

Ordinary Council Meeting Business Paper

15 December 2020



Agenda

01	OPENING OF ORDINARY MEETING		
	<ul style="list-style-type: none"> • Opening Prayer • Acknowledgement of Country • Announcement – Recording of Meeting 		
02	APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE		
03	DISCLOSURES AND DECLARATION OF INTERESTS		
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06	REPORTS		
a	GENERAL MANAGER		
	6a.20.051 Grafton Depot Rationalisation Efficiency Dividends	2	N
	6a.20.052 Development Applications	8	TBT
	6a.20.053 Bushfire Local Economic Recovery Fund	11	Y
b	ENVIRONMENT, PLANNING AND COMMUNITY COMMITTEE		
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	6b.20.092 SUB2020/0036 – Two Lot Subdivision – 40 Richmond Street, Lawrence	27	Y
	6b.20.093 SUB2019/0033 – Boundary Adjustment and Consolidation – 900-1278 Laytons Range Road, Kangaroo Creek	37	Y
	6b.20.094 Planning Proposal - Amendment of Clause 4.1B Boundary Adjustment Provisions	40	Y + TBT
	6b.20.095 Natural Disaster Clause – LEP Amendment	44	Y
	6b.20.096 Review of Grafton and South Grafton Flood Planning Level (or Residential Habitable Floor Level Requirements) & Amendment to Development Control Plans	48	Y
	6b.20.097 Proposed Amendment No. 2 to Clarence Valley Contributions Plan 2011 – Manufactured Home Estates	53	TBT
	6b.20.098 Ngayundi Yamba Sports Complex – Draft Plan of Management	55	TBT
	6b.20.099 Unauthorised Freedom Camping Enforcement Program - Extension	59	Y
	6b.20.100 SUB2020/0038 – Request for Refund of Unspent Development Application Fees – James Creek Road, James Creek – 342 Lot Subdivision	62	Y
	6b.20.101 2020/2021 Community Initiatives Program – Round 2	64	Y
	6b.20.102 Clarence Valley Local Environmental Plan 2011 (Amendment No. 45)	66	Y
c	CORPORATE, GOVERNANCE AND WORKS COMMITTEE		
	6c.20.183 2020/21 Monthly Financial Report – November 2020	68	Y
	6c.20.184 Acquisition of Easements over Crown Land – Lot 3 DP1005547 at Yamba	73	Y
	6c.20.185 Council Meeting Checklist – Update on Actions Taken	75	Y
	6c.20.186 Councillor Training and Development	76	N
	6c.20.187 Policies – New and Reviewed	78	Y
	6c.20.188 Clarence and Lower Clarence Sports Committees – Minutes of Meetings	81	Y
	6c.20.189 West Yamba Urban Release Area Sewer and Water Development Servicing Plans	86	TBT
	6c.20.190 Works Report	88	Y
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	6c.20.193 Improvement Strategies Progress	95	Y
	6c.20.194 Monthly Investment Report – November 2020	98	Y
	6c.20.195 Implementation of the Playground Asset Management Plan	106	N
	6c.20.196 2019/20 Audited Financial Statements	114	TBT
	6c.20.197 Clarence Care and Support	116	Conf

	6c.20.198	2021-2022 Local Public Holidays or Event Days	119	Y
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	6d.20.011	1. Maclean High School P&C Assoc 2. Clarence Valley Floodplain Risk Management Committee 3. Clarence Regional Library Committee 4. Grafton Regional Gallery Advisory Committee 5. Nymboida Hall Management Committee 6. Oyster Cove Foreshore Reserve Management Committee	127	Y
e		TENDERS		
	6e.20.032	Expression of Interest Calypso Yamba Holiday Park Redevelopment on Crown Land	128	Conf
	6e.20.033	RFT20-04 Grafton Waterfront Project Design Services	133	Conf
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07		NOTICE OF MOTIONS		
	07.20.016	Cassons Creek Road and Bridge, Lavadia	140	TBT
	07.20.017	Review Grafton Airport Master Plan (2018), Business Plan (2010) & Operational Plan	145	N
08		CONFIDENTIAL BUSINESS		
	08.20.013	Code of Conduct Procedures	147	Conf
	08.20.014	Calypso Yamba Holiday Park – Native Title & ILUA	147	Conf
09		QUESTIONS WITH NOTICE - Nil		
10		LATE ITEMS OF BUSINESS AND MATTERS ARISING - Nil		
11		CLOSE OF ORDINARY MEETING		

01. OPENING OF ORDINARY MEETING

OPENING PRAYER – The opening prayer was said by the Mayor.

Almighty and gracious God in all our works direct us
Bless this valley, all who hold office in this Council and who administer its affairs
Keep us in your grace and guide us in your ways that we may live in truth and peace
To the honour of your name. Amen

ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THE LAND

I acknowledge the 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.

COUNCILLORS

Cr Jim Simmons (Mayor), Cr Jason Kingsley (Deputy Mayor), Cr Andrew Baker, Cr Peter Ellem, Cr Arthur Lysaught, Cr Karen Toms, Cr Debrah Novak, Cr Greg Clancy, Cr Richie Williamson

02. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE**03. DISCLOSURES AND DECLARATIONS OF INTEREST****04. CONFIRMATION OF MINUTES**

OFFICER RECOMMENDATION – 04.20.012

That the Minutes of the Ordinary Meetings of Council dated 24 November 2020, copies of which have been circulated, be taken as read and be confirmed.

05. MAYORAL MINUTES**06. REPORTS**

a. GENERAL MANAGER

ITEM	6c.20.051	GRAFTON DEPOT RATIONALISATION EFFICIENCY SAVINGS
Meeting	Council	15 December 2020
Directorate	General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

SUMMARY

In January 2016, the AEC Group was commissioned with providing Council a Depot Options Report. The project objective was to undertake an assessment of the potential net benefit (or cost) associated with the construction of one Grafton based depot when compared with the retention of the five existing depots located in the upper Clarence.

OFFICER RECOMMENDATION

That Council receive and note the report which compares the anticipated efficiency dividends with the actuals realised savings of Council's Depot Rationalisation.

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

At the date of commissioning the AEC Group report (copy attached), Council operated five works depots in the Grafton and surrounding area which included Grafton, South Grafton, Koolkhan, Lilypool Road and Brickworks Lane.

The AEC Group Depot Options Report included a list of anticipated efficiency dividends (measurable costs savings both one-off and annual). In 2017/18 Council proceeded with the construction of a new depot at the former sewerage treatment plant site on the corner of Rushforth Road/Tyson Street South Grafton, and the subsequent disposal of four of the five previous depots.

KEY ISSUES

This report informs Council of the actual efficiency savings achieved in comparison with the anticipated savings outlined in the AEC Group Report.

Following is the summary table of the anticipated savings and costs included in the AEC Group report both one-off and annual (expected by 2020) compared to what has been achieved. Commentary relating to each impact item is also provided.

Council has implemented many changes since 2016 which have also impacted upon the figures reported including but not limited to, the review of:

- Organisation structure and services
- Procurement processes
- Insurance premiums and excesses
- Electricity accounts, installation of LED technology and solar panels
- WHS procedures and processes

Impact	Estimated Cost Saving by 2020	Actual Cost Savings 30 June 2020	Variance
One Off			
Net Construction Costs Outflows	-\$4,001,074	-\$3,781,097	-\$219,977
Net Site Sales	\$1,327,455	\$1,825,155	-\$497,700
Reduction in Inventory Held	\$181,121	-\$93,362	\$274,483
Reduction in Major Plant Requirements	\$299,000	\$356,904	-\$57,904
Grant Total (Net Outflow)	-\$2,193,498	-\$1,692,400	-\$501,098
Savings greater than anticipated			
Annual			
Reduction in Staffing Costs (including overheads)	\$800,000	\$822,456	-\$22,456
Reduction in Major Plant Requirements	\$164,000	\$109,014	\$54,986
Reduction in Small Plant Requirements	\$81,642	-\$78,400	\$160,042
Reduction in Council Rates & Charges	\$19,106	\$28,592	-\$9,486
Reduction in Electricity Costs	\$17,464	\$54,744	-\$37,280
Reduction in Insurance Costs	\$2,781	\$56,120	-\$53,339
Reduction in Cleaning Costs	\$2,244	-\$30,042	\$32,286
Reduction in Security Costs	\$1,737	\$9,088	-\$7,351
Total Measurable Annual Cost Savings	\$1,088,974	\$971,572	\$117,402
Savings less than anticipated			

Net construction cost outflows

This included \$80,400 for the purchase of land from the Sewer Fund, there was no variance on this figure. Construction costs for the new depot excluded site remediation costs that were funded by the Sewer Fund. This also took into account the renewal costs of the existing five depots if Council continued with the status quo estimated at \$8,778,905.

Net site sales

This included the sale of Grafton Bruce Street, South Grafton Schwinghammer Street, the weeds depot at Lilypool Road and the floodplain depot at Brickworks Lane South Grafton net of selling costs. It was assumed that Koolkhan depot would be retained as a park and ride/ storage site which is the current situation.

Staffing costs

The anticipated figure was based upon a mid point of the range of possible savings which equated to 6.5% of 155 FTE positions or 10 FTE positions. This would be achieved through:

- The ability to change supervisory responsibilities to be activity based rather than location based.
- Remove duplicated functions.
- Reduced travel for training and staff consultation.
- Efficiency gains in administration and coordination of activities.
- Reduced staff amenities.
- Administration and operation of workshops and stores.

In order to determine what has been achieved a comparison between the organisation chart July 2016 and the current chart, including all Civil Services, Water Cycle, Open Spaces and Facilities, Fleet Unit and Procurement/Stores positions.

The figures calculated are approximated due to the problematic nature of sizing movements during this period and levels at which apprentices and trainees may have been appointed or have progressed. There have also been several changes to the organisational structure during this period. Due to the reasons already outlined some assumptions and standardisation of rates and levels have had to be made which includes assuming the rate for apprentices are based upon Band 1 level T5, all trainees are at the Year 12, 3 years plus rate and all full time positions are at step 3. Currently Council has several fixed term appointments associated with the current year's level of capital works projects and external funding grants. These positions have been excluded as they are effectively externally funded or in lieu of external project management costs.

The result of the analysis and calculations is an actual reduction in full time equivalent positions of 8.8 with an annual saving of \$822,456 as detailed in the table below. This figure excludes overhead savings in superannuation and workers compensation which would be approximately \$98,695 based upon 12% and other employee related costs.

Position Grading	2017 No. of Positions	Award Rate 2016/17 (inc Rates 52 weeks x No)	Index to 19/20 Award Rate	2020 No. of Positions	Award Rate 2019/20
Appentice	5	\$199,342	\$214,670	8	\$343,471
G1	18	\$847,777	\$912,963	16	\$811,523
G10	6	\$404,917	\$436,051	6	\$436,051
G11	13	\$984,959	\$1,060,693	13	\$1,060,693
G12	11	\$860,520	\$926,686	10	\$842,441
G13	6	\$484,626	\$521,890	5	\$434,908
G14	6	\$529,366	\$570,069	6	\$570,069
G15	4	\$364,381	\$392,398	1	\$98,100
G16	6	\$564,333	\$607,725	10	\$1,012,875
G17	3	\$320,885	\$345,558		\$0
G18	3	\$376,979	\$405,965	3	\$405,965
G2	12	\$604,987	\$651,505	10	\$542,920
G3	76	\$3,956,110	\$4,260,298	71	\$3,980,015
G4	45.03	\$2,420,178	\$2,606,267	45	\$2,604,531
G5	26.8	\$1,496,016	\$1,611,045	27.03	\$1,624,871
G6	50	\$2,881,788	\$3,103,370	37	\$2,296,494
G7	14	\$833,130	\$897,190	25	\$1,602,126
G8	4.6	\$291,201	\$313,592	5.6	\$381,764
G9	7	\$457,532	\$492,712	4	\$281,549
TRAINEE Eng			\$0	1	\$35,565
TRAINEE HORTI	2	\$66,050	\$71,129	2	\$71,129
TRAINEE Weeds	1	\$33,025	\$35,565		\$0
TRAINEE B&F	1	\$33,025	\$35,565		\$0
TRAINEE				6	\$213,387
Grand Total	320.43	\$19,011,126	\$20,472,904	311.63	\$19,650,447

Annual Saving **\$822,456**
Number of positions **8.8**

Inventories

The anticipated savings projected a one-off reduction in inventories of \$181,121 due to the assumed duplication of many stock items and an assumption of inefficient stock control and management practices.

An analysis of the movement in stock levels shows that the projected reduction in the overall stock values did not actually occur, refer to table below. There are several reasons for this which are as follows:

- There has been a significant change in the level of stock items held for the Water Cycle service. This became necessary to reduce the impact of asset failures on essential services. These items of stock are high in number and generally high in value.
- The other significant change relates to the management and servicing of all of Council's plant and fleet items. These are now all directly carried out by Council workshop staff. This has significantly increased the number of filters and oils required to be on hand.
- To reduce costs, gain project efficiencies and standardise products there has also been a move away from direct purchasing by works staff from hardware stores.

The rationalisation of the store locations has led to significant improvements in the management, storage and WHS compliance of stock including annual reviews of obsolete items, review of stock levels required (minimums and maximums) and monthly reviews of plant and fleet related items.

The initial relocation of stock did result in the initial duplication of items and the discovery of stock items not required. Overtime these have been used and booked out to projects or disposed of for no value. There is no evidence of any significant sales of old stock items.

All Store Locations				
Account Details	2019-20	2018-19	2017-18	2016-17
5613 - Stores & Materials Control - Rushforth	\$512,921	\$456,036	\$438,042	\$0
5614 - Stores & Materials Control - Townsend	\$494,483	\$472,226	\$444,686	\$418,270
5615 - Stores & Materials Control - Grafton	\$0	\$29	\$0	\$196,594
5616 - Stores & Materials Control - Koolkhan	\$81,130	\$72,364	\$96,127	\$96,629
5618 - Stores & Materials Control - Sth Grafton	\$0	\$182	\$0	\$233,522
	\$1,088,534	\$1,000,838	\$978,854	\$945,016
Excluding Townsend Store	\$594,051	\$528,400	\$534,168	\$526,746
Stock Value Compared to 2016/17 Value	-\$67,305	-\$1,654	-\$7,422	

Major plant

The AEC report identified six specific plant items that could be disposed of as a result of the rationalisation of depots and indicated the potential of additional items to be disposed of. The one-off sales proceeds anticipated amounted to \$299,000 and the annual cost savings relating to the depreciation savings totalled \$164,000 which assumed a standardised useful life.

During the 2016/17 financial year in conjunction with the plant review 22 plant items were disposed of, which returned one-off proceeds of \$356,904 excluding GST and an annual depreciation savings of \$109,014 based upon the actual useful lives.

Small plant

The report stated that there was a substantial degree of duplication of small plant held across the five depots and that it was expected that the quantity could be cut by 40% to achieve an annual depreciation saving of \$81,642.

It is not clear what items were included in the figure for the total small plant asset value of \$1.575m stated in the AEC report, Therefore a comparison between the minor plant balances extracted from Council's asset system as at June 2016 and June 2020 has been carried out to assess any movement in numbers and values. The actual difference between the minor plant asset cost stated at 30 June 2020 and 30 June 2016 indicates an increase of 152 items with an additional asset cost of \$603,681 (refer table below). Applying the same basis to calculate the depreciation costs as the AEC report this would equate to an additional \$78,400 as opposed to the anticipated saving of \$81,642.

Minor Plant Analysis	2016	2016	2020	2020
	Units	Asset Cost	Units	Asset Cost
Miscellaneous Plant	637	\$2,010,170	797	\$2,490,334
Pumps	87	\$229,727	98	\$268,707
Trailers - Small	57	\$236,562	34	\$206,531
Generator	38	\$94,404	42	\$184,913
Sprayer	8	\$46,219	9	\$82,575
Sewer Equipment	26	\$76,000	26	\$76,000
Compressor	24	\$40,098	22	\$63,684
Communication Equipm	6	\$35,648	6	\$61,057
Water-Fuel Tanks	7	\$62,164	6	\$57,728
Ride-on Mower	14	\$114,776	10	\$49,408
Boat	5	\$45,189	4	\$45,189
Brushcutters	43	\$28,260	57	\$38,552
Push Mower	32	\$22,342	25	\$20,564
Satellite Phone	2	\$3,631	2	\$3,631
Spreader	1	\$530	1	\$530
	987	\$3,045,720	1139	\$3,649,401

Movement **Units** **152**
Asset Cost **\$603,681**

Operating costs

The new depot also includes a substantial administration office which has also changed the operating costs associated with housing administrative staff and resulted in additional savings that have been recognised in the operating cost items below. In determining the savings achieved a comparison between all the Grafton based administration, stores and depot buildings operating costs 2014-15 to 2020-21 was analysed.

Rates and charges

Anticipated savings were based upon a 60% reduction in depot rates and charges costs calculated as \$19,106.

By April 2018 all the Grafton based depots to be sold, excluding Koolkhan, had been disposed of and the actual savings in rates and charges or effectively the income now chargeable is \$28,592.

Electricity costs

Anticipated savings were based upon a 60% reduction in depot electricity costs calculated as \$17,464. The actual savings in electricity costs is \$54,744. This saving is not only related to the disposal of depots but also with the new depot building having better energy efficiency, solar panels and led lighting.

Insurance

Anticipated savings based upon a 20% reduction in depot insurance costs were \$2,781. The actual savings in insurance is \$56,120. This saving is not only related to the disposal of depots but is also associated with measures taken to reduce insurance premiums overall.

Cleaning and other contractor costs

Anticipated savings based upon a 20% reduction in depot cleaning costs were \$2,244. In determining the actual cost/savings all administration, stores and depot buildings, contractor costs have been analysed, which showed an actual increase of \$30,042 per annum.

There are many reasons for this including:

- Higher standard of cleaning required
- Increased sanitation products
- Movement of staff due to structural changes
- Increase in breakdowns due to electrical problems, storms, plumbing issues
- Increase pest control and inspections
- Increased WHS compliance requirements
- Waste disposal issues
- Increased annual servicing equipment and costs
- Increased fire safety equipment costs
- There have been on-going establishment issues with the new depot that have continued beyond the defect liability period. These include maintenance of the auto gates, light switches, structural defects in the admin building, swipe readers, sensor reading issues and safety issues.

Security

Anticipated savings based upon a 40% reduction in depot security costs were \$1,737.

In determining the actual cost/savings all administration, stores and depot buildings security costs have been included, which showed an actual decrease of \$9,088 per annum. The reasons for this are assumed to be associated with:

- Review of all security arrangements including how this is managed and paid for where lease agreements exist.
- Reduction in the number of sites required for security services.

COUNCIL IMPLICATIONS**Budget/Financial**

The changes to income and expenditure streams resulting from the rationalisation of the depots, administration and stores sites have been incorporated into Council's on-going operational budgets and long term financial planning.

Asset Management

Rationalisation of the Grafton depots has removed the future requirement to replace these individual aging, not fit for purpose and inefficient assets.

The annual depreciation expense has increased from \$47,000 to \$147,000. The reason for this is mainly due to the asset cost differences between the four disposed depots and the current cost of the new depot, which is 226% higher. It is noted that the estimated replacement costs included in the AEC report to upgrade the previous depots to a satisfactory standard was stated at \$8,778,905 yet the replacement cost in the asset register totalled only \$5,060,218.

The total net operation and maintenance costs have increased by approximately \$62,000 compared to the 2014-15 figures as outlined in the detail of this report but these additional costs are far outweighed by the savings associated with staff reductions, removal of aging assets that would inevitable have increasing maintenance costs and compliance issues.

Policy or Regulation

N/A

Consultation

Internal

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Nigel Longstaff, Finance and Strategy Planner
Attachment	AEC Depot Rationalisation Report 2016

ITEM 6a.20.052 DEVELOPMENT APPLICATIONS

Meeting	Council	15 December 2020
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	To be tabled	

SUMMARY

This 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.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

The calculation method for the numbers of days an application is held by Council includes all calendar days including weekends and public holidays. This method is consistent with the NSW Department of Planning *Development Assessment Best Practice Guide – to assist Council to improve delivery timeframes*. A small percentage of development applications (DAs) approved have been with Council for a substantial amount of time and hence, these applications upwardly skew the average processing time. Hence, the median (or middle score) processing time for DAs has been included to give an additional indication of the amount of time taken to approve development applications during the reporting period. As Council has commenced taking applications electronically through the NSW Planning Portal the received date and the total number of days often does not match. The reason for this being that the application number is generated once Council accepts the application through the portal and issues the proponent with an invoice, the clock starts once payment of the application fees has been received which is usually not on the same day. Council's reporting of elapsed days has been refined to ensure numbers presented are compliant with the Environmental Planning and Assessment Regulation 2000 (the Regulation). The received date is taken from the date of payment in accordance with Clause 50 of the Regulation. Furthermore, as per Clause 107 of the Regulation, the first two days after an application is lodged, being the received day and following day, are not included in the assessment period.

As of the start of 2020, Council is now collecting estimated cost of works for subdivisions including all civil and associated works to create the allotments, previously the only cost of works included in subdivision application were building works.

KEY ISSUES

The figures from 1 July 2020 to 30 November 2020 are:

No. of Applications Received	No of Applications Approved	Value of Approved Works	No of Lots Approved	Processing Times (including stop-the-clock days)
414	382	\$46,145,540.90	71	Average : 58 days Median: 40 days

Of the 382 approved Development Applications between 1 July 2020 and 30 November 2020, 198 (52%) were determined within 40 days or less.

Exceptions to Development Standards under Clause 4.6 of the LEP

The following table outlines the use of Clause 4.6 for Development Applications determined during the month of November.

DA No.	Property	Standard to be Varied	Extent of Variation	Concurring Authority & Justification
SUB2020/0017	194 Gardiners Road James Creek	Clause 4.1 – Minimum Subdivision Lot Size	Clause 4.1 requires a minimum lot size of 1.5ha, the approved lot is 1.35ha being a 10% variation.	Council Officers - Assumed concurrence PS20-002 By allowing the proponent to reduce the minimal lot size it will provide a building envelope on lot 65 in an already cleared/disturbed area therefore reducing the ecological impact of the proposal, A reduction in the lot size also allows for a shorter battle-axe length, the subject of the second variation sought which will decrease the extent of the variation by approximately 60m (a 45% variation instead of 100% variation), There are other smaller lots in the immediate vicinity of the subject site therefore there is precedence, and The smaller lot will still allow for all structures and effluent disposal systems to be accommodated on the land.
DA2020/0534	746 Brooms Head Road Gulmarrad	Clause 4.2D (2) c - distance between two dwellings (max of 100m)	Clause 4.2D(2) (c) requires a maximum 100m separation distance for dual occupancies, the approved distance is 130m being 30%.	Clarence Valley Council at their meeting 24 November 2020. The proposed building site is the only largely cleared area on the subject land for a second dwelling and has been managed by the owner since the 1980's, by complying with the standard it would require clearing of native vegetation on-site. The location of the second dwelling has been selected to provide additional security for the grass tree nursery on-site. All remaining development standards regarding a single access and suitable area for effluent disposal. The proposed site will utilise an existing vegetation buffer to the road which will reduce the impact on the rural character and amenity of the locality.

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

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

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

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

Legal and Risk Management

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

Climate Change

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

Prepared by	James Hamilton, Development Planner
To be tabled	Approved Applications and Undetermined Applications over 40 days

ITEM 6a.20.053 BUSHFIRE LOCAL ECONOMIC RECOVERY FUND

Meeting	Council	15 December 2020
Directorate	Office of General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

SUMMARY

This report presents to Council a summary of the applications that are proposed to be submitted for funding under the NSW Government's Bushfire Local Economic Recovery (BLER) Fund.

OFFICER RECOMMENDATION

That Council:

1. Note and endorse the summary of BLER Fund applications as attached to this report.
2. Advise the Maclean High School P&C that Council is not in a position to support a BLER Funding application for a new multi-purpose centre at Maclean High School.
3. Advise the Woombah RFS Brigade that the replacement of RFS Brigade stations is the responsibility of the NSW Rural Fire Service and that they should contact the Clarence Valley District RFS.

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

The objective of the NSW Government's BLER Fund *is to support economic and social recovery at a local and regional level in areas impacted by the 2019- 2020 bushfires. The BLER Fund will support job retention and creation in these regions, strengthen community resilience and reduce the impact future natural disasters will have on our communities. The majority of funding should be committed to the areas most impacted by the fires.*

A copy of the BLER Fund guidelines is attached.

KEY ISSUES

To be eligible projects must:

- support the recovery of the local community's economy, social well-being, environment or improve resilience to future natural disasters
- be able to commence within six months of the funding deed being executed by the Department and be completed by 30 June 2023
- align with one of the following categories:
 - enabling infrastructure
 - industry and business development
 - social development
 - natural environment and resource development
 - built environment adaption.

The specific scope of works and key milestones of the project must be defined in the application.

The grant funding for individual projects is dependent on the project type.

- Infrastructure projects must seek a minimum of \$400,000 with a maximum available grant of \$20 million.
- Environmental projects including rehabilitation, remediation and resilience improvements must seek a minimum of \$200,000 with a maximum available grant of \$4 million.

- Programs, including social, business and environmental education initiatives must seek a minimum of \$200,000 with a maximum available grant of \$4 million.

The BLER Fund guidelines state that the funding will be prioritised to support applications from areas most impacted by bushfires.

The key dates for applications are as follows:

KEY PHASE	DATE
BLER Fund applications open	27 October 2020
Applications close	2pm 28 January 2021
Assessment and approval process	Complete end of May 2021
Announcement of successful applications	From June 2021
Final project completion	No later than 30 June 2023

Council staff have compiled a summary of the projects (refer Attachment B) that we believe provides the best outcome for the Clarence Valley community and Council. The projects are not all infrastructure related and align with the key requirements of:

- Social development
- Built environment and adaptation
- Natural environment and resource development, and
- Enabling infrastructure.

The projects selected are expected to be delivered/completed by 30 June 2023.

Maclean High School P&C Association

Attached (refer Attachment C) for Council's attention is correspondence from Sarah Armstrong, President of the Maclean High School P&C Committee.

Maclean High School P&C are seeking Council's support to create a multi-purpose facility on school grounds that has the capacity to host cultural, performance, educational and social events that would be available for the local Lower Clarence community to access.

The P&C is concerned that Council's plans to rebuild the Maclean Civic Hall would not create the capacity to host larger events or gatherings and would not benefit the school community.

Council's plans to upgrade the Maclean Civic Hall is to create a performance space and facility that can accommodate up to 350-400 seated patrons which is considered adequate for the majority of community events held within the local Lower Clarence area.

The P&C correspondence has also highlighted that when compared to other schools within the area Maclean High School lacks an appropriate facility that can cater for all students and their families to attend music, drama and presentation events.

The lack of appropriate facilities at Maclean High School (MHS) is not something that Council can address with an application to this round of the BLER Funding. There needs to be further consultation and planning undertaken with the NSW Department of Education, Maclean High School and MHS P&C and the broader Lower Clarence community.

Woombah RFS

Attached (refer Attachment D) for Council's attention is correspondence from Thomas Kerr, a representative from the Woombah Rural Fire Service and Woombah residents.

The correspondence is seeking Council's support to make an application under the BLER Funding to replace the Woombah RFS Brigade station. Mr Kerr describes the station as "*degrading and undersized*" and a "*work health and safety risk*".

The replacement of RFS Brigade stations is the responsibility of the NSW Rural Fire Service and Mr Kerr should address his concerns to the Clarence Valley District RFS Superintendent Stuart Watts.

Mr Kerr's email also makes reference to an application for funding to build a Refuge Centre/Community Hall in the Woombah area.

COUNCIL IMPLICATIONS**Budget/Financial**

Details of the \$ value of each application including any Council or third party contributions are provided in the summary of CVC BLER Fund applications shown in Attachment B.

Asset Management

The identified projects in the Enabling Infrastructure and Social Development category relate to the renewal of assets that are currently on council's asset register. This expenditure will be capitalised and targets asset management priorities.

Policy or Regulation

N/A

Consultation

The projects identified as being eligible for submission as a BLER Fund project were put together by Council's Leadership group.

Legal and Risk Management

For all projects that are successful Council will be required to enter into a funding deed with the NSW Government.

Climate Change

The Micro Power Grids – Solar Panels Power Storage project will assist Council meet its targets as set within the Clarence Valley Greenhouse Gas Emissions reduction and Renewable Energy targets adopted November 2018 – Item 15.195.18

Prepared by	Ashley Lindsay – General Manager
Attachment	A - Bushfire Local Economic Recovery Fund Program Guidelines. B – Summary of CVC BLER Fund applications C - Letter from Maclean High School P&C D – Email from Woombah RFS

b. ENVIRONMENT, PLANNING & COMMUNITY REPORT**ITEM 6b.20.091 DA2020/0474 – CONVERT WOOMBAH WOODS CARAVAN PARK TO A MANUFACTURED HOMES ESTATE – 54 ILUKA ROAD, WOOMBAH**

Meeting	Environment, Planning & Community Committee	15 December 2020
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Rob Donges
<i>Owner</i>	Woombah Holding Pty Ltd As Trustee
<i>Address</i>	54 Iluka Road, Woombah
<i>Submissions</i>	Yes – 8 (7 objections and 1 supporting)

Council is in receipt of Development Application DA2020/0474 which seeks approval to convert the existing Woombah Woods caravan park to a manufactured homes estate (MHE) with a total of 59 home sites (58 home sites and 1 caretaker's residence).

The proposed development was advertised and notified in accordance with the Community Participation Plan and 8 submissions were received during the submission period. Issues raised during the assessment of the application and within the submissions include; permissibility of development, suitability of site and lack of connection to infrastructure and services, traffic impacts, stormwater issues and potential devaluation of adjoining properties.

This report discusses the key issues with the application within the body of this report and provides a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That DA2020/0474 be approved subject to the advices and conditions contained in Schedule 1.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

Development Application DA2020/0474 was received on 24 August 2020. The application was advertised and notified and 8 submissions were received as part of the exhibition period.

The subject land is zoned R5 Large Lot Residential under the provisions of the *Clarence Valley Local Environmental Plan 2011* (CVLEP). There is an existing approved caravan park on the site which has a current Approval to Operate for the following number of sites:

Total Number of Sites:	64
Long Term Sites:	23
Short Term Sites:	35
Camp Sites:	6

The proposed development proposes to convert the existing sites into a total of 59 home sites (58 home sites and 1 caretaker's site) as part of Stage 1 of the redevelopment of the land. Overall the proposed development will reduce the total number of approved sites and remove all short term and camping sites.

Manufactured home estates (MHE's) are ordinarily prohibited within the R5 zone using the provisions of the CVLEP, however, the proposed development is permissible with consent using Clause 6 of State Environmental Planning Policy No. 36 – Manufactured Homes Estates (SEPP 36) which permits

development for the purposes of manufactured home estates on any land where caravan parks are permitted. Permissibility of the use is addressed in full under the Key Issues section of this report.

The proposed manufactured home estate is considered to be consistent with the general aims of SEPP 36 to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements and encouraging the provision of affordable housing in well designed estates.

As stated within the Statement of Environmental Effects submitted with the application, the MHE will comprise an area of approximately 2.7ha of which 6,400m² (23.7%) is provided for recreation and communal activities.

The community amenities being provided within the MHE are:

- Shop and Office
- Camp kitchen
- Mini Tennis Court
- Pool and associated recreation space
- Amenities block

As part of the application, plans showing proposed future stages of the MHE were also submitted. For clarity, this application only seeks the conversion of the existing caravan park to a manufactured homes estate with a total of 59 home sites (58 residential and 1 caretaker's sites). The MHE results in an overall reduction in the approved total number of sites from 64 to 59. Any future expansion of the site will require the submission of a separate development application.



Map 1 – Extract of aerial photograph from Google Earth (imagery dated 8 May 2020)

KEY ISSUES

1. Existing Use Rights and Permissibility of Manufactured Homes Estate

Manufactured home estates and caravan parks are ordinarily prohibited within the R5 zone. However, as the existing caravan park was approved under DA83/464 by the former Maclean Shire Council on 13 February 1984, the development has existing use rights under the provisions of Clause 4.65 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Clause 41(1)(d) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), states that an existing use may be changed to another use, but only if that other use is a use that may be carried out with or without development consent under the Act.

'41 *Certain development allowed (cf clause 39 of EP&A Regulation 1994)*

(1) *An existing use may, subject to this Division:*

- (a) *be enlarged, expanded or intensified, or*
- (b) *be altered or extended, or*
- (c) *be rebuilt, or*
- (d) *be changed to another use, but only if that other use is a use that may be carried out with or without development consent under the Act, or*
- (e) *if it is a commercial use—be changed to another commercial use (including a commercial use that would otherwise be prohibited under the Act), or*
- (f) *if it is a light industrial use—be changed to another light industrial use or a commercial use (including a light industrial use or commercial use that would otherwise be prohibited under the Act).*

The applicant sought legal advice regarding the matter of permissibility as directed by staff in pre-lodgement advice (copy of legal advice in attachments). In summary of that advice, it is taken that for the purposes of this application, the proposed development is permissible with consent using Clause 6 of SEPP 36 which permits development for the purposes of manufactured home estates on any land where caravan parks are permitted. Given the land benefits from existing use rights for the purpose of a caravan park, it is taken that the change of use to a MHE is permitted.

2. Preference for an over 55's resort

The original Onsite Waste Water Report submitted with the application and marketing of the proposed development by the developer identifies the MHE as an over 55's estate. Some of submissions also state that they would feel more comfortable and be more supportive of the proposal if it was for an over 55's home estate where everyone has the "same requirements".

Comment

The application was not lodged under the *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004*, therefore, the application is only being considered under the provisions of SEPP 36 – Manufactured Homes and not an over 55's estate. The developer may wish to market the estate as an over 55's home estate, however Council has no control over who may reside in each of the homes. The ongoing operation and maintenance of the site will be required to comply with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*, a draft condition to this effect will be imposed if the development is approved.

3. Impacts from increase of traffic and suitability of existing access

Concerns were raised within the submissions regarding the potential impacts from an increase in traffic and the suitability of the existing access to service the development.

Comment

Access to the site is via an existing sealed crossover generally consistent with the Austroads Rural Road Access standard. The vehicular crossover is 8.5m wide at the intersection with the seal and tapers back to a width of 5.5m as reported by the Civil Engineering Assessment prepared by Planit. This is considered to be suitable access by Council's assessing Development Engineer for the purposes of the development.

The traffic impact report submitted with the application assumed a post development peak hour traffic flow of 35.72 trips per hour with a total of 58 permanent sites and 1 caretaker's dwelling. However, at the assumed rate of 0.65veh/h for the permanent sites this equates to; $58 \times 0.65 = 37.7$ veh/h, plus 0.78 for the caretakers dwelling, bringing the total trip generation of the proposed re-development to 38.48 trips per hour.

A base rate of 0.78 veh/h was assumed based on NSW Transport Technical Direction (TDT) 2013/04a for all proposed permanent sites (including caretaker's dwelling) which brings the total peak hour P.M. trips to

46.02. This was used to undertake an assessment of the suitability of the existing intersection treatment providing access to the site off Iluka Road. Using local traffic data recorded by Council as part of the assessment, the existing access and intersection are deemed suitable for the proposed development.

Any future development application to increase the number of sites will require a traffic impact assessment and likely upgrading of the intersection and access.

4. Suitability of site

Concerns were raised within some of submissions regarding the lack of suitability of the site due to it being within an isolated location, noise impacts from the highway, inadequate onsite wastewater system, lack of amenities and footpaths to nearest convenience store.

Comment

In determining whether a site is suitable for a MHE, Council must consider and be satisfied with the matters contained in Clause 9(1) of the SEPP 36.

1(a) *that each of the sites on which a manufactured home is or will be installed within the manufactured home estate is or will be adequately provided with reticulated water, a reticulated sewerage system, drainage and electricity, and*

Comment

The site is already serviced by reticulated water and electricity and is serviced by an existing onsite waste water system which serves as a reticulated sewerage system. Adequate drainage is available, however a stormwater management plan is required to be submitted (discussed in detail under Item 6 below).

(b) that the manufactured home estate is or will be provided with adequate transport services, and

Comment

Public transport services provided by Busways are available direct from the site to Maclean and Iluka at the following frequencies

- four (4) times/day Monday to Friday during the school term
- two (2) times/day Monday to Friday during school holidays
- two (2) times/day Saturdays and Public holidays

This is considered to be adequate transport for the purposes of the MHE.

(c) that sufficient community facilities and services, whether situated within or outside the estate, are or will be available and reasonably accessible to the residents of the manufactured home estate, and

Comment

The following community facilities will be available internal of the site to service the residents of the MHE:

Existing facilities on the site include:

- Shop and Office
- Camp kitchen
- Mini Tennis Court
- Pool and associated recreation space
- Amenities block

As part of the development, it is proposed to retain all existing community facilities except the amenities block which will not be required once all short-term sites have been replaced with homes. The amenities block will then be converted to a maintenance shed to replace the existing shed demolished to create sites 46 and 47. The camp kitchen is also proposed to be converted to a community room. It is also proposed to upgrade the existing shop with a commercial kitchen to expand the product range available to Estate residents.

