

# Ordinary Council Meeting Business Paper

23 June 2020



# Agenda

01	OPENING OF ORDINARY MEETING		
02	APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE		
03	DISCLOSURES AND DECLARATION OF INTERESTS		
04	CONFIRMATION OF MINUTES OF ORDINARY COUNCIL MEETING HELD 26 MAY 2020		
05	MAYORAL MINUTES		
06	REPORTS		
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	<a href="#">6a.20.014</a> Integrated Planning & Reporting Framework	1	Y
	<a href="#">6a.20.015</a> 2020/2021 Rates and Charges	14	Y
	<a href="#">6a.20.016</a> 2020/21 Sewer Fund Loan Borrowings	25	N
	<a href="#">6a.20.017</a> REX Airlines Ceasing Services to Grafton	27	Y
	<a href="#">6a.20.018</a> COVID-19 Local Government Economic Stimulus Package	29	Y
	<a href="#">6a.20.019</a> Bushfire Industry Recovery Package – Clarence Way Upgrade	31	N
	<a href="#">6a.20.020</a> Council Accelerated Assessment Program	33	Y
	<a href="#">6a.20.021</a> Clarence and Lower Clarence Sports Committees – Minutes of Meetings	35	Y
	<a href="#">6a.20.022</a> Correction of Error – Drinking Water Management System	41	Y
	<a href="#">6a.20.023</a> Senior Staff Appointment Director Works & Civil	43	Y
b	ENVIRONMENT, PLANNING AND COMMUNITY COMMITTEE		
	<a href="#">6b.20.044</a> DA2020/0220 Redevelopment of Calypso Caravan Park, 8A Harbour Street, Yamba	47	Y
	<a href="#">6b.20.045</a> DA2020/0041 – Alteration to Building for use as Funeral Home – 68-72 River Street, Maclean	51	Y
	<a href="#">6b.20.046</a> SUB2018/0004 – 11 Lot Subdivision – Lot 39 Bloodwood Grove, Gulmarrad	63	Y
	<a href="#">6b.20.047</a> DA2019/0243 – Proposed Cafe/Restaurant and Playground Within Shipping Container Building – No. 383 North Street, Wooli – Solitary Islands Marine Park Resort	74	Y
	<a href="#">6b.20.048</a> MOD2019/0050 – Modification of DA1995/0083 to Extend Operational Period for Gravel Quarry Upon Lots 1 and 2 DP1187198, Warrigal Road (Off Coldstream Road), Tyndale	91	Y
	<a href="#">6b.20.049</a> Planning Proposal – Part Lot 102, DP1221192, Summerland Way, Koolkhan (REZ2019/0003)	104	Y
	<a href="#">6b.20.050</a> 2020/2021 Community Initiatives Program – Round 1	111	Y
	<a href="#">6b.20.051</a> Draft Clarence Regional Library Collection Development Policy	113	Y
	<a href="#">6b.20.052</a> Extension of Clarence Regional Library Agreement	115	Y
	<i>Items for Notation</i>		
	<a href="#">6b.20.053</a> Development Applications	117	N
c	CORPORATE, GOVERNANCE AND WORKS COMMITTEE		
	<a href="#">6c.20.082</a> Permanent Road Closure – Part Black Swan Drive, Coutts Crossing	125	Y
	<a href="#">6c.20.083</a> Proposed Dedication of Land for Footpath at Junction Hill	129	N
	<a href="#">6c.20.084</a> Council Meeting Checklist – Update on Actions Taken	132	Y
	<a href="#">6c.20.085</a> Policy Reviews – Clarence Regional Library, Investment Policy & Strategy	134	Y
	<a href="#">6c.20.086</a> Request from Account 2119899 for Consideration for Reduction in Water Account	136	Conf
	<a href="#">6c.20.087</a> 2019/20 Monthly Financial Report – May 2020	139	TBT
	<a href="#">6c.20.088</a> Fat Duck Road – Road Naming Update	145	Y
	<a href="#">6c.20.089</a> Road Naming of Existing and Proposed Assets as a Result of the Construction of the New Pacific Highway - Update	147	Y
	<a href="#">6c.20.090</a> Local Traffic Committee	150	Y
	<a href="#">6c.20.091</a> Grant Funding – Maclean Showground on Crown Land	152	N
	<a href="#">6c.20.092</a> Townsend Park Upgrade	154	Y

	<a href="#">6c.20.093</a>	Request from Account 2122562 for Reduction in Water Account due to Bushfire Damage to Private Water Service	158	Y
	<a href="#">6c.20.094</a>	Request from National Parks & Wildlife Service for Reduction in Water Meter Connection Fee	160	Y
	<a href="#">6c.20.095</a>	Local Roads and Community Infrastructure Program	164	Y
	<a href="#">6c.20.096</a>	2 Prince Street Grafton Administration Centre Upgrade		Y
	<i>Items for Notation</i>			
	<a href="#">6c.20.097</a>	Impact of COVID-19 on Clarence Coast Holiday Parks on Crown Land	166	Conf
	<a href="#">6c.20.098</a>	Lifeguard Service, Patrolled Beach Summary 2019-2020 on Crown Land	169	TBT
	<a href="#">6c.20.099</a>	Works Report	173	Y
	<a href="#">6c.20.100</a>	Monthly Investment Report – May 2020	176	TBT
	<a href="#">6c.20.101</a>	Enterprise Asset Management Project Update - 2020	185	N
	<a href="#">6c.20.102</a>	Clarence Care + Support Transition to Wesley Mission	188	N
	<a href="#">6c.20.103</a>	Improvement Strategies Process	190	N
d	INFORMATION ITEMS			
	<a href="#">6d.20.005</a>	<ul style="list-style-type: none"> <li>• Letter from The Hon. David Elliott MP</li> <li>• Certificate of Appreciation from North Coast Local Land Services</li> <li>• Letter from the Prime Minister, the Hon Scott Morrison MP</li> </ul>	192	Y
e	TENDERS			
	<a href="#">6e.20.013</a>	RFT20/013 Sports Lighting Upgrade at Barnier Park, Junction Hill; McKittrick Oval, South Grafton and Ngayundi Yamba Sports Complex, Yamba on Crown Land	193	Conf
	<a href="#">6e.20.014</a>	RFT20/016 Calypso Holiday Park Redevelopment – Stage 1 on Crown Land	197	Conf
	<a href="#">6e.20.015</a>	Supply of Bulk Water Treatment Chemicals	202	Conf
07	NOTICE OF MOTIONS			
	<a href="#">07.20.006</a>	Cr Baker – Questions with Notice on Item 6b.20.053	205	N
08	CONFIDENTIAL BUSINESS			
09	LATE ITEMS OF BUSINESS AND MATTERS ARISING			
10	CLOSE OF ORDINARY MEETING			

**6. REPORTS****a. GENERAL MANAGER**

ITEM	6a.20.014	INTEGRATED PLANNING & REPORTING FRAMEWORK
<b>Meeting</b>	Council	23 June 2020
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	General Manager - Ashley Lindsay	
<b>Attachment</b>	Yes	

**SUMMARY**

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

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

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

**OFFICER RECOMMENDATION**

That

1. In accordance with Pricing and Costing for Council Businesses – a Guide to Competitive Neutrality, Council, declares that the following services be adopted as business activities for 2020/2021: Category 1 (where gross operating turnover is over \$2 million):
  - a) Clarence Valley Council Water Supply
  - b) Clarence Valley Council Sewerage Services
  - c) Clarence Coast Holiday Parks – Camping and Caravan Park Accommodation.
2. The following documentation as presented in attachments to this report, be adopted by Council:
  - a) the draft 2017/2018 – 2020/2021 Delivery Program
  - b) the draft 2020/2021 Operational Plan
  - c) the resourcing strategy incorporating the Asset Management Strategy 2020/2021 – 2029/2030, Workforce Strategy 2017/2018 – 2020/2021 and Long Term Financial Plan (incl 2020/2021 Capital Works Program) 2020/2021 – 2029/2030.
  - d) the draft 2020/2021 budget, the revision of which is detailed in the body of this report.
  - e) the draft 2020/2021 Fees and Charges, the revision of which is detailed in the body of this report.
3. On adoption, the documents be made available on Council's website.

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

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

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

**BACKGROUND**

At the Ordinary Meeting, held 28 April 2020, Council resolved (6c.20.043) as follows:

That

1. The following documentation be endorsed for public exhibition from Wednesday 29 April 2020 until close of business Wednesday 3 June 2020:

- *the revised 2017 – 2021 Delivery Program and 2020 – 2021 Operational Plan (attachment A)*
  - *the resourcing strategy incorporating the Asset Management Strategy (2020/2021 – 2029/2030) (attachment B), Workforce Strategy (2017/2018 – 2020/2021) (attachment C) and*
  - *Long Term Financial Plan (2020/2021 – 2029/2030) (attachment D)*
  - *the draft 2020 – 2021 Budget (attachment E)*
  - *the draft 2020 – 2021 Fees and Charges and Statement of Revenue Policy (attachment F)*
  - *the revised Capital Works Program 2020 – 2021 (attachment G).*
2. *Members of the public be invited to make written submissions with regard to the draft documentation, while it is on public exhibition.*
  3. *Following the period of public exhibition, the draft documents as amended as a result of consideration of public submissions, be considered for adoption at the June Ordinary Meeting of Council.*

The public exhibition and consultation period was impacted significantly this year due to COVID-19 and Public Orders and legislative changes that occurred as a result, and in particular limited opportunity for face to face contact with the public and availability of print documentation on Council premises. Further details are provided in the Consultation section of the report and in the attachment H.

Preparation of the IP&R documentation is the responsibility of Council's senior management in consultation with Councillors and staff. Preparation of the 2020/2021 documents considers Council's financial position and the continuing journey toward a sustainable future. Minor changes have been made to the Delivery Program to ensure currency. Incorporated in the Delivery Program is the 2020/2021 Operational Plan, which confirms activities proposed to meet year four of the 2017/2018 – 2020/2021 Delivery Program.

The Operational Plan 2020/2021 also includes current financial information and a revised Revenue Policy. Clause 201 of the Local Government (General) Regulation 2005 provides that Council's draft Revenue Policy must include a statement of the types of fees proposed to be charged by the Council, the amount of each fee, estimated yield and the proposed pricing methodology for each fee. Generally, where permissible, the majority of Council's fees and charges have been increased by an estimated CPI amount of 2.5% (rounded).

#### *2020/2021 operational budget highlights:*

- Migration of all users to Office 365
- Masterplan for Grafton entrances and Prince Street, following bypass
- Review and update of the Cruising and Sailing Guide
- Grafton CBD parking strategy
- S94 Plan review
- Aboriginal Cultural Heritage mapping project stage 2
- Museum Strategy
- Library Services Review
- Car Park and Entry Design for Rushforth Road South Grafton
- Yamba to Maclean Cycleway Concept Design
- Concept plan for Cameron Park Maclean
- Masterplan and design for See Park Grafton
- Detailed design and tender documentation for Cell 4 Grafton Regional Landfill
- Feasibility Study for a Small Solar Farm at Grafton Regional Landfill
- Prepare data integrity reviews and tender documentation for the new Domestic Waste Contract.

#### 2020/2021 Resourcing Strategy

The draft Asset Management Strategy 2020/2021 – 2029/2030 provides a framework to guide planning, construction, maintenance and operation of Council's physical assets. The current draft estimates the replacement value of Council's assets at over \$2.5billion, the most significant asset type is the road network. The Asset Management Strategy states that the majority of Council's assets are in good to fair condition.

The Workforce Management Strategy 2017/2018 – 2020/2021, has been updated to reflect our employee lifecycle journey and new policy framework. The 2020/2021 action items have been reviewed to ensure currency however the overall strategy remains the same.

The exhibited Long Term Financial Plan (LTFP) included Clarence Care and Support Services and indicated that Clarence Valley Council would return a General Fund surplus operating result of \$329K during



2020/2021. Removal of the Clarence Care and Support Services during the exhibition period has had a negative impact, resulting in a General Fund deficit operating result of \$1.116M 2020/2021, however returning to a surplus result in 2021/2022. It should be noted that whilst the current result does not meet the sustainable operating result requirements as determined in the Fit for the Future guidelines, the Fit for the Future sustainability goals were determined inclusive of Clarence Care and Support Services and as such, Council did achieve the sustainability obligations under Fit for the Future prior to the removal of this business service.

Planned activities throughout 2020/2021 that will achieve sustainability in the General Fund in 2021/2022 include:

- Efficiency Savings
- Implementation of a fully integrated Asset Management System, which will improve Asset management and better inform the Asset Management Plans and Long Term Financial Plans.
- Revise all Asset Management Plans

These will be reflected in quarterly reviews of the Long Term Financial Plan.

*2020/2021 capital budget highlights:*

- Grafton Regional Gallery extension Stage 2
- Administration Building, 2 Prince Street upgrade
- Community Hall renewals and improvements
- Ferry Park demolition of amenities and design and construction of new
- Corcoran Park and Memorial Park pontoons/jetties
- Zig Zag Path Yamba renewal
- Various sporting facility upgrades – Rushforth Park, North Street
- Beach Access Renewal Wooli
- Maclean Pool access and amenity upgrade
- Urban and Rural Floodplain asset renewals
- Drinking fountain, play equipment, shade sails, BBQ and signage renewals across the Valley
- Yamba Road intersections
- Orara Way reconstruction
- Wooli Road east from Amos Street reconstruction.

#### 2020/2021 Fees and Charges

The draft 2020/2021 Fees and Charges contains a total of 1,626 fees, including 54 new fees. Of the 54 new fees, three (3) relate to Grafton Regional Landfill, six (6) relate to the Regional Airport, 12 to building and development certificates and services, two (2) to Clarence Regional Library, two (2) to Grafton Regional Gallery, 19 to Cemeteries, nine (9) to Civil Engineering Works & Inspections and one (1) for Noxious Weeds.

#### **KEY ISSUES**

##### Exhibition Period Adjustments

General Fund adjustments to the budget during the exhibition period total \$1,051,353 include:

##### **Council Minutes \$1,212,560**

- 6c.20.004 Street Sweeping service level change \$10,226
- 6a.20.010 Reduction in Head Tax Charge \$53,334
- 6e.20.003 Rushforth Park Stage 2 \$250,000
- 07.20.005 Grafton Pool detailed design \$600,000
- 6b.20.030 Increased ranger and parking officer resources \$170,000
- 6a.20.010 Remove charge for Food Inspection services and on-street dining fees \$124,000
- 6b.20.022 Clarence Valley Cultural Award \$5,000

**Clarence Care + Support (CCS) Business Impact (\$97,731)** represents the additional lease income from the CCS buildings leased to Wesley from 1 July 2020. The ABC impact of \$853,407 has been offset with an

improvement strategy line item that will be allocated once the corporate efficiency transactions have been finalised.

**Deferred Projects \$65,000** relates to delayed projects that have been that require budget to move from 2019/2020 to 2020/2021 as there is no recurrent budget in future years to delay the project to.

- Alumny Creek Aquatic Weed Control \$10,000
- Security fencing at the pound \$25,000
- Drainage works in driveway at the pound \$30,000

**Additional Projects or Budget Increases/Decreases (\$128,476)** are various items including corrections, additions and correction of some duplications and omissions.

- Net correction to elected members budget due to postponement of the election \$1,524
- Removal of the Emergency Services Levy contingency (\$250,000)
- Sportsground income reserve \$120,000

**Water Fund adjustments** to the budget during the exhibition period total \$824,622 and include:

- Minute 6c.20.070 relating to Water Efficiency salary and implementation program \$34,622
- Minute 6c.20.068 increase reservoir from 0.75ML to 1.7ML
- Repair Dam drainage \$205,000
- Armidale Road Water Pump Station backup generator security \$25,000
- Scope design of Rushforth Road 32ML replacement reservoir deferred \$135,000

**Sewer Fund adjustments** to the budget during the exhibition period total \$255,000 and include:

- Minute 11.095/06 & 09.046/09 Clarence River Jockey Club (CRJC) assistance to install recycled water irrigation \$100,000
- Pump Station M8 Maclean Showground Standby Diesel Pump electrical work \$10,000
- Yamba STP pump well pipework modification \$50,000
- Prince Street and Arthur Street Sewer Pump Station deferred project \$75,000
- South Grafton Infiltration reduction deferred project \$20,000

**Holiday Park adjustments** to the budget during the exhibition period total \$270,545 and include:

- Minute 6e.20.010 Iluka Riverside Holiday Park Management Contract amendment \$258,182
- CCS ABC redistribution \$12,363

**Clarence Regional Library adjustments** to the budget during the exhibition period total \$61,792 and include:

- Additional eResources by subscription \$44,400
- CCS ABC redistribution \$17,392

**Domestic Waste Management adjustments** to the budget during the exhibition period total \$12,306 and include:

- CCS ABC redistribution \$12,306

It should be noted that Fund 8, Clarence Care + Support (CCS) has been removed from the Draft Budget. The remaining Reserve Funds after transfer of client restricted funds and costs associated with completing CCS related transactions is proposed to be reported to Council in early 2020/2021.

**Fees and Charges adjustments** made during the exhibition period:

*New Regulatory Fees:*

**UPSS Annual Registration & Administration Fee (\$100)** – The UPSS Annual Registration & Administration Fee covers the administrative cost of setting up and managing the regulatory requirements of the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*. The fee allows for ongoing improvement of the management system and support (i.e. legislative updates, education and awareness material, etc) to operators of UPSS's across the CVC LGA. This fee has been benchmarked against surrounding Council's.

**UPSS Inspection Fee (\$280)** – The UPSS Inspection Fee covers all costs associated with undertaking an inspection of a premise containing an underground petroleum storage system in accordance with the requirements of the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*. An inspection program is currently being developed which will typically include annual

inspections, prioritised based on risk. This Fee has been benchmarked against surrounding Council's and adjusted to allow for additional travel times associated with the larger LGA footprint.

*New Statutory Fees:*

**Annual Permit for Non De-sexed Cats (\$80)** – Owners of cats not de-sexed by four months of age will be required to pay an \$80 annual permit in addition to their one-off lifetime pet registration fee.

**Annual Permit for Restricted Breed / Dangerous Dogs (\$195)** – Owners of dogs of a restricted breed or declared to be dangerous will be required to pay a \$195 annual permit in addition to their one-off lifetime pet registration fee.

*Adjustments to Fees:*

**Domestic Waste 3 Bin Charge reduced from \$357 to \$344.50**

**Domestic Waste 2 Bin Charge reduced from \$291 to \$278.50**

Due to COVID-19 restrictions Council was unable to deliver the 2019/2020 bulky goods kerbside collection. Council resolved to reduce the proposed 2020/2021 domestic waste fees by \$12.50 to offset any financial impact of not undertaking this service in 2019/2020 (6c.20.073).

**CCS** - All CCS related fees and charges have been removed from the document.

**The key points to note about the 2020/2021 Integrated Planning and Reporting documentation:**

- A Long Term Financial Plan indicating Clarence Valley Council remains sustainable over the long term, once the effect of Clarence Care and Support being transferred from the organisation is addressed.
- Two LTFP scenarios have been prepared to examine the impacts of population growth as applied to Rates & Annual Charges Income on the operating result.
  - Scenario 1 – Average Population Growth of 0.12% and
  - Scenario 2 – Optimistic Population Growth of 1%.
- \$5.2M (above rate peg) in ordinary rate revenue is generated from the final year of a three (3) year Special Rate Variation of 8% per year, which commenced 2018/2019. These funds continue to be mainly spent on roads and infrastructure asset renewals.
- A 2020/2021 Net Result (after loan repayments and transfers from Reserves) surplus of \$335,373.
- \$2.9M of Improvement Strategies have been included in the Long Term Financial Plan.
- Loan repayments of \$8,194,928 for 2020/2021, the majority of which is servicing Sewer loans.
- A Capital Works Program totalling \$70.6M, the key features being an allocation of \$22 million to road and bridge infrastructure projects and approximately \$32 million allocated to open spaces, community facility and building projects, including the upgrade of Council's Administration Building in 2 Prince Street, Grafton. This will ensure the building is accessible and compliant to today's building standards, has a lessened environmental impact, that significant maintenance issues are remedied thereby reducing the ongoing repair outlay and that it along with many of Council's capital project for 2020/2021 provides local economy stimulation through contracted work.
- A major review of all cemetery fees and charges has been undertaken. This has resulted in a new structure and hierarchy being put in place for these fees. Some existing fees have increased to align with the new structure conversely some fees have significantly decreased for the same reason.
- An Operational Plan that identifies actions that will be undertaken in 2020/2021 to meet the objectives of the Delivery Program – noting minor amendments to correctly identify responsibility following realignment of organisational structure.
- An Asset Management Strategy that provides a framework to guide planning, construction, maintenance and operation of Council's physical assets.
- Reference to Clarence Care + Support has been deleted from our 2020/21 Operational Plan.

It should also be noted that:

- 2020/2021 is the final year of the current four year cycle, but that the postponement of the election to September 2021 means that 2021/2022 will become a fifth year in the current cycle.
- In preparing for the 2020 Council election and the resulting review and development of a new cycle of Integrated Planning and Reporting Framework documentation, work had already commenced on restructuring the Service and Subservice ledger to better align it with Operational Plans of the future providing greater transparency for community, prior to the election being postponed. The budget will therefore be adopted in the current Service and Subservice structure before being translated to the new



structure in July 2020. This means that direct comparison between the adopted budget and the 2020/2021 monthly financial and Quarterly Budget Review Statements, may be difficult.

- Feedback received during public exhibition is not proposed to directly affect the 2020/2021 budget, however there are a number of suggestions that have merit and require further investigation prior to being included in future works programs.

## COUNCIL IMPLICATIONS

### Budget/Financial

Adopting the recommendation of this report is directly related to enabling implementation of the 2020/2021 budget.

### Asset Management

The Asset Management Strategy forms part of the Resourcing Strategy.

### Policy or Regulation

NSW Local Government Act 1993.

### Consultation

Consultation was concentrated online and promoted through various media mediums. The details of 12 key projects were available online alongside the Integrated Planning & Reporting documentation before Council, on Council's website, which attracted 1,979 visits and 1,751 of those were unique viewers. A conversation about the key projects was hosted on Clarence Conversations where commentary and questions were invited, the result being 72 participants – 9.6% of which were 'engaged' by active participation in the forum, 30.8% were 'informed' by viewing and visiting multiple pages and the remaining 59.6% were 'aware' by visiting at least one page. Online viewing in 2020 is significantly improved on the previous year when 386 online hits were recorded. Council administration centres in Maclean and Grafton held outward facing displays of projects and summary documentation encouraging members of the community who were viewing as they pass to view the full documentation online and seven (7) Facebook and three (3) Twitter posts, DEX Noticeboard promotional articles for three (3) weeks and radio announcements 2GF and Loving Life radio also directed residents to the online documentation. Commentary on social media was generally positive.

Through this process a total of 13 submissions were made and are summarised in the following table.

#	SUBMISSION BY	MATTER	RESPONSE
1.	Ratepayers Association of Iluka	Marandowie Drive – large tree encroaches roadway – suggest a boardwalk around tree and along river bank.	Council has reviewed this area a number of times. Council does not have any plans to undertake this work and considers that the current traffic volumes, line marking and associated controls are adequate.
		Charles Street Toilet – need a public toilet in the main street of Iluka	Sufficient Council owned or managed land is not available, directional signage to nearest toilets has been installed indicating nearest public toilet. This response has been provided numerous times and continued requests will not change Council's position being that Council has no plans to install a public toilet in Charles St.
		Charles Street Bubblers – need bubblers in the main street of Iluka	Water stations are provided to support active recreation areas, not town centres. Additionally services for supply and discharge of water are not readily accessible. Council has no plans to install a water station in Charles St.
		Charles Street path to be completed between Young St and Owen St	In general, footpath and cycleway construction is based on the PAMP and Bike Plan and grant funding Council can attract. Over the next year Council will be scoping a number of projects, based on the PAMP rating and likelihood of attracting funding based on the grant criteria, for consideration over the coming years.

#	SUBMISSION BY	MATTER	RESPONSE
		Main beach access – provision of a chain or timber hard stand track to prevent bogging	Improved access onto Iluka Main Beach through the provision of a chain & timber or hard stand track is not supported due to risk of increasing access to non suitable vehicles. Council does not have any plans to undertake this work.
		<p>Paths &amp; Cycleways the following are required:</p> <ul style="list-style-type: none"> <li>• From the Spenser Street school entrance to Micalo Street to complete the path previously constructed.</li> <li>• Spenser Street path should then continue east past the Police Station, Community Hall and Meals on Wheels to Owen Street to give safe passage for pedestrians and children on bikes, skates and scooters heading for the skatepark.</li> <li>• Then the path in Spenser Street should continue from Owen Street to the Bowls Club – this would take the gophers off the road where they tend to ride in groups (often intoxicated) in the middle of the road.</li> <li>• A path to join the Library to the school along Micalo Street would be much used.</li> </ul>	<p>In general footpath and cycleway construction is based on the PAMP and Bike Plan and grant funding Council can attract. Over the next year Council will be scoping a number of projects, based on the PAMP rating and likelihood of attracting funding based on the grant criteria, for consideration over the coming years. Council will consider these projects as part of this process. With reference to the nominated projects:</p> <ul style="list-style-type: none"> <li>• From the Spenser Street school entrance to Micalo Street to complete the path previously constructed. This is currently included in the PAMP as a Very High project.</li> <li>• Spenser Street path should then continue east past the Police Station, Community Hall and Meals on Wheels to Owen Street to give safe passage for pedestrians and children on bikes, skates and scooters heading for the skatepark. This project is not currently in the PAMP.</li> <li>• Then the path in Spenser Street should continue from Owen Street to the Bowls Club – this would take the gophers off the road where they tend to ride in groups (often intoxicated) in the middle of the road. This project is currently included in the PAMP as a High project.</li> <li>• A path to join the Library to the school along Micalo Street would be much used. This project is not currently in the PAMP.</li> </ul>
		Swimming Pool – lobby the government for a grant for a pool	Council has no plans within its adopted Aquatic Facilities Strategy to provide a publicly funded pool in Iluka. A private operator may consider providing such a facility in consultation with IPSA.
		Ground lighting along Iluka Bay – investigate the feasibility of lights on the edges of the pathway along the bay.	Provision of ground level lighting along the edges of the footpath is beyond established service levels, additionally services for electrical supply are not readily accessible. Council has no plans to install this level of lighting along this path.
		Bench and hooks for Charlie Ryan Park Toilets	Hooks have been installed on walls of toilets, benches will obstruct circulation space resulting in a non compliant toilet. Council has no plans to install benches within the toilets.
		Bubblers at Iluka main beach near toilet block	A water fountain has been installed adjacent to main beach toilet block.
		Tennis courts need replacing	Iluka Tennis courts condition is assessed as fair. Council is renewing courts that have a poorer condition as a priority.
		Disabled access for Scout Hall and BBQ	The project has in principle support, completion is subject to receipt of external funding for planning and construction works.

#	SUBMISSION BY	MATTER	RESPONSE
2.	Woombah Residents Association	Community Hub/Hall	There is no plan to construct a specific community hub/hall, existing alternate facilities are located at Iluka / Chatsworth. Support can be provided with negotiations to secure use of the RFS building or other like space.
		One metre Bitumen path to Woombah Woods	In general, footpath and cycleway construction is based on the PAMP and Bike Plan and grant funding Council can attract. Over the next year scoping of a number of projects is planned, based on the PAMP rating and likelihood of attracting funding based on the grant criteria, for consideration over the coming years.  Bitumen paths are not the preferred option due to the maintenance requirements.
		Village Sign	To be considered as part of the corporate branding signage project to be implemented.
		Community Gardens	The proposal has in principle support, Council staff are working through the required processed to formalise tenure.
		3-5-year-old playground	The equipment is listed for renewal in 2023 with a budget of \$70K, the existing equipment is suitable for 3-5 yr old children, any works by the community should be postponed until 2023 to enable holistic improved outcome.
		Boat ramp - Pontoon, Fishing Table and covered seated area	There is currently no plan to provide these facilities in Woombah. There are grant funding opportunities for works such as this, however the alignment of these facilities with Council's long term planning is required.  If these facilities are pursued it is recommended that they be addressed via grant funding such as the Better Boating or Recreation Fishing Trust.
		Bush walkway-Woombah Park	The extension of walking trails within the remnant bushland is not supported.
		Forest Way Drive flooding	It is not clear what this item refers to.
		Potholed Middle Street	Potholes patching is attended to as part of maintenance scheduling.
		Bikeway to Woody Heads	There is no current plan to expand the active transport network in this area; however this proposal has merit and needs further investigation.  Strategic planning is required to better identify active transport opportunities and prioritise this request against all other similar projects throughout the valley.
		Storage Shed- Park	The proposal has in principle support, Council staff are working through the required processed to formalise tenure.
		Shed Development	DAs assessed on merits. Some sheds possibly exempt from CVC approval.
Dual Occupancy	Clearing associated with new development proposals is assessed in accordance with CVC guidelines and NSW legislation.		
Complete guttering from Fire Station along Reserve (to heritage plaque)	This proposal has in principle support, but it should be undertaken when the adjacent road is reconstructed. A kerb and gutter project in isolation is not a cost effective treatment.		

#	SUBMISSION BY	MATTER	RESPONSE
3.	Angourie Residents Association	Permanent increase in resources to police the no camping policy of council.	The Councillors have approved increased resources in the draft 20/21 budget/operational plan.
4.	Wooli Coastal Communities Protection Association	Relocatable stairs for access way at CWA Park/Cenotaph at Wooli (photos provided)	The project has in principle support, an \$80,000 allocation is included in the draft 2020/21 budget
5.	NSW Farmers Association (Sydney)	Rate increases on farmers – creating or further utilizing rating subcategories in addressing inconsistency in land valuations within a category. A smaller base amount for farmers	Council resolved to the rate freeze on the Base Amount for the Farmland category. This has been in place for the last 3 years. The Farmland category has the lowest rate charge in the levy structure and does not require subcategorisation. The Valuer General has issued Council with the new Base Date 01/07/2019 land values and has provided statistical information to Council as to its determination.
6.	Jacqui Kay	Against the refurbishment of 2 Prince St building	The project has been a long standing item as part of the property rationalisation project commenced in 2013. Opportunity to complete project with staff relocating to 42 Victoria Street before September 2021 will achieve better value for money and a positive opportunity cost. Lack of accessibility to and within the building, lack of adequate staff amenities, poor asset condition within roof, internal ducting, amenities require upgrading, non-compliant egress from basement, non-compliance with Access Standards and adopted DisPlan. Project will provide capital stimulus to local economy. Not practicable to accommodate majority staff from Prince street at RRWD due to site and carparking limitations, and presence still required at Grafton.
		Against septic charges	Council adopted a new policy in 2019 and benchmarked it against other Councils. Our charging regime is mostly cheaper than surrounding Councils. It is compulsory in NSW to have a risk based septic (Onsite Management System) inspection regime following several examples where catchments and seafood were contaminated by badly maintained septic eg Wallace Lakes oyster contamination. Hence Council cannot eliminate septic inspections and charges.
		Public park with hall for Gulmarrad	Council has no plans for a public hall in Gulmarrad. Future park developments pending development of adjoining subdivisions. Nearby Townsend Park will be upgraded with new play equipment, connecting paths and half play/basketball court and hitting wall.
		Everyone who lost their jobs due to COVID-19 should get their rates waived while they are unemployed	Council's updated Hardship, Natural Disaster and Health Pandemic – Ordinary Rates and Charges Policy allows ratepayers to enter into a payment plan to pay their rates off over 48 months (maximum) If the payment plan is adhered to the interest will be written off annually.

#	SUBMISSION BY	MATTER	RESPONSE
7.	Clarence Valley Sports Award	Request for funding of a CVSA Coordinator and Special Guest for 2020 = \$8,500	A worthy event, however the request amount for a one night awards event is considered excessive and if being considered a nominal amount of up to \$1,000 would seem appropriate. Recommend private sponsorship be sought in the first instance.
8.	Robyn Shelley	<ul style="list-style-type: none"> <li>Against any rate rise,</li> <li>Against refurbishment of 2 Prince St building,</li> <li>Against 100% reduction for head tax charges for REX and</li> <li>Reduce GM and Directors income</li> </ul>	The 8% increase for the 2020/2021 year was approved by IPART in 2018. This is the last year of the Special Rate Variation. Next year the rate increase will align with the annual Rate Peg issued by IPART. For Prince Street response refer to Item 6. Executive staff are contract staff in accordance with the Local Government Act.
9.	Peter Maslen	Stormwater management and review of sustainable water requirements. Strongly support this and hope this has been included in budget.	A review of sustainable water requirements is within the operational budget.
10.	Grafton Dragon Boat Club & Clarence River Sailing Club	Salty Sellar Reserve – River Access required on foreshore following damage from February flood event	The \$30,000 proposal has in principle support as it will improve access to the River for users of the sailing shed and reserve. Would have strong support as a project under the Crown Reserve Improvement Fund given the number of boating clubs using the area.
11.	Leigh Chiplin	There has been no provision in the Draft Budget for 2020-21 to provide filtration infrastructure for our Clarence Valley water supply	As part of the adopted Drinking Water Management System, projects will be identified on a priority basis, according to risk level. The requirement for additional treatment barriers (including possible filtration) will be based on risk assessment and will be budgeted for as required. Government funding such as the Safe and Secure program will be applied for when appropriate, noting that the funding is only available for the highest assessed risks. The most recent Safe and Secure funding program assessment of drinking water risk throughout NSW (April 2020) assessed CVC as having a high category risk for “chlorine resistant pathogens (e.g. Cryptosporidium)”, and this risk has been addressed with the installation of the UV systems. The current SSWP funding would provide a maximum of 20% of the capital cost.
		Workforce Management Strategy – give serious consideration to ensure savings are maximised while still delivering required levels of essential services. Introduce a confidential, professional, externally-monitored “Whistleblower Hotline” service for staff.	Workforce Management Strategy will be reviewed significantly moving forward. The introduction of the My Employee Journey and CVC Capability Framework to ensure effective service to the Community and employees. Staff have access to report corruption and maladministration to the Public Interest Disclosure officer and to the NSW ICAC – there is a 1800 number and feedback for a ‘Whistleblower’ including protection.
		LTFP – CVC must make every effort to maintain staff levels at a minimum (within reason) to reduce and contain on costs. (refer full submission)	Staff levels are maintained to provide agreed Council service levels.

