



clarence
VALLEY COUNCIL

2019

Ordinary Council Meeting



Minutes

Grafton Chambers

Tuesday, 28 May 2019 - 2.00 pm

Agenda

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CLOSE OF ORDINARY MEETING		

MINUTES of the ORDINARY MEETING of the CLARENCE VALLEY COUNCIL held in the Council Chambers, Grafton, 28 May 2019, commencing at 2.00 pm.

PRESENT

Cr Jim Simmons (Mayor), Cr Jason Kingsley, Cr Andrew Baker, Cr Peter Ellem, Cr Debrah Novak, Cr Richie Williamson, Cr Greg Clancy , A/General Manager & Director Corporate & Governance (Laura Black) Director Environment Planning & Community (Des Schroder), Director Works & Civil (Troy Anderson) and Minutes Secretary (Lesley McBay)

ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THE LAND

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

OPENING PRAYER – The opening prayer was said by the Mayor

STATEMENT IN RELATION TO RECORDING OF MEETINGS

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

APOLOGIES

COUNCIL RESOLUTION – 04.001/19

Kingsley/Novak

That a leave of unavoidable absence be granted for Councillors Toms and Lysaught.

Voting recorded as follows:

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

Against: Nil

ANNOUNCEMENTS

Williamson/Kingsley

That Council offer sincere condolences to Cr Novak on the passing of her mother. CARRIED.

One minute's silence was observed.

PRESENTATIONS – Nil

URGENT, SUPPLEMENTARY AND LATE ITEMS OF BUSINESS – Nil

DISCLOSURE AND DECLARATIONS OF INTEREST – 08.003/19**Summary of Declarations to Committees**

<i>Name</i>	<i>Item</i>	<i>Nature of Interest</i>	<i>Reason/Intended Action</i>
Cr Novak	14.042/19	<input type="checkbox"/> Pecuniary <input checked="" type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: Family member works there Intended action: Leave the Chamber.
Mr Anderson	15.089/19	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Member of Clarence Head Longboarders Club Intended action: Remain in the Chamber.
Cr Williamson	15.082/18	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Member of associated gym 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 Kingsley	16.013/19	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Daughter is member of Basketball Assoc who have contract. Intended action: Remain in the Chamber.
Cr Ellem	16.019/19	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Neighbour of unsuccessful tenderer. Intended action: Leave the Chamber.
Cr Novak	14.043/19	<input type="checkbox"/> Pecuniary <input checked="" type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: DA Lawrence Farmers Market Licensee of the Yamba Farmers Market Intended action: Leave the chamber

TABLING OF REPORTS AND PETITIONS

ITEM	09.002/19	PETITION LODGED BY BIIRRINDA & HARWOOD ISLAND COMMUNITY COMMITTEE INC
Meeting	Council	28 May 2019
Directorate	Corporate	
Reviewed by	A/General Manager - Laura Black	
Attachment	To be tabled	

On 26 April 2019 Council received a petition from the Biirrinda & Harwood Island Community Committee Inc referring to RMS land under the new Harwood Bridge which has been offered to them as a suggested car park for users of the Harwood Community Hall.

OFFICER RECOMMENDATION

That the petition “for the purchase of residual land in Harwood for community use” be received and referred to the appropriate Council officer for a report to be brought back to Council.

COUNCIL RESOLUTION – 09.002/19

Williamson/Novak

That the petition “for the purchase of residual land in Harwood for community use” be received and referred to the appropriate Council officer for a report to be brought back to Council, in June 2019.

Voting recorded as follows:

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

Against: Nil

CONFIRMATION OF MINUTES**COUNCIL RESOLUTION – 10.004/19**

Ellem/Kingsley

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

Voting recorded as follows:

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

Against: Nil

MAYORAL MINUTES

ITEM	11.003/19	EMERGENCY SERVICES LEVY INCREASE 2019/2020
Meeting	Council	28 May 2019
Directorate	Mayoral Minute	
Submitted by	Cr Jim Simmons	
Attachment	Nil	

Each year, the NSW Government collects payments from councils and insurers to fund emergency services agencies in NSW, with councils *having* to pay 11.7 per cent of the budget required by NSW Emergency Services. These charges are embedded in council rates and insurance premiums.

Now shortly after the March election, the NSW State Government has announced plans commencing 1 July 2019, to collect an additional \$160 million in 2019/20 from NSW councils, communities and those paying insurance premiums to provide better workers' compensation coverage for volunteer and career firefighters who are diagnosed with one of 12 specific work-related cancers.

Councils were sent bills with a letter from Revenue NSW in May 2019, saying NSW council contributions will increase by \$19 million in 2019/20. The letter also foreshadowed increases in the following year, but not the amount.

Clarence Valley Council received an invoice from Revenue NSW for \$1,171,502.70 for its emergency services levy contribution. This is \$219,785 more than last year's levy *which is a 23% increase*. This *means* council will need to find additional *income and/or make cuts to planned services*.

Council *strongly* supports career and volunteer firefighters in NSW – as it does all emergency services workers and volunteers. We also support the Bill passed in November 2018 to address what was a workers' compensation shortfall. However, the sector was at no point advised that it would be required to cover the cost via *major* increases to the emergency services levy, or what this cost would be.

The extra \$219,785 Clarence Valley Council is being asked to pay *could otherwise* deliver almost 5,000m² of heavy patching on our roads or any number of projects *in* Council's draft Capital Works Program. It is a significant amount and the impact of this unplanned cost will certainly be felt by the community.

Local Government NSW is calling upon the NSW Government to fund the first 12 months of this extra cost and work with local governments to ensure the implementation of the funding mechanism is fairer into the future. Clarence Valley Council believes that any discussions about future funding mechanisms should include consideration of the recommendations of the NSW Legislative Council's Fire and Emergency Services Levy recommendations (Report 37 – November 2018), which recommends:

Recommendation 1

That the NSW Government provide greater oversight and accountability to ensure that the budgets for fire and emergency services agencies *are appropriate*.

Recommendation 2

That NSW Treasury continue to work to minimise the number of 'known unknowns' and conduct a full and transparent re-modelling of any new Fire and Emergency Services Levy.

Recommendation 3

That the NSW Government consider making Revenue NSW responsible for administering any new Fire and Emergency Services Levy.

Recommendation 4

That no future NSW Government should move to implement a Fire and Emergency Services Levy unless it considers:

- use of capital improved value of land for calculation of levy
- differential levy rates, fixed charges, discounts and caps
- better aligned land classifications between council and the Fire and Emergency Services Levy
- inclusion of motor vehicles
- the removal of 11.7 per cent contribution by councils
- addressing the impact of the Fire and Emergency Services Levy on lower socio economic households who are currently unable to afford building and contents insurance.

Recommendation 5

That the NSW Government ensure appropriate consultation with key stakeholders during the development or re-modelling of any new Fire and Emergency Services Levy.

Recommendation 6

That the NSW Government revisit the role and funding arrangements for the Emergency Services Levy Insurance Monitor to ensure that, if the Fire and Emergency Services Levy is re-introduced, the Monitor's role continues past June 2020.

PROPOSED MOTION

1. That Council, notes the important role that emergency services staff provide for communities across the State and particularly in the Clarence Valley.
2. That Council, supports Local Government NSW's calls for:
 - a. The NSW Government to cover the initial additional \$19m increase to local governments for the first year; and
 - b. The NSW Government to work with NSW local governments to redesign the funding mechanism for the scheme to ensure fairness into the future, in accordance with the NSW Legislative Council's Fire and Emergency Services Levy recommendations (Report 37 – November 2018).
3. The General Manager be requested to provide Local Government NSW with the following information to assist with representation to the State Government on behalf of councils:
 - a. The impact on council budgets; and
 - b. Council advocacy actions undertaken.
4. The Mayor write to the NSW Premier, the Hon. Gladys Berejiklian MP, and NSW Interim Opposition Leader, the Hon. Penny Sharpe MP, NSW Minister for Customer Service, the Hon. Victor Dominello MP, NSW Minister for Police and Emergency Services, the Hon. David Elliott MP, the Shadow Minister for Emergency Services, the Hon. Guy Zangari MP, Minister for Local Government, the Hon. Shelley Hancock MP, and Shadow Minister for Local Government, the Hon. Peter Primrose MP, and local state member the Hon. Chris Gulaptis MP to:
 - a. Call upon the NSW Government to fund this extra cost for 2019/2020, rather than requiring councils to find the funds at short notice when budgets have already been allocated.
 - b. Explain how this sudden increase will impact council services/the local community.
 - c. Highlight that councils were not warned of the increased cost until May 2019, despite the new laws being passed in November 2018.
 - d. Explain that the poor planning and implementation of the increase is inconsistent with the Government's commitment to work in partnership with the sector.
 - e. Ask the Government to work with local governments to redesign the implementation of the scheme to ensure it is fairer for councils and communities into the future, in accordance

with the NSW Legislative Council's Fire and Emergency Services Levy recommendations (Report 37 – November 2018).

5. That a copy of the letter referred to in resolution 4) be forwarded to Local Government NSW.

COUNCIL RESOLUTION – 11.003/19

Mayor Simmons

1. That Council, notes the important role that emergency services staff provide for communities across the State and particularly in the Clarence Valley.
2. That Council, supports Local Government NSW's calls for:
 - a. The NSW Government to cover the initial additional \$19m increase to local governments for the first year; and
 - b. The NSW Government to work with NSW local governments to redesign the funding mechanism for the scheme to ensure fairness into the future, in accordance with the NSW Legislative Council's Fire and Emergency Services Levy recommendations (Report 37 – November 2018).
3. The General Manager be requested to provide Local Government NSW with the following information to assist with representation to the State Government on behalf of councils:
 - a. The impact on council budgets; and
 - b. Council advocacy actions undertaken.
4. The Mayor write to the NSW Premier, the Hon. Gladys Berejiklian MP, and NSW Interim Opposition Leader, the Hon. Penny Sharpe MP, NSW Minister for Customer Service, the Hon. Victor Dominello MP, NSW Minister for Police and Emergency Services, the Hon. David Elliott MP, the Shadow Minister for Emergency Services, the Hon. Guy Zangari MP, Minister for Local Government, the Hon. Shelley Hancock MP, and Shadow Minister for Local Government, the Hon. Peter Primrose MP, and local state member the Hon. Chris Gulaptis MP to:
 - a. Call upon the NSW Government to fund this extra cost for 2019/2020, rather than requiring councils to find the funds at short notice when budgets have already been allocated.
 - b. Explain how this sudden increase will impact council services/the local community.
 - c. Highlight that councils were not warned of the increased cost until May 2019, despite the new laws being passed in November 2018.
 - d. Explain that the poor planning and implementation of the increase is inconsistent with the Government's commitment to work in partnership with the sector.
 - e. Ask the Government to work with local governments to redesign the implementation of the scheme to ensure it is fairer for councils and communities into the future, in accordance with the NSW Legislative Council's Fire and Emergency Services Levy recommendations (Report 37 – November 2018).
5. That a copy of the letter referred to in resolution 4) be forwarded to Local Government NSW.

Voting recorded as follows:

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

Against: Nil

Attachment	<ol style="list-style-type: none"> a. Letter from the Office of Local Government advising there will be an increase – dated 6 May 2019. b. Council contribution assessment notice – dated 7 May 2019 c. NSW Legislative Council's Fire and Emergency Services Levy November 2018
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REPORTS FROM THE GENERAL MANAGER

MOTION

Baker/Novak

That Item 13.012/19 be deferred to the end of the meeting to allow discussion in confidential session.

Voting recorded as follows:

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

Against: Nil

ITEM	13.012/19	PURCHASE OF LAND – 3 ROBINSON AVENUE GRAFTON
Meeting	Council	28 May 2019
Directorate	Corporate & Governance	
Reviewed by	A/General Manager - Laura Black	
Attachment	Confidential	

SUMMARY

To consider purchase of a property located at 3 Robinson Avenue, Grafton, for future car parking for the Grafton Regional Gallery and ancillary use by the public.

OFFICER RECOMMENDATION

That

1. Council delegate authority to the General Manager to lodge an Expression of Interest for the purchase of Lot 2 DP 38033 located at 3 Robinson Avenue, Grafton, at the value determined in the confidential attachment.
2. If the Expression of Interest is successful and results in purchase of Lot 2 DP 38033, Council:
 - a) delegate authority to the General Manager to execute the Contract for Sale and transfer document relating to the purchase of Lot 2 DP 38033.
 - b) authorise the Common Seal of Council to be affixed to the transfer document relating to the purchase of Lot 2 DP 38033.
 - c) transfer the purchased property as a public reserve.
 - d) classify the purchased property as Operational land.
 - e) prepare a project scope listing costs and timeframes for demolition of the building and construction of the car park.
 - f) continue with a residential tenancy agreement for the property until such time as the project scope has been considered and is ready to implement.

MOTION

Williamson/Kingsley

That Council not make public the resolution Item 13.012/19 Purchase of Land – 3 Robinson Avenue Grafton under the Local Government Act 1993 10A 2 (c) that information would, if disclosed, confer a commercial advantage on a person with whom Council is conducting business.

Voting recorded as follows:

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

Against: Novak

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 considered the possible purchase of 1 Robinson Avenue Grafton to Council at its meeting of 26 March 2019. Council was unsuccessful at the auction and therefore did not acquire the property.

Staff have now been contacted by the Real Estate Agency, Ray White, advising that they have been engaged by the vendor to dispose of 3 Robinson Avenue Grafton and that they will be inviting Expressions of Interest.

KEY ISSUES

Robinson Avenue Grafton has become an area inundated by the public using the street verges as parking spaces. Car parking in the street in this manner reduces the trafficable width to one lane and Council continuously receives complaints relating to the parking in this vicinity. Landowners and occupants of the Robinson Avenue area have been consulted. Some residents are seeking restricted parking in Robinson Avenue while others are satisfied with the current status. The matter will be considered at a future Local Traffic Committee meeting.

Number 3 Robinson Avenue, Grafton, is approximately 625sqm and adjoins the car park area and rear of the building at the Grafton Regional Gallery. The gallery is subject to a current DA and funding for additions and development of the site.

Acquisition of 3 Robinson Avenue would enable a long term parking solution in the area. The premise could be demolished and a car park established in turn providing additional parking for events at the Grafton Regional Gallery.

Whilst no formal project plan and costings for development of a car park has been prepared, the advised sale creates opportunity to purchase and hold the land for possible future development.



The contract for this property has not yet been finalised. The agent has provided verbal advice that there is currently a tenancy agreement in place. If Council is successful in the purchase then the tenancy agreement would remain in place for the remainder of the current agreement, which is understood to be approximately 5 months. Council could continue to tenancy the premise until such time as the project scope and timeframes had been finalised for the creation of the car park.

The premise has not been inspected by Council staff and a pest and building report has not been obtained for this property.

The property is currently zoned as R1 Residential. There are two options available. One is to seek transfer of the land to Council as a Public Reserve, which can still be classified as operational use. This would then allow development of a car park under the provisions of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP). The second option is that it could be considered as ancillary to the gallery use to be permissible with development consent.

An issue is the access to the gallery. With the current DA proposed there will be insufficient room for through vehicular access. The car park would be entered via Robinson Avenue and pedestrian access will be through to the gallery for events. Consideration to changed access arrangements could be considered as part of the final design of the gallery but will need to be considered in the coming weeks so as not to delay the gallery development project.

COUNCIL IMPLICATIONS

Budget/Financial

Acquisition of the land including legal fees, demolition of the premise and construction of the car park is estimated at \$620,000 and would be funded from development (“Section 94”) contributions.

A valuation of the property has not been obtained.

“S94” Available Funds – for purchase and construction of carparking:

RA 92040 – S94A Development other than residential	\$463,000.00
RA 90841 – CVC Parking Grafton	\$78,464.79
RA 90230 – S94 CVC Community Facilities	\$80,000.00
Total	\$621,464.79

If the property is acquired a further project plan with final costs will be reported back to Council.

As the car park will benefit the Grafton Regional Gallery it is proposed to use part of the funds from community facilities Section 94 funds.

There will be ongoing maintenance costs associated with the management of the car park once it has been constructed.

Asset Management

The property would be listed on Council's Asset Register as Operational land.

Policy or Regulation

Conveyancing Act 1919

Local Government Act 1993

Consultation

Council's gallery, property and planning staff have been consulted.

Legal and Risk Management

Council has not undertaken any studies in relation to car parking in the Grafton area.

Climate Change

N/A

Prepared by	Kylee Baker, Property Coordinator
Confidential Attachment	Schedule A – Property Details

ITEM	13.013/19	LAND PURCHASES FOR THE GRAFTON WATERFRONT PRECINCT PLAN
Meeting	Council	28 May 2019
Directorate	Corporate & Governance	
Reviewed by	A/General Manager - Laura Black	
Attachment	Confidential	

SUMMARY

Authorise the purchase of land relating to the Grafton Waterfront Precinct Plan.

OFFICER RECOMMENDATION

That Council:

1. Proceed to purchase the lots listed and on the terms in the Confidential Attachment A.
2. Classify the purchased lots as “community” land.
3. Delegate authority to the General Manager to execute documents associated with a subdivision and purchase of the land identified in Confidential Attachment A.
4. Authorise the common seal of Council to be affixed to the subdivision and purchase of land documents identified in confidential Attachment A.

COUNCIL RESOLUTION – 13.013/19

Williamson/Baker

That Council:

1. **Proceed to purchase the lots listed and on the terms in the Confidential Attachment A.**
2. **Classify the purchased lots as “community” land.**
3. **Delegate authority to the General Manager to execute documents associated with a subdivision and purchase of the land identified in Confidential Attachment A.**
4. **Authorise the common seal of Council to be affixed to the subdivision and purchase of land documents identified in confidential Attachment A.**

Voting recorded as follows:

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

Against: Novak

LINKAGE TO OUR COMMUNITY PLAN

Theme 3 Economy

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

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

BACKGROUND

Council resolved at its meeting on 21 August 2018, (Item 14.098/18) to allocate funds for the acquisition of land and further resolved at its meeting on 26 February 2019 (Item 13.001/19) and 26 March (Item 13.005/19) to proceed with the purchase of some available land. Further land has now become available for purchase.

KEY ISSUES

Council resolved to acquire land with the priority being by voluntary land acquisition. There is currently an opportunity to progress with acquisition of further sections of the precinct.

Section 31 of the *Local Government Act 1993* provides that the land acquired after 1 July 1993 should be classified. Land purchased for the Grafton Waterfront Precinct Plan will be classified as community land. The land proposed to be acquired will require a subdivision.

COUNCIL IMPLICATIONS**Budget/Financial**

As per Council resolution on 21 August 2018 (Item 14.098/18), up to \$2 million was allocated from Section 94A funds to progress the Grafton Waterfront Precinct project. Land purchases will be funded from Reserve 92040 (\$94A CVC Development other than residential).

Asset Management

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

Policy or Regulation

Local Government Act 1993

Conveyancing Act 1919

Environmental Planning and Assessment Act 1979

Consultation

Consultation has been undertaken internally.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Kylee Baker, Property Coordinator
Attachment	Confidential Attachment A - Property Details

ITEM 13.014/19 AUSTRALIA DAY 2020

Meeting	Council	28 May 2019
Directorate	Office of General Manager	
Reviewed by	A/General Manager - Laura Black	
Attachment	Nil	

SUMMARY

This report addresses the Clarence Valley Australia Day Award process and Awards Ceremony Dinner.

OFFICER RECOMMENDATION

That Council:

1. Note the information provided regarding the 2020 Australia Day Awards.
2. Appoint a Councillor as the 2020 'Australia Day Advocate'.
3. Approve the 2020 Clarence Valley Australia Day Awards Ceremony dinner being held on Thursday, 23 January 2020 due to Australia Day eve occurring on a long weekend.

MOTION

Simmons/Kingsley

That:

1. Council note the information provided regarding the 2020 Australia Day Awards.
2. Councillor Clancy be the 2020 'Australia Day Advocate'.
3. Council approve the 2020 Clarence Valley Australia Day Awards Ceremony dinner being held on Thursday, 23 January 2020 due to Australia Day eve occurring on a long weekend.

AMENDMENT TO MOTION (1)

Novak/Clancy

That:

1. Council note the information provided regarding the 2020 Australia Day Awards.
2. Councillor Clancy be the 2020 'Australia Day Advocate'.
3. Council approve the 2020 Clarence Valley Australia Day Awards Ceremony dinner being held on Thursday, 23 January 2020 due to Australia Day eve occurring on a long weekend.
4. The Australia Day Committee work in collaboration with the Clarence Valley Aboriginal Advisory Committee or invite them to be involved.

Voting recorded as follows:

For: Novak

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

The Amendment to Motion (1) was put and declared LOST.

AMENDMENT TO MOTION (2)

Clancy/Novak

That:

1. Council note the information provided regarding the 2020 Australia Day Awards.
2. Councillor Clancy be the 2020 'Australia Day Advocate'.
3. Council approve the 2020 Clarence Valley Australia Day Awards Ceremony dinner being held on Thursday, 23 January 2020 due to Australia Day eve occurring on a long weekend.
4. The Clarence Valley Aboriginal Advisory Committee be notified of the invitation to nominate for the Australia Day Awards Selection Panel and invited to attend the awards and this invitation be extended to any other known local multicultural groups.

Voting recorded as follows:

For: Novak, Ellem, Clancy, Simmons

Against: Williamson, Kingsley, Baker

The Amendment to Motion (2) was put and declared CARRIED.

AMENDMENT TO MOTION (3)

Williamson/Novak

That:

1. Council note the information provided regarding the 2020 Australia Day Awards.
2. Councillor Clancy be the 2020 'Australia Day Advocate'.
3. Council approve the 2020 Clarence Valley Australia Day Awards Ceremony dinner being held on Thursday, 23 January 2020 due to Australia Day eve occurring on a long weekend.
4. The Clarence Valley Aboriginal Advisory Committee be notified of the invitations to nominate for the Australia Day Awards Selection Panel and invited to attend the awards and this invitation be extended to any other known local multicultural groups.
5. Council carry out a citizenship ceremony (if required) on the 26 January 2020.

Voting recorded as follows:

For: Williamson, Novak, Kingsley, Simmons

Against: Clancy, Baker, Ellem

The Amendment to Motion (3) was put and declared CARRIED.

COUNCIL RESOLUTION – 13.014/19**Simmons/Kingsley****That:**

- 1. Council note the information provided regarding the 2020 Australia Day Awards.**
- 2. Councillor Clancy be the 2020 'Australia Day Advocate'.**
- 3. Council approve the 2020 Clarence Valley Australia Day Awards Ceremony dinner being held on Thursday, 23 January 2020 due to Australia Day eve occurring on a long weekend.**
- 4. The Clarence Valley Aboriginal Advisory Committee be notified of the invitations to nominate for the Australia Day Awards Selection Panel and invited to attend the awards and this invitation be extended to any other known local multicultural groups.**
- 5. Council carry out a citizenship ceremony (if required) on the 26 January 2020.**

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

Theme 1 Society

Objective 1.1 We will have proud and inviting communities

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

BACKGROUND

At its meeting held September 2011, Council resolved (12.163/11) to:

- Introduce a community selection panel to assess Award nominations,
- Conduct the Awards Ceremony on Australia Day eve, and
- Appoint a Councillor as Australia Day Advocate.

The role of the Australia Day Advocate (Councillor) is to represent Council on the Australia Day Awards Selection Panel and attend the event in an official capacity.

Australia Day occurs on Sunday, 26 January 2020, Council officers are proposing the 2020 Australia Day Awards night be held on the Thursday before Australia Day, as it has been previously observed that attendance lacks for events held on a Friday evening over a long weekend.

KEY ISSUES

An Australia Day Awards Selection Panel will be formed. The Panel will include members of the community and a Councillor nominated to be the Australia Day Advocate. The primary role of this Panel is to select the Australia Day Award finalists and recipients nominated by the members of the community.

The Panel participants will be sourced from across the Clarence Valley Council Local Government Area through an expression of interest process.

The community awards are an integral part of Australia Day. It provides members of the public and Council with the opportunity to acknowledge and honour active and committed citizens, as nominated and voted by their peers.

Key dates:

Nominations opened: 16 September 2019

Nominations close: 8 November 2019

Call for Selection Panel participants: 21 October 2019

The Australia Day Award Ceremony dinner is rotated around the Clarence Valley. In 2020 it will be held in Yamba.

The Australia Day Advocate will formally represent Clarence Valley Council at the Australia Day Ceremony. In addition, they will attend the Selection Panel meeting(s). The timing of this meeting(s) will be determined by Council staff in consultation with the Australia Day Advocate.

COUNCIL IMPLICATIONS**Budget/Financial**

All costs will be funded from 996060-53-6736-2200 of \$20,600.00 for the total Australia Day program.

Asset Management

N/A

Policy or Regulation

N/A

Consultation

Consultation has included Clarence Valley Council Community and Economic Development teams, Australia Day Council of NSW, and National Australia Day Council.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Karlie Chevalley, Executive Support Assistant
Attachment	Nil

ITEM 13.015/19 SOUTH GRAFTON EX-SERVICES CLUB – FLOOD MITIGATION

Meeting	Council	28 May 2019
Directorate	General Manager	
Reviewed by	A/General Manager (Laura Black)	
Attachment	Yes	

SUMMARY

The report requests Council's consideration of calling for quotes from suitably qualified companies to undertake investigations into the feasibility of amendments to the South Grafton levee to include South Grafton Ex-Services Club is inside the levee.

OFFICER RECOMMENDATION

That

1. Council call for quotes from suitably qualified companies to undertake investigations into the feasibility of amendments to the South Grafton levee to include South Grafton Ex-Services Club is inside the Levee.
2. The outcome of the request for quotes be reported to Council for consideration of further action.

COUNCIL RESOLUTION – 13.015/19

Novak/Baker

That

1. **Council call for quotes from suitably qualified companies to undertake investigations into the feasibility of amendments to the South Grafton levee to include South Grafton Ex-Services Club.**
2. **The outcome of the request for quotes be reported to Council for consideration of further action.**

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

Strategy 2.1.2 Ensure adequate natural disaster management

BACKGROUND

On 1 May 2019, the Mayor and Director Works and Civil attended an onsite inspection at the South Grafton Ex Services Club (the Club). The Hon. Chris Gulaptis MP was also present. Representing the Club was the President, Mr Chris Gosewisch and 2 other Club members.

Mr Gosewisch, outlined some of the history of flooding with the club and explained how the current levee system impacts the operations of the club. Further Mr Gosewisch advised how the location of the club, being positioned outside the levee is deemed unacceptable to the Club and its membership. As a result of the Club's positioning outside of the levee, there are two predominant matters of concern to the Club:

- A. Water entering the Club during times of flood and causing damage to furniture and fittings due to the club being outside of the levee, and
- B. The erosion of the embankment underneath the Club.

Mr Gosewisch requested that all levels of Government work together to construct a new section of levee wall that provides protection to the Club. Attached to this report is supporting documentation provided by the Club representatives.

The group was advised that in response to Point A raised by Mr Gosewisch, a private company has been in contact with the Club and has provided advice with regard to proprietary systems that may be suited to preventing water entering the interior of the facility.

With regard to Point B, Council has considered the matter of erosion a number of times before with the 2 most recent considerations being:

- 9 December 2014 (Resolution 14.143/14), resolving:

That Council:

1. *Not undertake any investigation in relation to relocating the South Grafton levee to the river side of the South Grafton District Ex-Servicemen's Club; and*
2. *That a report be tendered to Council at the earliest possible convenience outlining the costs and other implications of rock armouring and/or other measures under and in the vicinity of the South Grafton Ex-Servicemen's Club.*

- 18 August 2015 where point 2 of the above was considered by Council (Resolution 14.156/14), resolving:

That the report on erosion control options at the South Grafton Ex-Servicemen's Club be noted.

During the onsite visit, it was noted that regardless of the location of the levee, there is considerable maintenance required to the Club building and this is also reflected in the attachments. Maintenance of the facility is the responsibility of the property owner.

Council could commence investigation of the works required and determine if they are suitable and provide a wider public benefit rather than providing protection of a privately owned asset. There are no Council funds allocated to undertaking the work and assistance would likely be required from the State, should a decision be made to proceed.

KEY ISSUES

Council does not hold funds to complete any amendment to the current levee.

It should be ascertained that if Council is to commit funds, broader public benefit of amending the levee is required.

COUNCIL IMPLICATIONS

Budget/Financial

No funds are required to call for quotes.

Asset Management

The proposed work relates to the South Grafton levee, which is not a Council managed asset.

Policy or Regulation

N/A

Consultation

As detailed in the report.

Legal and Risk Management

There is no risk in seeking, or legal reason Council shouldn't seek, quotes.

Climate Change

There is no climate change impact in seeking quotes.

Prepared by	Laura Black, A/General Manager
Attachment	Information provided by South Grafton Ex Services Club President at onsite meeting held on 1 May 2019.

BLOCK VOTE**Williamson/Novak**

That the following Items be adopted as recommended in the business paper:

15.078/19	16.012/19
15.079/19	16.013/19
15.080/19	16.014/19
15.084/19	16.015/19
15.085/19	16.016/19
15.086/19	16.017/19
15.087/19	16.018/19
15.088/19	16.020/19
15.089/19	
15.090/19	
15.091/19	
15.091/19	
15.093/19	
15.094/19	
15.096/19	
15.097/19	
15.098/19	

Voting recorded as follows:

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

Against: Nil

ENVIRONMENT, PLANNING AND COMMUNITY COMMITTEE

MINUTES of a meeting of the **ENVIRONMENT, PLANNING & COMMUNITY COMMITTEE** of Clarence Valley Council held in the Council Chambers, Grafton on Tuesday, 21 May 2019 commencing at 3.58 pm.

ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THE LAND

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

ANNOUNCEMENT

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

PRESENT

Cr Andrew Baker (Chair), Cr Greg Clancy, Cr Debrah Novak and Cr Richie Williamson

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

APOLOGIES**MOTION**

Williamson/Clancy

That a leave of absence be granted to Cr Jim Simmons.

Voting recorded as follows

For: Baker, Clancy, Novak, Williamson

Against: Nil

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

<i>Name</i>	<i>Item</i>	<i>Nature of Interest</i>	<i>Reason/Intended Action</i>
Cr Novak	14.042/19	<input type="checkbox"/> Pecuniary <input checked="" type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: Family member works there Intended action: Leave the Chamber.

ITEM	14.041/19	VEGETATION ASSESSMENTS FOR NEW DWELLINGS ON LOTS WITH EXISTING DWELLING ELIGIBILITIES – POST EXHIBITION
Meeting	Environment, Planning & Community Committee	21 May 2019
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (David Morrison)	
Attachment	Yes	

SUMMARY

This report progresses Council's resolution of 26 February 2019 to amend the Rural Zones and Residential Zones Development Control Plans so that the requirements for a vegetation assessment from proposed new dwellings on rural and rural-residential lots with an existing dwelling eligibility/entitlement are removed. After a 28 day public exhibition period, no objections were received and one letter of support was submitted.

OFFICER RECOMMENDATION

That Council:

1. Adopt the exhibited amendments to the Rural Zones Development Control Plan and Residential Zones Development Control Plan.
2. Publicly notify its adoption in accordance with the Environmental Planning and Assessment Regulation 2000.

COMMITTEE RECOMMENDATION

Williamson/Novak

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Williamson, Novak, Baker

Against: Clancy

MOTION

Clancy/Novak

That Council not adopt the exhibited amendments to the Rural Zones Development Control Plan and Residential Zones Development Control Plan.

Voting recorded as follows:

For: Novak, Ellem, Clancy

Against: Williamson, Kingsley, Baker, Simmons

The Motion was put and declared LOST.

