Yamba is a 931 metre long street located between The Halyard and Witonga Drive. The road is generally wide (12 metres between kerbs) and straight. Council has received a petition citing concerns over road noise and speeding traffic. The designated speed limit of the road is 50 km/h.

Council undertook traffic and speed counts on Gumnut Road in March 2019. These counts were undertaken at two locations along the road. Results of the counts were:

Location	Annual Average Daily Traffic	Percent Heavy Vehicles	Average Speed	85% Percentile Speed
Chainage 2 m	2398	1.0	41.8	50.4
Chainage 440 m	2912	0.8	47.7	55.1

The conclusions drawn from this data is:

- Gumnut Road has a high traffic volume with most of the traffic being light vehicles;
- The average vehicle speed is below the designated speed limit while the 85% percentile speed (the speed at which 85% of vehicles travel or less) is slightly above the designated speed limit; and
- There are still a relatively high number of vehicles travelling at above the designated speed limit on a daily basis.

KEY ISSUES

Gumnut Road, being wide and straight, is conducive to faster vehicle travel. There are options to install traffic calming measures along the road (blisters, chicanes, speed activated signs) to either force motorists to reduce speed at particular locations or provide advice to motorists on their speed so that they take their own corrective action. The latter is the preferred action.

Council has recently submitted grant applications under the Safer Roads grant application process. This grant is generally fully funded. Under this grant process Council included an application to install two traffic calming speed devices along Gumnut Road, including:

- Blisters and medians;
- Speed activated signage; and
- Line marking.

The cost of each traffic calming site is \$43,850 (giving a total grant application of \$87,700).

No other actions are proposed at this time.

COUNCIL IMPLICATIONS

Budget/Financial

The financial implications of the current proposed action (application for funding) is detailed above. At this stage there is no cost to Council.

Asset Management

N/A

Policy or Regulation

N/A

Consultation

There has been previous correspondence and discussion with the proponent of the petition over traffic on Gumnut Road.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Tim Jenkins, Manager Civil Services
To be tabled	Petition

ITEM	6c.19.047	REHABILITATION OF FORMER MACLEAN, TOWNSEND & ILARWILL SEWAGE TREATMENT PLANTS – UPDATE REPORT
Meeting	Corporate, Governance & Works Committee	20 August 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Nil	

SUMMARY

This report updates Council on progress with rehabilitation of the Maclean, Townsend and Ilarwill Sewage Treatment Plants (STP).

OFFICER RECOMMENDATION

That Council:

1. Receive the update report on rehabilitation of the former Sewage Treatment Plant sites at Maclean, Townsend and Ilarwill.
2. Note that the rehabilitation of the former Sewage Treatment Plant sites at Maclean, Townsend and Ilarwill has been completed.
3. At a future meeting be provided with a report which details:
 - a. the receipt of the site audit statement of the former Maclean Sewage Treatment Plant
 - b. any budget variations to be undertaken
 - c. the status of any remaining land sales.

COMMITTEE RECOMMENDATION

Kingsley/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.19.047

Williamson/Baker

That Council:

1. Receive the update report on rehabilitation of the former Sewage Treatment Plant sites at Maclean, Townsend and Ilarwill.
2. Note that the rehabilitation of the former Sewage Treatment Plant sites at Maclean, Townsend and Ilarwill has been completed.
3. At a future meeting be provided with a report which details:
 - a. the receipt of the site audit statement of the former Maclean Sewage Treatment Plant
 - b. any budget variations to be undertaken
 - c. the status of any remaining land sales.

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).

KEY ISSUES**a) Ilarwill STP**

The site auditors' final site audit statement was issued to Council on 16 April 2019. The property was offered for sale in accordance with point 6 of resolution 16.023/16 and Council's offer has been verbally accepted. Council's solicitor has been instructed to prepare the sale documents.

b) Maclean STP

The site remediation validation report was submitted to the Contaminated Land Site auditor on 13 May 2019, and the site audit statement is scheduled to be received by mid August. A registered surveyor has been engaged to undertake the boundary adjustment at this site to enable future sale of the portion not required to be retained by Council.

c) Townsend STP

This property has been rehabilitated and sold.

d) Rezoning of sites

The rezoning of the three STP sites has been completed.

COUNCIL IMPLICATIONS**Budget/Financial**

At its meeting of 15 November 2016 Council adopted a revised budget of \$1.950 million for this project, which included a 15% allowance for variations. As outlined in previous updates the major variation relates to additional testing, sampling and reporting required by the EPA accredited site auditor for approval of the Remediation Action Plans (RAP) for each site.

Project costs to date are summarised in the table below (ex GST):

Item	Cost
Original Contract Sum (Ledonne Constructions)	\$1,450,353.00
Approved Ledonne contract variations and increases in provisional sums	\$2,376,690.84
Original project management sum (Public Works Advisory)	\$146,853.00
Approved Public Works Project Management variation	\$7,280.00
Expert Biosolids Advice	\$2,350.00
Total Expenditure and Commitments to date	\$3,970,526.84

Foreshadowed increases in provisional rate items and contracts variations are:

Item	Cost
Public Works Project Management variation for 16 months extension to Jun 2019	\$11,648.00
Additional stock proof fencing – Maclean STP site	\$17,602.00

The project's current financial position is:

Item	Cost
Estimated Project cost	\$3,999,776.84
Current approved project budget	\$1,950,000.00
Projected project budget shortfall	\$2,049,776.84

The variation will be funded from the sewer fund. Modelling of the sewer fund indicates that a budget variation of this magnitude will not have an adverse impact on the performance of the sewer fund.

Asset Management

The former STP sites are decommissioned assets which are assessed as having no residual value.

Policy or Regulation

Contaminated Land Management Act, 1997

Consultation

Public Works Advisory; Ledonne Constructions

Legal and Risk Management

The timetable for issuing the Maclean site audit statements will depend on any additional issues raised by the audit.

Climate Change

Not applicable for consideration for this project as site works are complete.

Prepared by	Greg Mashiah, Manager Water Cycle
Attachment	Nil

ITEM 6c.19.048 SUCCESSFUL FLYING-FOX GRANT

Meeting	Corporate, Governance & Works Committee	20 August 2019
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (David Sutton)	
Attachment	Nil	

SUMMARY

Council was successful in obtaining \$42,000 through the Local Government NSW Flying-Fox Grant Program 2019. Funds were sought to: employ a flying-fox officer; revegetate habitat in the Maclean rainforest; and trialling canopy-mounted sprinklers to create buffers without vegetation removal.