#	SUBMISSION BY	MATTER	RESPONSE
		Fees & Charges – CVC should not impose the final 8% increase of the 26% SRV for the financial year 2020/21 i.e. no SRV and no rate peg increase for 2020/21	The 8% increase for the 2020/2021 year was approved by IPART in 2018. This is the last year of the Special Rate Variation. Next year the rate increase will align with the annual Rate Peg issued by IPART.
		Capital Works Program – defer spending on upgrade for 2 Prince St for the financial year 2020/21.	Noted. Please refer to Item 6 response
		Grafton Airport – defer spending \$130,175 AC surface to apron and \$300,000 on emergency hardstand. All non-essential capital works at Grafton Airport should be deferred.	Noted. The \$300,000 is fully grant funded for RFS emergency aircraft parking area off runway exclusion zone to meet with regulator's requirements. Works on apron upgrade is considered essential works.
12.	Eleanor Hoskins	<p><b>The last two items of expenditure in the draft budget:</b></p> <p><b>Environmental &amp; Regulatory Management 1.9% \$4,782,212</b></p> <p><b>Tourism &amp; Economic Development .07% \$1,617,999</b></p> <p><b>Our Commonwealth Government PM is advocating travel within Australia to quick start our economy. The last item on the list should be our first consideration. FOR ILUKA – to QUICK START OUR ECONOMY NOW i.e. STRAIGHT AWAY!</b></p> <p>For Iluka a Coastal Bikeway/Walkway from Woody Head National Park into the village of Iluka, and return to Woody Head leaving the old ferry crossing that way.</p>	<p>There is no current plan to expand the active transport network in this area; however this proposal has merit and needs further investigation.</p> <p>Strategic planning is required to better identify active transport opportunities and prioritise this request against all other similar projects throughout the valley.</p>
13.	John Hagger	<p><b>That council support the Clarence LGA as a Refugee Welcome Zone</b></p> <p>That Council:</p> <p>Apply to State and Federal Government for funding to construct a Water Filtration Plant in the Clarence covering the water supply to all towns.</p> <p>Establish a dedicated Strategic Fund with funds from any Water &amp; Sewer Dividends, Sale of Water Cycle Plant and Property, Federal &amp; State Grants, and any other sources Council deem</p>	<p>Noted has merit. The present COVID 19 implications on all immigration makes it unlikely to be actioned anytime soon.</p> <p>As part of the adopted Drinking Water Management System, projects will be identified on a priority basis, according to risk level. The requirement for additional treatment barriers (including possible filtration) will be based on risk assessment and will be budgeted for as required. Government funding such as the Safe and Secure program will be applied for when appropriate, noting that the funding is only available for the highest assessed risks. The most recent Safe and Secure funding program assessment of drinking water risk throughout NSW (April 2020) assessed CVC as having a high category risk for "chlorine resistant pathogens (e.g. Cryptosporidium)", and this risk</p>



#	SUBMISSION BY	MATTER	RESPONSE
		appropriate. List the development and construction of this Water Filtration Plant as Council's highest priority with regard to Capital Works until the Plant is operational.	has been addressed with the installation of the UV systems. The current SSWP funding would provide a maximum of 20% of the capital cost.
		Notify Local People of the OLG directive that NO Interest be charged on outstanding Rates and Charges from the 1st of July till December 31st 2020. This notification to be via Councils web site and also included with any correspondence/newsletters sent to Residents with their Rates, Water Bills, etc.	Ratepayers who are unable to pay their rates on time are encouraged to contact council to discuss options.
		That Council advise local people that on 7 May 2014 at the Nymboida Stakeholder Working Group held at Grafton District Services Club: Ken Stonestreet on behalf of Essential Energy offered Council ownership of the entire Nymboida Plant infrastructure for free and that CVC's Representative, Mayor Richard Williamson, responded with: "Council is not in the business of producing electricity". This information to be placed on Council's website.	Mr Hagger's claim Essential Energy offered Council ownership of the Nymboida Plant Infrastructure is not reflected in the minutes of the 7 May 2014 meeting which were independently prepared and distributed to participants (including Mr Hagger) by Essential Energy.
		That Council not upgrade 2 Prince St admin building but consider alternatives i.e. sell current building and locate in a new building e.g. South Grafton	Noted. Please refer to Item 6 response
		Keep advertising in the print media using the Independent	A review of council's legislated advertising as well as overall messaging is underway in response to recent changes in print media availability locally.
		Disclose the amounts paid to DEX and 2GF for 2018/19 and 2019/20 and include advertising as a separate line in future draft budgets	Unrelated to the 2020/2021 budget on public exhibition.
		Lobby the state and federal governments for a bypass of the existing Gwydir Highway through South Grafton	Noted. Council has no plans to lobby for a diversion of the Gwydir highway around South Grafton
		Not impose the SRV 8% increase for 20/21 and no rate peg increase for 20/21.	The 8% increase for the 2020/2021 year was approved by IPART in 2018. This is the last year of the Special Rate Variation. Next year

#	SUBMISSION BY	MATTER	RESPONSE
			the rate increase will align with the annual Rate Peg issued by IPART.

**Legal and Risk Management**

N/A

**Climate Change**

N/A

Prepared by	Laura Black, Director Corporate and Governance
Attachment	D. Draft Long Term Financial Plan (2020/2021 – 2029/2030) E. Draft Annual Budget 2020/21 comprising: E1. Summary Income Statement E2. Income & Expenditure by Fund E3. Financial Reserve Statement by Fund E4. Income & Expenditure Statement by Sub Service G. Draft 2020/21 Capital Works Program
To be tabled	A. Revised Delivery Program 2017 – 2021 and Revised Operational Plan 2020/21 B. Revised Asset Management Strategy 2020/21 – 2029/30 C. Workforce Management Strategy 2017/2018 – 2020/2021 F. Draft 2020/21 Fees and Charges H. Submissions

ITEM	6a.20.015	2020/2021 RATES AND CHARGES
<b>Meeting</b>	Council	23 June 2020
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	Manager - Finance & Supply (Kate Maginnity)	
<b>Attachment</b>	Yes	

## SUMMARY

This report contains recommendations regarding the making and levying of the Rates and Charges for 2020/2021.

## OFFICER RECOMMENDATION

That Council in accordance with the provisions of Sections 493, 494, 496, 501, 502, 503, 542, 552 and 553 of the Local Government Act of 1993 (NSW) make and levy the following Rates and Charges for the year commencing 1 July 2020 and ending 30 June 2021.

### 8% Special Rate Variation

#### 1. Ordinary Rates (Section 494)

- (i) A Residential Rate of point five six six zero one one cents (0.566011c) in the dollar on the Rateable Land Value of all rateable land categorised as Residential with a minimum rate of Six Hundred and Forty Seven Dollars (\$647.00), in respect of any separate parcel of rateable land. Land that has been identified as "Residential-Flood Prone Land" the minimum rate/base amount will not apply. The Rate to be known as the "Residential Rate".
- (ii) A Residential Rate of point three six six four zero five cents (0.366405c) in the dollar on the Rateable Land Value of all rateable land in the coastal villages of Angourie, Brooms Head, Diggers Camp, Iluka, Minnie Water, Sandon River, Wooli and Wooloweyah categorised as Residential, sub category "A", with a minimum rate of Six Hundred and Forty Seven Dollars (\$647.00). The rate to be known as the Residential Rate "A".
- (iii) A Residential Rate of point four four two zero seven three cents (0.442073c) in the dollar on the Rateable Land Value of all rateable land within the towns of Maclean and Townsend categorised as Residential, sub-category "B", with a Base Amount of Four Hundred and Ninety Dollars (\$490.00). The revenue from the base amount to be approximately 43.45% of the revenue from this rate. The rate to be known as the "Residential Rate B".
- (iv) A Residential Rate of point three two one three one four cents (0.321314c) in the dollar on the Rateable Land Value of all rateable land in the town of Yamba categorised as Residential, sub category "C", with a Base Amount of Four Hundred and Ninety Dollars (\$490.00). The revenue from the base amount to be approximately 32.31% of the revenue from this rate. The rate to be known as the "Residential Rate C".
- (v) A Residential Rate of point seven nine three six one nine cents (0.793619c) in the dollar on the Rateable Land Value of rateable land in the city of Grafton and village of Junction Hill categorised as Residential, sub-category "E" with a Base Amount of Four Hundred and Ninety Dollars (\$490.00). The revenue from the base amount to be approximately 36.51% of the revenue from this rate. The rate to be known as the "Residential Rate E".
- (vi) A Business Rate of point five eight nine seven five four cents (0.589754c) in the dollar on the Rateable Land value of all rateable land with a Base Amount of Four Hundred and Ninety Dollars (\$490.00) for all land categorised as Business. The revenue from the base amount to be approximately 28.19% of the revenue from this rate. The rate to be known as the "Business Rate".
- (vii) A Business Rate of point seven two two zero four seven cents (0.722047c) in the dollar on the

- Rateable Land Value of all rateable land in the Maclean CBD categorised as Business, sub category "B" with a Base Amount of Four Hundred and Ninety Dollars (\$490.00). The revenue from the base amount to be approximately 18.71% of the revenue from this rate. The Rate to be known as the "Business B–Maclean CBD". A map showing this CBD boundary is found in Attachment A.
- (viii) A Business Rate of point seven two two zero four seven cents (0.722047c) in the dollar on the Rateable Land Value of all rateable land in the Maclean/Townsend area other than the Maclean CBD area, categorised as Business, sub category "B" with a Base Amount of Four Hundred and Ninety Dollars (\$490.00). The revenue from the base amount to be approximately 18.71% of the revenue from this rate. The Rate to be known as the "Business B – Maclean/Townsend Other Business". A map showing this CBD boundary is found in Attachment A.
- (ix) A Business Rate of point five nine five nine six zero cents (0.595960c) in the dollar on the Rateable Land Value of all rateable land in the Iluka Industrial area categorised as Business, sub category "C" with a Base Amount of Four Hundred and Ninety Dollars (\$490.00). The revenue from the base amount to be approximately 16.45% of the revenue from this rate. The rate to be known as the "Business Rate C – Iluka Industrial". A map showing this CBD boundary is found in Attachment A.
- (x) A Business Rate of point five nine five nine six zero cents (0.595960c) in the dollar on the Rateable Land Value of all rateable land in the town of Iluka other than the Iluka Industrial area, categorised as Business, sub category "C" with a Base Amount of Four Hundred and Ninety Dollars (\$490.00).The revenue from the base amount to be approximately 16.45% of the revenue from this rate. The rate to be known as the "Business Rate C – Iluka Other Business". A map showing this CBD boundary is found in Attachment A.
- (xi) A Business Rate of point five six eight four seven five cents (0.568475c) in the dollar on the Rateable Land Value of all rateable land in the Yamba CBD (including the Treelands Drive business area) categorised as Business, sub-category "D" with a Base Amount of Four Hundred and Ninety Dollars (\$490.00). The revenue from this base amount to be approximately 16.55% of the revenue from this rate. This rate to be known as "Business Rate D – Yamba CBD". A map showing this CBD boundary is found in Attachment A.
- (xii) A Business Rate of point five six eight four seven five cents (0.568475c) in the dollar on the Rateable Land Value of all rateable land in the town of Yamba other than the Yamba CBD categorised as Business, sub-category "D" with a Base Amount of Four Hundred and Ninety Dollars (\$490.00). The revenue from this base amount to be approximately 16.55% of the revenue from this rate. This rate to be known as "Business Rate D – Yamba Other Business". A map showing this CBD boundary is found in Attachment A.
- (xiii) A Business Rate of two point zero three zero nine six seven cents (2.030967c) in the dollar on the Rateable Land Value of all rateable land in the Grafton and South Grafton CBD, categorised as Business, sub category "E" with a Base Amount of Four Hundred and Ninety Dollars (\$490.00). The revenue from the base amount to be approximately 8.45% of the revenue from this rate. The rate to be known as "Business Rate E – Grafton & South Grafton CBD". A map showing this CBD boundary is found in Attachment A.
- (xiv) A Business Rate of one point two six four five eight eight cents (1.264588c) in the dollar on the Rateable Land Value of all rateable land in the areas of Junction Hill, Trenayr and Koolkhan and the city of Grafton other than the Grafton and South Grafton CBD, categorised as Business, sub category "F" with a Base Amount of Four Hundred and Ninety Dollars (\$490.00). The revenue from the base amount to be approximately 18.62% of the revenue from this rate. The rate to be known as "Business Rate F – Grafton & South Grafton Other Business". A map showing the Junction Hill, Trenayr and Koolkhan boundary found in Attachment A
- (xv) A Business Rate of point four eight six cents (0.486c) in the dollar on the Rateable Land Value of all rateable land categorised as Business where the parcel of rateable land is rated separately and determined as a jetty or pontoon. The minimum/base amount will not apply to this category. The rate is to be known as "Business-Jetties".
- (xvi) A Farmland Rate of point two eight three two five five cents (0.283255) in the dollar on the Rateable Land Value of all rateable land categorised as Farmland with a Base amount of Three

Hundred and Thirty Dollars (\$330.00). The revenue from the base amount to be approximately 19.78% of the revenue from this rate. The rate to be known as Farmland.

## **2. Sewer Availability Charges (Section 501)**

- (i) A Special Charge for all land categorised "Residential" and rateable to a sewerage system, the charge being One Thousand One Hundred and Fifty Nine Dollars (\$1,159.00) per land parcel excepting any parcel in respect of land not built upon and not connected to the Council sewerage system in which case the charge shall be Six Hundred and Seventy Dollars (\$670.00) to be known as the "Clarence Valley Council Sewerage Charge".
- (ii) A Special Charge for all land parcels categorised "Residential" which have additional connections to a premises which can be subject to separate and permanent occupation. The charge to be calculated by multiplying the occupied charge in Item 2(i) (\$1,159.00) by the number of additional premises in excess of one (1) which can be occupied separately and on a permanent basis.
- (iii) A Special Charge for all land categorised "Residential" and connected to a pressure sewerage system, the charge being One Thousand and One hundred and Thirty Four Dollars (\$1,134.00) per land parcel excepting any parcel in respect of land not built upon and not connected to the Council sewerage system in which case the charge shall be Six Hundred and Seventy Dollars (\$670.00) to be known as the "Clarence Valley Council Sewerage Charge".
- (iv) A Special Sewer access charge based on water meter size for all land parcels categorised "Business" (i.e. Non-Residential) and connected to a sewerage system. The charges to be as follows;
  - a. A charge of \$670.00 for a 20mm service.
  - b. A charge of \$1,047.00 for a 25mm service.
  - c. A charge of \$1,715.00 for a 32mm service.
  - d. A charge of \$2,680.00 for a 40mm service.
  - e. A charge of \$4,187.00 for a 50mm service.
  - f. A charge of \$10,720.00 for an 80mm service.
  - g. A charge of \$16,750.00 for a 100mm service.

excepting any parcel in respect of land not built upon and not connected to the Council sewerage system in which case the charge shall be Six Hundred and Seventy Dollars (\$670.00) to be known as the "Clarence Valley Council Sewerage Charge".

- (v) A Special Sewer access charge based on water meter size for all land parcels categorised "Business" (i.e. Non-Residential) that are connected to a pressure sewerage system. The charges to be as follows;
  - a. A charge of \$645.00 for a 20mm service.
  - b. A charge of \$1,022.00 for a 25mm service.
  - c. A charge of \$1,690.00 for a 32mm service.
  - d. A charge of \$2,655.00 for a 40mm service.
  - e. A charge of \$4,162.00 for a 50mm service.
  - f. A charge of \$10,695.00 for an 80mm service.
  - g. A charge of \$16,725.00 for a 100mm service.

excepting any parcel in respect of land not built upon and not connected to the Council sewerage system in which case the charge shall be Six Hundred and Seventy Dollars (\$670.00) to be known as the "Clarence Valley Council Sewerage Charge".

- (vi) Non-rateable properties (under Section 555 of the Local Government Act, 1993) within the Sewerage Access area will be exempt from Availability Charges.
- (vii) A meter installed as a fire service to a property is exempt from availability charges.
- (viii) Onsite Sewage Management Charge

A Special Charge for all occupied land parcels not receiving a Sewerage service. The charge to

be Forty Dollars (\$40.00) for each rateable parcel. The charge to be known as "Residential Onsite Wastewater Management Charge".

### **3. Sewer Consumption Charges (Section 502)**

- (i) A Consumption Charge of Three Dollars and Fifty One Cents (\$3.51) per kilolitre will be charged on all Non-Residential properties. This charge will be based on water consumption of the previous quarter and affected by a Sewerage Discharge Apportionment Factor. The non-residential sewer charge is the sum of the access charge and the generation charge, with a minimum charge of the residential charge (\$1,159.00 in 2020/21). This charge to be known as the "Sewerage Consumption Charge".

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

- (i) Domestic Waste Charge (Excluding Green Waste -2 Bin Service)

An annual charge of Two Hundred and Seventy Eight Dollars and Fifty Cents (\$278.50) per service, for the collection, disposal, recycling and management of Domestic Waste generated on all residential properties receiving or situated in a location where the collection service is available. This charge to be known as "Domestic Waste 2 Bin"

- (ii) Domestic Waste Charge (Including Green Waste - 3 Bin Service)

An annual charge of Three Hundred and Forty Four Dollars and Fifty Cents (\$344.50) per service, for the collection, disposal, recycling and management of waste generated on all properties receiving or situated in a location where the collection service is available. This charge to be known as "Domestic Waste 3 Bin".

- (iii) An Annual Charge of Two Hundred and Ninety One Dollars (\$291.00) per service, for the collection, disposal, recycling and management of waste generated on property categorised "Business" receiving a service similar to that provided in (4.i).

- (iv) An Annual Charge of Three Hundred and Fifty Seven Dollars (\$357.00) per service, for the collection, disposal, recycling and management of waste generated on property categorised "Business" receiving a service similar to that provided in (4.ii).

- (v) Domestic Waste Charge (Additional Red Bin service)

An annual charge of One Hundred and Thirty Five Dollars (\$135.00) per additional red bin supplied to a property receiving a 2 Bin or 3 Bin Service but requiring an additional red bin. This charge to be known as "Domestic Waste Additional Red Bin".

- (vi) Domestic Waste Charge (Additional Yellow Bin service)

An annual charge of One hundred and Five Dollars (\$105.00) per additional yellow bin supplied to a property receiving a 2 Bin or 3 Bin Service but requiring an additional yellow bin. This charge to be known as "Domestic Waste Additional Yellow Bin".

- (vii) Domestic Waste Charge (Additional Green Bin service)

An annual charge of One Hundred and Thirty Dollars (\$130.00) per additional green bin supplied to a property receiving a 3 Bin Service but requiring an additional green bin. This charge to be known as "Domestic Waste Additional Green Bin".

- (viii) Domestic Waste Charge – Vacant

An annual charge of Twenty Nine Dollars (\$29.00) for all parcels of rateable vacant property which would receive a collection service when becoming occupied or located were the service is available. This charge to be known as "Domestic Waste Vacant".

- (ix) Waste Management levy

An annual charge of Sixty Three Dollars (\$63.00) for all rateable properties in the Clarence Valley Council area. This charge to be known as "Waste Management Levy".



**5. Water Availability Charges (Section 501)**

- (i) An annual charge of \$169.00 for all unconnected land which is situated within 225 metres of a Council water main and can be connected to the water main.
- (ii) An annual charge of \$124.00 for all land which has a 20mm connection to the water main.
- (iii) An annual charge of \$194.00 for all land which has a 25mm connection to the water main.
- (iv) An annual charge of \$317.00 for all land which has a 32mm connection to the water main.
- (v) An annual charge of \$496.00 for all land which has a 40mm connection to the water main.
- (vi) An annual charge of \$775.00 for all land which has a 50mm connection to the water main.
- (vii) An annual charge of \$1,984.00 for all land which has an 80mm connection to the water main.
- (viii) An annual charge of \$3,100.00 for all land which has a 100mm connection to the water main.
- (ix) An annual charge of \$62.00 for all land provided with untreated (Raw) water with a 20mm connection to the water main.
- (x) An annual charge of \$97.00 for all land provided with untreated (Raw) water with a 25mm connection to the water main.

**6. Water Consumption Charges (Section 502)**

A Water Consumption charge of Two Dollars and Fifty Three Cents (\$2.53) per kilolitre for all residential properties, applying to the daily average water consumption below 1.233kL/day per billing period.

A Water Consumption charge of Three Dollars and Seventy Seven Cents (\$3.77) for all residential properties with a water consumption category of residential applying to any daily average water consumption exceeding 1.233 kl per day, per billing period.

A Water Consumption charge of Two Dollars and Fifty Three Cents (\$2.53) per kilolitre for all non-residential properties. This charge to be known as the "Water Usage Non-Residential".

A Water Consumption charge of Ten Dollars and Eight Cents (\$10.08) per kilolitre for all water usage registered on a meter installed as a fire service to the property where the consumption has been for purposes other than for fire service purposes as a disincentive for using the service for incorrect purposes. This charge to be known as the "Water Usage Fire Service".

A Water Consumption charge of One Dollar and Twenty Six Cents (\$1.26) per kilolitre for all properties connected to Untreated (Raw) Water. This charge to be known as the "Water Usage Untreated (Raw) Water".

**7. Interest on overdue rates**

That the interest rate on overdue amounts applicable to outstanding rates and charges for 2020/2021 be the maximum rate of 0% for the period July 2020 – 31 December 2020 and 7% for the period January 2021 – 30 June 2021 set by the Minister for Local Government accruing on a daily basis.

**8. Small Balance Rates & Charges write off**

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

**LINKAGE TO OUR COMMUNITY PLAN**

Theme	5 Leadership
Objective	5.2 We will have an effective and efficient organisation
Strategy	5.2.1 Operate in a financially responsible and sustainable manner

**BACKGROUND**

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

**KEY ISSUES**

The recommended rate structure for 2020/21 was included in Council's Draft 2020/21 Operational Plan for community consultation.

This report recommends the proposed rate structure for 2020/21 be based on Council's existing rate structure as levied for 2019/20 but indexed by the Special Rate Variation of 8% approved by the Independent Pricing and Regulatory Tribunal (IPART) on the 15 May 2018 for 2020/2021 rating year. The proposed structure includes changes to the following Base Amounts and Minimums:

- Yamba, Maclean & Townsend Residential Categories Base Amount increases from \$450 to \$490.
- All Business Rating Categories (except Grafton and South Grafton) Base Amount increases from \$450 to \$490.
- Residential "Outside Town Areas" and Residential A – "Coastal Villages" minimum rate increases from \$599 to \$647.
- There are no changes proposed to any of the other rating categories.

**Special Rate Variation**

IPART have issued an Instrument of approval for 2018-19 special variation application & minimum rate increase which allows a special rate variation of 8% in 2020/21 together with the minimum ordinary rate increase of \$647.00 (refer Attachment C)

**Land Valuations**

Council applies property land valuations from the NSW Valuer General. These values are available for rating as at 1 July 2019 and Council will use them to levy the rates for the 2020/21 financial year.

**Proposed 2020/21 Rate Levy**

The Rate Levy tabled below is a summary of the recommended Rate Structure for 2020/21 which includes provision of the special rate variation of 8% as advised by IPART.

## Rate Structure 2020/2021

## 8% Special Rate Variation – General Rates

Rate	Category	Number of Properties	Rate in \$	Minimum Rate	Base Amount	% from Base	Income from Base	Rate Yield	2020/21 Total Yield
1	Farmland	2225	0.283255		330.00	19.78%	\$734,250.00	\$2,978,480	\$3,712,730
2	Residential – Ashby, Chatsworth, Copmanhurst, Brushgrove, Harwood, Ilarwill, Lawrence, Palmers Island, Couatts Crossing, Woombah, Cowper, Glenreagh, Swan Creek, Tucabia, Ulmarra, plus rural residential areas. This includes Residential Flood Prone land (15 properties)	7885	0.566011	647.00				\$7,953,213	\$7,953,213
2(i)	Residential A – Angourie, Brooms Head, Diggers Camp, Iluka, Sandon River, Minnie Water, Woolli, Wooloweyah	2247	0.366405	647.00				\$2,680,805	\$2,680,805
	Residential B – Maclean, Townsend	1588	0.442073		490.00	43.45%	\$778,120.00	\$1,012,643	\$1,790,763
2(iii)	Residential C – Yamba	3341	0.321314		490.00	32.31%	\$1,637,090.00	\$3,429,729	\$5,066,819
2(iv)	Residential E – Grafton, Junction Hill	7704.15	0.793619		490.00	36.51%	\$3,775,033.50	\$6,563,706	\$10,338,740
3	Business	223	0.589754		490.00	28.19%	\$109,270.00	\$278,303	\$387,573
3(i)	Business B – Maclean CBD, Maclean Other, Townsend Other Business	165	0.722047		490.00	18.71%	\$80,850.00	\$351,275	\$432,125
3(ii)	Business C – Iluka Industrial, Iluka Other Business	57	0.595960		490.00	16.45%	\$27,930.00	\$141,887	\$169,817
3(iii)	Business D – Yamba CBD including Treelands Drive, Yamba Other	278	0.568475		490.00	16.55%	\$136,220.00	\$686,908	\$823,128
3(iv)	Business E – Grafton & South Grafton CBD	367.71	2.030967		490.00	8.45%	\$180,177.90	\$1,952,903	\$2,133,081
	Business F – Grafton & South Grafton other business	299.14	1.264588		490.00	18.62%	\$146,578.60	\$640,627	\$787,206
3(v)	Business – Jetties	83	0.48600					\$1,296	\$1,296
	Total ordinary rates	26463					\$7,605,520.00	28,671,776	\$36,277,296

## Water Charges

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

Where a property has multiple meters the property is only charged for the single largest meter until the end of the phase-in period. This will allow consumers with multiple meters time to assess the need for each meter and whether they can reduce the number of meters and therefore the fixed charge. While the 5 year phase-in period concluded in 2009/10, it is proposed to continue charging properties only for the single largest meter in 2020/21.

## Water Charges 2020/21

At the 24 November 2015 Extraordinary Council meeting (Item 12.060/15) Council resolved that water fund increases be capped to a maximum of 1.5% per year for five (5) years from 2016/2017.

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

To calculate Residential Water charges for 2020/2021, the 2019/20 access and consumption charges were indexed by 1.5%.

The charges for 2020/21 are shown in Tables 1 and 2:

**Table 1: 2020/21 Water Consumption Charges**

	2019/20 Charge	2020/21 Charge	Estimated 2020/21 Yield
Consumption	\$2.49	\$2.53	} \$11.54M
Residential inclining block for average daily water consumption above 1.233kl/day per unit or residence per billing period	\$3.71	\$3.77	
Fire Service meter Consumption	\$9.93	\$10.08	
Consumption Untreated (Raw) Water	\$1.24	\$1.26	\$71,500

**Table 2: Fixed (Access) Water Charges for 2020/21**

Water Meter Size*	2019/20 Fixed Charge	2020/21 Fixed Charge	Estimated Yield 2020/21
Unconnected	\$167	\$169	} \$2.96M
20mm	\$122	\$124	
25mm	\$191	\$194	
32mm	\$312	\$317	
40mm	\$488	\$496	
50mm	\$763	\$775	
80mm	\$1,952	\$1,984	
100mm	\$3,050	\$3,100	

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

Water consumption that is registered through a Fire Service meter and used for purposes other than fire service purposes will be charged \$10.08 per kilolitre. The fire service connected to a property is to be used for fire purposes only and this charge will be a disincentive for consumers to use this meter for incorrect purposes.

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

As previously mentioned, best practice pricing requires a single charge for both residential and non-residential consumers and based on the adopted phase-in path, charges for 2020/21 are likely to be in accordance with Table 3.

**Table 3: Proposed future consumption charges**

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

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

## Sewerage Charges

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

At the 24 November 2015 Extraordinary Council meeting (Item 12.060/15) Council resolved that sewer fund increases be capped to a maximum of 1.5% per year for five (5) years from 2016/2017. The current 30 year financial model indicates that from 2016/2017 sewer charges will increase by 1.5% per year until 2020/2021 and then increases will be linked to CPI only.

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

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

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

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

Table 2 below shows the sewerage charges for 2020/2021 and Table 3 shows the access charge for non-residential properties:

**Table 2: Charges for 2020/21**

Property	Adopted 2019/20 Charge	Proposed 2020/21 Charge	Estimated Yield 2020/21
Residential Property (per connection)	\$1,142	\$1,159	\$14.78M
Residential Property Pressure Sewer zone	\$1,117 <sup>1</sup>	\$1,134 <sup>1</sup>	\$1.34M
Residential Property Unconnected Availability Charge	\$660	\$670	\$483,000
Non-residential Access Charge (per water meter)	As per Table 3 <sup>3</sup>	As per Table 3 <sup>3</sup>	See Table 3
Non-residential Sewerage Generation Charge	\$3.46/kL	\$3.51/kL	
Non-rateable properties	\$3.46/kL (no access charge)	\$3.51/kL (no access charge)	

1. Properties within a pressure sewer zone are charged \$25 less than properties in a gravity sewer zone to reflect the average cost of pressure pump electricity consumption which is paid for by the property
2. The non-residential sewer charge is the sum of the access charge and the generation charge, with a minimum charge of the residential charge (\$1,159 for 2020/2021). As meters are read four times per year, the minimum non-residential charge will be calculated on an equivalent charge of \$3.12 per day.

**Table 3: Fixed (Access) Sewer Charges Proposed for 2020/21**

Water Meter Size*	2019/20 Fixed Charge	2020/21 Fixed Charge	Estimated Yield 2020/21
Unconnected	\$660	\$670	\$1.25M
20mm	\$660	\$670	
25mm	\$1,031	\$1,047	
32mm	\$1,690	\$1,715	
40mm	\$2,640	\$2,680	
50mm	\$4,125	\$4,187	
80mm	\$10,560	\$10,720	
100mm	\$16,178	\$16,750	

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

Liquid trade waste fees and charges are shown in the fees and charges section.

As noted above, the non-residential sewer charge will be the greater of:

- fixed (access) charge plus sewer generation charge, or
- daily charge of \$3.59

### Waste Management Charges

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

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

Due to COVID-19 restrictions Council was unable to deliver the 2019/20 bulky goods kerbside collection. Council resolved to reduce the proposed 2020/21 domestic waste fees by \$12.50 to offset any financial impact of not undertaking this service in 2019/20. (Refer May Council Minute 6c.20.073). As such the proposed domestic 3 bin charge will reduce from \$357 to \$344.50 and proposed 2 bin charge from \$291 to \$278.50.

Council also levies a waste management charge pursuant to Section 501 of the Act on all rateable properties. The levy contributes to the cost of developing waste management infrastructure such as waste transfer stations, landfills, composting facilities, recycling centres and other services such as litter collection. The 2020/2021 levy has increased from \$59 to \$63. The increase recognises the additional costs of a new waste transfer station to be commissioned in Minnie Water and improved management arrangements at the Baryulgil waste transfer station. The waste management charges for 2020/21 are detailed below:

Domestic Waste Charge Section 496	2018/19 Charge	2018/19 Yield	2019/20 Charge	2019/20 Yield	2020/21 Charge	Estimated 2020/21 Yield
3 Bin Service	\$346	\$6,141,500	\$353	\$6,224,096	\$344.50	\$6,210,991
2 Bin Service	\$285	\$1,117,200	\$288	\$1,089,792	\$278.50	\$1,136,002
Vacant land	\$27	\$56,600	\$29	\$15,080	\$29	\$15,080
Additional red bin	\$100	\$12,500	\$135	\$23,220	\$135	\$23,220
Additional yellow bin	\$100	\$2,600	\$100	\$4,100	\$105	\$4,100
Additional green bin	\$130	\$1,820	\$130	\$3,380	\$130	\$3,380
<b>Waste Management Charge Section 501</b>						
Waste Management Levy	\$52	\$1,357,357	\$59	\$1,569,990	\$63	\$1,569,990



**On-Site Effluent Disposal Systems**

The annual fee to fund the required level of auditing of the 8,981 on-site sewerage management systems has been indexed by 5.8% to \$40.00 for 2020/21 (\$38.00 2019/20). The fee is levied on all properties with on-site effluent disposal systems.

**Backflow Prevention Device Annual Charge**

An annual charge of \$56 for 2020/21 is to fund the administration of the backflow prevention device programme. The charge is levied on properties that have containment backflow prevention devices that are required to be annually tested and certified in accordance with Council's Backflow prevention and cross connection control policy. The charge is per annum per containment device.

**COUNCIL IMPLICATIONS****Budget/Financial**

The Rate Structure for 2020/21 is based on the special rate variation of 8% as determined by IPART. This will be an increase of \$2,687,162 on that levied for the 2019/2020 rating year.

Set out below is a summary of Council's total permissible rate income for 2020/21:

<b>TOTAL PERMISSIBLE INCOME FOR 2020/21</b>	
2019/20 Notional General Income	\$33,589,521
Plus 8% IPART approved Special rate Variation Increase	\$2,687,162
<b>Total Draft Permissible Income 2020/21</b>	<b>\$36,276,683</b>

The estimated yield by rate category will be:

Business	\$ 4,733,613
Farmland	\$ 3,712,730
Residential	<u>\$27,830,340</u>
<b>Total 2020/21</b>	<b>\$36,276,683</b>

**Asset Management**

N/A

**Policy or Regulation**

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

Interest on overdue rates

The interest rate on overdue amounts applicable to outstanding rates and charges for 2020/2021 is recommended to be the maximum rate of 0% for the period 1 July 2020 – 31 December 2021 and 7% for the period 1 January 2021 – 31 June 20-21 as set by the Minister for Local Government accruing on a daily basis – refer to Office of Local Government Circular at Attachment B.

**Consultation**

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

**Legal and Risk Management**

N/A

**Climate Change**

N/A

Prepared by	Paula Krahe, Revenue Co-Ordinator
Attachment	A – Business Rating Maps B – Office of Local Government Interest Rate Declaration C – Instrument of Approval – IPART – Special Rate Variation

**ITEM 6a.20.016 2020/21 SEWER FUND LOAN BORROWINGS**

<b>Meeting</b>	Council	23 June 2020
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	Manager - Finance & Supply (Kate Maginness)	
<b>Attachment</b>	Nil	

**SUMMARY**

This report seeks Council's approval for the proposed remaining term and repayment schedule for the \$15 million Sewer Fund loan (2015) which finishes its initial 5 year fixed "interest only" repayment period on 30 June 2020.

**OFFICER RECOMMENDATION**

That:

1. Council authorise the General Manager to accept the 10 year fixed principal payments of \$375,000 per quarter plus interest of 2.65% as the preferred term and repayment schedule.
2. The Council seal be affixed to the amended terms of the existing loan agreement.

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

**BACKGROUND**

In June 2015, Council entered into a \$15 million Sewer Fund loan with the ANZ bank. The initial fixed "interest (3.64%) only" repayment term was for 5 years. The initial "interest only" term expires on 30 June 2020, with the current remaining "principal & interest" repayment term (15 years) due to expire on 30 June 2035.

The purpose of the Sewer Fund loan was to enable the upgrade of the Yamba STP and associated works.

**KEY ISSUES**

Council is required to renegotiate the remaining term of the loan (i.e. post 30 June 2020), which includes the repayment of principal and interest. Various options were sought by Council to which the ANZ provided the following options in early June.

Option 1

Council's 30 Year Financial Model for the Sewer Fund and the Long Term Financial Plan (LTFP) indicate that the "10 years fixed principal payments of \$375,000 per quarter plus interest of 2.65%" option can be accommodated and is the recommended course of action. The LTFP currently budgets for a 3.64%, 15 year, principal and interest repayment term. The 2.65% rate is considerably lower and will result in overall interest savings of approximately \$2.5 million, compared to budget.

Option 2

The "15 years fixed principal payments of \$250,000 per quarter plus interest of 3.05%" option will result in an overall interest savings of approximately \$1.0 million, compared to budget.

Option 3

The "15 years variable interest 1.7% with debt subject to annual review and pricing" option whilst attractive at 1.7% does not mean that this rate remains the same for 15 years. There is no surety on the exact future movements in interest rates and Council is unable to predict with any certainty what future loan repayments would be required.

**COUNCIL IMPLICATIONS****Budget/Financial**

Assuming the recommended option 1 is adopted, this would result in overall interest savings of approximately \$2.5 million, compared to what is currently budgeted for in the LTFP.

The principal component (\$375,000 per quarter) of future loan repayments would be costed to 906105-6020-8120 - Sewer - Repayment of Debt – Loans and the interest component would be costed to 906090-6020-2085 - Sewer - Misc Expenses - Interest Expense.

**Asset Management**

N/A

**Policy or Regulation**

Loan Borrowing Policy

**Consultation**

This report has been prepared in consultation with the General Manager, Manager - Finance & Supply, Financial Accountant and the Finance & Asset Strategy Planner.

**Legal and Risk Management**

The purpose of this report is to comply with Council's legislative obligations with respect to borrowing of money. Council is required to formally resolve to borrow funds and in accordance with Section 377 of the Local Government Act is unable to delegate this function. Technically speaking this is not new borrowings however, it is a change to the current loan financing arrangement.

**Climate Change**

N/A

Prepared by	Michael Salvestro – Financial Accountant
Attachment	Nil

<b>ITEM</b>	<b>6a.20.017</b>	<b>REX AIRLINES CEASING SERVICES TO GRAFTON</b>
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<b>Meeting</b>	Council	23 June 2020
<b>Directorate</b>	General Manager	
<b>Reviewed by</b>	General Manager - Ashley Lindsay	
<b>Attachment</b>	Yes	

**SUMMARY**

This report presents to Council correspondence received from the National Airports Manager for Regional Express – David Brooksby advising that REX intends to cease all airline passenger services to Grafton effective from 3 July 2020.

**OFFICER RECOMMENDATION**

That the Mayor on behalf of Council write to Lim Kim Hai the Executive Chairman of Regional Express Holdings Ltd apologising for the negative comments made towards REX at Council's May meeting and thanking him for what Council acknowledges are essential airline services that REX provides to regional Australia and in particular the services they provide to the Clarence Valley.

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 3 Economy

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

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

**BACKGROUND**

At Council's March meeting, Council resolved to waive 100% of the head tax charges for REX Airlines from 1 April 2020 to 31 December 2020 with an option to extend this a further 6 months if required (Item 05.20.007) after REX requested a 50% waiver of these charges.

At Council's May meeting (refer Item 6a.20.011) Council resolved to provide REX with a 50% credit on the head tax charges incurred at the Grafton Regional Airport for the months of February and March 2020 for an amount of \$8,908.90 as further support for the airline during the COVID-19 crisis.

On 4 June 2020 Council received correspondence (refer Attachment A) from the National Airports Manager for Regional Express – David Brooksby advising that REX intends to cease all airline passenger services to Grafton effective from 3 July 2020. The correspondence cited the "hostility of Councillors" in relation to the provision of the credit note and in particular the call for REX to "pull their finger out" as the reason for ceasing services to Grafton.

**KEY ISSUES**

In my discussions with David Brooksby on Friday 5 June he advised that Executive Chairman Lim Kim Hai took great offence to the Councillor debate at the May Council meeting which included negative comments towards REX (refer Attachment A).

Grafton Chamber of Commerce president Carol Pachos has written to Council (refer Attachment B) calling on Council to *"take whatever measures are within their power to keep this vital service for the business community of Grafton and indeed the Clarence Valley as a whole"*.

The letter goes on to acknowledge that the Grafton Chamber of Commerce *"support REX and thank them for the essential services that they are offering our community"*.

This matter has generated commentary from within the community and a summary of the submissions received by Council are provided at Attachment C. Some comments suggest that the Lower Clarence

residents and ratepayers prefer to use the Ballina airport rather than Grafton airport but it is quite clear that the Grafton business community values the airline services provided by REX and it is most important for the local economy in general.

Anecdotally, we know from the government and medical sectors, that regional towns with passenger air services are better serviced by these industries as professional and specialist staff have easy access. It is also considered fundamental to the case for having Grafton reinstated as a Regional City by Planning NSW, that passenger services provided by REX are maintained.