COUNCIL RESOLUTION – 14.041/19**Baker/Williamson****That Council:**

- 1. Adopt the exhibited amendments to the Rural Zones Development Control Plan and Residential Zones Development Control Plan.**
- 2. Publicly notify its adoption in accordance with the Environmental Planning and Assessment Regulation 2000.**

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

Theme 4 Environment

Objective 4.1 We will preserve and enhance our natural environment

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

BACKGROUND

On 26 February 2019, Council resolved to:

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

No changes have been made to the exhibited amendments to the Rural Zones and Residential Zones Development Control Plans (DCP).

KEY ISSUES

No issues were raised by submitters.

COUNCIL IMPLICATIONS**Budget/Financial**

As outlined in the previous Council report in February, the amendments mean that Council would effectively be incurring the cost of meeting the DCP requirements to consider the natural environmental impacts at development application (DA) stage rather than the applicant, as is currently the case. The DCP requires the submission of a Baseline Ecological Assessment in some circumstances.

Costs for Baseline Ecological Assessments (BEAs) depend on individual circumstances and market forces, however, recent BEAs submitted to Council have been within the range of \$2,100 to \$5,000.

Irrespective of Council's DCP requirements, a Biodiversity Development Assessment Report under the *Biodiversity Conservation Act 2016* may be triggered by a clearing threshold or through the Biodiversity Values Map. The cost would most likely be significantly greater and difficult to estimate other than by a case by case basis. This cost is not covered by Council's resolution of 26 February 2019 and would still need to be borne by an applicant.

Asset Management

N/A

Policy or Regulation

Environmental Planning and Assessment Act 1979

Biodiversity Conservation Act 2016

State Environmental Planning Policy No. 44

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

Consultation

The DCP amendments were publicly exhibited for a period of 28 days from 8 March to 5 April. No objections and one letter of support were received (see attached).

Legal and Risk Management

In determining a DA, Council staff are effectively certifying that all relevant legislative requirements have been met. This may require specific ecological expertise not available inhouse, therefore this information must be obtained. Determining a DA without making reasonable inquiries to satisfy that the legislative provisions have been met may expose Council and the officer involved to legal challenge.

Should Council/staff not make reasonable efforts to avail itself of sufficient information to make an informed decision and it is later proven that in doing so there is significant harm to threatened species or relics, the implications and penalty actions against Council and/or the individual staff member are potentially significant.

Climate Change

The exhibited amendments to the Residential Zones and Rural Zones DCPs are not expected to impact climate change.

While the proposal relates to vegetation clearing, it merely shifts the onus of cost from applicants to Council for ecological investigations that are required in relation to relevant DAs. It is important to emphasise that the proposal does not reduce the legal requirements for the investigations to be carried out. Therefore, it is not expected that the proposal will result in increased vegetation clearing.

Prepared by	Maya Dougherty, Strategic Planner
Attachment	1. Submission 2. DCP Amendment

ITEM 14.042/19 DONATION REQUEST – MACLEAN HIGH SCHOOL MUSICAL

Meeting	Environment, Planning & Community Committee	21 May 2019
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment, Planning & Community (Des Schroder)	
Attachment	Nil	

SUMMARY

A request for a donation of \$3,459.00 has been made by the Maclean High School P&C for the Maclean High School Musical which starts on 31 May 2019.

OFFICER RECOMMENDATION

That Council refuse the request from the Maclean High School P&C to donate \$3,459.00 to Maclean High School for their musical production as it does not meet Council's Donation Policy.

Having declared an interest Cr Novak left the EP&C meeting at 4.02 pm and returned at 4.04 pm.

MOTION

Williamson

That Council

1. Approve the request from the Maclean High School P&C to donate \$3,459.00 to Maclean High School for their musical production.
2. That this donation be made from Council's General Fund.

The Motion LAPSED for want of a seconder.

COMMITTEE RECCOMENDATION

Baker/Clancy

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy

Against: Williamson

Having declared an interest in this Item and the next, Cr Novak left the Ordinary Council meeting at 3.13 pm.

COUNCIL RESOLUTION – 14.042/19

Ellem/Kingsley

That

1. Council approve the request from the Maclean High School P&C to donate \$3,459.00 to Maclean High School for their musical production.
 2. This donation be made from Council's General Fund.
-

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

Theme 1 Society

Objective 1.1 We will have proud and inviting communities

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

BACKGROUND

On 21 October 2014, Council considered a Notice of Motion (Item 15.019/14) from a previous Councillor, Craig Howe, which was resolved as follows:

That

- 1. Council approve a donation of \$2,521.00 in the form of full fee waiver to Maclean High School for the use of Maclean Civic Hall and the Sound and Lighting system for the 2015 musical stage production.*
- 2. Any donation request from schools within the Clarence Valley LGA that are outside the Donation Policy come automatically to Council as a separate item for decision.*

This donation request, although not from a school, is being put to Council to consider given it is from the school's P&C association for a similar activity.

KEY ISSUES

Under Council's Donation Policy, all local schools are eligible for a donation of \$100 each per annum for annual awards.

Maclean High School is a State Government public school. Tickets are sold for this musical, which allows an opportunity to recoup costs through this avenue.

The High School has also been informed that any application should be made through Smarty Grants as part of the twice yearly calls for applications which in this case they also have not complied with.

COUNCIL IMPLICATIONS**Budget/Financial**

The Donations Budget is now \$13,730.09 over allocated (997113-58-7043-2534) due to large donations to the Country University Development Application and Construction Certificate fees and the South Grafton War Memorial. This donation will take the total deficit in this budget to -\$17,189.09.

Asset Management

N/A

Policy or Regulation

This donation is contrary to Council's Donations Policy.

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Karlie Chevalley, Executive Support Assistant & Sammy Lovejoy, Community Projects Officer – Community Grants
Attachment	Nil

ITEM 14.043/19 DEVELOPMENT APPLICATIONS

Meeting	Environment, Planning & Community Committee	21 May 2019
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (David Morrison)	
Attachment	Nil	

SUMMARY

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

OFFICER RECOMMENDATION

That the update on Development Applications be noted.

COMMITTEE RECOMMENDATION

Baker/Williamson

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Williamson, Clancy, Novak, Baker

Against: Nil

Having declared an interest in the previous item and this item, Cr Novak was absent from the Ordinary Council meeting and returned at 3.22 pm.

COUNCIL RESOLUTION – 14.043/19

Ellem/Kingsley

That the update on Development Applications be noted.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

The calculation method for the numbers of days an application is held by Council has been changed to include all calendar days including weekends and public holidays. The method is now consistent with the NSW

Department of Planning *Development Assessment Best Practice Guide – to assist Council to improve delivery timeframes.*

The figures from 1 July 2018 to 30 April 2019 are:

No. of Applications Received	No of Applications Approved	Value of Approved Works	No of Lots Approved	Average Processing Times
687	683	\$97,238,283.81	116	58 days (including stop-the-clock days)

Of the 683 approved Development Applications between 1 July 2018 and 30 April 2019, 323 were determined within 40 days or less (47%).

As of 1 May 2019 there were 127 outstanding development applications, which have been with Council for the following:

Less than 40 days	77
41 - 60 days	18
61 - 80 days	3
81+ days	29

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 April 2019.

DA No.	Property	Standard to be Varied	Extent of Variation	Concurring Authority & Justification
SUB2018/0036	157 Poley House Road Braunstone NSW 2460	Clause 4.2B Minimum 40 hectare lot size for dwellings	Within 1.9% of the minimum lot size (undersize by 7,600m ²)	Council assumed concurrence under PS18-003 The proposed boundary will follow an existing fence line that follows the boundary of a closed road reserve being lot 1 DP 1209087 which the lot being developed currently straddles and 2. The existing fence line is over 760m in length and if required to be moved to achieve the minimum lot size may result in additional vegetation being cleared as a result.

Reasons for Undetermined Applications over 40 days

Application No.	Received Date	Days	Description	Property	Reason
DA2019/0135	20/03/2019	41	Shed	384 Lower Coldstream Road, ULMARRA NSW 2462	Currently being assessed*
DA2019/0134	20/03/2019	41	Install two bays to existing shed	Towallum Street, GLENREAGH NSW 2450	Currently being assessed*
DA2019/0130	20/03/2019	41	Dwelling and two lot subdivision	17 Taloumbi Street, MACLEAN NSW 2463	Currently being assessed*
DA2019/0128	19/03/2019	42	Machinery shed	1 Youngs Lane, HARWOOD NSW 2465	Awaiting additional information (Contaminated land assessment and geotechnical report of mound)
DA2019/0127	19/03/2019	42	Convert whole building to dwelling	79 Through Street, SOUTH GRAFTON NSW 2460	Awaiting internal comment regarding rear access
DA2019/0126	19/03/2019	42	Vegetation management control	35 Victoria Street, GRAFTON NSW 2460	Staff to liaise with applicant regarding scope of proposal
DA2019/0125	18/03/2019	43	Swimming pool and retaining wall	58 The Mainbrace, YAMBA NSW 2464	Currently being assessed*
DA2019/0124	18/03/2019	43	Shed fence and hardstand area (existing waste transfer station)	Minnie Water Road, MINNIE WATER NSW 2462	Awaiting external referral (NTS Corp)

Application No.	Received Date	Days	Description	Property	Reason
DA2019/0122	18/03/2019	43	Four single level units, site works and subdivision	47 Queen Street, GRAFTON NSW 2460	Awaiting additional information (access and servicing)
DA2019/0121	18/03/2019	43	Shed	299 Brooms Head Road, GULMARRAD NSW 2463	Awaiting additional information (Additional Plans and identify any trees to be removed)
DA2019/0120	18/03/2019	43	Shed	Ashby Tullymorgan Road, ASHBY HEIGHTS NSW 2463	Currently being assessed*
DA2019/0116	14/03/2019	47	Carport	21 Bellevue Street, SOUTH GRAFTON NSW 2460	Awaiting additional information (DCP variation to setback)
DA2019/0113	13/03/2019	48	Carport	10 Hilltop Close, LAWRENCE NSW 2460	Currently being assessed*
DA2019/0111	13/03/2019	48	Dwelling and shed	200 McIntyres Lane, GULMARRAD NSW 2463	Awaiting additional information (Amended Site Plan)
DA2019/0109	13/03/2019	48	Shed	Warregah Island Road, WARREGAH ISLAND NSW 2469	Currently being assessed*
DA2019/0099	11/03/2019	50	Shed	Gardiners Road, JAMES CREEK NSW 2463	Currently being assessed*
DA2019/0089	6/03/2019	55	Deck	128 Main Street, WOOLI NSW 2462	Awaiting internal comment regarding coastal erosion
DA2019/0085	4/03/2019	57	Shed	Vere Street, SOUTH GRAFTON NSW 2460	Awaiting additional information (Additional Plans) and still needs to be exhibited.
DA2019/0080	27/02/2019	62	Dwelling and two lot subdivision (of proposed Lot 2)	22A Cypress Street, TOWNSEND NSW 2463	Additional information submitted and currently being assessed*
DA2019/0078	26/02/2019	63	Recreational vehicle campground (8 sites)	50 Coldstream Street, ULMARRA NSW 2462	Awaiting additional information (OSM)
DA2019/0065	15/02/2019	74	Monthly community market	33 Bridge Street, LAWRENCE NSW 2460	Awaiting external referral (NTS Corp)
DA2019/0045	6/02/2019	83	Dual Occupancy	90 Kings Creek Road, LAWRENCE NSW 2460	Awaiting additional information (OSM and demonstrate compliance and/or apply for variation LEP dual occupancy controls)
SUB2019/0002	6/02/2019	83	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	84	Alterations and additions to aged care facility (Increase from 63 to 83 beds)	126 North Street, GRAFTON NSW 2460	Awaiting additional information (Site contamination assessment and management of car parking area)
SUB2019/0001	24/01/2019	96	Seven lot subdivision (5 additional lots)	39/57 Chatsworth Road, CHATSWORTH NSW 2469	Awaiting additional information (Contaminated land assessment, access and heritage)
DA2019/0024	21/01/2019	99	Dwelling	278 Ashby Tullymorgan Road, ASHBY HEIGHTS NSW 2463	Awaiting additional information (Baseline ecological assessment)
DA2019/0015	16/01/2019	104	New amenities block at Greyhound Club	70 Cranworth Street, GRAFTON NSW 2460	Awaiting external referral (Grafton Ngerrie Local Aboriginal Land Council)
DA2019/0011	11/01/2019	109	Primitive Camp Ground	Stockyard Creek Road, COALDALE NSW 2460	Awaiting additional information (Baseline ecological assessment and bushfire assessment)
DA2018/0787	21/12/2018	130	Alterations and additions to existing dwelling and secondary dwelling	21 The Crescent, ANGOURIE NSW 2464	Awaiting additional information (consideration of view sharing)
DA2018/0777	17/12/2018	134	Shop top housing in existing premises	80 River Street, MACLEAN NSW 2463	Awaiting additional information (BASIX)
DA2018/0738	29/11/2018	152	Asphalt Plant	Tyson Street, SOUTH GRAFTON NSW 2460	Awaiting external referral (EPA and NRAR)
DA2018/0632	17/10/2018	195	Demolish shed and erect shed	128 Golf Links Road, ILARWILL NSW 2463	Awaiting additional information (Amended plans)
DA2018/0630	16/10/2018	196	Dual occupancy	1431 Pacific Highway, ULMARRA NSW 2462	Awaiting additional information (Geotechnical assessment of riverbank and OSM)
SUB2018/0030	16/10/2018	196	Boundary adjustment	Pacific Highway, TYNDALE NSW 2460	Awaiting additional information (Contaminated land assessment)
SUB2018/0027	8/10/2018	204	Two lot subdivision	20 The Glen, MACLEAN NSW 2463	Awaiting additional information (Biodiversity and bushfire)
DA2018/0579	24/09/2018	218	Cut and fill of land (to create house pad)	Pacific Highway, COWPER NSW 2460	Awaiting external referral (Water NSW)

Application No.	Received Date	Days	Description	Property	Reason
DA2018/0574	20/9/2018	222	Dwelling	61 Williams Crescent, WOOLI NSW 2462	Awaiting additional information (Amended plans and Basis)
DA2018/0567	18/9/2018	224	Aged care facility (144 beds)	425 Bent Street, SOUTH GRAFTON NSW 2460	Staff to liaise with applicant and external agencies.
SUB2018/0021	7/9/2018	235	Four (4) lot industrial subdivision	Federation Street, SOUTH GRAFTON NSW 2460	Awaiting additional information (Status of dip site and stormwater)
DA2018/0537	6/9/2018	236	Dwelling	21 Fat Duck Road, WOOMBAAH NSW 2469	Awaiting additional information (Baseline ecological assessment)
SUB2018/0018	10/08/2018	263	Consolidation to create two lots	3 Blaxlands Flat Road, BLAXLANDS CREEK 2460	Awaiting additional information (Aboriginal Local Land Council Site Assessment)
DA2018/0445	6/08/2018	267	Seniors independent living (24 villas)	4 Freeburn Street, YAMBA NSW 2464	To be withdrawn by the applicant
DA2018/0449	6/08/2018	267	Viewing deck	26 Ocean Road, BROOMS HEAD NSW 2463	Second additional information sent (Amended plans, view sharing issues)
DA2018/0419	26/07/2018	278	Shed	302 Gwydir Highway, WATERVIEW NSW 2460	Awaiting additional information (Amend Plans to comply with Essential Energy or applicant to withdraw application). Notice of intention for Council to refuse application due to timeframe since additional information requested.
DA2018/0102	5/03/2018	421	Speedway practice track	334 School Lane, SOUTHGATE NSW 2460	Applicant to respond to EPA comments
SUB2018/0004	23/02/2018	431	12 lot large lot residential subdivision	Bloodwood Grove, GULMARRAD NSW 2463	Awaiting additional information (Amended Plans)
DA2017/0671	18/10/2017	559	Caravan Park - Alterations and additions (10 additional sites) and amenities	391 Goodwood Island Road, GOODWOOD ISLAND NSW 2469	Awaiting additional information (Building Certificate Application, plans and compliance with <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005</i>)
DA2017/0527	22/08/2017	616	Dwelling	Bostock Road, TUCABIA NSW 2462	Biodiversity Offset method confirmed by applicant and currently being assessed.
DA2017/0528	22/08/2017	616	Five lot rural subdivision and five dwellings	Bostock Road, TUCABIA NSW 2462	Awaiting additional information (Biodiversity Offsets)
SUB2015/0034	11/12/2015	1236	162 lot residential subdivision and new roads	Hickey Street, ILUKA NSW 2466	Report to July JRPP meeting (not yet confirmed).

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

Prepared by	James Hamilton, Development Assessment Planner
Attachment	Nil

MOTIONS ON NOTICE

ITEM	17.010/19	AFFORDABLE HOUSING AND SERVICES FOR PRISONER FAMILIES
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Meeting	Environment, Planning & Community Committee	21 May 2019
Directorate	Notice of Motion	
Submitted by	Cr Debrah Novak	
Attachment	Nil	

To the General Manager, Clarence Valley Council, I propose that the following report and notice of motion be submitted to Council.

SUMMARY

With the opening of Australia's correctional facility at Lavadia next year are there enough affordable houses and services to support the arrival of families connected to the 1700 prisoners.

PROPOSED MOTION

That:

1. Council host a roundtable discussion with NSW Corrective Services and local service providers to ensure local services are adequate for the arrival of family members associated with the 1700 prisoners.
2. Council establish a working group to ensure the needs of this marginalised community are being met.
3. The General Manager report back to Council no later than October on the outcome of the roundtable.

COMMITTEE RECOMMENDATION

Novak/Clancy

That this item be deferred to the May Council meeting.

Voting recorded as follows:

For: Williamson, Clancy, Novak, Baker

Against: Nil

COUNCIL RESOLUTION – 17.010/19

Novak/Clancy

That:

1. Council host a roundtable discussion with NSW Corrective Services, Northern Pathways and local service providers to ensure local services are adequate for the arrival of family members associated with the 1700 prisoners arriving in June 2020.
2. Council establish a working group to ensure the needs of this marginalised community are being met.
3. The General Manager report back to Council no later than October 2019 on the outcome of the roundtable.

Voting recorded as follows:

For: Novak, Ellem, Clancy, Simmons

Against: Williamson, Kingsley, Baker

MOTION OF DISSENT

Baker

On the ruling of the Chair on a Point of Order from Cr Novak that Cr Baker was 'bullying and making disparaging remarks'.

Voting recorded as follows:

For: Williamson, Kingsley, Baker

Against: Novak, Ellem, Clancy, Simmons

The Motion was put and declared LOST.

FORESHADOWED MOTION

Clancy

That this motion be deferred until the August round of meetings.

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

Building Australia's largest prison in the Clarence Valley as an economic driver we need to also be proactive and access and prepare our community and its services for the expected influx of prisoner families.

Support services are very short in the Clarence Valley and we need to be able to articulate what we exactly need from the State Government so that there are no negative impacts on the Clarence Valley Community.

KEY ISSUES

- Addressing the public perception of prisoner families.
- The increase of crime and drugs.
- Supply of local services

COUNCIL IMPLICATIONS**Budget/Financial****Policy or Regulation**

N/A

Consultation

Bulgarr Ngaru

Legal and Risk Management

N/A

Climate Change

N/A

STAFF COMMENT

The Department of Premier and Cabinet began in early May to organise an interagency meeting to discuss the implications on agency servicing of the Clarence Correctional Centre. The meeting will take place most likely in late June. Council Economic Development staff are providing logistical support.

ITEM 17.011/19 CLARENCE VALLEY YOUTH SUMMIT

Meeting	Environment, Planning & Community Committee	21 May 2019
Directorate	Notice of Motion	
Submitted by	Cr Debrah Novak	
Attachment	Nil	

To the General Manager, Clarence Valley Council, I propose that the following report and notice of motion be submitted to Council.

SUMMARY

In March 2019 the anti poverty group 'The Brotherhood of St Laurence' raised the alarm when the ABS released figures the Clarence Coffs LGA had the highest youth unemployment rate in NSW at 23.3%.

PROPOSED MOTION

That:

1. Clarence Valley Council host a Clarence Youth Emergency Summit as soon as possible.
2. The General Manager consult with the South Grafton School of Arts to host the summit and develop the terms of reference in consultation with other identified stakeholders.
3. Clarence Valley Council fund the summit with \$25,000.00 for expenses incurred to host the Clarence Youth Emergency Summit
4. The General Manager report back to council on the outcomes of the Clarence Youth Emergency Summit at the October Council meeting.

COMMITTEE RECOMMENDATION

Novak/Clancy

That this item be deferred to the May Council meeting.

Voting recorded as follows:

For: Williamson, Clancy, Novak, Baker

Against: Nil

MOTION

Novak/Clancy

That:

1. Clarence Valley Council host a Clarence Youth Employment Summit as soon as possible.
2. The General Manager consult with the South Grafton School of Arts to host the summit and develop the terms of reference in consultation with other identified stakeholders.
3. Clarence Valley Council fund the summit with \$25,000.00 for expenses incurred to host the Clarence Youth Employment Summit

4. The General Manager report back to council on the outcomes of the Clarence Youth Employment Summit at the October Council meeting.

Voting recorded as follows:

For: Novak

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

The Motion was put and declared LOST.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

Clarence Valley LGA has around 5000 young people aged between 15-24 with an unemployment rate of 23.3%, the highest in NSW and the second highest in Australia.

These levels have not been seen in regional Australia this century and have been slowly rising since 2007. Meanwhile the national youth unemployment rate is 11.2%. We are in our 28th year of economic growth and the national jobless rate is sitting at 5%.

What is extraordinary is our high youth unemployment figure comes during a \$4 billion infrastructure spend in the Clarence Valley.

All would agree, clear pathways into sustained employment are necessary for young people to attain financial security, independence, wellbeing, a sense of belonging and skill development. All young people should be able to access meaningful, long-term employment so they can contribute to the Australian economy and community (Youth Action NSW).

We need a different kind of approach to ensure our young people don't miss out and don't fall through the cracks and potentially end up in our Australia's new correctional facility being built in our backyard.

Our young people don't have a voice or a seat at this council so therefore we as elected councillors should demonstrate leadership and assist all stakeholders to find sustainable solutions to end this employment crisis.

Council has no statutory obligation to deliver services and activities to young people however our 2027 Community Strategic Plan recognizes their employment needs and inclusion.

Three years ago our community drew a line in the sand and stepped up to find a solution for the mental health of our young people. This grassroots campaign created the framework and worked alongside local, state and federal governments to achieve its goals to stop the Clarence Valley's chronic youth suicide problem from being a political football.

This is what is needed now using the same model to engage and empower our young people.

KEY ISSUES

The key issues are to stop this issue from escalating, create local long-term solutions (not band aids) for our chronic youth unemployment as we transition to Industry 4. We need to assist local industry and sole traders to expand in a period where national and global businesses are contracting.

COUNCIL IMPLICATIONS**Budget/Financial**

Funding to come from the \$1 million dollars untied from Serco.

Policy or Regulation

N/A

Consultation

Consulted with South Grafton School of Arts

Legal and Risk Management

N/A

Climate Change

N/A

STAFF COMMENT

Cr Novak first raised the potential of a NOM or Mayoral Minute on the issue of a Youth Emergency Summit with the Mayor at the end of March 2019. Since then CVC staff have been discussing the youth unemployment issue through several forums; the Clarence Valley Youth Interagency Group and a wider economic development interagency comprising federal and local regional development organisations, the outcomes of these consultations are outlined below.

The Youth Interagency (which has 25 service providers) met on Tuesday, 14 May and discussed the idea of a Youth Emergency Summit. The Youth Interagency has submitted the following comments through the Chair of the Youth Interagency Giane Smajstr (who also works for the New School of Arts):

- *Concerns were raised about the language “emergency” which from our experience has the potential to be detrimental to young people’s perceptions of the community.*
- *We are planning a Youth Employment Forum at the end of July to be held in Grafton. We are working on this initiative as part of our strategic plan to encourage a coordinated approach for maximum impact. This forum will be organised in collaboration with Youth Interagency stakeholders. We will be inviting local MPs, Councillors, Chamber of Commerce representatives, business owners, NSW Business Chamber, Economic Development, Industry groups and community members to attend.*

An economic development interagency group chaired by the Australian Department of Jobs and Small Business, plus staff reps from CVC, Northern Rivers Regional Development Australia and Mid North Coast Regional Development Australia and the Northern Rivers Business Chamber of Commerce have met regularly over the last few months. This group has used their networks to source statistical analysis teams to examine the data and look at program developments to help with youth unemployment. In summary, the statistical team’s conclusions are:

- CVC should not hit the red panic button. Consideration should be given to the long term trend.

- These are volatile series so exercise caution reading too much into the lows just as you need to be careful about reading too much into the highs.
- There is a lot of statistical aberration in this series so exercise some caution about the observed levels. The data could be an aberration from the stats not handling a huge infrastructure boom.
- The sample sizes of unemployed youth in regional NSW are going to be very small while the geographies are large.
- The youth unemployment rate is an annual average. So if there is an unemployment dampening effect from major projects it may show up with a lag.

The good news is the Federal agencies have indicated that the ABS data, soon to be published, will record a drop in youth unemployment for the Coffs/Grafton area.

The other issue is the stats include the Coffs Harbour City Council/Bellingen Council areas with double the population of the Grafton collection area (which covers most of the Clarence). So the figures need to be dealt with using a lot of caution. The unemployment data is gathered through ABS survey via phone call to landline not through Centrelink registrations. (Note: these data collection methods are not conducive to millennial behaviour/culture.)

Until the infrastructure boom really took off in 2017, the Coffs Harbour/Grafton youth unemployment figures were less than 10 percent and have only increased since the infrastructure boom (generating over 2,500 new jobs in the Clarence alone). This similar trend occurred in the Mid North Coast area at the peak of the Pacific Highway job boom in that area where youth unemployment peaked at over 23 percent (2015/16) and since the Highway infrastructure has been completed youth unemployment has dropped to 11.3 percent (although still too high).

In contrast to the spike in unemployment figures the actual Centrelink job registrations have decreased (source Federal Government interagency member) and discussions with local employment agencies have confirmed they have not registered a spike in registrations. Evidence from local business's (round table) and Chambers are also recording increases in employment not decreases.

Given the doubt in the statistical data, discussions are occurring with the University of New England led by the Northern Rivers RDA to do a detailed research analysis on the data to see firstly if the statistical data is accurate (and not an aberration) and secondly, hopefully analyse where any youth programs should be directed.

For Councillors' information a summary of the initiatives that are occurring around youth and youth unemployment in addition to the Youth Interagency initiative above are:

Jobs Expos

Jobs Expo conducted in August 2018; major employers attended; 260 participants. Direct employment was generated with Harwood Marine (3), John Holland, CVC, Walkers Marina Hotel and Downer Group.

On the back of the success of this expo an additional event was held in Yamba. Planning is underway for another Expo in Grafton in Sept/Oct.

Youth Pathways

Due to the high youth unemployment figures in the Coffs Harbour area the MNC RDA were to run a pilot youth pathways program in Coffs, Nambucca and Bellingen Council areas. Due to CVC staff lobbying this program it has now been extended to include Grafton

<https://www.youthpathways.com.au/>

My Skills Employability Skills

The 14 week/3 day per week program will run between 5 March and 21 June 2019.

Disengaged Youth - 3 programs (1 week boot camp; 8 weeks Cert 1; and 6 months Disengaged Youth).

Skills Road

NSW Business Chamber will deliver this one stop shop in 6 unemployment 'hotspots' including Grafton.

Clarence Valley Industry Education Forum

CVC initiative to develop pathways and strengthen connections between industry and schools. All education institutions; high schools, tertiary and universities combining to develop better outcomes from school to work and university.

Regional Industry Education Partnership

NSW Training Services strengthen connections between industry and schools, facilitating smoother transition from school to work.

Youth Week

Youth Week is an annual event in NSW supported by Family and Community Services. It comprises a week of activities, forums, workshops and events for young people to connect to the community. This annual event is put together by CVC CDO Youth with the support of young people and local service providers. Youth Week may have a youth focus, but the aim is that the whole community gets to connect, share and celebrate young people and their valuable contributions in our community.

School Holiday Program

As part of the Out of the Box funding, the CVC CDO Youth, in partnership with the New School of Arts Neighbourhood House put out a School Holiday Program each school holidays. A range of events and locations across the Valley are organised and presented by contractors and youth workers.

My Future Fest (ETC/TAFE) - biennial festival. CVC partner with ETC, TAFE and CYA held at TAFE, it is an employment/health and wellbeing festival for 15-21 year olds. Advice on jobs, training and health, practical demonstrations, workshops, entertainment and music.

Youth Interagency

Is a forum of local youth services that meets monthly to collaborate and advocate for young people and the community. The group has an active strategic plan which is reviewed and updated bi-monthly and service updates on alternate months.

One Stop Shop

A health and wellbeing day for Year 9 students that is in partnership with schools and local youth services. The One Stop Shop project began in 2016 in response to young people and the broader community identifying the need to learn more about the local services available to them. A school excursion was designed to include evidence based workshops, activities and good quality resources specifically targeted to address some of the bigger issues typically faced by young people in the community.

Mental Health Month

National activity on a local level providing workshops, activities, forums and events for the community.

Our Healthy Clarence

Mental health steering committee led the development and implementation of the 2016–2018 plan for improving mental health and wellbeing in the Clarence Valley.

The OHC Steering Committee consists of approximately 20 organisations, including Northern NSW Local Area Health, North Coast Primary Health Network, Lifeline, Bulgarr Ngaru Medical Service, the New School of Arts Neighbourhood Centre, Headspace Grafton, the Rural Adversity Mental Health Program (RAMHP), Clarence Youth Action Group and other service providers, agencies, community groups and community.

Youth Engagement Strategy – YES program

Offering short, targeted skills programs to high school students at risk of disengagement.

Grafton - Automotive, Animal Studies, App & Graphic Design, Barista/Simple Food, Carpentry, Earth Preschool, 'Glam Me Up' – Hair & Beauty, My Career Path, Growing Green Thumbs, Music (Creative Industries)

Maclean - Automotive, Earth Preschool

Acmena - YES Horticulture Program (cohort aged 14-20 years)

MySkills Certificate II Career Preparation

Grafton - 14 week course focusing on employability skills and including 8 industry taster workshops in Hospitality, Cookery, Automotive, Carpentry, Horticulture (x2), Business and IT.

Jobseeker Bootcamp

Grafton and Maclean - short job seeker programs focused on employability skills.

My Future Fest

Next event planned for August, Grafton Campus. Building on the previous event, collaboration with schools, JobActive, community groups and employers to identify career pathways and available supports for young people in the Clarence.

Stellar Days

Initiative from CVIEF, showcasing careers and university pathways aimed at high school students.

Alive and Aware

Grafton - Cert IV Community Services hosted an event on 10 April. Music, food, activities identifying and highlighting impacts of alcohol and other drugs.

PCYC Collaboration

Early planning underway to connect with youth participating in PCYC programs to present information on career pathways.

TAFE Connected Learning Centre in Yamba - Country University Centre in Grafton

Both of these facilities will provide better learning and skills development opportunities for communities.

CLOSE OF COMMITTEE MEETING

There being no further business the Environment, Planning and Community Committee meeting closed at 4.07 pm.

CORPORATE GOVERNANCE & WORKS COMMITTEE

MINUTES of a meeting of the **CORPORATE, GOVERNANCE & WORKS COMMITTEE** of Clarence Valley Council held in the Council Chambers, Grafton on Tuesday 21 May 2019 commencing at 2.00 pm.

ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THE LAND

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

ANNOUNCEMENT

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

PRESENT

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

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

APOLOGY**MOTION**

Kingsley/Lysaught

That a leave of absence be granted to Cr Jim Simmons.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms

Against: Nil

DISCLOSURE AND DECLARATIONS OF INTEREST

<i>Name</i>	<i>Item</i>	<i>Nature of Interest</i>	<i>Reason/Intended Action</i>
Mr Anderson	15.089/19	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Member of Clarence Head Longboarders Club Intended action: Remain in the Chamber.
Cr Williamson	15.082/18	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Member of associated gym Intended action: Remain in the Chamber.