OFFICER RECOMMENDATION

That Council:

1. Note the successful grant application of \$42,000 Local Government NSW Flying-Fox Grant Program 2019.
2. Provide matching funding of \$25,000 to appoint a flying-fox officer to undertake the requirements of the grant to be funded from RA10245 (Biodiversity Offset Reserve).

COMMITTEE RECOMMENDATION

Kingsley/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.19.048

Williamson/Baker

That Council:

1. Note the successful grant application of \$42,000 Local Government NSW Flying-Fox Grant Program 2019.
2. Provide matching funding of \$25,000 to appoint a flying-fox officer to undertake the requirements of the grant to be funded from RA10245 (Biodiversity Offset Reserve).

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 4 Environment

Objective 4.1 We will preserve and enhance our natural environment

Strategy 4.1.2 Promote sustainable Natural Resource Management

BACKGROUND

The Maclean flying-fox colony is a nationally recognised camp that is protected under state and federal legislation. The large number of flying-foxes within the urban environment has caused conflict in the community for more than 20 years and especially affects adjoining landowners which include residential dwellings, Maclean High School and Maclean TAFE. A management strategy for the colony was initially developed in 2010 and subsequently updated and endorsed by Council in 2018 [Item 14.085/18] to align with the Department of Planning, Industry and Environment (DPIE) NSW Flying-fox Camp Management Code of Practice.

A priority management action in the strategy was to employ a flying-fox officer to facilitate the implementation of the strategy.

At the July 2018 Council meeting, Council resolved that *'Subject to a matching state government grant, allocate \$25,000 in 2018/19 budget to employ a part time dedicated Flying-fox Officer to facilitate the actions in the management strategy'* [Item 14.085/18]

The 2018 Maclean flying-fox strategy was the platform from which Council successfully applied for \$42,000 from the LGNSW Flying-fox Grant.

KEY ISSUES

The updated 2018 Maclean flying-fox strategy was approved by Council last year and prioritises the following actions:

- education and awareness,
- maintaining existing buffers around school buildings and residences,
- seeking funding to revegetate Maclean rainforest reserve,
- alternate habitat creation,
- modification to property at the high school and residential buildings, and
- voluntary buy back of houses

The *2019 Stream 3 LGNSW Flying-fox Grants* were specifically for implementing actions from an approved flying-fox management strategy and Council sought funds for:

1. Revegetation of the Maclean Rainforest (\$15,000 grant and \$15,000 in-kind from Department of Planning Industry & Environment, Crown Lands Division).
2. Sprinklers installed as a trial to increase buffer distance between sensitive receivers (Maclean High School and TAFE) and the flying-fox camp (\$2,000 grant).
3. Employment of a Flying-fox Officer to develop a Clarence Valley wide flying-fox strategy, including a communication strategy and investigation into alternative roost habitats (\$25,000 grant and \$25,000 Council).

The application for the grant was endorsed by Council [Item 14.085/18], as the grant has now been received it is recommended that Council provide matching funding of \$25,000 to appoint a flying-fox officer to undertake the requirements of the grant to be funded from RA10245 (Biodiversity Offset Reserve)

COUNCIL IMPLICATIONS

Budget/Financial

Council agreed to allocate \$25,000 towards employment of a flying-fox management officer from the 2018/19 budget in the July 2018 Council meeting (Item 14.085/18), due to the timing of the grant announcement this budget was not allocated in the 2018/19 financial year.

The application for the grant was endorsed by Council [Item 14.085/18], as the grant has now been received it is recommended that Council provide matching funding of \$25,000 to appoint a flying-fox officer to undertake the requirements of the grant to be funded from RA10245 (Biodiversity Offset Reserve) which has a balance as at 30 June 2019 of \$124,164.

Asset Management

Council only manages a very small part of the area occupied by the camp and it is important that all the land managers are involved in its management.

Policy or Regulation

N/A

Consultation

Community and stakeholder engagement was undertaken during the development of the updated strategy. The list of those consulted is provided on page 6 of the strategy. Additionally, the Maclean Flying-Fox Working Group discussed the grant and the actions to be funded at its December 2018 meeting.

Legal and Risk Management

The flying-fox officer, along with implementing the funded actions, will reduce the economic, social and environmental risks associated with managing the camp.

Climate Change

Seeking additional roosting habitat will aid in offsetting impacts from heat stress and overcrowding currently experienced by the camp on a seasonal basis, by providing alternative habitat away from residential areas.

Prepared by	Heather Mitchell, NRM Officer Biodiversity
Attachment	Nil

a. INFORMATION ITEMS

ITEM	6d.19.002	ITEMS FOR INFORMATION
Meeting	Council	27 August 2019
Directorate	Office of General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	To be tabled	

OFFICER RECOMMENDATION

That the Items for Information as listed below be adopted:

1. CVC Climate Change Advisory Committee, minutes of meetings held:
 - 22 June 2018
 - 26 October 2018
 - 7 November 2018
 - 8 February 2019
 - 10 May 2019
2. Grafton Regional Gallery Advisory Committee, minutes of meeting held
 - 26 June 2019
3. Dundurrabin Community Centre Committee, minutes of meetings held:
 - 13 March 2019
 - 30 April 2019
 - 11 June 2019
4. Southgate Community Hall Committee, minutes of meeting held:
 - 20 April 2019
5. Nymboida Hall Management Committee, minutes of meeting held:
 - 17 June 2019
6. Tucabia Community Hall Committee, minutes of meeting held:
 - 24 June 2019
7. Audit Committee, minutes of meetings held:
 - 14 May 2019

COUNCIL RESOLUTION – 6d.19.002

Williamson/Baker

That the Items for Information as listed below be adopted:

1. CVC Climate Change Advisory Committee, minutes of meetings held:
 - 22 June 2018
 - 26 October 2018
 - 7 November 2018
 - 8 February 2019
 - 10 May 2019
2. Grafton Regional Gallery Advisory Committee, minutes of meeting held
 - 26 June 2019
3. Dundurrabin Community Centre Committee, minutes of meetings held:
 - 13 March 2019
 - 30 April 2019
 - 11 June 2019
4. Southgate Community Hall Committee, minutes of meeting held:

- 20 April 2019
5. Nymboida Hall Management Committee, minutes of meeting held:
- 17 June 2019
6. Tucabia Community Hall Committee, minutes of meeting held:
- 24 June 2019
7. Audit Committee, minutes of meetings held:
- 14 May 2019

Voting recorded as follows:

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

Against: Nil

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

b. TENDERS

ITEM	6e.19.006	RFT19/012 YAMBA MUSEUM EXTENSION – ON CROWN LAND
Meeting	Council	27 August 2019
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (David Sutton)	
Attachment	Confidential	

SUMMARY

Tenders were called for the construction of an extension to the Yamba Museum incorporating a new enclosed entertaining area and storeroom. Funding of \$250,000 for the project was received through the NSW State Government Stronger Country Communities Fund. This report presents the outcome of the tender process and seeks Council's endorsement to accept the most advantageous tender enabling the commencement of construction of the enclosed entertaining area and storeroom.

OFFICER RECOMMENDATION

That Council as Crown Land Manager of Reserve 96648:

1. Accept the tender from Black Trout Constructions for RFT19/012 Construction of Yamba Museum Extension, River Street, Yamba at a cost of \$95,189.00 (GST Exclusive) to be funded from Yamba Museum Extension (PJ 570106, Cost Centre 864).
2. Authorise the General Manager to approve variations up to 10% of the contract value.

COUNCIL RESOLUTION – 6e.19.006

Williamson/Baker

That Council as Crown Land Manager of Reserve 96648:

1. **Accept the tender from Black Trout Constructions for RFT19/012 Construction of Yamba Museum Extension, River Street, Yamba at a cost of \$95,189.00 (GST Exclusive) to be funded from Yamba Museum Extension (PJ 570106, Cost Centre 864).**
2. **Authorise the General Manager to approve variations up to 10% of the contract value.**

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

Funding of \$250,000.00 for the project was received through the NSW State Government Stronger Country Communities Fund. The works included the construction of a new enclosed entertaining area and storeroom the extension, a Yaegl garden, and surrounding landscaping and driveway.

Tenders were called on Friday 31 May 2019. A mandatory site meeting was held on Wednesday 12 June 2019, with three tenderers attending the site meeting: Black Trout Constructions; Clarence Coast Constructions; and Greg Clark Building. Tenders closed on Friday, 28 June 2019.

KEY ISSUES

Four submissions from the following listed tenderers were received in response to the Request for Tender process:

1. Black Trout Constructions
2. Clarence Coast Constructions
3. Greg Clark Building
4. Teal Windows

(listed in alphabetic order)

Teal Windows tender was assessed to be non-conforming and was not considered due to the failure to attend the mandatory tender meeting.

The Company Directors of the conforming tenders are as follows:

Tenderer	Name of Partners and Directors	Position
Black Trout Constructions	Michael Harris	Director/Builder
	Christi Harris	Director
Clarence Coast Constructions	Chris Birkett	Director/Builder
	Denise Birkett	Director/Admin
Greg Clark Building Pty Ltd	Greg Clark	Director

A Tender Evaluation Committee (TEC) evaluated the conforming submissions against the criteria to ensure compliance with the Tender Evaluation Plan (TEP). The TEC assessment and recommendation is included in the Tender Evaluation Report which is included as a confidential attachment.

COUNCIL IMPLICATIONS

Budget/Financial

Funding

This project is funded by the Stronger Country Communities Fund – NSW Government, the value of funding being \$250,000.00. A budget summary is provided in Table 1.

Table 1: Total budget costs of the project against the grant funding (GST Exclusive):

Description	Estimate	Actual	Committed
Detailed Design		\$1,875	
Design Costs		\$4,500	
Additional Engineering		\$2,150	
Survey Services McNamara Cooksley		\$1,200	
Project Management Costs			\$12,500
Building Construction	\$150,000		
Garden and Driveway Construction	\$52,775		
Contingency (10%)			\$25,000
Sub-Total	\$202,775	\$9,725	\$37,500
Total			\$250,000

Available Funds

The available budget for the construction of a new enclosed entertaining area and storeroom extension is \$150,000.00. The tendered price from Black Trout Constructions for RFT19/012 Construction of Yamba Museum Extension, River Street, Yamba is \$95,189.00. The value of these works is within the available budget.

It is proposed that the funds remaining following the construction of the extension be allocated to creating the driveway, Yaegl garden and surrounding landscaping with the balance of any funds remaining from the contingency to be used to expand the scope of the Yaegl garden.

The budget for the works is recorded against Yamba Museum Extension, PJ 570106, Cost Centre 864.

Asset Management

The facility will be an extension to a current asset for Council and will be included into Council's buildings and facilities maintenance program. The Yaegl garden will be maintained by volunteers from the community.

Policy or Regulation

The tendering process followed is consistent with the requirement of the Local Government Act and Regulation and Council's Sustainable Procurement Policy – Supporting Local Business.

In accordance with Council's Sustainable Procurement Policy the following processes were undertaken:

- Local suppliers, contractors and/or consultants were notified through local advertising.
- Tender specifications were structured so local suppliers and/or contractors were not excluded from being the prime supplier/contractor.
- The tender specification requested tenderers to identify the local suppliers/contractors that would be involved in delivering/constructing the project and the tender assessment included a 15% weighting of the total tender score for local supplier content.

Consultation

The project was developed by community members from the Yamba Museum. Council officers have liaised with the community members through the phases of the project.

Legal and Risk Management

Yamba Museum and subsequent works are located on Lot 184 DP 704231 being Reserve 96648. Native Title has been determined to be extinguished.

Climate Change

The impacts of new construction will be minimised through the implementation of an energy efficient building design, the use of local contractors (reduced travel), specification and selection of renewable materials, the use of energy efficient appliances and the selection of energy efficient materials and systems.