(d) that the development will not have an adverse effect on any—

- *conservation area*
- *heritage item*
- *waterway or land having special landscape, scenic or ecological qualities,*
- *which is identified in an environmental planning instrument applicable to the land concerned.*

Comment

Woombah is identified as a Koala Habitat Area in Council's Draft Koala Plan of Management. As there is no clearing proposed as part of this application and the development footprint generally occurs within the existing disturbed areas, it is unlikely that there will be any impact to the environment or conservation areas.

The development site is not identified as containing any heritage item.

(2) A council may grant a development consent pursuant to this Policy allowing development for the purposes of a manufactured home estate only after it has considered the following—

- (a) the cumulative impact of the proposed development and other manufactured home estates in the locality,
- (b) any relevant guidelines issued by the Director,
- (c) the provisions of the Local Government (Manufactured Home Estates) Transitional Regulation 1993.

Comment

There is unlikely to be a cumulative impact of the proposed development as there are no other MHE's in the Woombah/Iluka area. No guidelines have been issued by the Director with respect to MHE's.

The provisions of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995* have been considered with respect to the development which is considered to be consistent with the requirements of the Regulations. A full assessment has been undertaken as part of the Section 4.15 assessment contained in the attachments.

Further, if the development is approved, a condition will be imposed to ensure that MHE is designed, constructed, maintained and operated in accordance with the requirements of Part 2, Division 3 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) regulation 2005*.

Whilst the development site may be considered to be disconnected and somewhat isolated from other towns and villages, there is adequate public transport that services the site to enable access to services and infrastructure not available in the Woombah area.

The proposed manufactured home estate is considered to be not inconsistent with the general aims of SEPP 36 to facilitate the establishment of MHE's as a contemporary form of medium density residential development. The MHE provides an alternative to traditional housing arrangements and encourages the provision of affordable housing in well designed estates. In consideration of all of the above, the development site is determined to be suitable for the proposed MHE.

5. Devaluation of adjoining properties

Concerns were raised within the submissions that the proposed MHE will have a negative impact on the value of adjoining properties.

Comment

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

6. Stormwater runoff

Concerns were raised within the submissions regarding the capacity of the existing swale to cope with the increase in runoff from the site.

Comment

The proposal will result in an increase in impervious area greater than 500m² and therefore triggers the requirements under the sustainable water controls of the DCP.

Section J10 of the DCP states that "the hydrological conditions (both quality and quantity) of stormwater runoff after development being approximately the same as predevelopment conditions, for the 20% Annual Recurrence Interval (ARI) storm event". The modelled increase in runoff prepared by Planit shows an

increase in the 5% Annual Exceedance Probability (20 ARI) of 0.02m³/s (20 l/s), 2% of the pre development flow.

It will be required that a detailed stormwater management plan (SWMP) be submitted prior to the issue of the Approval to Operate demonstrating that the post development flows do not exceed predevelopment flows. The SWMP must demonstrate, through calculation, that the existing Council stormwater system has the capacity to receive the runoff from the proposed development. The stormwater management plan must also demonstrate how stormwater quality targets in the DCP will be achieved.

7. Onsite waste water (OSM)

Concerns were raised within the submissions that the OSM report prepared by Melaleuca Group Pty Ltd referred to the development as an over 55's MHE and did not consider the development as a MHE in its own right. It was also raised in the submissions that the existing OSM system has odour management issues and that the subsurface irrigation field was damaged due to recent clearing works and is not operating effectively.

Comment

In response to concerns raised within the submissions and Council's additional information request, the consultant Melaleuca Group Pty Ltd provided an addendum to the original OSM report (copy in attachments). The report determined that the existing OSM system is suitable to cater for the 59 home sites.

However, upon inspection by Council's OSM Technical Officer it was confirmed that parts of the subsurface irrigation field have been damaged and requires rectification works. An improvement notice has subsequently been issued by Council ordering the owner to repair or upgrade the existing system. This is being dealt with separately from the development application under Section 68 of the *Local Government Act 1993*. Should the applicant fail to upgrade the system under the improvement notice then further compliance action will be undertaken which could include fines.

Once the repairs are completed, Council staff are satisfied that the existing OSM will be sufficiently sized to cater for the 59 home sites in accordance with the OSM report prepared by Melaleuca Group Pty Ltd dated 24 September 2020. Draft conditions of consent related to the operation of the OSM are contained in Schedule 1.

8. Loss of tourist accommodation options and income to the valley

One of the submissions raised the issue of potential loss of tourist income and accommodation options through the conversion of the caravan park to a MHE.

Comment

As stated earlier in the report, the existing caravan park is approved for a total of 64 sites (23 long term, 35 short term and 6 camp sites). The conversion of the caravan park to a MHE will result in a combined loss of 41 sites used for short term accommodation and camp sites. The income generated from visitors using this accommodation type is hard to quantify given there are many factors to be considered such as occupancy rates, seasonality, accommodation preferences etc. However, according to the Tourism Research Australia the average spend per night by visitors in the Clarence Valley is \$125 (refer to www.tra.gov.au).

It is considered that whilst there may be a loss of tourist accommodation, the development will provide much needed long term housing solutions to the area. This loss of tourist income may be offset through the additional long term occupants spending money in the area which would in turn not be affected by seasonality or dependent upon occupancy rates.

9. Social Impacts

There were concerns raised in the submissions that the location of such a large cluster of low-socio economic housing in one area will create adverse social impacts such as increases in crime rates.

Comment

Potentially adverse social impacts generated or created by low socio economic housing is difficult to quantify. The MHE will be managed and controlled by the owner/operator as opposed to low cost housing estates or subdivisions where this is no over arching body which can only rely on police for regulatory action. Each individual tenant/owner will be bound by a lease type arrangement with certain conditions related to the use and occupation of the site which will have more control than an ordinary housing estate. There are other

MHE in the valley and there is no evidence to suggest that adverse social impacts are created from these types of developments.

Overall, the proposed development will provide 59 manufactured homes to the area which is consistent with Council's adopted Affordable Housing Policy. As part of that policy it is recognised that there is a need to diversify housing stock and tenure options to meet the changing needs of its community, including the aging of the population, decreasing average household size and socio economic profile. It is committed to encouraging the development of smaller, more manageable, well-located dwellings that allow for positive 'aging in place', as well as continuing to provide for the needs of younger people, families and lower income households through its land release strategies. Further, the policy provides a commitment to protect and increase the supply of housing stock that can be affordably rented or purchased by very low, low, and moderate income households, including target groups identified as having particular housing needs in Clarence Valley. The change of use to a manufactured homes estate will provide additional long term and permanent housing to the Clarence Valley which is experiencing a demonstrated housing shortage.

Summary

It is considered that approval of the proposed MHE is warranted in this instance as it provides for an additional 35 long term dwelling sites to service the community. There is a demonstrated shortage of affordable housing in the Clarence Valley, and whilst the location may be considered to be isolated/disconnected from towns with suitable services such as doctors, the site is serviced by adequate public transport and internal community facilities for recreational purposes.

COUNCIL IMPLICATIONS

Budget/Financial

There may be financial costs to Council should the applicant appeal Council's decision. The application was accompanied by all fees required to be paid by Council's Fees and Charges. Assessment of the application has been completed by staff utilising recurrent staffing budgets.

Asset Management

The increase in traffic generated from the site is expected to have the biggest impact on Council's maintained road network along Iluka Road, between the site access and the Pacific Highway. This is of minimal length (310 metres) and is not seen to have a considerable impact on Council's obligations to maintain this section of the road network.

Policy or Regulation

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

Local Government Act 1993

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

State Environmental Planning Policy No. 21 - Caravan Parks

[State Environmental Planning Policy No 36 - Manufactured Home Estates](#)

State Environmental Planning Policy No. 44 - Koala Habitat Protection

State Environmental Planning Policy No. 55 - Remediation of Land

Clarence Valley Local Environmental Plan 2011

Clarence Valley Council Residential Zones Development Control Plan 2011

Consultation

The following sections of Council and/or external agencies were consulted in the preparation of this report.

Internal Section/External Agency	Comment
Building Surveyor	Supported with Conditions
Development Engineer	Supported with Conditions
Environmental Health	Supported with Conditions
Environment – Flora and Fauna	Supported with Conditions
NSW Rural Fire Service	Supported with Conditions

Legal and Risk Management

Should the applicant be dissatisfied with Council's decision, they have a right of appeal to the Land and Environment Court which may incur a financial cost to Council. Prior to any appeal submitted through the

Court the applicant can seek a review of Council's determination in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*.

Climate Change

The proposed development would contribute to CO2-equivalent emissions through construction and operation which are considered to be a driver for climate change via building materials, construction methods, maintenance and associated energy and resource use.

Prepared by	Carmen Landers, Acting Development Services Coordinator
Attachment	A. Plans B. Submissions C. Statement of Environmental Effects D. Legal Advice E. OSM Report by Melaleuca Pty Ltd dated 24 September 2020 F. NSW Rural Fire Service General Terms of Approval G. Section 4.15 Assessment

Schedule 1
Draft Advices and Conditions of Consent for DA2020/0474

Definitions

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

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

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

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

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

Advices

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

The proposed development has been assessed as contributing an additional 1.5 ET demand on Council's water supply. This includes an applicable credit for pre-existing uses. The headworks charges at 2020/21 financial year rates are:

Water Headworks \$4,979.00 x 1.5 additional ET = \$7,468.50

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

2. Any future development of the site will require a Traffic Impact Assessment and a detailed Stormwater Management Plan to be submitted with the development application.
3. Prior to issue of the Approval to Operate Council's Environmental Health Section must be satisfied that all relevant sections within the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 have been complied with. An inspection of the completed development will be undertaken by a Council Environmental Health Officer prior to issuance of an approval to operate.
4. No construction is to be commenced until a Construction Certificate has been issued.
5. Prior to work commencing on a development the applicant must give notice to Council of their intention to commence work. Such notice shall be in the form of a Notice of Commencement form and must be submitted to Council at least two (2) business days before work commences.
6. Any further amendment/upgrade to the OSM system or redevelopment stages must be addressed in a wastewater management report and development application.

Conditions

1. The development being completed in conformity with the Environmental Planning & Assessment Act, 1979, the Regulations thereunder, the Building Code of Australia (BCA) and being generally in accordance with the following plan(s) as amended in red, or where modified by any conditions of this consent.

Plan No	Drawn by	Plan Date	Revision
12740-03	O'Donohue & Associates Pty Ltd	12 August 2020	7

Approval to Operate

2. An Approval to Operate under Section 68 of the *Local Government Act 1993* must be issued prior to use of the site as a manufactured homes estate. This will require an inspection of the completed development by Council Environmental Health Officer prior to issue of the Approval to Operate.
3. Prior to issue of the Approval to Operate under Section 68 of the *Local Government Act 1993*, Council must be satisfied that any improvement notices in relation to the operation of the onsite waste water system have been complied with.
4. The manufactured home estate must be designed, constructed, maintained and operated in accordance with the requirements of Part 2, Division 3 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) regulation 2005*. This must be demonstrated prior to issue of the Approval to Operate under Section 68 of the *Local Government Act 1993*.
5. No camping or caravans are permitted on the site following issue of the Approval to Operate for the Manufactured Home Estate under Section 68 of the *Local Government Act 1993*.

Section 7.12 Contributions

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

\$17,115.22

GL S94ACVCOthResAcco

This amount is based on the following calculation:

- a Proposed cost of carrying out the development is more than \$200,000 = value of development x 0.01
- b The value of development stated in the application was \$1,711,522.00

The contributions are to be paid to Council prior to release of the Approval to Operate. All contribution plans are available for inspection on Council's website.

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

Integrated Development Conditions

7. This approval has also been granted under Section 4.47 of the Environmental Planning and Assessment Act 1979. Compliance with the conditions and advice of the NSW Rural Fire Service, as contained in their letter dated 16 November 2020, consisting of [four (4) pages], and as attached to this Notice of Determination. Compliance is to be demonstrated prior to release of the Approval to Operate under section 68 of the *Local Government Act 1993*.

Building Conditions

8. Any new buildings are not to be occupied or used until such time as an Occupation Certificate has

been issued.

9. **Working/Construction Hours** Working hours on construction or demolition shall be limited to the following:

7.00 am to 6.00 pm Monday to Friday

8.00 am to 1.00 pm Saturdays

No work permitted on Sundays and public holidays

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

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

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

11. **Adjoining Building Work** A person who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land shall, at their own expense and where necessary:

- a Preserve and protect the building from damage; and
- b If necessary, underpin and support the building in an approved manner, details of which are to be submitted with the application for the Construction Certificate and certified by a professional engineer or an accredited certifier.

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

12. Prior to commencement of works, a sign must be erected in a prominent position on any work site on which work is being carried out:
- a Stating that unauthorised entry to the work site is prohibited;
 - b Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside of working hours, and
 - c Showing the name, address and telephone number of the principal certifier for the work.

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

Engineering

13. A Certificate of Compliance for Water must be obtained from Council prior to issue of the Approval to Operate under section 68 of the *Local Government Act 1993*. This may require payment of a fee.
14. Any upgrade to the existing water service to the property will be subject to the costs outlined in Council's list of fees and charges.
15. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.

Stormwater Drainage

16. All stormwater falling on the property is to be collected within the property and discharged in accordance with the relevant parts of the applicable Clarence Valley Council Development Control Plans and NRDC. A Stormwater Management Plan must be prepared to reflect these standards and guidelines.

The SWMP must consider any adjacent property or infrastructure affected by the development. Design details of the drainage system and point of discharge must be submitted with the Stormwater Management Plan for approval by Council and/or accredited private certifier prior to issue of the Approval to Operate under Section 68 of the *Local Government Act 1993*. The SWMP must demonstrate that:

- a. Post development stormwater runoff does not exceed predeveloped stormwater runoff volumes.
- b. The development can achieve the water quality targets as defined in the Residential DCP.
- c. Demonstrate the drainage network, both private and public infrastructure, have capacity to accept flows from the site.

Connection to the public drainage system requires the approval of Council under the *NSW Local Government Act 1993*.

Lighting

17. Prior to release of the Approval to Operate under section 68 of the *Local Government Act 1993*, access within the development lit to the minimum standard of Australian Standard AS 1158 (Public Lighting Code) and the NSW Police 'Safer By Design' guidelines in accordance with the requirements of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation. Details of how this will be achieved is to be submitted to Council for approval.

Car Parks & Driveways

18. A detailed plan of the internal access, including parking and passing bays must be submitted for approval prior to the issue of the Approval to Operate under Section 68 of the *Local Government Act 1993* to demonstrate that the development is in accordance with Subdivision 3 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.

Car parking, driveways, manoeuvring and access areas must be constructed, sealed, line marked and drained in accordance with the approved plan and the requirements of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation prior to issue of the Approval to Operate.

19. Erosion and Sediment Control is to be implemented in accordance with the relevant parts of the applicable Council Development Control Plans, 'NSW Managing Urban Stormwater - Soils and Construction (Blue Book)' and NRDC. These controls are to be maintained and managed by the applicant and/or the appointed contractor until an Approval to Operate under Section 68 of the *Local Government Act 1993* is issued or the site is suitably stabilised.
20. During dry weather, standard dust suppressions methods are to be used as often as is necessary to ensure that adjoining properties are not adversely affected by undue dust.
21. All disturbed areas shall be stabilised and revegetated. Turf, seeding or other approved method shall be undertaken in conjunction with or immediately following completion of works. Topsoil shall be preserved for site revegetation. All sediment and erosion control measures must be regularly inspected and maintained to ensure they operate to the design specifications and meet the requirements of the NSW Protection of the Environment Operations Act 1997. Weather patterns must be monitored and be coordinated in with the inspection and maintenance procedures. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion. Person/s responsible for managing sedimentation and erosion controls for the development must be nominated to Council or accredited private certifier in writing together with full 24 hour per day contact details.

Environment

22. Native vegetation is not to be cleared or impacted as a result of the works.
23. Existing vegetation on-site is to be protected in accordance with *Australian Standard AS4970-2009 Protection of trees on development sites*.

24. All reasonable and feasible measures must be implemented to reduce the generation of dust and minimise the impact to air quality and surrounding sensitive receivers.
25. Prior to the commencement of earthworks, an Unexpected Find Procedure/s must be developed in the unlikely event that any of the following is discovered, disturbed or occurs during the works; items of Aboriginal or non-Aboriginal Heritage, Asbestos or Contamination. The Unexpected Finds Procedure/s must be implemented during ground disturbance and earthworks activities.

Environmental Health

26. Prior to issue of the Construction Certificate for the proposed commercial kitchen the following plans and information must be submitted:
 - a. A brief overview of the types of activities and food processing to be carried out on the premises as well as the types of food involved in the activities and processes.
 - b. Floor plan - to a suitable scale (e.g. 1:50).
 - c. Sectional elevation drawings - to a suitable scale (e.g. 1:50) showing all fittings and equipment.
 - d. Hydraulic plans (plumbing details) - to a suitable scale (e.g. 1:50).
 - e. Mechanical exhaust ventilation drawings (i.e. plans, elevation and schematic diagrams, where applicable) - to a suitable scale (e.g. 1:50).

Plans must include the following detail:

- a. finishes to floors, walls and ceilings
- b. layout of all equipment, benches, fittings and fixtures, and mechanical ventilation
- c. door and window openings
- d. where seating is provided for diners, the number of square metres of floor space available for dining and the number of persons to be catered for in this area
- e. customer and staff toilet details (if detached, provide the distance to the facilities and the number available for use)
- f. process flow, from product received through to end-product delivered.

Onsite Waste Water

27. The existing Onsite Wastewater System has a maximum capacity to cater for 59 homes with a total of 98 bedrooms.
28. A flow meter must be installed on the outlet of the wastewater treatment system prior to the issue of an Approval to Operate the Manufactured Home Estate.

Flow meter data must be recorded and provided to Council with quarterly reporting of the wastewater treatment system. A permanent record of the flow meter data must be kept by the owner/operator of the wastewater treatment system.

The wastewater treatment system must not exceed 20,000L/day or an upgrade of the waste water management system will be required.

Waste Management

29. A Waste Management Plan demonstrating suitable access for servicing of the waste bins (waste/recycling/organics) is to be submitted for approval by Council's Waste and Sustainability Section prior to issue of the Approval to Operate under the *Local Government Act 1993*. As part of the plan you must demonstrate that a suitably sealed manoeuvring area and safe accessibility point for collection vehicles is available.

ITEM	6b.20.092	SUB2020/0036 – TWO LOT SUBDIVISION – 40 RICHMOND STREET, LAWRENCE
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Meeting	Environment, Planning & Community Committee	15 December 2020
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Karl Cooksley
<i>Owner</i>	Patricia Spitzmacher
<i>Address</i>	40 Richmond Street, Lawrence
<i>Submissions</i>	Nil

Council is in receipt of Development Application SUB2020/0036 which proposes a 2 lot subdivision at 40 Richmond Street, Lawrence. In accordance with the Community Participation Plan the application was notified and no submissions or comments were received. Council staff are recommending approval of the application, however, the Applicant does not agree with conditions relating to the required road upgrade; therefore the application is forwarded to Council for a decision. The report provides an assessment of the application and a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That Council approve Development Application SUB2020/0036 subject to the conditions and advices contained with Schedule 1.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

Development Application SUB2020/0036 was lodged on 30 October 2020 to undertake a 2 lot subdivision of 40 Richmond Street, Lawrence. Proposed Lot 10 will be approximately 837m² and contain the existing cottage and shed. Proposed Lot 11 will be approximately 500m², vacant and will gain access from Eton Street. The subject land is zoned R2 Low Density Residential under the *Clarence Valley Local Environmental Plan 2011* (the LEP) and there is no minimum lot size for the subject land, however, under the Residential Zones Development Control Plan (the DCP) a minimum lot size for a dwelling is 400m². The proposal was notified from 3 November to 17 November 2020, no submissions were received during the exhibition period.

KEY ISSUES

1. Clause C24.5 of the Residential Zones Development Control Plan

Eton Street is currently a Council maintained unsealed road within a Crown Road Reserve. Council is in the process of acquiring this section of Crown road to become Council. Eton Street currently services 1 other dwelling on the north eastern side, with the lots directly adjacent to the north and south (the subject land) also having direct frontage to Richmond Street.



Eton Street highlighted in red.

Under Clause C24.5 of the Residential Zones Development Control Plan (the DCP) requires new development and subdivisions to be serviced by a sealed constructed vehicular access in accordance with Part J of the DCP and Northern Rivers Local Government Development (NRDC) and Design and Construction Manuals. An extract of Clause C24.5 is provided below:

C24.5. Provision of suitable road access

- (a) *Development (including dwelling houses/residential development) and subdivision must be serviced by a sealed constructed vehicular access that has direct frontage to a sealed public road or a Category 1 unsealed road that is listed in Councils adopted Roads Policy, that is Councils' Road Asset (Maintenance) List; the standard of road access is to comply with Part J of this DCP, the Northern Rivers Local Government Development and Design Manual, the Northern Rivers Local Government Construction Manual. A lesser standard may be considered having regard to the nature and scale of the proposed development, the context of the site and locality and the Northern Rivers Local Government Development and Design Manual, the Northern Rivers Local Government Construction Manual.*

Clause C24.5 allows Council to consider a lesser standard having regard to the nature and scale of the proposed development, context of site, locality and NRDC.

Comment

Council staff have advised the Applicant of the requirement to seal the section of Eton Street from the intersection of Richmond Street to a future driveway on Proposed Lot 11, approximately 40-45m in length. The Applicant has advised that the condition is considered to be onerous, expensive and will impact on the character and amenity of the locality. Council has the ability to consider a request for variation under Clause C24.5 (a) with regard to the scale and nature of the development, context of the site and NRDC.

The scale of the development to create one additional lot may not appear to be significant in a general sense. However, it is the adverse cumulative impact that approving the development without sealing of the road would likely have in terms of the surrounding area that raises concern. The adjoining lots to the north and south are all zoned R2 and have further development potential (see image below). A variation to the DCP by removing the need to seal the road frontage for this development would set a precedent and may result in adjoining land owners wanting to apply for a similar single-lot subdivision with the expectation of not having to seal the road frontage. Given the context of the site in relation to the adjoining R2 zoned lots that have development potential off Eton Street, Council staff are of the view that Council's adopted development controls should be adhered to in this instance so that the development does not result in an increase to Council's road maintenance budget or further deterioration of Council's road asset.

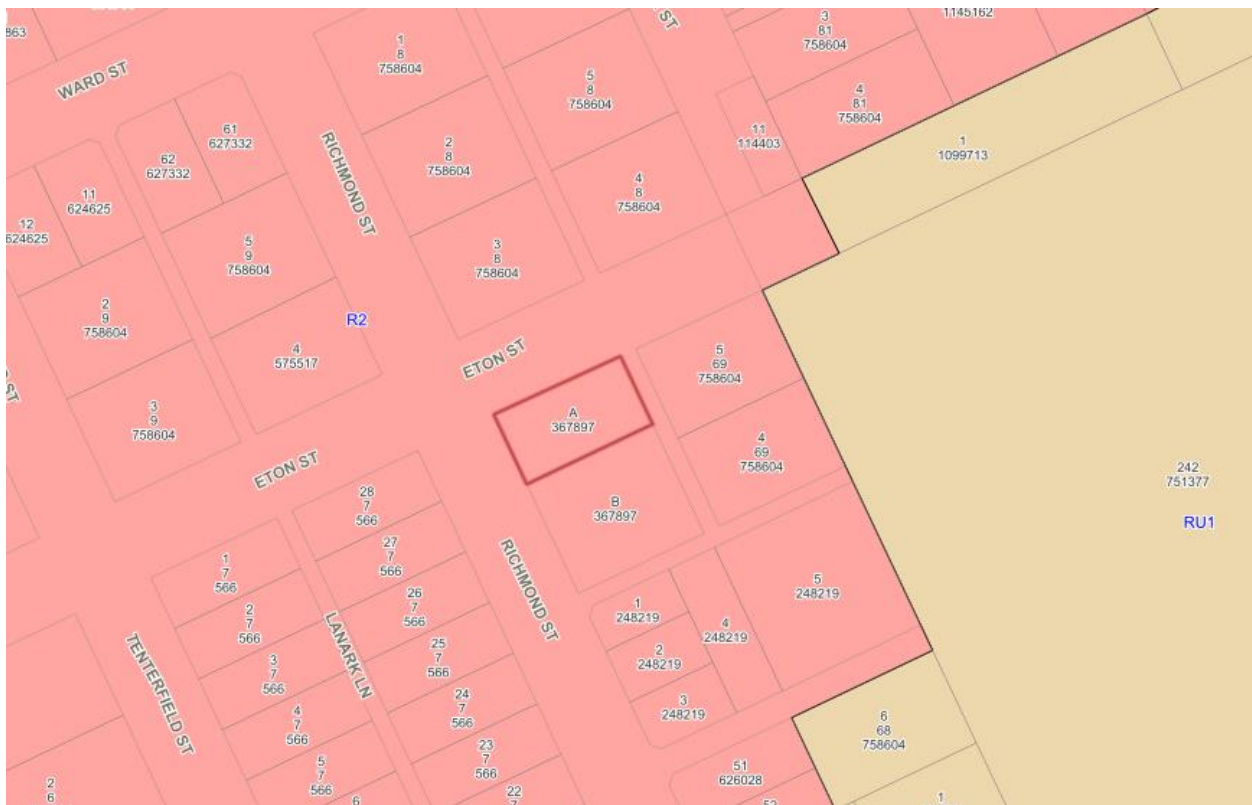


Image shows subject land highlighted and zoning of surrounding land.

Clauses D1.14 and D1.27 of the NRDC refer to carriageway widths and characteristics for urban and rural roads. In accordance with the NRDC standards contained in Tables D.1.5 and T 1.27, Eton Street requires a minimum of 6m seal and 0.5m shoulders for roads with minor traffic volume. Subsection D1.27.2 of the NRDC states that carriageway widths to existing roads shall generally be in accordance with Table T1.27, however, may be reduced at the discretion of the Director of Engineering Services. As a result of discussions with the Civil Services section of Council, the standards of NRDC are recommended to be reduced to a carriageway width of 4m with 0.5m shoulders.

Council staff recommend that the current unsealed road be sealed to the minimum standard (4m seal with 0.5m shoulders) from the intersection point of Richmond/Eton Street to the future vehicular access to Proposed Lot 11. This will ultimately lead to the decrease in Council's long term maintenance cost of the existing unsealed road network and incrementally improve the overall road network in the area. Design and construction is to be in accordance with NRDC and be submitted for approval with an application for a Subdivision Works Certificate. Locations of the proposed access points are to be nominated on design plans and constructed prior to issue of Subdivision Certificate. Draft conditions to this effect are contained in Schedule 1.

Option 1

That Council support a variation to the DCP and NRDC and approve the development subject to the draft conditions of consent contained in Schedule 1. This requires the sealing of Eton Street from the intersection with Richmond Street to the future access for Proposed Lot 11 to a 4m sealed carriageway with 0.5m shoulders. Option 1 is the preferred option.

Option 2

That Council not support a variation to the DCP and NRDC and approve the development subject to requiring the sealing of Eton Street from the intersection with Richmond Street to the future access for Proposed Lot 11 on the subject land in accordance with the requirements of Clause C24.5 of the Residential Zones DCP and NRDC standards (6m seal with 0.5m shoulders). Option 2 is not the preferred option.

Option 3

Council may wish to vary the DCP requirement and permit the development to proceed without the need to seal the frontage of the development site. However, this option is not recommended because:

- The development could set a precedent and may result in an adverse cumulative impact if other land owners with development potential subsequently propose to subdivide one lot at a time with the expectation to avoid the sealing upgrade of the road.
- An increase in traffic upon the unsealed road will increase the deterioration rate and therefore likely result in an increase to Council's road maintenance budget for Clearview Road.

A resolution supporting the variation will necessitate a range of advices and conditions to be removed and/or amended from those recommended and provided at Schedule 1.

COUNCIL IMPLICATIONS

Budget/Financial

There may be financial costs to Council should the Applicant appeal Council's decision. The application was accompanied by all fees required to be paid by Council's Fees and Charges. Assessment of the application has been completed by staff utilising recurrent staffing budgets.

Asset Management

The upgrade to Eton Street and water main extension to service the development will become Council assets. Suitable conditions are included in the Draft Schedule to ensure that the works are constructed to an acceptable standard prior to it being accepted on maintenance and prior to becoming a Council asset.

Policy or Regulation

Environmental Planning & Assessment Act 1979
 Environmental Planning & Assessment Regulations 2000
 Roads Act 1993
 State Environmental Planning Policy No. 55 – Remediation of Land
 Clarence Valley Local Environmental Plan 2011
 Residential Zones Development Control Plan (DCP)
 Clarence Valley Council Roads Policy

Consultation

The following internal sections of Council were consulted as part of the application assessment:

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Development Engineer	Variation to DCP and NRDC supported as per Option 1
Civil Services	Variation to DCP and NRDC supported as per Option 1

Legal and Risk Management

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

Climate Change

Provision of a new residential subdivision and housing close to major towns and services and adjacent to existing settlements is more efficient and generates less greenhouse gases for the full life cycle of the development compared to more dispersed and fragmented forms of development. Further, future dwellings will need to be compliant with the NSW Government's building sustainability index in terms of thermal comfort, water efficiency and energy efficiency and achieving this certification makes new residential development more sustainable and less of a contributor to climate change compared to older forms of housing.

Prepared by	James Hamilton, Development Planner
Attachment	1. Proposed Plans 2. Section 4.15 Assessment Report

Schedule 1
Draft Advices and Conditions of Consent for SUB2020/0036

Definitions

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

- a Northern Rivers Local Government Development and Design Manual (AUS-SPEC)
- b Northern Rivers Local Government Construction Manual (AUS-SPEC)
- c Northern Rivers Local Government Handbook of Stormwater Drainage Design (AUS-SPEC)
- d Northern Rivers Local Government Handbook for Driveway Access To Property (AUS-SPEC)
- e Water Supply Code of Australia (WSA 03 - 2002)
- f Pressure Sewerage Code of Australia (WSA 07-2007)

AUS-SPEC documents can be obtained from a link under the 'Planning & Building' section of the Clarence Valley Council webpage. WSA documents are subject to copyright and may be obtained from the 'Water Services Association of Australia'.

SWC means Subdivision Works Certificate

TfNSW means Transport for New South Wales.

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

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

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

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

Advices

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

Application to Council for public and/or private property works requires payment in accordance with the Council's adopted 'Fees and Charges'. The application form may be downloaded from Council's website.

2. A private certifier accredited for Civil Construction under the NSW Building Professionals Act 2005 (Categories B and/or C), may be engaged for all or part of civil works (subdivision and/or on private property) other than public infrastructure water and sewer reticulation works. Accreditation of private certifiers for public sewer and water reticulation works is not offered

under the Building Professionals Act 2005.

Connection to Council drainage, water and sewer systems require the approval of Council under the NSW Local Government Act.

Works within public road reserves require the approval of the Road Authority as defined in the NSW Roads Act.

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

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

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

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

The proposed development has been assessed as contributing an additional 1.0 ET demand on Council's water supply, and an additional 1.0 ET loading on Council's sewerage system. This includes an applicable credit of 1.0 ETs for pre-existing uses. The headworks charges at 2020/21 financial year rates are:

Water Headworks \$4,979.00 x 1.0 additional ET	= \$4,979.00
Sewer Headworks \$12,175.00 x 1.0 additional ET	= \$12,175.00

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

Where any works are required on Council's water or sewer infrastructure, as a condition of this consent, they must be completed in accordance with the conditions of consent prior to the release of the Certificate of Compliance.

5. Any activity to be carried out on any part of the road reservation requires the prior approval of Council under the NSW Roads Act 1993.
6. All building and construction work, which includes subdivision and civil works, which cost \$25,000 or more require the payment of the long service levy prior to a Construction Certificate being issued. The levy is required under the Building and Construction Industry Long Service Payments Act 1986. The total value of works must be included on the Construction Certificate Application form.
7. Prior to issue of the Subdivision Certificate, a bond for the installation of the on-site pressure sewer infrastructure will be payable to Council in accordance with Council's fees and charges. The amount for 2020/21 is \$14,540.00 per additional lot. This bond may be released after the property has been connected to the pressure sewer network; either by a private certified

contractor, or by arrangement for Council to undertake the work. Requirements for pressure sewerage system installation and operation are outlined in Clarence Valley Council's Pressure Sewer Policy.

8. A Subdivision Certificate fee is charged for the endorsement of linen plans. Fees for the 2020/21 financial year are \$250.00 plus \$30.00 per additional lot (minimum \$250.00). An additional fee of \$113.55 is payable if the Subdivision Certificate requires the signing of an 88B instrument by Council.

Conditions

1. The development being completed in conformity with the Environmental Planning & Assessment Act, 1979, the Regulations thereunder, the Building Code of Australia (BCA) and being generally in accordance with the following plan(s) as amended in red, or where modified by any conditions of this consent.

Plan Title	Drawn by	Plan Date	Sheet No
Sketch of Proposed 2 Lot Subdivision	McNamara Cooksley & Associates Pty Ltd	27/10/2020	1

2. Payment to Council of the contributions pursuant to Section 7.11 of the Environmental Planning and Assessment Act:

Clarence Valley Contribution Plan 2011 Open Space/Recreation Facilities

Coastal \$3,834.85 x 1 additional lot = \$ 3,834.85 GL S94CVCOSCoastal

Clarence Valley Contributions Plan 2011 Community Facilities

Maclean surrounds \$3,834.85 x 1 additional lot = \$ 3,834.85 GL S94CVCCFMaclean

Clarence Valley Contributions Plan 2011 Plan of Management

Rate per Dwelling/Lot \$73.45 x 1 additional lot = \$73.45 GL S94CVCPoMDwell

Street Tree Planting (residential subdivisions only)

\$103.05 x 1 additional lot = \$ 103.05 GL S94TreePlantingMa

N.B.

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

The contributions are to be paid to Council prior to issue of the Subdivision Certificate.

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

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

3. Prior to the commencement of construction, an Unexpected Heritage Finds Procedure for Aboriginal and non-Aboriginal Heritage must be prepared should actual or potential items or areas of Heritage be discovered during construction activities. This procedure must be tool boxed with all work crews and implemented during construction works. Should any Aboriginal or non-Aboriginal relics or artefacts be uncovered during works on the site, all work is to cease and Heritage NSW shall be contacted immediately and any directions or requirements of the Service complied with.
4. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.

5. A **TCP** must be prepared and submitted to Council showing how vehicle and pedestrian traffic will be safely managed within the work site and road reserve. This plan must be prepared by a person authorised by the **RMS** to prepare **TCP's** and must be endorsed by Council prior to the occupation of the road reserve and commencement of work.
6. A detailed Water Reticulation Management Plan must be submitted for assessment and approval by Council with the application for a **SWC**. Connection to the public water reticulation system requires the approval of Council under the NSW Local Government Act.

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

7. Erosion and Sediment Control is to be implemented in accordance with the relevant parts of the applicable Council Development Control Plans, 'NSW Managing Urban Stormwater - Soils and Construction (Blue Book)' and NRDC. These controls are to be maintained and managed by the applicant and/or the appointed contractor until the development is accepted 'Off Maintenance'.
8. A detailed Erosion and Sediment Control Management Plan must be submitted for assessment and approval by Council or accredited private certifier, prior to issue of a Subdivision Works Certificate. This shall be compatible with the Stormwater Management Plan and must include procedures for clean-up and restoration of public / private property and infrastructure. All such remedial works are to be completed to the satisfaction of Council or accredited private certifier.
9. During dry weather, standard dust suppressions methods are to be used as often as is necessary to ensure that adjoining properties are not adversely affected by undue dust.
10. Eton Street is to be upgraded from the intersection with Richmond Street to the access of the proposed new lot in accordance with the requirement of this condition. A Road Network Design Plan must be submitted for approval with the application for a SWC.

Eton Street must be upgraded to provide;

- a. Localised intersection widening and seal.
- b. Minimum 4.0 meter wide sealed carriageway with 0.5 meter shoulders.
- c. Bitumen spray-seal surfacing must be a 2 coat seal 14 mm / 7 mm with prime.

Design and construction is to be in accordance with the applicable Clarence Valley Council Development Control Plans and **NRDC**.

11. A piped or dished vehicular crossing to the allotment is to be constructed in accordance with the requirements of Council's Operations Section and completed prior to issue of the Subdivision Certificate. An application for driveway access crossing is to be submitted and approved prior to any work commencing.
12. An ITP must be submitted for approval with the application for a Subdivision Works Certificate. The supervising engineer or registered surveyor must arrange for the hold/witness point inspections, and accompany Council and/or accredited Private Certifier on the inspection unless alternative arrangements are made. Hold Point, Witness Point, On / Off Maintenance and/or Practical Completion inspections involving public infrastructure must be attended by Council officers.

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

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

- a. Pre-start Meeting (Attended by Council and/or Accredited Private Certifier, Principal Contractor & Supervising Engineer and/or Registered Surveyor)
- b. Erosion & Sedimentation Controls

c	Roadworks
d	Sewer
e	Water
f	Other Services
g	'On Maintenance' (Public Infrastructure)
h	'Off Maintenance' (Acceptance of Public infrastructure by Council)

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

Where sewer works are involved the WAE must include sewer junction sheet records in accordance with the requirements of Clarence Valley Council.