DEPUTATIONS

15.074/19 – Ulmarra Pool & Implementation of Bailey Park Master Plan

- Steve Pickering – Against

15.081/19 – Glenreagh Pool

- George Bennett - Against

REPORTS

ITEM	15.074/19	ULMARRA POOL & IMPLEMENTATION OF BAILEY PARK MASTER PLAN
Meeting	Corporate, Governance & Works Committee	21 May 2019
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Confidential	

SUMMARY

This report presents the proposal for the management and operation of the Ulmarra Pool submitted by Ulmarra Village Inc. for Council's consideration.

OFFICER RECOMMENDATION

That Council:

1. Receive and note the proposal for the management and operation of the Ulmarra pool submitted by Ulmarra Village Inc.
2. Decline the proposal for the management and operation of the Ulmarra pool submitted by Ulmarra Village Inc. acknowledging the work the group completed in preparing the submission.
3. Undertake the works associated with point 1 of Council resolution 15.173/18, with those works being:
 - a) demolition of the pool change rooms
 - b) filling in of the pool basin
 - c) removing the perimeter fence
 - d) embellishment of the on-site wastewater land application system by providing additional absorption trenches, and
 - e) making good the site for future development.

COMMITTEE RECOMMENDATION

Lysaught/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Toms

Against: Ellem

MOTION

Ellem/Novak

That Council:

1. Receive and note Ulmarra Village Incorporated's Ulmarra Pool Reopening Proposal Report Version 2 for the management and operation of the Ulmarra pool -- built in 1960 with 1000 pounds raised by Ulmarra locals on land donated by locals -- acknowledging the local group's work in preparing its submission.
2. Accept Option 2 under the UVI proposal (reopening the pool) to meet demonstrated demand from public user groups for the facility; to ensure public safety by conforming with NSW Government Practice Note (PN) 15 -- Water Safety October 2017 and Royal Life Saving Society Australia Guidelines for Safe Pool Operation (GSPO); and to promote social inclusion in one of the Clarence Valley's

economically disadvantaged villages.

3. Allocate up to \$35,000 from the general fund towards the basic costs of reopening the pool, \$35,000 being the same amount set aside by Council for its demolition, filling in and other associated decommissioning works.
4. Cover the estimated \$70,000 annual cost of maintaining and managing the pool through alternative efficiency savings to be identified by the General Manager or Acting General Manager in a report coming to Council in June 2019. Such efficiency savings could include, but are not limited to, not replacing vacant internal staff positions or reducing budgeted expenditure for external consultants.
5. Work with Ulmarra Village Incorporated to support the group's efforts to secure State, Federal and other grants to reduce operational and maintenance costs over the next decade.

Voting recorded as follows:

For: Novak, Ellem, Clancy

Against: Williamson, Kingsley, Baker, Simmons

The Motion was put and declared LOST.

COUNCIL RESOLUTION - 15.074/19

Baker/Williamson

That Council:

1. **Receive and note the proposal for the management and operation of the Ulmarra pool submitted by Ulmarra Village Inc.**
2. **Decline the proposal for the management and operation of the Ulmarra pool submitted by Ulmarra Village Inc. acknowledging the work the group completed in preparing the submission.**
3. **Undertake the works associated with point 1 of Council resolution 15.173/18, with those works being:**
 - a) **demolition of the pool change rooms**
 - b) **filling in of the pool basin**
 - c) **removing the perimeter fence**
 - d) **embellishment of the on-site wastewater land application system by providing additional absorption trenches, and**
 - e) **making good the site for future development.**

Voting recorded as follows:

For: Baker, Williamson, Simmons, Kingsley

Against: Novak, Ellem, Clancy

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

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

BACKGROUND

Council resolved in December 2016 (Item 15.150/16) to close the Ulmarra Pool, and in accordance with the resolution the pool was closed at the end of the 2015/16 swimming season.

A Master Plan was developed for Bailey Park, Ulmarra in consultation with the community. This plan considered and proposed solutions for the pool site that did not include the provision of a pool. The Master Plan was adopted by Council September 2018 (Item 15.154/18). The Bailey Park Master Plan has since been incorporated into the Ulmarra Riverside & Precinct Plan, which is currently being prepared by Council.

In October 2018, Council considered a report (Item 15.173/18) to implement the Bailey Park Master Plan and resolved in part to:

That Council:

- 1. In accordance with the adopted Bailey Park Master Plan: demolish the pool change rooms, fill in the pool, remove the perimeter fence, embellish the on-site wastewater land application system by providing additional absorption trenches and make good the site for future development.*
- 2. Allocate \$35,000 from the general fund to fund the proposed works.*
- 3. Defer commencement of Part 1 of this resolution until March 2019, to allow for any community organisation or government department to submit any innovative ideas for the community to take over the responsibility and running of the pool, including social enterprise models, purchasing or leasing the facility known as the Ulmarra pool.*

In response to Item 3 of resolution 15.173/18, a community organisation, Ulmarra Village Inc. (UVI) submitted a proposal to Council for the ongoing management and operation of the Ulmarra pool.

KEY ISSUES

Land

The pool is located at Bailey Park, Ulmarra being Lot 712 DP 1124148. It is Council owned in freehold and is classified as operational land.

Pool Description and background

The Ulmarra pool facility includes an 18m x 5m outdoor pool, a 2m circular toddlers pool, basic amenities and plant and equipment structures.

The pool was opened in November 1960 and when in operation was open to the public annually between September to March.

Prior to closure it operated under a management contract by a qualified operator, selected through a competitive tender process.

Practice Note 15 – Water Safety (October 2017)

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

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

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

Proposal – Ulmarra Village Incorporated

A proposal was submitted by Ulmarra Village Inc. (UVI) in March 2019 with five proposed management models to reopen the facility. Staff met with and discussed the options with representatives from UVI, following these discussions an updated proposal with 2 options was submitted in April 2019 for Council's consideration (Attachment A). The proposal options are summarised below:

Option 1 - UVI take over management and ownership of the pool

1. CVC sell the facility for a nominal fee or issue an extended lease to UVI.
2. CVC contribute \$50,000 per annum for operations/management.
3. UVI employ a qualified pool operator to be onsite Fridays and Saturdays for 5 hours daily and as required for advertised public opening times.
4. Public access for "members" is available outside supervised times via a PIN/card system.
5. CVC complete a list of repairs and upgrades including CCTV, lighting upgrade, PIN /access system installed.
6. UVI would be responsible for consumables, ongoing maintenance, insurance, water quality.

The annual projected operating costs (item 7.2 in Attachment A) total \$50,000.00, however the proposal also notes potential to access Government grants. There are also options included in the proposal to reduce the ongoing operating costs e.g. solar.

Additionally the UVI proposed entry fees/memberships are:

- Annual family pass \$200.00
- Annual adult pass \$100.00
- School use (entire pool) \$40.00 per hour
- Swim school, aqua etc (½ pool) \$20.00 per hour

Option 1 Analysis

- The contribution to the UVI for the operations/management of the pool retains a financial commitment and is inconsistent with Council's improvement strategy.
- The access arrangements and associated level of supervision is inconsistent with the PN and GSPO and the subsequent risk to community and Council is significant (additional information is included in the Legal & Risk Management Section of this report).
- Significant capital works are required to enable the reopening and commencement of operations of the pool.
- Grant income cannot be included in budgets due to the uncertainty of the initial or ongoing provision of funding.
- The sale of waterfront property is inconsistent with Council's objective to maintain public access to the Clarence River.

In consideration of the potential loss of access to the Clarence River, the high risk and financial burden required to achieve the proposal it is recommended that UVI Option 1 proposal not be adopted.

Option 2 - Council re-open the pool

1. Council tender for the ongoing operation and management of the facility.
2. Council should guarantee the pool will remain open for at least the next 10 years so the community can have some certainty.
3. UVI would welcome the opportunity to work with Council on this proposal and would like to assist with grant and funding applications to reduce the cost to Council.

Option 2 Analysis

- Option 2 doesn't particularly respond to point 3 of 15.173/18
- The ongoing operation and management of the facility by Council is inconsistent with Council's improvement strategies that were adopted in June 2017.
- The proposal would require an estimated annual allocation of \$20,000 for equipment and maintenance, and an estimated annual allocation of \$50,000 for management services.
- Significant capital works are required to enable the reopening and commencement of operations of the pool.

In consideration of the inconsistency with previous resolutions of Council and the ongoing financial commitment required to achieve the proposal it is recommended that UVI Option 2 proposal not be adopted.

Community Support of the Proposal

UVI has engaged with the Ulmarra community obtaining letters of support from the following organisations:

- Yamba Surf Lifesaving Club
- Clarence River Masters Swimming Club
- Copmanhurst Public School
- Tucabia Public School
- Cowper Public School
- Wooli Public School
- Baryulgil Public School
- Ulmarra Public School
- United Protestant Association of NSW Limited (Rathgar Lodge)

Ulmarra Village Incorporated

Ulmarra Village Incorporated is in its infancy as a community group, with limited background information known about the group (committee structure, number of members, experience). While the group have achieved a lot calling for and driving the CED Plan, the Ulmarra Riverside & Precinct Plan and the Ulmarra Pool Proposal within the community, it is unknown if the group have the ongoing capacity into the future to run the operations and maintenance of the pool. The capacity of the UVI would have to be further tested should Council determine to enter an agreement with them.

Summary & Recommendation

It is recommended that the Ulmarra Pool remain closed for the following reasons:

- Consistency with the Council resolution 13.035/17 to achieve efficiency savings.
- Consistency with Council resolution 15.154/18 which approved the Bailey Park Master Plan.
- Risk minimisation to community and Council.
- Provision of alternate facilities and connection to the Ulmarra waterfront through the provisions of the Ulmarra Riverside and Village Precinct Plan.

COUNCIL IMPLICATIONS**Budget/Financial**

Both of the proposals from UVI have significant initial and ongoing financial implications for Council. Should Council resolve to adopt once of the suggested options, additional improvement strategies to those adopted in 13.035/17 will be required to be established.

Council does not currently have budget allocations for the operations and maintenance or capital works for the Ulmarra Pool.

Asset Management

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

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

Policy or Regulation

The following references are applicable to this report:

- Local Government Act 1993
- Practice Note 15 – Water Safety (October 2017)
- Royal Life Saving – Guidelines for Safe Pool Operation
- Clarence Valley Aquatic Facility Strategy
- CVC - Disposal of Council Land and Building Policy
- Asset Management Policy
- Council Report 15.173/18 (16 October 2018)
- Council Report 13.035/17 (27 June 2017)
- Council Report 15.150/16 (13 December 2016)
- Council Report 16.012/16 (19 July 2016)
- Council Report 15.055/16 (28 June 2016)
- Council Report 14.104/15 (12 May 2015)

Consultation

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

Council officers have met with representatives from Ulmarra Village Inc on 1 April 2019 regarding their proposal.

UVI has undertaken community consultation via an online survey.

Legal and Risk Management

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

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

Specifically, the requirements from the Practice Note are:

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

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

- The pool should operate under the GSPO
- The pool should operate under the PN

Primary concerns raised by RLS NSW with regard to option 1 were: water quality; and supervision of the pool.

UVI are proposing that a qualified lifeguard will be present on Saturdays and Sundays for a period of 5 hours as well as advertised public use times (exact hours not included in proposal). Outside of these hours, people who purchase a “membership” will be able to access the facility via a PIN/card entry.

Climate Change

N/A

Prepared by	Rachelle Passmore, Senior Parks & Recreation Officer
Attachment	A – Confidential - Ulmarra Pool Re-opening Proposal Report, Ulmarra Village Inc B – Practice Note 15, Water Safety – October 2017

ITEM 15.075/19 ULMARRA RIVERSIDE & VILLAGE PRECINCT PLAN

Meeting	Corporate, Governance & Works Committee	21 May 2019
Directorate	Corporate & Governance	
Reviewed by	A/General Manager (Laura Black)	
Attachment	Yes	

SUMMARY

As a result of wide community consultation undertaken for the Ulmarra Bypass Economic Development Plan (14.093/18) a number of infrastructure objectives were highlighted by the Ulmarra community. The development of an Ulmarra Riverside and Village Precinct Plan (URVPP) is a significant step towards achieving many of these aspirations. This report outlines the process used to develop the URVPP and recommends it be placed on public exhibition to ensure wider community feedback.

OFFICER RECOMMENDATION

That the draft Ulmarra Riverside and Village Precinct Plan be:

1. Modified to reflect the resolution of Council (Item 15.074/19) relating to Ulmarra Swimming Pool.
2. Placed on public exhibition for a minimum of 28 days to enable community feedback.

COMMITTEE RECOMMENDATION

Lysaught/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Toms

Against: Ellem

COUNCIL RESOLUTION – 15.075/19

Baker/Kingsley

That the draft Ulmarra Riverside and Village Precinct Plan be:

1. Modified to reflect the resolution of Council (Item 15.074/19) relating to Ulmarra Swimming Pool.
2. Placed on public exhibition for a minimum of 28 days to enable community feedback.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Williamson,

Against: Clancy, Ellem Novak,

AMENDMENT TO MOTION - WITHDRAWN

Williamson

That the draft Ulmarra Riverside and Village Precinct Plan be placed on public exhibition for a minimum of 28 days to enable community feedback as per item 14.093/18.

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

The Ulmarra Bypass Community Economic Development Plan (UBCED Plan) was adopted by Council in August 2018 (14.093/18). Council also resolved to allocate \$50,000 for the development of an Ulmarra Riverside and Village Precinct Plan (URVP Plan). URVP Plan would create a masterplan for a number of infrastructure aspirations the community identified during the UBCED Plan community consultation. In line with the successful Riverside Precinct Plans for Grafton and Maclean, the URVP Plan would then be used opportunistically to gain funding for implementation.

Through an expression of interest process complying with procurement procedures, consultants CLOUSTON Associates were engaged to develop concept plans for the riverfront, Coldstream Street, village entries and linkages to the showground. The URVP Plan would:

- configure the streetscape such that human scale is achieved
- ensure diversity of public uses and activities
- expand options for pedestrian river access
- be assessable to a diverse range of locals and visitors
- be responsive to the characteristics of the land and the heritage significance of Ulmarra village
- present a development that is creative, innovative and consistent with good ecological sustainability principles
- reflect the Clarence River Way themes
- facilitate investment in heritage and waterfront orientated development and marina
- create linkages between the pontoon, river front parks (Memorial and Bailey), the village commercial centre and the showground
- offer solutions that denote a sense of arrival to the village when travelling along 'Small Street' (current A1 Pacific Highway)
- safeguard Ulmarra as a place of character and quality, creating both tourism asset and a boost to the village's amenity.

KEY ISSUES

It should be noted that the draft URVP Plan is a concept plan, issues relating to developing and access to private lands will be addressed at the time of detailed design and development applications. Similar to the Maclean Riverside Precinct Plan, the main focus is on land controlled or owned by council thus a key driving principle is to ensure the delivery of the ultimate desired outcome, can be achieved in stages and is not reliant on any particular stage or stakeholder for its successful implementation.

At this council meeting a report is also presented on the future of the Ulmarra Swimming Pool. At the time of community consultation the future of the Council asset was undecided therefore; the draft URVP Plan presents two options for the swimming pool area and Bailey Park – see SK19 and SK20 in attached URVP Plan.

It is proposed this section of the draft URVP Plan will be modified prior to public exhibition in line with the council resolution regarding the future of Ulmarra Swimming Pool. That is, either SK19 (concept including retention of the pool) or SK20 (concept excluding retention of the pool) be removed to reduce ambiguity of Council' intention.

COUNCIL IMPLICATIONS**Budget/Financial**

There is a budget allocation of \$50,000 to develop the Ulmarra Riverside and Village Precinct Plan (14.093/18). Should Council proceed to detailed design and implementation, a budget allocation should be considered as part of future budgets and/or grant applications.

Asset Management

The plan proposes changed use of current Council assets.

Policy or Regulation

N/A

Consultation

The goals and expectations of the Ulmarra Community were important in the development of the URVPP. These were identified in the wide community consultation which occurred as part of the Ulmarra Bypass Community Economic Development Plan. Over 100 people attended three workshops which took place in March, May and July 2018.

CLOUSTON Associates conducted a site visit and undertook preliminary consultations and conversations with the community on 21 and 22 February. A community drop in session was held in Ulmarra on Monday 25 March which was attended by over 50 residents. A Council project team workshop was held on Tuesday 26 March; in attendance were key Council staff from Planning, Economic Development, Open Spaces, Water Cycle, Civil Services and Community Services. Telephone interviews were conducted with RMS, Crown Lands, Destination North Coast and the Woolitji Cooperative.

Legal and Risk Management

There is minimal risk in adopting the recommendation of this report. Concept plans present a realistic basis for future grant funding.

Climate Change

N/A

Prepared by	David Newberry (Project Officer – Economic Development)
Attachment	Ulmarra Riverside & Village Precinct Plan

ITEM	15.076/19	CODE OF MEETING PRACTICE	
Meeting	Corporate, Governance & Works Committee		21 May 2019
Directorate	Corporate & Governance		
Reviewed by	A/General Manager - Laura Black		
Attachment	Yes		

SUMMARY

This report recommends the adoption of a draft Code of Meeting Practice following a period of public consultation in during which, four submissions were received.

OFFICER RECOMMENDATION

That Council adopt the draft Code of Meeting Practice attached to this report, incorporating amendments detailed in the body of the report.

COMMITTEE RECOMMENDATION

Lysaught/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms

Against: Nil

COUNCIL RESOLUTION – 15.076/19

Williamson/Baker

That, effective from 29 May 2019, Council adopt the draft Code of Meeting Practice attached to this report, incorporating amendments detailed in the body of the report.

Voting recorded as follows:

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

Against: Novak

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

At is February 2019 meeting (Item 15.013/19) Council resolved to put the draft Code of Meeting Practice on public exhibition for a 28 day period. The draft Code of Meeting Practice was exhibited for 32 days from Monday, 1 March – Monday 1 April 2019. During this period a total of four submissions were received.

KEY ISSUESSubmissions

Four submissions to the draft were received and these submissions are included in the attachments to this report.

In summary, the submissions detailed the following items:

- All four submissions addressed Clause 4.6 identifying the limitation imposed on the number of deputations an individual can make at any one meeting unreasonable.
- One submission detailed general discontent about a number of matters most of which are controlled by use of a State government prescribed template.

It is recommended that Clause 4.6 be amended to read:

4.6 A person may apply to speak to more than one item at any one public forum for deputations.

Following discussion by Councillors regarding building in some flexibility around workshop meeting times it is recommended that Clause 3.35 be amended to read:

3.35 Workshops will be held on the second Tuesday of the month, at the same location as the committee and council meetings for that month at a time that is agreed.

COUNCIL IMPLICATIONS**Budget/Financial**

Training in the Code of Meeting Practice is scheduled for July at a cost of \$1,200 to be funded from the Councillor development budget 991001-59-7009-2565.

Asset Management

N/A

Policy or Regulation

Council is required to adopt a Code of Meeting Practice that reflects the new Model Code, within six months of prescription.

Consultation

The draft was prepared through Council workshops with senior staff. Following a resolution of item 15.013/19 the draft Code of Meeting Practice was placed on public exhibition for a period of 32 days in Council's customer service centres, advertised in the weekly block ads three times and available on Council's website.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Karlie Chevalley, Executive Support
Attachment	Code of Meeting Practice Submissions received

ITEM	15.077/19	REMUNERATION FOR COUNCILLORS AND THE MAYOR FOR 2019/20
Meeting	Corporate, Governance & Works Committee	21 May 2019
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Yes	

SUMMARY

This report deals with the determination of the Local Government Remuneration Tribunal, which has handed down a 2.5% increase in fees payable to the Councillors and the Mayor effective from 26 April 2019. Council is now required to determine their fees for 2019/20.

OFFICER RECOMMENDATION

That

1. The report from the Local Government Remuneration Tribunal dated 26 April 2019 be noted.
2. Fees payable to elected members be increased by 2.5%, in accordance with Option 1 as detailed in the body of this report, effective from 1 July 2019 to 30 June 2020.
3. The increase of \$4,965 required to fund the increase be reflected in the draft 2019/20 budget.

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That

1. The report from the Local Government Remuneration Tribunal dated 26 April 2019 be noted.
2. Council not approve an increase in remuneration to Councillors, the Mayor and Deputy Mayor for the 2019/2020 financial year.
3. Council adopt the same level of fees payable to Councillors in line with the 2018/19 financial year, being, Councillors at \$17,490 per annum, plus an additional amount to the Mayor of \$35,225 per annum and an additional amount to the Deputy Mayor of \$2,935, with those fees effective from 1 July 2019 to 30 June 2020.

Voting recorded as follows:

For: Kingsley, Lysaught, Ellem, Toms

Against: Nil

COUNCIL RESOLUTION – 15.077/19

Kingsley/Ellem

That

1. The report from the Local Government Remuneration Tribunal dated 26 April 2019 be noted.
2. Council not approve an increase in remuneration to Councillors, the Mayor and Deputy Mayor for the 2019/2020 financial year.
3. Council adopt the same level of fees payable to Councillors in line with the 2018/19 financial year, being, Councillors at \$17,490 per annum, plus an additional amount to the Mayor of \$35,225 per annum and an additional amount to the Deputy Mayor of \$2,935, with those fees effective from 1 July 2019 to 30 June 2020.

Voting recorded as follows:**For: Simmons, Kingsley, Baker, Ellem, Clancy, Novak, Williamson****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

Under S241 of the NSW Local Government Act, the NSW Remuneration Tribunal determines for each category of Council the maximum and minimum amount of fees payable to mayors and councillors of NSW councils. Each year the Tribunal publishes an Annual Report and Determination. The April 2019 report explains that –

- Section 241 of the LG Act provides for the Tribunal to determine, not later than 1 May in each year, for each of the categories determined under section 239, the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils.
- In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required, pursuant to section 242A of the LG Act, to give effect to the same policies on increases in remuneration as those of the Industrial Relations Commission. The current policy on wages is that public sector wages cannot increase by more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.
- The Tribunal's determinations take effect from 1 July in each year. The Tribunal's Report and Determination of 2019, made on 26 April 2019, provided a general increase of 2.5 per cent, which is consistent with the Government's policy on wages.

The Clarence Valley Council is categorised as a "Regional Rural" Council for the purpose of remuneration determinations. Councillors may elect to set their fees at either the maximum rate prescribed for the category or at a lesser rate above the minimum for the category.

From 2004/05 to 2013/14 Council adopted the upper level of fees with the fee payable to the Deputy Mayor deducted from the fee payable to the Mayor. Each year since 2013/14 Council has resolved to not increase beyond the fees adopted for 2013/14 with the result that those fees have also applied from 2014/15 to 2018/19.

KEY ISSUES

The Tribunal has determined the following range for Regional Rural category:

All Councillors	\$9,190	to	\$20,280
Mayor (additional)	\$19,580	to	\$44,250

The following table shows the fees the current 2018/19 allowances in column one, the application of a 2.5% increase in column two and the maximum allowable amount in column three.

	<u>2013/14 - 2018/19</u> per annum (Actual)	<u>2019/20 (option 1)</u> 2019/20 actual plus 2.5% increase	<u>2019/20</u> Per Annum Maximum Allowable
All Councillors	\$17,490	\$17,927	\$20,280
Mayor (additional)	\$35,225	\$36,106	\$44,250
Deputy Mayor (additional)	\$2,935	\$3,008	\$3,403

The Deputy Mayor's allowance is deducted from the total Mayoral allowance at the following rate 4/52.

The adopted fees will take effect from 1 July 2019.

COUNCIL IMPLICATIONS

Budget/Financial

The draft 2019/20 Budget has a total allocation of \$195,492 for the Mayoral and Councillors allowances (PJ 991001-59-7353-2563) (PJ 991001-59-7353-2564). An increase of \$4,965 is required to fund Option 1. To fund the maximum allowable amount would require an increase of \$34,681. The adjustment to the 2019/20 budget should be presented to the June Ordinary meeting as part of the 2019/20 budget considerations.

Asset Management

N/A

Policy or Regulation

Sections 248 and 249 of the Local Government Act apply to the determining and payment of annual fees for councillors and the mayor.

Consultation

N/A

Legal and Risk Management

The amounts payable to elected members are determined by the NSW Remuneration Tribunal.

Climate Change

N/A

Prepared by	Karlie Chevalley, Executive Support Officer
Attachment	2019-Annual Report and Determination-Local Government Remuneration Tribunal

COMMITTEE MOTION

Kingsley/Lysaught

That Items 15.082/19 and 15.083/19 be the next items of business. CARRIED.

ITEM 15.078/19 PROPOSED PERMANENT ROAD CLOSURES

Meeting	Corporate, Governance & Works Committee	21 May 2019
Directorate	Corporate & Governance	
Reviewed by	A/General Manager (Laura Black)	
Attachment	Nil	

SUMMARY

Council has received several applications to close unused public roads. This report considers closure of these sections of road and transfer to the adjoining landowner/s.

OFFICER RECOMMENDATION

1. That
 - a) the part of the Council public road being part of Kings Creek Road, Lawrence, adjoining Lot 6 Section 77 DP 758607 be closed, subject to no objections being received,
 - b) upon closure the section of closed road be classified as "operational" land,
 - c) the closed road section of Kings Creek Road, Lawrence be transferred to T Wilson, the adjoining owner of Lot 6 Section 77 DP 758607 at an agreed value of \$15,700.00 including GST,
 - d) all costs associated with the closure and transfer, be met by the owner of Lot 6 Section 77 DP 758607, Mr T Wilson.
 - e) authority be delegated to the General Manager to execute documents associated with the transfer.

2. That
 - a) part of the Council public road being part of Ashby-Tullymorgan Road, Tullymorgan, adjoining Lot 63 DP 751382 and Lot 22 DP 735238 be closed, subject to no objections being received,
 - b) upon closure the section of closed road be classified as "operational" land,
 - c) the eastern part of the closed road section be transferred to J & J Cadogan, the adjoining owners of Lot 63 DP 751382,
 - d) the western part of the closed road section be transferred to C Bright, the adjoining owner of Lot 22 DP 735238,
 - e) all costs associated with the closure and transfers, be met by the owners of Lot 63 DP 751382, J & J Cadogan and the owner of Lot 22 DP 735238, C Bright.
 - f) authority be delegated to the General Manager to execute documents associated with the transfers.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem

Against: Toms

COUNCIL RESOLUTION – 15.078/19

Williamson/Novak

1. That

- a) the part of the Council public road being part of Kings Creek Road, Lawrence, adjoining Lot 6 Section 77 DP 758607 be closed, subject to no objections being received,
- b) upon closure the section of closed road be classified as “operational” land,
- c) the closed road section of Kings Creek Road, Lawrence be transferred to T Wilson, the adjoining owner of Lot 6 Section 77 DP 758607 at an agreed value of \$15,700.00 including GST,
- d) all costs associated with the closure and transfer, be met by the owner of Lot 6 Section 77 DP 758607, Mr T Wilson,
- e) authority be delegated to the General Manager to execute documents associated with the transfer.

2. That

- a) part of the Council public road being part of Ashby-Tullymorgan Road, Tullymorgan, adjoining Lot 63 DP 751382 and Lot 22 DP 735238 be closed, subject to no objections being received,
- b) upon closure the section of closed road be classified as “operational” land,
- c) the eastern part of the closed road section be transferred to J & J Cadogan, the adjoining owners of Lot 63 DP 751382,
- d) the western part of the closed road section be transferred to C Bright, the adjoining owner of Lot 22 DP 735238,
- e) all costs associated with the closure and transfers, be met by the owners of Lot 63 DP 751382, J & J Cadogan and the owner of Lot 22 DP 735238, C Bright,
- f) authority be delegated to the General Manager to execute documents associated with the transfers.

Voting recorded as follows:

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

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

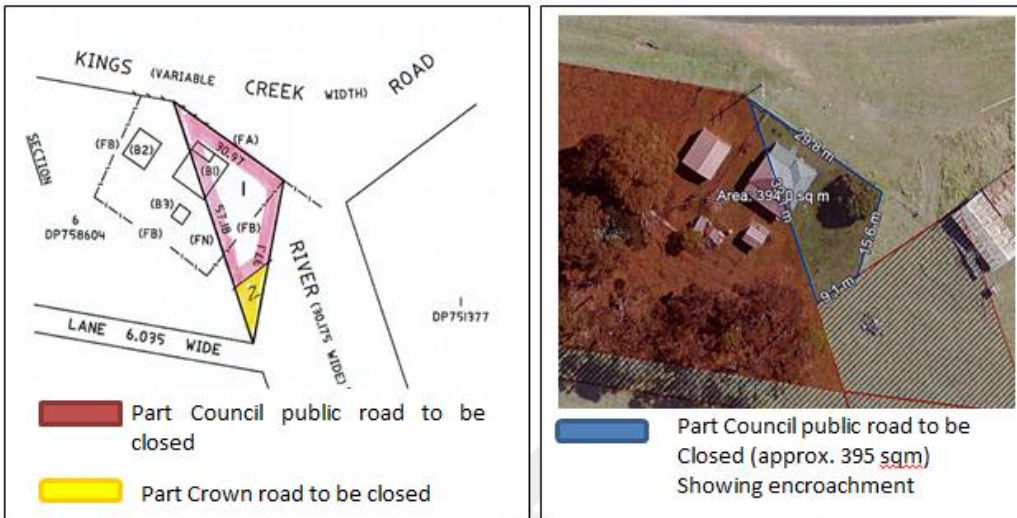
BACKGROUND

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 Kings Creek Road, Lawrence – Reference 2299858**

Kings Creek Road is a Council public road. Lot 6 DP 758604 is located at 68 Kings Creek Road, Lawrence, and adjoins the intersection of Kings Creek Road and River Street Lawrence. A dwelling has been constructed on Lot 6. There is no dwelling approval in Council’s system, which indicates the house may have been built in the 1960’s or earlier when development approval for construction was not required. It is considered that the encroachment has been in place for some time.

The current landowner has applied to Council to close the section of Council public road affected by the encroachment. The closure is supported by staff. The section to be closed will be transferred to the adjoining landowner of Lot 6 DP 758604. The value of the land has been assessed at \$15,700 based on a pro-rata of the adjoining land value.

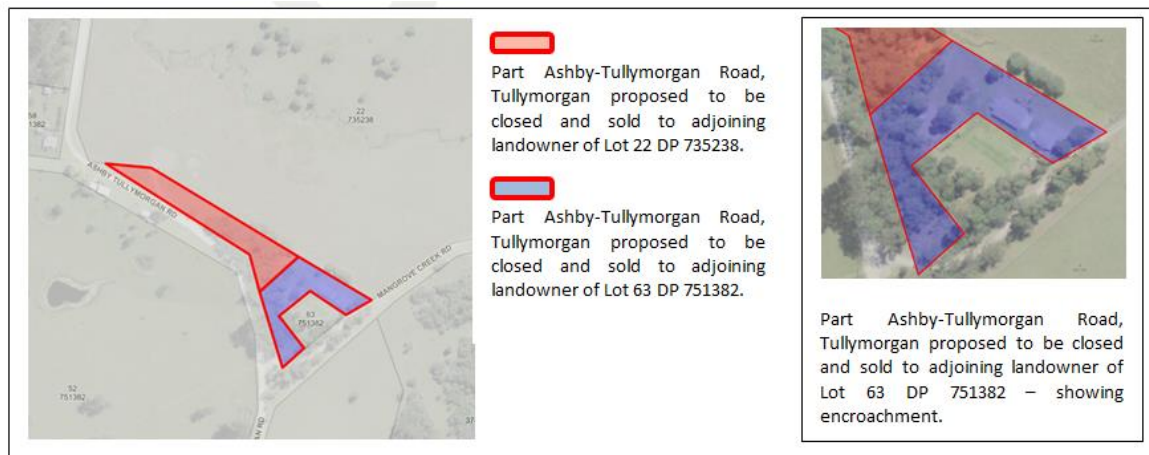


Road – Part Ashby-Tullymorgan Road, Tullymorgan

Ashby-Tullymorgan Road, Tullymorgan is a Council public road. Lot 22 DP 735238 and Lot 63 DP 751382 are located at the intersection of Ashby-Tullymorgan Road and Mangrove Creek Road, Tullymorgan. A dwelling has been constructed on Lot 63. The dwelling encroaches onto a section of the road reserve.