Prepared by	Justin Menzies, Project Manager
Attachment	Confidential – Tender Recommendation Report

ITEM	6e.19.007	RFT 19/015 UPGRADE TRUCK WASH FACILITY AT GRAFTON REGIONAL SALEYARDS TENDER
Meeting	Council	27 August 2019
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (David Sutton)	
Attachment	Confidential	

SUMMARY

This report considers the submissions received for Tender RFT19/015 Upgrade Truck Wash Facility at Grafton Regional Saleyards and recommends rejection of all tenderers.

OFFICER RECOMMENDATION

That Council:

1. Decline to accept the tender received for the Upgrade Truck Wash Facility at Grafton Regional Saleyards (RFT19/015) as it exceeds the available budget.
2. In accordance with the provisions of Section 178 (3)(b) of the *Local Government (General) Regulation 2005*, invite fresh tenders based upon a revised scope and design to achieve the minimum required improvements to the truck wash.

COUNCIL RESOLUTION – 6e.19.007

Williamson/Baker

That Council:

1. **Decline to accept the tender received for the Upgrade Truck Wash Facility at Grafton Regional Saleyards (RFT19/015) as it exceeds the available budget.**
2. **In accordance with the provisions of Section 178 (3)(b) of the *Local Government (General) Regulation 2005*, invite fresh tenders based upon a revised scope and design to achieve the minimum required improvements to the truck wash.**

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

Council has sought tenders for upgrade of the Truck Wash Facility at Grafton Regional Saleyards.

Tenders were called Thursday, 18 April 2019 in accordance with the requirements of the Local Government Act 1993 and Local Government (General) Regulation 2005. The tender was advertised in the Daily Examiner, Coastal Views and The Sydney Morning Herald, as well as on Tenderlink on Council's web site. A non-mandatory pre-tender site meeting was held on Monday 29 April 2019 to allow tenderers to familiarise themselves with the proposed works. Tenders closed 3.00pm on Thursday, 16 May 2019.

Tenders were assessed by a Tender Evaluation Committee (TEC) consisting of three staff. The Price/Non-Price criteria were 60:40. Local content of 15% was considered in accordance with the Sustainable Procurement Policy. Prior to the evaluation process the evaluation committee confirmed that the Tender Evaluation Plan was appropriate and the Code of Conduct provisions were understood and signed off by the panel.

KEY ISSUES

Two tenders were received:

Tenderer	ABN	Address
Coastal Concrete & Excavation Pty Ltd	82 615 917 292	13 Pacific St ANGOURIE NSW 2464
Ledonne Constructions Pty Ltd	68 003 117 717	28 Hyde St SOUTH GRAFTON NSW 2460

**Listed in alphabetical order*

After consideration of the tender submissions, scoring and interview, the TEC recommends that the offer from Ledonne Construction Pty Ltd for upgrade of the Truck Wash Facility at Grafton Regional Saleyards be rejected as their tendered price significantly exceeds the allocated budget.

Requirement for Works

The existing truck wash has been identified by Staff & the Saleyard Advisory Committee as requiring upgrade to achieve improved operational performance, and safety and standard compliance. The initial tender addressed these requirements and added additional capacity in the form of a second wash bay. The tenders received exceeded the engineers estimate and available budget. It is therefore recommended that Council decline to accept any of the tenders for this project.

As the requirement remains to upgrade the truck wash to achieve improved safety and standard compliance it is recommended that the scope be revised to limit the improvements to a single bay and that fresh tenders are called on the revised scope.

COUNCIL IMPLICATIONS

Budget/Financial

Council received advice in 2017 that it was successful in its application of a specific purpose grant of \$318,000 (excluding GST) as part of the Fixing Country Truck Washes Program. Saleyard – Truck Wash Upgrade PJ996836 included \$159,000 each from state and federal government with \$11,500 contributed by Council for a total available budget of \$329,500 (excluding GST).

Asset Management

The upgraded truck wash facilities will be included in the Saleyards Asset Management Plan.

Policy or Regulation

The tendering process followed is consistent with the requirement of the Local Government Act and Regulation and Council's Sustainable Procurement Policy – Supporting Local Business.

In accordance with Council's Sustainable Procurement Policy the following processes were undertaken:

- Local suppliers, contractors and/or consultants were notified through local advertising.
- Tender specifications were structured so local suppliers and/or contractors were not excluded from being the prime supplier/contractor.
- The tender specification requested tenderers to identify the local suppliers/contractors that would be involved in delivering/constructing the project and the tender assessment included a 15% weighting of the total tender score for local supplier content. The Tender Evaluation Plan contains details of the local supplier content for each tenderer.

Section 178 of the Local Government (General) Regulation 2005 applies.

Consultation

The Saleyard Advisory Committee recommended revising the scope of the upgrade at its meeting on 30 May 2019. SMEC Engineering Consultants & Services were consulted to review the scope and design of the truck wash facilities.

Legal and Risk Management

Directors of the tendering entities are listed in the Tender Recommendation Report being –

<i>Tenderer</i>	<i>Director</i>	<i>Director's Address</i>
Coastal Concrete & Excavation Pty Ltd	M McCarthy T Doyle	13 Pacific Pde ANGOURIE NSW 2464 41 Ocean Rd BROOMS HEAD NSW 2463
Ledonne Constructions Pty Ltd	T Ledonne	43 Planthurst CARLTON NSW 2221

Climate Change

Upgrade of the truck wash facilities has no increased climatic impacts.

Prepared by	Julie Schipp, Holiday Parks and Saleyards Officer
Attachment	Confidential Attachment – Tender Recommendation Report

ITEM	6e.19.008	TENDER FOR THE SUPPLY OF CONSULTING SERVICES FOR THE DETAILED SURVEY, INVESTIGATION, DESIGN AND DOCUMENTATION FOR 3 ROUNDABOUTS ON YAMBA ROAD
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Meeting	Council	27 August 2019
Directorate	Works & Civil	
Reviewed by	Manager - Civil Services (Tim Jenkins)	
Attachment	Confidential	

SUMMARY

In June 2019 quotations were requested from three Local Government Procurement (LGP) approved consultants to carry out the survey, investigation, design and documentation of three roundabouts on Yamba Road to enable Council to go to tender for the construction of the works.

OFFICER RECOMMENDATION

That:

1. Council accept the quotation from Planit Consulting Pty Ltd for Request for quotation 530300-RFQ001 to carry out the survey, investigation, design and documentation of three roundabouts on Yamba Road at a cost of \$289,699.00 (GST exclusive).
2. The General Manager be authorized to approve contract variations up to 10% of the contract price.
3. The Council seal be affixed to any required contractual documents.