The loss of the airline passenger services into Grafton Regional Airport are likely to result in significant job losses within the community. In 2012, as part of Council's RDAF submission to obtain Federal funding to upgrade the tarmac and terminal, Council produced an input/output economic model for the airport. Based on the 2011/12 passengers numbers of 16,624 and assuming between 50-70% of passengers would not have come to the Clarence Valley without the passenger service the impact on the economy is between \$8.9 million and \$12.5 million, with additional wages of \$1.8 to 2.5 million, adding around another 60-80 jobs to the economy. Although this study is now dated it does provide Council with a guide to the likely impact on our local economy if REX airline passenger services were to cease into the Grafton Regional Airport.

During the last 12 months the local economy has been significantly impacted by the drought, bushfires, floods and now the COVID-19 pandemic. With the easing now of COVID-19 restrictions our local businesses are starting to look forward to a healthier economy which unfortunately will not be helped by the loss of the REX services to the Grafton Regional Airport.

## COUNCIL IMPLICATIONS

### Budget/Financial

There are no budgetary implications in adopting the recommendation of this report.

### Asset Management

N/A

### Policy or Regulation

Code of Meeting Practice

### Consultation

N/A

### Legal and Risk Management

N/A

### Climate Change

N/A

Prepared by	Ashley Lindsay – General Manager
Attachment	A – Letter from REX B – Letter from Grafton Chamber of Commerce C – Summary of Submissions from Residents and Ratepayers

<b>ITEM</b>	<b>6a.20.018</b>	<b>COVID-19 LOCAL GOVERNMENT ECONOMIC STIMULUS PACKAGE</b>
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<b>Meeting</b>	Council	23 June 2020
<b>Directorate</b>	General Manager	
<b>Reviewed by</b>	General Manager - Ashley Lindsay	
<b>Attachment</b>	Yes	

**SUMMARY**

This report presents to Council the funding agreement for the COVID-19 Local Government Economic Stimulus Package for Council's endorsement.

**OFFICER RECOMMENDATION**

That Council delegate authority to the General Manager to execute the COVID-19 Local Government Economic Stimulus Package funding agreement (as attached) on behalf of Council.

**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 NSW Government has approved a COVID-19 economic stimulus package (Stimulus Package) that is directed to safeguarding jobs, services and infrastructure delivery at the State's 128 local councils.

The package currently has four elements:

- The Council Job Retention Allowance Subsidy
- Funding to meet councils' increase in the emergency services levy for 2020-21
- Access to low-interest, infrastructure loans from TCorp in line with TCorp's credit criteria
- Access to a Crown indemnity for commercial borrowings, subject to meeting certain requirements.

Council's access to all or any part of the package is contingent on Council entering into the funding agreement (refer Attachment B) which is required to be signed and returned to the Office of Local Government by Wednesday 24 June 2020.

**KEY ISSUES**

Council will be accessing the grant funding provided to Councils to offset the increase in costs for the 2020/21 Emergency Services Levy. For Clarence Valley Council this equates to \$447,790.

At this stage Council does not need to access any of the \$112.5 million to fund Councils Job Retention Allowance subsidies or seek deferrals from TCorp of principal and interest repayments on existing loans.

Council also does not require assistance from NSW Treasury to secure any new commercial loans.

**COUNCIL IMPLICATIONS****Budget/Financial**

Council's draft 2020/21 Budget has been adjusted to allow for the grant funding to offset the increase in the Emergency Services Levy for 2020/21.

**Asset Management**

N/A



**Policy or Regulation**

N/A

**Consultation**

N/A

**Legal and Risk Management**

N/A

**Climate Change**

N/A

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Prepared by	Ashley Lindsay – General Manager
Attachment	A – OLG Stimulus Package Letter B – COVID-19 Stimulus Package Funding Agreement

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<b>ITEM</b>	<b>6a.20.019</b>	<b>BUSHFIRE INDUSTRY RECOVERY PACKAGE – CLARENCE WAY UPGRADE</b>
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<b>Meeting</b>	Council	23 June 2020
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	General Manager - Ashley Lindsay	
<b>Attachment</b>	Nil	

**SUMMARY**

The State Government presently is seeking applications for its \$140 million industry recovery package which is aimed at strengthening the resilience of the forestry, horticulture and agriculture industries. Applications close on 17 July. The aim is to strengthen the resilience of these driver industries, generating jobs and economic activity. While individual businesses in these sectors can directly apply for assistance, councils are also eligible to apply. Maximum amounts are \$10 million but the applicant is expected to make 50 percent contribution to the project either as cash or in-kind.

**OFFICER RECOMMENDATION**

That Council:

1. Make an application for up to \$2.5 million towards the upgrade and sealing of unsealed sections of Clarence Way matched by 50 percent Council funding as detailed in the Budget/Financial implications section of this report.
2. Allocate \$5,000 to prepare the business case from the Copmanhurst Roads Section 7.11 (old Section 94 account) fund.

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 2 Infrastructure

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

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

**BACKGROUND**

Council submitted a grant application for Round 4 to the Federal Building Better Regions Fund focused on drought regions for a total of \$10 million (including \$1.5 million from Council) to upgrade and seal approximately 9 kilometres of Clarence Way north of Copmanhurst – see November 2019 Council report 6a.19.034. Council was notified on 9 June this application was unsuccessful. Council supported this application allocating \$800,000 (Section 7.11 funds) and \$700,000 (general funds).

This upper Clarence Valley area was severely impacted by the drought and bushfires, heavily affecting the agricultural (mainly beef) and the forestry estate. The cost benefit analysis done for the Federal Building Better Regions project showed a 31 percent decline in agricultural output in 2017/18 and a further 21 percent fall in 2018/19, most of this is in the upper catchments of the Clarence Valley. A study by Boston Consulting on the impacts of the bushfires as a supplement to the Clarence Valley Economic Development Strategy (REDS) found 1,525 square kilometres of forestry land (81% of the total) was impacted by the bushfires and 848 agricultural properties affected.

This project would reconstruct and seal another 5 kilometre section of the 20 kilometres of Clarence Way which is still unsealed. This will improve the viability of these industries in transporting beef cattle and forestry logs, and has long been lobbied for by the local farming, forestry industry and residential community. It would also service key Aboriginal communities at Baryugil and Malabugilmah and provide a key linkage from the Clarence Valley to Kyogle Shire which has invested heavily in upgrading the Clarence Way north of the Clarence Valley Council boundary. The road also provides a further key linkage to the South East QLD Bromelton transport hub and industrial area.

**KEY ISSUES**

It is proposed to apply for the State Government Bushfire Industry Package to upgrade the Clarence Way with components including detailed design, realignment (of some sections) and sealing up to 5 kilometres of the road. The exact area to be sealed will be negotiated with the key players in the agriculture and forestry sector. About 20 kilometres remain to be sealed.

**COUNCIL IMPLICATIONS****Budget/Financial**

The funding application allows for co-contributions to include cash, in-kind, as well as costs that have already occurred on the project. Projects over \$5 million will need a business case which includes a cost benefit analysis (note already done for the Federal grant and was positive).

It is proposed that Council apply for \$2.5 million matched by \$2.5 million from Council comprising – Section 7.11 of \$1 million; this year's and next financial year's asbestos sealing program \$650,000; and an additional general fund allocation of \$700,000 in 2021/22, if this application is successful.

Note a recent Direction by the Minister for Planning on 18 May 2020 allows now 'for pooling of contributions and apply them progressively, in order to facilitate the provision of the public amenities and public services to which any of the contributions plans relate'. By doing this for the old Copmanhurst Section 94 account around a \$1 million can be allocated from the various road reserves.

**Asset Management**

The Clarence Way is identified as a priority by Council for sealing.

**Policy or Regulation**

Bushfire Recovery Fund Guidelines

**Consultation**

There has been a number of petitions by all road users along the Clarence Way for Council to seal the remaining 20 kilometres of road.

**Legal and Risk Management**

The asbestos sealing program aims to eliminate the asbestos dust risk along the Clarence Way.

**Climate Change**

The cost benefit analysis shows a clear reduction in fuel and wear and tear costs if the road was sealed.

Prepared by	Des Schroder, Director Environment, Planning & Community
Attachment	Nil

<b>ITEM</b>	<b>6a.20.020</b>	<b>COUNCIL ACCELERATED ASSESSMENT PROGRAM</b>
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<b>Meeting</b>	Council	23 June 2020
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	Director - Environment, Planning & Community (Des Schroder)	
<b>Attachment</b>	Yes	

**SUMMARY**

The Department of Planning, Industry and Environment (DPIE) has written to Council about the Council Accelerated Assessment Program. This is to support councils to unlock the benefit of an improved planning system and access the potential to create jobs and stimulate the local economy.

**OFFICER RECOMMENDATION**

That Council write to the Department of Planning, Industry and Environment and accept the Minister's offer of assistance to develop an Accelerated Assessment Program.

**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 28 April 2020, the Hon Rob Stokes MP, Minister for Planning and Public Spaces announced the Planning System Acceleration Program (the Program), which is designed to support NSW's immediate and long-term economic recovery from the COVID-19 crisis.

The purpose of the Program is to fast track the assessment of projects which may be able to contribute quickly to NSW's construction pipeline and get shovel ready projects underway.

The Department will now work with interested councils to develop a Council Accelerated Assessment Program to build off the integral role local government plays in the NSW planning system to stimulate local and regional economy.

**KEY ISSUES**

The Council Accelerated Assessment Program will be offered to interested councils. The Department proposes to provide program controls, resources, guidance and support to help councils create and adapt accelerated assessment processes that have already been implemented in the Planning System Accelerated Program.

Key elements of the support include:

- Guidance – Briefing discussion regarding procedures with Department officers followed by two, monthly meetings to track progress;
- Access to a "One Stop Shop" – This is a central escalation point in government to resolve issues that are preventing timely determination of identified projects; and
- Support – Access to the Department's COVID Stakeholder Team to answer day-to-day queries.

**COUNCIL IMPLICATIONS****Budget/Financial**

Should Council participate in the Program, it is expected that the financial implications of staff participation would be met within available budgets.

**Asset Management**

N/A

**Policy or Regulation**

N/A

**Consultation**

Council staff will investigate opportunities where this assistance may benefit relevant outstanding development application assessments. This will be undertaken in consultation with the Executive and DPIE officers.

**Legal and Risk Management**

N/A

**Climate Change**

N/A

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Prepared by	Adam Cameron, Manager Environment, Development & Strategic Planning
Attachment	Minister offer letter

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<b>ITEM</b>	<b>6a.20.021</b>	<b>CLARENCE AND LOWER CLARENCE SPORTS COMMITTEES – MINUTES OF MEETINGS</b>
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<b>Meeting</b>	Council	23 June 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	A/Manager - Open Spaces & Facilities (David Sutton)	
<b>Attachment</b>	Yes	

**SUMMARY**

The Clarence and Lower Clarence Sports Committees met on Monday 18 May 2020 and considered the 2019/20 Sports Committee Funding applications (Round 2) and Sports Committee Stimulus Funding, in addition to other business. This report provides an overview of the funding applications, officer and committee recommendations.

**OFFICER RECOMMENDATION**

That Council:

1. receive and note the Minutes from 18 May 2020 Clarence Sports Committee and Lower Clarence Sports Committee meetings.
2. receive and note the recommendation of the Clarence Sports Committee, however due to non conformance with the Clarence Sports Committee Constitution, not endorse the funding application from Big River Canoe Club to install racks at the Sailing Clubhouse located at Salty Seller Reserve.
3. endorse the recommendation by the Lower Clarence Sports Committee and approve the application for funding for \$1,268.18 (ex GST) to the Yamba Football Club for Senior & Junior Competitive Goals at Yamba Sports Complex.
4. receive and note the recommendations of the Lower Clarence Sports Committee, however due to non conformance with funding guidelines, not endorse the funding application for Harwood Cricket Club for top dressing at Harwood Oval.
5. endorse the allocations of the Sports Committee Stimulus Funding to the various sporting organisations outlined in Table 3 and Table 4.
6. return all unallocated Sports Committee Funding to Council's Sportsground Income Reserve Account (RA11035).

**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 Monday 18 May 2020. These meetings were held online using Cisco Webex to adhere to the directions of the Public Health (COVID-19 Restrictions on Gathering and Movement) Order 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 will be considered in 2 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.

#### Sports Committee Stimulus Funding

At its May 2020 meeting (Item 6c.20.077) Council resolved that Council:

1. Approve the distribution of the remaining 2019/20 sports committee allocations of \$24,505.50 from PJ 540112 (Lower Clarence Sports Council) and \$28,397.73 from PJ 541500 (Upper Clarence Sports Council) to sporting groups via an online application as a one off stimulus payment.
2. Delegate to the General Manager to have final discretion on applications received in the stimulus funding round.

Note the remaining 2019/20 sports committee allocations have been revised based on Committee recommendations to support Sports Committee Funding 2019/20 Round 2 applications.

#### **KEY ISSUES**

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

#### Summary of General Business – Clarence Sports Committee

- Sports Committee Funded Projects – update from delegates
- Sports Committee Stimulus Funding
- Winter and Summer Sporting Seasons – Impacts as a result of COVID-19
- 2019/20 – Round 2 Sports Committee Funding

#### Summary of General Business – Lower Clarence Sports Committee

- Sports Committee Funded Projects – update from delegates
- Sports Committee Stimulus Funding
- Winter and Summer Sporting Seasons – Impacts as a result of COVID-19
- 2019/20 – Round 2 Sports Committee Funding

#### **Sports Committee Application Funding**

Council supports two Sports Committees in the Clarence Valley. The Clarence and Lower Clarence Sports Committee's make recommendations to Council for the annual allocation of funds (currently \$35,000) for projects of a capital nature that enable the participation in sport in the Clarence Valley. Following assessment against the Application Guidelines and Criteria for Sports Committee Funding Assistance, the applications were considered at the Sports Committee meeting. Recommendations made by the Sports Committees are then reported to Council for consideration and endorsement at the next available Meeting of Council.

The 2019-20 Sports Committee Funding (Round 2) applications opened on Monday 10 February 2020 and closed on Monday 4 May 2020.

#### Summary of Sports Committee Funding – Clarence Sports Committee

**Table 1 – Summary Clarence Sports Committee Applications**

<b>Application</b>	<b>Officer Recommendation based on assessment against Funding Guidelines</b>	<b>Committee Recommendation</b>
Clarence Cricket Club Association: AG Murray Oval Fence Allocation Requested: \$7,231.40 Total Project Cost: \$11,831.40	Not Supported. Does NOT meet criteria for 1:1 funding or consist of a minimum of 30% cash contribution. Also Committee recommend future consideration in Round 1 2020/21 funding	The Committee support this application however the Committee recommended to be considered in Round 1 2020/21 sports committee allocation so as to allow Clubs to access stimulus funds.
Clarence Cricket Club Association: Ellem Oval Cricket Practice Net Stumps Allocation Requested: \$386.91 Total Project Cost: \$946.91	Not Supported. Does NOT meet criteria of a minimum of 30% cash contribution. Also Committee recommend future consideration in Round 1 2020/21 funding	The Committee support this application however Committee recommended to be considered in Round 1 2020/21 sports committee allocation so as to allow Clubs to access stimulus

Application (Ctd)	Officer Recommendation based on assessment against Funding Guidelines	Committee Recommendation
Big River Canoe Club: Boat Storage Racks Allocation Requested: \$997.97 Total Project Cost: \$1,995.93	Not Supported. Does NOT meet <b>constitutional</b> requirements of 0% attendance.	The Committee recommend that \$997.97 is allocated to the Big River Canoe Club to install racks at the Sailing Clubhouse located at Salty Seller Reserve. Committee recommended based on multi use of facility and the Club is 6 weeks away from achieving 12 months attendance and meeting attendance criteria.

Note: all figures are exclusive of GST.

#### Summary of Sports Committee Funding – Lower Clarence Sports Committee

**Table 2 – Summary Lower Clarence Sports Committee Applications**

Application	Officer Recommendation based on assessment against Funding Guidelines	Committee Recommendation
Yamba Football Club: Senior & Junior Competitive Goals Allocation Requested: \$1,268.18 Total Project Cost: \$2,536.36	Supported	The Committee recommend that \$1,268.18 is allocated to the Yamba Football Club for Senior & Junior Competitive Goals at Yamba Sports Complex.
Harwood Cricket Club: Harwood Oval Top Dressing Allocation Requested: \$11,363.64 Total Project Cost: \$22,727.27	Not Supported. Project generally meets application guidelines, except raises questions of how the fixed asset will remain at all times the property of Council when constructed on land it does not own or manage. Additional 2 quotations required under the Purchasing and Tendering Procedure.	The Committee recommend that up to \$11,363.64 (ex GST) is allocated to the Harwood Cricket Club for Top Dressing of Harwood Oval. Recommendation on the premise that funding is available after the implementation of the proposed Sports Committee Stimulus Funding and that supporting documentation consistent with the funding guidelines is received at Council.

Note: all figures are exclusive of GST.

#### **Sports Committee Stimulus Funding**

In response to the Coronavirus (COVID-19) pandemic, Clarence Valley Council has made available the remaining funds in the 2019/20 sports committee allocation (Item 6c.20.077) to be distributed to approved sporting organisations as a one off stimulus payment to assist their sport.

Eligible projects received include:

- Infrastructure – including repairs and maintenance eg: painting, building improvements, plumbing and electrical work, water tank
- Utility costs – including electricity, field lighting, gas expenses
- Ground fees – including costs associated with field hire fees
- Equipment – including canteen appliances, uniforms, goals, balls
- Programs / events – including open days, come and try days, carnivals
- Advertising and marketing – including print, radio, social mediums, graphic design

Applications for the Sports Committee Stimulus Funding were administrated through the Smarty Grants platform, opening on Friday 29 May 2020 and closing on Sunday 14 June 2020.

#### Clarence Sports Committee

A total of 26 applications were received from the Clarence Sports Committee for the Sports Committee Stimulus Funding. Applications were categorised based on the reported participation numbers, with the stimulus funding calculated on a sliding scale against the remaining funds.



Table 3 – Summary, Clarence Sports Committee Stimulus Funding

Sporting Organisation	Participation Category	Stimulus Funding
Grafton Hockey Association Inc	>500	\$1,600.00
Grafton Netball Association	>500	\$1,600.00
Rushforth Park Towns Club Inc.	>500	\$1,600.00
Coutts Crossing Recreation Inc.	200-500	\$1,350.00
Westlawn Tigers Football Club Inc.	200-500	\$1,350.00
Sailors Hockey	200-500	\$1,350.00
South Services Gunners Soccer Club	200-500	\$1,350.00
Far North Coast (NSW) Branch Aust. Stock Horse Society	50-200	\$1,000.00
Clarence River Cricket Association	50-200	\$1,000.00
Grafton Australian Rules Football Club Inc.	50-200	\$1,000.00
Grafton Ghost Junior Rugby League Club	50-200	\$1,000.00
Clarence River Junior Cricket Association	50-200	\$1,000.00
Grafton City Tennis Club	50-200	\$1,000.00
Majos Football Club	50-200	\$1,000.00
South Grafton Ex-Servicemen's Motorcycle Club	50-200	\$1,000.00
Grafton United Football Club Inc.	50-200	\$1,000.00
Big River Canoe Club	50-200	\$1,000.00
Clarence Valley BMX Club	50-200	\$1,000.00
Grafton City Soccer Club	50-200	\$1,000.00
Grafton Athletics Club	50-200	\$1,000.00
Grafton Rowing Club Inc	50-200	\$1,000.00
Coutts Crossing Croquet Club Inc.	50-200	\$1,000.00
Bush n Beach Orienteering Club	50-200	\$1,000.00
Clarence River Sailing Club	<50	\$399.92
Grafton Dragon Boat Club	<50	\$399.92
Clarence River Yacht Club	<50	\$399.92
	<b>Total</b>	<b>\$27,399.76</b>

Lower Clarence Sports Committee

A total of 14 applications were received from the Lower Clarence Sports Committee for the Sports Committee Stimulus Funding. Applications were categorised based on the reported participation numbers, with the stimulus funding calculated on a sliding scale against the remaining funds.

Table 4 – Summary, Lower Clarence Sports Committee Stimulus Funding

Sporting Organisation	Participation Category	Stimulus Funding
Maclean Football Club Inc.	200-500	\$1,200.00
Lower Clarence Cricket Association	200-500	\$1,200.00
Yamba Football Club Inc.	200-500	\$1,200.00
Lawrence Golf and Sports Club Inc.	50-200	\$850.00
Lower Clarence Tennis Association	50-200	\$850.00
Lower Clarence Magpies Rugby League Club	50-200	\$850.00
Harwood Cricket Club	50-200	\$850.00
Iluka Football Club	50-200	\$850.00
Woodford Island Warriors Cricket Club	50-200	\$850.00
Maclean Manta Rays Swimming Club	50-200	\$850.00
CU3A Croquet, Yamba	50-200	\$850.00
Lower Clarence Pony Club	50-200	\$850.00
Clarence Coast Dragon Boat club Inc.	<50	\$311.84
Yamba Dog Sport Training Group	<50	\$311.84
	<b>Total</b>	<b>\$11,873.68</b>

Two applications were submitted by the Maclean Football Club, however in line with the funding guidelines only one application was considered and recommended for funding.

An application was also received from North Coast Football (NCF) who represents ten football clubs in the Clarence Valley. A total of eight of these clubs submitted applications and in line with the funding guidelines, this application is not recommended for funding. The eight individual clubs are included in Tables 3 and 4 and are recommended for funding.

## COUNCIL IMPLICATIONS

### Budget/Financial

Council has allocated an amount of \$35,000.00 grant funding to the Clarence Sports Committee and an amount of \$35,000.00 grant funding to the Lower Clarence Sports Committee to undertake capital works. Funding is on a dollar for dollar (1:1) basis with applicants.

At its December 2019 meeting (Item 6c.19.109) Council endorsed the Clarence Sports Committee recommendations to allocate \$6,602.27 funding and the Lower Clarence Sports Committee recommendations to allocate \$10,494.50 funding to first round projects. The remaining funding for the Clarence Sports Committee and Lower Clarence Sports Committee is \$28,397.73 and \$24,505.50, respectively.

The second round of funding applications for 2019/20 opened at the February 2020 meeting and closed on Monday 4 May 2020 to enable consideration by the Council at the June meeting. The available funding for both the Officer's and Committee's recommendation is -

1. Officer Recommendation - the remaining funding for the Clarence Sports Committee and Lower Clarence Sports Committee is \$28,397.73 and \$23,237.32, respectively.
2. Committee Recommendation - if Council endorses the Committees recommendations, the balance of the remaining funds to be allocated to the Sports Committee Stimulus Funding for the Clarence Sports Committee and the Lower Clarence Sports Committee will be \$27,399.76 and \$11,873.68 respectively.

If Council decides to include the Harwood Cricket Club project the resolution from Council must include that

*The Harwood Cricket Club be allocated \$11,363.64 (ex GST) as a private donation in accordance with Chapter 12, Part 1, Section 356 of the Local Government Act 1993*

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

### Asset Management

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 11 November 2019.

### 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	Attachment A - Minutes – Clarence Sports Committee Meeting – 18 May 2020; Attachment B - Minutes – Lower Clarence Sports Committee Meeting – 18 May 2020

<b>ITEM</b>	<b>6a.20.022</b>	<b>CORRECTION OF ERROR – DRINKING WATER MANAGEMENT SYSTEM</b>
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<b>Meeting</b>	Council	23 June 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	A/Director - Works & Civil (Peter Birch)	
<b>Attachment</b>	Yes plus Confidential Attachment	

**SUMMARY**

This report relates to a correction to the report and attachment presented to the May Ordinary meeting regarding the Drinking Water Management System (DWMS).

**OFFICER RECOMMENDATION**

That Council note the error correction and the updated Drinking Water Management System.

**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 the Council meeting of 26 May 2020 Council's updated Drinking Water Management System (DWMS) was recommended for adoption, the DWMS document was tabled at the meeting and the Consultant's final summary report was tabled.

In both documents, the following statements were written under the control measures in place for treating water that has not been through a filtration process and was not intended to be applied to Council's drinking water treatment process as a whole.

The statements were –

- *It is acknowledged that these schemes regularly operate at > 1 NTU*
- *Neither NSW Health nor the contractor who prepared this document endorse this procedure as being fully protective of public health*

On 28 May 2020 the consultant responsible for the documents contacted Council to explain that he had made an error in the final documentation. He provided an email from NSW Health dated 13 September 2019 where NSW Health instructed the consultant to remove the statements above. The statements were to be replaced with the following statement –

- *ADWG recommends turbidity below 1 NTU as disinfection may be compromised at higher turbidity. E coli monitoring at higher turbidities is intended to build a dataset for scheme validation.*
- *This procedure recognises that < 1 NTU is not generally achievable as there is no filtration in this scheme*
- *Future treatment upgrades should consider filtration to reduce turbidity and support a multiple barrier approach to the supply of drinking water*

Council has several operational controls in place to manage turbid water events and NSW Health recognises these as effective, however, Council is required to continue to progress plans to address to the risk of turbidity in reference to chlorine disinfection.

**KEY ISSUES**

Readoption of the DWMS is not necessary as the wording change is relevant only to a small section of the document relating to turbidity. The DWMS is a living, operational document which will change over time as procedures are updated and continuous improvements are implemented.

Water Cycle will be preparing a further report for Council on the proposed implementation costs and source of funding for further improvements at a later date as per Council Resolution - 6c.20.069.

**COUNCIL IMPLICATIONS****Budget/Financial**

N/A

**Asset Management**

N/A

**Policy or Regulation**

N/A

**Consultation**

N/A

**Legal and Risk Management**

The error correction addresses an issue of relevance to safe water management within the DWMS.

**Climate Change**

N/A

Prepared by	Laurie Day, Water Cycle Project Coordinator
Attachment	Bligh Tanner DWMS Implementation Support – Final Report
To be tabled	Updated Drinking Water Management System
Confidential	Consultant Email

<b>ITEM</b>	<b>6a.20.023</b>	<b>SENIOR STAFF APPOINTMENT DIRECTOR WORKS &amp; CIVIL</b>
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<b>Meeting</b>	Council	23 June 2020
<b>Directorate</b>	General Manager	
<b>Reviewed by</b>	General Manager - Ashley Lindsay	
<b>Attachment</b>	Nil	

**SUMMARY**

This report advises Council of the appointment of the new Director Works & Civil.

**OFFICER RECOMMENDATION**

That Council note the appointment of Mr Jamie Fleeting to the senior staff position of Director Works & Civil effective from Monday 13 July 2020.

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.2 Council is a preferred employer

**BACKGROUND**

Council's previous Director Works & Civil – Troy Anderson resigned from Council in January 2020 and following discussions with the Mayor a recruitment process was commenced to find a replacement. This report advises Council of the successful applicant.

**KEY ISSUES**

LGNSW Management Solutions were engaged to assist with the recruitment process. The position was advertised widely (refer Attachment A) with applications closing 16 March 2020.

There were 22 applications received which were shortlisted to 5 applicants for the initial interviews which were held online on 8 April 2020. These interviews were facilitated by the LGNSW Management Solutions staff and the General Manager.

Following the initial interviews 2 applicants were shortlisted for face to face interviews with the Mayor and General Manager on the 1 May 2020.

Following these final interviews the successful applicant was selected with the position being offered to Jamie Fleeting based on a 5 year Senior Staff contract. Mr Fleeting will commence with Council on Monday 13 July and he joins Council after 7 years with Ballina Shire Council and before that, Project Engineer on the upgrade of various sections of the Pacific Motorway for RMS as well as GHD on the Ballina Bypass. His experience has covered the full lifecycle of engineering projects, from concept design and cost estimation through to detailed design and construction project management.

**COUNCIL IMPLICATIONS****Budget/Financial**

LGNSW Management Solutions facilitation costs were \$12,000 plus GST and the advertising costs were \$12,244 with both being funded from within the Human Resources budget.

**Asset Management**

N/A

**Policy or Regulation**

Section 337 and 338 of the Local Government Act, 1993

**Consultation**

N/A

**Legal and Risk Management**

N/A

**Climate Change**

N/A

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Prepared by	Ashley Lindsay – General Manager
Attachment	A – Recruitment Schedule Director Works & Civil

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**b. ENVIRONMENT, PLANNING & COMMUNITY REPORT**

**MINUTES** of a meeting of the **ENVIRONMENT, PLANNING & COMMUNITY COMMITTEE** of Clarence Valley Council held in the Council Chambers, Grafton on Tuesday, 16 June 2020 commencing at 3.30 pm.

**ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THE LAND**

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

**ANNOUNCEMENT**

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

**PRESENT**

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

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

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

<i>Name</i>	<i>Item</i>	<i>Nature of Interest</i>	<i>Reason/Intended Action</i>
Cr Kingsley	6b.20.044	<input type="checkbox"/> Pecuniary <input checked="" type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: As Deputy Mayor, is a member of the JRPP and the DA is coming before JRPP for determination at a to be determined date. Intended action: Leave the Chamber.
Cr Kingsley	6b.20.050	<input checked="" type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: Daughter is a student at Grafton High School and the school is listed as an applicant for funding under the Community Initiatives Program Round 1. Intended action: Leave the Chamber.
Cr Simmons	6b.20.044	<input type="checkbox"/> Pecuniary <input checked="" type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: Is a member of the JRPP. Intended action: Leave the Chamber.
Cr Ellem	6b.20.049	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Friend of the applicant. Intended action: Leave the Chamber.
Cr Toms	6b.20.044	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Director of JKT & Sons P/L, Contract Managers of Iluka Riverside. Intended action: Remain in Chamber.
Cr Novak	6b.20.053	<input checked="" type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: Development Application applicant. Intended action: Leave the Chamber.
Cr Novak	6b.20.050	<input type="checkbox"/> Pecuniary	Reason: New School of Arts is auspice body of Healthy Clarence which Cr



<i>Name</i>	<i>Item</i>	<i>Nature of Interest</i>	<i>Reason/Intended Action</i>
		<input type="checkbox"/> Significant Non Pecuniary	Novak is a member.
		<input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Intended action: Leave the Chamber.

**SUBMISSIONS RECEIVED**

<b>Item 6b.20.045 - DA2020/0041 – Alteration to Building for use as Funeral Home – 68-72 River Street, Maclean</b>	
Against the Officers Recommendation	Warren & Beth Stacey – Interested Citizen
<b>Item 6b.20.046 - SUB2018/0004 – 11 Lot Subdivision – Lot 39 Bloodwood Grove, Gulmarrad</b>	
Against the Officers Recommendation	Andrew Fletcher – Applicant Spokesperson for the Applicant
For the Officers Recommendation	<ul style="list-style-type: none"> <li>• Amanda Johnstone (Connor &amp; Co Lawyers)</li> <li>• John &amp; Fiona Staines</li> </ul>
<b>Item 6b.20.047 - DA2019/0243 – Proposed Cafe/Restaurant and playground within shipping container Building – No. 383 North Street, Wooli – Solitary Islands Marine Park Resort</b>	
Against the Officers Recommendation	Lyn Phillips – Affected Person
For the Item	<ul style="list-style-type: none"> <li>• Casey Meaker – Applicant or Spokesperson for the Applicant</li> <li>• Elizabeth Turnbull – Interested Citizen</li> </ul>
<b>Item 6b.20.048 - MOD2019/0050 – Modification of DA1995/0083 to Extend Operational Period for Gravel Quarry Upon Lots 1 and 2 DP1187198, Warrigal Road (Off Coldstream Road), Tyndale</b>	
Against the Officers Recommendation	Rob Donges

<b>ITEM</b>	<b>6b.20.044</b>	<b>DA2020/0220 REDEVELOPMENT OF CALYPSO CARAVAN PARK, 8A HARBOUR STREET, YAMBA</b>
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<b>Meeting</b>	Environment, Planning & Community Committee	16 June 2020
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
<b>Attachment</b>	Yes	

**SUMMARY**

<i>Applicant</i>	Clarence Valley Council
<i>Owner</i>	Crown Lands NSW – Council as Crown Land Manager
<i>Address</i>	8A Harbour Street, Yamba
<i>Submissions</i>	Nil in relation to the offer for works and material public benefits in lieu of capital contributions offered under DA2020/0220; Four – in relation to the development

Council as Crown Land Manager intends to offer a portion of the land of Lot 7306/1140375 to be developed into a Town Green for public use, including the cost of works estimated at \$400,000.00, in lieu of Capital Contributions payable under Council's adopted Clarence Valley Contributions Plan.

The application is identified as being Regionally Significant Development under State Environmental Planning Policy (State and Regional Development) 2011, being Council related development over \$5 million and the development is being carried out by the Council. The Joint Regional Planning Panel (Northern) (JRPP) is the consent authority under 5.4(b) of the Environmental Planning and Assessment Act 1979 (the EP&A Act).

This report is provided to Council for consideration of the offer and whether it is supported or not supported for the determination to be made by the JRPP. A date for the JRPP meeting has not been set down at this stage.

**OFFICER RECOMMENDATION**

That:

1. Council accepts the offer for works and material public benefits offered under DA2020/0220 which is consistent with the Contribution Plan, so that the Consent Authority (being the JRPP for this application) may impose a condition under Section 80A of the EP&A Act requiring the works to be carried out.
2. The material public benefits will be provided wholly in lieu of the requirement to make a Local Infrastructure Contribution.

*Cr Kingsley and Cr Simmons, having declared an interest in this item, left the EP&C Committee meeting at 3.39 pm and returned at 3.42 pm.*

**COMMITTEE RECOMMENDATION**

Novak/Williamson

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Williamson

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

**BACKGROUND**

Council received DA2020/0220 on 30 April 2020 for the redevelopment of the Calypso Caravan Park. The reserve is owned by Crown Lands NSW and Council Crown Land Manager of the reserve.

Calypso Caravan Park is located in Harbour Street on Lot 202 DP727306, Lot 7306 DP1140375 and Lot 266 DP822794 and is located within Public Reserve 815523. The park also has 400 metre frontage on Lots 7320 DP1162093 and Lot 7042 DP1023322 between the reserve and the adjoining Yamba Bay foreshore. The Port Authority operates the Pilot Vessel from Pilot Wharf that gains access through the park, currently through the existing park access point.

The proposal includes a reduction in the number of sites from 168 to 133, a new holiday park entrance off River Street, demolition of ageing facilities, new internal infrastructure, new communal facilities, new tourist cabins, removal of disused fuel tanks, site rehabilitation, landscaping and fencing. A full description is outlined in the extract of the Statement of Environmental Effects which is an attachment to this report.

Council's Contributions Plan authorises Council to impose conditions on development consents for Section 7.12 levies as per the following formula:

<b>Clarence Valley Contributions Plan 2011 Section 7.12 Levy Rates for Development Other Than Residential Accommodation.</b>		
Payment to Council of the contributions pursuant to Section 94 of the Environmental Planning and Assessment Act:		
Development Type*	Levy Rate	GL S94ACVCOthResAcco
Proposed cost of carrying out the development is up to and including \$100,000	Nil	Nil
Proposed cost of carrying out the development is more than \$100,000 and up to and including \$200,000	\$ (Value of Development) x 0.005 = \$	
Proposed cost of carrying out the development is more than \$200,000	\$ (Value of Development) x 0.01 = \$	

The cost of the development is estimated to be \$8,750,000.00 and the contribution payable under the plan would be \$87,500.00. The applicant has advised that the cost to construct the public benefit (the Town Green) is estimated to be \$400,000.00.

The application for the request for dedication and development for the Town Green in lieu is provided as an attachment to this report.

The breakdown of the proposed works are to include coloured concrete pathway, decomposed granite ground surface, hardwood casual seating overlooking Yamba Bay, hardwood picnic platform located along each side of central pathway, sandstone seating block, signage to Town Green Entry Statement, surrounding turfed area to Yamba Town Green, new low level planting areas (including *Syzygium australe* - Brush Cherry, *araucaria heterophylla* - Norfolk Island Pine, *pandanus pedunculatus* - Screw Pine, *cupaniopsis anacardiodes* - Tuckeroo), artwork of Yaegl Traditional Owners and lighting.

**KEY ISSUES****Issue 1 - Clarence Valley Contribution Plan 2011**

Clause 2.18.2 of the plan provides that works in-kind and other material public benefits offered in part or full satisfaction of contribution requirements can be considered under the following terms:

**2.18.2 - Offer of land or a material public benefit made before the imposition of a Local Infrastructure Contribution condition under this Plan**

*An applicant for consent to carry out development to which this Plan applies may request that any Development Consent granted to the development is made subject to a condition that the applicant dedicates land free of cost, carries out work or provides another material public benefit that would satisfy the requirements of this Plan in relation to the development.*

*The applicant's request:*

- *May be contained in the relevant Development Application; or*
- *May constitute an offer to enter into a planning agreement relating to the development accompanied by the draft agreement.*

*The Consent Authority will consider the request as part of its assessment of the Development Application. If the Consent Authority decides to grant consent to the development and agrees to a request made in the relevant Development Application, the Consent Authority, may impose a condition under Section 80A of the EP&A Act requiring the land to be dedicated, the works to be carried out or the material public benefit to be provided wholly or partly in lieu of a requirement imposed by a condition of Development Consent authorised by the Plan that the applicant make a Local Infrastructure Contribution.*

#### Comment

Under Clause 2.18.3 when considering an offer to provide a material public benefit, the Consent Authority will take into account the following:

- *The extent to which the proposed land or material public benefit aligns with the objectives of this Plan, particularly the works schedule;*

Comment: The public benefit for the Town Green and schedule of works will provide a clear public connection and access between Yamba's main street and the Yamba Bay foreshore and public walkway. The cost of the works well outweighs the local infrastructure contribution that can be levied by Council.