The landowners of Lots 22 and 63 have applied to Council to close a section of Ashby-Tullymorgan Road. The closure is supported by staff subject to a suitable width being retained for future upgrades and drainage. It is proposed that the boundary be 10m from the northern edge of the constructed road.

The area to be closed is estimated at 15,000 square metres. The value of the land will be calculated on a pro-rata of the adjoining land value once the survey has been completed and the area for closure is known. If the value cannot be agreed it shall be determined by an independent valuation at the applicants cost.



COUNCIL IMPLICATIONS

Budget/Financial

Expenses associated with the proposed road closures will be borne by the respective applicant. Under section 43 (4) of the *Roads Act 1993* income received from the sale of public roads is to be used for acquiring land for public roads or for carrying out road work on public roads. The income received from these sales will be allocated 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 will be made if the road closures are approved.

Policy or Regulation

Roads Act 1993

Local Government Act 1993

Conveyancing Act 1919

Consultation

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

Legal and Risk Management

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

Climate Change

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

Prepared by	Kylee Baker, Property Coordinator
Attachment	Nil

ITEM	15.079/19	REVIEW OF COUNCIL POLICIES
Meeting	Corporate, Governance & Works Committee	21 May 2019
Directorate	Corporate & Governance	
Reviewed by	A/General Manager (Laura Black)	
Attachment	Yes	

SUMMARY

Policies due for review are submitted for consideration to be placed on exhibition, adopted or rescinded.

OFFICER RECOMMENDATION

That Council

1. Place the following Policies on exhibition:
 - a. Reward
 - b. Clarence Valley Cultural and Sports Trust Fund
2. Adopt the following Policies as the changes, are immaterial in nature:
 - a. Excluding Abusive or Disruptive Customers from Council Premises
 - b. Fraud Control
 - c. Event Sponsorship
 - d. Hire of Street Banner Poles for Banner Display
3. Rescind the following Policy, as the content duplicates legislation:
 - a. Internal Reporting – Public Interest Disclosures
4. Rescind the following Policy, as the document better serves as an operational Protocol:
 - a. Reimbursement of Legal Costs to Staff

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms

Against: Nil

COUNCIL RESOLUTION – 15.079/19

Williamson/Novak

That Council

1. Place the following Policies on exhibition:
 - a. Reward
 - b. Clarence Valley Cultural and Sports Trust Fund
2. Adopt the following Policies as the changes, are immaterial in nature:
 - a. Excluding Abusive or Disruptive Customers from Council Premises
 - b. Fraud Control
 - c. Event Sponsorship
 - d. Hire of Street Banner Poles for Banner Display

3. Rescind the following Policy, as the content duplicates legislation:**a. Internal Reporting – Public Interest Disclosures****4. Rescind the following Policy, as the document better serves as an operational Protocol:****a. Reimbursement of Legal Costs to Staff****Voting recorded as follows:****For: Simmons, Kingsley, Baker, Ellem, Clancy, Novak, Williamson****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 following Policies have been reviewed as required and are now submitted for consideration of Council to either be adopted or be placed on exhibition.

KEY ISSUES

1. Reward Policy – This document has significant changes as indicated in the attached Policy and is recommended for public consultation.
2. Clarence Valley Cultural and Sports Trust Policy – minor change plus it is recommended that the maximum amount of financial support be increased from \$250 to \$300 and \$500 to \$550 for each individual as the amounts have not changed since 2006. There will be no changes to the budget.
3. Excluding Abusive or Disruptive Customers from Council Premises – minor change.
Change 3 (b) to *“where an illegal act occurs on Council premises Council will take all reasonable action and contact the appropriate authority to ensure that the individual is accountable for their actions.”*
4. Fraud Control – no changes.
5. Event Sponsorship – no changes.
6. Hire of Street Banner Poles for Banner Display – no changes.
7. Internal Reporting – Public Interest Disclosures –this Policy is a local policy that duplicates the requirements of the Public Interest Disclosures Act. The risk of retaining local Policy that duplicates legislation is the potential for conflict when legislation changes.
8. Reimbursement of Legal Costs to Staff – rescind as a Policy position of Council. Policies of Council aim to detail the position of the Council in relation to outward focussed activities that affect the community. The Policy position of Council in relation to this matter is not relevant as legal costs where the conditions of the existing Policy apply, are covered through Council’s Professional Indemnity Insurance.

COUNCIL IMPLICATIONS**Budget/Financial**

There are no budgetary implications in adopting the Polices in this report.

If a document is placed on exhibition there are advertising costs involved on average of \$400.

Asset Management

N/A

Policy or Regulation

As listed above.

Consultation

Consultation has been undertaken with relevant staff and with the public if exhibited.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Lesley McBay, Coordinator Executive Support
Attachment	Reward Clarence Valley Cultural and Sports Trust Fund
To be tabled	Excluding Abusive or Disruptive Customers from Council Premises Fraud Control Event Sponsorship Hire of Street Banner Poles for Banner Display Internal Reporting – Public Interest Disclosures Reimbursement of Legal Costs to Staff

ITEM 15.080/19 COUNCIL MEETING CHECKLIST – UPDATE ON ACTIONS TAKEN

Meeting	Corporate, Governance & Works Committee	21 May 2019
Directorate	Corporate & Governance	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

SUMMARY

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

OFFICER RECOMMENDATION

That the schedule of actions taken on Council resolutions be noted and those resolutions marked as complete, i.e. C in the status column, be removed from the checklist.

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms

Against: Nil

COUNCIL RESOLUTION – 15.080/19

Williamson/Novak

That the schedule of actions taken on Council resolutions be noted and those resolutions marked as complete, i.e. C in the status column, be removed from the checklist.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

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

KEY ISSUES

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

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

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation

Local Government Act 1993 S335 (1)

Consultation

Staff and Managers

Legal and Risk Management

N/A

Prepared by	Lesley McBay, Coordinator Executive Support
Attachment	Checklist

ITEM	15.081/19	GLENREAGH POOL, SHANNON PARK (CROWN LAND) – RESPONSE TO IMPROVEMENT STRATEGY
Meeting	Corporate, Governance & Works Committee	21 May 2019
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Confidential	

SUMMARY

This report provides an updated proposal received from the Glenreagh Progress Association regarding the management and operation of the Glenreagh Swimming Pool and adjacent tennis courts in Shannon Park, Glenreagh.

OFFICER RECOMMENDATION

That Council as Crown Land Manager of the reserve:

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

COMMITTEE RECOMMENDATION

Toms/Lysaught

That Council as Crown Land Manager of the reserve:

1. Receive and note the updated proposal for the management and operation of the Glenreagh Pool by Glenreagh Progress Association.
2. Decline the proposal for the management and operation of the Glenreagh Pool submitted by Glenreagh Progress Association acknowledging the work the group completed preparing the submission and the community support for the Glenreagh Pool.
3. Seek Expressions of Interest for any interested party, including Glenreagh Progress Association:
 - a) to become the Crown Land Manager for Lot 7003 DP 1052456 being part Crown Reserve 56448 for public recreation, including the maintenance of the entire parcel, comprising all facilities contained within the parcel; or
 - b) to become the Crown Land Manager of the swimming pool and tennis court facilities and adjacent area, including toilets and BBQ shelter only; or
 - c) to be issued a long term tenure that would include the maintenance and operation of the facilities (i.e. pool, tennis courts, toilets and BBQ shelter) within Lot 7003 DP 1052456, being part Crown Reserve 56448.

Voting recorded as follows

For: Kingsley, Toms, Lysaught

Against: Ellem

MOTION - WITHDRAWN

Ellem/Novak

That Council as Crown Land Manager of the reserve:

1. Receive and note the Glenreagh Progress Association's updated proposal for the future management of the Glenreagh Community Pool -- funded by pub fundraising and hand dug by local residents in 1959 -- and tennis courts, acknowledging the association's work in preparing its submission.
2. Decline the Glenreagh Progress Association's proposal but resolve to maintain the status quo by continuing current management and operational arrangements for the pool for a 10-year period to provide an essential learn-to-swim facility given Glenreagh's geographic isolation being located 48.5 kilometres from the city of Grafton, and furthermore, ensuring public safety by conforming with NSW Government Practice Note (PN) 15 -- Water Safety October 2017 and Royal Life Saving Society Australia Guidelines for Safe Pool Operation (GSPO).
3. Cover the estimated \$65,000 annual cost of managing and maintaining the Glenreagh Pool through alternative efficiency savings to be identified by the General Manager or Acting General Manager in a report coming to Council in June 2019. Such efficiency savings could include, but are not limited to, not replacing vacant internal staff positions or reducing budgeted expenditure for external consultants.
4. Work with the Glenreagh Progress Association to support the group's efforts to secure State, Federal and other grants to reduce operational and maintenance costs of the pool and tennis courts over the next decade.

AMENDMENT TO MOTION - WITHDRAWN

Williamson

That Council as Crown Land Manager of the reserve:

1. Receive and note the Glenreagh Progress Association's updated proposal for the future management of the Glenreagh Community Pool.
2. Decline the proposal for the management and operation of the Glenreagh Pool submitted by Glenreagh Progress Association acknowledging the work the group has done in preparing the submission and the community support for the Glenreagh Pool.
3. Seek Expressions of Interest for any interested party, including Glenreagh Progress Association:
 - a) to become the Crown Land Manager for Lot 7003 DP 1052456 being part Crown Reserve 56448 for public recreation, including the maintenance of the entire parcel, comprising all facilities contained within the parcel; or
 - b) to become the Crown Land Manager of the swimming pool and tennis court facilities and adjacent area, including toilets and BBQ shelter only; or
 - c) to be issued a long term tenure that would include the maintenance and operation of the facilities (i.e. pool, tennis courts, toilets and BBQ shelter) within Lot 7003 DP 1052456, being part Crown Reserve 56448.

The Ordinary Council meeting was adjourned at 5.51 pm and resumed at 6.07 pm.

COUNCIL RESOLUTION – 15.081/19

Simmons/Kingsley

That this item be deferred to the June 2019 Ordinary meeting of Council, to allow the opportunity for all nine Councillors to be in attendance at the meeting.

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

Theme 1 Society

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

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

BACKGROUND

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

Current contract

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

Proposal from Glenreagh Progress Association

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

That Council:

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

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

KEY ISSUESLand

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

As the land is Crown land it is not able to be sold, but is able to be licenced or leased from Council as the Crown land manager. Alternatively, should there be an interested party a new Crown land manager could be appointed to manage the reserve and its associated facilities in total or in part. (That is, under the *Crown Land Management Act 2016* two or more Crown land managers could be appointed to manage different parts of a reserve). In this scenario, any revenue raised by activities on the reserve or expenditure in the maintenance of facilities would be attributable to the respective Crown land manager.

Licencing/leasing of facilities

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

Native Title

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

Pool Description

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

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

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

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

Current Management Arrangement

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

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

Pool Use

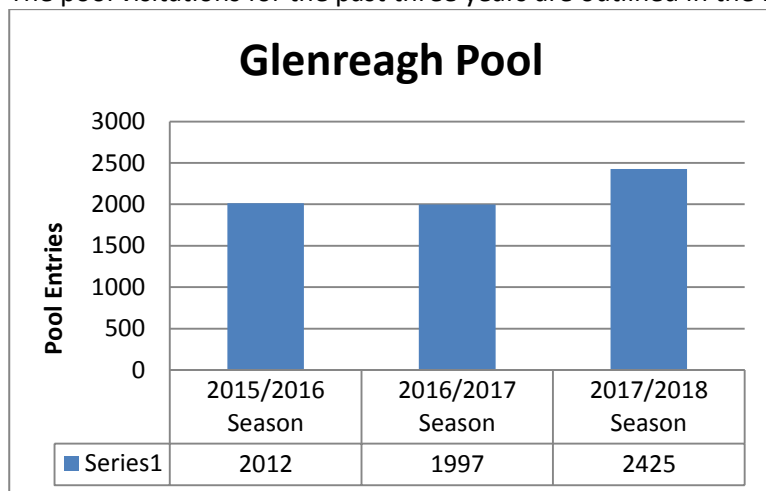
The Glenreagh Pool operates from September to March annually and is open to the public at the following times:

Monday – Closed

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

Weekends 12.00pm – 5.00pm

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



Pool Condition

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

Practice Note 15 – Water Safety (October 2017)

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

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

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

Updated Proposal - Glenreagh Progress Association

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

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

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

The full proposal is included in the attachment.

Analysis of Proposal

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

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

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

Recommendation

Following consideration of the GPA proposal it is recommended to:

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

COUNCIL IMPLICATIONS

Budget/Financial

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

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

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

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

Asset Management

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

Policy or Regulation

The following references are applicable to this report:

- Local Government Act 1993
- Crown Land Management Act 2016
- Crown Land Management Regulation 2018
- Council Report 13.035/17 – June 2017
- Council Report 15.002/19 – February 2019
- Clarence Valley Aquatic Facility Strategy
- Native Title Act 1993 (Cth)
- Practice Note 15 – Water Safety (October 2017)
- Royal Life Saving Society – Guidelines for Safe Pool Operation

Consultation

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

Legal and Risk Management

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

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

Specifically, the requirements from the Practice Note are -

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

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

- The pool should operate under the GSPO
- The pool should operate under the PN

Primary concerns from RLS were water quality and supervision of the pool. The GSPO includes 92 guidelines across seven sections of aquatic facility operation including:

1. General operations
2. Technical operations
3. First Aid
4. Facility Design
5. Supervision
6. Low patronage pools
7. Programs

GPA are proposing that a person with approved safety training won't be present at all times when users can access the pool. GPA are proposing that the pool will be available under a form of controlled access from 6am to 8pm daily during the pool season with a contracted lifeguard available only on Saturday and Sundays between midday and 5pm.

Climate Change

N/A

Prepared by	Rachelle Passmore, Senior Parks & Recreation Officer
Attachment	Confidential A – Updated Proposal received from the Glenreagh Progress Association

At 3.35 pm during the CG&W Committee the following motion was moved.

COMMITTEE MOTION

Toms/Lysaught

That the CG&W Committee meeting continue to 4.00 pm as per the Code of Meeting Practice.

Voting recorded as follows:

For: Kingsley, Toms, Lysaught, Ellem

Against: Nil

ITEM 15.082/19 SOUTH GRAFTON POOL – IMPLEMENTATION OF IMPROVEMENT STRATEGY

Meeting	Corporate, Governance & Works Committee	21 May 2019
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Confidential	

SUMMARY

This report outlines the steps that have been taken to date in regards to Council resolution 13.035/17 to achieve efficiency savings and improvement opportunities relating to the review of South Grafton Pool operations.

OFFICER RECOMMENDATION

That Council:

1. Note the current condition of the South Grafton Pool.
2. Commence an Expression of Interest for the sale or long term lease of the South Grafton Pool facility. With any lease not requiring ongoing expenditure or capital outlay from Council.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms

Against: Nil

COUNCIL RESOLUTION – 15.082/19

Williamson/Novak

That Council:

1. Note the current condition of the South Grafton Pool.
2. Delay calling Expressions of Interest for the sale or long term lease of the South Grafton Pool facility until October 2021. With any lease not requiring ongoing expenditure or capital outlay from Council.

Voting recorded as follows:

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

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

As part of its plan to establish efficiency savings and improvement opportunities, in June 2017 Council resolved (13.035/17) to review the operations of the South Grafton Pool with a view to sell or long term lease (refer Item 24 of Attachment F). This strategy was to be considered in the 2018/19 financial year as a service reduction with an anticipated saving of \$389,094 over the next two years.

Current contract

The South Grafton Pool contract concludes on 31 January, 2022 and in accordance with Council resolution 22.001/19, the contract is to be extended to 30 June 2022.

The Facility

The facility includes the 25m pool, hydrotherapy pool and large gymnasium space.

Discussions Held

Council officers have met with the current contract manager, Soyuvu Pty Ltd (Soyuvu) on a number of occasions and have been provided with general operating information regarding their proposed ownership or long term lease of the pool. Soyuvu have advised they are currently not in a position at this time to consider a long term lease or purchase.

KEY ISSUESPool Description

The South Grafton Pool was opened in 1985 and includes the following elements:

- Gas heated 25m x 6 lane indoor pool – depth 0.9m to 1.7m
- Hydrotherapy pool with an access ramp
- Small outdoor toddlers pool with a shade cover
- Fully equipped gymnasium including circuit space (equipment owned by contractor)
- Kiosk
- Change rooms including an adult change facility with hoist, electronic change bed and accessible toilet and shower
- Gymnastics area
- Fitness space

Current Management Arrangements

South Grafton Pool is managed by a contractor under a revenue share contract which also includes the Grafton Olympic Pool. Under this agreement, Council pay an annual subsidy to the contractor to manage and operate the facility.

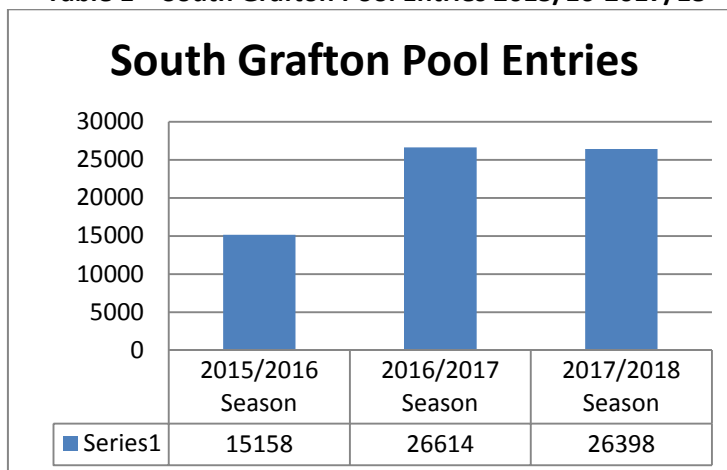
Pool Use

The South Grafton Pool operates year round and is open to the public at the following times:

- Weekdays – 5.30am – 8.00pm
- Saturday – Sunday (summer) – 10.00am – 6.00pm
- Saturday (winter) – 10.00am – 2.00pm
- Sunday (winter) 2.00pm – 6.00pm

The pool visitations for the past three years are outlined in Table 1.

Table 1 – South Grafton Pool Entries 2015/16-2017/18



Note: The South Grafton Pool was closed to the public in 2015/16 for a period of time while extensive building works were completed.

Grafton Olympic Pool

The distance from the South Grafton Pool to the Grafton facility is 4.4km or 7 minutes by vehicle. A decision on the future of the South Grafton Pool is inextricably linked to the future redevelopment of the Grafton Olympic Pool that has been reported to Council in 2017 and 2018.

The proposed upgraded facilities at Grafton will include an accessible enclosed/semi-enclosed 25m pool and an enclosed accessible warm water pool for rehabilitation and recovery to replace both the hydrotherapy and 25m pool at South Grafton. Both the pool facilities at South Grafton have limitations for ease of access for persons that have access needs.

A review of the adopted concept design and return on investment analysis has been undertaken for the redevelopment of the Grafton Olympic Pool in line with the current adopted master plan for the facility but is yet to be considered by Council.

Proposed activities at Grafton Pool will include: swimming lessons; aqua fitness classes; and warm water therapy across a broad spectrum from infants to seniors that can be accommodated year round. This will decrease the need for the services to be duplicated at South Grafton and streamline the delivery of aquatic services provided by Council.

Land Status

The South Grafton Pool is located on Lot 1 DP1162943 on Council-owned freehold and is classified as operational land.

Sale Option

Any sale would need to be in accordance with Council's Disposal of Surplus Council Land and Buildings Policy which requires valuations to be obtained and then an auction as the preferred method for disposal.

If the facility was sold, the purchaser would not have to retain the current infrastructure or public service level. Essentially, the facility could be anything that is consistent with the land use and approved under Council's planning guidelines.

Long Term Lease Option

There are minimal limitations regarding leases for operational land and it is recommended that if a lease is entered into that the lease be taken over the whole site rather than part thereof. Similar to a land sale, the lessee, subject to lease conditions and land use requirements could change the use/purpose of the facility.

The most critical consideration for leasing is that if the facility is to continue to operate as a pool that it will require major expenditure on the structure and equipment within the next 5-10 years and the lease terms and conditions would need to be reflective of this.

Expression of Interest Process

An Expression of Interest (EOI) process will allow Council to gauge interest from the community for the facility. The EOI options could include:

- (a) Sale
- (b) Long Term Lease

Private operators including health care, education, sporting, etc could be interested in the facility which is already purpose built and functional and could provide starting platform for a business. Alternatively, the expression of interest process could open the door to innovative ideas from the community which may not have been considered.

COUNCIL IMPLICATIONS

Budget/Financial

Contract details are included as confidential attachment, South Grafton Pool contract details.

Other expenses for the South Grafton Pool include:

- Maintenance in 2017/18 - \$20,993
- Water consumption November 2017 to November 2018 - \$14,165
- Chemicals 2017/18 - \$18,823
- Internal maintenance and miscellaneous costs – approx. \$5,000

Additionally there are land rates and insurance costs in the order of \$15,000. The cost of land rates and insurance will vary significantly subject to land ownership and facility operations.

Asset Management

Overall the South Grafton pool facility is in fair/good condition. Some elements will require ongoing regular maintenance and renewal primarily due to the harsh atmosphere within the indoor hydrotherapy and 25m pool. Some elements are deteriorating at a rapid rate due to the harsh environment and lack of a dehumidifier/mechanical ventilation system. Due to the design and lack of mechanical ventilation, the pool has a condensation issue when the outside temperature drops and competes with the internal warm temperature. This is significant particularly in the winter months and is leading to the deterioration of the pool enclosure.

Further, works were completed at the same time in the adult change area adjacent to the hydrotherapy pool. Several electronic components of these items continue to fail with issues surrounding the door, hoist, adult change bed and the ventilation fans.

Some elements like the replaced roof sheeting are in near new condition, however the facility overall continues to require extensive budget for repairs and maintenance. Extensive repairs were completed in 2016 on the roof structure and exposed steel trusses that were sand blasted, corroded sections removed and painted, however there is a need to continue to treat corrosion and increasing maintenance required annually. The roof and rafters were also replaced after the structural trusses were treated.

The provision of a hydrotherapy pool in most communities is an asset linked or related to the local hospital (e.g. at Maclean) or provided privately by physiotherapists. A warm water program pool is planned to be provided in the initial stages of the redevelopment of the Grafton Pool that will achieve most of the benefits of a hydrotherapy pool. Hydrotherapy pools have higher operating temperatures and subsequently higher operational/maintenance costs.

In summary without continued and ongoing investment in the facility to resolve condensation in the main pool area and improve the hydrotherapy pool and ventilation system the facility condition will decline.

Policy or Regulation

The following references are applicable to this report:

- Local Government Act 1993
- Council Report 12 May, 2015 – Item 14.104/15
- Clarence Valley Aquatic Facility Strategy
- CVC - Disposal of Council Land and Building Policy

Consultation

Consultation has occurred with the current pool managers as well as Council's Property Coordinator.

Legal and Risk Management

Due to the age and condition of the equipment, coupled with the harsh environment, the building continues to deteriorate and will continue to be an increasing and ongoing financial cost to Council.

The current contract end date is noted as 31 January 2022, in accordance with Council minute 22.001/19 the process is currently being undertaken to extend the contract date to 30 June 2022.

Climate Change

N/A

Prepared by	Rachelle Passmore, Senior Parks & Recreation Officer
Attachment	Confidential - South Grafton Pool, Terms of Contract

ITEM 15.083/19 CORCORAN PARK MASTER PLAN – PART ON CROWN LAND

Meeting	Corporate, Governance & Works Committee	21 May 2019
Directorate	Works & Civil	
Reviewed by	A/Manager - Open Spaces & Facilities (David Sutton)	
Attachment	Yes	

SUMMARY

This report addresses point 2 and 3 of Council resolution 15.192/18 presenting an updated Master Plan and Opinion of Probable costs for Council's consideration and is seeking the endorsement of the Corcoran Park Master Plan.

OFFICER RECOMMENDATION

That Council:

1. Adopt the Corcoran Park Master Plan inclusive of the opinion of probable costs.
2. Actively seek Government support for the Corcoran Park Master Plan and apply for suitable external funding to implement components of the project.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught

Against: Ellem, Toms

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

MOTION

Clancy/Novak

That Council:

1. Adopt the Corcoran Park Master Plan with the removal of the action "clearing of some reeds" which is contrary to state legislation and it conflicts with Council's encouragement of residents to protect their riverbanks as per the brochure guide to riparian vegetation.
2. Support the opinion of probable costs to implement the plan.
3. Plant local native species of plants grown from local seed sources such as plants from Susan Island as were planted in the past.
4. Actively seek Government support for the amended Corcoran Park Master Plan and apply for suitable external funding to implement components of the project.

AMENDMENT TO MOTION

Williamson/Baker

That Council:

1. Adopt the Corcoran Park Master Plan.
2. Support the opinion of probable costs to implement the plan.
3. Plant local native species of plants grown from local seed sources such as plants from Susan Island as well as Jacaranda trees.
4. Actively seek Government support for the amended Corcoran Park Master Plan and apply for suitable external funding to implement components of the project.

Voting recorded as follows:

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

Against: Clancy

The Amendment to Motion was put and declared CARRIED.

COUNCIL RESOLUTION – 15.083/19

Clancy/Novak

That Council:

1. **Adopt the Corcoran Park Master Plan.**
2. **Support the opinion of probable costs to implement the plan.**
3. **Plant local native species of plants grown from local seed sources such as plants from Susan Island as well as Jacaranda trees.**
4. **Actively seek Government support for the amended Corcoran Park Master Plan and apply for suitable external funding to implement components of the project.**

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

Council's resolved (Item 15.192/18) at its November 2018 Ordinary meeting:

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

1. *Receive and note the report on community consultation at Corcoran Park.*
2. *Adopt the Corcoran Park Master Plan with the following amendments:*
 - a. *Include a compound for the sailing club adjacent to the yacht club. There are limitations with the use of this land due to previous landfilling in this location that may restrict potential improvements to this part of the reserve.*
 - b. *Accessible pedestrian pathways, from the entry of the park and towards the picnic shelters and*

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

This report addresses items 2 and 3 of the resolution.

KEY ISSUES

Master Plan

Council's consultants, Clouston Associates have provided a Master Plan for Corcoran Park which includes all elements as required in Council resolution 15.192/18. An extract of the plan is shown in Figure 1, and the full plan is provided as an attachment to this report.



Figure 1 – Corcoran Park Master Plan

Key components of the Master Plan include:

- Space allocated for the Clarence River Sailing Club
- Accessible pedestrian pathways and increased all ability river access
- Upgrade of park furniture and public toilets
- Beach style access to the river
- Wider boat ramps and formalised trailer parking options
- Increased open green space with potential for dog off leash area
- Pontoon up the northern end of the park

Pathways, Landscaping and Greenspace

The connection pathway was a strong theme through the consultation process. Connection pathways have been included in and around all major areas of the park. River access has been increased as well as connection from the front entry, parking bays, amenities as well as BBQ and picnic spaces.

General green space has been included on the top terrace, which can be utilised in a number of ways as the park evolves – a kick-about space, a dog off leash area or an event area. Fitness equipment is also a key component in top space, keeping it out of the flood zone, but also providing a secondary access via a connection roadway at the end of Villiers Street.

Landscaping will focus on natural elements including a habitat area and strategically placed trees for shade and screening from the adjacent Sewerage Treatment Plant.

Recreational Use

The plan allows for community recreational use combined with aquatic activities and events. The roadways allow for bollards to be installed if required to delineate access when aquatic events are in progress, while still allowing adequate space for general recreational use.

The formalised aquatic users can access the park from North Street via the access between the MI Organics site and the scout hall. River access is available at the Northern end of Corcoran Park with the new jetty and widened boat ramp.

Issues and Constraints

Issues and constraints are also identified in the report including flooding, condition of current assets and the area used as landfill in the upper terrace section.

Clarence River Sailing Club

The sailing club are currently undertaking a survey of the proposed site to facilitate a move to Corcoran Park in space adjacent to the yacht club.

Council has undertaken weed control and mowing to allow safe access. This section has been added to the open spaces mowing maps for general maintenance.

The sailing club has been included in the Master Plan in the northern end adjacent to the yacht club.

Opinion of Probable Cost

An opinion of probable cost has been prepared for the master plan. The total estimated cost is \$6,846,881 with the breakdown of these costs shown in Table 1.

Table 1 – Breakdown of opinion of probable cost

Item	Description	Cost
1	Preliminaries	-
2	Demolition	\$76,590.00
3	Groundworks	\$200,000.00
4	Hardworks (pathways, roads, kerb, boat ramp, hardstand)	\$2,637,630.00
5	Softworks (lawn, mulch, tree and habitat planting)	\$582,777.00
6	Furniture & Fixtures (tables, seats, bollards, CCTV, fitness equip)	\$305,800.00
7	Metalwork (gates)	\$15,000.00
8	Timberwork (jetty, pedestrian bridge)	\$257,500.00
9	Amenities (new build)	\$750,000.00
10	Services / Utilities (water, sewer, power connections)	\$75,000.00
11	Drainage (stormwater)	\$100,000.00
12	Lighting	-
13	Irrigation	-
14	Signage / Interpretation	\$55,000.00
15	Plant Establishment/Maintenance	\$102,208.00
16	Totals	\$5,157,505.00
	Preliminaries (10%)	\$515,750.00
	Contingency - construction & design (15%)	\$773,626.00
	Contingency - contamination	\$400,000.00
	TOTAL	\$6,846,881.00

COUNCIL IMPLICATIONS

Budget/Financial

Council does not currently have any funding allocated toward the redevelopment of Corcoran Park.

It is expected that funding for this project would be sought through government grants, or allocated in future budgets of Council.

Asset Management

The existing infrastructure items within Corcoran Park vary in age and condition, items including the shade shelters and BBQs are assessed to be condition 4 and require renewal. Items of park furniture, pontoons and boat ramps, access roads are assessed as being condition 3 and requiring ongoing maintenance to extend useful life.

Policy or Regulation

- Local Government Act 1993
- Disability Inclusion Action Plan 2017 – 2021
- NSW Disability Inclusion Act 2014
- Open Spaces and Facilities Plan 2012
- Crown Land Management Act 2016
- Crown Land Management Regulation 2018
- Council Report 13.057/18, September 2018
- Council Report 15.098/18, June 2018
- Council Report 15.035/18, March 2018
- Council Report 15.192/18, November 2018

Consultation

Community and stakeholder consultation took place through 2018 with outcomes reported to Council in November 2018.

Legal and Risk Management

N/A

Climate Change

The Corcoran Park Master Plan generally aligns with Council's Climate Change Policy in that facilities that will be impacted by weather events / sea level rise are located such that this impact will be reduced (within levee bank); that existing structures / pavements are generally retained and renewed reducing carbon emission and energy consumption generated / required as part of new development; areas of tree planting and habitat are proposed that will assist in carbon store and biodiversity havens.