COUNCIL RESOLUTION – 6e.19.008

Williamson/Baker

That:

1. Council accept the quotation from Planit Consulting Pty Ltd for Request for quotation 530300-RFQ001 to carry out the survey, investigation, design and documentation of three roundabouts on Yamba Road at a cost of \$289,699.00 (GST exclusive).
2. The General Manager be authorized to approve contract variations up to 10% of the contract price.
3. The Council seal be affixed to any required contractual documents.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

Council has resolved to upgrade three key intersections along Yamba Road to roundabouts, these being:

- Treelands Drive & Yamba Road
- Carrs Drive & Yamba Road
- Shores Drive & Yamba Road

This work along with the upgrade of the intersection of Yamba Street and Yamba Road at Palmers Island has received funding through Restart NSW Grant Number RNSW1973, titled Improving Access to Yamba.

It is planned to engage a consultant to carry out the design and documentation of the three roundabouts as a Lump Sum Package. Once the design has been completed and the documentation prepared, Council intends to then go to tender for the construction of the roundabouts.

Quotations for the roundabout designs were requested from three LGP approved consultants on 25 June 2019 and closed at 5pm on Friday 19 July 2019. All three consultants confirmed their agreement to enter into a LGP 1208-3 Contract using the Terms and Conditions of the Option 2 Consultancy Agreement provided by LGP.

Quotations were received from the following consultants:

Tenderer	Address
Planit Consulting Pty Ltd	Suite 9 80-84 Ballina St, Lennox Head, NSW, 2478
GHD Pty Ltd	230 Harbour Drive, Coffs Harbour, NSW, 2450
SMEC Australia Pty Ltd	52 Victoria St, Grafton, NSW, 2460

The contract is a Lump Sum Contract. A breakdown has been provided for the design costs of each roundabout as well as the project management costs during the design phase. Hourly rates have also been provided for additional time-based charges that may be required.

Tenders were assessed on the following weightings:

- Tender Price Rating 40%
- Capability and experience 30%
- Tender details / content / understanding of scope requirements 15%
- Local Content 15%

Council undertook an assessment of the tenders based upon on these criteria.

Based on the assessment of all the assessment criteria the recommended tender is that supplied by Planit Consulting Pty Ltd for the Lump Sum Amount \$289,699.00 plus GST.

KEY ISSUES

All tenders received were from recognised suppliers in the industry who are approved by LGP.

COUNCIL IMPLICATIONS

Budget/Financial

The available budget for this tender is located in Council cost centre 806. The tender is within the budget for pre-construction and project management costs, albeit higher than anticipated.

Asset Management

The roundabouts, once constructed, will be included on Council's asset register.

Policy or Regulation

In accordance with Council's Sustainable Purchasing Policy the following processes were undertaken:

- The three consultants are approved LGP contractors
- The three consultants are local and will generally engage local sub-consultants

Consultation

Referee checks have been undertaken where required on the tendering companies.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Phil Noakes – Project Engineer
Attachment	Confidential tender assessment

The Ordinary Council meeting adjourned at 4.11 pm and resumed at 4.10 pm.

7. NOTICE OF MOTIONS

ITEM	07.19.001	AMENDMENT TO PERFORMANCE MANAGEMENT – GENERAL MANAGER POLICY
Meeting	Council	27 August 2019
Directorate	Notice of Motion	
Submitted by	Cr Greg Clancy	
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 structure of the General Manager's Performance Review Panel as determined by Council comprises the Mayor, the Deputy Mayor, a councillor selected by the councillors and a councillor selected by the General Manager. In recent review a representative of Local Government NSW has been engaged to co-ordinate the process.

PROPOSED MOTION

That Council amend the Performance Management – General Manager Policy by:

1. replacing paragraph 2 of Section 4. Procedures, which states "Performance Review Panels should comprise the Mayor, the Deputy Mayor, another Councillor nominated by Council and a Councillor nominated by the General Manager" with the following: "*Performance Review Panels should comprise the Mayor, the Deputy Mayor and all or any councillors who wish to be included*"
2. amending paragraph 5 of Section 4. to read "*The Council and the General Manager may agree on the involvement of an external facilitator to assist with the process of performance appraisal and the development of new performance plans. This person should be selected by the Council on the recommendation of the Performance Review Panel and should not be a General Manager or a former General Manager.*"

Having declared an interest in this item, Mr Lindsay left the Ordinary Council meeting at 4.11pm and returned at 5.15 pm.

MOTION (1)

Clancy/Novak

That Council amend the Performance Management – General Manager Policy by:

1. replacing paragraph 2 of Section 4. Procedures, which states "Performance Review Panels should comprise the Mayor, the Deputy Mayor, another Councillor nominated by Council and a Councillor nominated by the General Manager" with the following: "*Performance Review Panels should comprise the Mayor, the Deputy Mayor and all or any councillors who wish to be included*"
2. amending paragraph 5 of Section 4. to read "*The Council and the General Manager may agree on the involvement of an external facilitator to assist with the process of performance appraisal and the development of new performance plans. This person should be selected by the Council on the recommendation of the Performance Review Panel and should not be a General Manager or a former General Manager.*"

AMENDMENT TO MOTION

Toms/Baker

That Council amend the Performance Management – General Manager Policy by:

1. replacing paragraph 2 of Section 4. Procedures, which states “Performance Review Panels should comprise the Mayor, the Deputy Mayor, another Councillor nominated by Council and a Councillor nominated by the General Manager” with the following: *“Performance Review Panels should comprise the Mayor, the Deputy Mayor and all or any councillors who wish to be included.”*
2. amending paragraph 5 of Section 4. to read *“The Council and the General Manager may agree on the involvement of an external facilitator to assist with the process of performance appraisal and the development of new performance plans. This person should be selected by the Council on the recommendation of the Performance Review Panel.”*

Voting recorded as follows:

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

Against: Lysaught, Kingsley

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

MOTION (2)

Clancy/Novak

That Council amend the Performance Management – General Manager Policy by:

1. replacing paragraph 2 of Section 4. Procedures, which states “Performance Review Panels should comprise the Mayor, the Deputy Mayor, another Councillor nominated by Council and a Councillor nominated by the General Manager” with the following: *“Performance Review Panels should comprise the Mayor, the Deputy Mayor and all or any councillors who wish to be included.”*
2. amending paragraph 5 of Section 4. to read *“The Council and the General Manager may agree on the involvement of an external facilitator to assist with the process of performance appraisal and the development of new performance plans. This person should be selected by the Council on the recommendation of the Performance Review Panel.”*

Voting recorded as follows:

For: Novak, Clancy

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

The Motion was put and declared LOST.