- *The extent to which the proposed land or material public benefit duplicates or overlaps with existing Local Infrastructure;*

Comment: There is no duplication or overlapping of existing infrastructure or proposed future works.

- *The extent to which the proposed land or material public benefit will satisfy community demand;*

Comment: The value of works well outweighs that value of contribution payable. In its current layout the caravan park limits the community's ability to fully appreciate access to the Yamba Bay foreshore. The value and benefits to the community outweigh the community demand for local infrastructure.

- *The extent to which the proposed land or material public benefit is likely to require public funds for operations and maintenance;*

Comment: The value works well outweighs that value of contribution payable. The cost of the proposal has been contributed through a government grant, there is no requirement to call on public funds for the works and the ongoing operation and maintenance will be minor when compared to the material public benefit.

- *In the case of land offered for open space, recreation or community purposes, whether the proposed land complies with any criteria, specifications or standards established by the Council and that are contained in a policy or strategy that it has adopted; the applicant's expressed intention as to ultimate ownership the proposed material public benefit;*

Comment: The land is a public reserve, managed by Council and owned by Crown Lands NSW. The Town Green will open the Yamba Bay foreshore to the general public and not just to the use of caravan park patrons. The land is already in public ownership and will now be available for public open space, recreation and community purposes consistent with the adopted Plan of Management for the reserve.

- *The program for provision of the land or material public benefit;*

Comment: The land and material public benefit will be provided at no cost to the community. The Town Green will be delivered as a stage of the development proposal incorporated into the staging plan of the redevelopment of the caravan park.

The works in-kind and material public benefits to the community well outweigh the contribution requirements of the development and demand for infrastructure.

Council should accept the offer for works and material public benefits which is consistent with the Contribution Plan. If Council accepts the offer, the Consent Authority (being the JRPP for this application), may impose a condition under Section 80A of the EP&A Act requiring the works to be carried out and the material public benefit to be provided wholly in lieu of a requirement imposed by a condition of Development Consent authorised by the Plan that the applicant make a Local Infrastructure Contribution.

**COUNCIL IMPLICATIONS****Budget/Financial**

The cost of the proposal has been contributed through a government grant, there is no requirement to call on public funds for the works and the ongoing operation and maintenance will be minor when compared to the material public benefit.

**Asset Management**

The Town Green will be a valuable asset for the community and the ongoing operation and maintenance will be minor when compared to the material public benefit.

**Policy or Regulation**

Environmental Planning and Assessment Act 1979

Clarence Valley Contribution Plan 2011

**Consultation**

The application has been advertised and notified in accordance with Council's Community Participation Plan which closed on 28 May 2020. Four submissions have been made though none have raised issues with the offer for works and material public benefits offered under DA2020/0220. The issues raised in the submissions will be considered in the report to the Joint Planning Panel who is the consent authority for this development application.

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Council's Open Spaces Section	The proposed works and use of the reserve are supported

**Legal and Risk Management**

There is no risk to Council in making a decision consistent the adopted Contribution Plan.

**Climate Change**

N/A

Prepared by	Pat Ridgway, Senior Development Planner
Attachment	<ol style="list-style-type: none"> <li>1. Extract of Statement of Environmental Effects</li> <li>2. Letter of offer to dedicate and develop portion of land for Town Green in lieu of capital contributions</li> </ol>

<b>ITEM</b>	<b>6b.20.045</b>	<b>DA2020/0041 – ALTERATION TO BUILDING FOR USE AS FUNERAL HOME – 68-72 RIVER STREET, MACLEAN</b>
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<b>Meeting</b>	Environment, Planning & Community Committee	16 June 2020
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
<b>Attachment</b>	Yes	

**SUMMARY**

<i>Applicant</i>	InvoCare Limited C/- KDC Pty Ltd
<i>Owner</i>	Kenneth John Adams & Judith Margaret King
<i>Address</i>	68-72 River Street, Maclean
<i>Submissions</i>	Yes – 10 Objections

Application DA2020/0041 seeks approval for a funeral home at 68-72 River Street, Maclean. The funeral home is proposed to provide a range of services including the arrangement of funerals, hosting of funerals and reflection services. Alterations to the building are proposed for the use, including the provision of a chapel, reflection room and cool room. Reconfiguration of the existing parking and provision of additional on-site parking is also proposed. The applicant has confirmed that no mortuary use is proposed as part of the development.

The application is reported to Council due to the number of submissions to the application received during the exhibition period. This report provides a review of the development proposed, discusses the key issues (including the matters raised in the submissions) and makes a recommendation for Council's consideration.

**OFFICER RECOMMENDATION**

That Development Application DA2020/0041 be approved subject to the advices and conditions contained in Schedule 1 attached.

**COMMITTEE RECOMMENDATION**

Simmons/Williamson

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Simmons, Williamson

Against: Novak

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 3 Economy

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

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

**BACKGROUND**

The building on the subject land, known as 68-72 River Street, Maclean was previously used by Causley's as a fresh food market store. There was separate approval for a fenced area on the land to accommodate damaged/wrecked motor vehicles in association with a tow-truck business.

Development Application DA2020/0041 seeks approval for a funeral home on the land. The funeral home seeks to offer a range of services including the arrangement and hosting of funerals and reflection services. The proposal includes:

- alterations to the interior of the building including demolition of internal walls, demolition of a small section of external wall to install a window, and replacement of 2 roller doors with glazing;

- construction of new internal walls and fit out of the building to include a cool room, chapel and reflection room (with seating for up to 58 people plus standing room), lobby, arrangement room, and new kitchen (see Figure 1 below);
- reconfiguration of existing parking and additional parking to provide for 16 on-site parking spaces, including 2 accessible spaces (see Figure 2 below);
- external painting;
- a new garden area adjoining the chapel; and
- operating hours of 9am – 5pm Monday to Friday, and open Saturday and Sunday by appointment only (for funeral arrangements).

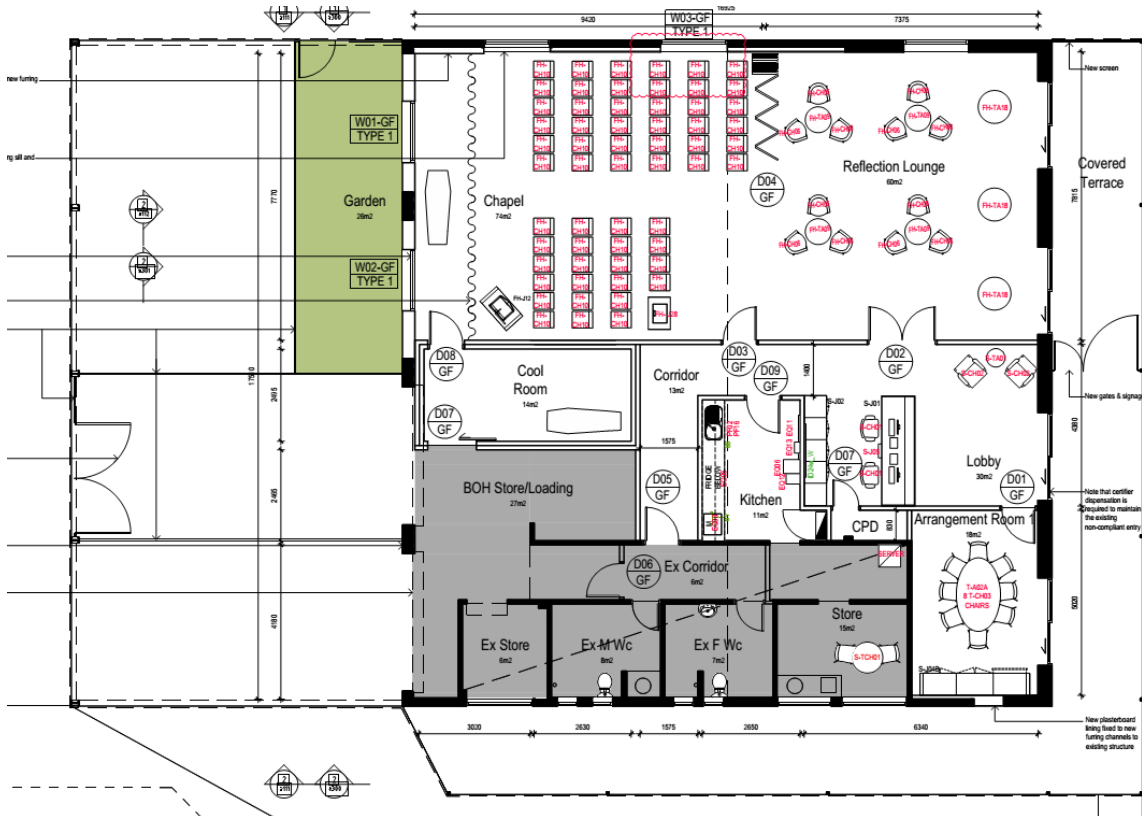
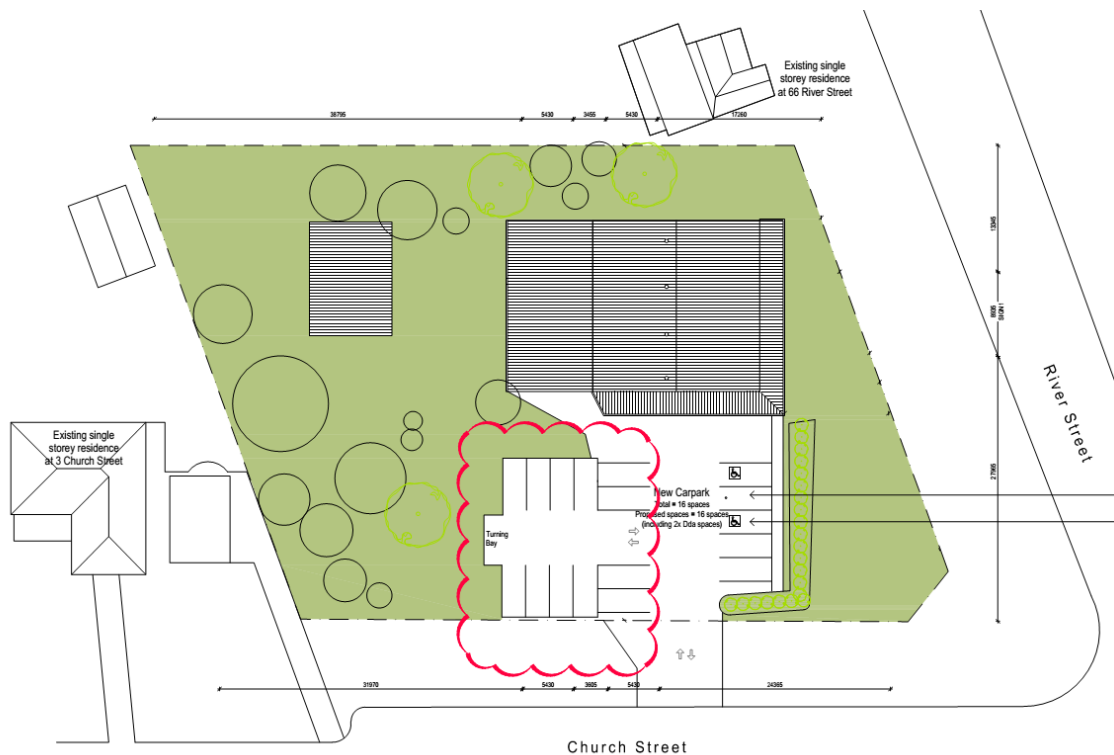


Figure 1 - Proposed floor plan



**Figure 2 - Proposed site plan and parking layout**

A copy of all the proposed plans is provided in the attachments. The applicant has confirmed that no mortuary use (i.e. the preparation of bodies on-site) is proposed as part of the development.

The subject land is zoned B2 Local Centre under the *Clarence Valley Local Environmental Plan 2011* (LEP). A funeral home is a permissible use in the zone subject to development consent, and is defined as: *premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons.*

Note. Funeral homes are a type of business premises.

The application when first submitted to Council proposed 10 on-site parking spaces. The suitability of the parking spaces proposed was raised as an issue in the submissions. The number of parking spaces was also identified as an issue by Council staff to the applicant in an information request. In response, the application was amended to provide 16 on-site parking spaces (including 2 accessible spaces), as well as potential for informal overflow parking on-site. The suitability of the on-site parking proposed is discussed in more detail below under Key Issues.

Notification of the application was undertaken in accordance with Council's Community Participation Plan (CPP). In addition to the CPP's minimum requirements Council staff expanded the notification to landowners over a wider area of the neighbourhood. This recognised the potential for the proposed development to impact owners of land beyond the immediate neighbours as was highlighted in a separate application for a gymnasium use on the subject land that was lodged, and subsequently withdrawn by the Applicant, in 2018. In response, there were 10 submitters presenting objection to the application. A copy of all the submissions is attached. The concerns raised in the submissions are discussed in 'Key Issues' below.

Advertising signage for the development is currently being assessed by Council under a separate Development Application DA2020/0154. That application can be determined under delegated authority.

**KEY ISSUES**

A detailed assessment of the proposed development is provided in the attached section 4.15 assessment report. The key issues of the development, including the issues and concerns raised in the submissions to the application, are discussed below:



## 1. Parking

At the time of notifying the application, 10 on-site parking spaces were proposed. The majority of submitters objected to the development on the grounds of insufficient parking on-site, stating that 10 parking spaces for funeral services with potentially hundreds of people in attendance is grossly inadequate.

In response to an additional information request by Council, which included the concerns raised by the submitters, the on-site parking proposed has been increased to 16 parking spaces, including 2 accessible spaces.

One submission also stated that the car park is very damaged and requires repair.

### Comment:

The original proposal of 10 parking spaces proposed by the applicant was based on the calculation of parking at a business premises rate of 1 space per 30m<sup>2</sup> of gross floor area. The applicant used this parking rate as a funeral home is defined under the LEP as a type of business premises.

In accordance with Clause F2 of the Business Zones Development Control Plan (DCP), there are no parking requirements specifically for funeral homes. There is also no parking rate suggested for funeral homes under the RTA publication, "Policies, Guidelines and Procedures for Traffic Generating Developments", which is referred to in Council's DCP.

Council staff raised the issue of the suitability of the 10 parking spaces to service the development with the applicant, especially as the development could have 58 people seated plus standing room for more at any funeral service. It was recommended to the applicant that as there is no specific parking rate for a funeral home, that in accordance with the DCP, it is considered that a mix of other similar uses could be used in determining a more appropriate number of parking spaces required for the development. It is considered that the parking rate for a place of public worship (a place where funerals are also held) could be applied to the chapel and reflection room area (i.e. areas used for funeral services) and the business premises rate to the remaining floor area, including arrangement rooms, lobby areas, amenities, storage areas, etc, which are more standard business type aspects of the proposed development.

Parking rate	Applicable rooms	Floor area / seats	Parking required
Place of public worship = 1 space per 10 seats or 1 space per 15m <sup>2</sup> of main assembly area, whichever is the greater	Chapel and reflection room	134m <sup>2</sup> or 58 seats	134 / 15 = 8.9 round up to 9 parking spaces  or 58 seats / 10 = 5.8 round up to 6 parking spaces  9 parking spaces is the greater
Business premises = 1 space per 30m <sup>2</sup> of gross floor area plus 1 service vehicle space	Arrangement room, lobby, amenities, kitchen, cool room, corridor, and storerooms	156m <sup>2</sup>	156 / 30 = 5.2 round up to 6 parking spaces, plus 1 service vehicle space
Total =			9 + 6 = 15 parking spaces, plus 1 service vehicle space

A minimum of 15 parking spaces, plus 1 service vehicle space, is required for the development, totalling 16 on-site parking spaces.

The applicant responded to amend the proposal to provide 16 on-site parking spaces, including 2 accessible spaces. To achieve this, the applicant is proposing to remove the unattractive secure fenced off area on the site, fronting Church Street. Although the proposal is for 16 formal parking spaces, the removal of the fenced area will enable potential for informal overflow parking to be provided to the west of the car parking area. The existing fenced compound serves unintentionally to restrict vehicle access to the site across the roll kerb and grassed footpath area. In order to maintain vehicular access to the site via the formal driveway and to provide some visual softening of the car parking area adjacent to the Church Street frontage it is suggested that a low fence, eg timber picket-style, be constructed along the Church Street boundary.

The revised parking proposal is considered to be consistent with the most relevant parking requirements under the DCP. The existing car park and new parking area will be upgraded/constructed as required to meet relevant Australian Standards and Council's specifications.

## **2. Impact on adjoining street networks – traffic, parking and pedestrian safety**

The majority of submissions raised concerns with the impact of the development on the adjoining street network. Stating that no street parking is available in River Street (adjoining the development) and parking in Church Street is limited. It was also stated that parking spilling into adjoining streets from the development will impact on adjoining business and residences, with Church Street already over-used with cars, heavy vehicles and caravans accessing the adjacent tyre shop and pet shop and the western end of Church Street not having any constructed kerb and guttering.

Pedestrian safety concerns in relation to persons crossing River Street and Church Street to access the funeral home were also presented due to the volume of traffic using these thoroughfares. There are also uneven surfaces and no crossings or walkways in the area, so there may be difficulty in accessing the building, especially for the elderly, disabled and parents with prams.

### Comment:

As stated above at the time of notifying the application, 10 on-site parking spaces were proposed. The development now includes the provision of 16 on-site spaces (including 2 accessible spaces) and the site has potential for informal overflow parking on-site. The parking rate now proposed is considered reasonable and consistent with Council's DCP. By increasing the number of parking spaces provided and having the opportunity for overflow parking on-site, the need for parking to spill into surrounding streets will be reduced. However, if people do need to park in the street, whilst there are limited opportunities in the immediate adjoining streets fronting the development, there are parking opportunities in nearby streets, such as further east in Church Street, further north in River Street, and Taloumbi Street. Furthermore, as the development is located within the Maclean CBD area, people already shopping or working in the area may walk to funeral services at the site.

The additional parking proposal reduces the number of pedestrians that would need to cross busy roads. Additionally, the provision of 2 accessible spaces will enable the needs of those with accessibility issues to be catered for on-site without needing to park off-site. There is also opportunity for people to be dropped off near the front of the building if they do have accessibility issues and there are no on-site parking spaces available.

## **3. Health and safety concerns**

A number of submissions raised concerns with potential health and safety issues if body preparation is occurring on-site without a professionally equipped mortuary, and that no cleaning of filtration systems are proposed.

### Comment:

Clarification from the applicant was sought regarding whether the proposed use included any form of body preparation (i.e. mortuary uses). In response the applicant has stated:

*"The proposal does not involve a mortuary use and therefore body preparation will not be undertaken on site. The proposed cool room is for the temporary storage of bodies of the deceased prior to and following a funeral service. The cool room has limited space and therefore coffins will be taken to the funeral home on the day before or the day of the funeral service. Following the funeral service, the coffin will be picked up and taken to the pre-arranged location for preparation and burial or cremation.*

*Given the proposal does not involve the use of a mortuary requirements such as an airlock and showers are not required."*

Council's Environmental Health Officer has proposed relevant conditions to ensure the development complies with the *NSW Public Health Regulation 2012*, and to limit the use of the site and ensure that no body preparation occurs on the premises.

## **4. Compliance with zone objectives**

One submission stated that the development fails to meet any of the objectives and intentions of the zone, and the development particularly conflicts with the zone objectives from a short fall of parking and pedestrian safety, and is not a use that is needed to serve the community. The submission stated that the use would be better located at Townsend (potentially in the industrial zone).

Comment:

The subject land is zoned B2 Local Centre under the LEP. The zone objectives are:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To reinforce and support the central business districts of Maclean, Iluka and Yamba as the commercial centres for these towns.*
- *To minimise conflict between land uses within the zone and land uses within adjoining zones.*
- *To enable other land uses that are compatible with and do not detract from the viability of retail, business, entertainment and community uses within the zone.*

The development is considered to provide a business use that will serve the needs of people in the local area by providing a funeral service venue. Whether or not that business is 'needed' is a separate matter. The supply and demand of a free market economy will determine if the business is feasible (or needed). The proposed development is not considered to be inconsistent with the adopted Lower Clarence Retail Strategy (June 2007). In accordance with the Strategy, the funeral home use (whilst not specifically mentioned in the Strategy) is better suited to the edge of the business district as opposed to being located in the town centre. The Strategy also states that "the only suitable type of development considered for Townsend and Gulmarrad is convenience-based retailing" in referring to the business zones in these locations. Further, a funeral home is not a permissible use in an industrial zone under the LEP.

The development will provide employment opportunities in the centre of Maclean, an accessible location. The application states that 2 employees are proposed to be employed at the funeral home.

The development is located on the edge of the Maclean CBD area. The site is within walking distance of the centre of the CBD area and is located in close proximity to bus stops on River Street. Additional parking is now proposed on-site that satisfies the DCP and will reduce the need for parking to spill into the street (see Key Issues 1 & 2 above).

The site has been mostly unoccupied for a considerable period since the Causley's Fresh business relocated from the premises. The development will result in an active presence at the site and reinforce the entrance to the Maclean business district. Furthermore, removal of the unattractive fencing around the vehicle storage compound on the land will also improve streetscape amenity of the area and the business district. A new boundary fence will enhance the visual impact of the development and soften the visual impact of the new car parking area and overflow parking zone.

The site is located in a mixed use area of both business and residential uses. The development has the most potential to create land use conflicts with adjoining and nearby residential uses from impacts associated with additional traffic, potential noise and privacy impacts. The management of the development through suitable hours of operation, on-site noise management, privacy screening and provision of on-site parking will substantially reduce the potential for land-use conflicts.

The last objective is not applicable as a business use is proposed.

In summary, the proposed development is not considered to conflict with the zone objectives.

### **5. Additional objector concerns**

All of the above key issues were raised in the submissions received in response to the 'wider than usual' notification of the application. The following additional matters were also raised:

- Loss of privacy to adjoining residences.
- Noise concerns, including from large gathering of people outside.
- Insufficient stormwater drainage from the existing site/building causing flooding to adjoining properties.
- Uncertainty of operating hours - what does it mean that the funeral home will be operating Saturday/Sunday by appointment, will funerals be held 7 days a week?
- Without a properly equipped mortuary where will bodies be prepared during a flood as bodies will not be able to be transferred to a mortuary due to road closures?

Comment:

Privacy – the proposed development does not increase the building footprint on the land. Access to the building is from the eastern side, the River Street frontage, where the existing building is accessed and away from most of the adjoining residences. Installation of a privacy screen on the northern end of the patio or

planting of suitable landscaping would help reduce impacts of privacy loss for the dwelling located to the north of the site. The additional car parking area will be closer to adjoining residences, however, there is established landscaping in this area and additional suitable landscaping can be planted in this area to address potential loss of privacy concerns. A condition of consent is recommended to ensure privacy of the dwellings at 66 River Street and 3 Church Street is maintained by providing adequate screening.

Noise – the proposed development is located in a business zone, and has a history of business uses (including a tow truck business). The proposed hours of operation are standard business hours of 9am to 5pm weekdays, when most residents may be away from their homes. Funeral services will not be held on weekends, but some funeral arrangements may occur by appointment on weekends and are not likely to create significant noise as limited people would be on the site. All funeral services will be held inside the building, and the applicant has stated that the design of the premises includes a reflection lounge to facilitate informal gatherings before and after funerals. A condition of consent is proposed to ensure that noise emissions from the use are managed to an acceptable level.

Stormwater drainage – The parking area is the only additional hard stand area proposed for the development. The legal point of discharge of stormwater for the site is to the stormwater infrastructure in Church Street. A condition of consent can be imposed to re-direct all stormwater (existing roof water and hard stand areas) to Church Street.

The applicant was provided an opportunity to respond to the matters raised in the submissions. In response to the issues regarding the hours of operation and storage of bodies in flood times, the applicant provided the following comments:

*“Funeral services will be held on site, Monday-Friday during the operating hours of 9am – 5pm. Funeral services will not be held on Saturday or Sundays. The arrangement of funerals will be able to be undertaken on Saturday and Sunday by appointment only.*

*The proposal does not include a mortuary use. The cool room is for the temporary storage of coffins prior to the and following a funeral service. In the event of a flood, funeral services will not take place and therefore coffins will not be on site.”*

The hours of operation (including not holding funeral services on a Saturday or Sunday) and not permitting any body preparation activities on the premises are recommended as conditions of consent.

## 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 Fee and Charges. Assessment of the application has been completed by staff utilising recurrent staff budgets.

### Asset Management

N/A

### Policy or Regulation

The following planning and legislative instruments were consulted.

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *NSW Public Health Regulation 2012*
- *State Environmental Planning Policy No. 55 (Remediation of Land)*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *Clarence Valley Local Environmental Plan 2011*
- CVC Business Zones Development Control Plan

### Consultation

The DA was extensively notified in accordance with Council's CPP to adjoining and nearby landowners. Specific issues arising in public submissions have been highlighted in the 'Key Issues' section of this report. The healthy number of submissions, presentation of concerns and attention to issues raised through Council's liaison with the Applicant, submission of amended plans and recommended conditions of consent suggest that the consultation process has been effective, productive and successful.

Assessment of the DA has also involved assessment by a range of Council staff as indicated below:

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Development Engineer	Comments & conditions provided
Senior Building Surveyor	Conditions provided
Environmental Health Officer	Conditions provided
Liquid Trade Waste Officer	Comments provided (no conditions required)
Environmental Officer	Comments provided (no conditions required)

### **Legal and Risk Management**

Council's decision may be appealed to the Land and Environment Court if the Applicant is dissatisfied with Council's determination. Any person may appeal the determination through the Land and Environment Court if they consider Council has made a procedural error in administering and assessing the Development Application.

### **Climate Change**

Change of business use of the land is not considered to contribute to climate change, or be impacted by additional risks and hazards arising from climate change. No cremations are proposed on-site. The use does not require the delivery of goods from heavy vehicles which could contribute to additional greenhouse gas (GHG) emissions. The site is located in the Maclean CBD area, so opportunities for persons attending funeral services to use public transport or walk to the site are available to limit private vehicle use and associated GHG emissions.

Prepared by	Sarah Sozou, Development Planner
Attachment	A. Plans B. Section 4.15 Assessment C. Submissions (10 of)

**Schedule 1**  
**Draft Advices and Conditions of Consent for DA2020/0041**

**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. WSA documents are subject to copyright and may be obtained from the 'Water Services Association of Australia'. For 'MUSIC' guidelines and policy documents contact Council's development engineer.

**Civil Works** may include:

- a Earthworks
- b Roadworks (including car parking and/or driveways).
- c Flood, Drainage works
- d Structures

**Advices**

1. 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.
2. Owners are advised of the consent requirements of Clause 5.10 of Clarence Valley LEP 2011 in relation to the need to obtain prior consent for all works including tree removal, new fences, and any alterations to the fabric, finish and appearance of a heritage item or building in a Heritage Conservation Area. Many works can be approved through the 'no fee' minor works and maintenance heritage exemptions of Clause 5.10(3) but must be put in writing and approved prior to commencement. The application form is available on Council's website.

**Conditions**

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

Plan No & Title	Drawn by	Plan Date	Drawing No	Revision
IF19009 – Proposed Site Plan	rfa Architects Pty Ltd	13/3/20	A200	E
IF19009 – Existing and Demolition Plan	rfa Architects Pty Ltd	24/1/20	DA101	C
IF19009 – Proposed Plan	rfa Architects Pty Ltd	24/1/20	DA201	E
IF19009 – Proposed Elevations	rfa Architects Pty Ltd	24/1/20	DA300	D
IF19009 – Proposed Elevations	rfa Architects Pty Ltd	23/1/20	DA301	D

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

\$4,500.00

GL S94ACVCOthResAcco

This amount is based on the following calculation

- a Proposed cost of carrying out the development is more than \$200,000 = value of development x 0.01
- b The value of development stated in the application was \$450,000.00

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

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

3. The hours of operation shall be limited to between 9.00am to 5.00pm Monday to Friday. No funeral services are to be held on weekends or Public Holidays. Funeral arrangements are permitted on weekends by appointment between the hours of 9am and 12noon.
4. Adequate privacy screening is to be provided on-site to ensure the privacy of residents in the dwellings at 66 River Street and 3 Church Street is maintained. The details of the privacy screening are to be submitted to Council for approval prior to issue of the Construction Certificate. Any screening in the form of landscaping is to be shown on the landscape plan.
5. A low fence, eg timber picket-style, maximum height of 1.0 metres shall be constructed along the Church Street boundary between the western boundary of the subject land and the western side of the north-south orientated aisle in the main car parking area. The fence may also be extended east of the driveway and along the River Street frontage without any further approval. The details of the fencing are to be submitted to Council for approval prior to issue of the Construction Certificate.
6. Additional landscaping is to be provided on the site between the new parking area and the Church Street frontage. A landscape plan, prepared by a person competent in the field is to be submitted to Council for approval prior to the issue of a Construction Certificate. The plan shall indicate the mature height, location, quantity and species of all plantings and shall provide details of soil conditions, the planting method and maintenance program.
7. The existing compound area bordered by colorbond and barbed wire fencing shall be removed from the subject land prior to the Occupation Certificate being issued.
8. All landscaping works are to be completed in accordance with the approved plan prior to the Occupation Certificate being issued.
9. The onsite landscaping is to be maintained on a regular basis, to comply with the approved plans.
10. All activities undertaken at the premises must comply with the *NSW Public Health Regulation 2012* or successive legislation.
11. Body preparation of deceased is not permitted at the premises including embalming, other preparation of bodies for burial or cremation, or for the placing of bodies in coffins for burial or cremation.
12. Noise emitted from the premises must not exceed 5dB(A) above the background level measured at the boundary of the property.
13. Any excavation resulting in disturbance of more than one tonne of soil greater than 1m below the natural ground surface, or work that is likely to lower the watertable shall comply with the acid sulfate soil management provisions of the Clarence Valley Local Environment Plan 2011. This may require the submission of an Acid Sulfate Soils Management Plan.
14. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
15. A suitable enclosure shall be provided on site, during construction, for depositing waste materials that could become wind blown. Waste materials shall be disposed of to an approved recycling service or waste depot. No burning of waste materials shall occur.

16. The developer must design and construct all civil works, in accordance with **NRDC** and the approved Construction Certificate. Civil construction works must be supervised by a suitably qualified and experienced engineer or registered surveyor who must certify the completed works prior to the release of the Occupation Certificate.
17. Car parking, driveways, manoeuvring and access areas must be constructed, sealed, line marked and drained for a minimum of 16 car parking spaces in accordance with the approved plans and made available thereafter. The car parking classification is Class 2 for the internal parking and is to be designed in accordance with AS2890, the relevant parts of the applicable Council DCP and **NRDC**. All car parking spaces must be accessible by B99 vehicles.
18. Prior to the issue of the Construction Certificate, the adequacy of parking, car parks, driveways, garages and vehicular accesses for the development is to be demonstrated by the submission of standard scale plans with manoeuvring paths shown in accordance with AS2890. This must clearly demonstrate that the parking area will function as intended. The parking area plans are to be submitted and approved by Council or accredited private certifier.
19. That any opening in the fence at the front boundary to Church Street shall be no more than 6m wide or the width of the north-south carparking aisle, whichever is the greater.
20. Accessible grades and paths of travel are to be provided from accessible carparking bays through to the main entrance of the building in accordance with AS1428.1 and the Building Code of Australia.
21. During the course of the works, the applicant must ensure that vehicles and plant associated with the works do not adversely impact on the roadways to such an extent that cause them to become hazardous for other road users particularly during wet weather. Any such damage is to be rectified by the contractor immediately.
22. During dry weather, standard dust suppressions methods are to be used as often as is necessary to ensure that adjoining properties are not adversely affected by undue dust.
23. All roof water and surface drainage from the carpark and vehicular accesses is to be discharged to the Church Street stormwater drainage system prior to issue of Occupation Certificate.
24. No construction is to be commenced until a Construction Certificate has been issued.
25. 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.
26. No civil construction works, including the removal of vegetation or topsoil, shall be commenced until a Construction Certificate has been issued by Council and/or accredited private certifier.  
  
A private certifier who issues a Construction Certificate must forward a copy of the Certificate along with a copy of the approved plans 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.
27. 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.
28. A separate Development Application will be required for any advertisements that are not defined as "exempt development".
29. The development is not to be occupied or used until such time as an Occupation Certificate has been issued.



30. The waste management plan submitted with this application shall be complied with during demolition/construction work and all measures required for the ongoing use of waste management facilities in the development shall be in place prior to the issue of the Occupation Certificate.
31. Access to and within the building and the sanitary facilities within the building shall be upgraded as necessary to comply with the requirements AS 1428.1 2009. Any such upgrading works shall be specified on the Construction Certificate plans.
32. Working hours on the construction project being limited to the following:
- 7.00 am to 6.00 pm (Monday to Friday inclusive),
  - 8.00 am to 1.00 pm Saturday
  - No work permitted on Sundays and public holidays.

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

33. 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.

<b>ITEM</b>	<b>6b.20.046</b>	<b>SUB2018/0004 – 11 LOT SUBDIVISION – LOT 39 BLOODWOOD GROVE, GULMARRAD</b>
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<b>Meeting</b>	Environment, Planning & Community Committee	16 June 2020
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
<b>Attachment</b>	Yes	

**SUMMARY**

<i>Applicant</i>	A. Fletcher & Associates Pty Ltd
<i>Owner</i>	J.L. Construction Services Pty Ltd
<i>Address</i>	39 Bloodwood Grove (Lot 39 DP1218555), Gulmarrad
<i>Submissions</i>	Yes – Seventeen (17) objecting to the proposal

Subdivision Application SUB2018/0004 seeks approval for the subdivision of Lot 39 DP1218555 into 11 large-lot residential lots. It is proposed that nine (9) of the lots will obtain access from an extension to Bloodwood Grove and the remaining two (2) lots will gain access off McIntyres Lane.

The proposal was advertised and notified and 17 submissions received. Issues raised included stormwater runoff and the impact on native vegetation and native fauna. The application is Integrated Development as the land is mapped as bushfire prone land and requires referral to, and general terms of approval from, the NSW Rural Fire Service (RFS).

The original application proposed 12 lots and that yield was revised to 11 lots after Council advised the Applicant that the proposal was not consistent with the 'avoid or minimise principle' contained in the Council's Biodiversity Management Plan, Habitat and Biodiversity provisions of the relevant DCP and Council's Biodiversity Offsets Policy. The small proposed reduction in lot yield is not likely to result in the relevant principle being achieved and this is discussed in more detail in the report.

Further, there remains significant concerns with the impacts of the development on post-development stormwater runoff on downstream properties, as well as road safety and conflict with underground services due to the proposed vehicular driveway access onto McIntyres Lane. These matters are discussed in greater detail within the report.

In combination and after consideration of these issues it is suggested that the proposed subdivision is an overdevelopment of the subject land and a more sustainable subdivision development would appear to need a substantial reduction in lot yield.

These major concerns, both individually and more so cumulatively, are considered to be significant enough grounds to warrant refusal of the application.

**OFFICER RECOMMENDATION**

That SUB2018/0004 be refused on the following grounds:

- The Applicant has not adequately assessed the full environmental impacts on native flora and fauna;
- The Applicant has not adequately considered Council's Biodiversity Management Strategy and Biodiversity Offset Policy;
- The Applicant has not demonstrated that the proposed development will avoid or minimise biodiversity impacts as required by the Council's Biodiversity Management Plan, Habitat and Biodiversity provisions of the relevant DCP and Council's Biodiversity Offsets Policy;
- The Applicant has not sufficiently demonstrated that the stormwater impacts that the development will have on adjoining properties are no worse than pre-development conditions;
- The proposed access to McIntyres Lane for proposed Lots 7 and 8, do not meet the required minimum sight distances, will conflict with underground services and cannot be designed to Council's requirements or the relevant standards;
- The proposed development is inconsistent with zone objectives due to the additional impact on stormwater flooding or environmental hazard and the loss of a significant amount of vegetation on the subject land with conservation value; and
- The proposed subdivision is considered to be an overdevelopment of the subject land.

## MOTION

Clancy/Novak

That SUB2018/0004 be refused on the following grounds:

- The Applicant has not adequately assessed the full environmental impacts on native flora and fauna;
- The Applicant has not adequately considered Council's Biodiversity Management Strategy and Biodiversity Offset Policy;
- The Applicant has not demonstrated that the proposed development will avoid or minimise biodiversity impacts as required by the Council's Biodiversity Management Plan, Habitat and Biodiversity provisions of the relevant DCP and Council's Biodiversity Offsets Policy;
- The Applicant has not sufficiently demonstrated that the stormwater impacts that the development will have on adjoining properties are no worse than pre-development conditions;
- The proposed access to McIntyres Lane for proposed Lots 7 and 8, do not meet the required minimum sight distances, will conflict with underground services and cannot be designed to Council's requirements or the relevant standards;
- The proposed development is inconsistent with zone objectives due to the additional impact on stormwater flooding or environmental hazard and the loss of a significant amount of vegetation on the subject land with conservation value; and
- The proposed subdivision is considered to be an overdevelopment of the subject land.