Prepared by	Rachelle Passmore – Senior Parks and Recreation Officer
Attachment	Corcoran Park Master Plan

ITEM	15.084/19	BRIDGES RENEWAL PROGRAM FUNDING OFFER
Meeting	Corporate, Governance & Works Committee	21 May 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Nil	

SUMMARY

Funding offers have been received under the Australian Government Bridges Renewal Program Round Four for two Council bridges. This report recommends acceptance of the funding offer.

OFFICER RECOMMENDATION

That Council accept the Australian Government funding for the following projects under the Bridges Renewal Program - Round Four:

- Middle Creek Bridge, Kungala Road \$ 344,515
- Middle Creek Bridge, Sherwood Creek Road \$ 285,375

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms

Against: Nil

COUNCIL RESOLUTION – 15.084/19

Williamson/Novak

That Council accept the Australian Government funding for the following projects under the Bridges Renewal Program - Round Four:

- Middle Creek Bridge, Kungala Road \$ 344,515
- Middle Creek Bridge, Sherwood Creek Road \$ 285,375

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

At its meeting of 19 March 2019 Council resolved to note that applications had been submitted for the Bridges Renewal Programme - Round Four (BRP) funding. The applications were based on the current bridge replacement priorities and projects that best met the funding criteria for this program. Applications were submitted for two bridges:

- Middle Creek Bridge, Kungala Road
- Middle Creek Bridge, Sherwood Creek Road

KEY ISSUES

Council has been advised that its application has been successful. The BRP funding is available to fund 50% of each project.

Roads to Recovery funding had been allocated to these projects for the 2019/20 budget, and therefore the acceptance of the BRP funding will enable \$629,890 of Roads to Recovery funding to be reallocated to other road related works. The reallocation will be confirmed in the 2019/20 Draft Capital Works Program reported to the June Council meeting.

COUNCIL IMPLICATIONS

Budget/Financial

The BRP funding is provided as 50% of the project cost and Council is required to contribute the remaining 50%. The following table details the BRP funding offer received and the required Council contribution.

	Bridges Renewal Program	CVC Funding	Total
Middle Creek Bridge, Kungala Road	\$344,515	\$344,515	\$689,030
Middle Creek Bridge, Sherwood Creek Road	\$285,375	\$285,375	\$570,750
Total	\$629,890	\$629,890	\$1,259,780

Asset Management

Replacement of the bridges will address the following objectives stated in Council's Asset Management Strategy 2018-2028:

- To manage Council's bridges in a safe and serviceable condition.

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Adele McGeary, Bridges Engineer
Attachment	Nil

ITEM 15.085/19 UNSEALED ROADS MATERIAL TRIALS – DINJERRA ROAD AND FLORDA ROADS

Meeting	Corporate, Governance & Works Committee	21 May 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Nil	

SUMMARY

With the success of the gravel road trials on Ashby-Tullymorgan Road Council is seeking to expand the trial to other Council roads being sections of Florda Prince Road, Florda Gold Road, Florda Red Road and Dinjerra Road.

OFFICER RECOMMENDATION

That Council allocate \$252,000 from the 2019/20 Roads to Recovery funding for unsealed road resheeting and stabilisation programs on sections of Dinjerra Road, Florda Prince Road, Florda Gold Road and Florda Red Road.

COMMITTEE RECOMMENDATION

Ellem/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms

Against: Nil

COUNCIL RESOLUTION – 15.085/19

Williamson/Novak

That Council allocate \$252,000 from the 2019/20 Roads to Recovery funding for unsealed road resheeting and stabilisation programs on sections of Dinjerra Road, Florda Prince Road, Florda Gold Road and Florda Red Road.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

Council has been undertaking trials of different road surfacing options for unsealed roads on Ashby-Tullymorgan Road. The interim results of these trials were reported to council in February 2019 (Item

15.024/19) and to date the works have been effective. Given the success of some of these treatments, Council staff wish to expand the trial materials and methods to other roads and also trial an additional product.

KEY ISSUES

Council officers have been working with residents on Dinjerra Road and the Florda Roads (Florda Prince, Florda Gold and Florda Red) to prioritise maintenance to improve the longevity of the road surface.

One of the main issues on Dinjerra Road and the Florda roads is the type of material on the road and its ability to perform (maintain shape and surface condition) over the longer term. Council wishes to undertake further trials in these areas on gravel treatments.

Dinjerra Road:

It is proposed to trial a product supplied by one of the bitumen supply companies, known as a GATT seal. This is a proprietary product of this company. A GATT seal is a low cost surface treatment made up of a mixture of bitumen and stone. GATT is an acronym for Graded Aggregate Total Treatment. From research undertaken GATT seals are a possible treatment on unsealed roads with low traffic volumes where there is not a significant amount of heavy traffic and the road does not have locations where there will be a lot of stress transferred to the road surface, such as tight curves and steeper terrain.

It is proposed to trial this product on the first 800 metres of Dinjerra Road from the end of the existing sealed surface. The success of the work will partially rely on the residents driving slower over this section of road once the road is initially treated. Council will liaise with the local residents over this process prior to any work being undertaken.

Florda Prince, Florda Gold and Florda Red:

Council has met with representatives of the Florda Roads and determined a priority list of areas to be treated which forms the basis of this report. The proposed treatments are detailed in Table 1.

Table 1 – Proposed treatments

Road	Chainage	Length (m)	Treatment
Florda Prince – site 1	0.60 – 1.10km	500	ARRB specification gravel
Florda Prince – site 2	2.30 – 3.00km	700	ARRB specification gravel
Florda Gold	0 – 0.65km	650	ARRB specification gravel
Florda Red	2 x 400m sections on 90 deg bends.	800	Emulsion stabilisation to corners

COUNCIL IMPLICATIONS

Budget/Financial

The estimated costs of the treatments are:

Dinjerra Road	\$ 60,000
Florda Prince Road (Site 1)	\$ 34,000
Florda Prince Road (Site 2)	\$ 49,000
Florda Gold Road	\$ 47,000
Florda Red Road	\$ 62,000
Total	\$252,000

In terms of funding Council has two options under the provisions of Roads to Recovery:

- Council has received advice that the initial Roads to Recovery allocation to Council has increased by \$410,274 annually. This advice came after the formation of the draft 2019/20 budget so is available for allocation in 2019/20.
- As reported elsewhere in this agenda Council has received a Bridges Renewal program grant offer of \$629,890. These projects were fully funded in the draft 2019/20 budget from Roads to Recovery funding so this funding is also available for reallocation.

Funding allocation will be confirmed in the draft 2019/20 Capital Works Program reported to the June Council meeting.

Asset Management

The objective of the trials is to provide a road surface that remains in a stable and serviceable condition between the grading cycles. Given the success of some of the treatments to date there is the potential that some surface treatments may last in excess of 12 months without grading, which may ultimately enable Council to reduce its maintenance grading regime and reinvest the savings into the resheeting program.

Policy or Regulation

The maintenance grading cycle is detailed in the Roads Policy.

Consultation

There has been ongoing consultation with residents on Dinjerra Road and on the Florida roads. The local resident committee advised that they will work with Council to distribute information on the proposed treatments.

Legal and Risk Management

Not applicable.

Climate Change

Not applicable.

Prepared by	Tim Jenkins – Manager Civil Services
Attachment	Nil

ITEM 15.086/19 LAND ACQUISITION FOR ROAD RE-ALIGNMENT, ARMIDALE ROAD

Meeting	Corporate, Governance & Works Committee	21 May 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Nil	

SUMMARY

As part of the 2019/20 capital works program Council is proposing a project to reconstruct a section of Armidale Road near McPhersons Crossing Road. The road re-alignment requires the acquisition of approximately 600m² of land from the owner of Lot 111 DP 657566 Armidale Road, Elland.

OFFICER RECOMMENDATION

That

1. A compensatory amount of \$2,000 be offered for the area to be acquired (600m²) of Lot 111 DP 657566 Armidale Road, Elland.
2. Council pay for all survey / legal costs and replacement of effected fencing.
3. The Common Seal be affixed to transfer documentation for acquisition of (600m²) of Lot 111 DP 657566 Armidale Road, Elland.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms

Against: Nil

COUNCIL RESOLUTION – 15.086/19

Williamson/Novak

That

1. A compensatory amount of \$2,000 be offered for the area to be acquired (600m²) of Lot 111 DP 657566 Armidale Road, Elland.
2. Council pay for all survey / legal costs and replacement of effected fencing.
3. The Common Seal be affixed to transfer documentation for acquisition of (600m²) of Lot 111 DP 657566 Armidale Road, Elland.

Voting recorded as follows:

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

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

Roads and Maritime Services Safer Roads Funding has been received for Armidale Road and McPherson Road intersection due to crash history in the area. The road re-alignment has been designed with improved road geometry and site distance to improve the safety of road users. Construction of the road requires the acquisition of approximately 600 m² of land from the owner of Lot 111 DP 657566 Armidale Road, Elland for this design.

A registered surveyor will be engaged by Council to confirm the position of the new boundary for finalisation of the property acquisition.

KEY ISSUES

The land to be acquired is required for the road re-alignment which will improve the safety to road users by providing improved road alignment and site distance.

The landowner of Lot 111 DP 657566 has been consulted and has agreed to Council's acquisition of the land for the compensation amount of \$2,000 plus survey and legal costs and fence relocation.

COUNCIL IMPLICATIONS

Budget/Financial

The acquisition of the land will be managed by Council's solicitor and there will be professional costs involved accordingly. The estimated costs, including disbursements are as follows:

- Compensation: \$2,000
- Registered Surveyors: \$4,000
- Land title registration: \$3,500
- Fence Replacement: \$2,500
- Legal Fees (including that of the land owner): \$3,000

The overall costs will be met from Council's budget allocation for the road construction (Cost Centre 807 - PJ 600449). There is pre-construction funding in the 2018/19 budget for the acquisition process to commence immediately.

Asset Management

The project involves the upgrade of Armidale Road approximately 270m north of McPherson Crossing road intersection to approximately 730m south of the intersection. This will address the following specific level of service objectives stated in Council's Transport Asset Management Plan:

Community Level of Service Objectives

- Sealed roads meet transport requirements without restriction
- Sealed road geometry meets current design requirements

Technical Level of Service Objectives

- Arterial roads upgraded to meet capacity requirements

Policy or Regulation

Not applicable.

Consultation

The landowner of Lot 111 DP 657566 has been consulted and agreed to Council's acquisition of the land for the compensation amount of \$2,000 plus survey and legal costs and fence relocation.

Legal and Risk Management

Not applicable.

Climate Change

Not applicable.

Prepared by	Dylan Kelly, Construction Engineer
Attachment	Nil

ITEM	15.087/19	DETERIORATION OF THE ROAD PAVEMENT ON YAMBA ROAD BETWEEN PALMERS ISLAND AND YAMBA
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Meeting	Corporate, Governance & Works Committee	21 May 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Nil	

SUMMARY

In the past 6 months the road pavement of Yamba Road between Palmers Island and Yamba has deteriorated as a result of the truck haulage to various developments in the Yamba area.

OFFICER RECOMMENDATION

That:

1. The report be received and noted.
2. Council continue to monitor the condition of the road pavement of Yamba Road on a regular basis and intervene with appropriate maintenance to minimise risk exposure.
3. Council seek grant funds to upgrade the section of Yamba Road between Romiaka Bridge and Oyster Channel Bridge as opportunities arise.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms

Against: Nil

COUNCIL RESOLUTION – 15.087/19

Williamson/Novak

That:

1. The report be received and noted.
2. Council continue to monitor the condition of the road pavement of Yamba Road on a regular basis and intervene with appropriate maintenance to minimise risk exposure.
3. Council seek grant funds to upgrade the section of Yamba Road between Romiaka Bridge and Oyster Channel Bridge as opportunities arise.

Voting recorded as follows:

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

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 the past six (6) months Yamba has been experiencing a boom in land development with various subdivisions commencing earthworks involving the movement of materials either to or away from the site.

The following subdivision developments and associated truck movements are currently underway:

1. A subdivision at the southern end of Witonga Drive, Yamba – mainly road pavement materials being delivered to the site and some fill material being trucked off site.
2. A subdivision at the intersection of River Street and Rocky Laurie Drive, Yamba (Beachside) – a sizable amount of sand fill material is being trucked off site and road pavement material is being delivered to the site.
3. Four subdivisions in Carrs Drive, Yamba - these are large developments and involve the movement of large volumes of fill materials from outside Yamba onto the site.

The Carrs Drive subdivisions are taking advantage of the availability of excess fill material being available from the Pacific Highway upgrade works. This is causing large volumes of material being trucked along Yamba Road from Harwood and other areas. This along with the other materials being transported from and to the Witonga Drive and Beachside sites has lead to an accelerated deterioration of the aged section of Yamba Road between the Romiaka Bridge and the Oyster Channel Bridge.

Staff were aware that there would be a need for large volumes of material to be transported into Yamba for these development works, but it was not foreseen that this haulage would occur to multiple development sites at the same time. This increase in the axle loading on the road pavement has created a premature failure of the road pavement in some areas, especially in the outer wheel path in the traffic lanes.

KEY ISSUES

For reference and the reporting of current status and proposed actions, Yamba Road is divided into 4 sections.

1. Harwood Bridge to Yamba Street, Palmers Island
The section of Yamba Road from the Harwood Bridge to Palmers Island remains in reasonable condition due to the fact that Council has undertaken pavement rehabilitation and reseal works over the past 15 years which has left it in a good condition to combat the additional axle loading created by the increased truck haulage.
2. Yamba Street, Palmers Island to Romiaka Bridge
The section of Yamba Road from Yamba Street Palmers Island to the Romiaka Bridge is probably in the poorest condition. Fortunately, Council has acquired a grant to construct an intersection upgrade at the intersection with Yamba Street and has currently allocated funds to reconstruct the section of road between the School Road and Romiaka Bridge. In the mean time Council will need to continue to monitor the pavement failures and intervene when they deteriorate to a point where they constitute a hazard to motorists.
3. Romiaka Bridge to Oyster Channel
The section of Yamba Road between Romiaka Bridge and Oyster Channel Bridge is starting to develop several pavement failures in the outer wheel path in the loaded lane which will need to be monitored closely. This is accelerating across the narrow causeway section over Shallow Channel. Currently Council does not have any funding to reconstruct this section of Yamba Road and will need to intervene with some minor heavy patching at some time in the immediate future so as to retain this section of road in a safe condition to the motoring public.

4. Oyster Channel to River Street, Yamba

The section of road between Oyster Channel to River Street remains in reasonable condition. There are significant turning movements occurring at the intersection of Carrs Drive and Yamba Road which will result in pavement deformation and deterioration over time.

Design and Construction of Intersection Treatments

The construction of three intersection treatments in this section (Treelands, Carrs and Shores Drive) will be challenging whilst under significant heavy vehicle traffic. It is envisaged that the filling works to the Carrs Drive area will continue for quite some time which will result in the pavement design of the Carrs Drive and Yamba Road intersection being planned to accommodate increased axle loading early in the pavement life.

Future Renewal Works

It is highly likely that due to the accelerated deterioration of the road pavement that the renewal Yamba Road will be required earlier than proposed in Council's asset management plans. This renewal work will require funding and will potentially have to be undertaken at the expense of other works that would have been planned for that time.

With regard to the Carrs Drive and Yamba Road intersection, it is almost certain that if filling continues at its current rate over an extended time period that pavement renewal works will be required at this intersection much earlier than would be expected of a pavement that experiences a normal spread of axle loadings during its designed life.

COUNCIL IMPLICATIONS

Budget/Financial

1. Council has identified funding for the intersection upgrade of Yamba Road and Yamba Street, Palmers Island and reconstruction of the section of Yamba Road between Yamba Street and Romiaka Bridge in the draft 2019/20 budget.
2. Council needs to be proactive in seeking grant funds to upgrade the section of Yamba Road between Romiaka Bridge and Oyster Channel Bridge as opportunities arise.
3. There will most likely be increased expenditure on the minor heavy patching works on the section of Yamba Road between Palmers Island and Oyster Channel Bridge.

Asset Management

The accelerated deterioration of the road pavement condition is reducing the remaining effective life of the road and therefore it will require reconstruction earlier than anticipated in the Asset Management Plan.

Policy or Regulation

Not applicable

Consultation

Not applicable

Legal and Risk Management

Regular monitoring of the condition of Yamba Road by road inspectors is programmed and the intervention by maintenance works crews when the condition state dictates.

Climate Change

Not applicable

Prepared by	Ross McCann, Senior Maintenance Engineer
Attachment	Nil

ITEM	15.088/19	ALCOHOL PROHIBITED AREA – MARKET SQUARE, GRAFTON
Meeting	Corporate, Governance & Works Committee	21 May 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Yes	

SUMMARY

An application for a launching event of the 2019 Jacaranda Festival at Market Square, Grafton has been received, which includes the sale and consumption of alcohol. This park is in an alcohol prohibited area and requires the temporary revoking of the restriction for the duration of the events.

OFFICER RECOMMENDATION

That Council revoke the alcohol prohibition at Market Square for the proposed launching event of the 2019 Jacaranda Festival, to be held at Market Square, Grafton on Sunday 16 June 2019 between 11:00am – 3:00pm.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms

Against: Nil

COUNCIL RESOLUTION – 15.088/19

Williamson/Novak

That Council revoke the alcohol prohibition at Market Square for the proposed launching event of the 2019 Jacaranda Festival, to be held at Market Square, Grafton on Sunday 16 June 2019 between 11:00am – 3:00pm.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 3 Economy

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

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

BACKGROUND

The 'Meet Greet Eat' is a proposed new event managed by the Jacaranda Festival Committee, targeting families to launch the 2019 Jacaranda Festival and to activate Market Square. The event includes family fun, food trucks, entertainment, raffles and the option to taste craft beer from an onsite bar.

KEY ISSUESAlcohol Prohibited Area

The drinking of alcohol is prohibited at Market Square, Grafton all hours (24/7) [Item 15.035/19]. This prohibition is in place to promote the safe use of the park.

Alcohol prohibited areas are enforced by the police.

Meet Greet Eat (A Jacaranda Festival Event)

The 'Meet Greet Eat' is a proposed new event managed by the Jacaranda Festival Committee, targeting families to launch the 2019 Jacaranda Festival and to activate Market Square. The event includes family fun, food trucks, entertainment, raffles and the option to taste craft beer from an onsite bar and is planned to be held at Market Square, Grafton on Sunday 16 June 2019 between 11:00am – 3:00pm.

The applicant has advised that alcohol will be served by qualified attendants who hold an RSA Certificates within a delineated area. Police will be notified of the event and available to attend if required, however it is envisaged that the style of the event will determine positive behaviour.

It is proposed to adjust the prohibition in this instance to allow alcohol consumption as part of this event.

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation

The following references are applicable to this report:

- Local Government Act 1993, section 644
- Council Minute 15.035/19

Consultation

The Application has been received from Jacaranda Festival Committee.

Legal and Risk Management

If approved, a risk management plan will be submitted by the applicant, prior to the event.

Prepared by	David Sutton, Acting Manager Open Spaces & Facilities
Attachment	Attachment – Promotional Information

ITEM 15.089/19 LOCAL TRAFFIC COMMITTEE

Meeting	Corporate, Governance & Works Committee	21 May 2019
Directorate	Works & Civil	
Reviewed by	Manager - Civil Services (Tim Jenkins)	
Attachment	Yes	

SUMMARY

This report lists the recommendation made at 7 May 2019 meeting of the Clarence Valley Council Local Traffic Committee.

OFFICER RECOMMENDATION

That the recommendations of the Local Traffic Committee included in the Minutes of its 7 May 2019 meeting be adopted by Council.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms

Against: Nil

COUNCIL RESOLUTION – 15.089/19

Williamson/Novak

That the recommendations of the Local Traffic Committee included in the Minutes of its 7 May 2019 meeting be adopted by Council.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

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

ITEM 011/19 GRAFTON CYCLE CLUB – 2019/2020 MANAGEMENT PLAN AND RACING PROGRAM

That Council approve the Management Plan for the Grafton Cycle Club May 2019 to May 2020 Racing Program, subject to the following conditions.

1. Valid public liability insurance being held by the event organiser (minimum \$20,000,000 where event uses a Roads and Maritime asset such as a bridge, Motorway or viaduct)
2. NSW Police approval is obtained.
3. Roads and Maritime Services approval is obtained by way of a Road Occupancy License where event is on a state road or where the event may impact the state road network.
4. National Heavy Vehicle Regulator approval is obtained as required where road closures of approved Restricted Access Vehicles routes require identification of new routes for traffic detours.
5. The submission and approval of relevant council event application/s and compliance with any conditions imposed therein
6. Local Traffic Committee advice is sought for the event Traffic Management Plan prior to approval of traffic control devices. This includes a Risk Management Plan and Traffic Control Plan/s. The following traffic control conditions shall also be observed;
 - a. Traffic Control Plans to include a map indicating any alternative routes required for traffic detours.
 - b. Traffic Control Plans to be drawn to scale and indicate the provision of passageways and clearances for pedestrian and emergency access. Plans should be prepared in accordance with Roads & Maritime Services Guide to Traffic Control at Worksites
 - c. All signage erected for the event should not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event
 - d. Temporary Speed Zone Authorisation is obtained from the roads authority for any reduced speed limit/s required as part of the traffic control for the event. Where local council is the roads authority, notification of any reduced speed limit should be forwarded to Roads and Maritime Service and NSW Police
 - e. Conformance with approved Traffic Management Plan and associated Traffic Control Plans which shall be implemented and controlled by Roads & Maritime Services accredited persons
7. Consultation with emergency services (Fire & Ambulance) and any identified issues addressed in a timely manner
8. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event
9. Community and affected business consultation including adequate response/action to any raised concerns
10. Arrangements made for private property access and egress affected by the event
11. The event organiser notifies local community of the impact of the event/s by advertising in the *local paper/s* a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints
12. That the applicant organise for the events to be listed on council's web page
13. Endorsement of the event by Cycling NSW
14. The event be conducted and signposted in accordance with the NSW Guidelines for Bicycle Road Races' (where applicable this supersedes signposting in accordance with Roads & Maritime Services Guide to Traffic Control at Worksites)

ITEM 012/19 CLARENCE HEAD LONGBOARDERS SURF EVENT 2019

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

1. Valid public liability insurance being held by the event organiser (minimum \$20,000,000 ~~where event uses a Roads and Maritime asset such as a bridge, Motorway or viaduct~~) - *Provided*
2. NSW Police approval is obtained – *Approval lodged with Police.*
3. ~~Roads and Maritime Services approval is obtained by way of a Road Occupancy License where event is on a state road or where the event may impact the state road network.~~
4. ~~National Heavy Vehicle Regulator approval is obtained as required where road closures of approved Restricted Access Vehicles routes require identification of new routes for traffic detours.~~
5. The submission and approval of relevant council event application/s and compliance with any conditions imposed therein - *Provided*

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

ITEM 013/19 NO STOPPING - INTERSECTION SHORT AND STANLEY STREETS MACLEAN

That NO STOPPING zones be installed on Short Street Maclean for 15m on the left and right hand sides on the southern side of the intersection with Stanley Street.

ITEM 014/19 PEDESTRIAN CROSSING – YAMBA ROAD/TREELANDS DRIVE AREA

That options for improved pedestrian access across Yamba Road and Treelands Drive be included in the design brief for the roundabout detailed design at the intersection of Yamba Road and Treelands Drive.

KEY ISSUES

Agenda, minutes and attachments are attached.

COUNCIL IMPLICATIONS**Budget/Financial**

As per minutes.

Asset Management

Not applicable.

Policy or Regulation

Not applicable.

Consultation

Not applicable.

Legal and Risk Management

Not applicable

Climate Change

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

ITEM 15.090/19 COAST AND ESTUARY MANAGEMENT COMMITTEE NEW MEMBERS

Meeting	Corporate, Governance & Works Committee	21 May 2019
Directorate	Works & Civil	
Reviewed by	Manager - Water Cycle (Greg Mashiah)	
Attachment	Yes	

SUMMARY

The Coast and Estuary Management Committee constitution provides for up to six community members on the Committee. Currently the committee has four community members. Two additional nominations have been received. This report provides information on the two nominees and seeks Council's endorsement for the nominees to be appointed.

OFFICER RECOMMENDATION

That Council appoint Roslyn Woodward from Valley Watch Incorporated (with Nick O'Brien as alternate), and Ross Roberts from Harwood Marine for the remaining term of the CVC Coast and Estuary Management Committee.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms

Against: Nil

COUNCIL RESOLUTION – 15.090/19

Williamson/Novak

That Council appoint Roslyn Woodward from Valley Watch Incorporated (with Nick O'Brien as alternate), and Ross Roberts from Harwood Marine for the remaining term of the CVC Coast and Estuary Management Committee.

Voting recorded as follows:

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

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 primarily towards management direction contained in coastal zone management plans. This committee has traditionally been an essential component of CVC consultation in the development of Coastal Zone Management Plans (now called Coastal Management Programs). Council resolved at its September 2016 meeting to re-establish the Coast and Estuary Management Committee for the 2016-2020 term of Council. Councillor Clancy is the current committee Chair.

The committee constitution allows for up to six (6) community members. Council resolved at its meeting of 11 July 2017 (Resolution 14.070/17) to appoint Mrs Imelda Jennings (Angourie), Mr Peter Maslen (Gulmarrad), Mr Kevin Sheehan (Brooms Head) and Ms Danielle Adams (General Manager, Clarence River Fishermen's Co-Operative Ltd, Maclean) as the community members.

KEY ISSUES

Expressions of interest to join the committee have been received from Valley Watch Incorporated (Roslyn Woodward with Nick O'Brien as the alternate) and Ross Roberts, representing Harwood Marine. The appointment of two additional community members will give the committee six community representatives, which is the maximum number in the constitution. The two nominees have expressed a genuine interest in Committee issues and bring with them skills and knowledge that will benefit the committee and broaden its diversity.

COUNCIL IMPLICATIONS**Budget/Financial**

There are no financial implications in appointing two additional community members to the committee.

Asset Management

N/A

Policy or Regulation

NSW Coastal Management Act 2016

Consultation

The four current community members were appointed to the committee after a public nomination process in 2017. The committee did not meet between November 2017 and March 2019, and the two new expressions of interest were received following the March 2019 meeting. If any future interest is shown, then these applicants will be assessed on their merit in line with the constitution.

Legal and Risk Management

The operation of the Committee provides a convenient forum for relevant agencies, CVC and community representatives to deliberate on coast and estuary management matters. Having these discussions is considered to reduce short and longer term risk to Council and other coastal zone managers.

Climate Change

This committee will assist Council in completing its Coastal Management Programs, in line with the requirements of the NSW Coastal Management Act 2016, which aims to mitigate current and future risks from coastal hazards, taking into account the effects of climate change.

Prepared by	Peter Wilson Coast, and Estuary Coordinator
Attachment	CVC Coast and Estuary Management Committee Constitution 2017

ITEM 15.091/19 PROPOSED COMMUNITY GARDEN MICALO STREET, ILUKA – ON CROWN LAND

Meeting	Corporate, Governance & Works Committee	21 May 2019
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment, Planning & Community (Des Schroder)	
Attachment	Nil	

SUMMARY

A community member from Iluka has sought approval for the development of a community garden to be located on the Crown Reserve between the Community Health Clinic and Iluka Pre-School. Council as Land Manager can approve the proposal through the provision of a licence, this action would be considered a Future Act under the Native Title Act 1993 with compensation likely to be payable. This report seeks Council as the Land Managers consideration.

OFFICER RECOMMENDATION

1. That Council as the Crown Land Manager of Reserve 140055:
 - (i) not proceed with granting of a licence for the community garden.
 - (ii) lodge an application with the NSW Aboriginal Land Claims Unit to have Aboriginal Land Claim 15552 expedited.
2. Depending on the outcome of the Aboriginal Land Claim, a report be brought back to Council for further consideration.

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms
 Against: Nil

COUNCIL RESOLUTION – 15.091/19

Williamson/Novak

1. That Council as the Crown Land Manager of Reserve 140055:
 - (i) not proceed with granting of a licence for the community garden.
 - (ii) lodge an application with the NSW Aboriginal Land Claims Unit to have Aboriginal Land Claim 15552 expedited.
2. Depending on the outcome of the Aboriginal Land Claim, a report be brought back to Council for further consideration.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, Novak, Williamson
 Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

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

BACKGROUND

A community member from Iluka has sought approval for the development of a community garden to be located on the Crown Reserve between the Community Health Clinic and Iluka Pre-School. The subject land is part Lot 81 DP 728229, being part Reserve 140055.

Application documents from Council's Community Garden Policy [Council Minute 14.049/14] have been completed and submitted. Following an initial review additional evidence of broader community support was requested and has now been provided. While seeking additional information Council officers provided advice regarding the proposed location, that the structures could not be permanent and requirements around the formation of a committee.

Council Open Space officers have provided in principle support for the proposal. As there are potentially significant financial implications associated with approval of the proposal, the consideration of Council as the Crown Land Manager, is required.

KEY ISSUESLocation and Land Details

The proposed location is on part Lot 81 DP 728229 being part Reserve 140055 known as Public Reserve & Pre-school - Iluka. Reserve 140055 was gazetted for Community Purposes, 2 December 1988. The reserve is Crown Land managed by Council as Land Manager. Council staff estimate that the proposed area to be approximately 1000m² (refer attached plan – figure 1). The site is clear of significant vegetation, has no existing designated use being considered suitable for the construction of a community garden.

Native Title has been determined to exist on the original Lot/DP – i.e. Lot 81 DP 728229 (Area ID 174, Schedule 1, NSD168/2011). As Native Title has been determined to exist the community garden can not to be a fixture (ie. not a permanent structure).

An Aboriginal Land Claim – claim # 15552 lodged by Birrigan Gargle on 13 March 2007 exists over the two lots. This Land Claim pre-dates the lodgement of the Native Title claim by the Yaegl People #2 on the 23 February 2011 (NSD168/2011) the claim is valid and remains unresolved.



Figure 1 - Proposed Location, Public Reserve & Pre-school - Iluka

Tenure and Development Requirements

A licence agreement known as a Short Term Licence¹ would be required for the land area over which the community garden covers. An initial rent assessment for this property commencing at approximately \$530.00 per annum.

Development Approval is not required. The establishment of a community garden could be undertaken under the ISEPP as a recreation area under Clause 65(3)(a)(ii).

No existing water service is provided at the proposed location, if the community member determines that mains water supply is required, then an independent water service would need to be installed, the current charge for this being approximately \$1,300.00.

Due to the risks highlighted in this report relating to Native Title and the Aboriginal Land Claim, it is recommended that the Aboriginal Land Claim be resolved prior to approval being provided to establish a community garden. Doing so will save all parties in time, finances and resources. If the Aboriginal Land Claim is granted, the Land Council may reject this use of the site and Council, as Land Manager, may be responsible for compensation payments and the group will have expended funds on the set up of the garden that is required to be removed.

Community Benefit

Community gardening makes productive use of land in villages, towns and cities. It puts to practical use small patches of neglected or unproductive lands such as lawns that may consume unnecessary water and fossil fuels in their maintenance.

Providing for community gardens projects supports:

- access to fresh food by the broader community
- food security
- developing social capital by encouraging people to interact with each other across ages and cultures
- involvement of people in healthy physical activity
- reducing food miles

- providing skills development and learning opportunities
- integration of community gardens into new residential developments
- demonstration of best practice sustainable design features
- building the skills for food growing in the region

This proposed location would be a second community garden location in Iluka with an existing community garden is developed in Iluka being located at the community hall.