14. Prior to the issue of a Subdivision Certificate, certification is to be provided to Council by a registered surveyor, confirming that all infrastructure (including services, pipelines, access ways and drainage paths) are contained within the respective lots or easements for the lands to be subdivided.
15. Prior to the release of any Subdivision Certificate, which dedicates infrastructure to Council, a completed asset register works return must be submitted to Council. The return is to be in the format approved by Council.
16. A Certificate of Compliance for Water and or Sewer works must be obtained from Council prior to release of the Subdivision Certificate. This may require payment of a fee.
17. Prior to the issue of the Subdivision Certificate, Council will require satisfactory evidence that all requirements of the relevant telecommunications and power authorities have been complied with and all required contributions have been lodged.
18. Prior to issue of the Subdivision Certificate, the applicant is to provide water supply infrastructure to service all lots in the subdivision, in accordance with the requirements and specifications of the Clarence Valley Council Sewer & Water Connection Policy and NRDC.
19. Prior to release of the Subdivision Certificate provision for connection to Council sewerage reticulation infrastructure is to be provided to service all lots in the subdivision, in accordance with the requirements and specifications of Clarence Valley Council's Sewer & Water Connection Policy, Pressure Sewer Policy and NRDC. In accordance with Council's policy 'Pressure Sewerage Systems', a new sewer connection and boundary kit for the proposed new Lot must be provided from the existing pressure sewer pipeline in Richmond Street
20. All stormwater falling on the property is to be collected within the property and discharged in accordance with the relevant parts of the applicable Clarence Valley Council Development Control Plans and NRDC. A Stormwater Management Plan must be prepared to reflect these standards and guidelines. The Stormwater Management Plan (SWMP) that demonstrates **NorBe** must be prepared in accordance with **NRDC**.

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

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

All inter-allotment and Council owned stormwater drainage systems must be located within drainage easements. Any stormwater conduit with an area of influence (measured by projecting a 45° angle from the invert of the conduit to finished surface level) extending outside of the easement, shall be covered by a 'restriction-as-to-user' requiring any structure within this area to be supported by piers to the conduit invert level. Engineer's design and certification must be

provided. All costs shall be borne by the developer.

On-site detention (OSD) and water quality control systems for individual proposed lots need not be provided until a building is occupied on the lot, but the Development Application must demonstrate **NorBe** by calculation and details acceptable to Council. A Section 88E easement, 88B easement, Positive Covenant or Restriction-as-to-User encumbrance for stormwater management on the land title of the new allotments is required to ensure future building development compliance.

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

All work is subject to a maintenance period of six (6) months from the date of 'On Maintenance' or Practical Completion as certified by Council or accredited private certifier. The maintenance period may be extended by Council due to material or construction work compliance reasons or if a Subdivision Certificate approval is delayed beyond the maintenance period.

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

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

ITEM	6b.20.093	SUB2019/0033 – BOUNDARY ADJUSTMENT AND CONSOLIDATION – 900-1278 LAYTONS RANGE ROAD, KANGAROO CREEK
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Meeting	Environment, Planning & Community Committee	15 December 2020
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Andrew Fletcher on behalf of A. Fletcher & Associates Pty Ltd
<i>Owner</i>	Kylie Jackqueline George & Philip Andrew George
<i>Address</i>	900-1278 Laytons Range Road, KANGAROO CREEK NSW 2460
<i>Submissions</i>	Nil

Council is in receipt of Development Application SUB2019/0033 which proposes a boundary adjustment and consolidation to reduce 4 lots to 3 lots at 900-1278 Laytons Range Road, Kangaroo Creek (being Lots 7, 10 & 32 DP 752845 and Lot 1 DP 113804).

In accordance with Part B of the Rural Zones Development Control Plan the application did not require notification or advertising, therefore no submissions or comments were received. Council staff are recommending refusal of the application which is outside of Council staff delegations; therefore the application is forwarded to Council for a decision. The report provides an assessment of the application and a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That Council refuse Development Application SUB2019/0033 on the following grounds:

- The proposed development does not comply with Clause 4.1B of the *Clarence Valley Local Environmental Plan 2011*,
- The proposed development is not considered a boundary adjustment that results in a lot layout similar to the current lot layout as determined by the Land and Environment Court decision *Johnson v Coffs Harbour City Council [2018] NSWLEC 1094*, and
- The proposed development is inconsistent with the objectives of the RU1 Primary Production zone.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

Development Application SUB2019/0033 was lodged with Council on 20 August 2019. The subject land is zoned RU1 Primary Production under the provisions of the *Clarence Valley Local Environmental Plan 2011* (the LEP). The Applicant is proposing a boundary adjustment and consolidation of Lot 10 and 32 DP 752845 to reduce 4 lots to 3 lots at 900-1278 Laytons Range Road, Kangaroo Creek. This application was previously reported to Council in March 2020 (Item No. 6b.20.015) and a comprehensive discussion on the background of the application is contained within that report. Council resolved at that meeting to defer the application for 2 months to allow the Applicant to provide additional information. The Applicant provided Council with a copy of legal advice obtained. Council staff questioned the validity of parts of the advice and consequently sought independent advice from Council's legal representative.

KEY ISSUES

- Compliance with *Clarence Valley Local Environmental Plan 2011*

The Applicant has provided Council with a copy of legal advice obtained. The advice provides an assessment of the grounds presented for refusal under the Officer Recommendation for Item No. 6b.20.015

and concludes that Council has the ability to determine the application as the consent authority. Council staff questioned the part of the advice in which the Applicant is relying on consolidation of 2 adjoining lots to meet the provisions of Clause 4.1B (3) of the *Clarence Valley Local Environmental Plan 2011* (the LEP), which reads as follows:

- (3) *Despite clause 4.1, development consent may be granted for the subdivision of land to which this clause applies by way of an adjustment of boundaries between adjoining lots where the size of at least one of the adjoining lots is less than the minimum lot size shown on the Lot Size Map in relation to the land if the consent authority is satisfied that the subdivision will not result in—*
- (a) an increase in the number of lots, or*
 - (b) an increase in the number of lots that have an area that is less than the minimum size shown on the Lot Size Map in relation to that land, or*
 - (c) an increase in the number of dwellings or opportunities for dwellings on each lot.*

Subsequently, Council staff have sought clarification on whether consolidation should be considered as part of the application, bearing in mind that consolidation does not require Council consent. The advice received states that the consolidation is independent of the boundary adjustment and does not relate to the boundary adjustment component of the application. Therefore, as the consolidated lot is not subject to a boundary adjustment the consolidation has no impact on the application. If the consolidation is removed from the application, the proposed boundary adjustment of Lot 7 and Lot 1 does not meet the provisions of Clause 4.1B as the two proposed lots will be under the minimum lot size, currently there is one oversized lot being Lot 7.

Furthermore, Council staff have been informed of a Land and Environment Court case concerning *Johnson v Coffs Harbour City Council [2018] NSWLEC 1094* regarding what is considered a boundary adjustment. The legal advice sought by Council also provides comment on this matter. The definition for a boundary adjustment in a legal sense is considered to be slight, marginal or minor and bear resemblance to the lot layout as they exist before the proposal. In assessing this application against these criteria the boundary adjustment is not to be considered to be slight, minor or bear resemblance to the current lot layout, therefore the proposal cannot be considered pursuant to Clause 4.1B of the LEP. Therefore, the application is considered to be a subdivision where the proposal contains a lot that is not within 10% and therefore, concurrence will not be given under Clause 4.6 of the LEP based on recent advice from the Department of Planning.

In regards to Clause 4.1B, Council is to consider subclause (4) in determining the application, the clause reads as follows:

- (4) *In determining whether to grant development consent for the subdivision of land under this clause, the consent authority must consider the following—*
- (a) if the land is in a rural zone—whether or not the subdivision is likely to have an adverse impact on the agricultural viability of the land,*
 - (b) whether or not the subdivision is likely to increase the potential for land use conflict,*
 - (c) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,*
 - (d) whether or not the subdivision is likely to have an adverse impact on the environmental values of the land.*

Although the Applicant is undertaking the proposal to maximise land for the existing agricultural operation on the land, the proposal will result in a small isolated largely cleared lot in an established agricultural area which is contrary to the abovementioned considerations and objectives of the RU1 zone. The smaller lot will fragment agricultural land and could result in increased rural settlement of the locality which may inhibit the feasibility of primary industries in the locality. Furthermore, the creation of the 100ha minimum lot size for new lots is intended to increase the viability of larger scale rural industries whilst limiting the opportunities for dwellings on rural land not in closer proximity to major service centres like Grafton.

While the argument may be presented that Council has consented to previous applications of similar nature, Council is not bound by a precedence of earlier decisions based on Council's interpretation of the LEP previously.

Options

Should Council accept the application complies with the LEP and determines to support the DA as submitted, it is likely to set a precedent for other land owners to undertake boundary adjustments to create smaller lots, other than those already undersize, with existing houses or dwelling entitlements in rural areas resulting in further fragmentation of agricultural land, dispersed rural settlement and potential adverse impacts to the viability of rural industries. Furthermore, should Council support the Application it cannot yet be fully determined as Council requires General Terms of Approval to be issued from the NSW Rural Fire Service (the RFS). Council staff have advised the Applicant of this outstanding issue and it will be referred to the RFS should Council resolve to support the application.

COUNCIL IMPLICATIONS

Budget/Financial

There may be financial costs to Council should the Applicant appeal Council's decision. The application was accompanied by all fees required to be paid by Council's Fees and Charges. Assessment of the application has been completed by staff utilising recurrent staffing budgets.

Asset Management

N/A

Policy or Regulation

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

Clarence Valley Local Environmental Plan 2011

Clarence Valley Council Development Control Plan for Development in Rural Zones

Consultation

The following sections of Council were consulted during the assessment process.

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Development Engineer	Supported subject to Conditions.

Legal and Risk Management

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

Climate Change

N/A

Prepared by	James Hamilton, Development Planner
Attachment	<ol style="list-style-type: none"> 1. Proposed Plans 2. Applicants Legal Advice 3. Council's Legal Advice 4. Section 4.15 Assessment

ITEM	6b.20.094	PLANNING PROPOSAL - AMENDMENT OF CLAUSE 4.1B BOUNDARY ADJUSTMENT PROVISIONS
Meeting	Environment, Planning & Community Committee	15 December 2020
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes plus To be tabled Attachment	

SUMMARY

This report provides an update on the planning proposal that seeks to amend the Clarence Valley Local Environmental Plan 2011 (CVLEP) by deleting the reference to the word “adjoining” in clause 4.1B(3) of the CVLEP.

OFFICER RECOMMENDATION

That Council:

1. Withdraw *Planning Proposal - Amendment of Clause 4.1B Boundary Adjustment Provisions*; and
2. Consider the strategic justification for a new subdivision clause to be included in the *Clarence Valley Local Environmental Plan 2011* that captures the intent of Council resolution 07.20.003 (dated 26 May 2020) in conjunction with preparation of a strategic review of Council’s rural lands, being a component of Council’s Local Growth Management Strategy.

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 3.1.3 Provide land use planning that facilitates and balances economic growth, environmental protection and social equity

BACKGROUND

Council on 26 May 2020 considered a Notice of Motion (NoM) and resolved to do all things necessary to cause the CVLEP to be amended to delete the word “adjoining” in clause 4.1B(3) where it occurs. This was with the aim of permitting boundary adjustments to occur with development consent between two or more lots that are not necessarily adjoining where one or more of those lots is less than the minimum lot size shown on the Lot Size Map in relation to that land.

Council staff prepared a planning proposal to give effect to the Council resolution and it was duly submitted to the Department of Planning Industry and Environment (DPIE) on 25 June 2020 with a request that it give consideration to the issue of a Gateway determination to the planning proposal. A copy of the planning proposal submitted to the DPIE is at Attachment 1. The NoM is contained in Appendix 5 of the planning proposal.

On 29 June 2020 Council received a letter from the DPIE requesting additional information in order for it to provide a more thorough assessment of the proposal. It requested that Council submit further details that addressed the following:

- (i) the wider strategic merit of amending clause 4.1B to permit boundary adjustments for parcels of land that aren’t adjoining, as it appears the clause is being amended to suit the needs of one particular industry;
- (ii) how the amended clause would operate on a practical basis with the use of some examples; and
- (iii) the real need for amending the clause given the legal interpretation of the word ‘adjoining’.

A copy of the DPIE letter is at Attachment 2. Information was initially provided in relation to points (i) and (ii) above. The Department responded (see Attachment 3) by commenting that the example of the Coxon/Moss boundary adjustment proposal at Goodwood Island (DMU2020/0020) “...is a proposal that Council could potentially consider already under the existing clause 4.1B . . .”. Further, the DPIE correspondence suggested ‘Adjoining’ is not limited to land which is contiguous or directly abuts other land, but may be more broadly interpreted to capture land that is ‘sufficiently proximate’...”. It suggested that Council might consider some case law in combination with its own independent legal advice to determine whether this type of proposal can already be considered under the current CVLEP clause 4.1B.

Subsequently, Council sought legal advice on 2 September 2020 in relation to a number of boundary adjustment related matters, including:

1. The ability to use clause 4.1B Boundary adjustments between lots in certain rural, residential and environment protection zones of the CVLEP in instances where the lots the subject of boundary adjustments are not strictly adjoining or abutting each other; and.
2. When is a boundary adjustment not a boundary adjustment and what threshold makes a boundary adjustment exempt development?

A copy of the resultant legal advice is provided at Attachment 4. The effect of the legal advice has implications for the planning proposal that are discussed in 'Key Issues' below.

KEY ISSUES

The main planning considerations that relate to the proposed amendment to clause 4.1B of the CVLEP are discussed below. The legal advice provided to Council also contains subject matter that relates to separate planning applications currently under consideration by Council and those matters will be reported to Council under separate cover.

Legal advice and clause 4.1B

The legal advice (refer to Attachment 4) confirms:

1. That lots had to be immediately adjoining or abutting each other if a boundary adjustment (or an "adjustment of boundaries") was sought between lots regardless of:
 - (a) Whether the lots were adjoining or not; and
 - (b) Whether the word adjoining was present in clause 4.1B(3) of CVLEP 2011 or not; and
2. That the scale of any adjustment or alteration should be minor or slight and that the resulting lots or parcels of land 'post-adjustment' should bear some resemblance to the lots that existed before the adjustment.

The effect of the advice for the planning proposal in its current form is that there is little point in attempting to amend clause 4.1B in the manner sought as removing the word 'adjoining' will not achieve the type of outcome/s that are sought by the Council's resolution in response to the NoM.

Views of Department of Primary Industries - Agriculture

Prior to the planning proposal being prepared the views of the Department of Primary Industries – Agriculture (DPI Agriculture) were sought. A copy of the DPI Agriculture response is at Attachment 5.

DPI Agriculture is not supportive of the proposal in its current form stating that:

- The removal of the 'adjoining' requirement from the clause however could create a situation where there is a remaining dwelling on a lot less than the minimum lot size that is not connected to any of the surrounding farmland.
- When there is no relationship between the farmland and the dwelling lot this can increase land use conflict risk and can lead to land use complaints that can have longer term implications for the residual agriculture. This outcome would be inconsistent with the NSW Right to Farm Policy and DPI's Maintaining Land for Agricultural Industries Policy.
- The removal of the 'adjoining' terminology has implications for agriculture across the whole of the LGA and across industries.

DPI Agriculture welcomes further discussions with Council should it wish to look at specific circumstances. Such discussions could form part of a broader discussion on strategies for maintaining land access for the industry to ensure sugar production mills can remain viable given the increasing pressures on cane land from other land uses.

Strategic merit of the current proposal

The DPIE letter of 29 June 2020 requested that Council provide further detail on *"the wider strategic merit of amending clause 4.1B to permit boundary adjustments for parcels of land that aren't adjoining, as it appears the clause is being amended to suit the needs of one particular industry"* [point (i) of letter]. This matter is yet to be responded to.

Following the receipt of legal advice Council officers discussed the matter with DPIE officers on 24 November 2020. DPIE was made aware of the Council's legal advice and DPIE officers agree that:

1. Lots had to be immediately adjoining or abutting each other if a boundary adjustment (or an "adjustment of boundaries") was sought between lots regardless of:
 - (a) whether the lots were adjoining or not; and
 - (b) whether the word 'adjoining' was present in clause 4.1B(3) of CVLEP or not;
2. The scale of any adjustment or alteration had to be minor or slight, and further, that the resulting lots or parcels of land 'post-adjustment' should bear some resemblance to the lots that existed before; and
3. The planning proposal as lodged cannot achieve the outcome/s sought by Council's resolution.

DPIE officers advised that adequate strategic justification would need to be provided should Council wish to proceed with the planning proposal in an alternative form that sought to achieve the types of outcomes featured in the 26 May 2020 NoM. It is suggested that such justification should arise from an LGA-wide rural lands study or strategy which examines a range of matters including, but not limited to:

- appropriate lot sizes
- current land use patterns/activities in rural areas
- appropriate land uses
- projected agricultural and related activities on rural lands
- rural land use conflict
- the appropriateness of special CVLEP provisions for particular agricultural industries or rural uses.

Further, DPIE indicated that a rural lands strategy should include DPI Agriculture sign-off to endorse the recommended approach.

At present there is insufficient strategic merit for the current proposal or for an alternative proposal seeking to achieve the types of outcomes featured in the 26 May 2020 NoM.

The DPIE has suggested that Council consider withdrawing the current planning proposal for now and then reconsider its position in preparation of a rural lands strategy or similar. The Department would otherwise have no option other than to refuse a Gateway determination based on the current proposal.

The recently adopted Clarence Valley Local Strategic Planning Statement (LSPS) contains actions directing the need to prepare a Local Growth Management Strategy (LGMS) for the Clarence Valley. The LGMS will contain chapters or specific working papers to address various issues or aspects such as residential land supply, housing demands, employment land provision, rural land supply and agricultural sustainability. It is proposed that the rural lands component will be completed in the 2021/22 year.

COUNCIL IMPLICATIONS

Budget/Financial

Preparation of the planning proposal and administration of the CVLEP amendment process is being accommodated within the existing staffing and advertising budgets for Council's Land Use Planning function.

The legal advice obtained by Council has cost \$3,168 (\$2,880 + \$288 GST) and is covered by current legal expenses budget.

The preparation of an LGA-wide rural lands study or strategy would require a significant investment in resources which could only be quantified after project scoping, brief preparation and tendering. It is proposed that this work will be completed in 2021/22 and will be subject to a specific budget.

Asset Management

N/A

Policy or Regulation

Environmental Planning and Assessment Act 1979

Clarence Valley Local Environmental Plan 2011

Clarence Valley Rural Zones Development Control Plan

Consultation

To date Council has consulted with DPI Agriculture and discussed the proposal post-receipt of legal advice with NSW DPIE. No other consultation has been undertaken.

Legal and Risk Management

The legal advice obtained by Council has provided valuable direction on the interpretation and implementation of clause 4.1B of the CVLEP. The advice has wider implications for Council's planning practice, especially assessment of development applications and provision of planning advice, with regard to what does or does not constitute a boundary adjustment and when a 'boundary adjustment' needs to be considered as a subdivision.

Climate Change

N/A

Prepared by	Terry Dwyer, Strategic Planning Coordinator
Attachment	2 – DPIE letter dated 29 June 2020 3 – Additional DPIE response 4 – Legal advice obtained by Council 5 – DPI Agriculture letter
To be tabled	1 – Planning proposal as submitted to DPIE

ITEM 6b.20.095 NATURAL DISASTER CLAUSE – LEP AMENDMENT

Meeting	Environment, Planning & Community Committee	15 December 2020
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

The NSW Government has responded to concerns that some planning controls are acting as an impediment to rebuilding homes following the 2019/20 bushfires by drafting a new provision that councils can 'opt in' to include on respective local environmental plans (LEPs), without needing to go through a lengthy and costly planning proposal process, and hence make it easier for persons affected by the 2019/20 bushfire disaster, and any future natural disasters to rebuild dwelling-houses and secondary dwellings.

Planning controls such as minimum lot sizes and other controls for legitimate planning reasons can impede rebuilding. Insertion of this clause into the Clarence Valley LEP will not decrease Council's responsibilities to appropriately assess development applications under relevant legislation. There will be benefits for Clarence Valley Council and disaster affected communities to 'opt in' and insert this change to our LEP, particularly for rebuilding in rural zones where some properties will not satisfy minimum lot sizes established under the CVLEP.

OFFICER RECOMMENDATION

That Council notify the Department of Planning Industry and Environment that they wish to 'opt in' and insert the following clause in to the Clarence Valley LEP 2011:

Dwelling house or secondary dwelling affected by natural disaster

- (1) *The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwelling that have been damaged or destroyed by a natural disaster.*
- (2) *This clause applies to land in the following zones:*
 - (a) *RU1 – Primary Production*
 - (b) *RU2 – Rural Landscape*
 - (c) *RU3 – Forestry*
 - (d) *R5 – Large lot Residential*
 - (e) *E2 – Environmental Conservation*
- (3) *Despite any other provision of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—*
 - (a) *the dwelling house or secondary dwelling was lawfully erected, and*
 - (b) *the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.*

LINKAGE TO OUR COMMUNITY PLAN

Theme	4 Environment
Objective	4.2 We will foster a balance between development and the environment considering climate change impacts
Strategy	4.2.2 Plan, resource and respond to natural hazards and disasters taking into account impacts from climate change

BACKGROUND

The bushfires of 2019-20 caused immense damage to physical structures, the natural environment and wellbeing of communities across Australia. The rebuilding process from natural disasters is challenging for many reasons, working through insurance, clean up, finance, design and other aspects. It is often the first time impacted people have had to navigate their way through planning and building legislation, along with a myriad of legislation covering biodiversity protection and land clearing, fire risk, Bushfire Attack Level (BAL) ratings and other issues.

In addition, most planning controls through Council LEPs have evolved to encourage a more consolidated urban form and settlement pattern to achieve efficient provision of infrastructure, servicing and Council spending. Councils have taken the view to include minimum lot sizes (eg 40 hectares in some rural areas) to protect agricultural productivity and better manage costs of rural roads and other infrastructure and servicing where expectations from new residents would otherwise demand additional public spending.

Dwellings destroyed, in whole or part, by a natural disaster need development approval in order to be rebuilt. Where the land area is less than the minimum size required by Council's LEP then a variation to the lot size standard needs to be applied for and justified. This requirement adds time and expense to the development application (DA) process and in some cases may otherwise prevent approval being granted. This new draft clause intends to eliminate the need for applicants to:

- Prepare formal requests to vary a development standard; and
- Demonstrate the continuance of an existing use in circumstances where dwelling houses or secondary dwellings are no longer permitted with consent in the relevant zone.

Notwithstanding that, applicants will need to demonstrate that the dwelling that has been damaged or destroyed by a natural disaster was lawfully erected.

In May this year, Council made the following resolution (07.20.004) that recognised Council staff where engaging with the NSW Government to enable rebuilding on undersize lots following the bushfires:

That Council amend Council Resolution – 6b.19.057 to read:

That Council waive the following fees for rebuilding lawful dwellings that were uninsured and insured and damaged/destroyed at the time of the bushfire disaster declared on 31 August, 2019:

- DMU fees
- Development Application (including Plan First fee)
- DA archiving
- Construction Certificate
- Principal Certifier (inspections)
- Construction Certificate archiving
- Plumbing Inspection
- On-site sewage
- Live on site
- Rural road number plaque

That Council recognise negotiations between its planning staff and State Planning to remove the need to enforce the LEP sunset clause deadline of 23 December 2021 for such applications to be lodged.

KEY ISSUES

There are a number of issues to consider:

1. The new clause prepared by the NSW Government (see Attachments) covers all natural disasters, not just the recent bushfires or fire-affected landscape. This means in future if a dwelling or secondary dwelling is destroyed or damaged due to flood, coastal erosion, landslip or other natural disaster event.
2. The decision to 'Opt in' turns off all development standards (minimum lot size, height of buildings, etc) such that an applicant does not need to apply to have them varied (as applicable) when they submit a DA. Given the clause and guidance material (refer to Attachments) does not limit the rebuild to be of the same dimensions or even location on-site as the original lawful dwelling/secondary dwelling then standards other than the minimum lot size may come into play in some cases, albeit not likely in relation to the recent bushfires. Council is still required to consider the DA on its merits against our Development Control Plans and other legislation and guidance – for example Planning for Bushfire Protection 2019, NSW Floodplain Development Manual, Land Use Planning for Disaster Resilient Communities and other relevant guidelines.
3. In some cases of natural disaster the land itself may be gone after the event, e.g. flooding or coastal storm that creates significant erosion; and
4. Land use zones under the CVLEP need to be nominated by Council for inclusion into the new clause. The relevant zones are recommended to be included based on those zones or areas where a development standard (most commonly minimum lot size) may create a barrier to rebuilding and in some

cases zones where houses are no longer permitted with development approval (eg E2 – Environmental Protection).

In the circumstances, and given the objective of the clause is simply ‘to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster’ it is recommended that Council ‘opt in’ and include the following zones from the Clarence Valley LEP:

- *RU1 – Primary Production;*
- *RU2 – Rural Landscape;*
- *RU3 – Forestry;*
- *R5 – Large lot Residential; and,*
- *E2 – Environmental Conservation*

As the clause would otherwise override development standards in the CVLEP relating to height limits, and that there are no minimum lot sizes in our residential zones, it is recommended that the draft clause should not apply to Residential zones. For example, if a bushfire or flood destroyed a dwelling in a residential zone, the CVLEP development standards are not likely to cause onerous or prohibitive requirements for rebuilding, though a merit assessment will still be required.

COUNCIL IMPLICATIONS

Budget/Financial

The insertion of this new clause into the LEP will enable rebuilding of lawfully erected dwellings, and will have no direct costs on Council’s budget. If Council does not take up the option to include the draft clause in the CVLEP at this time, or decides to prepare an alternate clause then preparation of a planning proposal will be required at Council’s cost. In the circumstances, it is recommended that the ‘opt in’ option be taken to assist the process of processing DAs and enabling residents to rebuilding homes damaged by natural disasters in the Valley.

Asset Management

N/A

Policy or Regulation

Council has dedicated significant resources to assist with DA approvals for rebuilding following the bushfires of 2019/20 and this approach is generally consistent with our most recently adopted policies and regulations, including the Local Strategic Planning Statement (LSPS). New DAs for disaster-affected dwellings or secondary dwellings will need to satisfy relevant guidelines and other DCP requirements. The NSW Government has prepared guidance to assist in implementation of the new clause (refer to Attachments).

Specific legislation and policy relevant to the draft LEP clause include:

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

Consultation

In preparing this report, liaison across Council teams including Building Services, Strategic Planning, Development Services and the Resilience and Recovery team has occurred.

Legal and Risk Management

If Council ‘opts in’ to insert this clause into the CVLEP then a development application cannot be refused due to non-compliance with a development standard in the CVLEP. There may also be a perception from the community that Council cannot refuse a DA for rebuilding following a natural disaster. Council needs to manage that through appropriate communication and engagement.

In those rare occasions where a site is subject to an unacceptable risk to support rebuilding, i.e. a smaller site where a dwelling cannot be safely erected to withstand future risk from natural hazards or subject to other significant planning constraints, then a DA could still be refused under section 4.15 of the *Environmental Planning and Assessment Act 1979*). This outcome could extend to scenarios where land disappears as a direct result of a disaster event, such as severe erosion or landslip, for obvious reasons. In such cases, the loss of development ‘rights’ is a consideration for the insurance industry and NSW Government that needs to be pursued, however this issue is separate to this report.

Council will retain the ability to manage risks to the community through a wide range of regulatory and non regulatory tools, including through the DA process to ensure rebuilding post disaster helps to create more resilient communities consistent with the IP&R Principle under the *Local Government Act 1993* that states, *Councils should manage risks to the local community or area or the Council effectively and proactively.*

Council also has responsibilities under the *Environmental Planning and Assessment Act 1979* to (among other things):

- *Promote the social and economic welfare of the community...*
- *Promote the proper construction and maintenance of buildings, including the protection of the health and safety of occupants...*
- *Promote share responsibility...*

Climate Change

Adoption of this clause will enable more efficient procedures associated with rebuilding dwellings and recovery following future disasters such as bushfire, flood, storms, coastal erosion etc, where development standards in the CVLEP may otherwise hinder such processes. Council will need to ensure that rebuilding is carried out in a way that improves the resilience of dwellings and helps create resilient individuals, families and communities.

Prepared by	Stephen Timms, Senior Strategic Planner
Attachment	1. Draft Natural Disaster Clause 2. Natural Disasters Clause – Guidance for Implementation November 2020

ITEM	6b.20.096	REVIEW OF GRAFTON AND SOUTH GRAFTON FLOOD PLANNING LEVEL (OR RESIDENTIAL HABITABLE FLOOR LEVEL REQUIREMENTS) & AMENDMENT TO DEVELOPMENT CONTROL PLANS	
Meeting	Environment, Planning & Community Committee	15 December 2020	
Directorate	Environment, Planning & Community		
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)		
Attachment	Yes		

SUMMARY

Adoption of the Grafton and Lower Clarence Flood Model by Council in 2014 included a resolution to further review residential or habitable floor height requirements for Grafton at a future time. This issue has been considered by the Council's Floodplain Risk Management Committee (FRMC) and a change to the current floor height development standard is recommended to provide consistency and equity for new residential development across the Grafton and Lower Clarence floodplain. Further, the changes will provide added flood immunity, improve community resilience and safety, reduce flood damages and ensure Council's requirements are consistent with NSW Government recommendations.

OFFICER RECOMMENDATION

That:

1. The floodplain management provisions in all relevant Clarence Valley Development Control Plans are amended to require that:
 - i. all new residential development must have a primary habitable floor level of a minimum of 500mm above the 1% flood height for the site of the development; and
 - ii. flood compatible building materials be used for any part of such premises that are below the level of the minimum primary habitable floor level; and
 - iii. any other necessary amendments to effect these changes are drafted;
2. The proposed DCP amendments are publicly exhibited for a period of at least 28 days;
3. A report be prepared for Council's consideration as soon as practical after completion of the public exhibition period; and
4. Advice of Council's resolution on the abovementioned report be referred to the CVC Floodplain Committee for information.

LINKAGE TO OUR COMMUNITY PLAN

Theme 4 Environment

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

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

BACKGROUND

Council has generally adopted a flood planning level for new residential development across the Lower Clarence floodplain consistent with the NSW-wide standard of 500mm above the design 1% flood level. However, this has not been the case for Grafton and South Grafton.

In Grafton, habitable floor levels in new residential development are currently required to be a minimum of 6.4m AHD, whilst in South Grafton the floor level requirements are currently a minimum of 7.1m AHD in the South Grafton Common catchment and 8.0m AHD in the Heber Street catchment. Figure 1 shows the location of the two flooding catchments on the South Grafton floodplain.

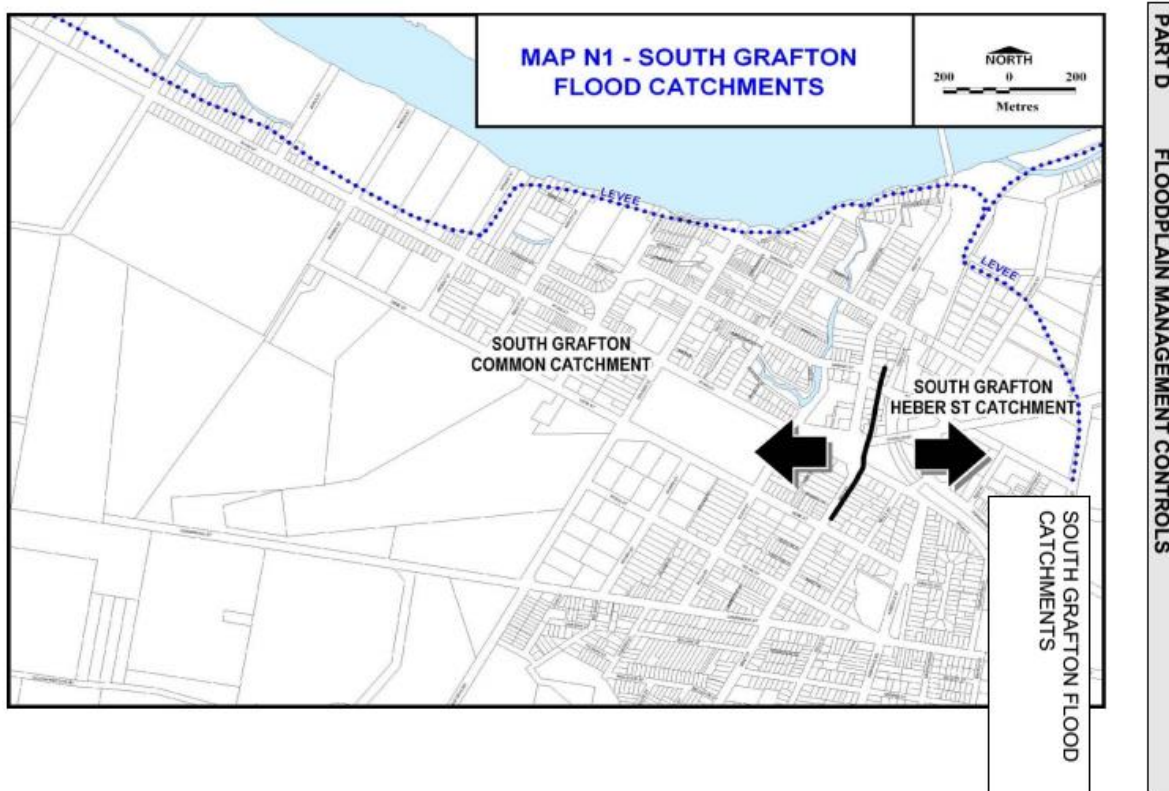


Figure 1 – South Grafton sub-catchments on the floodplain as contained in Council’s DCPs.

Changes to historical floor height requirements for Grafton and South Grafton were deferred when the latest flood model was adopted by Council in April 2014. There was a concern at the time that setting the standard habitable floor height requirement for new residential development at 500mm above the 1% flood event level could have a detrimental impact on local streetscape when new infill development was introduced among existing residential building stock and there was a significant disparity in floor heights between adjacent development. Historically though there has been varying styles and forms of new residential development in both the Grafton and South Grafton urban areas and this in fact contributes to their urban character. Further, in circumstances when the required floor height for a new development would result in an unacceptable impact on streetscape or amenity nearby then a proponent is able to apply for a variation to the DCP (consistent with existing DCP provisions). Where the proposed variation can be justified and does not unreasonably compromise flood impacts or safety then a variation can be approved by Council.

In South Grafton floor height requirements have adjusted over the years in response to changes in estimated flood heights as local conditions, such as adjustments to the levee system. In Grafton, requirements for habitable floor level of new residential development have been less variable as changes to flood characteristics have been less significant. That is until the 2013 flood model was prepared.

The design 1% flood event is expected to result in differential water levels across Grafton and South Grafton in response to flood hydrology, local topography and flood mitigation works. For Grafton the urban area can generally be divided into two zones where flooding conditions will be different. West of Queen Street/Lawrence Road the design 1% flood level is relatively uniform at 6.45-6.56m AHD and east of Queen Street 1% flood levels are more variable and higher in the range of 6.97-7.18m AHD. The map at Figure 2 in the attached briefing paper show in orange colour the building premises in Grafton that currently have a habitable floor level that would be compliant with a floor height requirement of the 1% design flood level plus a 500mm freeboard. Premises coloured yellow would not meet the revised floor height requirement recommended in this report (refer to discussion in ‘Key Issues’).

In South Grafton, there is an opposite trend in that as a result of reduced 1% flood levels following augmentation to flood mitigation works in the mid-1990’s flood planning levels that adopt the proposed 500mm freeboard above the design 1% flood would actually be significantly lower than the current DCP floor height requirements at most sites. Hence, the map at Figure 3 of the attached briefing paper indicates that the majority of premises, coloured orange, have floor levels that are higher than the proposed new flood planning level. Again, premises coloured yellow would not meet the proposed floor height requirements (refer to discussion in ‘Key Issues’).

The South Grafton 'Common' catchment (see Figure 1) currently is expected to have 1% flood levels at 5.83m AHD south of Ryan Street, up to 8.32m AHD in Ryan Street west, 7.8m AHD at the river end of Wharf Street and 6.35m AHD at the river end of Skinner Street.

A briefing paper regarding the habitable floor height issue and background was prepared for the latest Council FRMC meeting held on 20 November 2020 (refer also to Items for Information of this business paper). Following consideration of the briefing paper and discussion at the recent meeting the Committee made the following recommendation:

That the CVC Floodplain Risk Management Committee recommend to Council that:

- a. The Committee supports consistent application of development controls to manage impacts of flooding on development across the Clarence Valley;*
- b. The floodplain management provisions in all relevant Clarence Valley Development Control Plans are amended to require that:*
 - i. all new residential development must have a primary habitable floor level of a minimum of 500mm above the 1% flood height for the site of the development; and*
 - ii. flood compatible building materials be used for any part of such premises that are below the level of the minimum primary habitable floor level; and*
 - iii. any other necessary amendments to effect these changes are drafted;*
- c. That the proposed DCP amendments are publicly exhibited for a period of at least 28 days;*
- d. That a report be prepared for Council's consideration as soon as practical after completion of the public exhibition period; and*
- e. That advice of Council's resolution on the abovementioned report be referred to the CVC Floodplain Committee for information.*

This report responds to that recommendation.