Voting recorded as follows:

For: Clancy, Novak

Against: Williamson, Simmons, Baker

Point of Order – Cr Williamson

Cr Clancy's questions need to be on the motion, foreshadowed motion or development.

Overruled by Chair

The Motion was put and declared LOST.

The Foreshadowed Motion was then considered and became the Committee Recommendation.

**COMMITTEE RECOMMENDATION**

Williamson/Baker

That the Committee defers the item recommending to Council that:

1. Consideration of the new flood information/study be provided.
2. Advice on the cost and availability of a planning and environmental law professional consultant experienced in the NSW Land & Environmental Court to advise Council on the veracity of competing final reports from Council and the applicant be sought.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 3 Economy

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

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

**BACKGROUND**

Subdivision SUB2018/0004 was received by Council on 23 February 2018 seeking approval for the subdivision of the R5 Large Lot Residential zoned land into 12 lots between 4,000m<sup>2</sup> and 6,388m<sup>2</sup> in size (refer to Figure 1). The application was advertised and notified in accordance with Council's Residential Development Control Plan (the DCP) which contained the requirements for public participation for

development applications at the time the application was lodged. The application was also referred to RFS. Seventeen (17) submissions were received in response to the exhibition of the development application.

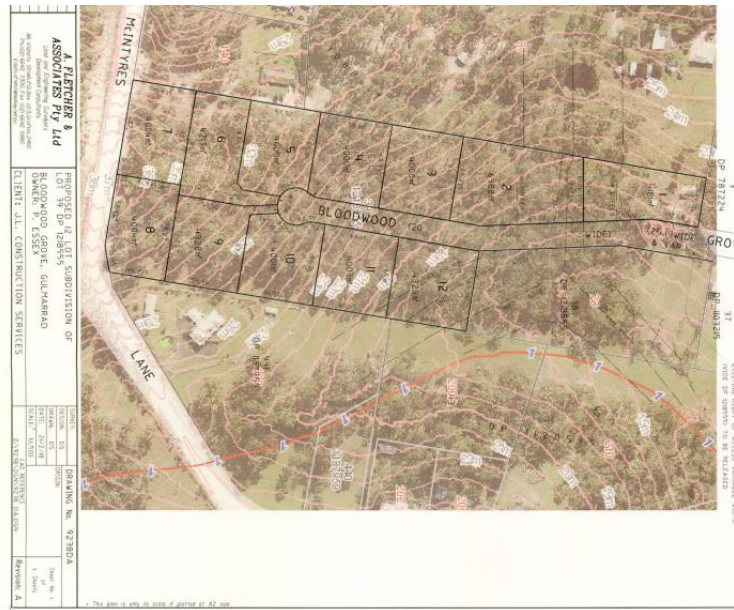


Figure 1 – Proposed subdivision layout for 12 lots as submitted with the application

NOTE: This application was lodged within the transitional period between the repeal of the *Native Vegetation Act 2003* and the commencement of the *Biodiversity Conservation Act 2016* and hence, the biodiversity assessment has been considered under the former relevant legislation and Council’s DCP provisions rather than the *Biodiversity Conservation Act 2016*.

Lot 39 was approved under subdivision application DA1996/1037 on 21 August 1996 which approved the lot as a larger lot as well as adjoining Lots 33, 34, 35, 36, 37 and 38 (see Figure 2). Adjoining Lot 38 was approved as a lot with an area of 1.522 ha on which a restriction was placed on the title for a 1:100 Floodway consistent with a catchment and flow plan prepared by McKenzie Burridge & Associates Pty Ltd and assessed under the 1996 subdivision application. The floodway on Lot 38 is shown as (A) on Figure 2 below.



Figure 2 – Subdivision layout as approved by DA1996/1037. Lot 38 contains the restriction marked (A) and Lot 39 is now the subject of the current proposed subdivision.

Upon registration of the former subdivision, a restriction was placed on both Lots 38 and 39 which provides that:

*Unless necessary for the construction of a dwelling or for the provision of fire buffers, no native tree over 4 metres in height and no old growth trees containing hollows or with a diameter of 60 centimetres shall be removed from the lots burdened and no native understorey shall be disturbed without the consent of Clarence Valley Council.*







KEY ISSUES

The key issues relevant to the proposed large-lot residential subdivision are biodiversity impacts (flora and fauna), stormwater management and flooding, driveway access and traffic safety. These issues have remained a concern since the application was first submitted in early 2018. In combination the issues suggest that the proposed subdivision is an overdevelopment of the subject land and a more sustainable development would appear to need a substantial reduction in lot yield. The minimum lot size under the LEP for the subject land is 4,000m<sup>2</sup>. This minimum standard is not a development right and indicates a maximum possible yield subject to consideration of relevant constraints and features that affect the land and the proposed development.

Issue 1 - Biodiversity Impacts (Flora)

Council has advised the Applicant from its initial assessment that the lot yield from the subdivision of the lot was inconsistent with the adopted Biodiversity Management Strategy, the DCP provisions relating to Biodiversity and Habitat Protection on the basis that the proposal had not demonstrated it had avoided or minimised clearing of native vegetation and associated biodiversity impacts. Further, the proposal had not considered the full scope of vegetation clearing that will occur in association with house sites, effluent disposal areas and 'exempt clearing' adjacent to boundary lines and/or fences.

Comment

Figure 5 below shows a Council-prepared mark up of a more realistic representation of the trees that will be removed if the subdivision is approved (boundary lines, building envelopes and effluent disposal application areas outlined). The plan also shows trees to be removed (coloured orange), in addition to the Applicant's version (trees coloured pink), to show the trees that are within 3 metres of boundary fence lines and trees that overhang building envelopes and effluent disposal areas.

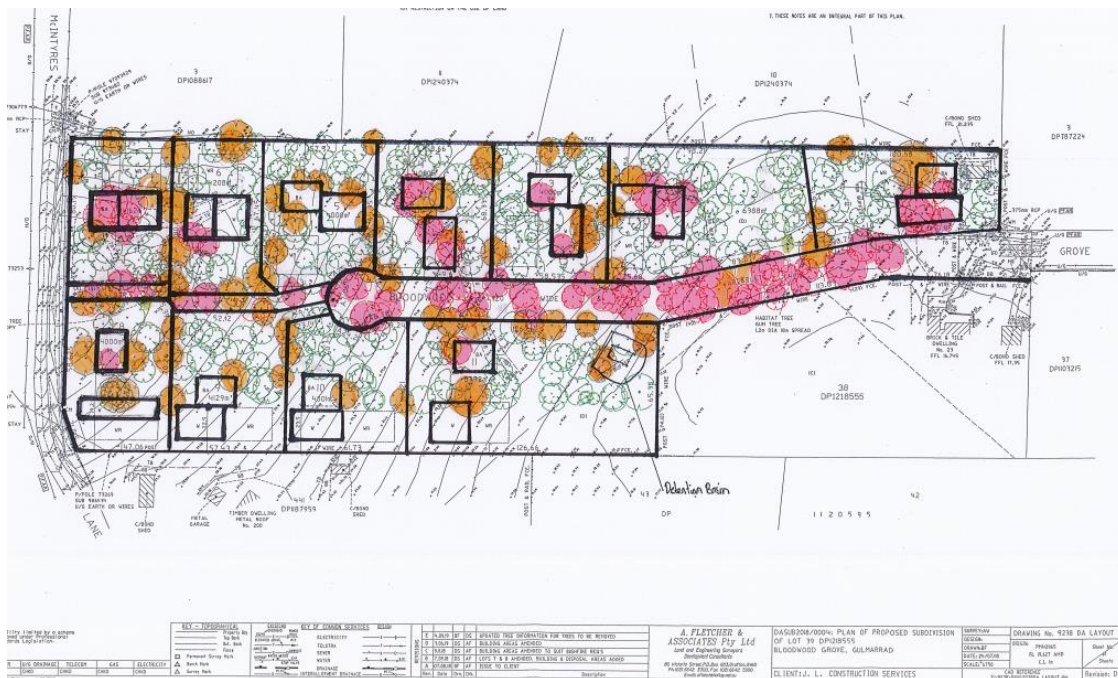


Figure 5 – Marked up plan to show boundaries, building and disposal areas and total trees likely to be removed (as coloured pink and orange).

Council's native vegetation management controls are set out in the DCP and provide that a Native Vegetation Works Permit is not required where the base of a trunk or stem is within 10 metres of the face of a dwelling, within 1.5 metres of a common boundary or within 3 metres where there is a fence. Furthermore, the dwelling sites are shown as being up to 15 metres x 20 metres and a 10 metre distance to vegetation will typically extend beyond the building footprint at least in part.

The threat to established trees is compounded by the fact the effluent disposal areas require positioning to ensure that trees do not shade disposal areas or clog piping systems with root systems (as described in the Effluent Management Report submitted with the application).

Additionally, Part 3 of *State Environmental Planning Policy (Vegetation in non-rural areas) 2017* does not give protection to a tree or other vegetation that the Council is satisfied is a risk to human life or properties. The retention of large trees close to dwellings or other related assets is perceived to be a hazard or a nuisance in residential areas (overshading of outdoor areas and dwellings, dropping of limbs, dropping of leaf litter, root invasion etc.). Allowing the subdivision as proposed with building footprints so close to the vegetation is not likely to promote retention of such trees soon after residential occupation is established.

It is highly likely that most of the trees will eventually be removed on each lot as has become commonplace in the Gulmarrad and other large-lot residential areas. As identified in Figure 5 above, an assessment of the likely extent of clearing has been undertaken by Council staff. This assessment concluded that the likely extent of clearing required has been significantly understated resulting in an underestimation of environmental impacts in the submitted ecological assessment.

The Applicant has not adequately considered the 'avoid' or 'minimise' options in regard to the clearing of vegetation required under Council's Biodiversity Management Strategy and Biodiversity Offset Policy. No offsets have been calculated or proposed by the Applicant in accordance with Council's Biodiversity Information for Applicant's guidelines nor has a habitat restoration plan been prepared as required under Part Y of the DCP.

The Applicant has submitted that these requirements can be conditioned as part of the development consent. This should not be supported as there is no agreement to the direct and indirect adverse environmental impacts of the proposal. Such a condition would be interpreted as Council being in support of the proposal. Furthermore, requiring an unresolved issue to be determined through a condition of consent would be uncertain and unreasonable for the Applicant and not in the public interest.

The adverse impacts and inadequate assessment of the impacts, are reasonable grounds for refusal of the application as the proposal is inconsistent with the principles of ecologically sustainable development and the precautionary principle, i.e. does not seek to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future and further there is a lack of certainty of the impacts of the proposed development and that it would be premature to make a decision to grant consent without adequate certainty .

### **Issue 2 - Biodiversity Impact (fauna)**

The methodology used for the fauna and flora assessment by the Applicant's consultant is unsatisfactory. In particular, the surveys to confirm the presence and absence of threatened species, coverage of different seasons and duration of surveys are inadequate.

#### **Comment**

Staff acknowledge that while there was some level of agreement reached into the level of assessment required, the presence of threatened native fauna (e.g. Rufous bettong) as described by adjoining neighbours questions whether the level of assessment was sufficient to rule out the importance of the habitat to native animals that inhabit the area. Given this advice from local residents there is an onus on the Applicant to provide adequate information for a confident decision to be made. This has not been achieved.

The site is described in the ecological report submitted in support of the application as being slashed groundcover with unsuitable habitat for ground dwelling animals. This conflicts with advice that nearby residents have observed such species on site. It would appear that adherence to the restriction on the land title requiring 'no disturbance of native understorey' would further enhance the likelihood of such species occurring on-site.

The Applicant's consultant has advised that Council could apply a condition of consent to protect native vegetation beyond the building envelopes and be subject to a Vegetation Management Plan. These types of restrictions on title place an unreasonable burden on Council to ensure that the restrictions are adhered to and contrary to what future owners want to do with their residential land. These conditions have been placed on subdivision approvals in the past and have little to no success or support in achieving the desired outcomes, particularly on subdivisions with lots under 5,000-6,000m<sup>2</sup>. Observations of much of the developed parts of the Gulmarrad large-lot residential area demonstrate this reality.

### **Issue 3 - Stormwater management and local flooding**

Council has advised the Applicant from its initial assessment that the stormwater runoff management and flood assessment needs to be properly considered given that the lot is impacted by a 1:100 floodway area



from the surrounding natural catchments. The design of the extension of Bloodwood Grove cuts across a major drainage flow line and the 1:100 flood inundation areas. This is obvious from the images and videos that have been provided to Council in the submissions, particularly adjoining Lot 38 and downstream properties during recent high rainfall events.

Council needs to ensure that it is demonstrated that the stormwater and flooding impacts on surrounding properties will achieve a neutral or beneficial outcome for the post-development conditions, when compared to pre-development conditions.

The Applicant proposes that plans submitted show that post-development 1:100 flow paths are within the previously mapped 1:100 flood limit on downstream Lot 38 and have calculated that post development flows to be less than pre-development flows. A detention basin has been provided outside of the 1:100 year flow path on proposed Lot 11.

#### Comment

The plan submitted by McKenzie Burridge & Associates Pty Ltd to demonstrate the catchment and 1:100 flow paths (Plan labelled Job-No 18-214, dated January 2019) includes a notation on the plan that states '*The culvert size and 100 year lines up stream of the road are subject to the final design of the road. The culvert and 1:100 year flow lines are to be checked once the road design has been completed.*'

Road designs have been submitted to Council, however, the plans reference the previously mapped 1:100 flood limit. Council's Development Engineer has commented:

*The flood assessment by McKenzie Burridge & Associates has not been updated. The 1:100 year flow lines were to be checked in accordance with Dwg No. 18-214 Sheets 1 & 2 now that the road design has been completed. These 1:100 year flow lines have not been checked in relation to the cross section locations in the flood assessment by McKenzie Burridge & Associates i.e. it is not clear/certain where they are.*

- *Due to the culverts being moved and the relocation of the basin in Lot 11 additional trees may be required to be removed as a result which may impact on the biodiversity assessment.*
- *Location of dispersion trenches is too close to some existing neighbouring dwellings / properties.*
- *Maximum cross-fall on swale drains shall be 1 in 6 as per NRDC (the plans show a cross fall of 1 in 4).*
- *Boundaries are not shown on road cross sections.*

In the Applicant's last correspondence to Council it states that '*No further information will be submitted to Council as any outstanding matters can clearly be conditioned in any consent. Please report this matter to the next available Council meeting.*'

Without the updated flood assessment and information described above Council's Development Engineer is unable to verify the submitted impacts of the proposal. The flood impacts on downstream properties are a key issue assessing this application and ensuring that there are no detrimental impacts on surrounding properties. There is a high level of risk to Council in ensuring that it has a strong defence for any liability claims post development, especially given the current claims that have been made known to Council concurrent with this development application. Council has already received legal representation to ensure that Lot 38 is no worse off under this proposal. The lack of certainty and information regarding stormwater-related flooding impacts are reasonable grounds for refusal of the application.

#### Issue 4 - Traffic and Road access

The Applicant has submitted a drawing of sight distances and photographs to the proposed driveway on McIntyres Lane to service proposed Lots 7 and 8. The proposed driveway also serves as an alternate driveway for bushfire access and is referenced in the NSW Rural Fire Service's general terms of approval.

The sight distances are calculated as being 83 metres to the east and 425 metres to the west and using the speed advisory signs of 50km/hr on the crest and 55km/hr on the curve has stated that *The proposed driveway appears to be in a 60km/hr zone on McIntyres Lane* (refer to Figure 7). Referencing 'Guide to Road Design – Part 4A' the Minimum Gap Site Distance (MGSD) for a 60km/hr speed zone is 83 metres. The applicant further suggests that a 55km/hr (for the crest) should be used for MGSD calculations giving a safe sight distance of 64 metres, safe intersection sight distance of 87 metres and MGSD of 76 metres.

The Applicant's bushfire consultant has provided the following comments:

*It is important to retain an additional property access road which traverses onto McIntyres Road which is nominated as for use not only by occupants but during bushfire events this property access road shall act as an important access/egress and evacuation point in addition to use by the RFS for operational purposes*

during significant bushfire events. It is therefore not recommended to remove the provision for a secondary access road from the proposed development.

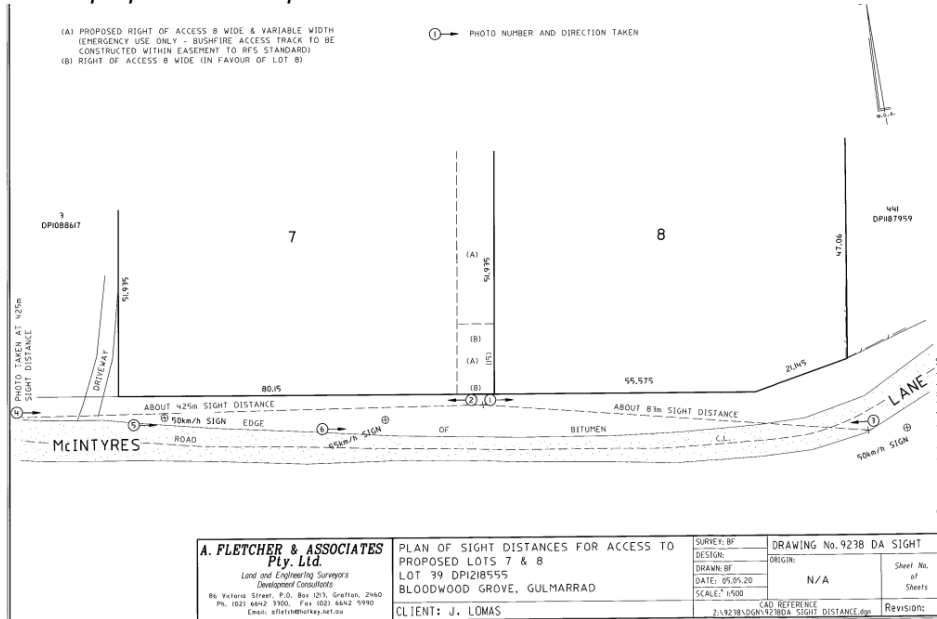


Figure 7 – Sight distance measurements for proposed access to proposed Lots 7 and 8



**Comment**

Council’s Manager Civil Services does not support Lots 7 and 8 having access from McIntyres Lane due to speed limits, sight distances and recent upgrading of the road. Comments from Council’s Engineers are provided below:

*McIntyres Lane is an 80km/hr zone. The Applicant has attempted to justify why a 55km/hr speed limit/ advisory speed limit should be used in calculations, rather than the 85<sup>th</sup> percentile speed for the 80km/hr speed zone. The method of measuring sight distance is in error as it needs to be measured from the driver’s eye height 3m back from the edge line. It seems the Applicant has measured the sight distance from setting up at the top of batter and has overlooked the fact that the driveway will need to be excavated into the batter to meet the road edge on a grade that meets Council’s standards.*

*Council re-constructed McIntyres Lane recently and the Manager of Civil Services has confirmed that a driveway cannot be built to service Lots 7 and 8 without relocating the water main and Telstra lines. These services are in the road side batter and the Applicant simply won’t be able to get the driveway geometry to work. This has implications on the bushfire track and RFS requirements.*

Allowing an access to McIntyres Lane be built to a standard below that required by Austroads is not supported as it presents a very significant safety risk to road users. This increased safety risk occurs as a result of a vehicle at the intersection not having sufficient time to react to oncoming traffic when turning onto McIntyres Lane. In these circumstances, a departure from a road design/safety standard would likely increase legal liability to Council should an incident occur. This provides reasonable grounds for refusal of the application.

**Issue 5 - Zone Objectives**

The zone objectives for the R5 Large Lot Residential zone as stated in the LEP are as follows:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.

- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To ensure development is not adversely impacted by environmental hazards.*
- *To protect areas of vegetation and waterways with conservation value and scenic amenity.*

#### Comment

It is key from reading the zone objectives that new large-lot residential development is compatible with the existing environmental values and hazards as well as scenic amenity. To achieve such objectives in areas where significant native vegetation exist it would be expected that lot yield would need to be reduced and design to be sensitive to existing values. The Applicant was requested to amend the design and yield very soon after the application was lodged. A minor reduction of one (1) allotment has been offered, however, this has not significantly changed the likely impacts of the development on conservation values of the site.

Environmental hazards that affect other nearby lands will not be adequately ameliorated according to information provided in support of the application. The Applicant has not adequately demonstrated the impacts from the 1:100 stormwater flooding are no greater than the existing situation. An updated flood assessment report following the completion of the road design (as recommended by the Applicant's Engineering consultant) has not been provided after being requested.

The proposed development is not considered to be consistent with the following objectives of the R5 zone:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure development is not adversely impacted by environmental hazards.*
- *To protect areas of vegetation and waterways with conservation value and scenic amenity.*

It is imperative that the development has safe and adequate ingress and egress in the event of a bushfire. The Applicant has not demonstrated that this can be achieved which further reinforces the need to revise the design of the proposal. However, the Applicant has indicated that are not prepared to do so at this time.

#### Options

In considering this development application Council has the following options:

1. Refuse the DA (as recommended by Officers) – The report highlights a range of issues that are deemed to individually and collectively warrant refusal of the application. It is considered that the Applicant has been provided with adequate notice and opportunity to amend the proposal and/or to demonstrate that the likely impacts of the proposal are acceptable and that opportunity has not been taken. Further, the Applicant has advised that they will be providing no further information. On this basis Council Officers recommend refusal as there is insufficient information to make a determination to grant consent with certainty that any impacts will be acceptable. This is the preferred option;
2. Request amendment of the proposal and additional justification to demonstrate the impacts are acceptable – This option has been provided to the Applicant and they have not achieved this outcome. Given the time that has elapsed since the DA was received this is not the preferred option; and
3. Approve the DA – The application as it stands presents a range of concerns that are individually and collectively significant. A decision to approve the DA is considered to carry significant risk (see also 'Legal and Risk Management' section). This option is not recommended.

### **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**

A substandard access to McIntyres Lane presents an unacceptable risk to the safety of road users and residents of the proposed Lots 7 and 8.

The impact of the revised road design for the proposed subdivision on stormwater runoff and flooding has been reviewed consistent with the recommendations of the Applicant's civil engineer. Council has already received claims regarding the construction of Bloodwood Grove and impacts on local drainage. Hence,

Council should not be accepting a design for the extension to Bloodwood Grove without adequate certainty that the road asset will not further compromise Council and nearby residents/landowners.

### Policy or Regulation

*Environmental Planning and Assessment Act 1979*

*Environmental Planning and Assessment Regulation 2000*

*Clarence Valley Local Environmental Plan 2011*

*State Environmental Planning Policy (Vegetation in non-rural areas) 2017*

Clarence Valley Council Development Control Plan for Development in Residential Zones

### Consultation

The application was advertised and notified in accordance with the Council's DCP. In response to the notification 17 submissions were received (refer to Attachments). Many of these submissions raise concerns that have been highlighted and discussed in the 'Key Issues' section of this report.

The following internal consultation with Council staff has also taken place:

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Environmental Health	Council's On-Site Waste Water Management Strategy is met
Development Engineer	Not supported on engineering grounds
Natural Resource Management Officer (Biodiversity)	Not supported on ecological assessment requirements
Manager Civil Services	Not supported due to non-compliance with relevant standards relating to traffic safety and vehicular access as well as impact on Council and telecommunications infrastructure.

### 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*.

The application has the added complexity of risk surrounding the existing claims against Council in relation to stormwater flooding and its effect on Lot 38 Bloodwood Grove. Any decision to approve this application in the absence of certainty that the impacts of stormwater flooding will not be made better or made no worse post-development is not considered to be prudent.

Proposed vehicular access to Lots 7 and 8 cannot be constructed in accordance with the required standards due to sight distance and infrastructure constraints. Any approval of the application with access as proposed would likely increase legal liability to Council should an incident occur as a result of the departure from the road design/safety standard.

### Climate Change

The loss, destruction and degradation of habitat and vegetation have negative impacts on providing healthy and sustainable living for future generations and contribute to climate change.

Prepared by	Pat Ridgway, Senior Development Planner
Attachment	<ol style="list-style-type: none"> <li>1. Section 4.15 Assessment Report</li> <li>2. Proposed Subdivision Plan</li> <li>3. Catchment &amp; 1% flow plan</li> <li>4. Road design plans</li> <li>5. Public submissions – 17 of</li> <li>6. Applicant's responses to requests for additional information (various)</li> <li>7. RFS General Terms of Approval correspondence</li> <li>8. Amended Ecological Assessment Report</li> </ol>

<b>ITEM</b>	<b>6b.20.047</b>	<b>DA2019/0243 – PROPOSED CAFE/RESTAURANT AND PLAYGROUND WITHIN SHIPPING CONTAINER BUILDING – NO. 383 NORTH STREET, WOOLI – SOLITARY ISLANDS MARINE PARK RESORT</b>
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<b>Meeting</b>	Environment, Planning & Community Committee	16 June 2020
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
<b>Attachment</b>	Yes	

## SUMMARY

<i>Applicant</i>	Dylan O'Neill – Solitary Islands Resort Wooli
<i>Owner</i>	Jan O'Neill
<i>Address</i>	383 North Street, Wooli
<i>Submissions</i>	Yes – 5 plus 2 petitions containing 170 signatures

Council received development application DA2019/0243 on 13 May 2019 for a proposed cafe/restaurant and playground within a shipping container building at the Solitary Islands Resort located at 383 North Street, Wooli.

The original application was notified and only 1 submission was received during the exhibition period. The amended design was re-notified and 4 submissions plus 2 petitions containing a total of 170 signatures (one 97 signatures and the other 73 signatures) was received during the exhibition period.

The issues raised in the submissions include parking, stormwater, effluent disposal, disabled access, character of Wooli and competition with existing cafes/commercial premises within the village. These issues are discussed in detail within the Key Issues section of this report

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

## OFFICER RECOMMENDATION

That DA2019/0243 be approved subject to the imposition of conditions contained in Schedule 1.

## COMMITTEE RECOMMENDATION

Williamson/Baker

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Simmons, Novak, Williamson, Baker

Against: Clancy

## LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

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

## BACKGROUND

The subject land is zoned SP3 under the provisions of the Clarence Valley Local Environmental Plan 2011. The proposed cafe/restaurant/bar and playground is permissible with consent and complies with the objectives of the zone.

For the purposes of the application the proposed development is defined as a Food and Drink Premises which is defined as:

**food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) A restaurant or cafe,
- (b) Take away food and drink premises,
- (c) A pub,
- (d) A small bar.

The playground component of the development is considered to be a recreation facility (indoor), which is also permitted within the SP3 zone.

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

#### Section 55 Amendment

The original application as submitted in May 2019 was amended during the assessment process by the applicant under section 55 of the *Environmental Planning and Assessment Regulation 2000* to amend the design and remove the roof top bar area due to the onerous costs of construction. The amended design was notified and advertised and 4 submissions including 2 petitions were received during the notification period.

#### **KEY ISSUES**

1. Building design and consistency with Woolli character

The submissions raised concerns about the development being inconsistent with the character of the Woolli Village and the building design is out of character in its style and use of building materials. It was also stated that the development is not “Low Key” and aesthetically considered to be “Loud” and out of tune to the natural environment.

One of the submissions also stated that the development had not been considered against the NSW Coastal Design Guidelines and is not sensitive to the rural character of the locality in which it is being developed.

An extract of the proposed building design is provided below for information purposes.



North Eastern Elevation from North Street

North Western Elevation from North Street

#### Comment

The original design submitted as part of the application in May 2019 proposed a 3 storey shipping container with playground and roof top bar with lifts. The proposed building was well over the permitted height in this location. The design was later amended and the development now proposes a split level shipping container building with the cafe/restaurant/kitchen and bar area located on the ground floor with the playground and games room component being an open 2 storey section of the building. The building has an overall height of 7.08m.

Part N2 of the DCP sets out the Woolli Village Controls. The objectives of the DCP are:

- a) *To preserve the natural environment and the character and ambience of the village.*

- b) *To maintain a village of low density urban development form, with new development to respect the environmental constraints posed by the river, ocean, small lot sizes and the existing small scale built form.*
- c) *To recognise the threat posed by beach erosion if land adjoining the Woolli Beach and therefore limit the type of development permitted within the Woolli Village.*

Part N3 sets out the general guidelines to be considered for new development against the existing character of the Woolli Village and requires development be designed in keeping with that character. An assessment under the guidelines is provided below:

Guideline	Comment
1. Locate and design buildings to respond to appropriately address the effects of coastal processes within the local hazard context.	The location of the development on the land is not located within an area affected by coastal hazards.
2. Reinforce the village character with new buildings that are appropriate in terms of location, uses, scale, height and site configuration.	The existing character of the village is highly variable. A 9m height limit is permitted within this location under Clause 4.3 of the CVLEP. The height of the proposed new building is 7.08m which is well below that permitted. The use of the building for cafe/restaurant and playground are complementary uses to the existing caravan park and the existing cafe on the site required to be decommissioned for use.
3. Consider the appropriateness of new buildings within the whole streetscape, rather than each building as a stand-alone object.	The development is considered to be appropriate in terms of scale and height with mature landscaping within the road reserve being retained to ensure that the building does not dominate the streetscape.
4. Maintain consistent street setbacks	Existing development along North Street provide for a varied setbacks. Varied setbacks provide for interesting streetscapes and in this instance comply with the requirements of the DCP. The 6m front setback allows for the retention of existing native vegetation which will protect and enhance the nature environment whilst supporting commercial development.
5. Ensure buildings address the street by providing direct and on-grade entries to the street for residential, commercial and retail purposes.	The building provides for direct pedestrian access to the North Street frontage of the building at ground level.
6. Rationalise car-related uses on site, such as driveways widths and lengths.	Adequate access and car parking has been provided for the new development. However, certification is required to be provided by the applicant from a suitably qualified consultant that the right hand turning lane off North Street meet the Austroads standards. If the existing access fails to meet the standards the applicant is required to upgrade North Street prior to an Occupation Certificate being issued.
7. Protect views from public places and streets by maintaining consistent setbacks along streets and not placing buildings in view corridors.	The site is located adjoining a general store and hotel. These existing buildings are set back a substantial distance from the road. The proposed building is proposed to be setback 6m from the front boundary which complies with the provisions of the DCP.
8. Protect local views and vistas throughout and surrounding the village from public places by relating new buildings to the topography, reducing heights to maintain views of the surrounding landscape and maintaining consistent, height, bulk, scale with the street and local context.	Local views and vistas throughout the village are not likely to be adversely affected by the proposed development. The retention of mature vegetation located within the road verge in front of the building and additional landscaping to be provided by the applicant will ensure that the bulk and scale of the building is not out of context with the streetscape.
9. Ensure developments and neighbouring properties have: (a) access to daylight (b) access to natural ventilation (c) visual privacy and acoustic privacy (d) private open space (e) a pleasant microclimate.	The location of the proposed development is unlikely to have adverse impacts on the visual privacy or private open spaces areas of adjoining properties and there will be no overshadowing of neighbouring properties from the building.



<p>10. Achieving amenity relates to the design of individual buildings and, in particular, to: (b) building orientation and depth. (c) the size of the lot. (d) open-space location, size and connection with the inside of the building. (e) car parking, location and access. (f) pedestrian access from the street. (g) street edge configuration and building separation (h) mature trees, vegetation and soil areas.</p>	<p>The design will have a minor impact on the amenity of the area and through the retention of existing mature native vegetation within the road reserve, the proposed building will not dominate the streetscape in this location or adversely impact on the amenity of adjoining properties. Additional landscaping required to be provided by the applicant particularly along the side boundary will further reduce any potential bulk of the building from neighbouring properties.</p>
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Building Height and Design

The original design could have been considered to be out of character with the surrounding development given the encroachments outside the 9m height limit and 3 storey appearance. The amended building design being considered as part of this report is overall considered to be of a bulk and scale that will not dominate the streetscape. The building will have a maximum height of 7.08m and be partially screened from North Street from the existing mature vegetation as shown below.

As such, the applicant is to provide landscaping within the front and side setback areas of the building to reduce the overall bulk of the building and improve the visual appearance of the site to the satisfaction of Council. A landscape plan, prepared by a person competent in the field, is to be submitted to Council for approval prior to the issue of a Construction Certificate. The plan shall indicate the mature height, location, quantity and species of all plantings and shall provide details of soil conditions, the planting method and maintenance program.

The use of shipping containers in an urban context is gaining popularity. It is considered through the use of other materials such as timber and appropriate colour palettes, shipping containers can provide a suitable alternative to ordinary masonry constructed buildings. Overall, the development is considered to be suitable subject to the imposition of conditions contained in Schedule 1.



Direct view from North Street

2. Adequacy of onsite waste water system (effluent disposal)

Three (3) of the 5 submissions received raised concerns regarding the adequacy of the existing onsite waste water system and whether it could cope with the existing park and new cafe/restaurant development. Photos were also provided within 1 of the submissions showing a failing system and these are provided within the attachments.

Comment

As part of the application, the applicant was requested to submit a consultant’s report assessing the adequacy of the onsite waste water system (OSM). In response, the applicant had an Onsite Wastewater report prepared by *Enginuity Design Pty Ltd* addressing the issues raised by Council’s assessing Environmental Officer.



The report states that the OSM system has the capacity to treat and dispose of the wastewater generated by 222 sites and as they currently only operate 205 sites the additional capacity can cater for the proposed development. Council's Environmental Officer supports the findings of the report and considers the existing onsite wastewater system to have adequate capacity for the proposed development and 208 sites subject to the existing cafe being completely decommissioned.

It should be noted that Council staff inspected the system after receiving the submission during the first exhibition period. This inspection was undertaken following a long weekend period on 11 June 2019 when the park had an occupancy of around 75% for the long weekend.

Council's Technical Officer (Onsite Waste Water) inspected around the areas shown in photos 1 to 6 of the submission and there were no signs of broken pipework or discharge from the tanks. The photo indicating the area of discharge in the complaint was completely grassed over there was no signs of effluent ponding or discharging off the site. The OSM system was once again inspected on 9 June 2020 and it was confirmed that the system was in good working order following a long weekend period with a 100% occupancy rate due to the easing of COVID-19 restrictions.

It should be noted that no additional credits for the treatment capacity of the OSM are available or approved for any future development. Any future development at the site will require a full wastewater assessment and upgrade of the existing Waste Water Management System.

### 3. Adequacy of parking and access

Concerns were raised within the submissions regarding the inadequacy and shortfall of car parking provided for the existing caravan park and new development and width of roadway at entry point.

#### Comment

The Parking and Vehicular Access Controls set out in Part F of the DCP requires cafes/restaurants to provide 1 space per 30m<sup>2</sup> of floor area. The floor area of the proposed development is 636.5m<sup>2</sup> which requires a total of 22 car parking spaces.

In addition to the above, Clause 97 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* requires Caravan Parks to provide no less than the following visitor car parking spaces:

- (a) One visitor parking space for each 10 (and any remaining fraction of 10) long-term sites in the caravan park or camping ground,
- (b) One visitor parking space for each 20 (and any remaining fraction of 20) short-term sites in the caravan park or camping ground,
- (c) One visitor parking space for each 40 (and any remaining fraction of 40) camp sites in the caravan park or camping ground.

Clause 98 of the Regulation also requires visitor parking for people with disabilities at a rate of at least one visitor parking space for people with disabilities for each 100 sites or fraction of 100 sites.

The park has a current Approval to Operate under Section 68 of the *Local Government Act 1993*, for a total of 179 sites comprising 62 long term and 117 short term sites. This requires a total of 13 visitor car parking spaces.

A recent development approval under DA2016/0291 increased the number of approved sites to 208 comprising 62 long term and 146 short term sites. This requires a total of 15 visitor car parking spaces.

For the purposes of the car parking calculation, the higher approved rate of 208 sites has been used. This means that a total of 22 spaces are required to be provided for the new commercial building plus 15 spaces for visitor car parking being a total of 37 spaces required for the total approved development. The applicant has provided a car parking plan which includes a total of 14 spaces being provided near the new commercial building and 34 spaces being provided within the park. This results in a total of 48 car parking spaces including 3 accessible car parking spaces being provided on the site.

The development complies with the parking requirements of both the DCP and Regulation and provides well over the required amount of car parking spaces which alleviate any parking issues during holiday seasons and provide adequate parking for all approved uses on the site. Due to the removal of existing visitor car parking being removed within the front setback to accommodate the new building, this development (if approved) will require all car parking spaces to be provided for the new development and caravan park prior to the issue of an Occupation Certificate.

Access to the site off North Street is obtained via a right hand turn bay. At the time of lodgement of the original application, access to the site was considered to be inadequate with concerns raised in one of the submissions (see photos in attachments). Since then, Council has undertaken works to provide a right hand turning lane to the site given safety concerns and this formed part of Council's road maintenance schedule. In any case, the applicant is required to provide justification that this access is in accordance with Austroads for the additional traffic generated by the new development. If the access is found to be inadequate, the applicant will be required to upgrade the access. Draft conditions of consent to this affect are contained within Schedule 1.

#### 4. Stormwater Management

Concerns were raised within one of the submissions regarding stormwater issues within the location of the building and that this area forms a natural ponding area during times of flood and heavy rain.