Summary and Recommendation

The benefits of the development of community gardens is widely recognised and supported by current Council policy. The proposed location is suitable and supported by the community. The land has Native Title determined and an Aboriginal Land Claim that is likely to be supported. In the case that the Land Claim is supported Birrigan Gargle will own the land in free hold and the garden will need to be removed or arrangements made for a tenure agreement by the group with the Aboriginal Land Council.

To enable the creation of this Licence Council as the Crown Land Manager would need to resolve that it supports the issuing of such a Licence at a meeting of Council.

It is likely that Native Title compensation will be payable. Regardless of whether or not the Aboriginal Land Claim is successful, Council as the Land Manager will be required to pay the compensation as we have authorised the use. The amount of the potential compensation outweighs the income significantly and is considered too large a risk to proceed with this use at this location.

COUNCIL IMPLICATIONS

Budget/Financial

The initial rent for this property has been assessed to commence at approximately \$530.00 per annum.

The calculated compensation value for Native Title could be paid by the community group and held in trust for a period of 10 years should compensation be claimed. An estimated figure has been calculated based on recent cases but has not been included in this report as we don't want to make any indications or create expectations for traditional owners. Any final claim for compensation would be agreed by the parties at such a time a claim for compensation was lodged.

If Council proceed with the granting of a licence it should resolve that they endorse the development of a community garden to be located on Part Reserve 140055 considering the following conditions are met:

- a. all structures should be temporary and not fixed,
- b. the calculated compensation value be paid by the community group and held in trust for a period of 10 years should compensation be claimed,
- c. if the Aboriginal Land Claim is successful all land improvements be removed and the site be reinstated by the community group at no cost to Council.

Even if all structures are temporary there may still be a compensation payment for the granting of the licence.

Asset Management

No asset management impacts to Council as a condition of the licence would be that all structures are temporary, with maintenance and operations being the responsibility of the community member and the structures removed should a Land Claim be determined or if the community garden ceases to operate.

Policy or Regulation

The following references are applicable to this report:

- Native Title Act 1993
- State Environmental Planning Policy (Infrastructure) 2007
- Crown Land Management Act 2016
- Crown Land Management Regulation 2018
- Local Government Act 1993
- Clarence Valley Sports Facilities Plan
- Asset Management Policy
- Community Garden Policy 2014
- Clarence Valley Open Spaces Strategic Plan 2012

Consultation

This project is be driven by members of the community, they have contacted adjacent land holders and business.

Notification of a future act will need to be issued to the NTSCorp and the Yaegl TOAC subject to the Council resolution.

Consultation will need to be entered into with Birrigan Gargle subject to the Council resolution.

Legal and Risk Management

Native Title has been determined to exist on the original lot/dp – ie. Lot 81 DP 728229 (Area ID 174, Schedule 1, NSD168/2011) in accordance with the Native Title Act notification of a future act will need to be issued to the NTSCorp and the Yaegl TOAC, compensation may be payable for the future Act by Council as the Land Manager.

There is also an active Aboriginal Land Claim. If the land claim is granted in part or whole then any compensation liability would still be payable by Council as Land Manager for approving of the activity.

Climate Change

The extent of Climate Change Impact are considered to be negligible as materials used to construct the beds / structures will be recycled / reclaimed, organics will be captured and used to improve soils and no vegetation will be cleared to enable the development.

Prepared by	David Sutton – A/Manager Open Spaces & Facilities
Attachment	Nil

ITEM	15.092/19	CONVERSION TO LED STREET LIGHTS
Meeting	Corporate, Governance & Works Committee	21 May 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Nil	

SUMMARY

At the October 2018 Ordinary meeting of Council, it was resolved to accept an Essential Energy option to convert local road street lights to LED. Since then, there has been some revised information provided to Council as a result of changes in the industry.

OFFICER RECOMMENDATION

That the Conversion to LED Street Lights report be received and noted.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms

Against: Nil

COUNCIL RESOLUTION – 15.092/19

Williamson/Novak

That the Conversion to LED Street Lights report be received and noted.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

At the October 2018 Council meeting (item 15.171/18), Council resolved to accept an Essential Energy option to convert local road street lights to LED. The resolution was:

That Council accept Essential Energy Option 4 to convert local road street lights to LED at a cost of \$980,114.51 to be funded from:

11080 – IR – Street Light Reserve	\$130,000
10818 – IR – Sustainability Reserve	\$850,114
<i>Total</i>	<i>\$980,114</i>

Actioning the resolution has been delayed as Essential Energy advised they were in discussions with the NSW State Government over the State Government subsidising the transition of street lights to LED's as an energy saving initiative, which would potentially have put Council at a disadvantage if it had accepted the offer from Essential Energy prior to this decision being made. It appears as though this has not eventuated.

KEY ISSUES

In March Essential Energy wrote to Council advising of some changes to their initial offer on which Council made its decision in October 2018. These changes are:

- The Australian Energy Regulator (AER) is reviewing Essential Energy's pricing proposal for charges levied on Councils for street lights and indications are that the charges will be significantly reduced from 1 July 2019.
- Due to issues with a supplier, Option 4 as proposed by Essential Energy is no longer available. The remaining option (Option 1) is slightly cheaper than Option 4 at \$978,872.89 (ex GST).

For comparison purposes the savings previously reported (in red) and the current reported savings are provided in the table below.

Essential Energy Options	Number of Upgraded Luminaires	Total Cost for Council	Energy cost savings	SLUOS Saving	Annual \$\$ Saving	Payback Period
Option 1	3037	\$978,785.44	\$56,663.49	\$189,353.53	\$246,017.02	4 years
Option 4	3037	\$980,114.51	\$56,722.49	\$189,192.39	\$245,914.88	4 years
Option 1	3037	\$978,872.89	\$57,353.74	\$66,441.72	\$123,795.46	7.9 years

On the basis that Council will receive the same financial and environmental outcomes as the original proposal, albeit as a result of a different pricing structure, staff have enacted the resolution of Council and entered into an agreement with Essential Energy for the conversion of the street lights to LED's.

COUNCIL IMPLICATIONS

Budget/Financial

With the predicted reduction in charges resulting from the AER review and savings in Street Light Use of System (SLUOS) changes, Council anticipates achieving the same net annual savings as originally proposed, although the payback period on the investment almost doubles to 7.9 years.

Asset Management

There are no asset management implications from these changes.

Policy or Regulation

Not applicable.

Consultation

Essential Energy has been discussing potential changes within their industry over the previous months.

Legal and Risk Management

Not applicable.

Climate Change

The provision of street lighting is one of Council major greenhouse gas emission sources. The bulk replacement of existing street lighting with more efficient LED technology will result in a substantial decrease in emissions; it will also reduce the quantity of energy consumed and the maintenance required. The change to LED technology is a high priority of the 100% Renewables report and will assist Council meet its emission reduction target.

Prepared by	Tim Jenkins/Ken Wilson
Attachment	Nil

ITEM	15.093/19	REHABILITATION OF FORMER MACLEAN, TOWNSEND & ILARWILL SEWAGE TREATMENT PLANTS – UPDATE
Meeting	Corporate, Governance & Works Committee	21 May 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Nil	

SUMMARY

This report updates Council on progress with rehabilitation of the Maclean, Townsend and Ilarwill Sewage Treatment Plants (STP).

OFFICER RECOMMENDATION

That Council receive and note the update report on rehabilitation of the former Sewage Treatment Plant sites at Maclean, Townsend and Ilarwill.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms

Against: Nil

COUNCIL RESOLUTION – 15.093/19

Williamson/Novak

That Council receive and note the update report on rehabilitation of the former Sewage Treatment Plant sites at Maclean, Townsend and Ilarwill.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

Strategy 2.1.1 Maintain and renew water and sewer networks

BACKGROUND

At its meeting of 15 November 2016 Council awarded a Tender for rehabilitation of Maclean, Townsend and Ilarwill Sewage Treatment Plants (STP) to Ledonne Constructions Pty Ltd and engaged Public Works Advisory to undertake Project Management services of the contract (Resolution 16.023/16). The tender documents proposed that where possible material be reused on site on the basis that most of the material

met the requirements of the New South Wales Environmental Protection Authority (NSWEPA) Environmental Guidelines: Use and Disposal of Biosolids Products ("The Guidelines"). The Tender accepted by Council in the amount of \$1,450,352.73 (ex GST) was prepared on that basis.

KEY ISSUES

a) Ilarwill STP

The site auditors' final site audit statement was issued to Council on 16 April 2019. A valuation is currently being prepared for future sale of the site.

b) Maclean STP

The site remediation validation report is scheduled to be issued to the Contaminated Land Site auditor by 13 May 2019, and the site audit statement will take up to 6 weeks to issue following receipt. Quotations are currently being obtained to undertake a boundary adjustment at this site.

c) Townsend STP

The site remediation validation report was issued to the Contaminated Land Site auditor on 16 April 2019 and the site audit statement is due for completion by 30 May 2019. Contracts for sale of this parcel have been exchanged and settlement is pending the issuing of the audit statement.

d) Rezoning of sites

The rezoning of the three STP sites have been completed.

COUNCIL IMPLICATIONS

Budget/Financial

At its meeting of 15 November 2016 Council adopted a revised budget of \$1.950 million for this project, which included a 15% allowance for variations. As outlined in previous updates the major variation relates to additional testing, sampling and reporting required by the EPA accredited site auditor for approval of the Remediation Action Plans (RAP) for each site.

Project costs to date are summarised in the table below (ex GST):

Item	Cost
Original Contract Sum (Ledonne Constructions)	\$1,450,353.00
Approved Ledonne contract variations and increases in provisional sums	\$2,363,690.84
Original project management sum (Public Works Advisory)	\$146,853.00
Approved Public Works Project Management variation	\$7,280.00
Expert Biosolids Advice	\$2,350.00
Total Expenditure and Commitments to date	\$3,970,526.84

Foreshadowed increases in provisional rate items and contracts variations are:

Item	Cost
Public Works Project Management variation for 16 months extension to Jun 2019	\$11,648.00
Additional stock proof fencing – Maclean STP site	\$5,200.00

The project's current financial position is:

Item	Cost
Estimated Project cost	\$3,987,374.84
Current approved project budget	\$1,950,000.00
Projected project budget shortfall	\$2,037,374.84

The variation will be funded from the sewer fund. Modelling of the sewer fund indicates that a budget variation of this magnitude will not have an adverse impact on the performance of the sewer fund.

Asset Management

The former STP sites are decommissioned assets which are assessed as having no residual value.

Policy or Regulation

Contaminated Land Management Act, 1997

Consultation

Public Works Advisory; Ledonne Constructions

Legal and Risk Management

The timetable for issuing site audit statement depends on any additional issues raised by the audit.

Climate Change

Not applicable for consideration for this project as works are complete.

Prepared by	Greg Mashiah, Manager Water Cycle
Attachment	Nil

ITEM	15.094/19	WORKS REPORT	
Meeting	Corporate, Governance & Works Committee		21 May 2019
Directorate	Works & Civil		
Reviewed by	Manager - Civil Services (Tim Jenkins)		
Attachment	Yes		

SUMMARY

This report provides detail on capital and major maintenance works carried out by the Works and Civil Group up until late April 2019; advises of projects proposed to be deferred until 2019/20; and provides advice regarding funding of expenditure relating to several road programs.

OFFICER RECOMMENDATION

That the Works report be received and noted.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms

Against: Nil

COUNCIL RESOLUTION – 15.094/19

Williamson/Novak

That the Works report be received and noted.

Voting recorded as follows:

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

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.

In addition this report:

- Identifies projects within the Works and Civil directorate that are proposed to be deferred until the 2019/20 financial year;
- Provides detail on the funding of over-expended projects within Civil Services; and
- Provide information on the reasons for over-expenditure on project *Armidale Road - 73.3km - 74.8km from Gwydir Highway*.

KEY ISSUES

April Works Summary

The summary of works undertaken in April is attached.

Proposed projects to be deferred to 2019/20

Project:	MR 152 (Yamba Road) - Palmers Island
Funding Implications:	This project is Council funded. Funding will be transferred from 2018/19 (RA 11150) - \$421,963.
Reason for Deferral:	This project is between the proposed intersection upgrade works at Palmers Island and works at Romiaka Bridge. There are interface issues between these three works that need to be resolved for the works to be undertaken in an efficient and cost-effective manner. Funding for the works at Palmers Island has only recently been received.

Project:	Reseal Rogan Bridge Road between chainages 3.1 km to 3.69 km from Gwydir Highway - a length of 591 m.
Funding Implications:	This project is Council funded. Funding will be transferred from 2018/19 (RA 11150) - \$19,957.
Reason for Deferral:	There is a three cell, 450 mm diameter pipe culvert in this road section that should be replaced before the road is resealed. There is not adequate funding in the current budget for this to occur in 2018/19. This work will be completed in 2019/20 prior to the road being resealed.

Project:	Wooli Boat Ramp Upgrade
Funding Implications:	This project is fully funded by an RMS (Maritime) Boating Now grant. RMS (Maritime) has been contacted re delaying the project. There are no issues from a funding perspective.
Reason for Deferral:	Finalising the design and obtaining related approvals has taken longer than anticipated. Work is programmed for early in the 19/20 financial year.

Project:	Conversion of Street Lights to LED's
Funding Implications:	Funding from Reserves.
Reason for Deferral:	Changing of lights to occur in 2019/20 by Essential Energy.

Project:	Renew Swan Creek trunk main
Funding Implications:	This project is Council funded. Funding will be transferred from 2018/19 (RA 79010) - \$2,500,000.
Reason for Deferral:	This project originally proposed relining of the main via contract. Following discussion with landowners it is now proposed to construct a duplicate main and acquire easements over the two mains. Discussion with landowners was unable to be completed in time to permit design for construction in 2018/19.

Project:	Ellem Oval – regrading, irrigation, and turf wicket
Funding Implications:	PJ540116 – SCCF Grant funding, commencement within funding guidelines - \$295,000
Reason for Deferral:	The project works need to be completed leading into 2019/2020 turf growth season to achieve best result; funding announcement did not allow sufficient time to complete design work / contractor procurement prior to 2018/2019 turf growth season scheduled to commence August 2019.

Project:	Rushforth Park – Stage 2 new amenities and canteen
Funding Implications:	PJ540117 – SCCF Grant funding, commencement within funding guidelines - \$500,000
Reason for Deferral:	Stakeholder engagement prolonged due to complexity of relationships and multiple users of the facility. DA has been approved and detailed design is in progress. Tender release is scheduled for June 2019.

Project:	Ngayundi Sports Complex – car park sealing, playing surface upgrade
Funding Implications:	PJ540118 – SCCF Grant funding, commencement within funding guidelines - \$370,000
Reason for Deferral:	The project works need to be completed leading into 2019/2020 turf growth season to achieve best result; funding announcement did not allow sufficient time to complete design work / contractor procurement prior to 2018/2019 turf growth season scheduled to commence September 2019

Project:	Ken Leeson Oval – Stage 1 upgrade from master plan
Funding Implications:	PJ540119 – SCCF Grant funding, commencement within funding guidelines - \$150,000
Reason for Deferral:	The project works need to be completed leading into 2019/2020 turf growth season to achieve best result; funding announcement did not allow sufficient time to complete design work / contractor procurement prior to 2018/2019 turf growth season scheduled to commence September 2019

Project:	Ulmarra Riverbank Protection
Funding Implications:	PJ540165 (funded by RA) - \$69,854
Reason for Deferral:	Delay in obtaining State Government approvals

Funding Solution of Over-Expended Projects – Civil Services

Council has requested details be provided with regard to projects that have over expenditure and how the capital works budget is to be balanced. The information below provides detail of the project categories affected and the proposed solution re provision of funding.

Over-expenditure of project for 2018/19 fell into three general categories:

Minor Heavy Patching works:

Minor heavy patching works (reseal preparation works) were carried out on urban local roads, rural local roads and regional roads. There was a significant over-expenditure on urban local road works while rural local road works will be slightly under budget. Within the operational section of the budget there are also additional funds for localised heavy patching on local roads (both urban and rural). Funding has been withheld on these programs to offset the over-expenditure on the minor heavy patching works associated with the reseal preparation.

Expenditure on minor heavy patching works (reseal preparation works) on regional roads is predicted to be under budget.

Reseal Works:

Similar to minor heavy patching works, reseal works were carried out on urban local roads, rural local roads and regional roads. There will be increased expenditure on urban local roads due to some amendments to the proposed seal designs. However there were savings on the rural local roads due to slightly reduced road areas to be resealed to that estimated which will generally offset these costs.

Construction Works on Regional Roads:

There have been some significant over and under expenditure on projects with works on Regional Roads. These works are primarily funded through a range of grant based programs, including Block Grant, Supplementary Block Grant, REPAIR program, Roads to Recovery, Safer Roads Program and Fixing Country Roads as well as some Council funding. The Block Grant funding is split between maintenance and capital works.

Where there has been savings in capital projects, Council has liaised with the funding body and has been able to have the excess funding reallocated to over-expended projects. In the regional roads operational area there have been savings, which will also be reallocated to the over-expended projects (Block Grant funding). Through the management and reallocation of grant funding it is predicted that it is possible to fund all current and predicted project over-expenditure without requiring additional funding.

In addition to the above, staff acknowledge that the current level of over and under expenditure on projects is not acceptable. An internal review of processes to minimise this potential in the future is currently being undertaken. Due to unforeseen circumstances in construction projects there will always over and under expenditure but the objective is that these circumstances are kept to a minimum.

Armidale Road - 73.3km - 74.8km from Gwydir Highway

The project on Armidale Road required the reconstruction, realignment and widening to address safety issues with the road. This section of road has a recorded crash history. The work involved some embankment filling and cutting to allow the road widening and realignment to occur. The weather during construction was generally dry until the later stages of construction where there was continual rainfall at the site.

The main issues that occurred at the site that were not accounted for in the budget were:

- Large quantities of rock were encountered in the embankment cut which significantly slowed construction and increased the cost of excavation and winning additional suitable fill material. There had been assessment of the embankment material in the pre-construction phase of the project but the material proved significantly harder to remove than originally planned.
- Two springs encountered in cuttings that required additional drainage and pavement to manage. Because there had been an extended period of dry weather prior to the design and construction these springs were not evident. Their presence only materialised after some significant rainfall had occurred at the site.

Towards the end of the project (the final 500 m of construction) there was a significant amount of rainfall at the site which caused delays and rework of the unsealed section of the pavement prior to seal. The road works were conducted in sections that were progressively sealed to minimise the impact of wet weather.

COUNCIL IMPLICATIONS**Budget/Financial**

Financial details are provided in the attached works summary.

Asset Management

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

Policy or Regulation

There are no policy or regulation implications.

Consultation

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

Legal and Risk Management

There are no legal or risk management implications.

Climate Change

N/A

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

The Ordinary Council meeting adjourned for a short break at 6.46 pm and resumed at 6.57 pm.

ITEM	15.095/19	MONTHLY INVESTMENT REPORT – APRIL 2019
Meeting	Corporate, Governance & Works Committee	21 May 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 30 April 2019 be received and noted.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms

Against: Nil

MOTION

Clancy/Novak

That

1. The report indicating Council's funds investment position as at 30 April 2019 be received and noted.
2. The General Manager provide a report to the August Council meeting on the financial implications, both positive and negative, of progressively transferring investment funds to financial institutions that do not fund fossil-fuel companies as they will become stranded assets in the future and this is a major initiative recommended in 'the Big U turn' seen by, or made available to, all Councillors prior to Council recognising that we are in a climate emergency.

Ruled by the Chair that point 2 should be brought to Council as a Notice of Motion.

COUNCIL RESOLUTION – 15.095/19

Clancy/Novak

That the report indicating Council's funds investment position as at 30 April 2019 be received and noted.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Novak, Williamson

Against: Clancy, Ellem

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

Portfolio Credit Limits as at 30 April 2019				
Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
AAA	100.00%	6,464,167	5.30%	Yes
AA	100.00%	34,874,707	28.58%	Yes
A	60.00%	33,173,352	27.19%	Yes
BBB	50.00%	47,510,160	38.94%	Yes
TOTAL INVESTMENTS		122,022,386	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.

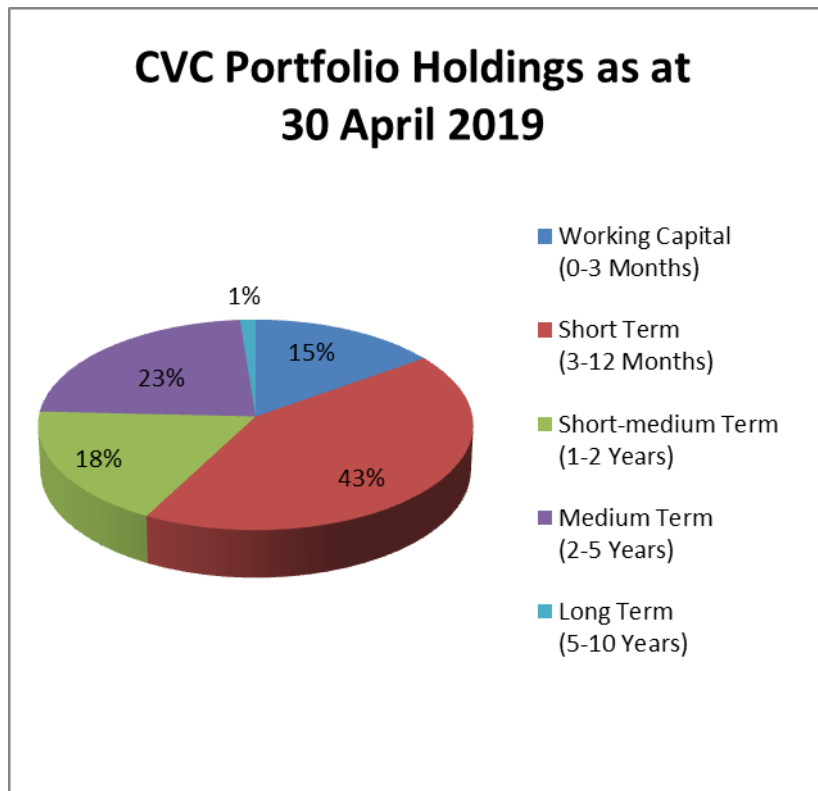
Individual Institution or Counterparty Limits

Tabled below is a summary of Council's investments as at 30 April 2019 which details compliance with Council's Investment Policy Counterparty Limits.

Individual Institution or Counterparty Limits as at 30 April 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	4.92%	Yes
ANZ*	AA-	30.00%	2,028,620	1.66%	Yes
BoQ	BBB+	15.00%	15,000,000	12.29%	Yes
Bendigo	BBB+	15.00%	7,000,000	5.74%	Yes
Bendigo*			1,010,160	0.83%	
Rural Bank			5,000,000	4.10%	
CBA*	AA-	30.00%	2,019,150	1.65%	Yes
Credit Union Australia	BBB	15.00%	3,000,000	2.46%	Yes
Defence	BBB	15.00%	9,000,000	7.38%	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	11.47%	Yes
ME Bank	BBB	15.00%	4,000,000	3.28%	Yes
NAB	AA-	30.00%	16,000,000	13.11%	Yes
NAB*			1,009,410	0.83%	
P&N	BBB	15.00%	3,000,000	2.46%	Yes
People's Choice	BBB	15.00%	1,000,000	0.82%	Yes
RaboDirect	A+	15.00%	11,000,000	9.01%	Yes
Westpac	AA-	30.00%	7,000,000	5.74%	Yes
Westpac*	AA-		1,521,945	1.25%	
TOTAL TERM DEPOSITS & FRNs*			110,589,285	90.63%	
MANAGED FUNDS					
TCorp	AAA	40.00%	1,964,167	1.61%	Yes
TOTAL MANAGED FUNDS			1,964,167	1.61%	
FUNDS AT CALL					
AMP	A	15.00%	3,173,352	2.60%	Yes
ANZ	AA-	30.00%	272,602	0.22%	Yes
CBA	AA-	30.00%	6,022,980	4.94%	Yes
TOTAL FUNDS AT CALL			9,468,934	7.76%	
TOTAL INVESTMENTS			122,022,386	100.00%	

Portfolio Holdings by Maturity

Illustrated and tabled below is a summary of Council's investments by maturity as at 30 April 2019. Excluding "at-call" working capital, 48.36% of Council's investments are maturing within the next twelve months.



Register of Investments - Clarence Valley Council as at 30 April 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	1,964,167	1.61%	At-Call	2.40%	AAA
AMP Bank Ltd	3,173,352	2.60%	At-Call	2.05%	A
ANZ Banking Group Ltd	272,602	0.22%	At-Call	1.80%	AA-
Commonwealth Bank of Australia	6,022,980	4.94%	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	2.46%	20/05/2019	2.76%	AA-
TOTAL WORKING CAPITAL (0-3 MONTHS)	18,433,101	15.11%		2.19%	
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	2.46%	6/03/2020	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%	6/08/2019	2.78%	BBB
Defence Bank	1,000,000	0.82%	4/03/2020	2.80%	BBB
G&C Mutual Bank	1,000,000	0.82%	18/03/2020	4.00%	BBB-
ING	1,000,000	0.82%	6/11/2019	2.87%	A
ING	2,000,000	1.64%	8/11/2019	2.85%	A
ING	2,000,000	1.64%	10/12/2019	2.87%	A
ING	3,000,000	2.46%	14/02/2020	2.87%	A
ING	2,000,000	1.64%	20/02/2020	2.89%	A
ING	2,000,000	1.64%	2/03/2020	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%	5/09/2019	2.71%	AA-
National Australia Bank	3,000,000	2.46%	5/09/2019	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%	4/03/2020	2.80%	BBB+
Rural Bank Ltd	1,000,000	0.82%	4/03/2020	2.80%	BBB+
Bendigo Bank (3m BBSW +110bps) (Principal Value \$1,000,000) Market Value	1,010,160	0.83%	21/02/2020	3.01%	BBB+
TOTAL SHORT TERM (3-12 MONTHS)	52,010,160	42.62%		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	2.46%	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	18.03%		3.22%	

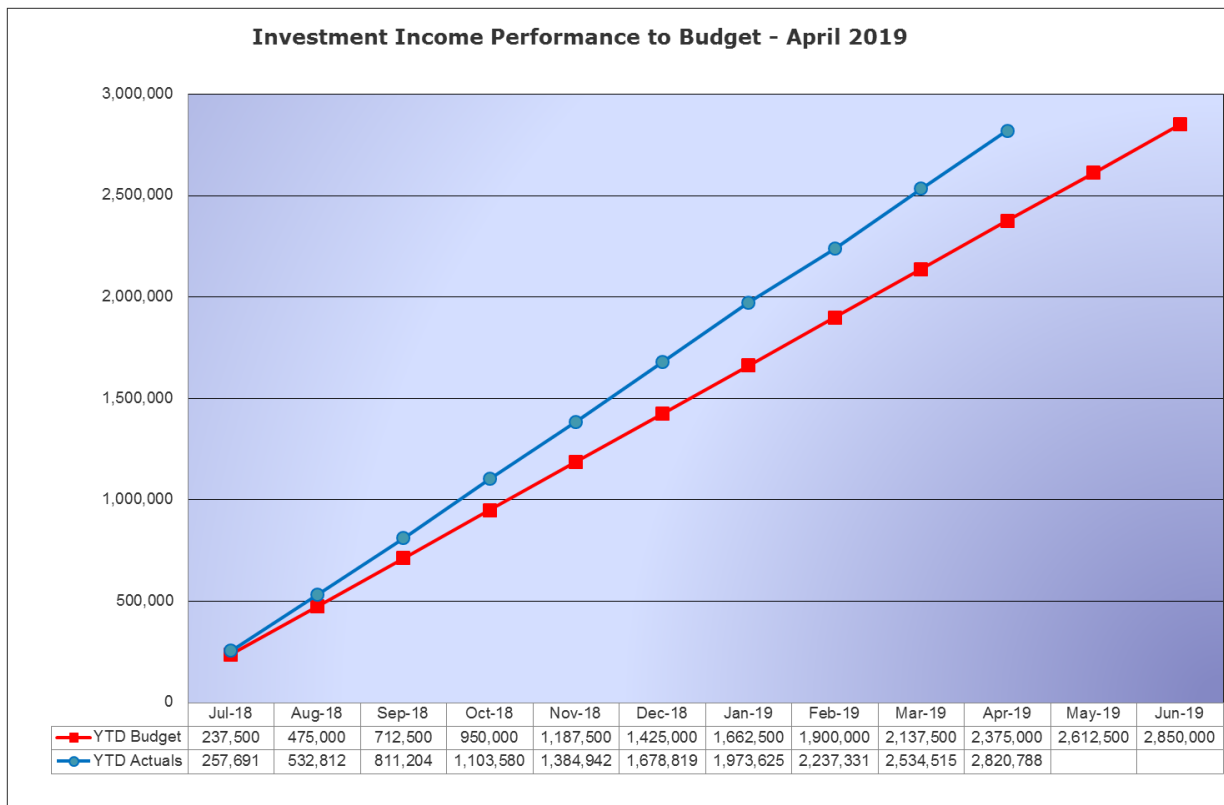
Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
MEDIUM TERM (2-5 YEARS)					
Bank Of Queensland Ltd	1,000,000	0.82%	29/06/2021	3.45%	BBB+
Bank Of Queensland Ltd	1,000,000	0.82%	02/12/2021	3.80%	BBB+
Bank Of Queensland Ltd	1,000,000	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	2,028,620	1.66%	06/12/2023	2.91%	AA-
Commonwealth Bank (3m BBSW +80bps) (Principal Value \$1,000,000) Market Value	1,003,390	0.82%	25/04/2023	2.36%	AA-
Commonwealth Bank (3m BBSW +113bps) (Principal Value \$1,000,000) Market Value	1,015,760	0.83%	11/01/2024	2.83%	AA-
National Australia Bank (3m BBSW +80bps) (Principal Value \$1,000,000) Market Value	1,009,410	0.83%	10/02/2023	2.79%	AA-
Westpac Bank (3m BBSW +114bps) (Principal Value \$1,500,000) Market Value	1,521,945	1.25%	24/04/2024	2.83%	AA-
TOTAL MEDIUM TERM (2-5 YEARS)	29,579,125	24.24%		3.22%	
TOTAL INVESTMENTS	122,022,386	100.00%		2.90%	

COUNCIL IMPLICATIONS

Budget/Financial

Portfolio Investment Returns to 30 April 2019			
	Actual	Budget 2018/19	Over/(Under)
This Month			
Cash Deposits & FRNs	\$282,290	\$235,800	\$46,490
Managed Funds	\$3,984	\$1,700	\$2,284
	\$286,274	\$237,500	\$48,774
Year to Date			
Cash Deposits & FRNs	\$2,774,094	\$2,358,000	\$416,094
Managed Funds	\$46,695	\$17,000	\$29,695
	\$2,820,789	\$2,375,000	\$445,789

- Actual results have shown that total interest income to 30 April 2019 is \$0.445M above the 2018-19 budget of \$2.375M.
- As at 30 April 2019 the Floating Rate Notes (FRNs) had an unrealised capital gain of \$65,375.