KEY ISSUES

Impact of proposed change on existing development

The proposed changes to the flood planning level or habitable floor height requirement will not apply retrospectively to existing development. Therefore, residential premises coloured yellow on Figures 2 and 3 of the attached briefing paper will not need to have habitable floor levels be raised unless they are redeveloped or subject to substantial alterations and/or additions consistent with existing DCP provisions.

Impact of proposed change on new development

The urban areas of Grafton and South Grafton are well developed. This means that the opportunities for new residential development are not significant in number compared to total housing stock on these parts of the floodplain. The proposed changes to the flood planning level or habitable floor height requirement, and building construction materials, will only apply to new residential development (including aged care accommodation) and highly sensitive development, such as hospitals.

In Grafton, for habitable floor levels to comply with the proposed requirement to be 500mm above the 1% event they would generally need to be 6.95-7.06m AHD west of Queen Street and 7.47-7.68m AHD to the east. These floor levels would be between 0.45 metres to nearly 1.3 metres higher than the minimum 6.4m AHD floor height currently applied in development approvals.

For new residential premises in South Grafton applying the proposed floor heights would result in compliant floor levels across the South Grafton Common catchment (see Figure 1) ranging from 6.33m AHD for most of that catchment and up to 8.82m AHD, whereas the current DCP requires a minimum floor level of 7.1m AHD for infill development. In many areas the floor height requirement would be in the order of 0.8 metres less than existing while in other parts of the catchment it would be up to 1.7 metres higher. In the Heber Street catchment (see Figure 1) compliant floor levels using the proposed criteria would be 6.33m AHD, or nearly 1.7 metres less than the existing minimum habitable floor height of 8.0m AHD.

As indicated above the effect of the proposed change will vary across the Grafton and South Grafton urban area dependent on expected flood conditions. In some cases there will be a clear positive impact as development will not need to be built as high, providing construction cost savings, whereas in other circumstances increases in floor height requirements will result in higher construction costs. These additional costs will result in added flood immunity, community resilience and safety, reduce flood damages and ensure

Council's requirements are consistent across the Grafton and Lower Clarence floodplain and will be consistent with the NSW Floodplain Development Manual and Flood Prone Land Policy.

In circumstances where the required habitable floor level would produce a design outcome that would result in an unacceptable impact, such as but not limited to, visual impact on streetscape or impact on the privacy or amenity of neighbours, then a proponent is able to apply for a variation to the DCP (consistent with existing DCP provisions) and where such variation is considered to be reasonable and not unnecessarily compromise the future safety of occupants or the proposed structure then a variation may be granted.

Options

The following options are available:

1. Adopt consistent floor height criteria for the whole of the Lower Clarence whereby minimum primary habitable floor levels for residential dwellings are to be no less than the 1% flood level plus freeboard, being an additional 500mm, for all flood prone land including Grafton and South Grafton, as well as requiring flood compatible building materials for any part of a dwelling below the minimum primary habitable floor level applicable to the site of the development; or
2. Maintain current approach for primary habitable floor level requirements for Grafton of 6.4m AHD and for South Grafton of 7.1m AHD and 8.0m AHD in the South Grafton 'Common' and Heber Street catchments, respectively.

Option 1 is recommended.

COUNCIL IMPLICATIONS

Budget/Financial

Costs of preparing and advertising the proposed changes would be met from current staff and advertising budgets in the Land Use Planning cost centre.

Asset Management

The change to the flood planning level would not have any impact on existing or proposed Council assets. The 1% design flood levels are not changing and hence, the impact of flooding remains as existing in a practical sense. The proposed policy change will apply to new residential development assets whether private or public housing.

Policy or Regulation

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

Local Government Act 1993

All five CVC Development Control Plans

CVC Community Participation Plan

NSW Floodplain Development Manual

NSW Flood Prone Land Policy

Consultation

In preparing the briefing paper for the FRMC, as well as this report, staff from Council's Strategic Planning, Building Services and Water Cycle teams have been consulted. This report recommends that the proposed DCP amendments are placed on public exhibition consistent with the above mentioned Policy and Regulation. Council will consider a further report to consider any written submissions following public exhibition of the proposed DCP amendments.

Legal and Risk Management

The proposed changes are sought to ensure appropriate floor height requirements for new residential development for Grafton and South Grafton and in doing so provide a consistent and equitable policy approach to management of flood risk across the Clarence Valley LGA. The proposed floor height requirements are consistent with NSW Government policy and are deemed to be consistent with the 'good faith' provisions and provide exemption from liability for Council under section 733 of the *Local Government Act 1993*. Management of flood risk is also a responsibility of SES and the evacuation plans for Grafton are in the process of being updated, in accordance with the NSW Floodplain Development Manual and best practice to manage risk to life safety.

Climate Change

The 2013 flood model considered climate change effects, although these were not incorporated into the adopted flood planning levels. The climate change scenarios modelled indicated an increase in flood levels at the Prince Street gauge of 0.1 metre. Future flood models will also need to consider sea level rise and changes to rainfall intensity and patterns as a result of climate change. As adjustments to the design 1% flood level are adopted by Council in the future then the required floor heights (including a 500mm freeboard) will adjust accordingly.

Prepared by	Scott Lenton, Acting Strategic Planning Coordinator
Attachment	Briefing Note in support of Item 6 of the CVC Floodplain Risk Management Committee meeting agenda, 20 November 2020 - GRAFTON AND SOUTH GRAFTON FLOOD PLANNING LEVEL

ITEM	6b.20.097	PROPOSED AMENDMENT NO. 2 TO CLARENCE VALLEY CONTRIBUTIONS PLAN 2011 – MANUFACTURED HOME ESTATES
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Meeting	Environment, Planning & Community Committee	15 December 2020
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	To be tabled	

SUMMARY

This report considers the outcomes of the exhibition of a draft amendment (Amendment No. 2) to Clarence Valley Contributions Plan 2011 to:

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

Draft Amendment No. 2 was publicly exhibited from 23 October to 20 November 2020. No submissions were received. It now remains for Council to again consider the draft amendment and finalise amendment to the plan. A copy of the exhibited draft contributions plan amendment is at Attachment 1.

This report recommends Council adopt amendment No. 2 to the contributions plan as exhibited (Attachment 1).

OFFICER RECOMMENDATION

That Council:

1. Adopt the amendment to Clarence Valley Contributions Plan 2011 seeking to authorise the imposition of a section 7.11 contribution upon manufactured home estate developments and caravan park development/conversion proposing long term caravan sites/moveable dwellings as exhibited and without further amendment.
2. Give notice of its decision in accordance with the Environmental Planning and Assessment Regulation 2000.

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 3.1.3 Provide land use planning that facilitates and balances economic growth, environmental protection and social equity

BACKGROUND

On 27 August 2019 Council resolved to initiate an amendment to Clarence Valley Contributions Plan 2011 (CVCP 2011) to:

1. Make provision for a section 7.11 (former section 94) contribution for manufactured home estates and caravan park developments/conversions proposing long term caravan sites/moveable dwellings based on “assumed average household occupancy rate” of 1.5 persons per dwelling in manufactured home in a manufactured home estate (MHE) or to proposed long term caravan sites/moveable dwellings in a caravan park; and
2. Update “old Act” references in the contributions plan to sections 94 and 94A to the correct references under the more recently amended and updated Environmental Planning and Assessment Act 1979.

The reasons for recommending that Council prepare this amendment to the Clarence Valley Contributions Plan 2011 (CVCP 2011) and associated issues are provided in the report to Council's 27 August 2019 Ordinary meeting. A copy of the 27 August 2019 report to Council is at Attachment 2.

KEY ISSUES

As explained in the report to Council's 27 August 2019 Ordinary meeting Council is currently unable to impose a section 7.11 (former s.94) contribution upon an MHE development or a caravan park development/conversion proposing long term caravan sites/moveable dwellings at the same rate as it can for the various forms of residential accommodation development. Council is only able to apply a fixed development consent s.7.12 levy (former s.94A levy) to an MHE development or a caravan park development/conversion proposing long term caravan sites/moveable dwellings under CVCP 2011. This discrepancy results in a loss of potential development contributions revenue even though MHE developments are of a residential nature. This was illustrated in an example provided in the 27 August 2019 report to Council.

Applying a lower but still equitable "assumed average household occupancy rate" of 1.5 persons per dwelling to a manufactured home in an MHE (or proposed long term caravan site/moveable dwelling in a caravan park) will still yield a higher overall contribution rate as a section 7.11 contribution as opposed to the current section 7.12 mechanism which is based on a percentage of stated development value.

COUNCIL IMPLICATIONS**Budget/Financial**

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

Asset Management

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

Policy or Regulation

Environmental Planning and Assessment Act 1979 (EP&A Act)

Environmental Planning and Assessment Regulation 2000

State Environmental Planning Policy No. 36 - Manufactured Home Estates (SEPP 36)

Clarence Valley Contributions Plan 2011

Consultation

The draft contributions plan was publicly exhibited from 23 October to 20 November 2020. No submissions were received.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Terry Dwyer, Strategic Planning Coordinator
To be tabled	1. Draft contributions plan amendment (as exhibited) 2. Report to Council 27 August 2019

ITEM	6b.20.098	NGAYUNDI YAMBA SPORTS COMPLEX – DRAFT PLAN OF MANAGEMENT
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Meeting	Environment, Planning & Community Committee	15 December 2020
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	To be tabled	

SUMMARY

A draft plan of management has been prepared for the Ngayundi Yamba Sports Complex reserve area. The preparation of a plan of management (PoM) is a statutory requirement for community Crown land under the *Crown Land Management Act 2016* and for land classified as 'community' under the *Local Government Act 1993*.

The draft PoM contains relevant background information and a table of proposed management actions to guide the current and future use and management of the Reserve. The PoM is intended to be reviewed every 5 years or so to retain relevance.

OFFICER RECOMMENDATION

That Council:

1. Authorise the General Manager to refer the draft plan to the NSW Department of Planning, Industry and Environment (DPIE) as owner of Ngayundi Yamba Sports Complex (Reserve 98072) for comment using Form B (*Notice of plan of management for Crown reserve—Alteration of categorisation or additional/new categorisation*);
2. Place the draft PoM on public exhibition (after it has been returned by DPIE and any corrections regarding Ngayundi Yamba Sports Complex are made) for a period not less than 28 days as required under the *Local Government Act 1993*.
3. Conduct a public hearing regarding the proposed addition of extra categories of 'community' land effectively altering the category(s) assigned by the Minister.
4. Accept submissions on the draft PoM for a period not less than 42 days from the date the plan is placed on public exhibition as required under the *Local Government Act 1993*.
5. Prepare a report to Council on the draft PoM in consideration of public submissions after the public exhibition period has closed for consideration of its adoption or re-exhibition as per the requirements of section 40 of the *Local Government Act 1993*.

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

Ngayundi Yamba Sports Complex is Crown land, being Reserve 98072 for Public Recreation, notified in the Government Gazette on 14 February 1986.

Council has managed the reserve since 14 February 1986, initially as trustee, then as Trust Manager and now as Crown land manager under the *Crown Land Management Act 2016* (CLM Act).

Under the CLM Act local councils appointed to manage dedicated or reserved Crown land (council managers) are to manage that land as if it were public land under the *Local Government Act 1993* (LG Act). Generally, council managers will manage this land as if it were community land under Part 2 of the LG Act.

Under the LG Act, councils are required to develop and implement PoMs for all 'community' land owned by them.

KEY ISSUES

Local Government Act 1993 requirements

The LG Act requires that 'community' land to be used and managed in accordance with:

- a PoM applying to the land;
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land; and
- the requirements of Part 2 Public land, Division 2 Use and management of community land, Chapter 6 of the *Local Government Act 1993* as they relate to the land (s35, LG Act).

Section 38 of the LG Act states that a council must give public notice of a draft PoM:

- The period of public exhibition of the draft PoM must be not less than 28 days.
- The public notice must also specify a period of not less than 42 days after the date on which the draft PoM is placed on public exhibition during which submissions may be made to the council.
- The council must, in accordance with its notice, publicly exhibit the draft PoM together with any other matter which it considers appropriate or necessary to better enable the draft plan and its implications to be understood.

In addition, section 39 of the Act requires that any draft PoM for or including land not owned by Council must be referred to the owner of the land for comment prior to placing the draft PoM on public exhibition. The council must include in the draft PoM any provisions that may properly be required by the person who owns or controls the land.

Crown Land Management Act 2016 requirements

Section 3.23(6) of the CLM Act requires council managers to adopt a PoM (either specific or generic) for any Crown reserve for which it is the appointed Crown land manager, and is classified as 'community' land under the LG Act. These PoMs must be prepared and adopted in accordance with the provisions of Division 2 of Part 2 of Chapter 6 of the LG Act.

Ngayundi Yamba Sports Complex is Crown land owned by the State of New South Wales. Consequently a copy of the PoM must be referred to NSW Department of Planning, Industry and Environment (DPIE) as the owner of the land under section 39 of the LG Act, prior to Council placing the draft PoM on public exhibition. This enables the DPIE as the land owner to ensure any matters required by the Department regarding the Sportsground are included in the draft PoM. However, as the draft PoM proposes to alter the category 'Sportsground' generally assigned to the reserve, notification must be made on Form B (*Notification of plan of management—Alteration of categorisation or additional/new categorisation*) of the *Developing plans of management for community land Crown reserves: Guidelines for council Crown land managers* document. Form B also acts as a request for Ministerial consent to add an additional purpose to the reserve if the DPIE consider this requirement as being necessary in the management of the reserve.

The draft PoM proposes to amend the 'Sportsground' category by adding the category 'Natural Area (Bushland)' to the areas of remnant vegetation located on the reserve. These natural areas require specific management objectives and actions to ensure its protection and enhancement, while facilitating the sustainable use of the land.

Section 40A of the LG Act requires a council to hold a public hearing in respect of a proposed PoM (including a PoM that amends another PoM) if the proposed PoM would have the effect of categorising, or altering the categorisation of, community land under section 36(4). Consequently, a public hearing will be required as part of the public exhibition/submission process to seek public comment on Council's proposal to categorise this land under the PoM.)

The statutory requirements prescribed by the CLM Act also includes the requirement for council Crown land managers to obtain written advice from their qualified native title manager that any PoM covering Crown land that is not 'excluded land' complies with the requirements of the native title legislation.

Section 8.7 of the CLM Act also details that written native title manager advice is required before a council Crown land manager does any of the following:

- a) grants leases, licences, permits, forestry rights, easements or rights of way over the land;
- b) mortgages the land or allows it to be mortgaged;
- c) imposes, requires or agrees to covenants, conditions or other restrictions on use (or removes or releases, or agrees to remove or release, covenants, conditions, or other restrictions on use) in connection with dealings involving the land;
- d) approves (or submits for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in paragraph (a), (b) or (c). Accordingly, native title manager advice

must be obtained prior to the approval (or submittal for approval) of a POM that allows a dealing in (a)–(c) and the execution of any lease, licence, permit, etc. that may be authorised under that plan.

The Ngayundi Yamba Sports Complex is within the traditional lands of the Yaegl people. Native title continues to exist in all Crown land unless determined otherwise. In the *Yaegl People #2 v Attorney-General of New South Wales* native title determination the Federal Court has determined that native title has been 'extinguished' on the land (Schedule 5, Area ID 542 & 543 respectively).

The land is therefore deemed 'excluded land' for the purposes of *Part 8 Native title rights and interests* of the *Crown Land Management Act 2016*.

COUNCIL IMPLICATIONS

Budget/Financial

The draft PoM has been prepared in-house using funding from an Office of Local Government grant for the Crown Lands Plans of Management. The public exhibition of the draft PoM will be coordinated through Council's 'On Exhibition' webpage and 'Noticeboard' publication using OLG grant funds as applicable.

A cost will be associated with the requirement to hold a public hearing in accordance with s40A of the LG Act. The public hearing has to be facilitated by an independent chair. A report outlining the hearing and any recommendations made need to be considered as part of the submission process. An amount of \$2,000 is budgeted for the hearing. This will be funded by the OLG grant and/or Project No 994381.

Asset Management

Council as the Crown land manager of Ngayundi Yamba Sports Complex (R98072) has the care, control and management of Lot 1 DP 1161058 and Lot 2 DP 1161058 and the assets there upon. The draft PoM contains recommendations that relate to the maintenance and improvement of CVC assets on the Reserve.

Policy or Regulation

Crown Land Management Act 2016

Local Government Act 1993

Native Title Act 1993 (Cth)

Consultation

The following internal sections of Council were consulted during the drafting of the Ngayundi Yamba Sports Complex PoM:

<i>Internal Section</i>	<i>Comment</i>
Community & Industry Engagement	Supported
Open Spaces and Facilities	Supported with comments
Natural Resource Management	Supported with comments
Property	Supported with comments
Strategic Planning	Supported with comments

External consultation involving onsite meetings and verbal and electronic communication was also undertaken with Yaegl TOAC and local traditional owners, AFL North Coast, Clarence Coast Magpies Junior Rugby League Club, CRU3A Croquet Club, Lower Clarence Cricket Association, Lower Clarence Magpies Rugby League Club, Lower Clarence Tennis, Raymond Laurie Sports Centre, Yamba Breakers Football Club (soccer), Yamba Community Heated Pool, Yamba Dog Sports, Yamba Netball, Yamba Touch Association, as well as the Yamba Triathlon Club.

Legal and Risk Management

A PoM is a statutory document that aims to satisfy the requirements of both the *Local Government Act 1993* and the *Local Government Amendment (Community Land Management) Act 1998*.

The (draft) Ngayundi Yamba Sports Complex PoM details how Council will manage the land, and in particular indicates how the land may be used and further developed.

Council's principal Native Title Manager has been involved in the development of this draft PoM and is satisfied that it complies with the applicable provisions of the native title legislation.

Climate Change

Climate change is considered as part of the management issues section of the draft PoM – refer section 7.2. Management actions in regards to addressing the impact of climate change are included at section 8 of the draft PoM.

Prepared by	Dr Danny Parkin, Senior Strategic Planner (Public Land/Native Title) and Jasmine Oakes, Plans of Management Officer
To be tabled	Ngayundi Yamba Sports Complex draft Plan of Management

ITEM	6b.20.099	UNAUTHORISED FREEDOM CAMPING ENFORCEMENT PROGRAM - EXTENSION
Meeting	Environment, Planning & Community Committee	15 December 2020
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment, Planning & Community (Des Schroder)	
Attachment	Yes	

SUMMARY

Council's Working Group on Campers met on 24 November 2020 and resolved recommending to Council extending the existing enforcement program to other locations in the Clarence Valley over the upcoming holiday period.

OFFICER RECOMMENDATION

That Council endorse implementing parking restrictions between 12am – 5am at various locations around Iluka, Brooms Head, Minnie Water, Wooloweyah, Wooli and Yamba as identified in this report.

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

Unauthorised freedom camping in mobile vans/campervans remains a key issue in the Clarence Valley. Camping at locations across Yamba and Angourie are currently being regulated by Council Rangers in accordance with Council Resolution 14.109/17 of 17 October 2017.

Council's Working Group on Campers met on 24 November 2020. At that meeting it was resolved to recommend to Council extending the existing enforcement program to other locations in the Clarence Valley over the upcoming holiday period due to the expected influx of unauthorised freedom campers.

At the Working Group meeting it was also acknowledged that Council's ability to regulate unauthorised freedom camping over the holiday period has strengthened as a result of the recruitment of two additional Rangers and a Parking Officer as per Council resolution 6b.20.030 of April 2020.

KEY ISSUES

It is expected that the 2020/2021 holiday season will be one of the largest years for unauthorised freedom camping due to COVID-19. This is due to people wishing to holiday away from major cities, the lack of international travel options and a trapped international market of backpackers unable to return home. These issues are further compounded by many local accommodation providers being booked out until at least March 2021.

Local tourism operators have already reported a large influx of tourists from other parts of NSW, Queensland, Victoria and South Australia.

Key risks associated with an increase in unauthorised freedom camping include:

- Environmental and public health impacts on the sites associated with rubbish disposal, lack of ablutions and campfires,
- Amenity impacts on nearby residences including noise, visual impacts and increased competition for parking, and
- Competition for commercial operators such as holiday parks.

In response to these challenges, the Working Group recommended the creation of No Parking 12AM - 5AM areas at a number of locations identified in Table 1.

Table 1: Proposed No Parking 12AM - 5AM AREAS

Reserve Name	Suburb	Crown Land Reserve No.	Comments
Brooms Head Reserve	Brooms Head	R65975	All internal roads and road related areas south of The Esplanade associated with Brooms Head lookout.
Iluka Beach Carpark	Iluka	R89464	All internal roads and road related areas.
Moriarty's Reserve	Iluka	R8842	All internal roads and road related areas bordered by Iluka Beach Road and Moriarty's Wall Road.
Minnie Water Foreshore Reserve	Minnie Water	R84129	All internal roads and road related areas associated with Melaleuca Park and Minnie Water Back Beach.
Old Punt Road Reserve*	Seelands	N/A	All internal roads and road related areas
Eastland Park and Punt Lane Road Reserve*	The Whiteman	R91546	All internal roads and road related areas
South Terrace	Wooli	R41752	All internal roads and road related areas.
Wooloweyah Foreshore Reserve	Wooloweyah	R95841	All internal roads and road related areas.
Hickey Island Reserve	Yamba	R1003009	All internal roads and road related areas.
Flinders Park	Yamba	R85724	All internal roads and road related areas associated with Wooli Park and lower access to Yamba Main Beach.

* Additional locations identified by Council staff following the November 2020 Working Group meeting

Maps of the Proposed No Parking 12AM - 5AM areas are provided as an attachment to this report.

The creation of the Proposed No Parking 12AM - 5AM areas will require the installation of the following road transport signage types:



No Parking AREA (r5-81)



End No Parking AREA (r5-83)



Reminder No Parking AREA (r5-82)

In addition to the above sites, No Camping signage has also been ordered for Diggers Camp. This will be installed shortly.

COUNCIL IMPLICATIONS

Budget/Financial

The costs associated with supply, delivery and installation of the required signage to create the Proposed No Parking 12AM - 5AM areas can be met from the existing budget PJ550203 CCRT Parks Signage Renewals.

Wages for Ranger staffing enforcement has been allocated as part of Council resolution 6b.20.030 of April 2020.

Asset Management

The ongoing maintenance, operation and renewal of the No Parking 12AM - 5AM areas signage will be planned for in the Open Spaces Asset Management Plan.

Policy or Regulation

Local Government Act 1993

Road Transport Act 2013

AS 1742.11-1999 Manual of uniform traffic control devices - parking controls

Roads and Maritime Traffic Signs Register

Consultation

The Working Group on Campers is chaired by Cr Peter Ellem with input from community stakeholders and Council staff.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Adam Cameron, Manager Environment Development and Strategic Planning Gavin Beveridge, Parks and Recreation Officer
Attachment	Proposed No Parking 12AM - 5AM areas Maps

ITEM	6b.20.100	SUB2020/0038 – REQUEST FOR REFUND OF UNSPENT DEVELOPMENT APPLICATION FEES – JAMES CREEK ROAD, JAMES CREEK – 342 LOT SUBDIVISION
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Meeting	Environment, Planning & Community Committee	15 December 2020
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Robert Donges
<i>Owner</i>	Kahuna No. 1 Pty Ltd
<i>Address</i>	James Creek Road, James Creek
<i>Submissions</i>	Yes

Development Application SUB2020/0038 for a 342 lot subdivision at James Creek Road, James Creek was withdrawn from Council on 7 December 2020. The applicant has now requested a refund of \$20,000 for unspent application fees due to the application being withdrawn.

The following fees were paid upon lodgement of the application:

Subdivision Fee	\$22,830.00
Advertising Fee	\$ 481.75
Archiving Fee	\$ 36.00

In line with Council's refund schedule contained in the adopted Fees and Charges 2020/21, staff only have delegation to refund 50% of the fees where the application has been registered and referred to staff for action. No refund can be given for advertising or archiving.

This report provides details of the actions and staff time spent on the application and provides a recommendation for Council.

OFFICER RECOMMENDATION

That Council refund \$11,415.00 being 50% of the Development Application fees paid for SUB2020/0038.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

Development Application SUB2020/0038 for a 342 lot subdivision was withdrawn by the applicant on 7 December 2020. The proposal was for 336 residential lots, 4 drainage reserves and 1 commercial lot and 1 public reserve over Lot 104 DP 751388, James Creek Road, James Creek.

KEY ISSUES

1. Percentage of refund to be given

Council's adopted schedule of Fees and Charges 2020/21 sets out the percentage of Development Application fees that may be refunded at the following rates:

- where the application has been registered and/or referred to staff for action - 50%
- where application has been processed beyond being registered and/or referred to staff - 25%
- where application has been determined - No refund available
- where application lodged in error or not required - 100%

To date, the application has been registered, referred to staff for action, advertised and notified. A preliminary assessment has been undertaken by the assessing planner with a request for additional information sent on 4 December 2020. One staff meeting has also been held with Council's Development Engineers and Civil Services Section and one referral from Council's Open Spaces Section was received prior to the application being withdrawn.

Given the application has not proceeded past advertising/notification and referral to staff, it is recommended that a refund of \$11,415.00 being for 50% of the DA fees be provided in line with the Fees and Charges. No refund can be given for advertising or archiving.

The applicant has requested a refund of \$20,000, however, this is not recommended as it is not in accordance with Council's adopted Schedule of Fees and Charges refund criteria. A copy of the applicant's request is provided as Attachment A.

COUNCIL IMPLICATIONS

Budget/Financial

The refund of \$11,415.00 being 50% of the DA fee is in accordance with the refund criteria set out in Council's adopted schedule of Fees and Charges 2020/21. The advertising and archiving fee are not to be refunded.

Asset Management

N/A

Policy or Regulation

Fees and Charges 2020/21

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Carmen Landers, Acting Development Services Coordinator
Attachment	A. Request for refund from applicant

ITEM	6b.20.101	2020/2021 COMMUNITY INITIATIVES PROGRAM – ROUND 2
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Meeting	Environment, Planning & Community Committee	15 December 2020
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment, Planning & Community (Des Schroder)	
Attachment	Yes	

SUMMARY

This report summarises the assessment of applications received from community organisations for a donation from Council as part of the 2020/2021 Community Initiatives Program Round 2.

OFFICER RECOMMENDATION

That Council approve donations under the 2020/2021 Community Initiatives Program – Round 2 to the value of \$13,548.52 in accordance with the recommendations set out in the attached schedule.

LINKAGE TO OUR COMMUNITY PLAN

Theme	1 Society
Objective	1.1 We will have proud and inviting communities
Strategy	1.1.3 Support, encourage and celebrate community participation, community organisations and volunteerism

BACKGROUND

Organisations seeking a donation from Council are asked to apply for Community Initiatives Program funding. Round 1 of this program was open for 8 weeks from 1 September to 31 October 2020, and promoted through the local print media, on Council's website, and via email notification through the Community Projects Officer's extensive database of contacts.

Applications were submitted online via the SmartyGrants link on Council's website, with applications from 16 organisations received (including 2 ineligible applications). Applications were considered in line with the Program Guidelines and Donations Policy and recommendations for funding have been made in relation to each one. The recommendations appear in the attached schedule.

Objectives of Council's adopted Donations Policy are:-

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

Applications under the program are assessed against one or more of the following criteria:

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

the donation is approved by Council;

- *Council will only make one donation to any organisation each year.*

KEY ISSUES

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

COUNCIL IMPLICATIONS

Budget/Financial

The 2020/2021 Donations budget allocation is \$100,000 (Service 4010 - Cost Centre 410 – PJ# 997113-7353-2534). This budget is for donations granted through the Community Initiatives Program Rounds 1 and 2, the Sport & Cultural Trust fund, and DA fee waiver requests received throughout the year.

Approved budget 25 June 2020, 6b.20.050		\$100,000.00
<i>Reserved funds for Cultural & Sports Trust Fund applications 20/21</i>	\$ 5,000.00	\$ 95,000.00
<i>Less June – 6b.20.050 Community Initiatives Round 1 – Rates</i>	\$29,880.82	\$ 65,119.18
<i>Less June – 6b.20.050 Community Initiatives Round 1 – Fee Waivers</i>	\$6,819.00	\$ 58,300.18
<i>Less June – 6b.20.050 Community Initiatives Round 1 – Cash</i>	\$16,094.75	\$ 42,205.43
<i>Less July – 6b.20.059 Clarence Valley Anglican School</i>	\$10,595.02	\$ 31,610.41
<i>Less: July - 07.20.007 Harwood Island Cricket Club – out of round</i>	\$ 7,500.00	\$ 24,110.41
<i>Less July – 07.20.008 Clarence Valley Sports Awards</i>	\$ 3,000.00	\$ 21,110.41
<i>Add: return of donation (cancelled event) Maclean Lions Club</i>	-\$1,600.00	\$ 22,710.41
<i>Add: return of donation (cancelled event) Lifeline North Coast</i>	-\$ 369.00	\$ 23,079.41
<i>Add: return of donation (cancelled event) Grafton Art Club</i>	-\$1,000.00	\$ 24,079.41

Available funds remaining at 30 November 2020 - \$24,079.41

Balance remaining after consideration of Round 2 recommendations will be \$ 10,530.89.

Asset Management

N/A

Policy or Regulation

Donations Policy

Community Initiatives Program guidelines

Consultation

Internal consultation has been undertaken to ensure compliance with the current Donations Policy with particular reference to only approving one donation per financial year and not funding retrospectively.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Sammy Lovejoy, Community Projects Officer – Community Grants
Attachment	Schedule of Recommendations – 2020/2021 Community Initiatives Program – Round 2

ITEM	6b.20.102	CLARENCE VALLEY LOCAL ENVIRONMENTAL PLAN 2011 (AMENDMENT NO. 45)
Meeting	Environment, Planning & Community Committee	15 December 2020
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment, Planning & Community (Des Schroder)	
Attachment	Yes	

SUMMARY

This report advises of the recently completed Amendment No. 45 to the Clarence Valley Local Environmental Plan 2011 (the LEP).

Amendment No. 45 amends Schedule 1 Additional Permitted Uses of the LEP to permit a dwelling house on proposed Lot 2 of the subdivision of Lot 102 DP1221192, Summerland Way, Koolkhan.

OFFICER RECOMMENDATION

That Council note the report on Amendment No. 45 to the Clarence Valley Local Environmental Plan 2011.

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 3.1.3 Provide land use planning that facilitates and balances economic growth, environmental protection and social equity

BACKGROUND

Amendment No. 45 was recently made by Council delegate and notified on 6 November 2020.

The finalisation of Amendment No. 45 represents the culmination of a planning proposal that originally sought to rezone part of Lot 102 DP1221192 Summerland Way, Koolkhan (the land) from E2 Environmental Conservation to E3 Environmental Management with the ultimate aim of enabling a dwelling house to be erected on part of the land.

The planning proposal was publicly exhibited from 24 January to 10 February 2020. Consultation was undertaken with the Department of Planning, Industry and Environment (Biodiversity and Conservation Division or BCD) and the Australian Rail Track Corporation. The BCD raised a number of concerns relating to biodiversity which constituted an objection to the proposal as publicly exhibited.

As a consequence of considering submissions from the BCD the planning proposal was amended to achieve the ultimate aim of enabling a dwelling house to be erected on part of the land in an alternative manner as follows:

- (i) Amending Schedule 1 Additional Permitted Uses of the LEP so as to permit a dwelling house with development consent on proposed Lot 2 in the subdivision of Lot 102 DP1221192, Summerland Way, Koolkhan, as identified as "D" on the Additional Permitted Uses Map.
- (ii) Amending the Additional Permitted Uses Map to reflect the proposed amendment described in (i) above.

A copy of Amendment No. 45, as notified on the NSW legislation website is in the attachments.

KEY ISSUES

Previous reports to Council (20 August 2019 and 23 June 2020) have dealt with the issues associated with the planning proposal and LEP amendment.

The biodiversity issues raised by the BCD as a result of the exhibition/consultation process were addressed and resolved by amending the LEP in an alternative manner in order to achieve the ultimate aim of enabling a dwelling house to be erected on part of the land zoned E2.

COUNCIL IMPLICATIONS**Budget/Financial**

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

Asset Management

N/A

Policy or Regulation

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

Consultation

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

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Terry Dwyer, Strategic Planning Coordinator
Attachment	CVLEP 2011 Amendment No. 45

c. CORPORATE GOVERNANCE AND WORKS COMMITTEE

ITEM	6c.20.183	2020/21 MONTHLY FINANCIAL REPORT – NOVEMBER 2020
Meeting	Corporate, Governance & Works Committee	15 December 2020
Directorate	Corporate & Governance	
Reviewed by	A/Manager - Finance & Supply (Michael Salvestro)	
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.

Budget variations identified in this report impact the General Fund end of year result by \$71,974.

The reserve fund variations identified in this report will decrease the reserve funds by \$2,159,989.

OFFICER RECOMMENDATION

That Council:

1. Receive and note the monthly financial information report for November 2020, attached to this report.
2. Endorse the proposed General Fund variations as set out in this report totalling \$71,974 for inclusion in the December Quarterly Budget Review Statement to be reported in February 2021.
3. Endorse the proposed variations, which decrease Financial Reserves by \$2,159,989 for inclusion in the December Quarterly Budget Review Statement to be reported in February 2021.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

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

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

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

The report table below highlights any proposed budget variations that staff have become aware of during the past month that may affect the 2020/21 budget. The mechanism for revising the adopted budget is the Quarterly Budget Review Statement (QBRs) in compliance with Clause 203 of the *Local Government (General) Regulation 2005*.

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

KEY ISSUES

Major Budget Variations Proposed

Following is a list of the major proposed variations identified during the month of November 2020.