##### Comment

Through the implementation of the Council's Stormwater controls, there will not be any adverse impacts to adjoining or neighbouring properties and onsite detention will be required (likely in the form of tanks or a detention basin) to be provided to ensure that any stormwater is managed onsite.

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 Northern Rivers Design Construction Manual (NRDC). A Stormwater Management Plan (SWMP) must be prepared to reflect these standards and guidelines. The SWMP that demonstrates NorBe must be prepared in accordance with NRDC and submitted to Council prior to the issue of a Building Construction Certificate. Please note that **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**.

The SWMP must also consider any adjacent property or infrastructure affected by the development. Design details of the drainage system and point of discharge must be submitted with the Stormwater Management Plan for approval by Council and/or accredited private certifier prior to issue of the Building Construction Certificate. Connection to the public drainage system requires the approval of Council under the *NSW Local Government Act 1993*.

If approved, the development will be conditioned accordingly to ensure that adjoining properties are not adversely impacted from any stormwater generated on the site.

#### 5. Economic impacts and competition with existing cafes/commercial premises

Concerns were raised within the submissions that the proposed new cafe/restaurant and bar with playground will have adverse economic impacts to the existing cafes/commercial premises within the Woolli Village.

##### Comment

Council has generally never considered a perceived competition between businesses as valid grounds for objection. In accordance with Council's Regional Economic Development Strategy 2018-2022, tourism (including sub-industry specialisations such as cafes and restaurants) is considered to be a primary "Engine of Growth" for the Clarence Valley. The development will improve employment opportunities in the area and offer additional indoor recreation facilities to both visitors of the park and the local community.

It should be noted that the existing caravan park already has an approved cafe/function area operating at the site. This will be required to be decommissioned if this development is approved, therefore there are no additional cafe/restaurants in the area than already exist.

## 6. Disabled access

One of the submissions raised the issue of a lack of facilities for the provision of disabled access to the building.

Comment

In accordance with the Building Code of Australia and Australian Standard, access to the building, accessible facilities and car parking for disabled persons must be provided and constructed. Details of the required access and facilities such are required to be provided prior to the issue of a Building Construction Certificate. Appropriate conditions of consent to this effect are contained within the Draft Schedule of Advices and Conditions.

As already discussed under the parking section of this report, 3 disabled car parking spaces are being provided for the development in accordance with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.

## 7. Involvement by other government agencies (RFS, NRAR, DPI Fisheries, EPA)

One of the submissions raised concerns that there had not been any involvement with any other government agencies regarding the development.

NSW Rural Fire Service

The subject land is bushfire prone. However, commercial development of this nature does not trigger an integrated development referral to the NSW RFS under Division 4.8 of the *Environmental Planning and Assessment Act 1979* or Section 100b of the *Rural Fires Act*. However, all development on bushfire prone land must satisfy the aims and objectives of the Planning for Bushfire Protection Guidelines. This development is not considered to be inconsistent with the aims and objectives of the guidelines.

Natural Resource Access Regulator (formerly Office of Water)

A referral to the Natural Resource Access Regulator (NRAR) only gets triggered where there are works within 40 metres of a waterway. As there are no works proposed within 40 metres of a waterway, a controlled activity approval is not required to be obtained under the *Water Management Act 2000*.

DPI Fisheries

The development does not trigger any need for an integrated development referral to DPI Fisheries under the *Fisheries Management Act 1994*, as the development does not involve the requirement for an aquaculture permit or any works that will permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease.

Environment Protection Authority

A referral to the EPA is only required under the integrated development provisions of the *Environmental Planning and Assessment Act 1979* if an environment protection licence is required for an activity that has the potential to cause pollution. Examples of such works or development include: resource recovery, extractive industries, mining and breweries.

## 8. Clarification of boundaries

Concerns were raised regarding the location of existing boundaries and parking areas and it was requested that Council seek the applicant to agree with the neighbouring property to a survey to clarify the location of these areas.

Comment

Council does not ordinarily get involved in civil boundary matters, however, to ensure that the development is constructed wholly within the boundary of the property, Council's Building Surveyor requires the location of the boundary to be verified by a registered surveyor prior to any construction commencing with a copy of the survey to be submitted to Council at the time of footing/slab inspection. A condition to this effect is contained within the Schedule 1.

## 9. Safety concerns with location of building so close to boundary

Concerns were raised by an adjoining property owner regarding the proximity of the proposed building to the boundary and potential safety concerns.

Comment

The proposed development complies with all setbacks set out in Clause C17.1 of the DCP providing a 6m front setback and 3m side setback.

10. Existing cafe/licensed premises within the caravan park

One of the submissions raised the issue that there is an existing cafe/licensed premises within the caravan park that is under utilised and that there is no demonstrated need for an additional cafe/restaurant.

Comment

The caravan park has approval for an existing cafe which is located within the existing caravan park. As part of this approval and to ensure that the onsite waste water management system can cater for the new development the existing cafe must be completely decommissioned including sinks and removal of other equipment to Council's satisfaction prior to Final Occupation Certificate.

11. Removal of mature vegetation and landscaping

Concerns were raised within the submissions that mature vegetation is to be removed to cater for the new building.

Comment

As part of the development mature palm trees are required to be removed. There is a strand of mature native vegetation and a fig tree that front the development site, however, these trees are located on Council land and will not be removed as part of the development. The existing mature trees provide a visual buffer to any potential visual impacts that may result from the building.

To ensure the protection of the native vegetation located on Council land, a survey by a registered surveyor is required to be undertaken to demarcate the boundary.



NE corner showing mature trees



Palms to be removed for new parking area



Palms to be removed for building

**COUNCIL IMPLICATIONS****Budget/Financial**

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

The applicant is required to pay the amount of section 7.12 contributions of \$3,000.

No water or sewer contributions apply to the Wooli area.

**Asset Management**

North Street is a Council maintained road. As discussed under the access considerations of this report, the applicant may be required to upgrade North Street to ensure that the right hand turning bay meets the Austroads standards.

**Policy or Regulation**

*Environmental Planning and Assessment Act 1979*

*Environmental Planning and Assessment Regulations 2000*

*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. 55 – Remediation of Land*

*State Environmental Planning Policy (Coastal Management) 2018*

*Clarence Valley Local Environmental Plan 2011*

*Environmental Protection, Recreation and Special Use Zones Development Control Plan 2011*

*Coastal Design Guidelines for NSW*

**Consultation**

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

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Building Surveyor	Supported with conditions
Environment (Waste Water)	Supported with conditions
Trade Waste	Supported with conditions
Environmental Health	Supported with conditions
Engineering	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 CO<sub>2</sub>-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. Notwithstanding the above comments, if the development is approved, the proposed building is required to comply with the energy efficiency requirements in Section J of the Building Code of Australia (BCA) which will ensure that the development meets the NSW Government's requirements for sustainability.

It should be noted that the proposed development will reuse the existing cafe kitchen within the new building saving on the cost and climate change impacts associated with new construction materials.

Prepared by	Carmen Landers, Development Planner (Systems)
Attachment	A. Plans and Perspectives B. Submissions C. Section 4.15 Assessment

### Schedule 1 - Draft Advices and Conditions of Consent for DA2019/0243

#### 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 Sewerage Code of Australia (WSA 02 - 2002)
- f Water Supply Code of Australia (WSA 03 - 2002)
- g Pressure Sewerage Code of Australia (WSA 07-2007)
- h Clarence Valley Council 'MUSIC' Guidelines (Draft)
- i Clarence Valley Council Street lighting Strategy

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'. For 'MUSIC' guidelines and policy documents contact Council's development engineer.

**Civil Works** may include:

- a Earthworks
- b Roadworks (including car parking and/or driveways).
- c Flood, Drainage works including **WSUD** and flood mitigation measures,
- d Structures
- e Water & Sewerage Reticulation
- f Provision of Utility Services including street lighting

**RMS** means Roads and Maritime Services

**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**.

#### Advices

- 1 No building construction is to be commenced until a Construction Certificate has been issued.
- 2 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.
- 3 Prior to building work commencing approval under Section 68 of the Local Government Act shall be obtained from Council for sewerage work, water plumbing and stormwater work. Two copies of hydraulic plans to AS 3500 detailing the size and location of water, sewer, stormwater and fire services shall be submitted to Council for approval.
- 4 A full National Construction Code 2019 assessment, undertaken by a suitably qualified person, will be required to be submitted with a Construction Certificate application being submitted to Clarence Valley Council.
- 5 The following approvals may be 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.

- 6 No civil construction works, including the removal of vegetation or topsoil, shall be commenced until a Section 138 Approval has been issued by Council and/or accredited private certifier.
- 7 Certification of constructed **Civil Works** by the supervising engineer and/or registered surveyor is required prior to public infrastructure being accepted "on maintenance" and/or "practical completion" being granted for private property works.
- 8 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.
- 9 Effective measures are to be taken to prevent any nuisance being caused by noise, vibration, smell, fumes, dust, smoke, waste water products and the like at all times.
- 10 It is the developer's responsibility to make satisfactory arrangements with other property owners affected by the development, and to meet all costs associated with the development.
- 11 The submission of a further Development Application will be required for any further extension of development on the site.
- 12 No clearing of trees, shrubs or vegetation not shown on the plans is to be carried out without obtaining any necessary approval from Council.
- 13 No additional credits for the treatment capacity of the OSM system are available or approved; any future developments at the site will require a full wastewater assessment and upgrade of the existing Wastewater Management System.

### Conditions

- 1 The development being completed in conformity with the Environmental Planning & Assessment Act, 1979, the Regulations thereunder, the Building Code of Australia (BCA) and being generally in accordance with the following plans (10 Sheets) by Gavin Welsh Drafting, as amended in red, or where modified by any conditions of this consent.

Plan No.	Drawing No.	Plan Date	Drawing
19049	DA01 Revision A	19/3/2020	Cover sheet
	DA02 Revision A	19/3/2020	Site Plan
	DA03 Revision A	19/3/2020	Part Site Plan
	DA04 Revision A	19/3/2020	Ground Floor Plan
	DA05 Revision A	19/3/2020	First Floor Plan
	DA06 Revision A	19/3/2020	Elevations
	DA07 Revision A	19/3/2020	Elevations
	DA08 Revision A	19/3/2020	Sections
	DA09 Revision A	19/3/2020	Sections
N/A	N/A	N/A	Car Parking Plan

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

\$3,000

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 \$300,000.00

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

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

#### Building Conditions

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

**7.00 am to 6.00 pm Monday to Friday and 8.00 am to 1.00 pm Saturdays**  
**No work permitted on Sundays and public holidays**

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

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

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

- 5 Where the work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves enclosure of a public place, the following must be provided:
- a A hoarding or fence must be erected between the work site and the public place.
  - b If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
  - c The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
  - d Any such hoarding, fence or awning is to be removed when the work has been completed.

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

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

- 7 Imported fill shall not come from a contaminated source. Any imported fill shall be free of building and other demolition waste and only contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 of the *Protection of the Environment Operations Act 1997*, excavated natural material or the relevant waste resource recovery exemption from the NSW Environment Protection Authority (EPA). Written details of the source of fill shall be submitted to Council prior to fill being imported to the site.

- 8 **Acid Sulphate Soils** Any excavation resulting in disturbance of more than one tonne of soil below the natural ground surface, or work that is likely to lower the watertable shall comply with the Acid Sulphate Soil management provisions of the Clarence Valley Local Environment Plan 2011. This may require the submission of an Acid Sulfate Soils Management Plan.



- 9 All erosion and sediment control measures are to be installed prior to the commencement of any work, including cutting and filling and are to be constructed and maintained to prevent sediment from leaving the site or entering downstream properties, drainage lines or watercourses.
- 10 A suitable enclosure shall be provided on site, during construction, for depositing waste materials that could become wind blown. Waste materials shall be disposed of to an approved recycling service or waste depot. No burning of waste materials shall occur.
- 11 All building work shall be constructed wholly within the boundaries of the property. The location of the boundary shall be verified by a registered surveyor prior to construction commencing. A copy of this survey shall be submitted to Council at the footing/slab inspection.
- 12 A fully dimensioned and notated work as executed sewer drainage and storm water plan is to be submitted to Council and the property owner upon completion of all drainage lines. A Certificate of Compliance for Plumbing and Drainage Work shall be submitted to Council upon completion of work.
- 13 Council's assets (e.g. trees, footpath, roadway, kerb, stormwater pits, manholes, etc.) shall be protected from damage during demolition/construction works. Any damage to Council's assets during work shall be paid for by the principal contractor prior to completion of work or issue of the Occupation Certificate. The principal contractor is encouraged to photograph any existing damage to footpaths, etc. prior to commencing works for their records. Where unmade or grassed footpaths are disturbed by the passage of builder/suppliers' vehicles, the footpaths are to be graded and restored to original level with top soil.
- 14 The energy efficiency requirements in Section J of the Building Code of Australia (BCA) apply to this building. Sufficient written documentation shall be submitted with the Construction Certificate application to indicate compliance with Section J in the following areas:
- a Building fabric
  - b External glazing
  - c Building sealing
  - d Air movement
  - e Air conditioning and ventilation
  - f Artificial lighting and power
  - g Hot water supply
  - h Access for maintenance
- 15 Access to the building for disabled persons shall be provided and constructed in accordance with the requirements of Part D3 of the Building Code of Australia and AS 1428.1-2009.
- 16 Accessible facilities for the use of the disabled shall be provided as specified in Clause F2.4 of the Building Code of Australia and shall be constructed to the requirements of AS 1428.1-2009.
- 17 Car parking spaces for people with disabilities are to be provided as required by Part D3.5 of Building Code of Australia.
- 18 The building site is located in a bushfire prone area and the bushfire attack level is BAL 12.5, as determined in accordance with AS 3959 – 2019. The building shall be constructed to a minimum level BAL 12.5 with full details of how this is to be achieved being shown on the plans/specifications submitted with the Construction Certificate documentation.
- 19 The following Asset Protection Zones (APZ) shall be established around the dwelling at the commencement of the building works and maintained for the life of the building in accordance with the requirements of the NSW Rural Fire Service document titled 'Planning for Bushfire Protection 2019' and AS3959 - 2019.
- North: Property boundary  
South: 30m  
West: 30m  
East: Property Boundary
- The APZ shall be provided prior to the commencement of any building works within the APZ area and maintained in perpetuity.

- 20 Inappropriate landscaping within the asset protection zone (APZ) is a significant cause of building loss in a bushfire. Landscaping within the APZ shall comply with Section 7.4 and Table 704a of Planning for Bushfire Protection 20019 and be managed and maintained in perpetuity. No gardens or plantings shall be located within 1m of the building. It is recommended a concrete/paved/gravel perimeter path be provided around the building

#### Engineering

- 21 The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
- 22 An **ITP** must be submitted for approval with the application for a Section 138 Approval. 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 Stormwater Drainage
  - e 'On Maintenance' (Public Infrastructure)
  - f 'Off Maintenance' (Acceptance of Public infrastructure by Council)
- 23 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.
- 24 Construction & Traffic Management Plans (C&MP's) are required to be endorsed by Council prior to commencement of work. These plans must document the proposed methods of work within the development work site and the associated public road network.

Associated TCPs must be prepared by a person authorised by the RMS to prepare TCPs.

The approval of Council under the Roads Act 1993 is required for construction works within and occupation of, the road reserve. The road reserve is classed as the property boundary to opposite property boundary and includes roadway, nature strip and footpath.

- 25 A Road Intersection Design Plan must be submitted for approval with the **Section 138** application. Design and construction is to be in accordance with the applicable Austroads Standards and **NRDC**.

Preliminary road pavement designs, in accordance with **NRDC**, must be submitted to Council as part of the **Section 138** approval.

- 26 The existing intersection of Wooli Road and the access to the development site is to be upgraded to a minimum standard of a channelized intersection treatment in accordance with Austroads standards prior to issue of the Occupation Certificate.
- 27 Benkelman beam testing of the constructed road pavement will be required. The testing is to be undertaken by a NATA registered authority with accreditation for using the Benkelman beam in accordance with RMS Test Method T160.
- 28 The **Section 138** application must include design calculations for any necessary upgrade of existing stormwater drainage cross-culverts and affected services/utilities.

- 29 Prior to release of the Occupation Certificate, where the total value of works to become Council infrastructure is greater than \$10,000, a maintenance bond is required for 5% of the contract value for works that will become Council infrastructure or \$2,500 whichever is greater. This is required in each stage of the development
- All work is subject to a maintenance period of six (6) months from the date of 'On Maintenance' or Practical Completion as certified by Council or accredited private certifier.
- At the end of the Maintenance Period an 'Off Maintenance' inspection must be held with Council or accredited private certifier to confirm the compliance and performance of the constructed works, in accordance with **NRDC**.
- Where constructed works to become public infrastructure have been controlled by private certifier Council must attend the 'Off Maintenance' inspection. The documentation, compliance and performance of the constructed works must be in accordance with **NRDC** for Council to accept responsibility for the infrastructure.
- 30 Prior to the release of the Occupation Certificate, which dedicates infrastructure to Council, a completed asset register works return must be submitted to Council. The return is to be in the format approved by Council.
- 31 In accordance with **NRDC** and prior to the release of the Occupation Certificate, the applicant must provide Work as Executed Plans (WAE) for all works and certification from the supervising professional engineer or registered surveyor, that the works have been constructed in accordance with the approved plans and specifications.
- 32 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 Building Construction Certificate. Connection to the public drainage system requires the approval of Council under the NSW Local Government Act.
- The management plan must consider construction and operational phases.
- 33 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 Building Construction Certificate. Connection to the public drainage system requires the approval of Council under the *NSW Local Government Act 1993*.
- 34 Car parking, driveways, manoeuvring and access areas must be constructed, sealed, line marked and drained for a minimum of 37 spaces (including at least one accessible space) in accordance with the approved plan and made available thereafter. The car parking classification is Class 3 for the internal parking and is to be designed in accordance with AS2890, the relevant parts of the applicable Council DCP and **NRDC**. All car parking spaces must be accessible by B99 vehicles.
- 35 Prior to the issue of the Building Construction Certificate, the adequacy of parking, car parks, driveways, garages and vehicular accesses for the development is to be demonstrated by the submission of standard scale plans with manoeuvring paths shown in accordance with AS2890. This must clearly demonstrate that the parking area will function as intended. The parking area plans are to be submitted and approved by Council or accredited private certifier.

## Erosion and Sedimentation Control

- 36 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.
- 37 A detailed Erosion and Sediment Control Management Plan must be submitted for assessment and approval by Council or accredited private certifier, prior to issue of the Building Construction Certificate or Section 138 Approval, whichever occurs first. 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.
- 38 During the course of the works, the applicant must ensure that vehicles and plant associated with the works do not adversely impact on the roadways to such an extent that cause them to become hazardous for other road users particularly during wet weather. Any such damage is to be rectified by the contractor immediately.
- 39 The building must be setback a minimum 6m from the front property boundary along North Street.

## Landscaping

- 40 Landscaping shall be provided within the front and side setback areas of the building to reduce the overall bulk of the building and improve the visual appearance of the site to the satisfaction of Council.
- 41 A landscape plan, prepared by a person competent in the field is to be submitted to Council for approval prior to the issue of a Construction Certificate. The plan shall indicate the mature height, location, quantity and species of all plantings and shall provide details of soil conditions, the planting method and maintenance program.
- 42 All landscaping works are to be completed in accordance with the approved plan prior to the Occupation Certificate being issued.

## Advertising

- 43 A separate Development Application will be required for any advertisements that are not defined as "exempt development".

## Environmental Health

- 44 The design and construction of all food preparation and food storage areas shall comply with the requirements of Standard 3.2.3 of Chapter 3 of the Food Standards Code.
- 45 Detailed plans and elevations of the food preparation and food storage areas shall be submitted to, and approved by the principal certifying authority prior to release of the Construction Certificate. Plans shall include the finishes to floors, walls, ceilings, benches and shelves. Plans and elevations must include the location and type of fixtures, fittings and equipment. Dimensions of all basins (hand wash basins, food preparation sinks and dishwashing sinks) within the premise must be included within plans submitted.
- 46 Mechanical ventilation systems complying with AS1668 are to be installed. The mechanical ventilation systems shall comply with Clause F4.5 of the Building Code of Australia and AS 1668.1 and AS 1668.2 (Mechanical Ventilation and Air Conditioning Code). Full details from a mechanical engineer shall be submitted to the Principal Certifying Authority for approval together with a certificate to certify that the whole system complies, including methods to prevent the spread of fire, and provide the required air changes.
- 47 Flooring in the food preparation area and food storage areas must be appropriate for the area; able to be effectively cleaned; non absorbent; *laid so there is no ponding of water or harbouring of pests; and coved at the floor/wall junction to a minimum 25mm radius.*

- 48 Walls and ceilings within the food premises must be;
- i. sealed to prevent the entry of dirt, dust and pests;
  - ii. unable to absorb grease, food particles or water; and
  - iii. able to be easily and effectively cleaned.
- 49 The hand wash basin shall be of adequate size to allow easy and effective washing of hands, arms and face.
- i. The hand wash basin shall be provided with hot and cold water dispensed from a single outlet.
  - ii. Under bench hand wash basins are not considered appropriate.
  - iii. A designated hand wash basin must be provided in the food preparation area of the kitchen.
- 50 External windows and doors to the food preparation and food storage areas shall be made insect/vermin proof.
- 51 Ensure all service pipes and conduits are concealed within walls or projected off walls to prevent unwanted food and accumulations and pest harbourage locations.

#### Trade Waste

- 52 Detailed drainage plans shall be submitted to Council for assessment with the Construction Certificate application.
- 53 All liquid trade waste generated from the kitchen shall discharge through a grease trap with a minimum capacity of 1500L. Glass washers shall not discharge to the grease arrestor. The grease arrestor shall be installed in accordance with AS/NZS3500 and the plumbing code of Australia. It shall be located in an area that is accessible for the pump out contractor.
- 54 All sinks and floor wastes in the food preparation areas shall contain basket arrestors.

#### Onsite Waste Water

- 55 The existing cafe must be completely decommissioned including sinks and removal of other equipment to Council's satisfaction prior to Final Occupation Certificate.

<b>ITEM</b>	<b>6b.20.048</b>	<b>MOD2019/0050 – MODIFICATION OF DA1995/0083 TO EXTEND OPERATIONAL PERIOD FOR GRAVEL QUARRY UPON LOTS 1 AND 2 DP1187198, WARRIGAL ROAD (OFF COLDSTREAM ROAD), TYNDALE</b>
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<b>Meeting</b>	Environment, Planning & Community Committee	16 June 2020
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
<b>Attachment</b>	Yes	

### SUMMARY

<i>Applicant</i>	Russell Armstrong
<i>Owner</i>	Russell and Lisa Armstrong
<i>Address</i>	Coldstream Road, Tyndale
<i>Submissions</i>	Yes – One (1)

Council has received an application under Section 4.55 of the *Environmental Planning and Assessment Act, 1979* to modify DA1995/0083 to amend the description of the development to remove the 20 year operational period. The description on the consent granted approval for “Continued use of a gravel quarry at a maximum extraction rate of 25,000 cubic metres per annum for a period of 20 years”. The removal of the 20 year operational period would allow the quarry to operate until such time as the designated extraction areas are exhausted of material. The applicant has also requested minor variations to other conditions of consent and these are discussed in detail within the Key Issues section of this report.

The modification to extend the operational time limit does not alter or change the annual extraction limit of 25,000m<sup>3</sup> of material.

The application was advertised and notified and 1 submission was received during the notification period. Issues raised in the submission include; expiry date of approval, validity of environmental assessment, road access and traffic impacts and lack of stakeholder engagement.

The application is being reported to Council as the original application was determined by the full Council at its meeting of 22 April 1997. This report discusses the key issues with the application, and provides a recommendation for Council’s consideration.

### OFFICER RECOMMENDATION

That Council:

1. Accept the application is substantially the same development as approved under DA1995/0083; and
2. Approve the modification application MOD2019/0050 by amending the description of the development to remove reference to the 20 year time period subject to the imposition of the Advices and Conditions contained in Schedule 1.

### COMMITTEE RECOMMENDATION

Baker/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

### LINKAGE TO OUR COMMUNITY PLAN

Theme 3 Economy

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

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

## BACKGROUND

Development approval DA1995/0083 was issued as a Deferred Commencement with the consent being validated on 19 June 1998. The description of proposed development on the Notice of Determination (copy in attachments) granted approval for "Continued use of a gravel quarry at a maximum extraction rate of 25,000 cubic metres per annum for a period of 20 years".

The land also received approval for a sand extraction quarry under DA2000/0217 to extract 30,000m<sup>3</sup> per annum. The consent validation date identified on the approval is 19 March 2001. In accordance with Section 95 of the *Environmental Planning and Assessment Act 1979* (herein referred to as the Act), valid at that time, the consent would have lapsed on the 19 March 2003, however, an extension to the consent validation date was granted by Council on 17 February 2003 which extended the consent period until 19 March 2004.

It appears that this consent may have gained physical commencement through works carried out by the landowner/operator required by conditions of consent as advised by letter to Council dated 15 March 2004. The letter stated that the works included:

- The land being surveyed and permanent marker pegs placed around the boundary of the sand quarry,
- The road into the quarry was cleared and drainage works were under construction, and
- The Plan of Management was submitted.

It is considered that the survey works and preparation of the Plan of Management in accordance with the conditions of consent would have constituted physical commencement at that time, and therefore the consent would have physical commencement.

### Planning Context

Where a modification to development consent is proposed, consideration needs to be given under the planning controls current at the time that the original application was approved. In this instance, the Maclean Local Environmental Plan 1992 (MLEP) was the planning instrument in force at the time, and as such the proposed modification of the extractive industry must be considered against the provisions of that document. The subject land was zoned 1 (b) Rural (General Rural Land) under the former MLEP. Extractive industries were permissible on the land subject to consent from Council. There are no specific development standards that apply to extractive industries set out within the MLEP and the development is considered to be generally consistent with the MLEP and objectives of the then 1 (b) Rural (General Rural Land) Zone.

The subject land is now zoned RU2 Rural Landscape under the *Clarence Valley Local Environmental Plan 2011* (CVLEP). Extractive industries are not permissible in their own right within the RU2 Zone of the CVLEP. However, Clause 7(3) of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* (herein referred to as the SEPP) permits extractive industries on any land for which agriculture or industry may be carried out (with or without development consent). The SEPP controls take precedence over the CVLEP controls, and therefore, the development is a permissible use.

The quarry is considered to be a suitable use of the land and through the imposition of the existing conditions will achieve the following aims of the SEPP:

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

Section 4.55 Amendment

The applicant has applied for the modification under Clause 4.55(2) of the Act. This section of the Act requires a consent authority to be satisfied that the development to which the modification relates is substantially the same development for which consent was originally granted i.e. is the modified development still the same development as originally approved?

The proposed modification does not alter or amend the approved development in anyway and it is proposed that the quarry (if the modification is approved) will continue to operate within the same footprint and proposed extraction depths as approved under DA1995/0083. Therefore, it is considered that the proposed modification to change the description of the development to remove the 20 year time limit is the same development as approved under DA 1995/0083.

**KEY ISSUES**

## 1. Expiry date of approval

The submission sought clarification regarding the expiry date of the consent as it was believed that the consent expired on 19 June 2018 as the approval was issued for a 20 year operational period.

Comment

The description of the approved development issued under DA1995/0083 was for the:

“Continued use of a gravel quarry at a maximum extraction rate of 25,000 cubic metres per annum for a period of 20 years”.

There was no condition on the approval limiting the operational period of the development to 20 years and no formal expiry date is listed within Part A General Application Details of the consent (refer to copy of consent contained within the attachments). Council has received previous legal advice to the effect that temporal limitations on a consent places the limit on the development but does not impose such a limitation on the consent. The consent in this case was physically commenced within the specified timeframe and as such, it is considered that the consent is still valid and can be amended under Section 4.55 of the Act.

## 2. Validity of environmental assessment

The submission raised concerns regarding the fact that the original Environmental Impact Statement was completed over 20 years ago and that the old report cannot be considered as current and relevant after such an extended period.

Comment

Clause 7.17 of the Biodiversity Conservation Act 2016 (herein referred to as the BC Act) sets the parameters as to when an assessment under the new environmental legislation is required to be completed for modifications to planning approvals. An extract of the clause is provided below for clarification:

*7.17 Modifications of planning approvals or activities*

- (1) Subsection (2) applies to an application for the modification of a development consent, or State significant infrastructure approval, that was granted after the commencement of this Division.*
- (2) The provisions of this Division relating to applications for development consent or State significant infrastructure approvals apply to any such application for modification as follows—*
  - (a) the provisions apply in relation to the original development as proposed to be modified,*
  - (b) a biodiversity development assessment report is required to be submitted and taken into consideration if this Division applies to the original development as proposed to be modified even if a biodiversity development assessment report was submitted in connection with the application for the original development or even if this Division did not apply to the original development (for example, because the modification results in the development exceeding the biodiversity offsets scheme threshold),*
  - (c) however a further biodiversity development assessment report is not required to be submitted if the authority or person determining the application for modification (or determining the environmental assessment requirements for the application) is satisfied that the modification will not increase the impact on biodiversity values,*
  - (d) the biodiversity development assessment report submitted with the application for modification is to take into account any measures already taken to avoid, minimise or offset the impact on biodiversity values in connection with the consent or approval before the proposed modification,*



- (e) *if an application for the original development as proposed to be modified would have been required to be refused because of serious and irreversible impacts on biodiversity values, the application for modification is required to be refused.*

It is considered that the modification application did not require the preparation of a Biodiversity Development Assessment Report as per Clause 7.17(2)(c) of the BC Act as the modification is not likely to increase the impact on biodiversity values because the development does not exceed the footprint or depth of excavation (2-3m) originally approved under DA1995/0083.

However, it is considered appropriate to place additional conditions on the approval to ensure that there is no chance of further environmental impacts than that already approved. As such, Council's assessing Environmental Officer recommends that the following additional conditions be placed on the modified consent if approved by Council:

- No works are to occur outside the operational footprint as approved by DA1995/0083. To ensure this does not occur, prior to any works recommencing on-site, this footprint is to be surveyed and demarcated in the field using hi-vis flagging, or similar.
- The annual extraction limits must not exceed 25,000m<sup>3</sup> in each calendar year.
- Immediately prior to clearing occurring, the area to be cleared must be inspected by an Ecologist for resident fauna and threatened flora species. Should resident fauna or threatened flora species be identified then a suitably experienced and qualified Ecologist must be consulted regarding suitable relocation of the fauna / flora.
- Extraction within Site 2 must not occur until Site 1 has been exhausted of material and rehabilitation has commenced. Details of such must be contained within the Annual Plan of Management.

The total approved quarry site area is 9 hectares. Condition 4 states that only 1 hectare of area is to be operational at any given time (after completion and rehabilitation of the existing area). The existing approval is also conditioned to ensure that rehabilitation works in exhausted areas are to occur concurrently with the clearing of expansion areas.

It is considered that the development consent contains appropriate conditions regarding clearing, an annual review of site rehabilitation, retention of hollow bearing trees and road upgrade requirements. A copy of the approval is contained in Attachment A.

### 3. Impacts from Traffic

The submission raised concerns regarding the ongoing maintenance of Coldstream Road from an increase in traffic and impacts to adjoining residence from access to quarry via an unsealed gravel road and impacts to adjoining residence from increase in noise, dust and road degradation.

#### a) Ongoing maintenance costs of Coldstream Road due to increase in traffic

Coldstream Road is a Council maintained road. Ongoing maintenance costs have been considered and are catered for through the imposition of a condition requiring the payment of a Section 94 contribution rate for quarry roads in accordance with Council's Section 94 Plan for Maintenance of Quarry Roads. The Section 94 plan was adopted by the former Maclean Shire Council November 1994 and is still in force. The purpose of the plan is to enable the levying of contributions for the maintenance of roads used by extractive industry trucks.

Condition 20 of DA1995/0083 applied a maximum rate of \$2,662.00 per annum to be paid at the time of an updated plan of management. The figure above is the maximum payable and will only be charged where the maximum amount is extracted from the quarry. A lesser extraction rate will result in a lesser contribution being charged.

The applicant has requested that if the modification is approved, the figure provided in Condition 20 be updated to reflect the current indexed amount. As such, Condition 19 has been updated to reflect this accordingly.

#### b) Impacts to adjoining residence from traffic increases along quarry access road off unsealed gravel road including noise, dust and road degradation

Access to the site is currently via an unmaintained section of road reserve between Coldstream Road and Lot 2 DP1187198. It is acknowledged that the access off Coldstream Road is not currently in a standard that meets Council and Austroads requirements. The access is currently unsealed with gravel surfacing. It is

apparent that the use of this access in its current condition has led to the failure of the edge of seal. Site inspection suggests that this has been repaired in the past. Extending the use of the quarry with the access in its current condition is likely to result in further degradation of Coldstream Road.



The proposed extraction limit of 25,000m<sup>3</sup> is equivalent to 80 trucks per week (approx. 16 per day excluding Saturday ~ 1.3 veh/h). Upon initial assessment of the intersection requirements as defined by Austroads Guide to Road Design Part 4: Intersections and Crossings, it was deemed that the intersection treatment with Coldstream Road is to be a Basic Left Turn (BAL). It will be required that the intersection be upgraded to an acceptable treatment determined through traffic impact assessments and design in accordance with the relevant Austroads Standard. The intersection is to be upgraded to a level determined by the traffic impact assessment.

#### Status of Existing Council Road:

Council, at the meeting of 10 March 1999 approved the transfer of the Crown Road that runs easterly off Coldstream Road to Council as a controlled Public Road. The road was required to be upgraded to a suitable standard to the satisfaction of the Engineer as per Council's Policy R301. As per Council's letter dated 30 March 1999, the application made by Lisa Armstrong, proposed to construct and maintain the Crown road Portion 137 which has now been transferred to Council. This portion is not identified as a Council maintained road and is currently operating as a private access onto Coldstream Road.

For Council to consider the indefinite operation of the quarry and to ensure that any potential impacts from noise, dust and further degradation of the road is minimised, the existing road must be constructed from its intersection with Coldstream Road to the access point of the site at the expense of the applicant. This will require the full length of the existing unsealed section of the road, from the site access to the Coldstream Road intersection, to be constructed to a minimum standard of a 6m wide seal on a 7m wide carriageway. This length is approximately 500m. Construction shall be in accordance with NRDC standards and shall include road drainage improvements. The quarry operator will be responsible for all future maintenance of the access from its intersection with Coldstream Road to the access point of the site. If approved, additional conditions have been provided in the Draft Schedule of Advices and Conditions.

The sealing of the road to a suitable Council standard will reduce existing and any future dust issues, reduce noise from traffic along the access road and improve safety for all users.

#### Noise

As part of the assessment of the modification and in response to the objection received from the adjoining land owner, Council staff believe it is appropriate to retain the existing hours of operation required by Condition 14 for Monday to Friday, however, it is recommended that the Saturday working hours are reduced

from a 7am to 8am start in line with the NSW EPA - Noise Policy for Industry 2017. Condition 14 has been amended accordingly as per the Draft Schedule of advices and Conditions.

4. Request from applicant to reduce road access and construction

As part of the application assessment, the applicant was advised that in order for Council's Development Engineer and Civil Services section to support the development road upgrading would be required. In response, the applicant requested an amendment to the modification application to only apply for an extension of 5 years to the operation of the existing consent instead of an indefinite period. As part of the proposed modification, the applicant requested that no roadworks be required within this 5 year period unless a threshold of 10,000m<sup>3</sup> extraction limit is reached, then requiring upgrades to be completed within a specific timeframe. If this approach was taken, this would likely require Council to enter into a Voluntary Planning Agreement with the applicant.

The applicant has also noted that the development would be paying S7.11 contributions for road maintenance of which it is the applicant's view that this money should be spent on 'Warrigal Road', with the quarry operator being responsible for dust control.

Civil Services and Council's assessing Development Engineer do not support the above approach for the following reasons:

- The access off Coldstream Road is not currently in a standard that meets Council's and Austroads requirements.
- It appears that Condition 20 of the original consent has not been complied with for the duration of the consent period.
- Council staff have concerns regarding sight distance and overall traffic safety of the current intersection with Coldstream Road.
- The property does not have frontage to a sealed public road or a Category 1 unsealed road listed in Council's adopted Roads Policy and the current access is not suitable for the use of up to 80 trucks per week.

The access off Coldstream Road is not currently constructed to a standard that meets Council and Austroads requirements. It appears that Condition 20 of the original consent has not been complied with for the duration of the consent period and as such Council staff are not prepared to accept the applicant's request. Council staff have concerns regarding sight distance and overall traffic safety of the current intersection with Coldstream Road.

As stated above, the applicant will be requested to provide a traffic impact assessment to determine the level of treatment required at the intersection of Coldstream Road and the site access in accordance with Austroads. The traffic impact assessment must be undertaken considering the ultimate development of the contributing traffic catchment.

Warrigal Road is to be sealed from its intersection with Coldstream Road to the access point of the site at the expense of the applicant, as requested by Council's Civil Services Section. This section of road is required to be accepted as a Category 2 Council maintained road prior to further removal of material from the site as per Council's Roads Policy. Council staff are unable to accept the applicant's request as it is not in accordance with Council's Roads Policy in regards to the provision of suitable road access for the proposed use of up to 80 trucks per week.