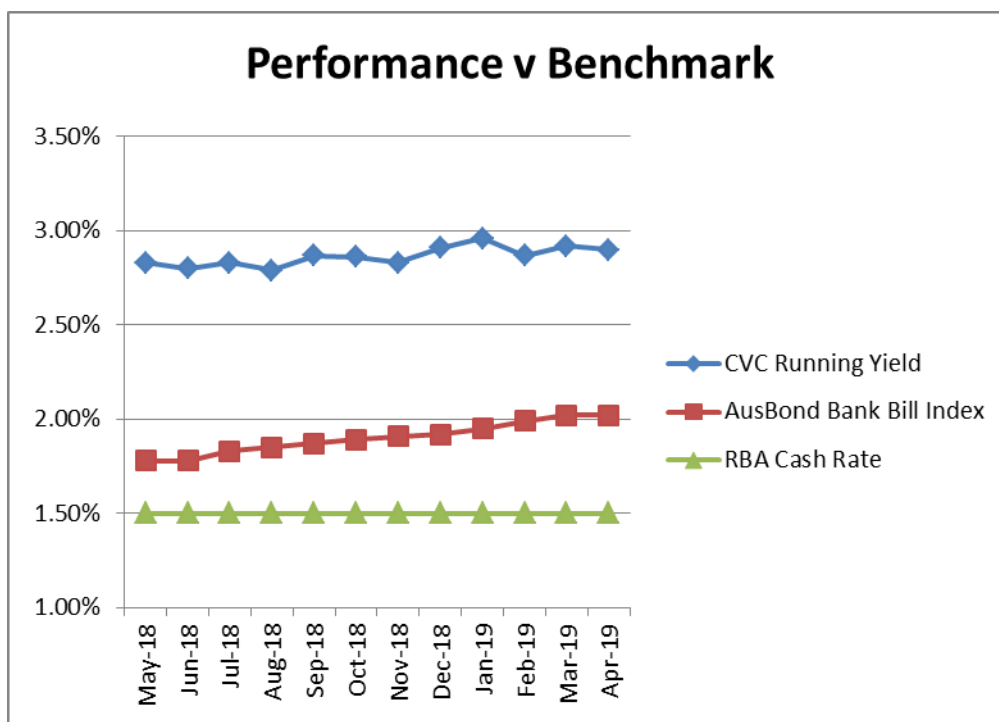


- Running yields* to 30 April 2019 have been:

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	2.40%
Floating Rate Notes	2.81%
Term Deposits	<u>3.04%</u>
Total	2.90%

***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 April was 1.50%. The benchmark AusBond Bank Bill Index was 2.02% for April.
- The current running yield of the total investment portfolio remains at elevated levels above the cash rate. At month-end, it stood at +2.90% (March 2.92%).



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

Quarterly Investment Report 31 March 2019 (provided by CPG Research & Advisory)

The CPG report indicates that Council's Investments as at 31 March 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 March, deposits yielded a very strong +3.04% p.a.; +154bp above the official cash rate. This return is above any deposit rate on most days.
- We recommend that Council increase its FRN holdings after the initial deposit dislocation passes, averaging through the cycle by buying new issues as they emerge. The combination with longer deposits has produced excellent results, but we continue looking to increase the FRN weighting towards historical peak levels.
- The portfolio is well distributed across maturities with considerable maturities in the coming year but a spread out beyond 2024. Council has excellent fixed rate protection as the low rate cycle extends and rates look to set a new record. Even at this late stage, with the cash rate now stable for almost 3 years, Council has secured rates well above the current market.
- As at the review date, Council did not have an overweight position to any single counterparty. Overall the portfolio is well diversified across investment grade.
- We propose an FRN-focused strategy for 2019's investment. The excess of AA-rated FRN issuance would inevitably see rating quality migrate upwards, and leave Council again able to direct flows in a later period when deposits are more relatively attractive.
- Council's portfolio has satisfactory liquidity, with 15% of assets at call or maturing within 3 months and an additional 43% maturing within 12 months.

- Overall, the portfolio is sufficiently liquid, highly rated and well diversified from a maturity perspective. A fuller range of credit ratings have been utilised.
- There is a capacity to invest at all terms where value is available. Higher rated banks provide strong yields in liquid securities.

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

Climate Change

While the climate change impacts of Council's investment strategies are unknown by the authors of this report, the adoption of the recommendation of this report, to receive and note, is not considered to have a climate change impact.

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 31 March 2019

ITEM 15.096/19 2018/19 MONTHLY FINANCIAL REPORT – APRIL 2019

Meeting	Corporate, Governance & Works Committee	21 May 2019
Directorate	Corporate & Governance	
Reviewed by	A/General Manager (Laura Black)	
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.

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

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

OFFICER RECOMMENDATION

That the monthly financial information report for April 2019, attached to this report, be received and noted.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms

Against: Nil

COUNCIL RESOLUTION – 15.096/19

Williamson/Novak

That the monthly financial information report for April 2019, attached to this report, be received and noted.

Voting recorded as follows:

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

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.

No proposed budget variations have been identified during the past month. 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*. The last budget review for 2018/19, was the Q3 QBRS adopted in April 2019.

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

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

General Fund Budget (Surplus)/Deficit

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

Reserve Movements

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

Asset Management

N/A

Policy or RegulationSection 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 15.097/19 VIBRANT PLACES PROGRESS REPORT

Meeting	Corporate, Governance & Works Committee	21 May 2019
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Nil	

SUMMARY

Provide Council with an update on the twelve (12) month Vibrant Places Trial.

OFFICER RECOMMENDATION

That Council note the Vibrant Places Trial progress report.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms

Against: Nil

COUNCIL RESOLUTION – 15.097/19

Williamson/Novak

That Council note the Vibrant Places Trial progress report.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 3 Economy

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

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

BACKGROUND

At its meeting October 2018 Council resolved (Item 14.122/18) to commence the Vibrant Places Trial.

That Council:

- Commence a twelve (12) month 'Vibrant Places' initiative to waive fees for A-frame signs, merchandise displays, non-commercial street stalls, outdoor dining, and buskers & performers in the Clarence Valley Local Government Area.*
 - Nominate Grafton CBD and Ulmarra village as the pilot locations.*
-

3. *Work with the Chambers of Commerce and business representatives to implement.*
4. *Work with the nominated Access Committee members, being Dave Moran and Lyndel Bosman (Guide Dogs NSW), to provide feedback to Council on the trial, and*
5. *At the end of the trial period a report is brought back to Council on the trial outcomes and recommendations.*

As a result, the trial commenced on 1 November 2018 and concludes 31 October 2019.

Council's Economic Development team has undertaken ongoing monitoring of pilot locations (Grafton and Ulmarra) and benchmarked pre-trial activity. The results to date are the content of this report.

KEY ISSUES

As of 30 April 2019, the number of Clarence Valley businesses that had signed up for the Vibrant Places trial via the Council website was 33. The majority are Grafton businesses this being a pilot location and has been where most, face to face monitoring has occurred.

Community	Applications Received
Grafton (Pilot)	23
Ulmarra (Pilot)	3
Rest of Clarence Valley LGA (non pilot)	7

It should be noted that Yamba, Iluka and Maclean main streets continue to maintain a high level of vibrancy.

Prior to the trial commencing (October) the council's Economic Development team undertook an audit of footpath signage, merchandise and outdoor dining in the pilot locations of Grafton and Ulmarra as well as in Maclean, Yamba, Iluka and South Grafton. A follow up audit was undertaken in March to ascertain the change in footpath use.

Community	A Frame/ Footpath Signs			Merchandise/Displays			Outdoor dining spaces		
	October	March	Change	October	March	Change	October	March	Change
Grafton (Prince Street)	45	45	-	11	17	+6	7	13	+6
Ulmarra	6	10	+4	4	6	+2	1	2	+1
Non Pilot Areas									
Maclean	17	16	-1	7	13	+6	4	6	+2
Yamba	40	35	-5	19	26	+7	12	16	+4
Iluka	19	18	-1	2	2	-	4	4	-
South Grafton	6	10	+4	1	1	-	4	4	-

Feedback from the businesses, community and Clarence Valley Chambers of Commerce indicate strong support for the initiative.

Monitoring of Vibrant Places trial has been undertaken by the Economic Development team and the Access Committee representatives. Inspections and feedback to businesses on Prince Street, Grafton were conducted on the 8 November and 13 December 2018, and 17 April 2019.

Casual inspections are also conducted on a regular basis in both Grafton and Ulmarra.

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation

- Outdoor Dining Policy
- Mobile Signs, Articles, Merchandise and Entertainment on Public Land Policy

Consultation

Ongoing consultation with businesses, Chambers of Commerce and the Council's Access Committee continue throughout the trial period.

An overview of these findings was presented to the Access Committee at its April meeting.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	David Newberry, Project Officer
Attachment	Nil

ITEM	15.098/19	ITEMS FOR INFORMATION
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Meeting	Corporate, Governance & Works Committee	21 May 2019
Directorate	Office of General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

OFFICER RECOMMENDATION

That the Item for Information as listed below be adopted:

1. Chris Gulaptis – Response re Flood Mitigation Works

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms

Against: Nil

COUNCIL RESOLUTION – 15.098/19

Williamson/Novak

That the Item for Information as listed below be adopted:

1. Chris Gulaptis – Response re Flood Mitigation Works

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.3 Engage with the community to inform decision making

Prepared by	Karlie Chevalley, Executive Support Assistant
Attachment	As above

CLOSE OF COMMITTEE MEETING

There being no further business the Corporate, Government & Works Committee meeting closed at 3.55 pm.

TENDERS AND CONTRACTS FOR SUPPLY

ITEM 16.012/19 GRAFTON REGIONAL ART GALLERY: DEPARTMENT OF PUBLIC WORKS

Meeting	Council	28 May 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Confidential	

SUMMARY

The Grafton Regional Art Gallery project requires GC21 and Construction Management services in order to successfully deliver the project. The Department of Public Works (DPW) have provided a fee proposal, which has been reviewed and staff are now seeking acceptance by Council to proceed with this agreement. It is proposed that the agreement be made in accordance with the established Memorandum of Understanding (Item 14.169/15) between Council and DPW.

OFFICER RECOMMENDATION

That Council accept the Fee Proposal from the Department of Public Works for the amount of \$286,137 (ex GST) for the provision of construction and contract management services for the Grafton Regional Art Gallery Upgrade Project.

COUNCIL RESOLUTION – 16.012/19

Williamson/Novak

That Council accept the Fee Proposal from the Department of Public Works for the amount of \$286,137 (ex GST) for the provision of construction and contract management services for the Grafton Regional Art Gallery Upgrade Project.

Voting recorded as follows:

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

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 Grafton Regional Art Gallery Project is currently in the detailed design definition phase. The agreed procurement strategy for this project is to award a single contract for detailed design and construction. The contract value is estimated to cost approx. \$5.5 million and is funded by CreateNSW.

NSW Procurement Guidelines inform that for construction contracts valued at more than \$1 million the GC21 standard form is suitable. Department of Public Works (DPW) are GC21 Contract/Construction Management specialists and have in place an active Memorandum of Understanding with Council to be formally engaged for this very purpose.

KEY ISSUES

Council staff requested DPW to provide an offer to undertake the GC21 Contract and Construction Management service for the gallery upgrade works. DPW have responded with a proposal which is shown in the attachments.

To ensure value for money with the engagement, the fee proposal has been reviewed and the DPW hourly rates compared against the rates charged by three other companies that offer professional services. The conclusion is that the DPW proposal is competitive and offers fair value for Council.

COUNCIL IMPLICATIONS**Budget/Financial**

The DPW fee proposal is to be funded from CreateNSW funds under the Regional Cultural Fund. The project has a suitable allocation for Project Management and there are sufficient funds, within the project budget to accept the DPW Fee Proposal, \$286,137 (excl. GST).

Asset Management

N/A

Policy or Regulation

The engagement process followed is consistent and in accordance with the Memorandum of Understanding between Council and DPW.

Risk Management

A procurement strategy workshop has been facilitated with key stakeholders. The key risks were identified and single contract approach has been endorsed by the steering committee. The DPW proposal responds to this approach.

Climate Change

N/A

Prepared by	Sisa Rasaku, Project Manager, Building & Facilities and Open Spaces
Confidential Attachments	Public Works Advisory Fee Proposal Value for Money Comparison

ITEM 16.013/19 CONTRACT – GRAFTON SPORTS CENTRE

Meeting	Council	28 May 2019
Directorate	Works & Civil	
Reviewed by	Director - Environment, Planning & Community (Des Schroder)	
Attachment	Confidential	

SUMMARY

This report provides a proposal from Grafton Basketball Association Incorporated (GBA) in response to a request from Council officers for GBA to terminate their contract for the management and operation of the Grafton Sports Centre to allow for the Police Citizens Youth Club (PCYC) to commence operations at the centre.

OFFICER RECOMMENDATION

That

1. Council, terminate the Agreement with the Grafton Basketball Association Incorporated for the management and operation of the Grafton Sports Centre, effective 30 June 2019.
2. Authority be delegated to the General Manager to execute the termination agreement.
3. The common seal of Council be affixed to the termination agreement.
4. Council compensate the Grafton Basketball Association Incorporated \$57,727.40 from PJ 945214, Sportsground Building Administration.

COUNCIL RESOLUTION – 16.013/19

Williamson/Novak

That

1. **Council, terminate the Agreement with the Grafton Basketball Association Incorporated for the management and operation of the Grafton Sports Centre, effective 30 June 2019.**
2. **Authority be delegated to the General Manager to execute the termination agreement.**
3. **The common seal of Council be affixed to the termination agreement.**
4. **Council compensate the Grafton Basketball Association Incorporated \$57,727.40 from PJ 945214, Sportsground Building Administration.**

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 3 Economy

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

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

BACKGROUNDCouncil Resolutions

Council has been in discussions with the PCYC regarding operation of the Grafton Sports Centre as a PCYC owned, operated and branded facility. A Memorandum of Understanding (MOU) was developed in December 2017 in line with Council Resolution 13.069/17:

That Council endorse the draft MOU, attached, between CVC and the PCYC to allow advanced negotiation between all stakeholders, with an aim to establish a PCYC at the Grafton Sports Centre.

Council officers advanced the negotiations with the major stakeholders of the Centre and adjacent Frank McGuren Park to enable the amicable termination of current agreements and arrangements held with Council to allow for the PCYC to commence operations at the Centre.

At its May 2018 ordinary meeting, Council resolved to transfer the Grafton Sports Centre and surrounding land to the PCYC [Item 13.022/18].

That:

1. *Council in-principle agree to the transfer of the Grafton Sports Complex and surrounding land comprising Lot 22 DP712604, 288 Powell Street, Grafton to the ownership of the Police Citizens Youth Club (PCYC) on the conditions that there is:*
 - a. *Completion of a mutually beneficial negotiation (which has commenced) by PCYC with the Grafton Basketball Association about continuing use and the Association agreeing to terminate its current lease with Council.*
 - b. *Completion of negotiations by PCYC with the Grafton Ghosts - Senior and Junior Leagues, and NSW Crown Lands which may involve the PCYC becoming trustee of the toilets/change rooms on the side of the basketball complex as these are on Crown Lands.*
2. *Any transfer to PCYC has provisions to ensure that a basketball complex is maintained for future use of the community, especially if PCYC ceased to operate the complex.*
3. *The contract of sale include the provision for formal registration on title that should the PCYC cease operations at the centre the property is returned to Clarence Valley Council.*

Further, at the March 2019 ordinary meeting [Item 13.007/19], Council resolved:

That Council:

1. *Note that the resolution from 11 December 2018 Item 15.215/18 will not be proceeding.*
2. *Resign as Crown Land Manager of Reserve 95853 and advise NSW Department of Industry – Lands and Water accordingly.*
3. *Transfer ownership of Lot 21 DP 712604 to the Police Citizens Youth Club for a nominal figure of \$1.00 plus GST.*
4. *Delegate authority to the General Manager to execute the transfer document/s.*
5. *Authorise the Common Seal of Council to be affixed to the disposal of land document/s.*

PCYC Development Application

PCYC have lodged a development application (DA) to make alterations and additions to the Grafton Sports Centre to enable the construction of additional space that is required to run their activities. The draft DA conditions have been provided to PCYC. PCYC have tendered the construction contract and plan to commence works early July 2019.

Current Negotiations

Council officers and PCYC again met and discussed the specific dates and terms of the transition of the facility from the current management arrangement with GBA. Subsequent to this meeting, Council officers

met with GBA and requested a proposal for GBA to exit their current contract as of 30 June 2019. A proposal has been received.

Negotiations are currently underway between Council officers and PCYC with the aim of having PCYC provide sufficient management of the facility to allow continuation of the use by the community and school groups during the construction works of the facility from 1 July 2019. If the PCYC can't get staffing arranged by the 1 July 2019 there may be a need for Council to undertake some casual employment to cater for existing bookings for a short period (cost estimated at maximum \$20,000).

KEY ISSUES

Proposed Development

The works on the building will impact the old section of the centre. This will mean that no income can be generated from this section of the facility. Additionally, due to the works part of the building will be a construction site therefore a new entry/exit point and temporary facilities will need to be considered as these spaces will not be generally accessible.

Due to the major changes of the centre including the construction phase, the contract between GBA and Council will no longer be valid, and termination will be necessary.

Development of the Facility

The PCYC will finance and manage the renovation and extension project at the Grafton Sports Centre. PCYC anticipate that following their tender process works could commence from early July 2019. On this basis, PCYC have scheduled an official 'sod' turning event on 26 June 2019.

With the above considered, it was agreed that termination on 30 June 2019 with the GBA would be the most suitable time.

GBA Contract

The current contract with GBA will expire on 30 September 2020. At the request of Council officers GBA has submitted a proposal for early contract termination to allow for the PCYC to occupy the facility (attached). The proposal submitted by GBA consists of an average for the past 3yrs of profit/loss per month GBA would have made until the end of the Contract as well as staff redundancy and termination expenses.

Council officers have reviewed the proposal and recommend that Council accept the proposal considering Council's request for GBA to terminate the agreement, expenses incurred by GBA, income lost and the cost otherwise that would be incurred by Council.

Temporary Management

It is proposed that the PCYC would manage the facility from 1 July 2019. The PCYC are seeking resources through the Fit for Life program including administration staff and equipment to ensure a smooth transition. PCYC have recruited a local manager and are currently undertaking further recruitment. The induction process is expected to take 6-8 weeks upon appointment.

Impacted Bookings

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

- 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

Additionally, there are other carnivals and temporary bookings.

Summary & Recommendation

As a result of the proposed construction works, the closure of a portion of the Centre, the modifications to other areas of the centre, and the transition to a new land owner / crown land manager, it is recommended that Council terminate the Agreement with the GBA for the management and operation of the Grafton Sports Centre, effective 30 June 2019.

As the terms of the Agreement between Council and GBA can no longer be met due to Council agreed changes and Council subsequently requested GBA to terminate the Agreement it is recommended that Council agree to the proposal provided by GBA and Council compensate the GBA \$57,727.40.

COUNCIL IMPLICATIONS

Budget/Financial

The financial implication of early termination is \$57,727.40. It is proposed to use PJ 945214, Sportsground Building Administration. The proposed termination date being 30 June 2019 as such payment will be made in the 2019/2020 financial year.

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:

- Local Government Act 1993
- Council Report 12 May, 2015 – Item 14.104/15
- Clarence Valley Sports Facility Strategy

Consultation

Consultation has occurred externally with the GBA, Grafton Ghosts and the PCYC, as well internal with Council's Property Coordinator, Council's Community Services 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 have staff to manage appointed by 1 July 2019, which will impact the community. Several bookings are already in place and there could be cost implications if Council is required to appoint a temporary contract during the period of construction.

Climate Change

N/A

Prepared by	Rachelle Passmore, Senior Parks & Recreation Officer
Attachment	A – Grafton Basketball Association proposal to terminate contract letter B – Contract Termination Agreement - CVC and GBA

ITEM 16.014/19 T-19-18 PROVISIONS OF INSURANCE BROKERAGE & RISK MANAGEMENT SERVICES

Meeting	Council	28 May 2019
Directorate	Corporate	
Reviewed by	A/General Manager (Laura Black)	
Attachment	Confidential	

SUMMARY

This report gives consideration to awarding a tender for Insurance Brokerage and Risk Management Services.

OFFICER RECOMMENDATION

That

1. Council accept the tender from Jardine Lloyd Thompson Pty Ltd for T-19-18 (Provision of Insurance Brokerage & Risk Management Services) for a three year period from 1 July 2019 to 30 June 2022.
2. Port Macquarie Hastings Council be acknowledged for its assistance in hosting tender T-19-18 on behalf of Clarence Valley Council.

COUNCIL RESOLUTION – 16.014/19

Williamson/Novak

That

1. Council accept the tender from Jardine Lloyd Thompson Pty Ltd for T-19-18 (Provision of Insurance Brokerage & Risk Management Services) for a three year period from 1 July 2019 to 30 June 2022.
2. Port Macquarie Hastings Council be acknowledged for its assistance in hosting tender T-19-18 on behalf of Clarence Valley Council.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Our Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.2 Operate in a financially responsible and sustainable manner

BACKGROUND

In June 2018, Council's current provider of insurance brokerage and risk management services was notified of an intention to seek tenders for the provision of insurance brokerage and risk management services for 2020/2021. In doing so, a group tender including Clarence Valley Council, Coffs Harbour Council, Kempsey Shire Council and Port Macquarie Hastings Council, and hosted by Port Macquarie Hastings Council, was progressed (T-19-18).

The tender probity plan and evaluation documentation is consistent across participating councils, with individual council's establishing Tender Evaluation Panels.

KEY ISSUES

The tender evaluation panel, as identified in the tender probity plan is as follows:

CLARENCE VALLEY COUNCIL

Role	Role Description	Appointee	Position
Evaluation Member	To manage the evaluation process and report to the Procurement Delegate.	Laura Black	Director, Corporate & Governance
Evaluation Panel Member	Perform a detailed evaluation of the Tender submissions.	David Sutton	Manager, Open Spaces & Facilities
Evaluation Panel Member	Perform a detailed evaluation of the Tender submissions.	Leanne Crichton	Insurance & Risk Officer
Probity Auditor	Provide probity advice as required to the TEP / evaluation process.	Troy Anderson	Director, Works & Civil

The tender evaluation was conducted on Thursday, 2 May 2019, with the following methodology applying:

The evaluation comprises of 3 stages:

- Stage One – Compliance;
- Stage Two – Technical Assessment; and
- Stage Three – Commercial Assessment.

Stage One was to be scored on a pass/fail basis. The weightings applied to Stages Two and Three assessment were 30% quality and 70% price.

Tenders were received from:

- Jardin Lloyd Thompson Pty Ltd
- Willis Australia Ltd
- AON Risk Services Australia Ltd

A copy of the tender evaluation report is included as a confidential attachment.

COUNCIL IMPLICATIONS**Budget/Financial**

Council's insurance portfolio is an annual budgeted item and in 2018/19, was approximately \$1.9M, excluding Workers Compensation Insurance.

Asset Management

N/A

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

Council's insurance policy provides risk mitigation assurance.

Climate Change

N/A

Prepared by	Laura Black, A/General Manager
Confidential Attachment	Tender recommendation report

ITEM	16.015/19	MALABUGILMAH RAW WATER INTAKE STRUCTURE STABILISATION WORKS (TENDER CN1500793)
Meeting	Council	28 May 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Confidential	

SUMMARY

At its meeting of 21 March 2017 Council resolved (Resolution 16.002/17) to reject all tenders received for stabilisation of the Malabugilmah raw water intake structure and enter into negotiations with Ledonne Constructions P/L (Ledonne) based on an alternative tender which they had submitted, with a view to entering into a contract for the proposed works to maintain the water supply to Malabugilmah village.

Aboriginal heritage, geotechnical, property and site access issues have required a lengthy period of negotiation to determine a feasible methodology to stabilise the raw water intake structure. Using geofabric bags to stabilise the offtake is considered feasible, and Ledonne has provided a revised offer for undertaking this work using that methodology. Department of Industry, Water (DoI Water), which is providing funding for this work, concurs with the revised Ledonne offer. It is recommended that the negotiated Ledonne offer be accepted.

OFFICER RECOMMENDATION

That:

1. Council accept the negotiated offer from Ledonne Constructions P/L for CN1500793 "Malabugilmah Raw Water Intake Structure Stabilisation Works" at a cost of \$290,750.00 (GST inclusive) to be funded from PJ902081 (Water – Other – Aboriginal Community Water Program).
2. The General Manager be authorized to approve variations totaling up to 10% of the contract sum.

COUNCIL RESOLUTION – 16.015/19

Williamson/Novak

That:

1. Council accept the negotiated offer from Ledonne Constructions P/L for CN1500793 "Malabugilmah Raw Water Intake Structure Stabilisation Works" at a cost of \$290,750.00 (GST inclusive) to be funded from PJ902081 (Water – Other – Aboriginal Community Water Program).
2. The General Manager be authorized to approve variations totaling up to 10% of the contract sum.

Voting recorded as follows:

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

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

In July 2008, the NSW State Government commenced a program to improve the standard of water supply and sewerage services in selected Aboriginal communities. The program is jointly funded by the State and the NSW Aboriginal Land Council, and the parties agreed to commit \$200 million over a 25 year period. Under the program Clarence Valley Council has been providing sewer and water services to the village of Malabugilmah through a contractor since November 2010. The service contract was most recently renewed by Council at its meeting of 17 November 2015.

In early 2016 the contractor raised concerns regarding erosion around the offtake pump well for the Malabugilmah village water supply. DoI Water subsequently approved the engagement of NSW Water Solutions to investigate riverbank stability at this location, and their report indicated that the offtake pump well was at risk of failure in the near future. Water Solutions recommended that river stabilisation works be undertaken to address the erosion issue. DoI Water approved the calling of Tenders for undertaking water intake structure stabilising works and Public Works Advisory, on behalf of Council called selected "design and construct" Tenders. Council resolved at its meeting of 21 March 2017 to reject all Tenders received and to enter into negotiations with Ledonne based on an alternative tender which they had submitted.

KEY ISSUES

There are four constraints to undertaking stabilisation work on the offtake structure:

1. The presence of naturally occurring asbestos in the subsurface rock (this meant the alternative tender submitted by Ledonne was ultimately not considered feasible).
2. As reported to the Council meeting of 21 March 2017, Aboriginal artefacts were discovered in very close proximity to the site and works which disturb the ground would require an Aboriginal Heritage Impact Permit (AHIP). The Malabugilmah community does not support an application for an AHIP.
3. The pipework to the offtake is within an easement and permanent restoration works cannot be located outside of the easement. It is not considered feasible to obtain additional easements for works outside of the existing easement.
4. Larger machinery cannot be used close to the riverbank due to the risk of bank slippage which would potentially damage the offtake structure.

The project team subsequently investigated various options to stabilise the offtake structure, having consideration to the four constraints. Following their use by Ledonne on another Council project, stabilising the offtake structure using geofabric bags was recently proposed as a feasible solution which addressed the constraints. In accordance with Council resolution 16.002/17, Ledonne were requested to submit a revised offer for undertaking the stabilisation works using this methodology.

The tender evaluation panel has considered the negotiated offer submitted by Ledonne and a copy of the panel's report is included in the confidential attachments. The funding body (DoI Water) has approved the engagement of Ledonne based on the negotiated offer, and it is recommended the offer be accepted.

As with all construction projects it is likely that some contract variations will be required during the work. It is therefore recommended that the General Manager be authorised to approve variations totalling up to 10% of the contract award value.

COUNCIL IMPLICATIONS

Budget/Financial

The Aboriginal Communities Sewer and Water Program is fully funded through the State Government and Council receives a management fee of 10% of the costs. The negotiated offer is within the approved DoI Water budget for this project.

Asset Management

The Malabugilmah water supply is owned by the Jana Ngalee Local Aboriginal Land Council. The system is operated in accordance with an agreement with Jana Ngalee and DoI Water which was approved by Council at its meeting of 18 August 2015.

Policy or Regulation

The tendering and subsequent negotiation process is consistent with the requirement of the Local Government Act and Regulation. The proposed methodology will not require an AHIP.

Consultation

Ledonne, DoI Water, Public Works Advisory, Ecotechnology Pty Ltd (Subcontractor operating the Malabugilmah Water Supply system), Jana Ngalee Local Aboriginal Land Council, Property Owner.

Legal and Risk Management

Were Council to call fresh Tenders which were similar to the methodology negotiated with Ledonne as per their revised offer, it may open Council to a damages claim from Ledonne on the basis that Council has impinged Ledonne's intellectual property.

Climate Change

A predicted climate change impact in the Clarence Valley is an increased rainfall intensity of up to 10%, which may result in increased erosion or scour of the Malabugilmah community's raw water offtake structure. The proposed works are designed to protect the structure against erosion events.

Prepared by	Greg Mashiah, Manager Water Cycle
Confidential Attachment	Tender Evaluation Panel report

ITEM 16.016/19 TENDER 19/003 – DEMOLITION OF LAWRENCE AND SOUTHGATE RESERVOIRS

Meeting	Council	28 May 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Confidential	

SUMMARY

Public Works Advisory, on behalf of Council, called open tenders for the demolition of Lawrence and Southgate reservoirs. Tenders were assessed by a panel comprising Public Works and Council staff, and the Tender which is considered most advantageous to Council having regards to all the circumstances (price and non-price) is from Major Projects Group Pty Ltd. It is therefore recommended that the Tender to demolish both reservoirs be awarded to Major Projects Group Pty Ltd.

OFFICER RECOMMENDATION

That:

1. Council accept Tender 19/003 from Major Project Group Pty Ltd for “Demolition of Lawrence and Southgate Reservoirs” in the amount of \$426,578.20 (GST inclusive) to be funded from PJ902037 (Reservoir – Renewal Expenses).
2. If some or all of the steel from the demolished reservoirs is not accepted for recycling due to its waste classification, the contract sum be increased in accordance with the rates provided by Major Project Group for disposal of steel as regulated or restricted waste.
3. The General Manager be authorised to approve variations totaling up to 10% of the original contract sum.

COUNCIL RESOLUTION – 16.016/19

Williamson/Novak

That:

1. Council accept Tender 19/003 from Major Project Group Pty Ltd for “Demolition of Lawrence and Southgate Reservoirs” in the amount of \$426,578.20 (GST inclusive) to be funded from PJ902037 (Reservoir – Renewal Expenses).
2. If some or all of the steel from the demolished reservoirs is not accepted for recycling due to its waste classification, the contract sum be increased in accordance with the rates provided by Major Project Group for disposal of steel as regulated or restricted waste.
3. The General Manager be authorised to approve variations totaling up to 10% of the original contract sum.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

Strategy 2.1.1 Maintain and renew water and sewer networks

BACKGROUND

As outlined in report 15.041/18 to the 20 March 2018 Council meeting, the existing Lawrence reservoir is over 50 years old and investigations have determined that the bituminous internal lining of the tank had begun to deteriorate. Although the reservoir provided a back up water supply source during incidences of pressure loss, because of the deterioration the reservoir was taken out of service in June 2017. Council resolved (Resolution 15.041/18) to lease adjacent land to the current reservoir to allow temporary reservoir tanks and associated pipework to be installed which ensured Lawrence residents of a continued supply of water. The Southgate Reservoir, which was constructed at the same time as the Lawrence reservoir, was in a similar internal condition and was also taken out of service.

Investigation and modelling of water supply options has determined that the Southgate reservoir is not essential for water supply purposes and it is therefore not proposed to renew this asset.

Modelling indicated the Lawrence reservoir is essential for water supply purposes, although the existing reservoir (1.1ML capacity) is larger than is required for existing and future development in this area (0.75kL capacity). An associated issue is the low chlorine residual in the Lawrence area, which is largely a result of water age. Under the Public Health Act and Regulation Council is required to prepare a Drinking Water Management System in accordance with the Australian Drinking Water Guidelines, and the guidelines suggest a minimum chlorine residual of at least 0.2mg/L should be provided at all locations within the supply system as a barrier against recontamination. Renewal options for the reservoir therefore need to consider both water supply and water quality.

Three options were considered for the Lawrence reservoir:

1. Renew the existing reservoir's bituminous lining and bring it back into service. Due to the difficulty of removing the existing lining and the age of the reservoir (with uncertainty about deterioration of the existing steel structure), this option was not assessed as giving value for money.
2. Replacing the reservoir with a second under river crossing to give improved supply reliability. A tender awarded by Council at its meeting of 19 August 2008 (Resolution 09.136/08) for a sewerage under river crossing from Lawrence to Woodford Island was \$1.16 million (ex GST) which, using the RBA inflation calculator, has a 2019 cost of \$1.43 million.
3. Demolish the existing reservoir and construct a new, smaller reservoir. Extrapolating from the DoI Water Reference Rates manual the reference rate for a 0.75ML reservoir is \$562,000 (as at June 2018), so the cost of demolition would determine whether this option or option 2 gives the best value for money.