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
101	Service – Office of General Manager Sub-Service – Civic Events <ul style="list-style-type: none"> Allocate Australia Day Council - Australia Day Grant to fund Australia Day project (\$1,000) 	\$Nil	\$Nil	N/A
205	Service – Community & Industry Engagement Sub-Service – Industry & Community Economic Development <ul style="list-style-type: none"> Allocate NSW Treasury Small Business Month Festival Grant 2020 to Small Business Month project (\$2,000) Allocate contributions from partner Councils (\$5,209) 	\$Nil	\$Nil	N/A
311	Service – Roads Infrastructure Sub-Service – Local Roads <ul style="list-style-type: none"> Allocate Bridges Renewal Program Round 5 Grant to fund: <ul style="list-style-type: none"> McPhillips Road Bridge Replacement (\$297,567) Dihgnans Bridge Replacement, Coongbar Road (\$342,002) 	\$Nil	\$Nil	N/A
315	Service – Roads Infrastructure Sub-Service – Traffic Facilities <ul style="list-style-type: none"> Allocate Bushfire Community Recovery & Resilience Fund - Phase 2 Stream 1 Grant to Nymboida bus shelter upgrade (\$11,000) 	\$Nil	\$Nil	6c.20.156
341	Service – Parks & Open Spaces Sub-Service – Parks & Reserves <ul style="list-style-type: none"> Allocate Bushfire Community Recovery & Resilience Fund - Phase 2 Stream 1 Grant to Bushfire affected community village & facility/open space signage renewal (\$100,000) Allocate Boating Now Grant to fund Woolli Boat Ramp Upgrade (\$152,000) Fund Woolli Boat Ramp Upgrade from RA 20234 Allocate Federal - Community Development Program Funding for Ken Leeson Oval - Amenities Upgrade (\$498,200) 	\$Nil	\$Nil	6c.20.156
		\$Nil	\$Nil	N/A
		\$Nil	\$33,742	N/A
		\$Nil	\$Nil	6c.19.110

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
	<ul style="list-style-type: none"> Fund Zig Zag Pathway YAMBA - Upgrade from RA 70227-ER-Crown Flinders Park - Zig Zag Pathway Detailed Design from RA 10401 Fund Barry Watts Oval Net Upgrade from RA 89186 Fund Yamba Oval Net Upgrade from RA 89187 Fund Maclean Showground - Jim Thompson Building Improvements from RA 89222 Fund Rushforth Park - Stage 2 new amenities and canteen from: <ul style="list-style-type: none"> ➢ RA 11035 \$75,000 ➢ RA 92011 \$126,511 Fund Grafton Precinct Land Acquisitions balance of funds to total of \$2Mill adopted RA 92040 	\$Nil	\$18,100	N/A
		\$Nil	\$21,300	N/A
		\$Nil	\$21,300	N/A
		\$Nil	\$30,853	6c.20.091
		\$Nil	\$201,511	6e.20.003
		\$Nil	\$839,311	14.098/18
	Service – Natural Resource Management Sub-Service – Natural Resource Management			
342	<ul style="list-style-type: none"> Allocate Bushfire Community Recovery & Resilience Fund - Phase 2 Stream 1 Grant to Land Management trial partnership (\$109,000) Allocate Kempsey Shire Council contribution to fund Tropical Soda Apple Landholder Engagement Program (\$35,000) Increase Weed Action Plan (WAP) funding (\$16,551) and CVC matching contribution in line with Year 1 of new 5 year Agreement 2020/21-2024/25 Fund Crown Hickey Island Rehab Plan from RA 70181 	\$Nil	\$Nil	6c.20.156
		\$Nil	\$Nil	N/A
		\$43,721	\$Nil	N/A
		\$Nil	\$126,301	N/A
	Service – Buildings & Facilities Sub-Service – Building & Facilities			
343	<ul style="list-style-type: none"> Allocate Bushfire Community Recovery & Resilience Fund - Phase 2 Stream 1 Grant to Ewingar Hall air conditioning & solar panel project (\$30,000) 	\$Nil	\$Nil	6c.20.156
	Service – Sewer Services Sub-Service – Sewer Operations			
393	<ul style="list-style-type: none"> Allocate deferred budget from 2019/20 to fund STP & Pump Station Epoxy Coating Renewal from RA 79025. This includes additional required budget of \$10,202 reported elsewhere in these business papers. 	\$Nil	\$691,900	Foreshadowed
395	Service – Floodplain & Estuary Management Sub-Service – Floodplain			

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
	Infrastructure & Operation <ul style="list-style-type: none"> Increase in Transport for NSW contribution towards Heber Street Stormwater Pump Station project (\$50,910) Fund Flood Signage updates from RA 10401 showing 2013 flood in conjunction with Voluntary House Raising Policy 	\$Nil	\$Nil	N/A
	<ul style="list-style-type: none"> Fund Flood Signage updates from RA 10401 showing 2013 flood in conjunction with Voluntary House Raising Policy 	\$Nil	\$13,858	N/A
	Service – Floodplain & Estuary Management Sub-Service – Coastal & Estuary Management <ul style="list-style-type: none"> Fund Brooms Head revetment wall extension design & environmental assessment from RA 14033 plus Office of Environment and Heritage grant payment received for expenditure on this project 2019/20 Fund Woolli beach nourishment scheme-design & EIA from RA 14032 	(\$12,425)	\$67,513	N/A
398		\$Nil	\$113,066	13.066/19
	Service – Library Services Sub-Service – Clarence Regional Library <ul style="list-style-type: none"> Increase annual calculated per capita library contribution and contribution towards regional Librarian wage from Clarence Valley and Bellingen Shire Councils to align with current population figures per Regional Library Agreement 	\$Nil	(\$50,590)	N/A
420				
	Service – Library Services Sub-Service – Public Libraries <ul style="list-style-type: none"> Increase annual calculated per capita library contribution and contribution towards regional Librarian wage from Clarence Valley and Bellingen Shire Councils to align with current population figures per Regional Library Agreement Fund Be Connected grant projects: <ul style="list-style-type: none"> Community Engagement Round 6 from RA 80453 \$6,000 Building Digital Skills from RA 80454 \$2,500 Helping Older Australians in a digital world from RA 80459 \$1,324 	\$40,678	\$Nil	N/A
421		\$Nil	\$9,824	N/A
	Service – Cultural Services Sub-Service – Regional Gallery <ul style="list-style-type: none"> Remove The Bridges Art Project budget as project complete 2019/20 \$3,000 	\$Nil	\$Nil	N/A
422				
443	Service – Environment, Development & Strategic Planning			

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
	Sub-Service – Strategic Planning <ul style="list-style-type: none"> • Fund Population/Demographic Forecast Data project from S94 Reserves: <ul style="list-style-type: none"> ➤ RA 92010 \$11,000 ➤ RA 92020 \$11,000 	\$Nil	\$22,000	N/A
	TOTAL Proposed General Fund / Reserve Balance Impact	\$71,974	\$2,159,989	

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 Adopted by Council June 2020	(\$335,373)	Surplus
Q1 Revised Budget – September	\$26,113	Deficit
Q2 Revised Budget – October	(\$13,364)	Surplus
Q2 Proposed Budget Variations - November	\$71,974	Deficit
Proposed Movement of General Fund 2020/21 Budget Result November 2020	(\$250,650)	Surplus

Proposed Impact on External and Internal Financial Reserve Funds Result

Reserve Movements

Original Budget Adopted by Council June 2020	\$3,679,256	Decrease
2019/20 Carry Forwards	\$10,538,785	Decrease
Q1 Revised Budget – September	\$6,928,928	Decrease
Q2 Revised Budget – October	\$1,007,012	Decrease
Q2 Proposed Budget Variations – November	\$2,159,989	Decrease
Proposed Movement of Reserve Funds 2020/21 Budget Result November 2020	\$24,313,970	Decrease

Asset Management

N/A

Policy or Regulation

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

Consultation

This report has been prepared in consultation with the Management Accounting Team and relevant Budget Managers.

Legal and Risk Management

N/A

Climate Change

N/A

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

ITEM	6c.20.184	ACQUISITION OF EASEMENTS OVER CROWN LAND – LOT 3 DP 1005547 AT YAMBA
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Meeting	Corporate, Governance & Works Committee	15 December 2020
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Yes	

SUMMARY

Acquisitions of Easement to Drain Water 4 wide, Easement to Drain Water variable width and Right of Carriageway 4 wide over Crown land Lot 3 Deposited Plan 1005547 at Yamba by the Compulsory Process.

OFFICER RECOMMENDATION

That

1. Council proceed to acquire the following interests by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991 by authority contained in the Local Government Act 1993 for the purposes of stormwater drainage and public access:
 - a. An easement to drain water variable width shown as F in the attached draft plan of acquisition affecting Lot 3 Deposited Plan 1005547 prepared by Wendy Ann Shepherd surveyor.
 - b. An easement to drain water 4 wide shown as D in the attached draft plan of acquisition affecting Lot 3 Deposited Plan 1005547 prepared by Wendy Ann Shepherd surveyor.
 - c. A Right of Carriageway 4 wide shown as R in the attached draft plan of acquisition affecting Lot 3 Deposited Plan 1005547 prepared by Wendy Ann Shepherd surveyor.
2. Minerals are to be excluded from this acquisition.
3. These acquisitions are not for the purpose of resale.
4. The necessary applications be made to the Minister for Local Government and the Governor.
5. The General Manager be delegated authority to sign the Compulsory Acquisition Notice and all documentation associated with the acquisition of the easements affecting Lot 3 Deposited Plan 1005547.

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

Strategy 2.1.3 Provide strategic asset management planning

BACKGROUND

Council resolved at its meeting (Item 6c.19.100 on 17 December 2019) to acquire an easement over the stormwater pipes located on Lot 3 DP 1005547. Lot 3 DP 1005547 is Crown Land.

KEY ISSUES

Council approved development application SUB2017/0027 for a 19 lot subdivision with roads and drainage reserves upon Lot 104 DP 1047026 and Lot 119 DP 1047026, River Street, Yamba. This estate is known as "The Dunes" and forms part of the last stage of the Masterplan (Precinct 2) for the Beachside development. Part of the civil works requires construction of stormwater pipes and overland flow path over the adjoining Lot 3 DP 1005547 due to the location of existing detention basin and topography of the land. Lot 3 is part of Crown Reserve 58617 for public recreation. This part of Reserve 58617 devolves on Council to manage. The stormwater will be disposed of to the existing drainage basin located on Lot 119. Lot 119 is currently in the ownership of Beachside Pty. Ltd. and will eventually be transferred to Council once all works have been completed satisfactorily under SUB2017/0027.

In addition, an easement for a Right of Carriageway to access Council's drainage reserve, Lot 20 DP 1261938 is required.

The previous report in December 2019, was to acquire an easement over the stormwater pipes. This report authorises the easement for the Right of Carriageway and provides the correct wording required for the Council resolution to acquire the easements by Compulsory Process in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.

COUNCIL IMPLICATIONS

Budget/Financial

There are no financial impacts to Council as the developer will be meeting associated acquisition costs.

Asset Management

Council will take ownership of the stormwater infrastructure and the infrastructure will be recorded as a Council asset and included in Councils maintenance schedule.

Policy or Regulation

Land Acquisition (Just Terms Compensation) Act 1991

Local Government Act 1993

Crown Land Management Act 2016

Consultation

Council's Development Environment, Development & Strategic Planning and Civil Services sections have been consulted.

Legal and Risk Management

Council will meet their legal obligations of the *Crown Land Management Act 2016* thereby reducing any associated legal risk with the construction of infrastructure over Crown Land without the appropriate approvals in place.

Climate Change

N/A

Prepared by	Kylee Baker, Property Coordinator
Attachment	Terms of Easement and Draft Survey Plan

ITEM	6c.20.185	COUNCIL MEETING CHECKLIST – UPDATE ON ACTIONS TAKEN
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Meeting	Corporate, Governance & Works Committee	15 December 2020
Directorate	Office of General Manager	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Yes	

SUMMARY

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

OFFICER RECOMMENDATION

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

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

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

KEY ISSUES

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

The attached checklist contains actions taken on all Council resolutions from the previous 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 S355 (1)

Consultation

Staff and Managers

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Lesley McBay, Coordinator Executive Support
Attachment	Checklist

ITEM 6c.20.186 COUNCILLOR TRAINING AND DEVELOPMENT

Meeting	Corporate, Governance & Works Committee	15 December 2020
Directorate	Corporate & Governance	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Nil	

SUMMARY

This report requests Council consider a request for training and development.

OFFICER RECOMMENDATION

That Council endorse Councillor Novak's attendance at the Local Government NSW delivered sessions:

- Public speaking and presentation skills – next available online session
- Financial Issues in Local Government – January 2021
- Planning 101 for Councillors – February 2021

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

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

BACKGROUND

The Councillor Induction and Professional Development Guidelines produced by the Office of Local Government express the benefit of ongoing professional development for mayors and councillors as follows:

- Mayors and councillors to represent their communities to the best of their ability.
- Mayors and councillors representing their communities to the best of their ability
- Mayors and councillors feeling confident and supported in their roles
- The governing body making decisions based on a full understanding of all the key issues and consequences
- Improved performance of council overall
- Greater understanding of, and compliance with, legal responsibilities
- Better management of the council's finances and resources, and
- Mayors and councillors developing skills and knowledge that they can take into their personal and professional lives.

KEY ISSUES

Councillor Novak has requested attendance at the following professional development opportunities:

Activity	Provider/Timeframe	Delivery Model	Cost
Public Speaking and presentation skills	LGNSW	Not yet scheduled	\$770
Financial Issues in Local Government	LGNSW	Online 27 January 2021	\$440
Planning 101 for Councillors	LGNSW	Online 26 February 2021	\$440
Total			\$1,650

Both Financial Issues in Local Government and Planning 101 for Councillors form part of the induction program currently being secured for late 2021 once a new Council is elected.

Councillor Novak has also requested attendance at a Brené Brown Leadership course <https://thedaringway.brenebrown.com/find-a-tdw-facilitator/>. The following bio has been taken from Brené Brown's website:

"I'm a research professor at the University of Houston where I hold the Huffington Foundation – Brené Brown Endowed Chair. I am also a visiting professor in management at The University of Texas at Austin McCombs School of Business. I've spent the past two decades studying

courage, vulnerability, shame, and empathy. I'm the author of five #1 *New York Times* bestsellers: *The Gifts of Imperfection*, *Daring Greatly*, *Rising Strong*, *Braving the Wilderness*, and *Dare to Lead*. My most recent book was released in October 2018 and is the culmination of a seven-year study on the future of leadership."

There are no scheduled programs in Australia listed online, although there are 'Life Coaches' and 'Clinician' in Australia who can be engaged for a fee to provide mentoring in leadership following Brené Brown principles. Neither the cost nor the link to Local Government is known.

Local Government NSW offers a mentoring program for elected members free of charge and it is considered this is a more appropriate opportunity.

There are no scheduled training and development activities proposed for councillors for the remainder of term of Council. The orientation and induction program for the new council will commence in September/October 2021.

COUNCIL IMPLICATIONS

Budget/Financial

A budget variation of \$1650 to cover the cost of the proposed training and development will be reflected in the Q2 Quarterly Budget Review Statement (PJ992001).

Asset Management

NIL

Policy or Regulation

NIL

Consultation

NIL

Legal and Risk Management

NIL

Climate Change

NIL

Prepared by	Laura Black, Director Corporate & Governance
Attachment	Nil

ITEM	6c.20.187	POLICIES – NEW AND REVIEWED – GALLERY GIFTING & DONOR WALL, VOLUNTARY HOUSE RAISING, MEMORIALS AND PLAQUES ON PUBLIC LANDS, BORROWING, DONATIONS, PERFORMANCE MANAGEMENT – GENERAL MANAGER, LOCAL STUDIES COLLECTION DEVELOPMENT POLICY
Meeting	Corporate, Governance & Works Committee	15 December 2020
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Yes	

SUMMARY

The report recommends adoption of policies which have been reviewed and the exhibition of new policies.

OFFICER RECOMMENDATION

That Council

1. Place the following draft policies on public exhibition for a period of 28 days and if there are no submissions made, that they be adopted as per attached:
 - a. Gallery Gifting & Donor Wall
 - b. Voluntary House Raising
 - c. Memorials and Plaques on Public Land
2. Adopt the following policies which have been reviewed with no substantial changes being required:
 - i. Borrowing Policy
 - ii. Donations Policy
 - iii. Performance Management – General Manager
 - iv. Local Studies Collection Development Policy

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

All Council policies are scheduled for review at least once during the term of the elected body. The policies as mentioned below have been reviewed but are not recommended for exhibition as the changes do not change the intent of the policy.

KEY ISSUES

Gallery Gifting & Donor Wall Policy

Renaming from 'Naming Right's to 'Gifting'

- Changing 'and' to '&'
- Correcting any spelling errors
- Changing singular to plural
- Changing incorrect tenses
- Noting that costs are exclusive of GST
- Correcting language i.e. 'exceptions' to amendments may'

4.6 Donations under the Gifting policy will only be accepted if:

- the applications are approved by a nominated selection committee that includes the Gallery Director and representatives from the CVC Executive, Gallery Foundation, Friends of Grafton Gallery and Art Gallery Advisory Committee groups.

Voluntary House Raising

In 2017 Council resolved to revoke its Voluntary House Raising policy, which was funded two-thirds by floodplain grants and one-third by Council. Council has since become aware that there is an opportunity for

the program to be re-introduced but with the property owner rather than Council contributing the one-third. Similar financial arrangements have been implemented by other NSW Councils. This is considered reasonable as the property owner receives significant benefit from the raising of their dwelling in the form of reduced flood exposure and potential increased property value and at its meeting of 25 August 2020 Council resolved (Resolution 6c.20.130):

Prepare a formal voluntary house raising policy which applies only when 100% external funding is available for house raising.

The other main change to 2017 policy is that the area covered by the Glenreagh Floodplain Risk Management Plan is also now included in the draft Policy. The draft Voluntary House Raising policy was presented to the Floodplain Risk Management Committee (FRMC) meeting of 20 November 2020, draft minutes of which are included in the Items for Information in this business paper, and the advisory committee makes the following recommendation to Council:

Motion: The Committee recommends that the draft Voluntary House Raising policy be placed on public exhibition.

Memorials and Plaques on Public Land

Memorials and plaques to commemorate the life of a family member may not have any significance to the broader community. However, the appearance of such memorials and plaques may also be offensive to other members of the community and can have the effect of creating a cemetery appearance on public land. Council has powers pursuant to the Local Government Act 1993 to regulate the use of its public lands.

The purpose of this policy is to provide a framework for the installation of memorials and plaques on public lands. Memorials and plaques installed on public land within the Clarence Valley will need to conform to this policy.

Objectives in relation to memorials and plaques on public land are to:

- a) minimise the occurrence of memorials and plaques;
- b) restrict memorials and plaques to persons, associations or events of outstanding significance to a place; and
- c) minimise any perceived public risks and environmental impacts of memorials and plaques.

The creation or placement of memorials and plaques on public land is only permitted with the approval of Council.

Local Studies Collection Development Policy

The Local Studies Collection Development Policy provides the framework for building the local studies collection.

A review the Local Studies Collection Development Policy has been undertaken to ensure it is current and includes any new formats for collection. Items that have been added to the policy because of this review include:

- Born digital items as a collection focus to capture images and documents that are created electronically.
- Allow collection of artefacts on a case by case basis storage space permitting.

COUNCIL IMPLICATIONS

Budget/Financial

N/A

Asset Management

N/A

Policy or Regulation

As noted above.

Consultation

Floodplain Risk Management Committee, Clarence Regional Library Committee, Gallery Foundation and Advisory Committee

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Lesley McBay, Coordinator Executive Support
Attachments	Policies as listed above

ITEM	6c.20.188	CLARENCE AND LOWER CLARENCE SPORTS COMMITTEES – MINUTES OF MEETINGS
Meeting	Corporate, Governance & Works Committee	15 December 2020
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Yes	

SUMMARY

The Clarence and Lower Clarence Sports Committees met on Monday 16 November 2020 and considered the 2020/21 Sports Committee Funding applications (Round 1), in addition to other business. This report provides a copy of the minutes of the meetings and recommendations from the committees for Council's information.

OFFICER RECOMMENDATION

That Council:

1. receive and note the Minutes from Monday 16 November 2020 Clarence Sports Committee and Lower Clarence Sports Committee meetings.
2. endorse the recommendation by the Clarence Sports Committee that \$270.91 (ex GST) is allocated to the Big River Canoe Club for storage racks at Mann River Caravan Park.
3. endorse the recommendation by the Clarence Sports Committee that \$3,816.00 (ex GST) is allocated to the Coutts Crossing Croquet Club for upgrades to the croquet lawns at Wajard Park.
4. endorse the recommendation by the Clarence Sports Committee that \$13,000.00 (ex GST) is allocated to the Grafton Pistol Club for road remedial and range upgrade works at Grafton Pistol Club.
5. endorse the recommendation by the Clarence Sports Committee that \$686.00 (ex GST) is allocated to the Grafton City Tennis Club for new scoreboards at Fisher Park.
6. endorse the recommendation by the Clarence Sports Committee that, if successful with a NSW Office of Sport Grant, \$1,524.00 (ex GST) is allocated to the Grafton Supa Oldie Soccer Club for a defibrillator at Rushforth Park. If unsuccessful, the funds will not be allocated, and the application will be considered in 2020/21 (Round 2).
7. endorse the recommendation by the Lower Clarence Sports Committee that \$3,431.82 (ex GST) is allocated to the Lawrence Rodeo Committee for Lawrence Rodeo Arena Upgrade at Maclean Showground.
8. endorse the recommendation by the Lower Clarence Sports Committee that \$11,036.00 (ex GST) is allocated to the Lower Clarence Tennis Association for Install Lights on Three Tennis Courts at Ryan Park Tennis Complex.
9. endorse the recommendation by the Lower Clarence Sports Committee that \$1,331.59 (ex GST) is allocated to the Yamba Football Club for Senior & Junior Competitive Goals at Yamba Sports Complex.
10. receive and note the recommendations of the Lower Clarence Sports Committee, however due to a late funding application submission and non conformance with funding guidelines, not endorse the funding application for Maclean Show Society for Concrete Water Trough at Maclean Showground.
11. receive, note and congratulate the Clarence Valley Sports Awards 2020 winners.

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

Sports Committee Funding

Two sports committees operate within the Clarence Valley, the Clarence Sports Committee and the Lower Clarence Sports Committee. The Clarence Sports Committee meet in Grafton Chambers at 4:30pm and the Lower Clarence Sports Committee meet in Maclean Chambers at 7:00pm on the second Monday of the month, at three month intervals. This report provides a copy of the minutes of the meetings and recommendations from the Sports Committees meetings that were held on Monday 16 November 2020.

Council allocated an amount of \$35,000 grant funding to the Clarence Sports Committee and an amount of \$35,000 grant funding to the Lower Clarence Sports Committee to undertake capital works. Funding is on a dollar for dollar (1:1) basis. The sports organisations contribution can be made up of either cash, in-kind or a volunteer labour contribution. Applications for funding are considered in two rounds, if funds remain unused after Round 1, notification will be given regarding the availability of funds for Round 2 applications. Any funding not allocated following Round 2 shall be returned to Council's Sportsground Income Reserve Account (RA11035).

Allocation of grant funding is currently governed by the Application Guidelines and Criteria for Sports Committee Funding Assistance, and by the applicable sports committee constitution.

KEY ISSUES

Summary of General Business

A summary of the matters discussed at each Committee is as follows –

Clarence Sports Committee

- Sports Awards 2020 – report for the sub-committee
- Grant Funding – update from Council
- Sports Committee Funded Projects – update from delegates
- 2020/21 Sports Committee Funding – Round 1
- COVID-19 Safety Plans
- Grant funding - NSW Government applications
- General Business and updates from sporting delegates

Lower Clarence Sports Committee

- Sports Awards 2020 – report for the sub-committee
- Grant Funding – update from Council
- Sports Committee Funded Projects – update from delegates
- 2020/21 Sports Committee Funding – Round 1
- COVID-19 Safety Plans
- General Business and updates from sporting delegates

Sports Committee Funding

Council supports two sports committees in the Clarence Valley, the Clarence Sports Committee and the Lower Clarence Sports Committee. The committees make recommendations to Council for the annual allocation of grant funding for projects of a capital nature that enable the participation in sport in the Clarence Valley. Currently, Council allocates an amount of \$35,000 grant funding to the Clarence Sports Committee and an amount of \$35,000 to the Lower Clarence Sports Committee, annually. Following an assessment by Council officers against the Application Guidelines and Criteria for Sports Committee Funding Assistance, the applications are considered at the meeting of the Sports Committees. Recommendations made by the sports committees are then reported to Council for consideration and endorsement at the next available Meeting of Council.

The 2020-21 Sports Committee Funding (Round 1) applications opened on Monday 10 August 2020 and closed on Sunday 1 November 2020.

Summary of Sports Committee Funding – Clarence Sports Committee

Table 1 provides a summary of the Clarence Sports Committee funding applications, officer recommendations based on assessment against the application guidelines and the Clarence Sports Committee recommendations.

Table 1: Summary, Clarence Sports Committee

Funding Application	Officer Recommendation	Clarence Sports Committee Recommendation
Big River Canoe Club - Canoe Storage Rack: Jackadgery Funding request: \$270.91 (ex GST) Total project: \$541.81 (ex GST)	Support.	The Committee recommend that \$270.91 (ex GST) is allocated to the Big River Canoe Club for storage racks at Mann River Caravan Park.
Coutts Crossing Croquet Club - Upgrade Croquet Lawns Funding request: \$3,816.00 (ex GST) Total project: \$7,632.00 (ex GST)	Support.	The Committee recommend that \$3,816.00 (ex GST) is allocated to the Coutts Crossing Croquet Club for upgrades to the croquet lawns at Wajard Park.
Grafton Pistol Club - Road Remedial/Range Upgrade Works Funding request: \$13,000.00 (ex GST) Total project: \$26,000.00 (ex GST)	Support.	The Committee recommend that \$13,000.00 (ex GST) is allocated to the Grafton Pistol Club for road remedial and range upgrade works at Grafton Pistol Club.
Grafton City Tennis Club - New Scoreboards Funding request: \$686.00 (ex GST) Total project: \$1,372.00 (ex GST)	Support.	The Committee recommend that \$686.00 (ex GST) is allocated to the Grafton City Tennis Club for new scoreboards at Fisher Park.
Grafton Supa Oldie Soccer - Rushforth Park Defibrillator Funding request: \$1,524.00 (ex GST) Total project: \$3,048.00 (ex GST)	Support.	The Committee recommend that, if successful with a NSW Office of Sport Grant, \$1,524.00 (ex GST) is allocated to the Grafton Supa Oldie Soccer Club for a defibrillator at Rushforth Park. If unsuccessful, the funds will not be allocated, and the application will be considered in 2020/21 (Round 2).

Summary of Sports Committee Funding – Lower Clarence Sports Committee

Table 2 provides a summary of the Lower Clarence Sports Committee funding applications, officer recommendations based on assessment against the application guidelines and the Lower Clarence Sports Committee recommendations.

Table 2: Summary, Lower Clarence Sports Committee

Funding Application	Officer Recommendation	Lower Clarence Committee Recommendation
Lawrence Rodeo Committee - Lawrence Rodeo Arena Upgrade Funding request: \$3,431.82 (ex GST) Total project: \$6,863.63 (ex GST)	Support.	The Committee recommend that \$3,431.82 (ex GST) is allocated to the Lawrence Rodeo Committee for Lawrence Rodeo Arena Upgrade at Maclean Showground.
Lower Clarence Tennis Association - Install Lights on Three Tennis Courts Funding request: \$11,036.00 (ex GST) Total project: \$22,071.99 (ex GST)	Support.	The Committee recommend that \$11,036.00 (ex GST) is allocated to the Lower Clarence Tennis Association for Install Lights on Three Tennis Courts at Ryan Park Tennis Complex.
Yamba Football Club - Senior and Junior Competitive Goals (Stage 2) Funding request: \$1,331.59 (ex GST) Total project: \$2,663.18 (ex GST)	Support.	The Committee recommend that \$1,331.59 (ex GST) is allocated to the Yamba Football Club for Senior & Junior Competitive Goals at Yamba Sports Complex.
Maclean Show Society - Concrete Water Trough Allocation Requested: \$11,363.64 Total Project Cost: \$22,727.27	Not Supported. No funding application received, works complete, retrospective funding is not consistent with guidelines.	The Committee recommend that Maclean Show Society submit a late funding application and that \$379.39 (ex GST) is allocated to the Maclean Show Society for Concrete Water Trough at Maclean Showground.

Clarence Valley Sports Awards 2020

The sports awards are an initiative of the Clarence Sports Committee and the Lower Clarence Sports Committee and are supported by The Daily Examiner and Grafton Shoppingworld. The following is a list of the Clarence Valley Sports Awards winners for 2020:

- GSW Senior Sportsperson of the Year: Mitch Christiansen
- FM 103.1 Loving Life Masters Sports Award: Laurelea Moss
- GSW Junior Male Sportsperson of the Year: Hayden Ensbey
- GSW Junior Female Sportsperson of the Year: Andrea Thomson
- GSW People's Choice Award: Andrea Thomson
- Holly Butcher Memorial Volunteer of the Year: Tim Ryan
- DEX Club of the Year: Harwood Cricket Club
- Telstra Grafton Team of the Year: Grafton Tigers AFL Seniors
- The Athlete's Foot Coach of the Year: Adi Campbell
- Tooheys Ernie Muller Award for Contribution to Sport in the Lower Clarence: Matt Farrell
- Clarence Canegrowers Association Max Godbee Award for Contribution to Sport in the Clarence Valley: Ken Maughan
- DEX Sports Contributor of the Year: Don Freeman
- DEX Contributing Sports Photographer of the Year: Gary Nichols

COUNCIL IMPLICATIONS**Budget/Financial**

Council has allocated an amount of \$35,000 grant funding to the Clarence Sports Committee and an amount of \$35,000 grant funding to the Lower Clarence Sports Committee. Funding is on a dollar for dollar (1:1) basis with applicants. The 2020-21 Sports Committee Funding (Round 1) applications opened on Monday 10 August 2020 and closed on Sunday 1 November 2020.

It is recommended that the any balance of remaining funds be returned to Council's Sportsground Income Reserve Account (RA11035) in accordance with Council's adopted application guidelines.

Asset Management

Application Guidelines and Criteria for Sports Committee Funding Assistance specify that funded projects will at all times remain the property of Clarence Valley Council. Council sporting assets are managed in the Open Spaces Assessment Management Plan and Swimming Pool Asset Management Plan.

Funding applications that align with Councils strategic planning documents (Clarence Valley Open Space Strategic Plan; Clarence Valley Sports Facilities Plan; Clarence Valley Council's Disability Action Plan) will have a higher priority when considering projects for recommendation. Ongoing maintenance is required at many of Council's sporting facilities, however, applications for funding through the sports committee must be made by the individual sports.

Policy or Regulation

The following references are applicable to this report:

- Sports Committees (Clarence and Lower) are committees of Council being appointed under s.355 of the Local Government Act 1993
- Clarence Valley Council Handbook For s355 Committees
- Asset Management Policy V 3.0
- Clarence Valley Sports Facilities Plan – November 2011
- Clarence Sports Committee Constitution
- Lower Clarence Sports Committee Constitution
- Application Guidelines and Criteria for Sports Committee Funding Assistance

Consultation

Consultation occurred with delegates at the Clarence Sports Committee and Lower Clarence Sports Committee meetings on Monday 16 November 2020.

Legal and Risk Management

Sports Committees (Clarence and Lower) are committees of Council being appointed under s.355 of the Local Government Act 1993 and are appointed to make recommendations to Council on the sporting interests in the Clarence Valley area.

The Clarence Valley Council Handbook For s355 Committees (June 2014) states that:

“Your Committee is a Committee of Council. It is established under s.355 of the Local Government Act 1993, allowing Council to delegate under s.377 of the Act some of its functions to it. The delegations are set out in the Constitution adopted by Council for your Committee.

As such, Council is responsible for everything that your Committee does while it is acting within its Constitution. It is therefore important that your Committee only acts within the powers set out in its Constitution and keeps Council advised of what it is doing. Many of the guidelines in this Manual are there to ensure that Council is aware of your Committee’s activities.

From a legal perspective, it is important for you to be aware that your Committee is acting on behalf of Council. Legally your Committee is ‘Council’, and anything your Committee does while it is acting within its Constitution is Council’s responsibility. The actions of your Committee are actions of Council. Your Committee should not act independently of Council. If it does act independently and outside its Constitution, then its members may be liable for its actions.”

Climate Change

N/A

Prepared by	Gavin Beveridge, Parks & Recreation Officer
Attachment	A - Minutes – Clarence Sports Committee Meeting – 18 May 2020 B - Minutes – Lower Clarence Sports Committee Meeting – 18 May 2020

ITEM	6c.20.189	WEST YAMBA URBAN RELEASE AREA SEWER AND WATER DEVELOPMENT SERVICING PLANS
Meeting	Corporate, Governance & Works Committee	15 December 2020
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	To be tabled	

SUMMARY

At its meeting of 28 July 2020 Council adopted for exhibition purposes, the draft West Yamba Urban Release Area (WYURA) Development Servicing Plans (DSP) for Sewer and Water prepared by Consultant GHD. The DSPs were prepared in accordance with guidelines issued by DPI-Water in June 2016 (“the Guidelines”) and were externally audited. The DSPs were modified to incorporate the auditor’s recommendations and observations and then exhibited in accordance with the process outlined in the Guidelines. No submissions were received during exhibition. It is recommended that Council adopt the DSPs as exhibited.

OFFICER RECOMMENDATION

That the West Yamba Urban Release Area Development Servicing Plans for Sewer and Water, as exhibited, be adopted and forwarded to DPIE Water for registration.

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 28 July 2020 Council resolved (Resolution 6a.20.024):

That following auditor review, Council place the draft West Yamba Urban Release Area Development Servicing Plans for Sewer and Water on public exhibition for 30 working days and that for exhibition purposes the following West Yamba Urban Release Area Sewer and Water Developer Contributions be adopted:

- Sewer - \$13,472.70/Equivalent Tenement (ET)
- Water - \$5,697.00/Equivalent Tenement (ET)

KEY ISSUES

The auditor approved by DPIE Water, Cardno, made several suggestions and comments regarding the draft DSPs and these were incorporated into the DSPs placed on exhibition. The audit report was also available as part of the public exhibition.

As of the 8 December 2020 no submissions had been received; if submissions are received they will be tabled at the meeting and if necessary a supplementary report provided. It is recommended that the DSPs, as exhibited, be adopted and forwarded to DPIE Water for registration.

COUNCIL IMPLICATIONS

Budget/Financial

At its meeting of 28 April 2020 Council resolved (Resolution 6b.20.029) to excise the WYURA from the existing DSPs and prepare a specific DSP for the WYURA to allow the apportionment of costs of the trunk water and sewer infrastructure across the remaining developments within the WYURA. This will facilitate Mavid Properties Pty. Ltd. and/or Yamba Residential Subdivision Pty. Ltd. (or any other party contributing to the works) constructing trunk infrastructure “up front” with the cost of the infrastructure offset against calculated Section 64 contributions. The adoption of the DSP will therefore result in an initial decrease in cash Section 64 contributions as the developers construct works in lieu of a cash contribution. This will be offset by a higher cash contribution from subsequent developers who are contributing both to the existing Council infrastructure and trunk infrastructure servicing the WYURA.

Asset Management

The trunk infrastructure identified in the DSPs will become a Council asset.

Policy or Regulation

Water Management Act, 2000

Local Government Act, 1993

2016 Developer Charges Guidelines for Water Supply, Sewerage and Stormwater

Consultation

The public exhibition process followed the requirements outlined in the Guidelines:

- The draft DSP documents were reviewed by Cardno, an auditor approved by DPIE Water, and changes made to the draft documents to incorporate the auditor comments.
- The Urban Development Institute of Australia and the Housing Industry Association were sent copies of the draft DSPs and auditor report on 19 October 2020, which met the Guideline requirement that these organisations be advised at least 10 working days prior to the start of the exhibition period,
- The draft DSPs and audit report were placed on public exhibition from 30 October to 11 December 2020, which meets the minimum Guideline requirement of 30 working days. The DSPs were available for viewing at Council's Maclean and Grafton offices and on Council's website.
- A letter advising of the exhibition was mailed to developers who had applied for planning approval or for a compliance certificate in the West Yamba Urban Release area previous 6 months.

Legal and Risk Management

The exhibition process has followed the Guideline requirements. Clause 2.9 of the Guidelines outlines the dispute resolution process where a developer is dissatisfied with how a Local Water Utility has calculated its developer charge.

Climate Change

N/A for the DSPs

Prepared by	Greg Mashiah, Manager Water Cycle
To be tabled	DSPs as Exhibited and Auditor Report

ITEM 6c.20.190 WORKS REPORT

Meeting	Corporate, Governance & Works Committee	15 December 2020
Directorate	Works & Civil	
Reviewed by	Manager - Civil Services (Alex Dalrymple)	
Attachment	Yes	

SUMMARY

Reports on capital and major maintenance works carried out by the Works and Civil Group until late November 2020.

OFFICER RECOMMENDATION

That the Works report be received and noted.

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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



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

BACKGROUND

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

KEY ISSUES

The projects below highlight capital projects being undertaken during November.

Project:	Schools Safety Projects (Civil Services)	
Project Description:	Safety improvements to school crossings, kiss & drop, bus zones and parking. Yamba Public, Westlawn Public, Gulmarrad Public, Coutts Crossing Public, Clarence Valley Anglican School, Grafton Public/Infants	
Budget:	Yamba (\$110,000) Westlawn (\$203,866) Gulmarrad (\$320,000) Coutts Crossing (\$100,000) Clarence Valley Anglican (TBC) Grafton (\$40,000)	<p style="text-align: center;">Yamba Public School</p> 
Expenditure:	Yamba (\$63,729.62 + \$54,289.41 = \$118,019.03) Westlawn (\$0 + \$105,115.64 = \$105,115.64) Gulmarrad (\$89,175.69 + \$42,319.44 = \$131,495.13) Coutts Crossing (\$0) Clarence Valley Anglican (TBC) Grafton (\$0)	<p style="text-align: center;">Gulmarrad Public School</p>
Status:	Yamba – construction 90% complete Westlawn – construction start 30 th Nov Gulmarrad – construction 50% complete Coutts Crossing – consult/concept phase	

	Clarence Valley Anglican – design complete Grafton - consult/concept phase	
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Project:	Rural Floodplain Asset Renewal
Project Description:	Renewal of Condition 4 and Condition 5 Rural Floodplain Assets
Budget:	\$553,794
Expenditure:	\$72,634.56 (+ Commitments of \$136,728.38)
Status:	<ul style="list-style-type: none"> • Renewed floodgates on 2 drains at Ilarwill • Floodgates currently being manufactured by Andrew Harris Engineering (Contract 20/21 awarded by Council in September 2020) for installation at Brushgrove, Sportsmans Creek, Chatsworth Island and Warregah Island. • Floodgates at Broadmouth Creek at Lower Coldstream are being refurbished



Project:	Ngayundi Yamba Sports Complex Drainage and Irrigation
Project Description:	To install an automatic control irrigation system, drainage and pump shed to the main group of sportsfields at the complex
Budget:	\$728,928 (LRCIP Grant - \$400,000) (CVC - \$328,928)
Expenditure:	\$667,316
Status:	<ul style="list-style-type: none"> • In progress



COUNCIL IMPLICATIONS

Budget/Financial

N/A

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 Program and Operational Plan.

Policy or Regulation

There are no policy or regulation implications.

Consultation

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

Legal and Risk Management

There are no legal or risk management implications.

Climate Change

There are no climate change implications.

Prepared by	Alex Dalrymple, Greg Mashiah, David Sutton
Attachment	Works Program

ITEM	6c.20.191	CIANYWHERE UPGRADE STATUS UPDATE
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Meeting	Corporate, Governance & Works Committee	15 December 2020
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Nil	

SUMMARY

Previously known as the Enterprise Asset Management Project, this project has been renamed to the CiAnywhere Upgrade Project to better reflect the complexities and interdependencies around the TechnologyOne Corporate Systems upgrade. Over all, the upgrade aims to move all of our systems to the cloud enabling mobility and reducing manual workarounds, integrate the multiple corporate modules to reduce manual administration moving data through processes and with our website to streamline and improve the customer experience.