The Chair ruled Cr Lysaught’s question on the Performance Review Panel out of order.

MOTION OF DISSENT

Lysaught

That the question should be allowed.

Cr Lysaught withdrew his Motion of Dissent which was accepted by the Chair. No vote was taken.

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 structure of the General Manager's Performance Review Panel was determined by Council at the general meeting held on 21 February 2017 as follows: "That Council adopt the motion in Confidential Session as follows: That 1. Council seek agreement with the General Manager for the General Manager's performance review to be undertaken under the terms of the guidelines for the appointment and oversight of general managers issued by the Office of Local Government July 2011 noting that the request that, in open Council, one Councillor (other than the Mayor, Deputy Mayor, and General Manager's nominee) will be appointed to the Performance Review Committee as requested by the General Manager and one Councillor will be nominated by the General Manager. 2. If agreement is not reached then the matter be reported to Council.

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

This structure was adopted as the 'Performance Management -General Manager Policy on 16 October 2018.

A representative of Local Government NSW has been engaged to facilitate the process in recent assessments.

KEY ISSUES

The current structure of the review panel disadvantages councillors who are not on the panel as the only opportunity for their input is before the panel meets or after reading the review panel's report. This report is usually only available to councillors a few days before a vote is taken to accept or reject the report. In addition, councillors not on the panel do not have the opportunity to listen to the address by the General Manager which explains his/her opinions on how their performance meets the criteria and how things can be improved, if needed. This system disadvantages councillors not on the panel and also, potentially the General Manager. The appointment of a facilitator who is not, or has not been, a General Manager will allow for greater transparency and reduce the potential for a perception of bias.

MOTION

Simmons/Baker

That Council consider the late item of business (Item 09.19.002 Submission to Office of Local Government – LG Rating System IPART Report) as the next item of business.

Voting recorded as follows:

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

Against: Nil

9. LATE ITEMS OF BUSINESS AND MATTERS ARISING

ITEM	09.19.002	SUBMISSION TO OFFICE OF LOCAL GOVERNMENT – LG RATING SYSTEM IPART REPORT
Meeting	Council	27 August 2019
Directorate	General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	To be tabled	

SUMMARY

In late June 2019 the Local Government Minister Shelley Hancock released the Independent Pricing and Regulatory Tribunals' (IPART) report into the review of the Local Government Rating System which was submitted to the Office of Local Government (OLG) in December 2016. The OLG are now seeking feedback on the report's recommendations with submissions closing Friday 13 September 2019. This report seeks Council's endorsement of the feedback contained within the report to enable a submission to be made.

OFFICER RECOMMENDATION

That Council's submission to the Office of Local Government for feedback on recommendations made by IPART in its Local Government Rating System – IPART Final Report be submitted by the General Manager as recommended in this report.

COUNCIL RESOLUTION – 09.19.002

Kingsley/Williamson

That

- 1. Council's submission to the Office of Local Government for feedback on recommendations made by IPART in its Local Government Rating System – IPART Final Report be submitted by the General Manager as recommended in this report.**
- 2. Under "General Comments" express Council's disappointment that no further consultation is being undertaken or feedback sought on recommendation 26 (pension concession).**

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 August 2016 IPART released its draft report into the Review of the Local Government Rating System. Council provided feedback to this report via Council's October 2016 meeting (refer Item 15.118/16 Attachment A). IPART then considered the feedback from NSW Councils and submitted their final report to the NSW Government in December 2016.

The Minister for Local Government finally released the IPART report (refer Attachment B) to Councils in late June this year and the OLG is now seeking feedback on the recommendations. A copy of the consultation guide (Attachment C) and the feedback form (Attachment D) are attached.

KEY ISSUES

The OLG consultation document details 42 recommendations. The consultation guide (refer Attachment C – page 3) advises that a number of the recommendations from the *IPART report have already been implemented through other reform programs, or are currently the subject of separate consultation. These matters are marked “Not for Consultation” on the feedback form.*

There are also a number of recommendations that the government has ruled out, because they may have adverse impacts on vulnerable members of the community, affect regional jobs and economies, or substantially increase costs for taxpayers and the broader community. These matters are also marked “Not for Consultation” on the feedback form.

Council’s recommended response to each of the IPART recommendations (based on Council’s report to October 2016 meeting refer Attachment A) is as follows:

1. *The Local Government Act 1993 should be amended to mandate Capital Improved Value (CIV) as the basis for setting ad valorem rates in the metropolitan council areas as defined by IPART.*

Feedback response – Unsure

Clarence Valley Council is a non-metropolitan council. Councils should be able to choose either CIV or unimproved land value as the basis for setting ad valorem rates. Before mandating CIV as the basis for determining Council’s rating structures Councils should have the opportunity to model the impact the CIV will have on their rating structures.

2. The Local Government Act 1993 should be amended to allow non-metropolitan councils to choose between the Capital Improved Value and Unimproved Value (UV) methods as the basis for setting ad valorem rates at the rating category level.

Feedback response - Support

Council agrees with this recommendation.

3. *If Recommendation 1 and/or 2 are supported by the NSW Government, should the Local Government Act 1993 be amended to facilitate a gradual transition of rates to a Capital Improved Value method?*

Comment from OLG

The amount of rates that any ratepayer is liable to pay to the council should increase by no more than 10 percentage points above the rate peg (as adjusted for Special Variations) each year as a result of a council adopting a Capital Improved Value method for setting rates. Councils could apply to IPART to exceed this 10% limit.

Feedback response - Support

Council agrees with this recommendation.