If the development is to be supported, Council's Civil Services Section will require the existing road to be upgraded and constructed from its intersection with Coldstream Road to the access point of the site at the expense of the owner/applicant. The full length of the existing unsealed section of the road, from the site access to the Coldstream Road intersection, shall be constructed to a minimum standard of 6m wide seal on a 7m wide carriageway. Construction shall be in accordance with NRDC standards and shall include road drainage improvements.

Additional conditions of consent requiring the upgrade have been included in the Draft Schedule of Advices and Conditions. Note, Council staff and Civil Services Section do not support the approval of the modification unless the additional conditions of consent requiring the upgrade are included.

5. Lack of stakeholder engagement

The submission raised concerns regarding a lack of stakeholder engagement considering the impacts to the adjoining property and residence.

Comment

There is no legislative requirement for the applicant/landowner to engage directly with any affected property owners prior to lodgement of an application. At the time of lodgement of the modification, Council applied the notification and advertising controls set out in the former Part B of the Rural Zones Development Control Plan (DCP). All affected property owners were directly notified and the amendment was also advertised in the local newspaper in line with the policy. Council has met its obligations in terms of notification and advertising as set out in the DCP.

## 6. Request from applicant to amend/alter other conditions of consent

As part of the modification application, the applicant requested an amendment to the various conditions of consent as follows:

Condition 3

This states *“An annual update of the Plan of Management is to be submitted to Council by 31 January in each year”*.

The applicant has requested that this condition be amended to read:

*“An annual update of the Plan of Management is to be submitted to Council by 30 April in each year”*

Reason: The operators have had difficulty engaging the consultants required to prepare the rigorous updates that Council require due to its timing in the holiday season. As a result, updates have been incomplete or of poor quality. An extension of 3 months to submit the Annual Plan of Management should overcome this problem.

Council staff are aware of the difficulties in obtaining information and contacting consultants during holiday seasons, so it is considered reasonable that an amendment to Condition 3 be supported in this instance. However, Council is currently seeking to have various quarries in the LGA provide their annual Plan of Management by 31 July so that invoices for road contributions can be made early in the financial year for all quarries. In the circumstances it is considered to be consistent with the reasons the applicant is seeking a change and the Council's revised quarry administration arrangements to amend Condition 3 to make the Plan of Management due by 31 July each year. This condition has been amended accordingly in the attached Draft Schedule of Advices and Conditions.

Condition 6

The applicant has requested an amendment to the following part of condition 6:

*“The design and location of these features is to be in accordance with the supplementary information submitted by Clark Consulting and the plan of management and revised as required”*.

To read as follows:

*“These features to be provided in accordance with the Erosion and Sediment Control Plan (A. Fletcher & Associates Pty Ltd – Drawing No. 9312ESC1)”*.

Council staff support an amendment to this condition as the A. Fletcher & Associates Plan reflects current standards. This condition has been amended accordingly in the attached Draft Schedule of Advices and Conditions.

Condition 12

The condition states that:

*“The access road is to be watered when in use to suppress dust”*.

The applicant is requesting an amendment to the condition to read as follows:

*“The access road is to be watered when in use to suppress dust as required”*.

Reason: The majority of the original access track is now a public road and this clarifies that the operators are not required to water that portion.

Staff support an amendment to the condition to include the word “internal” access road so that there is no confusion as to what portion of the road is to be watered. Furthermore, the public access road off Coldstream Road is required to be sealed to Council’s standards prior to the extraction of any additional material. Once sealed, there is unlikely to be any adverse impacts from dust issues caused from this section of road.

#### Condition 15

The applicant has requested that Condition 15 be deleted as the condition references a redundant document and stormwater management is covered in Conditions 6 and 7.

Condition 15 reads:

*All stormwater is to be collected within the property and discharged in accordance with Council's 'Engineering Specification for Development'.*

Staff do not support removal of Condition, however, support an amendment to the condition to refer to the correct and current standards which is the Development Control Plan. This condition has been amended accordingly in the attached Draft Schedule of Advices and Conditions.

#### Condition 19

The applicant has requested an amendment to Condition 19 to update the relevant contributions payable towards the maintenance of quarry roads. This is supported and the contribution has been indexed to the current figure payable.

#### Summary

It is concluded that a modification to DA1995/0083 be approved under Section 4.55(2) of the Act as the development is considered to be same development as originally approved. It is recommended that the description of the development be amended to remove reference to the 20 year period subject to the imposition of additional environmental and road upgrading conditions contained in Schedule 1. For ease of interpreting the amendments to existing and proposed new conditions, the entire advices and conditions have been provided in the Schedule with amendments to the existing conditions in red for clarification.

### **COUNCIL IMPLICATIONS**

#### **Budget/Financial**

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

Section 7.11 Contributions for Quarry Roads are payable to Council based on the annual extraction rates in accordance with the Section 94 Plan for Maintenance of Quarry Roads 1994. The contribution rate has been updated to reflect the current figure payable in Condition 19 of the Draft Schedule of Advices and Conditions. A change to the timing of the annual Plan of Management in Condition 3 will be consistent with Council’s current quarry administration arrangements.

#### **Asset Management**

In approving the modification, Council will be accepting an additional length of Category 2 road. However, the applicant is responsible for the on-going future maintenance of the access road from, and including, the intersection with Coldstream Road to the access point of the site in accordance with the proposed additional conditions of consent.

The applicant is also required to upgrade the intersection of Coldstream Road and the access road to the quarry to Council’s current standards. This will improve the safety of the intersection and increase design life of the road pavement in this location which will ultimately reduce ongoing maintenance costs for Council.

#### **Policy or Regulation**

*Roads Act 1993*

*Environmental Planning and Assessment Act 1979*

*Environmental Planning and Assessment Regulations 2000*

*State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*

*State Environmental Planning Policy (Rural Lands) 2008*

*Clarence Valley Local Environmental Plan 2011*

*CVC DCP - Rural Zones Development Control Plan 2011*

**Consultation**

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

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Development Engineer	Supported with conditions
Civil Services	Supported with conditions requiring road upgrade
Environment	Supported with conditions

**Legal and Risk Management**

Should the applicant be dissatisfied with Council's determination of the DA, they may appeal to the Land and Environment Court. 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. Further, any person may appeal the determination to the Land and Environment Court if they consider Council has not followed correct procedure in administration and assessment of the DA.

**Climate Change**

Continuation of the quarry use will result in some added contribution towards climate change. However, the extractive resources are in demand for construction purposes locally and it is better from a climate change perspective to have the resources extracted and transported locally rather than source them from more remote locations.

Prepared by	Carmen Landers, Development Planner (Systems)
Attachment	<ul style="list-style-type: none"> <li>A. Notice of Determination DA1995/0083</li> <li>B. Plans</li> <li>C. Application to Modify Consent</li> <li>D. Submission</li> <li>E. Section 4.55 Assessment Report</li> </ul>



**Schedule 1 - Draft Advices and Conditions****Advice to Applicant**

Council in determining the subject application advises you to take note of the following advice(s) and where pertinent to convey the advice to future owners or tenants.

1. As the area to be quarried is greater than 20,000 m<sup>2</sup> the premises will be scheduled with respect to the Noise Control Act 1975 and the Environment Protection Authority will be the controlling authority for noise from the site. If the EPA receives any complaints regarding noise, the operator may be required to implement additional noise control measures.
2. A licence under the Clean Air Act will be required for the use of the mobile crusher on site.
3. If polluted wastewater is discharged from site, a Pollution Control License may be required from the EP A.

**Conditions of Consent**

1. Implementation within 6 months of the date of validation of the operational consent of all measures outlined in the Plan of Management which are relevant to the current stage of the development.
2. Full compliance with the measures outlined in the plan of management endorsed by Council.
3. An annual update of the Plan of Management is to be submitted to Council by **31 July**~~31 January~~ in each year.

This update must include:

- the quantity of material extracted in the immediately preceding calendar year,
  - the quantity of material proposed to be extracted in the current calendar year,
  - the additional area of land used in quarry operations in the immediately preceding calendar year, the additional area of land proposed to be used in quarry operations in the current calendar year,
  - the rehabilitation undertaken in the immediately preceding calendar year and the rehabilitation programme for the current year,
  - results from the water quality monitoring programme for the immediately preceding calendar year, and
  - all sedimentation ponds constructed during the immediately preceding calendar year or proposed to be constructed during the current year.
4. A maximum of 1ha of the site is to be operational at any given time (after completion and rehabilitation of the existing area). Rehabilitation works in exhausted areas are to occur concurrent with the clearing of expansion areas.
  5. All recommendations of the Statement of Environmental Effects and the Fauna Assessment are to be implemented.
  6. Drainage berms are to be constructed so as to direct clean run-off around the active area of the quarry. These should be properly graded with grades of no more than 2%. The design and location of these features is to be ~~in accordance with the supplementary information submitted by Clark Consulting and the plan of management and revised as required.~~ **generally in accordance with the Erosion & Sediment Control Plan prepared by A. Fletcher & Associates Pty Ltd – Drawing No. 9312ESC1 and NRDC.** Any batters involving loose material must be reduced to 1(v):3(h) prior to topsoiling and sowing of a suitable pasture mix.
  7. Any sedimentation dams installed are to have a minimum capacity of 450m<sup>3</sup>/ha of catchment and batter grades should be no greater than 1 (vertical): 3 (horizontal) and be sown with pasture grasses.
  8. Topsoil stockpiles are to be no higher than 2m and should not be located against the treeline. Piles should be protected by diversion banks with slopes no greater than 2% and be sown with pasture grasses immediately. Stockpiles should not contain timber and top soil must not be sold but be used for rehabilitation. Any vegetation cleared from the site is not to be burned.

9. Any discharge from the site is to contain less than 50mg/L of **Total Suspended Solids (TSS)** non-filtrable residue (NFR), less than 10 mg/L of no visible grease and oil and a pH in the range of 6.5 to 8.5. Details of any **flocculant** coagulant injection system required to meet the **TSS NFR** requirements ~~is are~~ to be included in the plan of management.  
**(Amended to reflect current industry standards)**
10. Any fuel storage areas are to be bunded. The volume of the bunded area should equal to at least the capacity of the largest tank plus the volume that would be displaced by other tanks or structures within the bund area. Re-fuelling areas are to be located upslope from sedimentation dams and are to be indicated in the plan of management (if proposed).
11. Vegetated buffers are to be established and maintained between the quarry face and any drainage line or waterway. Any such drainage lines or waterways are to be indicated in the plan of management.
12. All vehicles associated with the use of the premises are to be parked within the confines of the site, at all times. The **internal** access road is to be watered when in use to suppress dust **as required**.
13. All employee's vehicles are to be parked wholly within the site at all times.
14. The hours of operation of the quarry are restricted to 7:00am to 5:00pm Mondays to Fridays and ~~7:00am~~ **8.00am** to 1:00pm Saturdays. **No work permitted on Sundays or public holidays.**  
**(Amended to reflect the Interim Construction Guidelines and Industrial Noise Policy)**
15. All stormwater is to be collected within the property and discharged in accordance with Council's 'Engineering Specification for Development' **Development Control Plan**.
16. No advertising sign is to be erected, painted or displayed.
17. Extraction is only to occur within the area identified in the DA and there is to be no disturbance of any vegetation surrounding the site. This is to ensure that a refuge area is available for fauna within the site. **The approved footprint must be surveyed and demarcated in the field using hi-vis flagging, or similar.**
18. The proposed rehabilitation must be commenced immediately in all areas no longer subject to extraction or required for access. Kikuyu should be deleted from the rehabilitation plan and replaced with Bahia grass at 3kg/ha. Logs, brush and rocks should be retained and used where possible to facilitate regeneration. Regenerating areas must be fenced to minimise damage to seedlings from stock grazing. A N:P:K fertiliser is to be applied at a rate of 250 kg/ha immediately following issuing of pasture mix.
19. Payment to Council of ~~\$2,662.00~~ **\$4,589.18** per annum pursuant to Section 94 of the Environmental Planning and Assessment Act for the maintenance of Council roads used by quarry trucks.  
NB
  - i. 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.
  - ii. The contributions are to be paid to Council at the time of update of the plan of management. The figure above is the maximum payable and will only be charged where the maximum amount is extracted from the quarry. A lesser extraction rate will result in a lesser contribution being charged. This is generally paid on a quarterly basis.
  - iii. 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.
  - iv. All contribution plans are available for inspection at Maclean Council Offices, 50 River Street, Maclean.
  - v. **The amended contribution was indexed using the June 2019 figure. Any future indexing of this figure should be based on the amended figure as at June 2019.**
20. Upgrading of the access **intersection** onto Coldstream Road to Council and Austroads requirements. **The intersection upgrade is to be completed prior to the acceptance of the access road as a Category 2 Council maintained road.**



***A Traffic Impact Assessment (TIA) is to be prepared by a suitably qualified person to determine the level of treatment required at the intersection of Coldstream Rd. The traffic impact assessment must be undertaken in accordance with Austroads Standards and Guidelines.***

***A Road Intersection Design Plan must be submitted for approval with the Section 138 application. Design and construction is to be in accordance with the applicable Austroads Standards and NRDC.***

Access is to have a minimum sight distance of 250m at the crest.

21. Provision of hinged 'Truck Entering' signs (W5-22) each side of the access onto Coldstream Road in accordance with Roads and Traffic Authority standards. ~~These are to be displayed during operation.~~
22. If Aboriginal relics such as stone artefacts or bone are exposed then work in and adjacent to the material must cease and the Yaegl Local Aboriginal Land Council and the District office of the National Parks and Wildlife Service must be informed. Work must not recommence until the approval of both of these bodies has been obtained.
23. All large hollow bearing habitat trees within the quarry expansion areas are to be identified and preserved. Such habitat trees are to be linked to the adjoining forest by a corridor of trees and undergrowth.

#### New Conditions

24. The annual extraction limits must not exceed 25,000m<sup>3</sup> in each calendar year.
25. The maximum depth of excavation (variable from 2 - 3m below natural ground level) must not exceed those approved by DA1995/0083.
26. Immediately prior to any clearing occurring, the area must be inspected by an Ecologist for resident fauna and threatened flora species. Should resident fauna or threatened flora species be identified then a suitably experienced and qualified Ecologist must be consulted regarding suitable relocation of the fauna/flora.
27. Extraction within Site 2 must not occur until Site 1 has been exhausted of material and rehabilitation has commenced. Details of such must be contained within the Annual Plan of Management.
28. The unsealed section of the access road shall be constructed from its intersection with Coldstream Road to the access point of the site at the full expense of the applicant in accordance with **NRDC** to the following standard;
  - a. Minimum sealed 7m carriageway with 6m wide seal.
  - b. Bitumen spray-seal surfacing must be a 2 coat seal 14 mm / 7 mm with 7mm primer seal.
  - c. Pavement depth to be determined by CBR testing undertaken by a NATA Registered Laboratory to Council satisfaction.
  - d. Table/Swale drains within the road reservation must be designed to protect the road pavement from infiltration and scour.
  - e. Benkelman beam testing of the constructed road pavement to be undertaken by a NATA registered authority and provided to Council.

Detailed road design plans must be submitted to Council for approval with the Section 138 application.

29. Prior to acceptance of the access road as Category 2 Council maintained road, the applicant must provide Work as Executed Plans (WAE) for roadworks to demonstrate compliance with the conditions of this consent.
30. Prior to acceptance of the access road as Category 2 Council maintained road, a maintenance bond is to be lodged with Council 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 the road being accepted as Category 2 Council maintained road.

31. No further removal of material from the site will be permitted until the intersection upgrade has been completed and the access road has been upgraded and accepted as Category 2 Council maintained road.
32. Approval of the Roads Authority under Section 138 of the NSW Roads Act 1993 must be obtained from Council prior to commencement of works within the road reserve. The application must be accompanied by a Traffic Control Plan (TCP) and Inspection and Testing Plan (ITP). The TCP must be prepared by a person authorised by the Roads and Maritime Services (RMS) to prepare TCP's and must be endorsed by Council prior to the occupation of the road reserve and commencement of work.
33. 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. Pre-start Meeting, 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.
34. The quarry operator;
  - a. must repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development;
  - b. must relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development; and
  - c. is responsible for the on-going future maintenance of the access road from, and including, the intersection with Coldstream Rd to the access point of the site.

<b>ITEM</b>	<b>6b.20.049</b>	<b>PLANNING PROPOSAL – PART LOT 102, DP1221192, SUMMERLAND WAY, KOOLKHAN (REZ2019/0003)</b>
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<b>Meeting</b>	Environment, Planning & Community Committee	16 June 2020
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
<b>Attachment</b>	Yes	

**SUMMARY**

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

This report considers the outcomes of the exhibition of a planning proposal (REZ2019/0003) to rezone Lot 102 DP1221192 Summerland Way, Koolkhan (the land) from E2 Environmental Conservation to E3 Environmental Management.

The planning proposal was publicly exhibited from 24 January to 10 February 2020. It now remains for Council to again consider the planning proposal in light of public comment/stakeholder consultation and to decide whether to finalise the planning proposal. A copy of the exhibited planning proposal is at Attachment 1.

This report recommends that Council continue to support an amended planning proposal as provided at Attachment 4.

**OFFICER RECOMMENDATION**

That Council:

1. Endorse minor variations to the exhibited planning proposal (REZ2019/0003) to rezone part Lot 102 DP1221192 Summerland Way, Koolkhan *from E2 Environmental Conservation to E3 Environmental Management* as described in this report and as indicated in the amended planning proposal<sup>#</sup> provided at Attachment 4 and that do not affect the original objectives/outcomes and accompanying explanation of provisions in Parts 1 and 2 of the planning proposal.
2. Refer the amended planning proposal to the Minister seeking the:
  - (a) Minister's approval of the amended planning proposal without the need for re-exhibition or further community consultation, accepting the already acknowledged inconsistencies with Section 9.1 Directions 2.1 Environmental Protection Zones, and as being justified in this circumstance; and
  - (b) Agreement of the Secretary to comply with the requirements of Section 9.1 Directions 2.1 Environmental Protection Zones and 5.10 Implementation of Regional Plans.
3. Should it receive advice from the Department of Planning Industry and Environment that the amended/varied planning proposal can proceed without the need for re-exhibition or further community consultation, proceed to exercise its delegated authority pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979 to finalise the amendment to Clarence Valley LEP 2011 to rezone part of Lot 102 DP1221192 Summerland Way, Koolkhan from E2 to E3.
4. Authorise Council staff to make any further amendments to the planning proposal that may be necessary to satisfy the Department of Planning Industry and Environment.

<sup>#</sup> the amended planning proposal at Attachment 4 is provided in tracked changes mode to assist in interpreting recommended changes.

*Cr Ellem, having declared an interest in this item, left the EP&C Committee meeting at 4.52 pm and returned at 4.56 pm.*

### COMMITTEE RECOMMENDATION

Baker/Williamson

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Williamson, Novak, Simmons, Baker

Against: Clancy

### LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

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

### BACKGROUND

Council on 27 August 2019 resolved to support a planning proposal to rezone the land from E2 Environmental Conservation to E3 Environmental Management and otherwise give effect to achieving the objectives and intended outcomes of the planning proposal. It should be noted that the ultimate aim of the planning proposal once the land is zoned to E3 is to enable a dwelling house to be erected on a lot to be excised from the land.

On 16 September 2019 Council referred the planning proposal to the Department of Planning, Industry and Environment (DPIE) with a request for Gateway determination. A Gateway determination to proceed was issued on 7 January 2020. A copy of the determination is at Annexure M of the exhibited planning proposal at Attachment 1.

The determination enables the planning proposal to proceed to public exhibition subject to a number of conditions which notably include:

1. Amendment of the proposal prior to agency and community consultation to revise Section 4.8.2 and Annexure J to confirm compliance with Clause 6 of SEPP 55 - Remediation of Land.
2. Public exhibition is required under Section 3.34(2)(c) and Schedule 1 Clause 4 of the Act as follows:
  - (a) the planning proposal is classified as low impact as described in A guide to preparing local environmental plans (Department of Planning and Environment, 2018) and must be made publicly available for a minimum of 14 days; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 6.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment, 2018).
3. Consultation with the following public authorities/organisations:
  - Department of Planning, Industry and Environment (Biodiversity and Conservation Division)
  - Australian Rail Track CorporationEach public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.
4. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under Section 3.36(2) of the Act subject to the following:
  - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
  - (b) the planning proposal is consistent with Section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
5. Completion of the LEP within 9 months following the date of the Gateway determination (7 January 2020).

## KEY ISSUES

The principal issue relates mainly to biodiversity issues raised by the Biodiversity and Conservation Division (BCD) of the Environment, Energy and Science Group in the NSW Department of Planning, Industry and Environment in its submission. Copy at Attachment 2.

### **Biodiversity issues raised by BCD**

The planning proposal was referred to the BCD for comment. The BCD has raised issues and proposed a number of recommendations relating to the reduction of environmental protections and planned biodiversity benefits over land.

It has made 4 recommendations which are addressed below.

#### **BCD Recommendation 1 - *The planning proposal should be amended to:***

- (a) *clearly discuss the council's original intent for the planning area and the reasons for the council's former support for the Master Plan to improve habitat connectivity between two areas of endangered ecological communities by requiring a landscape plan and vegetation management plan to reinstate the biodiversity values of the land, reduce fragmentation and protect areas of high environmental value.*
- (b) *clearly discuss the council's current intent and vision for the area currently zoned E2 and the council's reasons for deviating from the original intent of the master plan previously supported by the council for the land.*

#### Comment

A summarised history of the rezoning phase for this area and the 2 principal subdivision development applications (DAs) is provided at Attachment 3.

As mentioned in the "summarised history" at Attachment 3 the provision of the corridor and its protection and enhancement is more the vision of the original proponent and their appointed consultant (including Jackie Amos Landscape Architect) at the time. It was not expressly Council's vision and requirement to provide such corridor or to do so as a condition of Council's support of the rezoning.

Council has never sought to obtain the E2 zoned land as public land under its ownership and management. However, its conditions of consent have upheld the requirement for provision and implementation of a landscape plan which unfortunately was not enforced at the construction certificate stage for SUB2016/0020.

The exhibited planning proposal included a landscape plan which provided for a 2,000m<sup>2</sup> revegetation area in the southern part of the E2 zoned area. It indicated the proposed use of 24 plant species but did not indicate the quantities of each species nor does it indicate a maintenance plan.

The planning proposal has also indicated that:

*"A Vegetation Management Plan (VMP) will be prepared and submitted for Council's approval which will set out the obligations on the owner of this land (and binding on future owners) to maintain the planted areas in accordance with the maintenance schedule contained therein".*

It further states that the VMP will:

*"have a strong emphasis on the restoration and maintenance of these pockets of high ecological value, beyond the level which would normally apply to remnant vegetation on private land. Should the proposal not proceed a VMP will not be submitted but rather a maintenance schedule as required by Condition 4 to ensure the plantings survive to the point where they become self-sufficient".*

Refer also to response to BCD recommendations 2 and 3 below.

Following exhibition Council requested the proponent for this planning proposal to submit for Council's assessment a revised landscape/revegetation plan (GeoLINK) for the E-zoned corridor. This was because that plan only used 2 plant species from the species list in the original Jackie Amos Landscape Masterplan and Report ("Amos plan").

The revised landscape plan has been assessed and now proposes to use 7 species from the Amos plan species list. All 7 of these species are tree species. This plan provides for a total of 435 plants to be planted (375 trees and 60 shrubs). The plan is considered to be satisfactory for both further progression of the

planning proposal as well as for compliance with Condition 4 of SUB2016/0020 as it relates to the E-zoned land.

**BCD Recommendation 2** - *The planning proposal should be amended so that it:*

- (a) *does not reduce environmental protections and planned biodiversity benefits over land that is currently zoned E2; and*
- (b) *accords with Condition 4 of the development consent for the approved subdivision adjacent to the eastern boundary of the planning area.*

#### Comment

The request for such extensive amendments to the current planning proposal is not agreed with. Council has clearly already supported a planning proposal that does not necessarily accord with the vision and intent of the 2011 Jackie Amos Landscape Masterplan and Report that accompanied both SUB2012/0017 and SUB2016/0020. This means that it is supportive of not just the land being rezoned from E2 to E3 but also of the:

- future excision of the residential zoned part of proposed Lot 2 (in the subdivision of Lot 102, DP1221192) from the E zoned part of that lot; and
- erection of a dwelling house on the part of proposed Lot 2 that is proposed to be rezoned to E3.

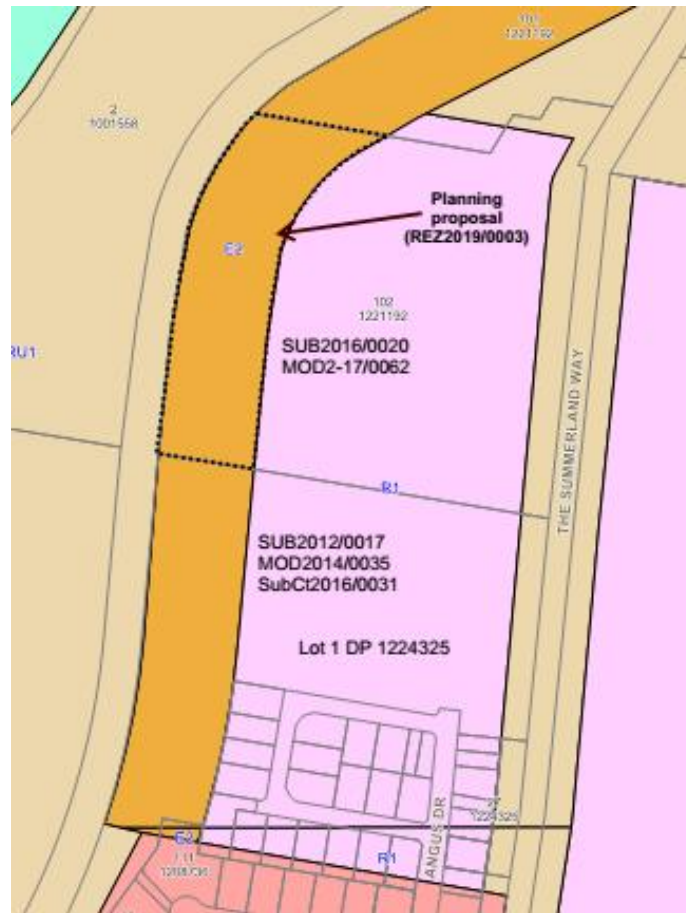
It is possible to revegetate/regenerate and manage the land for biodiversity outcomes whilst undertaking low impact extensive agriculture. This is proposed to be demonstrated by enforcing Condition 4 of SUB2016/0020 in relation to the provision of a landscaping plan.

As mentioned in the comment against BCD recommendation 1 above Council, following public exhibition, requested the proponent for this planning proposal to submit for Council's assessment a revised landscape/revegetation plan (GeoLINK) for the E-zoned corridor. The revised landscape plan was considered to be satisfactory for both further progression of the planning proposal as well as for compliance with Condition 4 of SUB2016/0020 as it relates to the E-zoned land.

The revised landscape/revegetation plan has been assessed and proposes to use 7 species from the Amos plan species list. All 7 of these species are tree species. This plan provides for a total of 435 plants to be planted (375 trees & 60 shrubs). The plan is considered to be satisfactory for both further progression of the planning proposal as well as for compliance with Condition 4 of SUB2016/0020 as it relates to the E-zoned land.

The assessment, approval and implementation of a landscape/revegetation plan in accordance with SUB2016/0020 Condition 4 is consistent with the approach taken for Condition No. 52 of SUB2012/0017 relating to the Dougherty subdivision to the south. Refer to Figure 1 below indicating the location of land subject to the planning proposal and SUB2016/0020 relative to the adjoining land subject to SUB2012/0017.

Refer also to response to BCD recommendation 3 below. In conclusion it is considered that there is no need to amend the planning proposal in the manner suggested by the BCD.



**Figure 1** - Plan indicating location of land subject to the planning proposal and SUB2016/0020 relative to the adjoining land subject to SUB2012/0017

**BCD Recommendation 3** - *The planning proposal should be amended to provide appropriate justification for the proposed rezoning and should not base its rationale on the need to enable extensive agriculture in an area planned for revegetation, or the need to create a dwelling entitlement for the land currently zoned E2 when one already exists for the lot that includes the E2 land.*

#### Comment

Council has already supported a planning proposal that aims to gain an additional dwelling entitlement in relation to the part of the land that is proposed to be rezoned. Inconsistency with Section 9.1 Direction 2.1 Environmental Protection Zones is acknowledged in the planning proposal (Annexure K). It is not proposed to amend the planning proposal in the manner or to the extent recommended by the BCD submission. Instead, Council can and should offer a revised justification for the inconsistency with Direction 2.1 as follows:

*“The proposal is inconsistent if a rezoning from E2 to E3 is considered to reduce the level of environmental protection. If it is, then the inconsistency is justified as follows:*

- (i) the land currently lacks environmental value as assessed in the Preliminary Biodiversity Assessment (GeoLINK, 20 November 2018) accompanying the planning proposal (Annexure E);*
- (ii) the land does not meet the “criteria” for E2 Environmental Conservation zones as outlined in LEP Practice Note PN 09-002 Environmental Protection Zones (Department of Planning 2009) and as also noted by the GeoLINK Preliminary Biodiversity Assessment;*
- (iii) the E2 zone on Lot 102 does not meet any of the criteria for an E2 zone as set out in the Northern Councils E Zone Review (Department of Planning and Environment 2015), as also noted by the GeoLINK Preliminary Biodiversity Assessment;*
- (iv) a revised Landscape/Revegetation Plan for the E-zoned land was submitted following public exhibition – refer to Annexure L. It proposes to use 7 species from the original Jackie Amos Landscape Masterplan and Report species list. All 7 of these species are tree species. This plan provides for a total of 435 plants to be planted (375 trees and 60 shrubs). The revised plan is intended to –*

- support the further progression of the planning proposal, as proposed in the objectives/outcomes and accompanying explanation of provisions in Parts 1 and 2 of the planning proposal; and
  - comply with Condition 4 of SUB2016/0020 as it relates to the E-zoned land.
- (v) Council intends to require the proponent to comply with Condition 4 of SUB2016/0020 prior to the issue of a subdivision certificate; Condition 4 requires the submission of a landscape plan; Council will require implementation of an approved landscape plan (i.e. completion of landscaping) prior to the issue of a subdivision certificate.”

This will require an amended or varied planning proposal including the justification for the inconsistency with Direction 2.1 in Annexure K but also amendments to other sections of the planning proposal document including Sections 1.5, 4.1, 4.6 & 4.7.

These amendments will not affect the original objectives/outcomes and accompanying explanation of provisions in Parts 1 and 2 of the planning proposal.

**BCD Recommendation 4 - The planning proposal should be amended:**

- (a) to only rezone a small proportion of the planning area to E3, generally along the eastern boundary and include a planning agreement that commits the landowner to preparing and implementing a vegetation management plan to rehabilitate and revegetate the remainder of the planning area that retains the E2 zone; or
- (b) to include a planning agreement that commits the landowner to preparing and implementing a vegetation management plan to rehabilitate and revegetate the land to be zoned E3 and protect the revegetated area in perpetuity through a secure planning mechanism.

Comment

A patchwork or “multiple” approach to E zoning is considered to be even less efficacious than a single E zone approach. The objectives of the E3 zone are considered more suitable to the relevant part of Lot 102. Also as outlined above (in response to BCD Recommendation 3) the land does not meet E2 zone criteria.

Forcing the proponent into a planning agreement for a proposal of this nature is not the answer.

Requiring the proponent to comply with SUB2016/0020 Condition 4 and complete landscaping prior to the issue of a subdivision certificate will be consistent with the actions undertaken for the land immediately to the south (now Lot 1 DP1224325). Refer to Figure 1 above. This adjacent land contains elements of higher biodiversity value being a threatened ecological community (TEC) according to the GeoLINK Preliminary Biodiversity Assessment. This land was subject to SUB2012/0017 for staged subdivision of 75 residential lots; and Subdivision Certificate (SubCt) 2016/0031 for 25 residential lots. Refer to “Assessment of development applications for subdivisions” in Attachment 3.

**Use of Clause 4.1A (4) to permit future subdivision and dwelling**

The PP states (Part 1, page 9) that:

*“The intended outcome is to permit the portion proposed to be rezoned E3 to be subdivided from the portion of R1 General Residential to which it is attached under the approved plan of subdivision (see Annexure B for the approved plan of subdivision). This would allow a development application to be submitted for the construction of a dwelling on the E3 lot. The current E2 zoning does not permit this intended outcome as discussed below”.*

The proponent has asserted in the planning proposal that once the relevant part of Lot 102 is rezoned to E3, LEP Clause 4.1A (3) can be used to approve the subdivision of part Lot 102 into 2 lots as follows:

1. Firstly, by creating (registering) proposed Lot 2 in the currently approved subdivision (SUB2016/0020) - refer to current approved plan of subdivision in Annexure B of the planning proposal. Lot 2 will become an **original lot** for the purposes of Clause 4.1A (2).
2. Secondly, by using Clause 4.1A (3) to subdivide Lot 2 into 2 lots as follows:
  - (a) Proposed Lot 2, zoned R1 General Residential with an area of 1,310.6m<sup>2</sup> including handle.
  - (b) Proposed Lot 60, zoned E3 Environmental Management with an area of 2.213ha (excluding access handle).



Council staff agree that both Clause 4.1A (3) and (4) can be used to create proposed Lot 60 with an area of less than the minimum size shown on the Lot Size Map (40ha) if Council is satisfied that the lot is suitable for the erection of a dwelling house. The proponent's ultimate intention is to seek approval of a dwelling house on the proposed Lot 60 which is to be rezoned E3 under this planning proposal.

Once proposed Lot 2 is further subdivided into proposed Lots 2 and 60 using LEP Clause 4.1A (3) and (4) Council will be able to grant consent to a dwelling house on proposed Lot 60 under LEP Clause 4.2B (3) (e). This provision permits Council to grant consent to a dwelling house on a lot created under Clause 4.1A (4).

In discussions between DPIE and Council staff, DPIE requested that Council carefully consider whether it will be able to use LEP Clauses 4.1A (3) and (4) to create proposed Lot 60 and to approve a dwelling house on proposed Lot 60 after part Lot 102 is rezoned from E2 to E3.

Council staff are satisfied that the proponent's intention in this planning proposal of achieving a subdivision to create proposed Lot 60 and the erection of a dwelling house on proposed Lot 60 as described above can be legitimately facilitated using the LEP provisions described above once part Lot 102 is rezoned from E2 to E3.

## COUNCIL IMPLICATIONS

### Budget/Financial

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

### Asset Management

N/A

### Policy or Regulation

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

### Consultation

The planning proposal was publicly exhibited from 24 January to 10 February 2020. It was also referred to the following authorities for comment as required by the Gateway determination:

1. Department of Planning, Industry and Environment (Biodiversity and Conservation Division) or BCD
2. Australian Rail Track Corporation

The submission received from BCD amounts to an objection to the planning proposal in its current form. This is reviewed in ISSUES above. No submission was made by the ARTC.

### Legal and Risk Management

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

### Climate Change

This proposal does not raise any foreseeable climate change implications.

Prepared by	Terry Dwyer, Strategic Planning Coordinator
Attachment	2. BCD submission 3. Summarised history of rezoning and subdivision development applications
To be tabled	1. Planning proposal - as exhibited 4. Planning proposal - as proposed to be amended (in tracked changes)

**ITEM 6b.20.050 2020/2021 COMMUNITY INITIATIVES PROGRAM – ROUND 1**

<b>Meeting</b>	Environment, Planning & Community Committee	16 June 2020
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	Director - Environment, Planning & Community (Des Schroder)	
<b>Attachment</b>	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 1.

**OFFICER RECOMMENDATION**

That Council approve donations under the 2020/2021 Community Initiatives Program – Round 1 to the value of \$52,015.58 in accordance with the recommendations set out in the attached schedule.

*Cr Kingsley and Cr Novak, having declared an interest in this item, left the EP&C Committee meeting at 4.56 pm and returned at 4.57 pm.*

**COMMITTEE RECOMMENDATION**

Williamson/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Simmons, Williamson

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 1 Society

Objective 1.1 We will have proud and inviting communities

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

**BACKGROUND**

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 March to 30 April 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 47 organisations received. 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 proposed 2020/2021 Donations budget allocation is \$100,000 (Service 4200 - Cost Centre 930 – PJ# 997113-58-7353-2534), to be confirmed when the draft budget is approved at the June Council meeting.

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.

The recommended donations contained in the Schedule total \$52,015.58 leaving a balance of \$47,984.42 to be available for Round 2 allocations in December 2020, Sport & Cultural Trust fund applications and DA fee waiver requests throughout the year.

Rates and fee waiver recommendations shown in the attached schedule are estimates only. Actual donation amounts may differ slightly once the annual budget is approved and actual rates levied, and fees and charges are known.

### 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 1

<b>ITEM</b>	<b>6b.20.051</b>	<b>DRAFT CLARENCE REGIONAL LIBRARY COLLECTION DEVELOPMENT POLICY</b>
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<b>Meeting</b>	Environment, Planning & Community Committee	16 June 2020
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	Director - Environment, Planning & Community (Des Schroder)	
<b>Attachment</b>	Yes	

**SUMMARY**

This report provides an update on the review of the *Clarence Regional Library Collection Development Policy*.