Phase 1 of the project was implemented on 1 July 2020. This included the TechnologyOne platform upgrade to CiAnywhere, along with the upgrade of our document management module, ECM and Fleet Management modules.

Since that time a new project management team has been formed and a critical pathway determined to ensure key project deliverables are achieved within agreed timeframes.

OFFICER RECOMMENDATION

That Council note this project status report including changes to the project management team, project name and clarification of project deliverables.

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

A report was presented to the 15 October 2019 Council meeting (Item 6c.19.065) providing a brief outline of the Enterprise Asset Management (EAM) project status, including transferring to the CiAnywhere (CiA) operating platform.

A further report (Item 6c.20.101) was provided in June 2020 providing a status of the project and the impacts of operational restrictions imposed for COVID-19.

On 1 July 2020, the first phase of the project was completed with our TechnologyOne software upgraded to new CiAnywhere (CiA) platform. Our document management system, ECM (Electronic Content Management) along with the Fleet Asset Registers and Fleet Works Systems were also upgraded to the CiA Platform at this time. Additionally, for the next phase of implementation, initial centralisation of infrastructure asset registers was completed.

This report seeks to provide a further update on the status of the remaining elements of the project.

KEY ISSUES

Since the implementation of Phase 1 of the project on 1 July, the project team has worked closely with the Executive to complete a detailed scope of the remaining elements of the project. This process resulted in an improved understanding of the complexities and interdependencies of work required to achieve the desired outcomes and an appreciation that the CiAnywhere Upgrade process will take a number of years to fully upgrade the remaining TechnologyOne modules including those in Finance One and Property & Rating to

the new CiAnywhere platform and provide further efficiencies and automation within Council's corporate systems.

After further consultation it was agreed that the next phase of the project would deliver on the asset management centric outcomes. The asset management elements of the project involve the upgrade of numerous modules or functions within modules, but ultimately achieve the following outcomes:

- Mobility in the field
- Real time costings
- Centralised infrastructure asset registers
- Online work order system for all infrastructure assets
- Online/Offline mapping accessible in the field
- Electronic timesheets for field staff
- Removal of manual transactional processing
- Dashboards and easily accessible reports
- Streamlined workflows

Resourcing of the project has also been reviewed and a dedicated CiAnywhere Upgrade Team has been co-opted from within the organisation to concentrate on the delivery of the above outcomes. A full time CiAnywhere Project Manager has been appointed within the team to manage the interdependencies and complexities of the highly integrated corporate system.

Due to the integrated nature of our TechnologyOne systems, further work has been completed by the team to determine a critical pathway to ensure the above key deliverables are provided by the new team on 1 July 2021. Any desired outcome outside of this pathway will be delivered post 1 July 2021 and further scoping work will need to be completed before any future phase is scheduled to ensure correct resourcing and budget can be provided.

COUNCIL IMPLICATIONS

Budget/Financial

To date Council has approved a budget of \$1,272,372 for the project. Current expenditure is \$1,004,938. No change to the budget is predicted at this stage.

Asset Management

The CiAnywhere software upgrade will provide a single central source of truth for all Council asset information. The Asset Management modules within this software will assist in streamlining the recording, reporting and analysis of all types of asset data, including maintenance and operational costs through to capitalisation and strategic asset planning scenarios. It will also provide information for the development of Council's Asset Management Plans and Long Term Financial Plan when fully operational.

Policy or Regulation

N/A

Consultation

Consultation is being undertaken with all sections of Council and TechnologyOne consultants as required for the configuration of the system ensuring it is developed to meet Council's needs.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Kate Maginnity, CiAnywhere Project Manager
Attachment	Nil

ITEM	6c.20.192	REPORTING OF GENERAL MANAGER'S EXPENSES
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Meeting	Corporate, Governance & Works Committee	15 December 2020
Directorate	Corporate & Governance	
Reviewed by	A/Manager - Finance & Supply (Michael Salvestro)	
Attachment	Nil	

SUMMARY

The purpose of this report is to inform Council of the details of the General Manager's expenses for the period 1 July 2019 to 30 June 2020.

OFFICER RECOMMENDATION

That the report indicating the General Manager's expense summary for the period 1 July 2019 to 30 June 2020 be received and noted.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

In March 2016, it was resolved that a bi-annual report be provided to Council, detailing the General Manager's expense statements (Resolution 11.004/16, 15 March 2016).

The General Manager incurs various expenses in the course of his duties such as mobile phone, business travel, seminars, training and conferences.

KEY ISSUES

N/A

COUNCIL IMPLICATIONS**Budget/Financial**

Total costs incurred for the period 1 July 2019 to 30 June 2020 was \$3,339 (2018-19: \$4,374) as follows:

- Mobile Phone and internet costs \$686 (2018-19: \$750)
- Conferences (Local Government NSW) \$2,216 (2018-19: \$2,011)
- Newspaper / Digital media subscriptions \$222 (2018-19: \$227)
- Seminars and training \$215 (2018-19: \$Nil)
- Business travel \$Nil (2018-19: \$1,386)

Asset Management

N/A

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Kirsty Gooley, A/Financial Accountant
Attachment	Nil

ITEM	6c.20.193	IMPROVEMENT STRATEGIES PROGRESS
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Meeting	Corporate, Governance & Works Committee	15 December 2020
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Yes	

SUMMARY

At Council's Ordinary Meeting held 18 February 2020, Council received a report on achievement of 2019/2020 improvement strategies associated with meeting the financial objectives of "Fit for the Future". This report provides Council with a progress update in achieving the "Fit for the Future" improvement strategies identified for the 2020/21 financial year as adopted by Council at its June 2019 meeting (refer Item 6a.19.004).

OFFICER RECOMMENDATION

That Council

1. Receive and note the report on progress against the 2020/2021 Operational Result Improvement Strategies Schedule (attached).
2. Note that the next 6 monthly progress report will be provided in May 2021.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

Council received a report on improvement strategies in June 2019 (Item 6a.19.004), which provided an updated improvement strategies schedule (refer attachment). The updated schedule removed completed and/or problematic items and replaced these with updated potential improvement strategies providing greater scope to achieving identified operational savings.

Whilst recognising that Council is still to find improvement strategies to the value of \$3,964,072 by the end of 2020/21, this report additionally provided that cost savings are not to be apportioned to specific actions, but rather the goal be to achieve an annual total financial Operational Expenditure (Opex) saving in line with previous targets.

A report was proposed (Item 6c.20.019) to be tabled in June identifying the remaining 2019/2020 improvement strategies totalling \$2,223,218. A further report was tabled in June 2020 (CM 6c.20.103), deferring the status report until the financial end of year process was completed for the 2019/20 year. The final value of improvement strategies identified in 2019/20 after completion of the end of year processing was \$2,254,082.

The below table summarises the financial Opex savings by year from 2017/18 to 2020/21 against the improvement strategies schedule adopted in 2016:

Year	2017/18	2018/19 + previous years unrecognised	2019/20 + previous years unrecognised	2020/21
Planned savings against specific actions	\$3,794,870	\$2,505,131	\$2,669,591	\$3,548,563
Actual savings achieved against planned actions	\$3,415,527	\$1,218,795	\$415,509	-
Carry forward savings to be recognised in following year	\$379,343	\$1,286,336	\$2,254,082	-

It should also be noted that a separate Depot Rationalisation Efficiency Dividends report tabled elsewhere within these Business Papers reports on actual versus anticipated efficiency savings achieved through the rationalisation of Council's depots. These savings are not included in the above Improvement Strategy values as they have been recognised separately in previous years.

KEY ISSUES

The total targeted Improvement strategies for 2019/20 was \$ 2,669,591. Due to the impacts of COVID-19 and the bushfire events of 2019-20, this target was unable to be achieved with only \$415,509 of improvement strategies being recognised. This has resulted in a further \$2,254,082 being transferred to the 2020/21 target improvement strategy value, increasing it from \$1,294,481 to \$3,548,563.

Significant progress has been made in identifying, investigating and recording the financial savings that have resulted from various improvement strategies during 2020/21. To date improvement strategies to the value of \$1,453,069 have been recognised in the current year. These are the direct result of intended actions to reduce costs.

A full schedule of the individual improvement strategies and their progress to date can be found in the attachment. In general, the key initiatives leading to the \$1,453,069 saving can be summarised as follows:

- Recognition of LED Street Lighting savings
- Recognition of water fund surplus dividend
- Promotion of e-notices and reduction in postage
- Centralisation of a number of budgets to provide better control in order to gain efficiencies and ensure organisational benefit

The table below provides a summary of the progress to date, identifying that there is still \$2.095 million of improvement strategies to be realised in the 2020/21 financial year.

Item	Amount
Target Improvement Strategies Saving Value – 2020/21	\$3,548,563
Savings realised – July to December 2020	\$1,453,069
Remaining savings to be recognised in 2020/21	\$2,095,494

The remaining identified improvement strategies are currently being investigated. The Finance team has started the 2021/22 budget creation process and the team is monitoring all information for opportunities to further reduce costs and/or generate more revenue. In addition to the initiated improvement strategies and sought savings, it is anticipated that there will be further net improvements to the operational bottom line as the consequence and ripple effect of increased efficiencies across the organisation are realised. A progress update will be provided to Council in May 2021.

Further details of the strategies identified to date and their individual status can be found in the attachment. It should also be noted, that due to subsequent Council decisions, some previously identified improvement strategies are now unable to be completed. These items are also highlighted in the attachment. In particular it is noted, that the Sewer Fund surplus dividend is now unachievable as the sewer fund made a loss in 2019/20. To offset this \$430,037 impact, investigations are currently underway into additional income achieved through a rating database integrity audit and operational expenditure reductions achieved through correct capitalisation of project management costs. Both of these are sustainable efficiencies. These adjustments will be transacted and reported as part of future monthly budget variations and improvement strategy updates.

In addition, a future structure needs analysis has commenced to identify manual administrative activity that will no longer be required pending full upgrade of corporate systems. A number of related positions are currently vacant, but are being filled by temporary appointments to undertake the current workload. As systems are upgraded and process automated, the need to undertake the manual work minimises. Progress with the upgrade of corporate systems is the subject of a separate report to the December Ordinary Meeting.

COUNCIL IMPLICATIONS**Budget/Financial**

The 2020/21 Original Budget has already been reduced for the \$1,453,069 as detailed in the attachment. The removal of the now unachievable sewer fund dividend and any further improvement strategies will be adjusted in a future budget variation.

Asset Management

Nil

Policy or Regulation

Nil

Consultation

Discussions are held at monthly budget meetings involving the Executive and relevant Managers to determine the financial savings resulting from each identified improvement strategy.

Legal and Risk Management

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

Climate Change

Nil

Prepared by	Kate Maginnity, Manager Finance & Supply
Attachment	2020-21 Operational Result Improvement Strategies Dec 20

ITEM	6c.20.194	MONTHLY INVESTMENT REPORT – NOVEMBER 2020
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Meeting	Corporate, Governance & Works Committee	15 December 2020
Directorate	Corporate & Governance	
Reviewed by	A/Manager - Finance & Supply (Michael Salvestro)	
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 November 2020 be received and noted.

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 2020 figures, funds have been sourced from the following areas:

External Reserves		Internal Reserves	
Sewerage Funds	6.37%	Plant Equipment Reserve	7.47%
Water Supply Funds	29.31%	Regional Landfill Reserves	4.12%
Developer Contributions	18.52%	Fin. Assist Grants paid in advance	4.66%
Unexpended Grants	4.80%	Waste Mngmt / Commercial Waste	3.75%
Domestic Waste Management	1.28%	Infrastructure Assets Renewals	1.35%
Holiday Parks	1.79%	Employee Leave Entitlements	2.72%
Deposits, Retentions and Bonds	1.75%	Roads & Quarries Reserves	2.71%
Other External	1.58%	Strategic Building Reserve	1.22%
		Building Asset Renewals	0.87%
		Other (refer attachment for further detail)	5.73%
	65.40%		34.60%
		Total External & Internal Reserves	100.00%

Portfolio Credit Limits

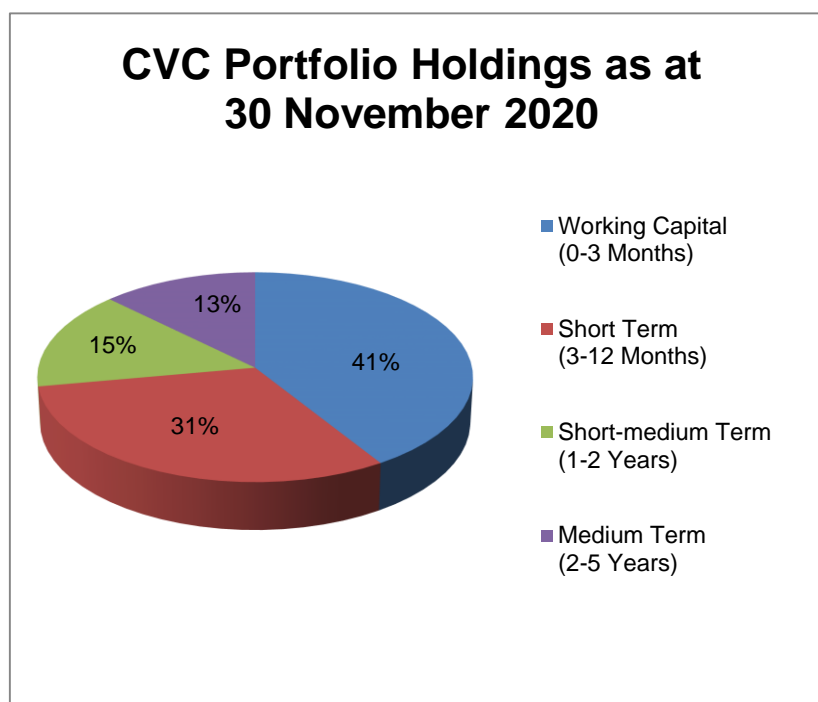
Tabled below is a summary of Council's investments as at 30 November 2020 which details compliance with Council's Investment Policy Portfolio Credit Limits.

Portfolio Credit Limits as at 30 November 2020				
Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
AAA	100.00%	4,990,059	3.83%	Yes
AA	100.00%	45,557,487	34.93%	Yes
A	60.00%	29,250,000	22.43%	Yes
BBB	50.00%	50,624,546	38.82%	Yes
TOTAL INVESTMENTS		130,422,092	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.

Portfolio Holdings by Maturity

Illustrated and tabled below is a summary of Council's investments by maturity as at 30 November 2020. Excluding "at-call" working capital, 39.10% of Council's investments are maturing within the next twelve months.



Individual Institution or Counterparty Limits

Tabled below is a summary of Council's investments as at 30 November 2020 which details compliance with Council's Investment Policy Counterparty Limits.

Individual Institution or Counterparty Limits as at 30 November 2020					
Financial Institution	Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
TERM DEPOSITS & FRNs*					
AMP	BBB	15.00%	8,000,000	6.13%	No
ANZ*	AA-	30.00%	2,057,822	1.58%	Yes
BoQ	BBB+	15.00%	16,000,000	12.27%	Yes
CBA	AA-	30.00%	3,000,000	2.30%	Yes
CBA*	AA-	30.00%	2,048,320	1.57%	Yes
Defence	BBB	15.00%	8,000,000	6.13%	Yes
ING Direct	A	15.00%	15,000,000	11.50%	Yes
Macquarie	A	15.00%	6,000,000	4.60%	Yes
ME Bank	BBB	15.00%	2,000,000	1.53%	Yes
NAB	AA-	30.00%	4,000,000	3.07%	Yes
NAB*			1,015,123	0.78%	
P&N	BBB	15.00%	3,000,000	2.30%	Yes
RaboDirect	A+	15.00%	9,000,000	6.90%	Yes
Westpac	AA-	30.00%	7,000,000	5.37%	Yes
Westpac*	AA-		1,549,465	1.19%	
TOTAL TERM DEPOSITS & FRNs*			87,670,730	67.22%	
MANAGED FUNDS					
TCorp	AAA	40.00%	490,059	0.38%	Yes
TOTAL MANAGED FUNDS			490,059	0.38%	
FUNDS AT CALL					
AMP	BBB	15.00%	15,318,538	11.75%	No
AMP	BBB	15.00%	1,056,008	0.81%	No
ANZ	AA-	30.00%	3,787,190	2.90%	Yes
CBA	AA-	30.00%	22,038,367	16.90%	Yes
CBA	AA-	30.00%	61,200	0.05%	Yes
TOTAL FUNDS AT CALL			42,261,303	32.40%	
TOTAL INVESTMENTS			130,422,092	100.00%	

Note: Whilst AMP shows non-compliance with the current investment policy, at the time of investing funds, this was within the approved limit. Variations in the balance of the cash at-call accounts directly affect the total investment percentage for each ADI. This balance has been rectified in December 2020.

Register of Investments - Clarence Valley Council as at 30 November 2020					
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	490,059	0.38%	At-Call	0.60%	AAA
AMP Bank Ltd	15,318,538	11.75%	At-Call	0.95%	BBB
AMP Bank Ltd	1,056,008	0.81%	At-Call	0.55%	BBB
ANZ Banking Group Ltd	3,787,190	2.90%	At-Call	0.40%	AA-
Commonwealth Bank of Australia	22,038,367	16.90%	At-Call	0.00%	AA-
Commonwealth Bank of Australia	61,200	0.05%	At-Call	0.05%	AA-
Bank Of Queensland Ltd	1,000,000	0.77%	02/12/2020	3.60%	BBB+
Bank Of Queensland Ltd	2,000,000	1.53%	12/01/2021	3.65%	BBB+
Defence Bank	2,000,000	1.53%	17/12/2020	3.00%	BBB
ING	2,000,000	1.53%	03/02/2021	1.65%	A
Macquarie Bank Ltd	3,000,000	2.30%	16/12/2020	1.65%	A
TOTAL WORKING CAPITAL (0-3 MONTHS)	52,751,362	40.45%		0.80%	
SHORT TERM (3-12 MONTHS)					
AMP Bank Ltd	3,000,000	2.30%	05/03/2021	1.45%	BBB
AMP Bank Ltd	2,000,000	1.53%	17/05/2021	0.70%	BBB
AMP Bank Ltd	1,000,000	0.77%	31/08/2021	0.80%	BBB
Bank Of Queensland Ltd	2,000,000	1.53%	04/06/2021	1.15%	BBB+
Bank Of Queensland Ltd	1,000,000	0.77%	29/06/2021	3.45%	BBB+
Bank Of Queensland Ltd	1,000,000	0.77%	06/07/2021	0.95%	BBB+
Bank Of Queensland Ltd	2,000,000	1.53%	08/07/2021	0.95%	BBB+
Commonwealth Bank of Australia (Green Deposit)	3,000,000	2.30%	12/11/2021	0.55%	AA-
Defence Bank	2,000,000	1.53%	04/03/2021	1.50%	BBB
Defence Bank	2,000,000	1.53%	09/03/2021	3.00%	BBB
ING	2,000,000	1.53%	02/03/2021	1.60%	A
ING	2,000,000	1.53%	29/11/2021	1.55%	A
Macquarie Bank Ltd	3,000,000	2.30%	11/05/2021	1.30%	A
ME Bank Ltd	2,000,000	1.53%	07/05/2021	1.35%	BBB
National Australia Bank	2,000,000	1.53%	11/08/2021	0.85%	AA-
National Australia Bank	2,000,000	1.53%	10/09/2021	0.75%	AA-
P&N Bank	3,000,000	2.30%	11/03/2021	3.82%	BBB
RaboDirect (Australia) Ltd	2,000,000	1.53%	14/06/2021	3.02%	A+
RaboDirect (Australia) Ltd	1,000,000	0.77%	21/06/2021	3.07%	A+
Westpac Bank	2,000,000	1.53%	05/03/2021	3.00%	AA-
Westpac Bank	1,000,000	0.77%	16/11/2021	1.22%	AA-
TOTAL SHORT TERM (3-12 MONTHS)	41,000,000	31.44%		1.70%	
SHORT - MEDIUM TERM (1-2 YEARS)					
AMP Bank Ltd	2,000,000	1.53%	02/12/2021	1.60%	BBB
Bank Of Queensland Ltd	1,000,000	0.77%	02/12/2021	3.80%	BBB+
Bank Of Queensland Ltd	1,000,000	0.77%	09/05/2022	3.60%	BBB+
Bank Of Queensland Ltd	1,000,000	0.77%	03/08/2022	3.60%	BBB+
Defence Bank	2,000,000	1.53%	21/11/2022	0.62%	BBB
ING	3,000,000	2.30%	11/02/2022	1.60%	A
ING	2,000,000	1.53%	21/02/2022	1.60%	A
ING	3,000,000	2.30%	21/02/2022	1.60%	A
ING	1,000,000	0.77%	04/10/2022	3.66%	A
RaboDirect (Australia) Ltd	2,000,000	1.53%	13/09/2022	3.40%	A+
Westpac Bank	2,000,000	1.53%	18/07/2022	1.13%	AA-
TOTAL SHORT-MEDIUM TERM (1-2 YEARS)	20,000,000	15.33%		2.05%	

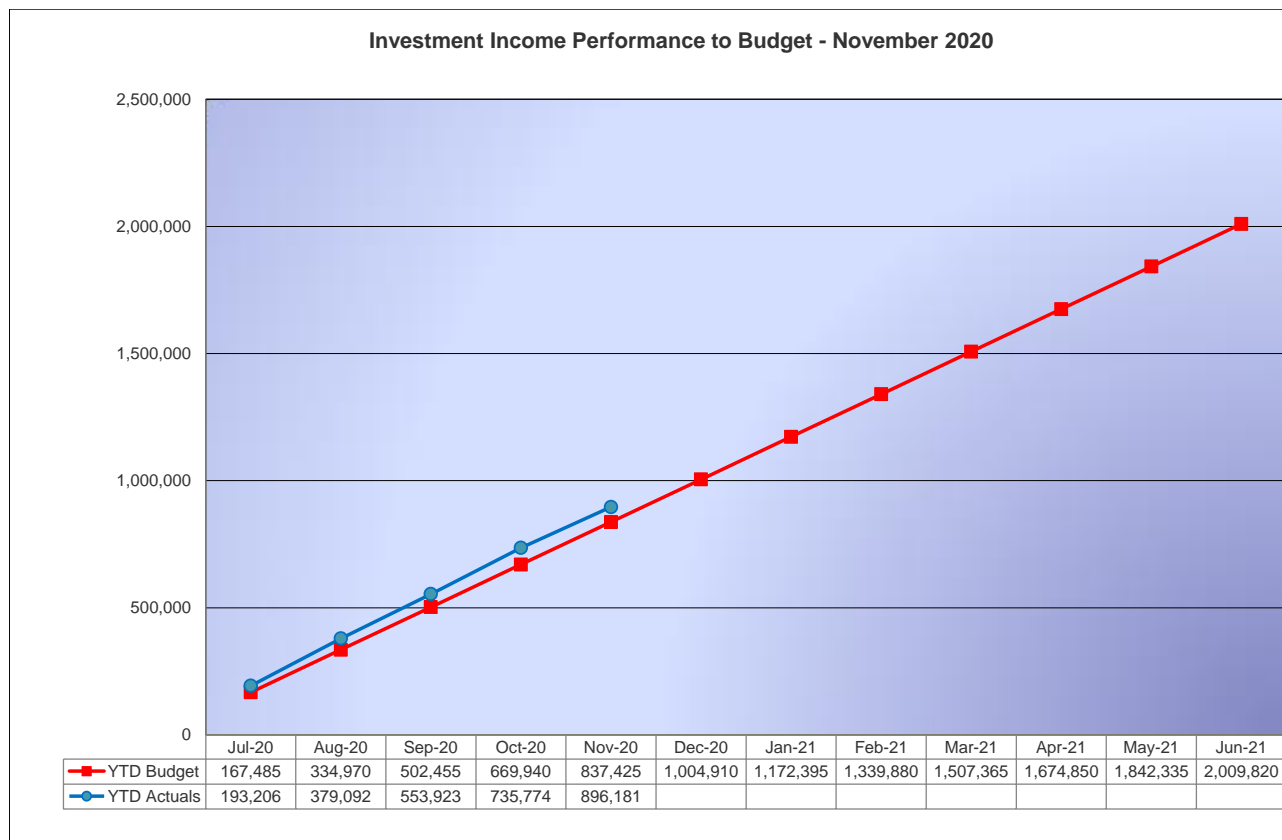
Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
MEDIUM TERM (2-5 YEARS)					
Bank Of Queensland Ltd	2,000,000	1.53%	08/02/2023	3.55%	BBB+
Bank Of Queensland Ltd	2,000,000	1.53%	21/08/2023	3.60%	BBB+
RaboDirect (Australia) Ltd	1,000,000	0.77%	05/12/2022	3.21%	A+
RaboDirect (Australia) Ltd	1,000,000	0.77%	17/08/2023	3.40%	A+
RaboDirect (Australia) Ltd	2,000,000	1.53%	19/09/2023	3.40%	A+
Westpac Bank	2,000,000	1.53%	13/03/2023	1.01%	AA-
ANZ Banking Group Ltd (3m BBSW +103bps) (Principal Value \$2,000,000) Market Value	2,057,822	1.58%	06/12/2023	1.12%	AA-
Commonwealth Bank (3m BBSW +80bps) (Principal Value \$1,000,000) Market Value	1,016,845	0.78%	25/04/2023	0.90%	AA-
Commonwealth Bank (3m BBSW +113bps) (Principal Value \$1,000,000) Market Value	1,031,475	0.79%	11/01/2024	1.24%	AA-
National Australia Bank (3m BBSW +80bps) (Principal Value \$1,000,000) Market Value	1,015,123	0.78%	10/02/2023	0.90%	AA-
Westpac Bank (3m BBSW +114bps) (Principal Value \$1,500,000) Market Value	1,549,465	1.19%	24/04/2024	1.24%	AA-
TOTAL MEDIUM TERM (2-5 YEARS)	16,670,730	12.78%		2.22%	
TOTAL INVESTMENTS	130,422,092	100.00%		1.46%	

COUNCIL IMPLICATIONS

Budget/Financial

Portfolio Investment Returns to 30 November 2020			
	Actual	Budget 2020/21	Over/(Under)
This Month			
Cash Deposits & FRNs	\$160,160	\$167,235	(\$7,075)
Managed Funds	\$247	\$250	(\$3)
	\$160,407	\$167,485	(\$7,078)
Year to Date			
Cash Deposits & FRNs	\$894,836	\$836,175	\$58,661
Managed Funds	\$1,345	\$1,250	\$95
	\$896,181	\$837,425	\$58,756

- Actual results have shown that total interest income to 30 November 2020 is \$0.058M above the 2020-21 YTD budget of \$0.837M.
- As at 30 November 2020 the Floating Rate Notes (FRNs) had an unrealised capital gain of \$160,759.

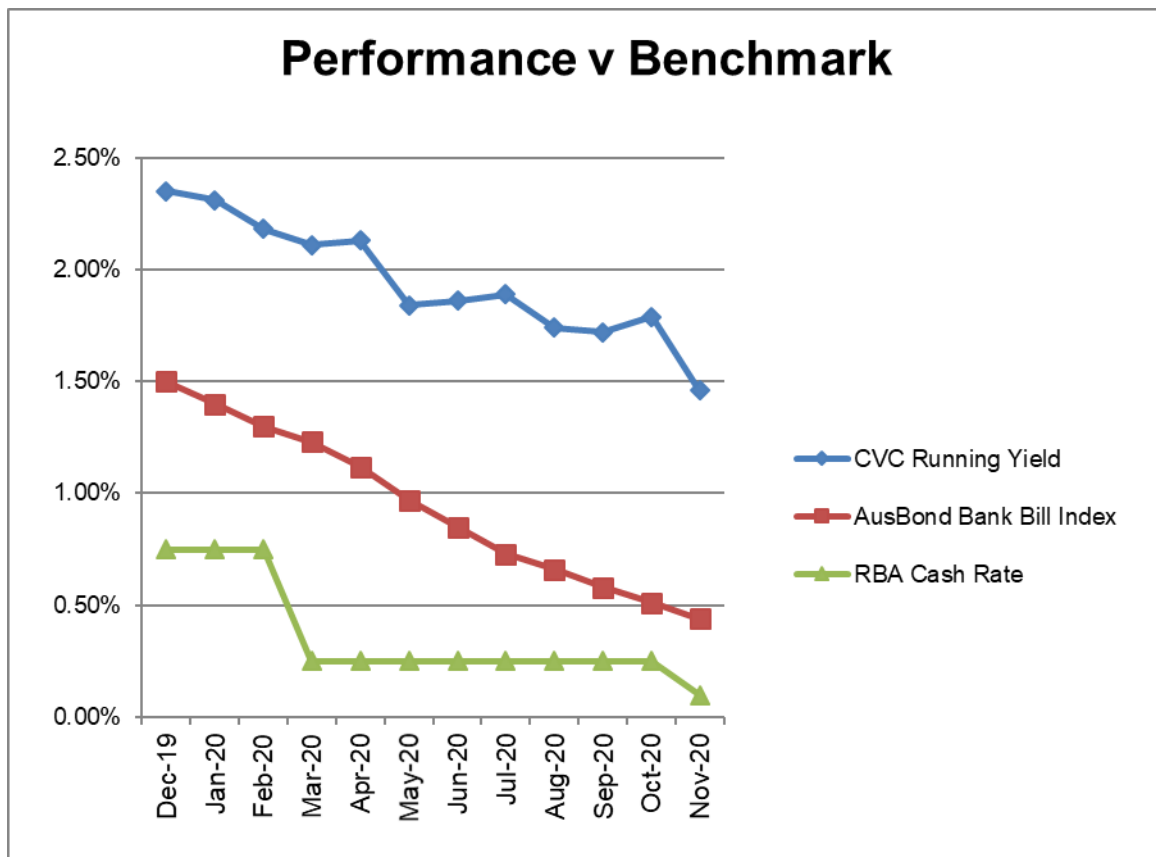


- Running yields* to 30 November 2020 have been:

AMP Business	0.55%
AMP 31 Day Notice	0.95%
ANZ Premium Business	0.40%
CBA General	0.00%
24hr Call Account	0.05%
T-CorpIM Cash Fund	0.60%
Floating Rate Notes	1.10%
Term Deposits	<u>2.04%</u>
Total	1.46%

*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 November was 0.10%. The benchmark AusBond Bank Bill Index was 0.44% for November. Note, the RBA cut the cash rate by 15bps to 0.10% at its meeting on 04 November 2020.
- The current running yield of the total investment portfolio remains at elevated levels above the cash rate. At month-end, it stood at +1.46% (October 1.79%).



The following investments were transacted during November:

- CUA \$2.0m TD matured 4/11/2020, redeemed
- ME Bank \$2.0m TD matured 6/11/2020, redeemed
- ING \$1.0m TD matured 10/11/20, redeemed
- ING \$2.0m TD matured 13/11/20, redeemed
- New CBA (Green) TD \$3.0m - invested at 0.55% for 1 year – matures 12/11/2021
- AMP \$2.0m TD matured 16/11/20 – reinvested at 0.70% for 182 days – matures 17/5/2021
- Defence Bank \$2.0m TD matured 20/11/20 – reinvested at 0.62% for 2 years – matures 21/11/2022

Asset Management

N/A

Policy or Regulation

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

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

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

Prepared by	Kirsty Gooley – Acting Financial Accountant
Attachment	Movement of Funds Between Months – November 2020

ITEM	6c.20.195	IMPLEMENTATION OF THE PLAYGROUND ASSET MANAGEMENT PLAN
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Meeting	Corporate, Governance & Works Committee	15 December 2020
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Nil	

SUMMARY

Playgrounds are an important asset that provides the community with an area for recreation, relaxation, learning and fun. This report aims to acknowledge and celebrate our community's accomplishment in revitalising these important community assets.

OFFICER RECOMMENDATION

That Council receive and note this progress report on the implementation of the Playgrounds Asset Management Plan.

LINKAGE TO OUR COMMUNITY PLAN

Theme 1 Society

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

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

BACKGROUND

When the cost of maintaining Clarence Valley Council's network of playgrounds across a vast area of 10,249km² exceeded the current budget allocation, Open Spaces staff employed rigorous asset management planning to ensure the community would have access to safe, inclusive and engaging playgrounds into the future.

At its meeting 17 March 2015, Council considered a report (Item 14.028/15) pertaining to Council managed publicly accessible playground assets resolving to adopt and exhibit for community consultation the draft Playgrounds Asset Management Plan (AMP) S2V1 and the draft Playground Policy.

Submissions and comment on the draft Playgrounds AMP S2V1, draft Playground Policy and other supporting documentation informed the final document being Playgrounds AMP S3V1.

At its meeting 18 August 2015, Council considered a report (Item 14.142/15) resolving to adopt the Playgrounds AMP S3V1 and the Playground Policy V1.0.

KEY ISSUES**Strategic Outcomes**

Underpinning CVC's Community Strategic Plan, Clarence 2027, is the communities desire for the Clarence Valley to be safe, inclusive, engaging and a place where people are happy. The development and implementation of the Playgrounds AMP speaks directly to this plan, through all of those points.

Redevelopment of the Council's playgrounds aligns with the Open Spaces Strategic Plan and the Clarence Valley Contributions Plan. The removal of the existing non-compliant playground equipment through redevelopment is also consistent with the Open Spaces Risk Management Action Plan and has reduced the risk of injury to users and removed an identified Council liability.

Playground design development for utilising the NSW Government Everyone Can Play Guideline has created playgrounds that aim to be inclusive of everyone in the community. The creation of inclusive playgrounds has assisted Council to meet a core objective of the Disability Inclusion Action Plan (DIAP) and is consistent with the adopted Playgrounds Policy.

Implementation of the Playgrounds Replacement Plan 2015-2024

The Playgrounds AMP was adopted in August 2015, with an integral component being the Playgrounds Replacement Plan 2015-2024. This plan identified a total 55 actions to be completed during the 10 year planning period and included staged asset disposal, relocation, renewal and upgrade works. The implementation of the plan is on schedule, by the end of 2020/21 planning period 71% of the actions will have been implemented, leaving 16 actions to be completed over the remaining 3 years (refer to Figure 1).

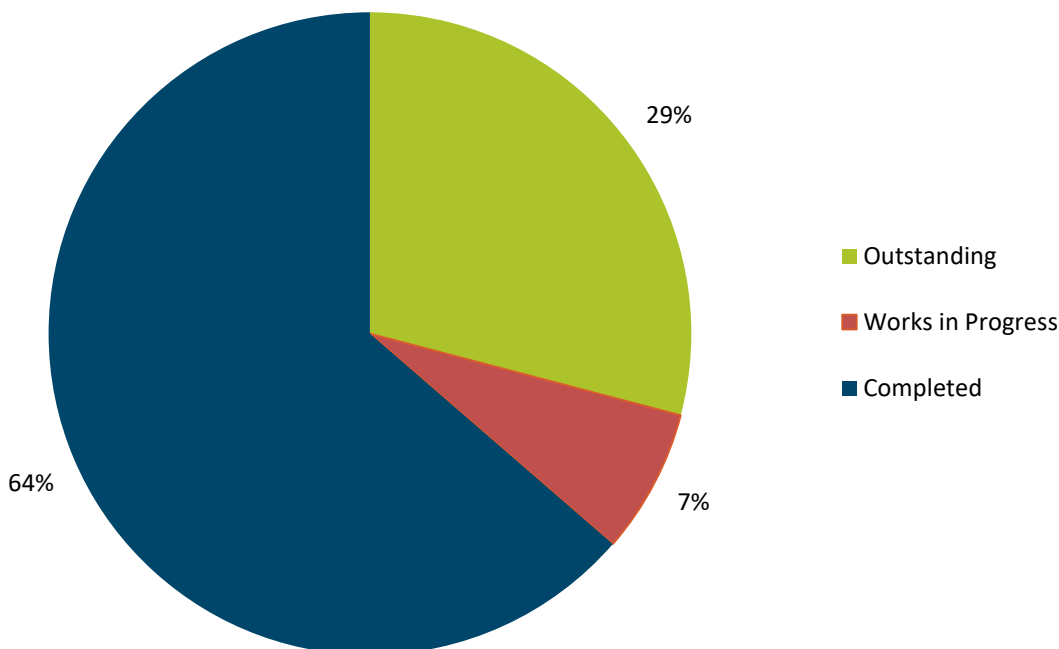


Figure 1: Implementation of the Playgrounds Replacement Plan 2015-2024.

Levels of Service

The level of service is the defined service quality for a particular service/activity against which service performance may be measured. Service levels usually relate to quality, quantity, reliability, responsiveness, environmental impact, acceptability and cost. A core objective of the development and implementation of the Playgrounds AMP was to meet the community’s identified expectations for playgrounds that provided an increased level of service. Council’s playground service hierarchy and service level objectives are defined in the adopted Playground Policy. Changes to the level of service of Council managed playgrounds realised through the implementation of the Playgrounds AMP are displayed in Table 1.

Table 1: Changes to the level of service provision of Council managed playgrounds.