4. *If Recommendation 1 and/or 2 are supported by the NSW Government, should section 497 of the Local Government Act 1993 be amended to remove minimum amounts from the structure of a rate, and section 548 of the Local Government Act 1993 should be removed?*

Feedback response - Support

Council agrees with IPART's recommendation. The removal of minimum rates impacts 2 rating sub-categories in Clarence Valley Council's rating structure i.e. Residential "Outside Town Areas" and Residential A – "Coastal Villages". The impact of this recommendation is a shift in the rate burden within those sub-categories from owners of lower value properties to owners of higher value properties. However, if minimums are removed the limit on 50% of income from base amounts for categories and sub-categories should also be removed so that there are no restrictions on Council's ability to cover the cost of core services.

5. *If Recommendation 1 and/or 2 are supported by the NSW Government, should the Local Government Act 1993 be amended so that the growth in rates revenue outside the rate peg is calculated using the formula based on changes in CIV, as defined by IPART?*

Comment from OLG

For non-metropolitan councils, this formula would be independent of the valuation method chosen as the basis for setting ad valorem rates.

Feedback response - Support

Council agrees with IPART's recommendation but there are concerns regarding substantial data being available to properly determine Capital Improvement Value.

6. *If Recommendation 1 and/or 2 are supported by the NSW Government, should the NSW Government fund the NSW Valuer General for the up front cost of establishing the database to determine Capital Improved Values?*

Feedback response - Support

Council agrees with this recommendation.

7. *If Recommendation 1 and/or 2 are supported by the NSW Government, should the NSW Government fund the cost for a non-metropolitan council to set up a Capital Improved Value database for the purposes of implementing IPART's recommended formula for calculating growth in rates revenue outside the rate peg, where the Unimproved Value method for setting rates is maintained?*

Feedback response - Support

Council agrees with this recommendation.

8. *The Local Government Act 1993 should be amended to allow councils to levy a new type of special rate for new infrastructure jointly funded with other levels of Government. This special rate should be permitted for services or infrastructure that benefit the community, and funds raised under this special rate should not:*
- *form part of a council's general income permitted under the rate peg, nor*
 - *require councils to receive regulatory approval from IPART.*

Feedback response - Unsure

Council has concerns that the levying of a special rate for infrastructure jointly funded with other levels of Government will be used as an instrument to cost shift more infrastructure responsibilities to Local Government.

9. *Section 511 of the Local Government Act 1993 should be amended to reflect that, where a council does not apply the full percentage increase of the rate peg (or any applicable Special Variation) in a year, within the following 10-year period, the council can set rates in a subsequent year to return it to the original rating trajectory for that subsequent year.*

Feedback response - Support

Council agrees with this recommendation.

10. *The Local Government Act 1993 should be amended to remove the requirement to equalise residential rates by 'centre of population'. Instead, the Local Government Act 1993 should allow councils to determine a residential subcategory, and set a residential rate, by:*

- *separate town or village, or*
- *residential area.*

Feedback response - Support

Council agrees with this recommendation.

11. *The Local Government Act 1993 should outline that:*

- *A 'residential area' is an area within a contiguous urban locality that has, on average, different access to, demand for, or costs of providing council services or infrastructure (relative to other areas in that locality).*
- *Councils could use geographic markers to define the boundaries for a residential area, including postcode boundaries, suburb boundaries, geographic features (eg, waterways, bushland) and/or the location of major infrastructure (eg, arterial roads, railway lines).*

Feedback response - Support

Council agrees with this recommendation.

12. *The Local Government Act 1993 should be amended so, where a council uses different residential rates within a contiguous urban locality, it should be required to:*

- *ensure the highest rate structure is no more than 1.5 times the average rate structure across all residential subcategories (ie, so the maximum difference between the highest and average ad valorem rates and base amounts is 50%), or obtain approval from IPART to exceed this maximum difference, and*
- *publish the different rates (along with the reasons for the different rates) on its website and in the rates notice received by ratepayers.*

Feedback response - Support

The proposed methodology is contrary to the key tax principle of simplicity.

13. Not applicable for CVC.

14. Not for consultation

15. Not for consultation

16. *Section 556(1)(i) of the Local Government Act 1993 should be amended to include land owned by a private hospital and used for that purpose.*

Feedback response – Don't Support

Council does not agree with this recommendation. Land owned by private hospitals is used for commercial purposes and therefore should not be exempt from rates.

17. Not for consultation.

18. *Section 555(1)(b1) of the Local Government Act 1993 should be amended to remove the current rating exemption for land that is the subject of a conservation agreement and instead require it to be rated using the Environmental Land category.*

Feedback response - Support

Council agrees with this recommendation.

19. Not for consultation

20. Not for consultation

21. Not for consultation

22. *A council's maximum general income not be modified as a result of any changes to exemptions from implementing IPART's recommendations.*

Feedback response - Support

Council agrees with this recommendation.

23. *A council may apply to IPART for a Special Variation to take account of the changes in exemptions using a streamlined process in the year that IPART's recommended exemption changes come into force. The council would need to demonstrate:*

- *it satisfies the first criteria for Special Variation applications in the OLG guidelines relating to the need for and purpose of a different revenue path for the council's General Fund, and*
- *that any subcategory rating structure applied to previously exempt properties is no greater than the average rate structure across the relevant rating category.*

Feedback response - Support

Council agrees with this recommendation.

24. *The Local Government Act 1993 should be amended to remove the current exemptions from water and sewerage special charges in section 555 and instead allow councils discretion to exempt these properties from water and sewerage special rates in a similar manner as occurs under section 558(1).*

Feedback response - Support

Council agrees with this recommendation.

25. *At the start of each rating period, councils calculate the estimated value of rating exemptions within the council area. This information should be published in the council's annual report or otherwise made available to the public.*

Feedback response - Support

Council agrees with this recommendation.

26. Not for consultation

27. Not for consultation

28. Not for consultation

29. *Section 493 of the Local Government Act 1993 should be amended to add a new environmental land category and a definition of 'environmental land' should be included in the Local Government Act 1993.*

- *Land subject to a state conservation agreement is categorised as 'environmental land' for the purposes of setting rates.*

Feedback response - Support

Council agrees with this recommendation.

30. *Section 529(2)(d) of the Local Government Act 1993 should be amended to allow business land to be subcategorised as 'industrial' and or 'commercial' in addition to centre of activity.*

Feedback response - Support

Council agrees with this recommendation.