While the Southgate reservoir could remain off-line, over time the structure will deteriorate further and would need to be demolished at some stage in the future. It was considered there would potentially be some economies of scale if Southgate Reservoir was demolished in conjunction with the Lawrence Reservoir, but if the budget was insufficient to demolish both reservoirs then the priority would be for Lawrence. Accordingly it was decided to call tenders for demolition of Lawrence and/or Southgate reservoirs.

KEY ISSUES

Public Works Advisory, on behalf of Council called open tenders on 1 March 2019 which closed on 30 April 2019 for demolition of Lawrence and/or Southgate reservoirs. Four tenders were received. The apparent tendered amounts (including GST) are tabulated below:

Tenderer	Option 1 (Lawrence & Southgate)	Option 2 (Southgate Only)	Option 3 (Lawrence Only)
DEMEX	\$169,269.38	\$91,140.91	(Not submitted)
Major Projects Group	\$426,578.20	\$211,478.00	\$259,409.40
AADEMEX	\$853,610.00	\$421,341.00	\$423,341.00
Ledonne Construction	\$1,413,223.00	\$786,162.00	\$810,095.00

The Tender Evaluation Panel (TEP) consisted of staff from PWA and Councils Water Cycle Section. Tenders were assessed using a weighting of 75% price and 25% non price. A detailed report from the TEP is included in the confidential attachments.

The TEP considers that, having regard to all the circumstances, the tender from Major Projects Group Pty Ltd (MPG) is the most advantageous and recommends that this Tender be accepted. Undertaking the demolition of both reservoirs concurrently gives approximately a 10% cost saving, and it is therefore recommended that the option of both reservoirs being demolished be adopted.

As with all construction projects it is likely that some contract variations will be required during the work. It is therefore recommended that the General Manager be authorised to approve variations totalling up to 10% of the contract award values.

COUNCIL IMPLICATIONS

Budget/Financial

It is proposed that this project be funded over two financial years. The uncommitted 2018/19 allocation in PJ902037 is \$108,774.24 and it is proposed that the draft 2019/20 Capital Works Program, be amended to provide an allocation of \$497,000 for the project, giving a total available budget of \$605,774.24.

The recommended tenderer's price is \$387,798.36 (ex GST) for demolishing both reservoirs and, as noted in the legal and risk management section, the tenderer has estimated additional costs of up to \$237,290 (ex GST) if further testing of the existing tank material requires different management to that indicated by the information provided by Council with the tender documents. In the unlikely scenario that the full value of the additional costs is required, there would need to be an increase in the project budget and this would be reported back to Council at the time.

As noted in the background section, the second stage of the project is construction of a replacement reservoir at Lawrence. The replacement reservoir is proposed to be funded by any unspent balance from 2019/20 plus an additional allocation in 2020/21, noting that further reports are to be presented to Council regarding the construction of a reservoir and associated expenditure.

Asset Management

The existing Lawrence and Southgate reservoirs are at the end of their life. As there is no future requirement for the Southgate reservoir it is proposed the asset be demolished. As there is a future requirement for the Lawrence reservoir it is considered the best value is to demolish the existing reservoir and construct a replacement reservoir.

Policy or Regulation

The tendering process followed is consistent with the requirements of the *Local Government Act* and *Local Government (General) Regulation*. The local supply provisions of Council's Sustainable Procurement Policy – Supporting Local Business policy were assessed by the Manager Water Cycle as not being relevant as no Clarence Valley based companies hold the appropriate demolition accreditation.

Consultation

Public Works Advisory

Legal and Risk Management

MPG has advised two project risks which could potentially result in post tender cost increases:

- The existing reservoirs have lead paint on their exterior. MPG has advised that their tendered methodology was developed based on the information provided by Council in the tender documentation (previous lead testing at reservoir) and is compliant with legislative requirements. However, MPG are undertaking further testing of the paint prior to work commencing and have identified a risk that regulators may not approve the methodology if the additional testing is inconsistent with the previous information. If the regulators require sections of lead paint to be removed as a result of the additional testing, MPG indicate this may cost up to an additional \$185,000 (ex GST) for both reservoirs.
- The preferred method of steel disposal is by recycling, which again is based on the information provided by Council in the tender documents. However, if additional testing indicates some or all of the steel needs to be disposed of as restricted or regulated waste, the additional cost could be up to \$52,290 based on an estimate of steel tonnage (which will increase after 30 June 2019). To mitigate this risk, MPG provided rates per tonne for disposal of the steel as regulated or restricted waste.

Climate Change

Climate change impacts are not considered a factor in this tender.

Prepared by	Greg Mashiah, Manager Water Cycle
Confidential Attachment	Tender Evaluation Panel report

ITEM 16.017/19 SUPPLY & DELIVERY OF STATIONERY REGPRO201819

Meeting	Council	28 May 2019
Directorate	Corporate	
Reviewed by	A/General Manager - Laura Black	
Attachment	Confidential	

SUMMARY

This report recommends to Council the acceptance of a “Panel of Suppliers” for the supply and delivery of stationery for the period 1 April 2019 to 31 March 2021. The Tender (REGPRO201819) was called by Regional Procurement Initiative ® on behalf of Richmond Valley and Clarence Valley Councils.

OFFICER RECOMMENDATION

That

1. Council accept the tender offers from the following (3) tenderers for the period 1 April 2019 to 31 March 2021
 - Dolphin Stationery Pty Ltd
 - Office Brands
 - Winc Australia Pty Ltd
2. The General Manager be delegated authority to execute the Deed of Agreement on behalf of Council and, subject to satisfactory supplier performance, to extend these agreements for a further 12 months which may take these contracts through to 1 April 2022.

COUNCIL RESOLUTION – 16.017/19

Williamson/Novak

That

1. Council accept the tender offers from the following (3) tenderers for the period 1 April 2019 to 31 March 2021
 - Dolphin Stationery Pty Ltd
 - Office Brands
 - Winc Australia Pty Ltd
2. The General Manager be delegated authority to execute the Deed of Agreement on behalf of Council and, subject to satisfactory supplier performance, to extend these agreements for a further 12 months which may take these contracts through to 1 April 2022.

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Our Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.2 Operate in a financially responsible and sustainable manner

BACKGROUND

Council is a member of Regional Procurement Initiative®, a Division of Hunter Councils Inc., which was established in response to a need for a collaborative approach to regional tendering and contracting.

On behalf of Clarence Valley Council Regional Procurement® has called an open Panel Source by Council tender for the Supply & Delivery of Stationery REGPRO201819. By actively participating in this Regional Procurement tender on behalf of Clarence Valley Council, Council will not breach the Local Government (General) Regulation 2005 - Section 7 Tendering, for annual expenditure over \$150,000.

This tender was advertised in the following media:

- Sydney Morning Herald on 15 January 2019 Local Govt. Tender Section
- Tenderlink on 15 January 2019
- Western Magazine on 15 January 2019 Local Govt. Tender Section

KEY ISSUES

Three (3) tenders in total were received from:

1. Winc Australia Pty Ltd (Late Tender due to transmission issue)
2. Office Brands Limited
3. Dolphin Stationery Pty Ltd

The tender evaluation was based on a list of goods supplied by Clarence Valley Council and other council's and given to Regional Procurement. These items are listed with pricing in Attachment A – Tender Evaluation Matrix.

Evaluation Results				
Matrix Criteria	%	Dolphin Office Choice	Office Brands	Winc
Referees	15	14.8	13	11.9
Customer Service	10	10	10	10
Guaranteed Delivery Times	20	15	15	15
TOTAL	45	39.8	38	36.9

The table below displays the final tender panel evaluation score inclusive of pricing as per Attachment A-Tender Evaluation Matrix

		Dolphin Office Choice	Office Brands	Winc
Clarence Valley Council	Price	39.72	55	38.61
Total Combining all Criteria	100	80.58	93	75.51

TENDER EVALUATION PANEL

The tender evaluation was conducted on Thursday, 7 March 2019 via by:

- Facilitator: Mark Kentish Regional Procurement®
- Eric McCutcheon – Store Purchasing Officer Gilgandra Shire Council

Tender Evaluation Panel recommendation

- “1. That Dolphin Stationery Pty Ltd, Office Brands & Winc Aust. Pty be appointed as Panel Suppliers on this contract to supply participating RTC member councils for the period 1 April 2019 to 31 March 2021, and
2. That a provision is allowed for a 12 month extension based on satisfactory supplier performance which

may take this contract through to 1 April 2022.

3. Office Brands had the best price over all by approximately \$1,400. Whilst this is initially attractive, Office Brands have no supporting representatives within this area.

Dolphin Stationery Pty Ltd was placed second. Dolphin currently has a very supportive representation within the local area additionally supporting their service with a stable online ordering system. Winc is the current stationery supplier for Council, and experience to date has shown Winc to be a very reliable supplier in all aspects of supply from product management to invoicing. Dolphin & Winc also provide another advantage in that they are aware of Councils decentralised office locations and have proven their ability to deliver stationery to all required locations.

Whilst Dolphin Stationery were ranked second, and Winc Pty Ltd ranked third the preferred outcome would be to have Dolphin Stationery as the first choice, Winc Aust. as the second choice and Office Brands as the third choice as per the reasons above. Having these as a panel tender I feel this would be the best outcome for council. This would cover all bases and allow for specific requirements that each company provide.”

COUNCIL IMPLICATIONS

Budget/Financial

It is anticipated that Council’s spend on the Provision of Stationery for the duration of the period of the contract will exceed \$150,000 and as a result a Council resolution is required to accept the Tender.

Some of the items within the Stationery Tender are Inventory items within Council and these are costed to maintenance & Capital projects.

Asset Management

N/A

Policy or Regulation

The tendering process followed is consistent with the requirement of the Local Government Act and Regulation and Council’s Sustainable Policy – Supporting Local Business.

In accordance with Council’s Sustainable Procurement Policy the following processes were undertaken:

- Tender specifications were structured so local suppliers and / or contractors were not excluded from being the prime supplier / contractor

Consultation

N/A

Legal and Risk Management

- Dolphin Stationery Pty Ltd - Helen Camidge Director
- Winc Australia Pty Ltd - Eva Kalawaski, Mary Ann Sigler, Mary Tucker, Troy Swan Director
- Office Brands - Rob Catterall, Chris Hoban, Alok Jain, David Loxton, Brendan Stallworthy, Paul Toohey

Climate Change

N/A

Prepared by	Trevor Pate Procurement / Light Fleet Coordinator
Confidential Attachment	Tender Evaluation Matrix

ITEM 16.018/19 SUPPLY & DELIVERY OF WATER METERS REGPRO191819

Meeting	Council	28 May 2019
Directorate	Corporate	
Reviewed by	A/General Manager - Laura Black	
Attachment	Confidential	

SUMMARY

This report recommends to Council the acceptance of a “Panel of Suppliers” for the supply and delivery of Water Meters for the period 1 April 2019 to 31 March 2021. The Tender (REGPRO191819) was called by Regional Procurement Initiative ® on behalf of Richmond Valley and Clarence Valley Councils.

OFFICER RECOMMENDATION

That

- Council accept the tender offers from the following (2) tenderers for the period 1 April 2019 to 31 March 2021
 - Elster Metering Pty Ltd
 - Itron Australia Pty Ltd
- The General Manager be delegated authority to execute the Deed of Agreement on behalf of Council and, subject to satisfactory supplier performance, to extend these agreements for a further 12 months which may take these contracts through to 1 April 2022.

COUNCIL RESOLUTION – 16.018/19

Williamson/Novak

That

- Council accept the tender offers from the following (2) tenderers for the period 1 April 2019 to 31 March 2021**
 - Elster Metering Pty Ltd**
 - Itron Australia Pty Ltd**
- The General Manager be delegated authority to execute the Deed of Agreement on behalf of Council and, subject to satisfactory supplier performance, to extend these agreements for a further 12 months which may take these contracts through to 1 April 2022.**

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Our Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.2 Operate in a financially responsible and sustainable manner

BACKGROUND

Council is a member of Regional Procurement Initiative®, a Division of Hunter Councils Inc., which was established in response to a need for a collaborative approach to regional tendering and contracting.

On behalf of Clarence Valley Councils, Regional Procurement® has called an open Panel Source by Council tender for the Supply & Delivery of Water Meters Tender REGPRO191819. By actively participating in this Regional Procurement tender on behalf of Clarence Valley Council, Council will not breach the Local Government (General) Regulation 2005 - Section 7 Tendering, for annual expenditure over \$150,000.

This tender was advertised in the following media:

- Sydney Morning Herald on 15 January 2019 Local Govt. Tender Section
- Tenderlink on 15 January 2019
- Western Magazine on 15 January 2019 Local Govt. Tender Section.

KEY ISSUES

Three (3) tenders in total were received from:

1. Elster Metering Pty Ltd
2. Itron Australia Pty Ltd
3. WaterGroup Pty Ltd

TENDER EVALUATION PANEL

The tender evaluation was conducted on Thursday, 7 March 2019 via by:

- Facilitator: Mark Kentish Regional Procurement®
- Eric McCutcheon – Store Purchasing Officer Gilgandra Shire Council

Tender Evaluation Panel recommendation

- “1. That Elster Metering Pty Ltd & Itron Aust. Pty Ltd be appointed as Panel Suppliers on this contract to supply participating RTC member councils for the period 1 April 2019 to 31 March 2021, and
2. That provision is allowed for a 12 month extension based on satisfactory supplier performance which may take this contract through to 1 April 2022.”

COUNCIL IMPLICATIONS**Budget/Financial**

It is anticipated that Council's spend on the Provision of Water Meters for the duration of the period of the contract will exceed \$150,000 and as a result a Council resolution is required to accept the Tender.

Provision of Water Meters is an Inventory item within Council and costed to projects and Capital works they are costed to PJ – 950521 & 950523.

Asset Management

N/A

Policy or Regulation

The tendering process followed is consistent with the requirement of the Local Government Act and Regulation and Council's Sustainable Policy – Supporting Local Business.

In accordance with Council's Sustainable Procurement Policy the following processes were undertaken:

- Tender specifications were structured so local suppliers and / or contractors were not excluded from being the prime supplier / contractor

Consultation

N/A

Legal and Risk Management

- 1 Elster Metering (Darren John Williamson and Margherita Barbati)
- 2 Itron Australia Pty Ltd Bruce Kain Director of Sales, Malcolm Munro Director of Sales.

Climate Change

N/A

Prepared by	Trevor Pate Procurement / Light Fleet Coordinator
Confidential Attachment	Evaluation Matrix & Price Comparison

ITEM	16.019/19	PIPPY BEACH PUBLIC AMENITIES RENEWAL – ON CROWN LAND
Meeting	Council	28 May 2019
Directorate	Works & Civil	
Reviewed by	A/Manager - Open Spaces & Facilities (David Sutton)	
Attachment	Confidential	

SUMMARY

This report seeks Council's, as Crown Land Manager, endorsement to award the contract for the construction of the Pippi Beach Public Toilet project located on Crown Reserve 58617 to CM & RL Whyte Builders and to vary the budget to enable the completion of works.

OFFICER RECOMMENDATION

That Council as Crown Land Manager of Reserve 58617:

1. Endorse the demolition the existing amenities building and the construction of new amenities building in its place.
2. Accept the quotation from CM & RL Whyte Builders for the construction of new amenities building consisting of 2 accessible toilets on the Public Reserve - Pippi Beach, Yamba at a lump sum contract cost of \$129,658.18 (GST exclusive) to be funded from Pippi Beach Public Amenities Planning – Upgrade (PJ 994769, Cost Centre 870) and the allocated budget be increased by \$35,000 from Fund 4 to cover the shortfall.

Having declared an interest in this item, Cr Ellem left the Ordinary Council meeting at 7.08 pm and returned at 7.09 pm.

COUNCIL RESOLUTION – 16.019/19

Williamson/Kingsley

That Council as Crown Land Manager of Reserve 58617:

1. **Endorse the demolition the existing amenities building and the construction of new amenities building in its place.**
2. **Accept the quotation from CM & RL Whyte Builders for the construction of new amenities building consisting of 2 accessible toilets on the Public Reserve - Pippi Beach, Yamba at a lump sum contract cost of \$129,658.18 (GST exclusive) to be funded from Pippi Beach Public Amenities Planning – Upgrade (PJ 994769, Cost Centre 870) and the allocated budget be increased by \$35,000 from Fund 4 to cover the shortfall.**

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

The Pippi Beach toilet block is located on Lot 7027 DP 1114310 (Prop No. 118187) being part of Reserve 58617, Council is the Crown Land Manager of this reserve. The existing facility consists of 2 pans (1 male; 1 female) and 1 urinal. It is considered to be at the end of its useful life. It is proposed that the existing facility be demolished and a new amenities building consisting of 2 accessible toilets (on left/right hand accessible toilet) be constructed.

Investigation undertaken during the development of the project has determined that the pressure pump is failing and requires renewal.

KEY ISSUES

The Pippi Beach facility is considered to be at the end of its useful life and therefore requires renewal.

The facility services the Public Reserve - Pippi Beach, Pippi Beach and surrounding areas of public open space consisting of public playground (CWA William Ager Memorial Park), bbq and picnicking facilities (Dolphin Park), and Pippi and Convent Beaches.

The project involves:

1. Demolition of the existing facility and construction of a new 2 pan accessible toilet block over the existing footprint.
2. Provide compliant LED lighting.

Quotations were sought for the demolition and construction of a new accessible toilet block and access. The quotations received exceed the available budget as outlined in the Budget/Finance section of this report.

COUNCIL IMPLICATIONS**Budget/Financial**

Quotations have been sought from 6 local contractors, 4 contractors declined / failed to respond, 2 quotations were received, one from Jeremy Short Constructions and one from CM & RL Whyte Builders. The quotation from CM & RL Whyte Builders was assessed to be the most advantageous price for construction of new amenities building consisting of 2 accessible toilets on the Public Reserve - Pippi Beach, Yamba at a lump sum contract cost of \$129,658.18 (GST exclusive).

The quotation from CM & RL Whyte Builders included items of work that have been excluded from scope being demolition of the existing structure and construction of an accessible compliant ramp. The demolition services will be completed separate to this project. Pedestrian access to the toilet currently exists and upgrade of the existing or construction of new access will be considered as a separate project.

The available budget for the quotation is \$115,900.00 (GST exclusive) from Pippi Beach Public Amenities Planning – Upgrade (PJ 994769, Cost Centre 870) and the GST exclusive tender price is \$129,658.18.

The budget of \$120,000.00 was determined based on prior constructed facilities in Grafton / Maclean that did not require the provision of temporary toilets as alternates were available; were not impacted by travel time; did not include an allowance for project management services or project contingency and did not require increased material specification due to proximity to the coast.

The allowance for Clarence Valley Council staff to perform the required project management services is \$6,482.91 (GST exclusive). Project contingency is requested being \$12,965.82 (GST exclusive).

If Council accepts the preferred quotation and the noted additions (project management / contingency) the budgeted sum will need to be increased by \$35,000.00 (GST exclusive) as recommended.

Asset Management

The existing public amenities have reached the end of their useful life and require renewal. The public amenities service Pippi Beach Reserve and surrounding areas of public open space consisting of public playground, bbq and picnicking facilities, and Pippi and Convent Beaches.

The proposed structure will be constructed with materials suitable for an exposed coastal environment to achieve the greatest useful life. Maintenance and operations budgets are available to service the existing facility, these will be rolled over for use by the new facility.

Policy or Regulation

The following references are applicable to this report:

- State Environmental Planning Policy (Infrastructure) 2007
- Local Government Act 1993
- Native Title Act 1993
- Crown Land Management Act 2016
- Crown Land Management Regulation 2018
- Clarence Valley Sports Facilities Plan
- Asset Management Policy
- Clarence Valley Open Spaces Strategic Plan 2012

Consultation

Internal stakeholder consultation has been completed covering off the onsite waste water handling, property tenure and native title status.

Legal and Risk Management

Native Title has been extinguished over Lot 7027 DP 1114310 (Prop No. 118187). An Aboriginal Land Claim has been lodged, the claim remains unresolved.

Climate Change

This project will have a minor impact on climate change, however, this impact has been minimised by

- The old materials concrete materials being disposed of at Grafton Landfill where they will be recycled.
- The lighting will be LED's and turned off and on, on sensors and timers.
- The existing septic tank will be repaired and reused.

Prepared by	Justin Menzies, Project Manager
Confidential Attachments	CM & RL Whyte Builders tender break down schedule Jeremy Short tender break down schedule

ITEM 16.020/19 WOOLI HALL PUBLIC AMENITIES RENEWAL – ON CROWN LAND

Meeting	Council	28 May 2019
Directorate	Works & Civil	
Reviewed by	A/Manager - Open Spaces & Facilities (David Sutton)	
Attachment	Confidential	

SUMMARY

This report seeks Council endorsement, as Crown Land Manager, to award the contract for the construction of the Public Amenities Upgrade - Woolli Hall project located on Crown Reserve 56099 to CM & RL Whyte Builders and to vary the budget to enable the completion of works.

OFFICER RECOMMENDATION

That Council as Crown Land Manager of Reserve 56099:

1. Endorse the demolition the existing amenities building and the construction of new amenities building in its place.
2. Accept the quotation from CM & RL Whyte Builders for the construction of new amenities building consisting of 2 accessible toilets on the Woolli Bowling Green Reserve, Woolli at a lump sum contract cost of \$100,878.18 (GST exclusive) to be funded from Woolli Hall – Public Amenities Upgrade (PJ994768, Cost Centre 870) and the allocated budget be increased by \$40,000 from Fund 4 to cover the shortfall.

COUNCIL RESOLUTION – 16.020/19

Williamson/Novak

That Council as Crown Land Manager of Reserve 56099:

1. **Endorse the demolition the existing amenities building and the construction of new amenities building in its place.**
2. **Accept the quotation from CM & RL Whyte Builders for the construction of new amenities building consisting of 2 accessible toilets on the Woolli Bowling Green Reserve, Woolli at a lump sum contract cost of \$100,878.18 (GST exclusive) to be funded from Woolli Hall – Public Amenities Upgrade (PJ994768, Cost Centre 870) and the allocated budget be increased by \$40,000 from Fund 4 to cover the shortfall.**

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

The Woolli community was serviced by three public amenity facilities: one below the Marine Rescue at the southern end of South Terrace; one within Harold Lloyd Park at the northern end of South Terrace and one within the Woolli Bowling Green Reserve.

The Woolli Bowling Green Reserve facility is located on part Lot 7004 DP 94518 and part Lot 52 DP 1098405 (Prop No. 128037) being part Reserve 56099. Council is the Crown Land Manager of this reserve. The facility is adjacent to Woolli Hall and is considered to be at the end of its useful life.

The facilities located within Harold Lloyd Park were closed in 2017 due to proximity of the on-site sewer management system (septic tank) to the Woolli Woolli River and concerns around contamination of the waterway. This facility has been identified to be demolished in June of the 2018/2019 financial year.

The facilities located below the Marine Rescue are in fair condition and will require work in the coming years. Works were completed in the 2017/2018 financial year to limit the filling of the on-site sewer management system (septic tank) by shower water. This work reduced the frequency of system failure due to its capacity being exceeded.

KEY ISSUES

The Woolli Bowling Green Reserve public amenity facility is considered to be at the end of its useful life and therefore requires renewal.

The facility services Woolli Bowling Green Reserve and surrounding areas of public open space consisting of public playground, skate park, bbq and picnicking facilities, tennis courts, Woolli Beach, Cenotaph and as overflow to the public hall.

The project involves:

1. Demolition of the existing Woolli Bowling Green Reserve amenity block and construction of a new 2 pan accessible amenity block over the existing footprint;
2. Provide compliant LED lighting; and
3. Provide accessible access.

Quotations were sought for the demolition and construction of a new accessible amenity block and access. The quotations received exceeded the available budget as outlined in the Budget/Finance section of this report.

COUNCIL IMPLICATIONS**Budget/Financial**

Quotations have been sought from 5 local contractors, 4 contractors declined / failed to respond, the one quotation received from CM & RL Whyte Builders was assessed to be the most advantageous price for construction of new amenities building consisting of 2 accessible toilets on the Woolli Bowling Green Reserve, Woolli at a lump sum contract cost of \$100,878.18 (GST exclusive).

The quotation from CM & RL Whyte Builders included items of work that have been excluded from scope being demolition of the existing structures (South Terrace / Woolli Hall) and construction of an accessible compliant footpath. The demolition services and construction of an accessible footpath to rear car park will be completed separate to this project.

The available budget for the quotation is \$76,553.00 (GST exclusive) from Woolli Hall – Public Amenities Upgrade (PJ994768, Cost Centre 870) and the GST exclusive tender price is \$100,878.18.

The budget of \$80,000.00 was determined based on prior constructed facilities in Grafton / Maclean that did not have Native Title implications that require the attendance of a sites officer; did not require the provision of temporary toilets; were not impacted by travel time; did not include an allowance for project management services or project contingency and did not require increased material specification due to proximity to the coast. An amount of \$3,447 has been spent on site investigation and design work leaving remaining budget of \$76,553.

The allowance for Clarence Valley Council staff to perform the required project management services is \$5,043.91 (GST exclusive). Project contingency is \$10,087.82 (GST exclusive).

If Council accepts the preferred quotation and noted additions (project management / contingency) the budgeted sum will need to be increased by \$40,000.00 (GST exclusive) as recommended.

Asset Management

The existing public amenities have reached the end of their useful life and require renewal. The public amenities service Woolli Bowling Green Reserve and surrounding areas of public open space consisting of public playground, skate park, bbq and picnicking facilities, tennis courts, Woolli Beach, Cenotaph and as overflow to the public hall.

The proposed structure will be constructed with materials suitable for an exposed coastal environment to achieve the greatest useful life. Maintenance and operations budgets are available to service the existing facility, these will be rolled over for the use by the new facility.

Policy or Regulation

The following references are applicable to this report:

- State Environmental Planning Policy (Infrastructure) 2007
- Local Government Act 1993
- Native Title Act 1993
- Crown Land Management Act 2016
- Crown Land Management Regulation 2018
- Clarence Valley Sports Facilities Plan
- Asset Management Policy
- Clarence Valley Open Spaces Strategic Plan 2012

Consultation

Internal stakeholder consultation has been completed covering off the onsite waste water handling, property tenure and native title status.

External stakeholder has been limited to the hall users.

Legal and Risk Management

Native title has been determined to exist on Lot7004 DP94518. In accordance with the *Native Title Act 1993* (Cth) notification of the proposed demolition and replacement of the existing amenities has been provided to NTSCorp and the Yaegl TOAC. In general, all new works that impair or impact native title rights and interest are compensable. However, in cases where like is replacing like the compensation liability may be negated depending on whether the footprint of the new work has increased or not.

Currently, vehicle access to the rear of the adjoining community hall and toilets is via the adjoining Lot 7302 DP 1136971. While native title has also been determined over this land parcel there is also an unresolved Aboriginal Land Claim over it as well. Should the Land Claim be successful this access may be blocked.

Climate Change

This project will have a minor impact on climate change, however, this impact has been minimised by:

- The old materials concrete materials being disposed of at Grafton Landfill where they will be recycled.
- The lighting will be LED's and turned off and on, on sensors and timers.
- The existing septic tank will be repaired and reused.

Prepared by	Justin Menzies, Project Manager
Confidential Attachment	CM & RL Whyte Builders tender break down schedule

FUNCTIONS ATTENDED AND REPORTS FROM COUNCIL DELEGATES

ITEM	18.006/19	FUNCTIONS ATTENDED BY MAYOR JIM SIMMONS – 1 APRIL 2019 TO 30 APRIL 2019
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Meeting	Council	28 May 2019
Directorate	General Manager	
Reviewed by	A/General Manager - Laura Black	
Submitted by	Cr Jim Simmons	

02.04.19	Meeting with resident – Grafton
03.04.19	Photo shoot with Chris Gulaptis MP - Wooli Beach Scraping – Wooli Grafton Public School onsite inspection with Chris Gulaptis MP – Grafton
05.04.19	Official opening of the Maclean Riverside Precinct Stage 2 – Maclean
08.04.19	Cheque giving for event sponsorship Clarence Dance Eisteddfod – Maclean
09.04.19	Meeting with Independent Candidate for Page - Fiona Leviny – Maclean Councillors Workshop – Maclean
13.04.19	Threaded Connections Embroidery Exhibition – Yamba The Big Picnic in Market Square – Grafton
15.04.19	Meeting with Rev Dr Greg Jenks – Grafton Kungala Bridge funding announcement by Kevin Hogan MP – Kungala
16.04.19	Corporate, Governance & Works Committee meeting and Environment, Planning & Community Committee meeting – Maclean
23.04.19	Ordinary Council Meeting – Maclean
25.04.19	ANZAC Day Service - Maclean RSL Sub Branch – Maclean
26.04.19	Grafton Riverfront precinct funding announcement by Patrick Deegan – Grafton
27.04.19	Maclean Show Girl dinner – Maclean
28.04.19	ANZAC Wreath Laying – Ramornie
29.04.19	Cheque giving for event sponsorship for Grafton to Inverell Cycle Classic – Grafton
30.04.19	Meeting with resident – Maclean Meeting with resident and inspection of River Road East – Harwood

Jim Simmons
MAYOR

AUTHORITY TO AFFIX THE COMMON SEAL OF COUNCIL FOR ITEMS NOT INCLUDED IN REPORTS

ITEM	19.001/19	AFFIXING THE COMMON SEAL OF COUNCIL
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Meeting	Council	28 May 2019
Directorate	Corporate	
Reviewed by	A/General Manager - Laura Black	
Submitted by	Kylee Baker, Property Coordinator	

OFFICER RECOMMENDATION

That the Common Seal of Council be affixed to plan and S88b for subdivision for lease purposes for lease to Healthy North Coast at the Grafton Community and Function Centre (Lot 10 DP 1034101) – Refer to Item 13.029/17 on 16 May 2017.

COUNCIL RESOLUTION – 19.001/19

Ellem/Baker

That the Common Seal of Council be affixed to plan and S88b for subdivision for lease purposes for lease to Healthy North Coast at the Grafton Community and Function Centre (Lot 10 DP 1034101) – Refer to Item 13.029/17 on 16 May 2017.

Voting recorded as follows:

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

Against: Nil

OPEN FORUM - Nil

FORWARD MEETING DATES

Description	Date	Time	Venue
Corporate, Governance & Works Committee	Tuesday 18 June 2019	2:00pm	Maclean Chambers
Environment, Planning & Community Committee	Tuesday 18 June 2019	3.30pm	Maclean Chambers
Council Meeting	Tuesday 25 June 2019	2.00pm	Maclean Chambers

CONFIDENTIAL BUSINESS

MOTION

Baker/Novak

That Council move into confidential session to consider Item 13.012/19 Purchase of Land – 3 Robinson Avenue Grafton (deferred from earlier in the meeting) in accordance with the Local Government Act 1993 10A 2 (c) that information would, if disclosed, confer a commercial advantage on a person with whom Council is conducting business.

Voting recorded as follows:

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

Against: Nil

Council moved into closed session at 7.13 pm. The microphones were turned off and the gallery excluded.

MOTION

Williamson/Toms

That Council move out of confidential session and into open forum.

Voting recorded as follows:

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

Against: Nil

Council moved into open forum at 7.30 pm. The microphones were turned on and the gallery opened to the public.

CLOSE OF ORDINARY MEETING

There being no further business the Ordinary Council meeting closed at 7.32 pm.