Level of Service	Number of playgrounds		
	2014/2015	2020/2021	Planned 2023/2024
Local	57	31	25
District	1	7	12
Regional	0	1	1
Total	58	39	38

The implementation of the Playgrounds AMP has created a more diverse range of playground facilities throughout the Clarence Valley. Playgrounds with a district or regional levels provide a greater range of playground experiences to children of all ages and abilities which often extend beyond the playground unit. The most popular playground settings feature supporting infrastructure that provide the opportunity for carers and children to meet friends and socialise. The community is generally willing to travel to a predetermined location that is likely to be further than the closest playground to utilise these higher levels of service.

Examples of changes to the level of service provision of Council managed playgrounds achieved through the implementation of the Playgrounds AMP are demonstrated visually below (Figures 2 – Figures 10).



Figure 2: Jacaranda Park playground prior to upgrade to a regional level of service.



Figure 3: Jacaranda Park playground upgraded to a regional level of service.



Figure 4: Jacaranda Park playground upgraded to a regional level of service.



Figure 5: Barrier Park playground prior to upgrade to a district level of service.



Figure 6: Barrier Park playground upgraded to a district level of service.



Figure 7: Lawrence Memorial Park playground prior to upgrade to a district level of service.



Figure 8: Lawrence Memorial Park playground upgraded to a district level of service.



Figure 9: McIntosh Memorial Park playground prior to renewal as a local level of service.



Figure 10: McIntosh Memorial Park playground renewed as a local level of service.

Everyone Can Play Guideline

The NSW Government has developed The Everyone Can Play Guideline which provides design principles and sets best practice recommendations for playspaces of all sizes, types and budgets. The guideline aims to play a key role in ensuring inclusive play becomes the norm in NSW. When it comes to determining if a playspace is truly inclusive, it is important to consider the wider context, around and through the project concept and ask: Can I get there? Can I play? Can I stay?

Open Spaces staff have gained knowledge of the guideline through attendance at PLA Conference – Tamworth and Coffs Harbour information session. The guideline is currently being utilised to inform design briefs, address existing play spaces, and determine improvements to increase inclusivity, influence budget setting for play spaces and to educate staff. As strategic planning documents are reviewed, the guideline will be integrated to form part of Council’s delivery program.

An example of the implementation of the Everyone Can Play Guideline at a Council managed playgrounds is demonstrated in the Townsend Park Redevelopment Concept Plan visually below (Figures 11).

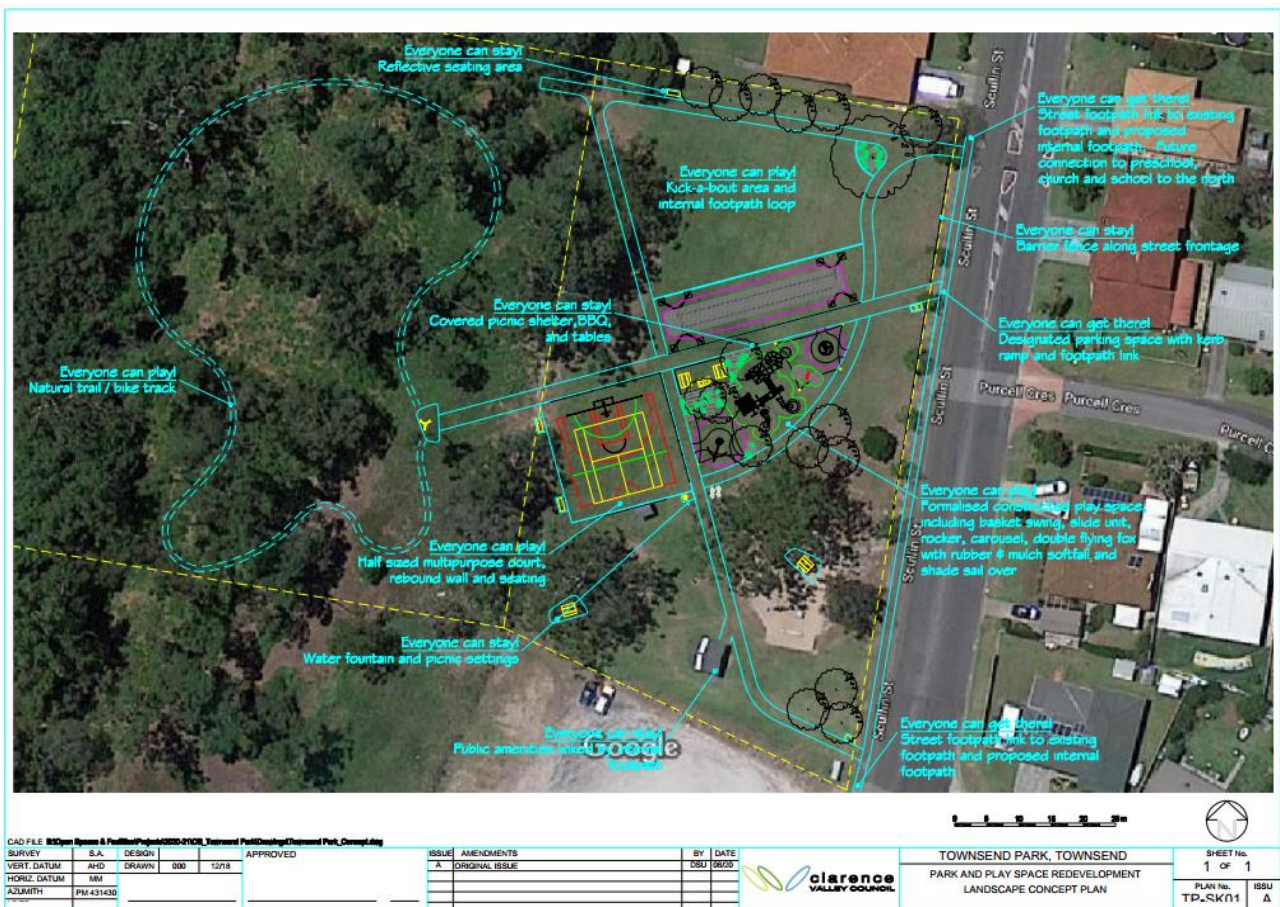


Figure 11: Townsend Park Redevelopment Concept Plan.

Capacity Building

Clarence Valley Council has been successful in capacity building on its playground projects through securing \$806,041 in additional funding from the NSW Government since the adoption of the Playgrounds AMP in 2015. These external funding sources have primarily been utilised to construct supporting infrastructure such as shelters and park furniture, footpaths and shade structures.

Table 2: External Sources of Funding for Clarence Valley Playgrounds

Playground	Funding Source	Amount
Brooms Head Reserve	Public Reserves Management Fund Program (PRMFP)	\$47,900
Alex Bell Reserve	Everyone Can Play Grant (ECP)	\$83,141
Jacaranda Park	Stronger Country Communities Fund	\$500,000
Grevillia Park	Community Building Partnership Grants	\$15,000
Brushgrove Recreation Triangle	Community Building Partnership Grants	\$20,000
Townsend Park	Stronger Country Communities Fund	\$140,000
	Total	\$806,041

Industry Recognition

Clarence Valley Council won a Highly Commended Award at the 2020 NSW Local Government Excellence Awards in the category of Asset Management and Infrastructure Initiatives for Jacaranda Park Redevelopment. The judges made the following comments:

“Congratulations on a phenomenal submission, an amazing project with clear community collaboration throughout and we think everyone can agree that the final design of the park is beautiful and captures everything the community loves about the area.”



Figure 11: Highly Commended Award at the 2020 NSW Local Government Excellence Awards

COUNCIL IMPLICATIONS

Budget/Financial

The implementation of the Playgrounds AMP is funded through a recurrent allocation of \$210,000. The allocation funds Crown reserves and Council parks, the budget is held against FJ550166 or FJ550323 Playground Equipment – RENEWALS / Crown Playground Equipment - RENEWALS for capital works. The recurrent allocation does not include CPI resulting in the need to an increase in allocation by approximately 10% for the remaining life of the plan.

The maintenance expenditure for 2019/20 was \$84,000 partially funded from Fund 1 and a contribution from Fund 4. This value is well below the agreed sustainable position of \$141,000 annually, however, is a direct result of changes to staffing and fleet arrangement during this period. The current maintenance expenditure for 2020/21 is \$73,000 suggesting that the forecasted annual maintenance expenditure of \$141,000 is a financially sustainable position.

Asset Management

Asset management planning leads business performance by assisting Council and the community in matching the quantity and quality of playgrounds needed by the community, with the community's ability and willingness to pay for the service. The creation of a financially sustainable Playground AMP has allowed Open Spaces to plan and forecast for the maintenance and operation, staged renewal or upgrade of existing playground assets. Through asset management planning, business performance efficiencies have been implemented, contributing to business performance.

The Playgrounds AMP anticipates and plans for future organisation needs by transforming the playground network into a financially sustainable asset. Not only can Council now afford to manage the network of playgrounds across the large local government area, but the community is benefitting from a plan to upgrade all of the playgrounds across the network. The plan is ensuring the Clarence Valley community have safe, inclusive and exciting play experiences now and into the future.

Policy or Regulation

- Playgrounds Asset Management Plan S3V1
- Playground Policy V1.0
- Clarence Valley Council Disability Inclusion Action Plan 2017 – 2021
- Clarence Valley Open Space Strategic Plan 2012-2021
- NSW Government Everyone Can Play (ECP) Guideline
- AS 4422:2016 Playground surfacing - Specifications, requirements and test method
- AS 4685.0:2017 Playground equipment and surfacing, Part 0: Development, installation, inspection, maintenance and operation
- AS 4685.0:2017 Amd 1:2019 Playground equipment and surfacing, Part 0: Development, installation, inspection, maintenance and operation

- AS 4685.1:2014 Playground equipment and surfacing, Part 1: General safety requirements and test methods (EN 1176-1:2008, MOD)
- AS 4685.11:2014 Playground equipment, Part 11: Additional specific safety requirements and test methods for spatial networks (EN 1176-11:2008, MOD)
- AS 4685.2:2014 Playground equipment and surfacing, Part 2: Additional specific safety requirements and test methods for swings (EN 1176-2:2008, MOD)
- AS 4685.3:2014 Playground equipment and surfacing, Part 3: Additional specific safety requirements and test methods for slides (EN 1176-3:2008, MOD)
- AS 4685.4:2014 Playground equipment and surfacing, Part 4: Additional specific safety requirements and test methods for cableways (EN 1176-4:2008, MOD)
- AS 4685.5:2014 Playground equipment and surfacing, Part 5: Additional specific safety requirements and test methods for carousels (EN 1176-5:2008, MOD)
- AS 4685.6:2014 Playground equipment and surfacing, Part 6: Additional specific safety requirements and test methods for rocking equipment

Consultation

The Playgrounds AMP was developed around community engagement, discussions with Council staff, and was placed on exhibition prior to adoption. Key topics raised by the community consultation including: provision of regional and district playground that provide play activities for a range of age classes; accessibility and supporting assets / infrastructure, nature play elements being incorporated into playgrounds, support for provision of all abilities playgrounds and that the community is to be consulted in regards to playground design.

Council has anticipated problems throughout its journey to redevelop its playground network through the implementation of an engagement plan based on the Community Engagement Strategy. By inviting the community to assist in designing new playgrounds, community members are engaged in the process and have a sense of stewardship of the community asset. With the construction of each new playground, satisfaction levels rise as communities members enjoy their new community asset, designed by them and delivered by Council.

Legal and Risk Management

The implementation of the Playgrounds AMP has prioritised the removal or replacement of non-compliant playground equipment. This outcome is consistent with the Open Spaces Risk Management Action Plan and has reduced the risk of injury to users and removed an identified Council liability. Council works directly with industry to ensure all new playgrounds are constructed to comply with the relevant Australian Standards, with this compliance being documented through independent engineering certification.

Dedicated Open Spaces & Facilities staff maintain Council's network of playgrounds in line with the associated manufacturers handbooks and have also established and implemented playground inspection procedures based on the relevant Australian Standards and the defined service levels. Routine visual and operational inspections are completed by suitability competent staff, with the comprehensive inspections being completed by independent Level 3 accredited inspectors.

Climate Change

N/A

Prepared by	Gavin Beveridge, Parks and Recreation Officer
Attachment	Nil

ITEM	6c.20.196	2019/20 AUDITED FINANCIAL STATEMENTS
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Meeting	Corporate, Governance & Works Committee	15 December 2020
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	To be tabled	

SUMMARY

This report presents Council's consolidated Audited 2019/20 Annual Financial Statements to the public in accordance with Section 419 (1) of the Local Government Act (LGA).

OFFICER RECOMMENDATION

That Council receive and note the Audited 2019/20 Annual Financial Statements.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

In accordance with Section 419(1) of the LGA, Council is required to present its audited consolidated Annual Financial Statements to the public.

Section 418(2) requires public notice of at least 7 days be given of the Council meeting date fixed for presentation of the audited financial statements. Public notice of the presentation of the audited financial statements was advertised on Council's website on 3 December 2020.

Section 420 makes provision for any person to make submissions to the Council with respect to the financial statements or auditors report. Such submission must be made within 7 days after the reports are presented to the public. Copies of submissions must be referred to the auditor and, if required, amendments made to the financial reports.

A copy of Council's Audited 2019/20 Annual Financial Statements is tabled at this meeting and is available on Council's website.

KEY ISSUES

Due to the timing of receiving the Auditor-General New South Wales Independent Auditor's Reports, it was noted at the 24 November 2020 Council meeting (Item 6a.20.043) that the Audited 2019/20 Financial Statements would be presented to the December Council meeting.

It was also noted that upon receipt of the Independent Auditor's Reports, Council will place the Audited 2019/20 Financial Statements on public exhibition with any submissions to be presented to the December Council meeting. Council placed the Financial Statements on exhibition on 3 December 2020 and submissions were invited from 3 December to 10 December 2020. One unrelated submission was received about park facilities in Ulmarra, which was responded to separately.

The Audited 2019/20 Financial Statements were submitted to the Office of Local Government prior to the due date of 30 November 2020.

COUNCIL IMPLICATIONS**Budget/Financial**

Council's Net Operating Result for the financial year ended 30 June 2020 was a profit (surplus) of \$7.528M, which includes Capital Income of \$24.740M. This compares to a profit (surplus) in 2019 of \$4.428M (including Capital Income of \$12.817M). Further details were previously outlined in Council Minutes (Item 6a.20.043 - 24 November 2020 and Item 6a.20.042 - 27 October 2020).

Asset Management

N/A

Policy or Regulation

Section 419 (1) of the Local Government Act 1993.

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Michael Salvestro, Acting Manager Finance & Supply
To be tabled	Audited 2019/20 Annual Financial Statements

ITEM 6c.20.197 CLARENCE CARE AND SUPPORT

Meeting	Corporate, Governance & Works Committee	15 December 2020
Directorate	Corporate & Governance	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Confidential	

SUMMARY

This report provides Council with an update on progress with transitioning Clarence Care and Support to Wesley and seeks Council's consideration of disposal of Lot 2 DP366148 and Lot 85-86 DP13075.

OFFICER RECOMMENDATION

That Council

1. Note the update on transition of Clarence Care and Support to Wesley Mission, provided in this report.
2. Delegate authority to the General Manager to engage an agent to sell of Lot 2 DP366148 and Lots 85-86 DP13075 at current market value.
3. Delegate authority to the General Manager to receive a report from staff on receipt of offers in accordance with the confidential attachment A.
4. Delegate authority to the General Manager to sign all documentation relating to the sale of Lot 2 DP366148 and Lots 85-86 DP13075.

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

At its Ordinary Meeting held 28 April 2020, Council resolved to award a tender for the Clarence Care & Support (CCS) services to Wesley Mission (refer Item 08.20.004) with progress of the transfer of services and staff to Wesley being reported to Council on a monthly basis. In July 2020, Council resolved (MIN 6c.20.119) that a final report be tabled once financial completion and service contract transfer has occurred. While this is not yet the case, this report is provided as a status update.

KEY ISSUES**Programs**

An update on program transfer is provided below.

STRC (Short Term Restorative Care)

While Wesley is providing the face to face service, it is under a sub contract arrangement with Council remaining the accredited provider and managing the program funds. Full transfer to Wesley is yet to occur and confirmation of progress with applying for accreditation and transfer of clients has been requested. In addition, Wesley has not submitted any invoices for payment of claimed monies from 1/7/20 to date. As Council is not the only accredited provider in the Valley, it could cease its accreditation, however this will be a three month process from commencement.

CoS (Continuity of Support)

Confirmation and invoice of 20/21 Quarter 1 expenditure of funds is yet to be received from Wesley. This has delayed the acquittal for 20/21 Quarter 1 funding, being submitted.

CHSP (Commonwealth Home Support Program)

Authorization for clients to be transferred to Wesley has been provided, but no client data has been received for loading to the department (funding body) portal from 1.7.20 to date. No invoices for payment have been

received for 20/21 Quarter 1 funding from 1/7/20 to date. Without the invoices and expenditure substantiation from the portal data, payment and program acquittal cannot be made.

The General Manager and Director Corporate & Governance and Wesley CEO are scheduled to meet on Friday 11 December 2020, to discuss these issues.

Financial

Completed financial transactions to date are identified below:

\$	Transfer of CCS to Wesley - Financial Transactions
1,508,306.35	Home Care Client Balances transferred to Wesley - Paid 11/09/2020
2,495.48	Additional Home Care Client Balances transferred to Wesley - To be paid 11/12/2020
1,510,801.83	Total Home Care Client Balances transferred
384,349.24	Employee Leave Balances transferred to Wesley - Paid 11/09/2020
1,895,151.07	Total payments made to Wesley on Transfer of CCS
-339,000.00	Wesley purchase of Clarence Care & Support fleet vehicles - payment received 26/11/2020
-74,950.00	Wesley purchase of plant & equipment - payment received 26/11/2020
-413,950.00	Total payments received from Wesley on Transfer of CCS
Debtors	
-5,957.31	Potential debtor amounts to be received from Wesley - CVC confirming with Wesley
230.00	Debtors with credit balances as some client keep making payments to CVC - CVC to advise Wesley to assist in stopping further payments
3,373.94	Commonwealth Respite & Carelink Centre Debtor with credit balance - CVC currently arranging refund
-2,353.37	Debtor balances yet to be cleared

In addition to the financial transactions noted above, Council has expended an amount of approximately \$100,000 to manage the transition, post 1 July 2020. Expenditure is both employee related and other administrative and supplier costs associated with the transfer and end of year activities. However, through the MOU between Council and Wesley Mission, which was prepared to manage the transition, a portion of that is to be reimbursed once the client detail and program reporting is received from Wesley Mission for programs identified earlier in this report.

The 2019/2020 cost of redundancies associated with the transition were approximately \$975,000 as identified in the Annual Financial Statements position paper.

At year end (2019/2020), the Council Internal Reserve relating to Clarence Care and Support was \$2,311,510.87 and it is anticipated at this stage, that the residual Reserve will be in the vicinity of \$2M once transition is finalised.

Property

Wesley Mission entered into leases for delivery of services for a period of 12 months at the Wooli Street Hall Yamba, 50A River Street Maclean, 2 Short Street Maclean and 4 Short Street Maclean – 1 July 2020 – 30 June 2021. Twelve month leases were selected by Wesley while management reviewed the space they would require for future services.

Wesley has now requested an extension of those leases by a further 12 months. It is considered appropriate that leases for Wooli Street Hall Yamba and 50A River Street Maclean be extended, and this can occur under existing delegation.

Prior to doing so for Lot 2 DP366148 and Lot 85-86 DP13075, Council's view is sought. Both are considered surplus to needs and there is an opportunity to dispose of them while the market is considered buoyant.

If a decision is made to retain them, asset management plans should be reviewed with required expenditure being projected in future budgets.

COUNCIL IMPLICATIONS**Budget/Financial**

Available financial information is contained in the body of the report.

Asset Management

Following sale the assets will be removed from Council's asset management register.

Policy or Regulation

Council is required to delegate authority to the General Manager to dispose of property assets.

Consultation

Nil

Legal and Risk Management

Nil

Climate Change

Nil

Prepared by	Laura Black, General Manager
Confidential	Property Rationalisation – Confidential Attachment A

ITEM 6c.20.198 2021 – 2022 LOCAL PUBLIC HOLIDAYS OR EVENT DAYS

Meeting	Corporate, Governance & Works Committee	15 December 2020
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Yes	

SUMMARY

Proposed 2021 and 2022 local public holidays to be advised to the NSW Treasury (Industrial Relations) for gazettal.

OFFICER RECOMMENDATION

That

1. Council make application to NSW Treasury (Industrial Relations) for the following local public holidays for 2021 and 2022:

- | | |
|-----------------------|---|
| a. Maclean Show | Wednesday 21 April 2021 from noon to 5pm
Wednesday 4 May 2022 from noon to 5pm |
| b. Ramornie Races | Wednesday 7 July 2021 from 1pm to 5pm |
| c. Grafton Cup | Thursday 8 July 2021 from 1pm to 5pm |
| d. Jacaranda Thursday | Thursday, 4 November 2021 from 1pm to 5pm
Thursday 3 November 2022 from 1 to 5pm |

2. The event organisers, respondents, Chamber of Commerce and the school sector be advised accordingly.

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

Council has been invited to apply to the Minister for NSW Industrial Relations for the 2021 -2022 local public holidays or event days, and has been asked to provide details of community feedback to support its application.

KEY ISSUES

Event organisers have nominated the following local public holidays and spread of hours:

- | | |
|-----------------------|---|
| a. Maclean Show | Wednesday 21 April 2021 from noon to 5pm
Wednesday 4 May 2022 from noon to 5pm |
| b. Ramornie Races | Wednesday 7 July 2021 from 1pm to 5pm |
| c. Grafton Cup | Thursday 8 July 2021 from 1pm to 5pm |
| d. Jacaranda Thursday | Thursday, 4 November 2021 from 1pm to 5pm
Thursday 3 November 2022 from 1 to 5pm |

These are the same spread of hours as approved for 2019 and 2020.

Advertisements were placed on the inviting the public to provide comment on the proposed local public holidays. In addition the Chambers of Commerce, Peak bodies, Schools, Government Departments, transport providers etc. were contacted directly by email, advised of the proposed public holidays and offered the opportunity to provide submissions.

One submission has been received from the Grafton Chambers of Commerce. Full details are at **Attachment A**

The Clarence Valley Jockey Club has not been able to confirm there dates for 2022 and a separate request will be made when the dates are confirmed.

COUNCIL IMPLICATIONS

Budget/Financial

Costs of consultation was managed within operational budget allocations

Asset Management

N/A

Policy or Regulation

N/A

Consultation

Consultation occurred in November and December 2020

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Alex Moar
Attachment	Attachment A - Correspondence

ITEM	6c.20.199	LOCAL TRAFFIC COMMITTEE MINUTES & REPORT ON SIGNAGE AT PALMERS CHANNEL NORTH BRIDGE
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Meeting	Corporate, Governance & Works Committee	15 December 2020
Directorate	Works & Civil	
Reviewed by	Manager - Civil Services (Alex Dalrymple)	
Attachment	To be tabled	

SUMMARY

The following motion from the November Council meeting (Item 6c.20.176) was put by Crs Lysaught and Baker:

That

1. *The recommendations of the Local Traffic Committee included in the Minutes of its 4 November 2020 meeting be adopted by Council.*
2. *Council note that the LTC has further considered the signage at Palmers Channel North Bridge and concluded that:*
 - a. *The existing signage is appropriate to highlight the hazards associated with the recorded crash history at this location.*
 - b. *The accident history at the location to date was not associated with the private driveway.*
 - c. *Increasing the existing signage would not necessarily make the road environment safer.*

Council then resolved to defer this report to the December Council meeting.

OFFICER RECOMMENDATION

That

1. The recommendations of the Local Traffic Committee included in the Minutes of its 4 November 2020 meeting be adopted by Council with the exception of Item 027.20.
2. A "Caution Driveway" sign be placed above the "Watch for Entering Traffic" sign and a left curve advisory with side road on right sign for the minor road at Palmers Channel be installed.

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

This report lists the recommendations made at 4 November 2020 meeting of the Local Traffic Committee and also the outcome of further consideration of Item 027/20 for an advanced warning sign for Palmers Channel North Bridge be replaced to include a small symbol that warns motorists of traffic as per Figure 1 below.



Figure 1

The following agenda items were considered at the Local Traffic Committee held on 4 November 2020.

Item: 030/20 NO STOPPING - SKINNER STREET, SOUTH GRAFTON

That a 'No Stopping' zone be implemented in Skinner Street, South Grafton to prevent vehicles parking in the centre island adjacent to Cowan Lane.

Item: 031/20 WATTS LANE INTERSECTION SIGNAGE

That the Local Traffic Committee concur with the amendment to signage at Watts Lane and Ulgundahi View.

Item: 032/20 REQUEST FOR AMBULANCE PARKING – CHARLES STREET, ILUKA

That a dedicated ambulance parking bay be installed outside 51 Charles Street, Iluka at the existing driveway layback.

Item: 033/20 GRAFTON CYCLE CLUB – 2021/2022 MANAGEMENT PLAN AND RACING PROGRAM

That Council approve the Management Plan for the Grafton Cycle Club May 2021 to May 2022 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. TfNSW 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 TfNSW 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 TfNSW and NSW Police
 - e. Conformance with approved Traffic Management Plan and associated Traffic Control Plans which shall be implemented and controlled by a TfNSW 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 TfNSW Guide to Traffic Control at Worksites)

The following items were also discussed at the committee:

- Dinjerra Road, Glenugie – Hooning and Burnouts
- Item 027/20 – Driveway Warning Signage Yamba Road
- Gumnut Road
- Riverview Street, Iluka – One Way

Of particular note is Item 027/20, which was discussed in response to part 2 of resolution – 6a.20.034 from the September 2020 meeting as follows:

2. *Item 02.20 Driveway Warning Signage on Yamba Road being amended as follows:*
 - a) *That consideration of the advanced warning T section symbolic sign for Palmers Channel North Bridge be replaced to include a small symbol on the left hand side slightly lower than the right hand symbol that warns motorists of both hazards, with the Watch for Turning Traffic auxiliary plate.*
 - b) *A report with the considerations for and against this option from the Local Traffic Committee be brought back to Council.*

KEY ISSUES

Agenda, minutes and attachments are attached of the formal meeting.

The following applies to Item 027/20 where the meeting discussed the matter.

Sight Distance

The driveway servicing 797 Yamba Road, Palmers Island (Wynyabbie House) and 797A Yamba Road is located on the northern side of Yamba Road immediately east of the Palmers Channel Bridge. There is limited visibility of the driveway for vehicles heading east on Yamba Road.

The driveway surface is not visible to traffic crossing the bridge however a vehicle in the driveway would be partially visible although obscured to a degree by the bridge rails. Similarly, a vehicle exiting the driveway would have partial visibility of vehicles approaching over the bridge.

The visibility, both obscured and unobscured, does not meet the recommended minimum standards for a 90km/hr zone for an intersection. It is noted that a driveway is not considered to be an intersection; the intersection standard is generally considered the benchmark for sight distance assessment of driveways. In light of this, the driveway is 'concealed'.

Figure 2 - Location of the Driveway



Existing Signage

As the driveway is 'concealed' to a drivers view, a concealed driveway sign, could be installed to highlight the hazard. However, there are several other hazards that drivers need to be aware of on approach to this area and there are already signs in place to highlight these. The critical hazards in this area are:

- The corner with a less than desirable radius that opens (eastbound) and tightens (westbound)
- The intersection of Palmers Channel North Bank Road

There is a history of crashes at this location as a result of those critical hazards. The crash history relates to vehicles losing control on the corner (eastbound and westbound), and nose to tail accidents from vehicles propping to turn right into Palmers Channel North Bank Road. Two of these accidents resulted in moderate injury to the occupants of the vehicles.

The existing signage at this intersection are targeted to highlight the hazards associated with crashes at this location and include the following:

- Advanced warning T intersection symbolic sign for Palmers Channel North Bank Road with a *Watch for Turning Traffic* auxiliary plate,
- Duplicated Left Hand Curve symbolic with 65kph advisory speeds,
- Slippery Surface symbolic with *When Wet* and *Reduce Speed* auxiliary plates (duplicated),
- Curve Alignment Markers (CAMS).

Driver Workload

The Austroads Guide to Road Design, Part 1, Section 3.4.4 states that:

Driver workload also has a marked effect on performance at both ends of the spectrum. If the demand is too low, the driver's attention (i.e. level of alertness) will be too low, with probable loss of vigilance, and the driver may even fall asleep at the wheel. At the other end of the spectrum, if the driver's brain activity level is too high (e.g. stress, information overload, emotional situations) they may compensate by ignoring some relevant information, leading to unsafe operation of the vehicle.

On this basis additional signage, or signage with denser information is not considered to make the road environment safer. Conversely, if the speed of information delivery is too fast, it can make the road environment less safe and will increase the rate and or severity of accidents at that particular location.

It is the opinion of the committee and technical staff, that the signage on approach to this location is already cluttered and it would be inappropriate to either increase the number, or information density of the signage.

Figure 3 - View on approach to the bridge



Driveway vs Intersection

A driveway is not considered to be an intersection and there are differences in how they are considered from a road design perspective and with regard to the road rules. For instance, it is very uncommon for driveways to be highlighted by signage. There are in fact very few sign faces that are intended for this purpose in the Australian Standards suite of documents.

A staggered intersection symbolic sign face is intended to highlight intersections, not driveways and the members of the committee and technical staff are not aware of another instance of a driveway being highlighted by a sign that is intended for an intersection. Furthermore the using a sign for a purpose other than what it is intended for is also not recommended by the committee.

Summary

As suggested in part 2 a) of the resolution 6a.20.034, it is possible to change the T intersection advanced warning sign to a staggered intersection advanced warning sign. The pros and cons of this are summarised below:

Pros	Cons
Provides information to drivers that there is a potential hazard	Reduces the emphasis of the existing signage implemented to reflect the accident history.
	Increases the density of information and driver workload
	Signage that is not used for its intended purpose which may surprise drivers

Having considered the outcomes of the Committee, it is important to note that any adaptation of standard signage must be carefully considered taking into consideration the possibility of reducing the effectiveness of standard signage at other locations, providing mixed or diluted messages to the road user and/or creating a precedent that leads to further inconsistencies across the road network.

It is important that standard approved signage be implemented in accordance with Transport for NSW (TfNSW) and the Australian Standards requirements as it provides a consistent and clear message to road users across the road network for each type of situation a driver encounters. The consistent application of traffic control devices endeavours to promote the desired driver behaviour and response each time a driver encounters a particular road environment characteristic.

Therefore, the use of standard signage in this case is recommended.

COUNCIL IMPLICATIONS**Budget/Financial**

The additional signage and line marking that will be installed will cost approximately \$2000. This can be accommodated within existing operational budgets.

The budget for Item 027/20 would be approximately \$400 to replace a single sign face.

Asset Management

The new traffic facilities will become assets on the asset register.

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Alex Dalrymple – Manager Civil services
To be tabled	Traffic Committee Minutes and Memo re Signage at Palmers Channel

d. INFORMATION ITEMS

ITEM	6d.20.011	ITEMS FOR INFORMATION
Meeting	Council	15 December 2020
Directorate	Office of General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

OFFICER RECOMMENDATION

That the Items for Information as listed below be noted:

1. Maclean High School P&C Assoc – Multipurpose School Centre
2. Clarence Valley Floodplain Risk Management Committee – Minutes 20 November 2020
3. Clarence Regional Library Committee – Minutes 12 November 2020
4. Grafton Regional Gallery Advisory Committee – Minutes 20 July 2020 and 16 November 2020
5. Nymboida Hall Management Committee – Minutes 26 October 2020
6. Oyster Cove Foreshore Reserve Management Committee – Minutes 23 November 2020

Prepared by	Lesley McBay, Coordinator Executive Support
Attachments	As listed above

e. TENDERS

ITEM	6e.20.032	EXPRESSION OF INTEREST CALYPSO YAMBA HOLIDAY PARK REDEVELOPMENT ON CROWN LAND
Meeting	Council	15 December 2020
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Confidential	

SUMMARY

This report considers the Expressions of Interest (EOI) submissions received (EOI 20-41 Cabins, EOI 20-42 Civil and Services, EOI-43 Demolition, EOI 20-44 Pool, EOI 20-45 Removal of Fuel Tanks) as part of a two stage selective tender for the redevelopment of Calypso Yamba Holiday Park.

The Council Project Management team is proposing to run the project as the head contractor and subcontract the works in smaller packages to gain the best value for money for the project.

OFFICER RECOMMENDATION

That Council as Crown Land Manager of Calypso Yamba Holiday Park (RE81523):

1. Invite the following contractors to submit tenders for the Calypso Yamba Holiday Park subject to satisfactory financial assessments as follows -
 - a. Uniplan Pty Ltd and Wendgold Pty Ltd for EOI 20-41 Cabins;
 - b. AGS Commercial Pty Ltd, CD Excavations Pty Ltd, Eire Constructions Pty Ltd, Ledonne Constructions Pty Ltd, Synergy Resource Management Pty Ltd for EOI 20-42 Civil and Services;
 - c. Demex Pty Ltd, Liberty Industrial Pty Ltd, Perfect Contracting Pty Ltd, Ross Mitchell Associates Pty Ltd Synergy Resource Management Pty Ltd and reserve: All Areas Demolition for EOI 20-43 Demolition;
 - d. Demex Pty Ltd, Environmental Pacific, Liberty Industrial Pty Ltd, Perfect Contracting Pty Ltd, Synergy Resource Management Pty Ltd for EOI 20-45 Removal of Fuel Tanks.
2. Reject all EOI submissions for EOI 20-44 (Pool) and the project team re-evaluate the procurement strategy to ensure Council achieves value for money for the contract.

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 Calypso Yamba Holiday Park is Crown land, being Reserve 81523 for Public Recreation, notified 10th April 1959. Council manages the Holiday Park as the Crown land manager. The Federal Court has determined that native title continues to exist on the land.

Expressions of Interest (EOI 20-41 Cabins, EOI 20-42 Civil and Services, EOI-43 Demolition, EOI 20-44 Pool, EOI Removal of Fuel Tanks) were invited on 28 October 2020 for suitably experienced, skilled and competent contractors to tender for each of the major contracts for the redevelopment of Calypso Holiday Park.

The EOI's closed on 18 November 2020 and the submissions were evaluated in accordance with the requirements of the Tender Evaluation Plan (TEP). Following the evaluation process this report recommends the shortlisting of contractors for all EOI's which received an adequate number and quality of candidates.

The EOI for the pool only received 1 compliant submission and therefore may not offer value for money for Council and this report recommends that Council not continue to a selective tender for the pool. It is

recommended that the Project Team re-evaluate the procurement strategy for the pool to ensure a competitive tender process.

KEY ISSUES

The evaluation team has undertaken an assessment of the conforming tenders taking into consideration the following factors:

- Quality systems
- WHS systems
- Environmental systems –
- Applicant's team proposed to engage effectively with Clarence Valley Council and its representative(s) during the subsequent tendering process and construction process.
- Experience and demonstrated capacity with similar work
- Qualified and experienced personnel
- Commitment to and capability in meeting Clarence Valley Council procurement process timetable

To be eligible each applicant had to show in their submission that they meet the minimum requirements of the tender. Applicant's referees were also contacted to confirm the applicant's suitability.

In order to ensure a competitive market is created for the selective tender it is recommended that the Council accept up to five of the highest rated contractors be selected along with up to 2 reserve tenderers. A tender will only be sought from the reserve should one of the selected tenderers withdraw.

EOI 40-41 Cabins

The EOI closed on 18 of November 2020 with submissions received from five contractors:

Tenderer	Address	Directors
Kennedy Builders Pty Ltd	Shop 6, 97-103 Melbourne Street Mulwala NSW 2647	Andrew Kennedy/ Chris Kennedy/Damien Kennedy
Ledonne Constructions Pty Ltd	28 Hyde Street, South Grafton NSW 2460	Troy Ledonne
Marathon Group Pty Ltd	3-7 Rosella Street McDougalls Hill NSW 2330	Jeremy Bird (General Manager)
Uniplan Group Pty Ltd	22 Myrtle Drive, Armidale NSW 2350	Glen Snow Operations Manager
Wendgold Pty Ltd	32 Wheeler Crescent, Currumbin QLD 4223	Tony Gabriel

The submissions have been assessed and scored against the methodology detailed in the Evaluation Plan. The normalised scores are detailed in the attached confidential attachment to this report and the recommended shortlist of contractors is:

- Uniplan Pty Ltd;
- Wendgold Pty Ltd.