31. *Sections 493, 519 and 529 of the Local Government Act 1993 should be amended to add an optional vacant land subcategory for residential, business and mining land.*

Feedback response - Support

Council agrees with this recommendation.

32. *Section 529 (2)(a) of the Local Government Act 1993 should be replaced to allow farmland subcategories to be determined based on geographic location.*

Feedback response - Support

Council agrees with this recommendation.

33. *Section 518 of the Local Government Act 1993 should be amended to reflect that a council may determine by resolution which rating category will act as the residual category.*

- *The residual category that is determined should not be subject to change for a 4-year period.*
- *If a council does not determine a residual category, the business category should act as the default residual rating category.*

Feedback response - Support

Council agrees with this recommendation.

34. *Any difference in the rate charged by a council to a mining category compared to its average business rate should primarily reflect differences in the council's costs of providing services to the mining properties.*

Feedback response - Support

Council agrees with this recommendation.

35. Not for consultation

36. *The existing legal and administrative process to recover outstanding rates be streamlined by reducing the period of time before a property can be sold to recover rates from five years to three years.*

Feedback response - Support

Council agrees with this recommendation.

37. Not for consultation

38. Not for consultation

39. Not for consultation

40. *The Local Government Act 1993 should be amended to remove section 585 and section 595, so that ratepayers are not permitted to postpone rates as a result of land rezoning, and councils are not required to write-off postponed rates after five years.*

Feedback response - Support

Council agrees with this recommendation.

41. Not for consultation

42. *After the NSW Valuer General has established the database to determine Capital Improved Values for rating purposes, councils be given the choice to directly buy valuation services from private valuers that have been certified by the NSW Valuer General.*

Feedback response – Don't Support

Allowing private valuations increases the risk of inconsistency in valuations between local government areas and within a local government area as service providers may change over time. Removing the economies of scale the Valuer General can achieve will lead to increased costs to local government.

General Comments

Council expresses its extreme disappointment that a number of recommendations from the IPART report have been excluded by the OLG from the feedback form. The Minister for Local Government has stated in recent press releases that the NSW Government is committed to consulting with local councils. What is the purpose of conducting a process to obtain feedback from councils if you don't honour the commitment of seeking that feedback on all of the 42 recommendations made by IPART in their Final Rating System Review Report? Council is particularly disappointed that the following recommendations have been excluded from the consultation as the current exemptions provided based on property ownership when the use of the land is clearly for residential or commercial purposes results in ratepayers providing significant subsidies to these organisations.

14. *Sections 555 and 556 of the Local Government Act 1993 should be amended to:*

- *Exempt land on the basis of use rather than ownership, and to directly link the exemption to the use of the land, and*
- *Ensure land used for residential and commercial purposes is rateable unless explicitly exempted.*

17. *The following exemptions be removed:*

- *Land that is vested in, owned by, or within a special or controlled area for, the Hunter Water Corporation, Water NSW or the Sydney Water Corporation (Local Government Act 1993 section 555(1)(c) and section 555(1)(d))*
- *land that is below the high water mark and is used for the cultivation of oysters (Local Government Act 1993 section 555(1)(h))*
- *land that is held under a lease from the Crown for private purposes and is the subject of a mineral claim (Local Government Act 1993 section 556(1)(g)), and*
- *land that is managed by the Teacher Housing Authority and on which a house is erected (Local Government Act 1993 section 556(1)(p))*

19. *The following exemptions not be funded by local councils and hence should be removed from the Local Government Act and Regulation:*

- *land that is vested in the Sydney Cricket and Sports Ground Trust (Local Government Act 1993 section 556(1)(m))*
- *land that is leased by the Royal Agricultural Society in the Homebush Bay area (Local Government (General) Regulation 2005 reg 123(a))*
- *land that is occupied by the Museum of Contemporary Art Limited (Local Government (General) Regulation 2005 reg 123(b)), and*
- *land comprising the site known as Museum of Sydney (Local Government (General) Regulation 2005 reg 123(c)).*

The NSW Government should consider whether to fund these local rates through State taxes.

20. *Where a portion of land is used for an exempt purpose and the remainder for a non-exempt activity, only the former portion should be exempt, and the remainder should be rateable.*

21. *Where land is used for an exempt purpose only part of the time, a self-assessment process should be used to determine the proportion of rates payable for the non-exempt use.*

COUNCIL IMPLICATIONS

Budget/Financial

If valuation services shift from the NSW Valuer General to private valuers there could be increased costs for the service. Valuations Fees for rating purposes for 2018/19 was \$183,325 and Council's budget for 2019/20 is \$188,256.

Asset Management

N/A

Policy or Regulation

- *Local Government Act 1993*
- *Part 5, Rates and Charges of the Local Government (General) Regulation 2005*

Consultation

Council's Revenue Co-ordinator has been consulted.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Ashley Lindsay – General Manager
To be tabled	A – Council Minute Item 15.118/16 B – IPART Final Report C – OLG Consultation Guide D – OLG Feedback Form

8. CONFIDENTIAL BUSINESS

ITEM	08.19.002	CLARENCE CARE + SUPPORT
Meeting	Council	27 August 2019
Directorate	Environment, Planning & Community	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

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 (d) ii - The report contains commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the council*

MOTION

Baker/Williamson

That Council move into Closed Session in order to consider Item 08.19.002 Clarence Care + Support under the following sections of the Local Government Act:

10A 2 (a) The report contains information on personnel matters concerning particular individuals (other than councillors)

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

10A 2 (d) i - The report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it

10A 2 (d) ii - The report contains commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the council

Voting recorded as follows:

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

Against: Toms

Council moved into closed session at 5.30 pm. The microphones were turned off and the gallery and press excluded.

MOTION

Kingsley/Toms

That Council move out of the Closed Session and into open forum.

Voting recorded as follows:

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

Against: Nil

Council moved into open forum at 5.53 pm. The microphones were turned on and the gallery opened to the public.

MOTION

Williamson/Kingsley

That Council Resolution 08.19.002 passed in Closed Session not be made public for a period of up to 14 days when it will be published on Clarence Valley Council website.

Voting recorded as follows:

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

Against: Nil

10. CLOSE OF ORDINARY MEETING

There being no further business the Ordinary Council meeting closed at 5.55 pm.