EOI 40-42 Civil and Services

The EOI closed on 18 November 2020 with submissions received from nine contractors:

Tenderer	Address	Directors
AGS Commercial Pty Ltd	172 Casino Street South Lismore NSW 2480	Simon Booth
CD Excavations Pty Ltd	1/36 Macinery Drive Tweed Heads South NSW 2486	Craig Wills
Demex Pty Ltd	1759 Stapylton Jacob well Road, Jacob well QLD 4208	Richard Todd
Eire Constructions Pty Ltd	755 Hunter Street, Newcastle NSW 2302	Tadhg Kelliher
Hammond Earthmoving	79 East Bonville Road, Bonville 2450	Damen Hammond
JNC Group Australia Pty Ltd	12 Wright Place, Armidale NSW 2350	Jeremy Blanch/Nicole Blanch
Ledonne Constructions Pty Ltd	28 Hyde Street, South Grafton NSW	Troy Ledonne

Tenderer	Address	Directors
	2460	
Synergy Resource Management Pty Ltd	60 Bertoli Road Jiggi, NSW 2480	Matt Sedon
Valley Earthworks Pty Ltd	13 Treelands Drive, Yamba 2464	Mark Mitchell/ Paul Fuller

The submissions have been assessed and scored against the methodology detailed in the Evaluation Plan. The normalised scores are detailed in the attached confidential attachment to this report and the recommended shortlist of contractors is:

- AGS Commercial Pty Ltd
- CD Excavations Pty Ltd
- Eire Constructions Pty Ltd
- Ledonne Constructions Pty Ltd
- Synergy Resource Management Pty Ltd

EOI 40-43 Demolition

The EOI closed on 18 November 2020 with submissions received from seven contractors:

Tenderer	Address	Directors
All Areas Demolition Excavation	24 Hawke Drive, Woolgoolga Nsw	Shaun Marshall
Demex Pty Ltd	1759 Stapylton Jacob well Road, Jacob well QLD 4208	Richard Todd
Ledonne Constructions Pty Ltd	28 Hyde Street, South Grafton NSW 2460	Troy Ledonne
Liberty Industrial Pty Ltd	95-99 Bridge Road, Glebe NSW 2037	David Wood
Perfect Contracting Pty Ltd	4/8 Lilian Fowler Place Marrickville NSW 2204	Mateuzu Jedruszek
Ross Mitchell Associates Pty Ltd	Unit 12/6-20 Braidwood Street, Strathfield South NSW 2136	Philip Gillespie
Synergy Resource Management Pty Ltd	60 Bertoli Road Jiggi, NSW 2480	Matt Sedon

The submissions have been assessed and scored against the methodology detailed in the Evaluation Plan. The normalised scores are detailed in the attached confidential attachment to this report and the recommended shortlist of contractors is:

- Demex Pty Ltd,
- Liberty Industrial Pty Ltd,
- Perfect Contracting Pty Ltd,
- Ross Mitchell Associates Pty Ltd
- Synergy Resource Management Pty Ltd
- Reserve: All Areas Demolition

EOI 40-44 Pool

The EOI closed on 18 November 2020 with submissions received from one contractor:

Tenderer	Address	Directors
Beau Homes Pty Ltd TA Beau Corp Aquatics Constructions	Unit 8, 6 Nuban Street, Currumbin QLD 4223	Michael Hoy

The evaluation panel suggest not inviting any tenderers to a selective tender

The evaluation panel suggests Council asks the project team to re-evaluate the procurement strategy to ensure Council gets value for money for the Pool contract.

EOI 40-45 Removal of Fuel Tanks

The EOI closed on 18 of November 2020 with submissions received from seven contractors:

Tenderer	Address	Directors
Coffey Services Australia Pty Ltd	16 Callistemon Close Warabrook NSW 2304	Michael Dunbavan
Demex Pty Ltd	1759 Stapylton Jacob well Road, Jacob well QLD 4208	Richard Todd
Enviropacific Services	4 Revelation Close, Tighes Hill NSW 2297	Ian Watt/ Anthony Shepherd
Ledonne Constructions	28 Hyde Street, South Grafton NSW 2460	Troy Ledonne
Liberty Constructions Pty Ltd	95-99 Bridge Road, Glebe NSW 2037	David Wood
Perfect Contracting Pty Ltd	4/8 Lilian Fowler Place Marrickville NSW 2204	Mateuzu Jedruszek
Synergy Resource Management	60 Bertoli Road Jiggi, NSW 2480	Matt Sedon

The submissions have been assessed and scored against the methodology detailed in the Evaluation Plan. The normalised scores are detailed in the attached confidential attachment to this report and the recommended shortlist of contractors is:

- Demex Pty Ltd,
- Environmental Pacific,
- Liberty Industrial Pty Ltd,
- Perfect Contracting Pty Ltd,
- Synergy Resource Management Pty Ltd.

COUNCIL IMPLICATIONS**Budget/Financial**

Council has received funding from a Restart NSW Grant of \$6,720,000 with an initial contribution for the grant from Council Crown Reserves of \$2.0M with a budget of \$8,720,000. The Restart NSW Grant requires the project to be delivered by August 2022.

The most recent Quantity Survey (QS) for the park has indicated an expenditure of \$15.5M is required to fully redevelop the park. The shortfall in funding would be met principally through loan borrowings, part accrued revenue over the next 20 months, a further park refurbishment grant for the central village green or scope may have to be reduced with Restart NSW approval.

Negotiations around the extinguishment of native title have been ongoing between the Yaegl TOAC and NTS Corp. (Yaegl legal representatives). The negotiations are at a preliminary stage only and may affect the project forecasted expenditure. It is anticipated that there may be a position to close out negotiations by March 2021 at which stage, or earlier, the final budget will be reported to Council for consideration. It is expected that should Native title negotiations be concluded in March 2021 there would be a pathway to deliver the project to comply with the timetable of the Restart NSW Grant.

The project will be reported by or to the March Ordinary Council meeting for consideration of project budget and implications of native title negotiations.

Asset Management

The new buildings and facilities will become Council assets and be added to Council's asset register and demolished buildings removed.

Policy or Regulation

The tendering process followed is consistent with the requirement of the Local Government Act and Regulation and Council's Sustainable Procurement Policy – Supporting Local Business.

In accordance with Council's Sustainable Procurement Policy the following processes were undertaken:

- Local suppliers, contractors and/or consultants were notified through local advertising.
- Tender specifications were structured so local suppliers and/or contractors were not excluded from being the prime supplier/contractor.

During the RFT process:

- The tender specification will request tenderers to identify local suppliers/contractors that would be involved in delivering/constructing the project and the tender assessment will include a 15% weighting of the total tender score for local supplier content. The Tender Evaluation Plan will contain details of the local supplier content for each tenderer.

Consultation

N/A

Legal and Risk Management

The negotiations around native title are a potential legal and risk to the project. While native title negotiations have been continuing the two stage tender process was considered the best means to help deliver a value for money outcome for Council.

At any stage prior to releasing the Request for Tender Council could cease with the selective tender process and there is minimal risk to proceeding with the report recommendation and adopting the tenderers for shortlisting to submit future tenders.

Climate Change

The development will include all LED lighting throughout. The demolition tender and waste management plan will encourage materials to be recycled.

Prepared by	Justin Menzies, Project Manager
Confidential	Tender Recommendation Report

ITEM 6e.20.033 RFT20-04 GRAFTON WATERFRONT PROJECT DESIGN SERVICES

Meeting	Council	15 December 2020
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Confidential	

SUMMARY

This report presents the outcome and seeks Council's endorsement of the tender that was called for the Grafton Waterfront Design Services that will engage a consultant team to develop the endorsed Master Plan to detailed design documents ready for construction.

OFFICER RECOMMENDATION

That Council accept the tender from Five Design Pty Ltd trading as Vee Design (ABN 30 128 249 641) for RFT20/04 Grafton Waterfront Design Service for a lump sum of \$356,458.64 (excl GST) to be funded from Grafton Waterfront Structural Works (PJ 540550 Cost Centre 341).

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 Grafton Waterfront Precinct Master Plan adopted by Council forms part of the multi award winning regional tourism and infrastructure investment program - the **Clarence River Way**.

Grant funding was sought and approved for \$6.5M with a timeline of 2 years to complete and handover the project to the community by end of 2022.

Detailed design is the initial critical step to bringing this Master Plan and creation of the space to life.

Tenders were called on Monday 9 November 2020 for the RFT20-04 Grafton Waterfront Design Service and closed Monday 30 November 2020.

A non-mandatory meeting was held on Tuesday 17 November 2020 at the Grafton Rowing Club, Memorial Park, Prince St, Grafton. The meeting was attended by 3 tenderers.

Tenders were assessed by a Tender Evaluation Committee (TEC). The TEC consisted of three representatives from Clarence Valley Council: Andy Seaman – Project Manager (Chair), David Sutton – Open Spaces Coordinator, Stephen Timms – Senior Strategic Planner. Scoring of the tender was done in accordance with the NSW Procurement Framework using the price/non-price evaluation matrix.

The evaluation of the tender was based 40% on non-price (technical) and 60% on price (commercial) criteria.

KEY ISSUESThe Service

- Provide all survey and geotechnical assessment.
- Develop the master plan into a detailed design to facilitate construction (including Landscape Architectural, Civil, Electrical & Structural Engineering, Architectural, Quantity Surveying).
- Issue IFC drawings for construction.
- Provide construction services support.

Tenders Received

One tender was received from 6 interested parties that downloaded documents. The tender was received from:

Tenderer	ABN	Address
Vee Design	30 128 249 641	Suite 4, 3 Florence St, Tenneriffe, QLD, 4006

Summary and Recommendation

Tender Evaluation Committee (TEC) evaluated the submission against the mandatory participation criteria to ensure compliance with the Tender Evaluation Plan (TEP). The one tender received was deemed compliant and was further considered in the evaluation criteria assessment.

The TEC reviewed against the non-price (technical) criteria independently and then as a group to form a consensus score. Vee Design rated high in majority of the non price criteria and was considered highly capable to perform the scope of works. Their understanding of the project and its history together with their acknowledgement of the key project drivers showed there through understanding of the project.

The consultant demonstrated suitable depth in consulting services with several Landscape Architects working on each section, their civil and structural engineering partner was similarly well structured. They nominated several specific sub consultants to deliver the specialised scope such as a Disability Discrimination Act (DDA) consultant, Electrical, Architectural, and Quantity Surveyors, this team has worked together on previous jobs.

The TEC reviewed the tender against the price (commercial) in comparison to the budget and industry expectations. The tender also offered a 10% discount (-\$39,455) if they were the successful tender for the Ulmarra precinct RFQ 20-05, of which Vee are the preferred tenderer, so the 10% discount applied to the tender price, results in a total price of \$356,458.64. This represents 6% of the total budget which is considered a fair and reasonable market rate for this type of consultancy work.

After consideration of three independent reference checks resulted in overwhelming support and recommendations of approval for Vee Design as a commendable landscape architect team.

Details of the tender assessment are contained in the confidential attachment.

COUNCIL IMPLICATIONS**Budget/Financial**

The Grafton Waterfront Project is funded by a \$6.5M Commonwealth Grant to be completed by September 2022 and CVC in kind contribution of \$4,850, the grant funding is paid in arrears at key milestones of construction.

Asset Management

The tender is a service contract. The design package will be used tender future construction contracts.

Policy or Regulation

The tendering process followed is consistent with the requirement of the Local Government Act and Regulation and Council's Sustainable Procurement Policy – Supporting Local Business.

In accordance with Council's Sustainable Procurement Policy the following processes were undertaken:

- Local suppliers, contractors and/or consultants were notified through tender link.
- Tender specifications were structured so local suppliers and/or contractors were not excluded from being the prime supplier/contractor.
- The tender specification requested tenderers to identify the local suppliers/contractors that would be involved in delivering the services and the tender assessment included a 15% weighting of the total tender score for local supplier content.

Consultation

N/A

Legal and Risk Management

One (1) submission was received in response to the Request for Tender process, the Company Partners and Directors are as follows:

Tenderer	ABN	Name of Partners and Directors	Position
Vee Design	30 128 249 641	David Hatherly	Director

Climate Change

The development of the Grafton Waterfront project will bring awareness to the community of the flood prone nature of the parkland and through education signage will educate the community of the forces of mother nature thus in turn gives respect for our natural environment and how it impacts the town we live.

To the greatest extent possible sustainable building products, energy efficient electrical products, and locally sourced materials will be used to reduce the negative environmental impact of the development.

Prepared by	Andy Seaman – Project Manager
Confidential	Tender Recommendation Report

ITEM 6e.20.034 RFT 20-27 KEN LEESON OVAL AMENITIES ON CROWN LAND

Meeting	Council	15 December 2020
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Yes	

SUMMARY

The report presents the outcome of tenders that were called for the construction of a new change room, public toilets and the refurbishment of the existing amenities & canteen at Ken Leeson Oval Iluka and seeks Councils endorsement.

OFFICER RECOMMENDATION

That Council:

1. Accept the tender from Greg Clark Building (GCB) for RFT20-27 Ken Lesson Oval Amenities for the construction of a new change room, public toilets, and the refurbishment of the existing amenities & canteen at a cost of \$472,416.00 (excl GST) to be funded from Ken Leeson Oval Amenities (PJ 540136 Cost Centre 341) and Sports Buildings – Renewals (PJ541198 Cost Centre 341).
2. Authorise the General Manager to approve variations up to 10% of the contract value.
3. Allocate funding to a reserve as a potential compensable act for the extinguishment of native title in accordance with the attached confidential report.

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

At the 17 December 2019 [Item 6c.19.110] Council resolved to accept \$500,000 (excl GST) in grant funding to upgrade the facilities at Ken Leeson Oval Iluka from the Infrastructure, Transport and Regional Development under the Federal Government Community Development Grants Program.

The objective of the project is to upgrade the existing facilities to provide a compliant, serviceable building that meets the current needs of the sports user groups and community at Ken Leeson Oval. To achieve the objective it is proposed that the building will have, 2 change rooms, an awning over the canteen to provide shade and protection from stray balls, a separate storage area for the Rugby Union and Soccer Teams, a secure canteen that meets the food preparation requirements, a disabled public toilet and disabled access pathways between the facilities.

Tenders were called on 4 November 2020 through an open tender process and closed 26 November 2020. A non-mandatory meeting was held on 10:00am Wednesday 11 November 2020 at Ken Leeson Oval, Iluka. The meeting was attended by 2 tenderers being AGS Commercial and Greg Clark Building.

Tenders were assessed by a Tender Evaluation Committee (TEC). The TEC consisted of three representatives from Clarence Valley Council: Justin Menzies – Project Manager (Chair), David Sutton – Open Spaces Coordinator, and Andrew Auglys – Supervisor Open Spaces. Scoring of the tender was done in accordance with the NSW Procurement Framework using the price/non-price evaluation matrix.

The tender enabled tenderers the opportunity to submit an alternate non-conforming tender on the basis that a conforming tender had been submitted. The evaluation of the tender was based 20% on non-price (technical) and 80% on price (commercial) criteria.

Tenders were assessed by a Tender Evaluation Committee (TEC) consisting of three Council staff. Prior to the evaluation process the TEC confirmed that the Tender Evaluation Plan (TEP) was appropriate and the Code of Conduct provisions were understood and signed off by the panel.

KEY ISSUES

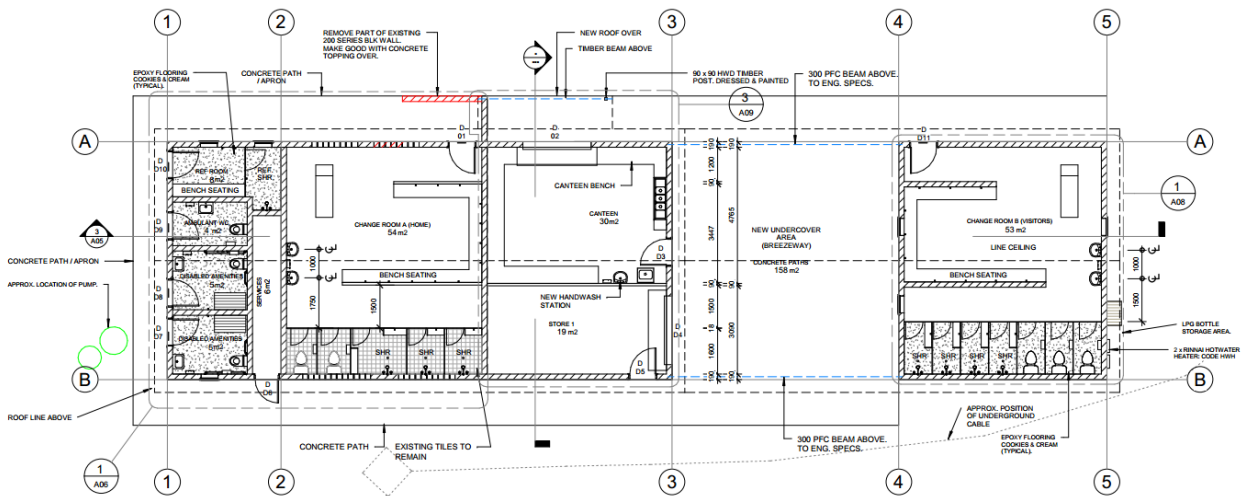
Design

The project includes the demolition of the existing free standing public toilets and construction of new public toilets, a new change room, the refurbished existing change room and canteen and the provision of disabled parking space in the south eastern corner of the grounds (near tennis courts). Additionally, the project provided an additional toilet in the existing storage shed in the north western corner of the grounds.

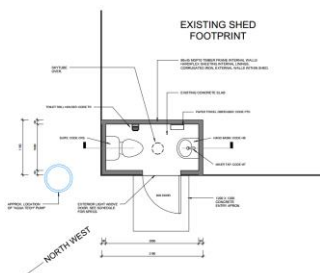
The tender documents included architectural and structural design and specifications, an extract from the documents is provided.



Artist Impression – New change room, public toilets and the refurbished existing amenities & canteen



Floor Plan - New change room, public toilets and the refurbished existing amenities & canteen



Floor Plan – Public toilets

Tenders

Two (2) tenders were received in response to the Request for Tender process, the tenderers being listed in alphabetical order in the following table and throughout report:

Tenderer	ABN	Address
AGS Commercial Pty Ltd	37 602 997 606	172 Casino Street, South Lismore, NSW
Greg Clark Building Pty Ltd	92 003 846 026	32 Barnes Avenue, South Lismore, NSW

The two (2) tenders received were deemed compliant and were processed through to evaluation criteria assessment.

Summary and Recommendation

Tender Evaluation Committee (TEC) evaluated the submissions against the Mandatory Participation Criteria to ensure compliance with the Tender Evaluation Plan (TEP). The two (2) tenders received were deemed compliant and were processed through to the evaluation criteria assessment.

The TEC reviewed the two (2) tenders against the non-price (technical) criteria independently and then as a group to form a consensus score. Greg Clark Building Pty Ltd ranked first. The TEC then reviewed the two (2) tenders against the price (commercial) as a group. Greg Clark Building Pty Ltd ranked first.

After consideration of the tender submissions, scoring, project reference checks and a site inspection of 3 of the preferred candidate projects, the TEC considered the offer from Greg Clarke Building as the most advantageous and recommends this tender be accepted.

Details of the TEC's assessment are included in the confidential attachment.

COUNCIL IMPLICATIONS**Budget/Financial**

The commitments and expenditure (excl GST) to date on the project is \$40,342.00, comprising:

Survey	\$1,800.00
Design	\$16,025.00
Quantity Surveyor	\$1,500.00
Review of Environmental Factors	\$5,045.00
Structural Engineering	\$2,500.00
Financial Check	\$612.00
Project Management Fees	\$12,500.00

The Tendered Ex. GST value of Change rooms and associated works to satisfy the Funding Deed of Agreement being \$421,598.00.

The total commitments, expenditure and tendered works (excl GST) being:

Commitments / Expenditure	\$40,342.00
Change room et al tender	\$425,698.00
Total	\$466,040.00

Note: this cost may vary by up to 10% due to variations required to respond to site conditions.

The above is consistent with the Funding Deed work and can be delivered within the \$500,000 (GST Exclusive) grant funding from the Infrastructure, Transport and Regional Development under the Federal Government Community Development Grants Program.

In response to comments received during the community engagement, an additional item was added to the project that is over and above the items in the Funding Deed of Agreement, this being the Cricket shed toilet. To accommodate the community expectations and seek economy of scale the items were included, and the project was tendered in separable portions, the value of the works (excl GST) being:

Cricket shed toilet	\$46,718.00
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Funding of \$78,000.00 from Sports Buildings – Renewals (PJ541198 Cost Centre 341) has not yet been committed and can be allocated to this work. Due to the strong community expectation, the opportunity to achieve efficiencies it is recommended that this funding be added to the available budget and the work be completed concurrently.

It is recommended that Council accept the tender Greg Clark Building for RFT20-27 Ken Leeson Oval Amenities for the construction of a new change room, public toilets, and the refurbishment of the existing amenities & canteen at a cost of \$472,416.00 (excl GST) to be funded from Ken Leeson Oval Amenities (PJ 540136 Cost Centre 341) and Sports Buildings – Renewals (PJ541198 Cost Centre 341).

Asset Management

This will contract involves the renovate of the current facilities, demolition of the existing public toilets construction of new disabled public toilets, referee's room, an additional change room and disabled parking and access.

Policy or Regulation

The tendering process followed is consistent with the requirement of the Local Government Act and Regulation and Council's Sustainable Procurement Policy – Supporting Local Business.

In accordance with Council's Sustainable Procurement Policy the following processes were undertaken:

- Local suppliers, contractors and/or consultants were notified through local advertising.
- Tender specifications were structured so local suppliers and/or contractors were not excluded from being the prime supplier/contractor.
- The tender specification requested tenderers to identify the local suppliers/contractors that would be involved in delivering/constructing the project and the tender assessment included a 15% weighting of the total tender score for local supplier content. The Tender Evaluation Plan contains details of the local supplier content for each tenderer.

Consultation

Consultation was undertaken with the relevant stakeholders from the local sporting groups in relation to the proposed change room, public toilets and refurbishment.

Legal and Risk Management

Native title has been determined on Ken Leeson Oval, Native title will be extinguished on the area where the new amenities and change room are located. The act of constructing the new facilities may be a compensable act.

Climate Change

The project will allow removal of aging facilities while using energy efficient lighting and management systems which will have a positive net benefit on climate change impacts.

Prepared by	Justin Menzies Project Manager, Open Spaces and Facilities
Confidential	Tender Assessment

06. NOTICE OF MOTIONS**ITEM 07.20.016 CASSONS CREEK ROAD AND BRIDGE, LAVADIA**

Meeting	Council	15 December 2020
Directorate	Notice of Motion	
Submitted by	Cr Debrah Novak	
Attachment	Yes	

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

SUMMARY

Cassons Creek Road and bridge at Lavadia was closed to the public in January 2017.

A farmer impacted by this closure owns 169 hectares on the eastern side of the creek and 51 hectares of prime farmland on the western side of the creek. The farmland on the western side can only be accessed via Cassons Creek Road and Bridge.

The assessed lost opportunity resulting from the bridge closure has cost this farmer \$58,358.00 in this financial year alone.

Apart from ongoing loss year on year if nothing is done to restore the bridge the Clarence Valley will see a young farmer (PHD in genomics) being held back in the development of his stud.

The ripple effect of these bridge closures will impact on the throughput of the Grafton Regional Livestock Selling Centre.

PROPOSED MOTION

That Council recommend the General Manager, Ashley Lindsay, bring a report to Council at the December Meeting:

1. Detailing the cost of reopening Casson Creek Road.
2. The cost of replacing the Casson Creek Road Bridge.
3. The cost of modifying the Casson Creek Road Bridge.
4. Review the matrix Clarence Valley Council uses to determine its bridge closures to include the economic activity of impacted properties.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

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

BACKGROUND

The Clarence Valley is long recognised as a cattle nursery and producing region and in 2019/20 Financial Year, the Grafton Regional Livestock Selling Centre sold a total of 48,332 head of cattle with a combined value of \$41.7 million

The Clarence Valley region has also been identified by AgriGate Australia as one of 4 regions in Australia to grow primary production for export into the Singapore Markets.

AgriGate Australia focuses on accelerating exports of premium Australian Food using innovative technology to accelerate Australia's ability to be a premium food supplier to a global market.

It's imperative the Clarence Valley Council is recognised as supporting its farming communities as around half a billion dollars is generated in economic activity for this region.

One in four businesses in the Clarence Valley is a Primary producer and this sector employs more people than any other sector.

Economic plans supporting primary production in our area include the following:

FEDERAL GOVERNMENT

Regional Jobs and Investment Packages (RJIP)

Regional Agricultural Deals (RADS)

National Farmers Federation Industry Roadmap 2030

Transport Infrastructure Council - National Key Freight Routes Map Resilience in the Australian Food Supply Chain

National Food Plan

NSW GOVERNMENT

Industry Action Plan (IAP)

Primed for growth, investing locally, connecting globally.

NSW Freight and Ports Plan 2018-2023

NSW Future Transport Strategy 2056

NSW 20-Year Economic Vision for Regional NSW

NSW Regional Conferencing Strategy & Action Plan

NSW Food & Wine Tourism Strategy & Action Plan 2018 - 2022 NSW Food Industry Emergency Plan

REGIONAL

Northern Rivers Sustain Food Road Map

RDA Northern Rivers NSW Freight Study 2019

North Coast Regional Plan 2036

LOCAL GOVERNMENT

Clarence Valley Council Regional Economic Development Strategy (REDS) 2018 - 2022

CVC Local Strategic Planning Statement

INDUSTRY

CSIRO Futures

Farming Together

Food Innovation Australia Ltd

CVFi Industry Consultation

KEY ISSUES

The assessment process CVC staff use to determine bridge closures is a matrix which compares the number of persons in an urban area compared to the number of persons on a farm.

The matrix doesn't allow or acknowledge the farmer, or his farm is a business generating an income or employing people and is providing economic benefits to the region.

Closing the access to farmers to carry out core business functions is detrimental to the economic growth of primary producers within our region and is direct conflict with the North Coast Regional Strategy and Clarence Valley Council Economic Development plans.

COUNCIL IMPLICATIONS

Budget/Financial

N/A

Policy or Regulation

N/A

Consultation

Local Farmers (Graeme Granleese and Geoff Jones) Director Civil and Works Jamie Fleeting, GM Ashley Lindsay.

Legal and Risk Management

N/A

SUBMISSION supporting the NOM

From Graeme Granleese in Support of this Notice of Motion for a bridge replacement over Cassons Creek on Cassons Creek Road Lavadia.

It is well documented Cassons Creek road was closed to the public at the bridge over Cassons Creek in January 2017.

We own and farm 169 hectares on the eastern side of the creek and 51 hectares of prime farmland on the western side of the creek. The farmland on the western side can only be accessed via Cassons Creek Road.

Upon closing the road Council acknowledged the bridge's unserviceable condition prevented us from accessing this part of our farm.

Council further acknowledged that prior to 2017 the bridge had been "in an unserviceable condition for an extended period of time".

Council also acknowledged that some years before closure pricing information for restoration of the bridge had been provided by the CVC bridge crew but "no funding was available to carry out the work that was required".

As such Council has had knowledge of the disrepair for many years prior to the closure of the road. We arrived in the Clarence Valley in 2015 to establish a cattle breeding enterprise.

Our son and his wife joined us in 2018 and established the "Jizzy Black Simmental" beef stud. The plan for 'Jizzy Black Simmentals' is to run 120 stud breeder cows, 25 replacement heifers and sell 40 very high genetic merit bulls annually at an average of \$6000 per bull plus surplus stud female sales. While the stud numbers build year on year we continue to run our commercial cattle.

As it stands the enterprise is running at 70% capacity due to the inability to access the prime pasture on the western side of the bridge.

The bridge closure has cost us and is continuing to cost us financially as a business. This in turn reduces the amount of money we can draw from outside the Clarence Valley with the sale of commercial and stud cattle.

This year we engaged consultants to measure the value of the lost grazing opportunity in what is an excellent season. Samples of the pasture were analysed by DPI Wagga (Forage quality feed test) in determining the high nutritional value of the very good pasture.

They assessed the lost opportunity resulting from the bridge closure has cost \$58,358.00 in this financial year alone.

Apart from ongoing loss year on year if nothing is done to restore the bridge the Clarence Valley will see a young farmer (PHD in Genomics) being held back in the development of his stud.

This is contrary to Council's vision and strategic direction.

We ask respectfully Council support the Notice of Motion.

Graeme & Helen Granleese
5 November 2020

STAFF COMMENT

1. Cassons Creek Road is not closed. It is within a Crown Road Reserve and so technically the Roads Authority is the Crown; however Council maintains only the section of Cassons Creek Road between The Avenue and Deep Creek as a category 2 road, which means the road is maintained as funds permit. This section does not include the bridge over Deep Creek, and the road reserve physically finishes at Deep Creek. The bridge over Deep Creek is a floodplain asset. However, while the road is currently classified as a category 2 road (grandfathered) under the current Roads Policy (V3.0 – Section 5.4) Cassons Creek Road would not be eligible for inclusion as a category 2 road on the Assets Register as it does not service any dwellings. While the bridge is not part of the road reserve under the current roads policy another eligibility requirement for inclusion as a category 2 road is that there be no timber bridges on the section maintained by council.

2. The Granleese purchased the property in October 2013. As per the email from Council’s Bridges Engineer to the Granleese dated 27 March 2017 (see attachments), based on the condition of the bridge in 2016 “the high level of deterioration at the bridge indicates that at that time the bridge would not have been in a serviceable condition”.
3. Following a structural assessment of the bridge in 2016 Council erected road closed signs at the end of the road in the week of 16 January 2017. Under Section 5H of the *Civil Liability Act* Council is not required to proactively warn of obvious risks and the poor state of the bridge is “obvious” so as is shown in the photo below taken on 21 August 2020, the road closed signs have been removed. This means the bridge is not legally closed. While the bridge is in poor condition, it can be crossed at a person’s own risk:



The Granleese’s made a submission to the 2018/19 budget requesting the bridge be repaired. This request was considered by Council as part of report 13.027/18 to the 26 June 2018 meeting, with the officer comment on the request being work on this bridge “remains a lower priority”. The project was not included by Council in the adopted budget and therefore Resolution 13.027/18 (i.e. that this work remain a lower priority) is Council’s current policy position. It should be noted that since that time the cost of renewal has been revised and is now estimated as around \$200,000.

At its meeting of 23 April 2019 Council considered a report (15.063/19) on “Floodplain Projects and Grant Applications”. The report noted (emphasis added):

It is proposed to rank both the tangible and intangible projects using a risk matrix assessing the estimated cost of projects with the number of people impacted by flooding within that area. This matrix is provided below in Figure 1:

	<10 people	10 -100 people	100 – 999 people	1,000-5000 people	>5000 people
<\$1,000	Medium	High	High	Very High	Very High
\$1,000-10,000	Medium	Medium	High	High	Very High
\$10,000-100,000	Low	Medium	Medium	High	High
\$100,000-500,000	Very Low	Low	Medium	Medium	High

>\$500,000	Very Low	Very Low	Low	Medium	Medium
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The concept of the matrix is that high cost projects which benefit few people should not be prioritised over lower cost projects which benefit many people.

Under this matrix the renewal of the Cassons Creek Bridge floodplain asset, which benefits less than 10 people and costs between \$100,000 & \$500,000 is “Very low”.

The assessment matrix sets priorities for the limited floodplain renewal funding of providing the greatest benefit to the greatest number of people. For this reason the prioritisation matrix deliberately does not consider the economic activity of impacted properties. As the Granleese property is the main property serviced by this bridge, effectively this Notice of Motion is asking that Clarence Valley ratepayers subsidise their business. As the main beneficiaries of the renewal the Granleese could request permission to undertake work at their expense given they are the main beneficiaries; other property owners in similar situations have requested permission to undertake work on Council assets where they are the main beneficiary.

Approval has generally been granted subject to conditions. One of the property owners who has historically undertaken work at their expense on Council infrastructure where they are the main beneficiary commented to staff when they became aware of this proposal that if Council resolves to subsidise this property owner, then they intend to submit invoices to Council for the work they have historically undertaken. As any resolution to renew this bridge would set a precedent, it is considered there would be no grounds for Council to refuse any such property owner historic claims for reimbursement or refuse any such requests into the future. The cost of renewing floodplain assets where limited or single property owners economically benefit from the renewal work is considered to be such that Council would be unable to renew assets such as the levees and floodgates protecting towns such as Grafton and Maclean.

Greg Mashiah

Manager Water Cycle

Attached: Report 15.063/19 and Report 13.027/18 extract and 27 March 2017 email to Granleese

ITEM	07.20.017	REVIEW GRAFTON AIRPORT MASTER PLAN (2018), BUSINESS PLAN (2010) & OPERATIONAL PLAN
Meeting	Council	15 December 2020
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

The Clarence Valley no longer has any legal agreement or partnership with any air passenger carrier or service provider.

Clarence Valley Council's passenger airline service provider, Regional Express Airlines (Rex) cancelled their legal agreement with Clarence Valley Council when the Rex General Manager of Corporate Services, Irwin Tan, emailed the General Manager Ashley Lindsay on the 23rd April 2020 stating "Accordingly, whatever prior partnership agreements we may have with your council will be terminated with effect from 1 April 2020 due to Act of God".

On the 25th April 2020 Rex announced they were now receiving financial support from the Federal Government's Regional Airline Network Support (RANS) Grant to provide 3 services to Grafton a week with this funding agreement in place until March 2021.

Prior to the Rex cancellation, Rex was only on a monthly contract with Clarence Valley Council.

Like the Australian aviation industry, Council needs to be preparing for the future.

PROPOSED MOTION

That

1. Council review the Grafton Airport Business Plan (2010)
2. Council review the Grafton Airport Master Plan (2018)
3. Council review the Grafton Airport Operational Plan
4. Council investigate business opportunities for the ongoing operations of the Grafton Airport and invite submissions from the community.
5. Council write to and invite feedback from Federal and State MP's Kevin Hogan and Chris Gulaptis about support and funding for the Grafton Regional Airport.
6. The General Manager provide a report to Council based on points 1- 5 to the February 2021 Council meeting.

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

The COVID Pandemic has had a significant impact on the aviation industry due to travel restrictions and a slump in demand among travellers.

Significant reductions in passenger numbers have resulted in flights being cancelled or planes flying empty between airports throughout Australia, which in turn massively reduced revenues for Australia's major airlines Qantas, Virgin and Regional Express Airlines who holds 7% of the market.

Along with the pandemic impacts on local flight services the opening of the new motorway has also had its impacts on passenger numbers with many preferring to head to Coffs Harbour or Ballina. (15,000 tickets at Grafton compared to 45,000 Clarence Valley residents flying out from Coffs).

In 2014 Clarence Valley Council made a submission to the INQUIRY INTO REGIONAL AVIATION SERVICES Organisation and identified any future strategy must include the impacts of the M1 and options for the long term viability of the airport. This submission also suggested Grafton Airport could become an airfreight hub.

In November 2019 KPMG undertook an International Airfreight study and identified Grafton Regional Airport as 1 of 5 airports on the North Coast with the potential to become a hub and spoke air freight service.

KEY ISSUES

Council is not generating enough economic activity to cover the operational cost of its airport. Funding will become available in the future for potential airport upgrades however Council needs to have all its airport plans in place to be eligible for any funding opportunities.

The knock-on effects of not planning for March 2021 when the Federal Government reassesses its RANS funding for regional airline services could leave the Clarence Valley without a passenger service or carrier.

COUNCIL IMPLICATIONS

Budget/Financial

N/A

Policy or Regulation

N/A

Consultation

- 1) CVC General Manager (funding reserve).
- 2) Some in the community including the Grafton Chamber of Commerce have said they want to keep the airport while just as many others have voiced it is a waste of ratepayer's money.
- 3) Federal MP Kevin Hogan (funding).

STAFF COMMENT

1. The Grafton Airport Business Plan (2010-2013) was adopted in December 2010.
2. The Clarence Valley Regional Airport Master Plan (2018-2033) issued February 2019 is generally considered to have superseded the Airport Business Plan (2010-2013).
3. The Master Plan (Final Report, Feb 2019) was compiled by consultants The Airport Group (TAG). It included comments and feedback from the public consultation process.
4. An update to the current Master Plan is unlikely to be completed for reporting purposes to the February 2021 meeting.
5. A review of The Airport Master Plan would reflect recent changes to the operating requirements of airports and importantly airfield design and construction requirements that has implications on the current Master Plan.
6. Council would also seek to grandfather out a number of these changes if Council decide to undertake works associated with the Master Plan.
7. The Operational Plan is currently updated annually.
8. Passenger projections should also be reviewed in consideration of the following:
 - a. impact of COVID-19 on the aviation industry in general
 - b. completion of the M1 Motorway
 - c. completion of the new bridge
 - d. recent opening of the gaol

Note: With the recent completion of several major infrastructure projects within the Clarence Valley and the impact of COVID-19 on the aviation industry in general, the data informing passenger projections may not be fully understood for at least another 12 months.

08. CONFIDENTIAL BUSINESS

ITEM	08.20.013	CODE OF CONDUCT PROCEDURES
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Meeting	Council	15 December 2020
Directorate	General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Confidential	

CONFIDENTIAL *The General Manager advises that the following matter be dealt with in Closed Session as the matter and information are confidential in accordance with the Local Government Act 1993 Section:
10A 2 (i) The report contains information on alleged contraventions of any code of conduct requirements applicable under section 440*

ITEM	08.20.014	CALYPSO YAMBA HOLIDAY PARK – NATIVE TITLE & ILUA
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Meeting	Council	15 December 2020
Directorate	Office of General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Confidential	

CONFIDENTIAL *The General Manager advises that the following matter be dealt with in Closed Session as the matter and information are confidential in accordance with the Local Government Act 1993 Section:
10A 2 (g) The report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege*

9. QUESTIONS WITH NOTICE - Nil**10. LATE ITEMS OF BUSINESS AND MATTERS ARISING - Nil****11. CLOSE OF ORDINARY MEETING**