**OFFICER RECOMMENDATION**

That:

1. The *Clarence Regional Library Collection Development Policy* be updated to reflect the following changes and be placed on exhibition for a period of 28 days for public comment:
  - a) R18+ rated DVD's will be added to the collection on a case-by-case basis. Consideration will be given to critically acclaimed or award winning films and TV series.
  - b) Removal of the Issues in Society collection.
  - c) Removal of the Australian Bureau of Statistics publications from the Reference Collection Statement.
2. On completion of the exhibition period, if there are no submissions which conflict with the intent of the policy, it be adopted.

**COMMITTEE RECOMMENDATION**

Novak/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 1 Society

Objective 1.3 We will have a diverse and creative culture

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

**BACKGROUND**

The *Clarence Regional Library Collection Development Policy* was adopted in April 2018. A review of the policy in April 2020 was undertaken.

The *Clarence Regional Library Collection Development Policy* selection criteria have specified that R18+ rated DVD's will not be added to the collection. Since the last review of the policy, a number of critically acclaimed and popular TV series and films have been rated R18+ by the *Australian Classification Board* precluding their inclusion in the Clarence Regional Library Collection.

They include the majority of the *Game of Thrones* series, the TV series *Versailles*, *Walking Dead* and *American Gods*. There are also a number of critically acclaimed films including *Taxi Driver*, *Mad Max* and *Wolf Creek* that are R18+.

The Regional Library has had 11 *Requests for Purchase* for *Game of Thrones* DVD's in the last 6 years and countless enquiries. There have also been requests for *Versailles*, *The Walking Dead* and *Fortitude*.

**KEY ISSUES**

Proposed changes include

- Allowing the purchase of R18+ DVD's for inclusion in the collection on a case-by-case basis:
  - There has been community demand for particular R18+ DVD's to be included in the collection. In particular, *Games of Thrones* and *Versailles*.
  - There is not an alternative lending source for these items in Maclean, Yamba, Iluka, Urunga or Dorrigo. Grafton and Bellingen currently each have a DVD rental store.
  - R-rated DVD's will only be able to be borrowed at a service desk and borrowers who look under 25 will be asked to prove that they are 18 or over. The self check kiosks will be locked down to prevent R18+ items being borrowed.
- Removal of the Issues in Society collection:
  - Use of these publications has declined over the last 2 years as a result of students moving to online resources.
- Removal of Australian Bureau of Statistics publications from the Reference collection statement:
  - ABS reports are now available online and are no longer produced in hard copy.

**COUNCIL IMPLICATIONS****Budget/Financial**

N/A

**Asset Management**

N/A

**Policy or Regulation**

CRL Collection Development Policy

**Consultation**

Library staff were consulted, both internal staff and staff from other public libraries across the State. The Clarence Regional Library Committee was also provided an opportunity to provide feedback on this revised policy.

**Legal and Risk Management**

There is minimal risk legally as the policy complies with recommended standards from the peak public library bodies. N/A in regards to Native Title claims.

**Climate Change**

N/A

Prepared by	Kathryn Breward, Regional Librarian
Attachment	Draft CRL Collection Development Policy

**ITEM 6b.20.052 EXTENSION OF CLARENCE REGIONAL LIBRARY AGREEMENT**

<b>Meeting</b>	Environment, Planning & Community Committee	16 June 2020
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	Director - Environment, Planning & Community (Des Schroder)	
<b>Attachment</b>	Yes	

**SUMMARY**

This report provides information on the recommendation to extend the Clarence Regional Library Agreement (due for renewal 1 July 2021) to 1 July 2022.

**OFFICER RECOMMENDATION**

That the Clarence Valley Council adopt the extension of the Clarence Regional Library Agreement until 1 July 2022.

**COMMITTEE RECOMMENDATION**

Novak/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 1 Society

Objective 1.3 We will have a diverse and creative culture

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

**BACKGROUND**

The current Clarence Regional Library (CRL) Agreement expiration date has been arranged to ensure the signing of a new library agreement occurs after the election of a new Council and after the nomination of a new CRL Committee. The current CRL Agreement is due to expire on 30 June 2021. The Council elections due in September 2020 would mean the new CRL Agreement would be signed 9 months after the new Council and new CRL Committee members are in place and provides time for the Council and CRL Committee to be inducted into the necessary processes and procedures of Council and the CRL Committee.

On the 25 March 2020 the Minister of Local Government announced that the September 2020 Local Government elections would be postponed until 2021 to address the risks posed by COVID-19.

**KEY ISSUES**

To keep the alignment of the election of the new Council, followed by the nomination of new CRL Committee members, followed by the signing of a new CRL Agreement, the current CRL Agreement would need to be extended until 30 June 2022.

This extension of the CRL Agreement would also extend the period of the current funding formula for the CRL Contributions. The State Library Subsidy payments which were voted to remain with each of the individual councils until the end of the current CRL Agreement would also be extended.

**COUNCIL IMPLICATIONS****Budget/Financial**

N/A

**Asset Management**

N/A

**Policy or Regulation**

CRL Collection Development Policy

**Consultation**

The Clarence Regional Library Committee was provided an opportunity to discuss and endorse this recommendation at the CRL Committee meeting held via Webex on 14 May 2020.

**Legal and Risk Management**

There is minimal risk legally as the CRL Agreement will continue as is until the amended date is reached.  
N/A in regards to Native Title claims.

**Climate Change**

N/A

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Prepared by	Kathryn Breward, Regional Librarian
Attachment	CRL Agreement

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**ITEM 6b.20.053 DEVELOPMENT APPLICATIONS**

<b>Meeting</b>	Environment, Planning & Community Committee	16 June 2020
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
<b>Attachment</b>	Nil	

**SUMMARY**

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

**OFFICER RECOMMENDATION**

That the update on Development Applications be noted.

*Cr Novak, having declared an interest in this item, left the EP&C Committee meeting at 4.58 pm and returned at 5.01 pm.*

**COMMITTEE RECOMMENDATION**

Williamson/Clancy

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Simmons, Williamson

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

**BACKGROUND**

The calculation method for the numbers of days an application is held by Council 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. 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 2019 to 31 May 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)
676	664	\$151,446,510.80	310	Average : 75 days Median: 52 days

Of the 664 approved Development Applications between 1 July 2019 and 31 May 2020, 267 (40%) were determined within 40 days or less.

As of 1 June 2020 there were 127 outstanding development applications, which have been with Council for the following timeframes:

<b>Less than 40 days</b>	66
<b>41 - 60 days</b>	7
<b>61 - 80 days</b>	11
<b>81+ days</b>	43

The table below shows undetermined DAs that have been with Council for over 40 days with reasons for their current status.

## Reasons for Undetermined Applications over 40 days

Application No.	Received Date	Total	Full Details	Property	Reason
DA2020/0200	20/04/2020	41	Carports and shed	15 Denton Drive, SOUTH GRAFTON NSW 2460	Awaiting additional information (Use of level earthen pad, DCP Variation for setbacks and Height of Shed, Stormwater Management Plan, amended plans to scale and overall use of site).
SUB2020/0006	16/04/2020	41	Three lot subdivision	115 Centenary Drive, CLARENZA NSW 2460	Currently being assessed*
DA2020/0178	31/03/2020	46	Convert shed to transport depot and caretakers dwelling	3 Henry Searle Drive, ILUKA NSW 2466	Currently being assessed*
DA2020/0169	25/03/2020	47	Dwelling & secondary dwelling	30 High Street, LAWRENCE NSW 2460	Currently being assessed*
DA2020/0180	31/03/2020	47	Dwelling	461 Seelands Hall Road, SEELANDS NSW 2460	Additional information received 30/05 (Cultural Heritage, Site History for contamination and clarification of setbacks from river).
DA2020/0188	7/04/2020	47	Dual Occupancy and two lot subdivision	4 Little River Close, WOOLI NSW 2462	Additional information required (Amended On-Site Sewerage Management Report, DCP Variation for Front Setback, Amended Plans and Address Coastal Management SEPP).
SUB2020/0005	3/04/2020	47	Two lot strata subdivision	96 Spenser Street, ILUKA NSW 2466	Awaiting additional information (payment of integrated development administration fee).
DA2020/0179	31/03/2020	61	Shed	64 Crisp Drive, ASHBY HEIGHTS NSW 2463	Currently being assessed*

Application No.	Received Date	Total	Full Details	Property	Reason
DA2020/0160	23/03/2020	62	Function centre (wedding venue)	151 Micalo Road, MICALO ISLAND NSW 2464	Awaiting Council staff comment (environmental health, engineering and building).
DA2020/0175	30/03/2020	62	Dwelling and swimming pool	2 Mark Close, GRAFTON NSW 2460	Awaiting additional information (Amended proposal as Civil Services will not accept additional road pavement).
DA2020/0177	30/03/2020	62	Dwelling	11 Church Street, MACLEAN NSW 2463	Awaiting additional information (address heritage provisions of the CVLEP).
DA2020/0170	25/03/2020	66	Dual Occupancy	140 Ski Lodge Road, SEELANDS NSW 2460	Additional information received 20/05 (flood engineers report to support proposed location of proposed dwelling) and on exhibition until 19 June.
DA2020/0171	26/03/2020	66	Shed, carport with awning	13 Red Cedar Close, LAWRENCE NSW 2460	Submissions received and currently being assessed*
DA2020/0144	16/03/2020	72	Dwelling	Old Ferry Road, ASHBY NSW 2463	Submission received and currently being assessed*
DA2020/0156	19/03/2020	72	Dwelling (including variation to height) retaining wall and gate house	49 Yamba Street, YAMBA NSW 2464	Currently being assessed*
DA2020/0154	18/03/2020	74	Advertising signs	68-72 River Street, MACLEAN NSW 2463	Currently being assessed*
DA2020/0137	12/03/2020	79	Demolish existing shed and construct new shed and carport	3 Carraboi Street, WOOLI NSW 2462	Currently being assessed*
DA2020/0143	13/03/2020	79	Alterations and additions to dwelling	48 Coonawarra Court, YAMBA NSW 2464	Currently being assessed*
DA2020/0129	10/03/2020	82	Alterations and additions to dwelling	21 Westringia Place, YAMBA NSW 2464	Revised Engineering Drawings received 24/04 and currently being assessed*
DA2020/0130	10/03/2020	82	Demolition of jetty	23 Oyster Channel Road, MICALO ISLAND NSW 2464	Awaiting additional information (owners consent from Crown Lands).
DA2020/0131	10/03/2020	82	Dwelling and flood mound	Serpentine Channel North Bank Road, CHATSWORTH NSW 2469	Additional information requested (flood engineers report, existing and proposed ground levels and sediment and erosion control plan), extension of time granted to provide information until end of May 2020.
DA2020/0132	10/03/2020	82	Dwelling and flood mound	Serpentine Channel North Bank Road, CHATSWORTH NSW 2469	Additional information requested (flood engineers report, existing and proposed ground levels and sediment and erosion control plan), extension of time granted to provide information until end of May 2020.

Application No.	Received Date	Total	Full Details	Property	Reason
DA2020/0133	10/03/2020	82	Dwelling and flood mound	Serpentine Channel North Bank Road, CHATSWORTH NSW 2469	Additional information requested (flood engineers report, existing and proposed ground levels and sediment and erosion control plan), extension of time granted to provide information until end of May 2020.
DA2020/0120	6/03/2020	86	Second storey addition and alterations to dwelling	29 The Mainbrace, YAMBA NSW 2464	Currently being assessed*
DA2020/0112	2/03/2020	88	Upgrade of the Grafton Greyhound Racing Club including part demolition, alterations and additions, and associated work	70 Cranworth Street, GRAFTON NSW 2460	Staff currently liaising with applicant regarding parking.
SUB2020/0002	25/02/2020	88	17 large lot residential subdivision	273-331 Centenary Drive, CLARENZA NSW 2460	Awaiting additional information (access, contaminated land, ecological assessment, cultural heritage assessment, water supply strategy and OSM report and stormwater management) and awaiting external referral from RFS.
DA2020/0071	17/02/2020	94	Dwelling and boundary adjustment	25 McPhee Street, MACLEAN NSW 2463	Awaiting additional information (access and clearing).
DA2020/0103	26/02/2020	95	Relocate existing carport with minor alterations	155 Lakes Boulevard, WOLOWEYAH NSW 2464	DCP Variation being assessed (Front Setback).
DA2020/0079	19/02/2020	96	Dwelling and fill mound	Watts Lane, HARWOOD NSW 2465	Awaiting additional information (Contaminated Land Assessment).
DA2020/0041	3/02/2020	118	Alteration to building and use as funeral home	68-72 River Street, MACLEAN NSW 2463	Report to June Council meeting.
DA2020/0035	28/01/2020	123	Twilight markets	Market Square, Prince Street, GRAFTON NSW 2460	Currently being assessed*
DA2020/0038	29/01/2020	123	Demolish awning and erect awning	34-36 River Street, MACLEAN NSW 2463	Additional information requested (Compliance with Essential Energy Requirements)
DA2020/0028	23/01/2020	129	Two industrial sheds	Electra Crescent, SOUTH GRAFTON NSW 2460	Additional information requested 29/01 (parking, use of building and landscaping details).
DA2020/0019	17/01/2020	131	Depot and construction of hardstand area for parking area	12 Mulgi Drive, SOUTH GRAFTON NSW 2460	Awaiting additional information 23/01 (stormwater, manoeuvring and hours of operation).
DA2019/0701	19/12/2019	143	Alterations and additions to dwelling	136 Main Street, WOOLI NSW 2462	Additional information (amended plans to show BASIX commitments) and Coastal Erosion Risk currently being assessed*
DA2020/0007	8/01/2020	144	Dwelling	Donaldson Street, WOOMBAH NSW 2469	Awaiting amended plans showing BASIX commitments.

Application No.	Received Date	Total	Full Details	Property	Reason
DA2019/0690	16/12/2019	167	Staged dwelling - Stage 1 dwelling envelope	516 Iluka Road, WOOMBAAH NSW 2469	Third additional information requested 16/04 regarding land contamination.
DA2019/0672	9/12/2019	174	Alterations & additions to church hall	Wharf Street, SOUTH GRAFTON NSW 2460	Additional information requested 5/02 (amended plans and parking).
DA2019/0673	9/12/2019	174	Deck, pool, carport and shed	2 Gordon Street, PALMERS ISLAND NSW 2463	Applicant to upgrade OSM or alternatively withdraw application.
SUB2019/0044	9/12/2019	174	Four lot subdivision	Micalo Road, MICALO ISLAND NSW 2464	Access arrangement currently being assessed*
SUB2019/0041	25/11/2019	184	Two lot subdivision	33 Spenser Street, ILUKA NSW 2466	Further information requested regarding stormwater management from road upgrade and future buildings.
DA2019/0639	25/11/2019	188	New commercial building	20 High Street, YAMBA NSW 2464	Further liaising with applicant regarding amended plans required and currently being assessed*
DA2019/0636	22/11/2019	191	Vehicle repair station	228 Fitzroy Street, GRAFTON NSW 2460	Council staff currently liaising with applicant regarding access to the property.
DA2019/0539	3/10/2019	227	Monthly Twilight Markets	Clarence Street, YAMBA NSW 2464	Additional information requested (owners consent). Under CVC Market Policy applicant is going to trial alternate proposal before lodging Section 55 Amendment to change proposal.
DA2019/0560	15/10/2019	229	Alterations and additions to dwelling and 2 carports	142 Lakes Boulevard, WOLOWEYAH NSW 2464	Additional information to be submitted (Amended Plans).
DA2019/0514	23/09/2019	251	Retention of existing hardstand area and new earthworks	21 Through Street, SOUTH GRAFTON NSW 2460	Staff to liaise with applicant regarding fill below 5.7m AHD before determining application.
DA2019/0478	30/08/2019	272	Dwelling	191 Dirty Creek Road, DIRTY CREEK NSW 2456	Additional information requested second letter 8/01 (Revised Plans, OSM Application and Bushfire Report).
SUB2019/0034	28/08/2019	277	41 lot subdivision	Old Glen Innes Road, WATERVIEW HEIGHTS NSW 2460	Additional information requested 27/03 (SEPP 44, Bushfire, Stormwater, Access, Traffic Impacts, Servicing, Ecological Impacts and On-Site Sewerage Management).
SUB2019/0033	20/08/2019	285	Boundary adjustment & consolidation of Lot 10 DP752845 & Lot 32 DP 752845	900-1278 Laytons Range Road, KANGAROO CREEK NSW 2460	Council staff to draft brief to seek legal advice on issue.
SUB2019/0030	14/08/2019	291	295 lot staged residential subdivision	52-54 Miles Street, YAMBA NSW 2464	Submissions received and summary of issues provided to the applicant. RFS, NRAR have requested additional information and/or amendment to the proposal. DPIE Biodiversity and Conservation Division

Application No.	Received Date	Total	Full Details	Property	Reason
					have provided comment on BDAR for Council staff to consider. Council staff to review proposal and determine if further additional information is required for assessment following revised proposal.
DA2019/0423	8/08/2019	293	255 manufactured home estate with community facilities	Brooms Head Road, GULMARRAD NSW 2463	Further information requested (Traffic Impact Assessment, Development Control Plan as per Part 6 of the LEP, Stormwater Management and Ecological Impacts).
DA2019/0427	8/08/2019	297	Vehicle sales premises and shed	18-20 Clyde Street, MACLEAN NSW 2463	Awaiting additional information (amended shed design) for heritage concerns.
DA2019/0266	22/05/2019	375	Remediation of riverbank erosion, establish dwelling envelope, construction of two dams & two flood mounds	Kings Creek Road, LAWRENCE NSW 2460	Awaiting additional information (geotechnical report).
DA2019/0243	13/05/2019	384	Shipping container building with playground, cafe and rooftop restaurant	383 North Street, WOOLI NSW 2462	Report to June meeting.
SUB2019/0010	23/04/2019	404	Two lot subdivision ( includes lot size variation)	401 Kungala Road, KUNGALA NSW 2460	Applicant to withdraw application.
DA2019/0152	26/03/2019	432	Temporary use of land (function centre)	Micalo Road, MICALO ISLAND NSW 2464	Staff currently liaising with applicant regarding access to the property.
DA2019/0126	19/03/2019	439	Vegetation management control	35 Victoria Street, GRAFTON NSW 2460	Heritage Minor Works Application approval issued as an alternate way to manage vegetation, likely to withdraw DA.
SUB2019/0002	6/02/2019	480	13 Large lot residential subdivision	198 Gardiners Road, JAMES CREEK NSW 2463	Awaiting additional information (BDAR to be finalised, stormwater management and details intersection design and site distances).
SUB2018/0027	8/10/2018	601	Two lot subdivision	20 The Glen, MACLEAN NSW 2463	Awaiting additional information (Biodiversity and bushfire).
SUB2018/0004	23/02/2018	828	11 (reduced from 12) large lot residential subdivision	Bloodwood Grove, GULMARRAD NSW 2463	Report to June Council meeting Council.
DA2017/0671	18/10/2017	956	Caravan Park - Alterations & Additions (10 additional sites) and amenities	391 Goodwood Island Road, GOODWOOD ISLAND NSW 2469	Awaiting additional information (Building Certificate Application, plans and compliance with Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

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

Exceptions to Development Standards under Clause 4.6 of the LEP

During the month of May 2020 there was nil use of Clause 4.6 for determined Development Applications.

**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
Attachment	Nil

**CONFIDENTIAL BUSINESS – Nil**

**LATE ITEMS OF BUSINESS – Nil**

**CLOSE OF COMMITTEE MEETING**

There being no further business the Environment, Planning & Community Committee closed at 5.01 pm.

**c. CORPORATE GOVERNANCE AND WORKS COMMITTEE**

**MINUTES** of a meeting of the **CORPORATE, GOVERNANCE & WORKS COMMITTEE** of Clarence Valley Council held in the Council Chambers, Grafton on Tuesday, 16 June 2020, commencing at 2.00 pm.

**ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THE LAND**

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

**ANNOUNCEMENT**

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

**PRESENT**

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

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

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

<i>Name</i>	<i>Item</i>	<i>Nature of Interest</i>	<i>Reason/Intended Action</i>
Cr Toms	6c.20.097	<input checked="" type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: Director of contract managers of Iluka Riverside Holiday Park Intended action: Leave the Chamber
Cr Kingsley	6c.20.102	<input type="checkbox"/> Pecuniary <input checked="" type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: I have professional dealings with CCS through my employment Intended action: Leave the Chamber
Cr Williamson	6c.20.082	<input type="checkbox"/> Pecuniary <input checked="" type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: A family member owns a property near the proposed area to be closed and I also live near the proposed closed area. Intended action: Leave the Chamber

**SUBMISSIONS RECEIVED****Item 6c.20.082 - Permanent Road Closure – Part Black Swan Drive, Coutts Crossing**

- Against the Item
- Stephen Williamson – Affected Person
  - Janice & John Cussen – Affected Person
  - Kylee White & Shane McGrath
- For the Item
- Kerry & Lorrie Hutton – Applicant

**Item 6c.20.089 - Road Naming of existing and proposed assets as a result of the construction of the New Pacific Highway - Update**

- For the Item
- Winston & Julie Oxenbridge – Affected Person
  - Julie McDonough – Affected Person

<b>ITEM</b>	<b>6c.20.082</b>	<b>PERMANENT ROAD CLOSURE – PART BLACK SWAN DRIVE, COUTTS CROSSING</b>
<b>Meeting</b>	Corporate, Governance & Works Committee	16 June 2020
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	Director - Corporate & Governance (Laura Black)	
<b>Attachment</b>	Yes	

**SUMMARY**

To consider permanent closure and sale of a section of Black Swan Drive, Coutts Crossing.

**OFFICER RECOMMENDATION**

That Council:

1. Close the section of Black Swan Drive, Coutts Crossing road reserve adjacent to Lot 185 DP 752810 and Lot 2 DP 244349.
2. Enter into a deed with the landowner of Lot 185 DP 752810 and Lot 2 DP 244349 for all costs associated with the closure to be met by the landowner.
3. Classify the newly created lot (closed road) as “operational land”.
4. Transfer the newly created lot (closed road) to the owner of Lot 185 DP 752810 and Lot 2 DP 244349 at a price determined by an independent valuation.
5. Delegate authority to the General Manager to execute documents associated with the survey and transfer of the land.

*Having declared an interest in this item, Cr Williamson, left the Corporate, Governance & Works Committee meeting at 2.07 pm and returned at 2.26 pm.*

**COMMITTEE RECOMMENDATION**

Toms/Ellem

That Council not close the section of Black Swan Drive, Coutts Crossing road reserve adjacent to Lot 185 DP 752810 and Lot 2 DP 244349.

Voting recorded as follows

For: Simmons, Toms, Ellem, Kingsley

Against: Lysaught

**FORESHADOWED MOTION**

Lysaught

That Council:

1. Close the section of Black Swan Drive, Coutts Crossing road reserve adjacent to Lot 185 DP 752810 and Lot 2 DP 244349.
2. Enter into a deed with the landowner of Lot 185 DP 752810 and Lot 2 DP 244349 for all costs associated with the closure to be met by the landowner.
3. Classify the newly created lot (closed road) as “operational land”.
4. Transfer the newly created lot (closed road) to the owner of Lot 185 DP 752810 and Lot 2 DP 244349 at a price determined by an independent valuation.
5. Delegate authority to the General Manager to execute documents associated with the survey and transfer of the land.

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 2 Infrastructure

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

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



## BACKGROUND

Council has received an application from the landowner of Lot 185 DP 752810 and Lot 2 DP 244349 to permanently close and purchase a section of Black Swan Drive, Couotts Crossing.

Black Swan Drive (from McPhersons Crossing Road to Orara Downs Lane) was transferred to Council as a public road on 21 June 2013.

From the intersection of McPhersons Crossing/Burragan Road to the east, Council maintain 1074m. The rest of Black Swan Drive (continuing east to Orara Downs Lane) is an unmaintained Council public road. See Figure 1.



Figure 1 - Plan of Proposed Road Closure

## KEY ISSUES

The landowner of Lot 185 and Lot 2 has lodged a submission with their application outlining reasons for purchase (see attachment A) on the basis of significant dust issues, noise, security and safety issues.

Council staff have inspected the section of road proposed to be closed and agree that the section where there is a sharp turn in the road is a safety hazard. All adjoining landowners have primary access from an alternative road.

In accordance with provisions of the Roads Act 1993, the proposed closure was advertised. Twenty-two (22) objections were received. The main concern in the submissions was that the road was used as a secondary access in times of wet weather and extreme events (flood and bushfire) as Levenstrath Road often becomes impassable (see attachment B). Other concerns were that the access was required for elderly and medical reasons to allow quicker and secondary access in times of emergency.

Some of the statements in the submissions appear contradictory and unfounded. For instance, Black Swan Drive is heavily vegetated in comparison to Levenstrath Road so it is unlikely that this would be used during times of fire. In addition, there are approximately 11 dwellings that would be able to use this road as a flood bypass.

As the submissions show, many people desire to have a secondary access to their property; however these objections do not consider the broader impacts of the use of this track. These include:

- The road is unformed and unmaintained
- Use of this road is creating significant nuisance for the adjoining land owners
- The use of this unmaintained road during periods of wet weather leads to rapid deterioration of the track and it becomes very boggy
- An unmaintained road is not a reliable secondary access and should not be relied on for emergency use
- Council is not required to provide secondary access to properties
- Council holds liability for this land, which is in poor condition and not being maintained

Two adjacent land holders have lodged objections to this proposal, being 321 Black Swan Drive and 182 Levenstrath Road. These objections are discussed further below.

The owner of 321 Black Swan Drive lodged an objection suggesting that access to an existing property driveway will be lost and the property address would need to be changed, however this is incorrect. The proposed road closure does not affect the existing driveway or address of this property.

The owner of 182 Levenstrath Road has lodged an objection that centres on secondary access for other people. This property does not have a dwelling, has three boundaries with road reserves and access to it will be largely unaffected.

An inspection undertaken on the 27 February 2020 indicated the unmaintained section is in poor condition.



**Figure 2 - Current condition photos**

In light of the above, it is recommended to proceed with the closure of this portion of unmaintained road. However, it is understood that this is not the outcome that some in the community desire; as such a number of options are provided for consideration.

1. Do nothing.
2. Proceed with the proposed road closure.
3. Barricade the unformed road to prevent vehicle access.
4. Upgrade the 1035m of unformed road to a suitable standard and add to Council's maintenance register.

Option 1 is not recommended. This will do nothing to address the problem and it will likely result in complaints about the condition of the unmaintained track.

Option 2 is the recommended outcome. The will address the reasons that this issue was brought to Council's attention and will not create any further burden on rate payers. The full cost of the transfer of the road reserve will be borne by the applicant.

Option 3 will address the liability caused by an unmaintained track and nuisance issues associated with allowing public vehicle access to this road reserve, but will not allow for use as a temporary access during times of flood and will likely result in vandalism of the barriers that are put in place.

Option 4 is not recommended. If this is done, it will likely become the primary access route for some of the properties on Orara Downs Lane and Levenstrath Road. As such, any upgrade works need to include the costs associated upgrading Orara Downs Lane (1100m long unsealed road) and the unsealed section of Black Swan Drive (1000m long unsealed road).

Detailed costings have not been prepared for this option, but they are likely to be significant. For instance the upgrade of McIntyres Lane cost approximately \$1M per kilometre. If this rate is applied, the cost of these works could be in the range of \$3M. There will also be a long term cost impact for the ongoing maintenance of the additional length of road.

Due to the small number of benefitting land owners, it is recommended that the full cost of any upgrade works be borne by the benefitting land owners rather than burdening the rest of the community with the cost.

## COUNCIL IMPLICATIONS

### Budget/Financial

All costs associated with the road closure process are borne by the applicant. If Council does not support the road closure and the road is added to Council's maintenance schedule then there will be ongoing maintenance costs.

### Asset Management

If the closure is supported, then the section of closed road would be removed from Council's Assets Register.

### Policy or Regulation

Roads Act 1993  
Local Government Act 1993  
Conveyancing Act 1919

### Consultation

Consultation has been undertaken with adjoining landowners, notifiable authorities and relevant sections of staff. Council's Civil Services and Planning Sections support the closure.

### Legal and Risk Management

Disposing the land will eliminate any liability for Council.

### Climate Change

Not Applicable

Prepared by	Alex Dalrymple, Manager Civil Services and Kylee Baker, Property Coordinator
Attachments	A: Landowner application and submission B: Submissions from landowners

<b>ITEM</b>	<b>6c.20.083</b>	<b>PROPOSED DEDICATION OF LAND FOR FOOTPATH AT JUNCTION HILL</b>
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<b>Meeting</b>	Corporate, Governance & Works Committee	16 June 2020
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	Director - Corporate & Governance (Laura Black)	
<b>Attachment</b>	Nil	

**SUMMARY**

To consider a section of private land at Junction Hill being dedicated to Council as pathway (public road).

**OFFICER RECOMMENDATION**

That Council:

1. Accept the dedication of pathway 3 metres wide as public road, subject to both parties agreeing to arrangements for construction of the footpath.
2. Delegate authority to the General Manager to execute associated documents.

**COMMITTEE RECOMMENDATION**

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 2 Infrastructure

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

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

**BACKGROUND**

There was an unformed laneway at Junction Hill. Council resolved at its meeting on 14 November 2006 as follows:-

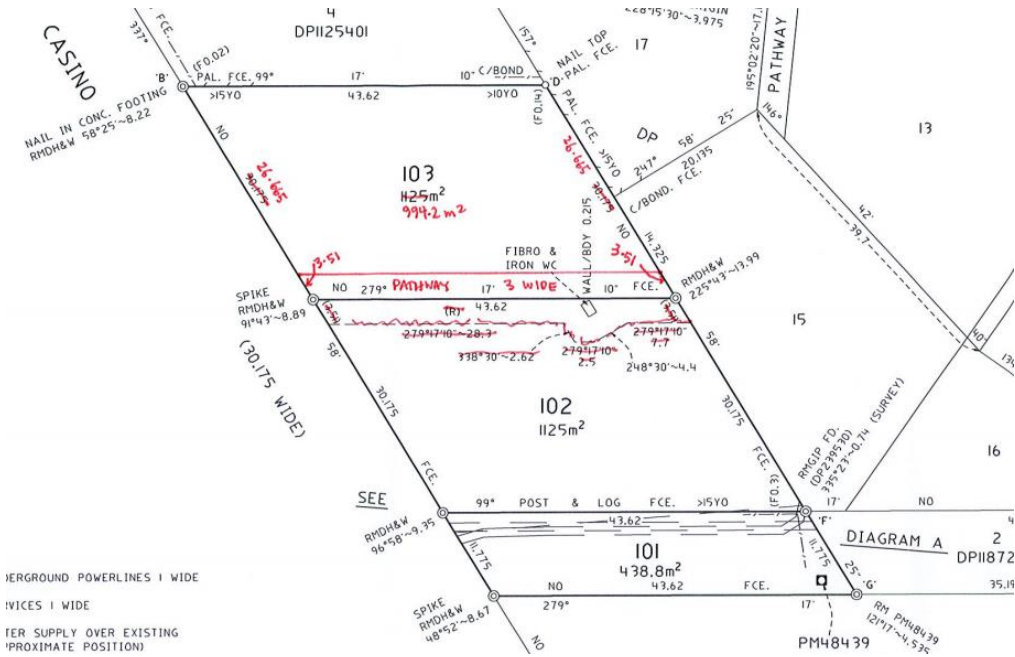
**COUNCIL RESOLUTION**  
(Adams/Simmons)

- 09.198/06 1. That the acquisition of the unformed lane located behind the 'Blue Goose' Hotel Junction Hill by a joint possessory title claim by Westlawn Holdings and Council be approved subject to:-
- a division of the lane between Westlawn Holdings and Council as agreed by the General Manager,
  - if applicable, Westlawn Holdings paying to Council the value, determined by independent valuer, of that part of Council's half of the lane as the General Manager agrees may be acquired by Westlawn Holdings,
  - the section acquired by Council being classified as operational land under Section 31 of the Local Government Act,
  - granting of easements as necessary for the services located in the lane,
  - granting by Westlawn Holdings of a right-of-way, as agreed by the General Manager, to provide pedestrian access from the pathway off Trenayr Close to Summerland Way, and
  - all costs associated with the acquisition and subdivision of the lane being met by Westlawn Holdings.
2. Once the division of the lane and the location of the right-of-way have been agreed upon, the proposed acquisition of the lane be advertised for public comment and, if no substantive adverse submissions are received, for the possessory title claim to proceed.

The acquisition of the laneway is almost complete. Notations are currently being removed from the land titles.

KEY ISSUES

In relation to Westlawn Holdings granting a right of way (ROW) to provide pedestrian access from Trenayr Close to the Summerland Way a location has been agreed upon as follows:



Staff requested a positive covenant be placed on the title setting out provisions for construction and ongoing access and maintenance of the footpath. However, granting a ROW has legal implications for the landowner as they would be liable for the asset and pedestrian activity.

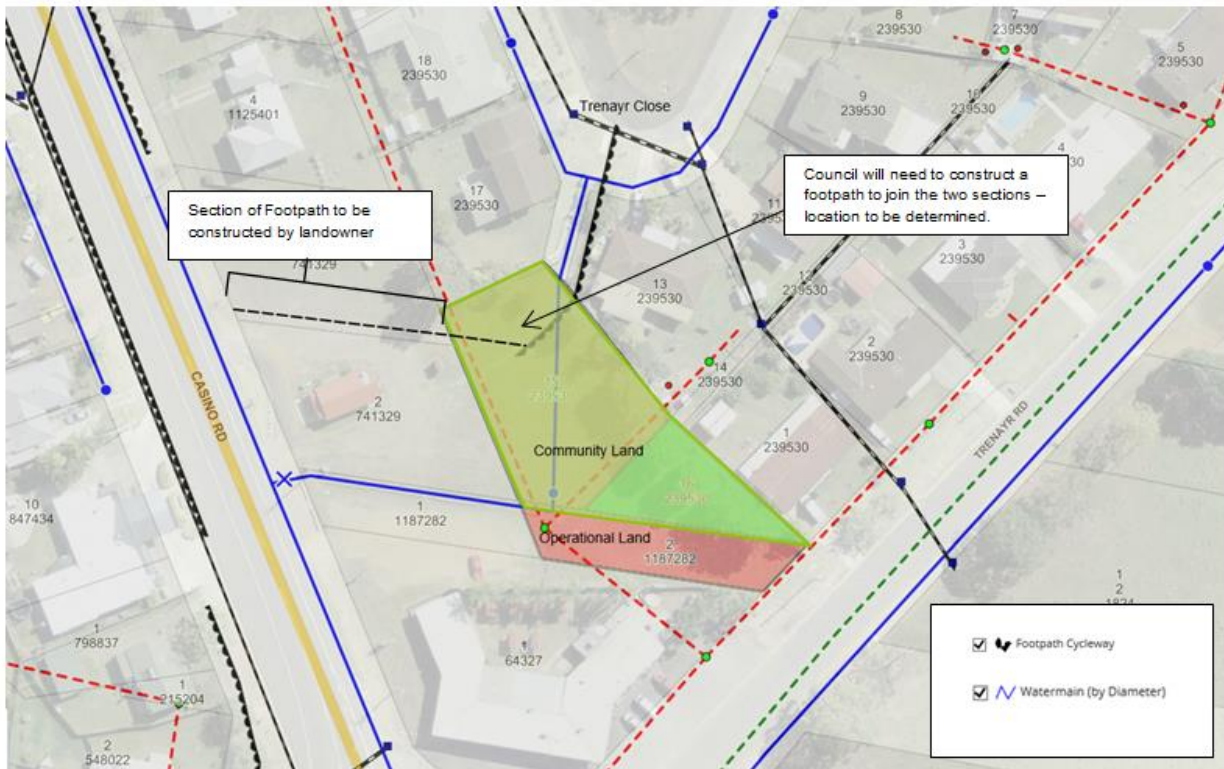
The landowner has now approached staff to dedicate the pathway to Council. This would result in Council owning the pathway freehold. A pathway is a form of public road. The landowner would construct the footpath in accordance with Council's standards and the footpath would also become a Council asset.

Council would be required to construct a footpath linking Trenayr Road to the newly formed footpath.

Easements over Council services will also be created at the time of registration of the plan.

The plan should be referenced that 'It is intended to dedicate the pathway 3 wide to the public as public road' which will create the pathway as public road and there is no need to classify the land.





**COUNCIL IMPLICATIONS**

**Budget/Financial**

The dedication of land and construction of the footpath over this section will be met by the landowner. The construction of the joining section of footpath will be undertaken by Council in a future capital works program. Ongoing maintenance and costs will be included in the footpath and cycleway maintenance budget.

**Asset Management**

The land and footpath would be added to Council’s Asset Register. The footpath will need to be included in Council’s Asset Management Plan for this type of asset and administered and managed by Civil Services.

**Policy or Regulation**

- Roads Act 1993
- Local Government Act 1993
- Conveyancing Act 1919

**Consultation**

Consultation has been undertaken with Council’s Civil Services, Water Cycle and Planning sections. Civil Services section support the dedication of the pathway to Council instead of an easement.

**Legal and Risk Management**

Liability issues may arise if a public footpath was retained on privately owned land without suitable provisions being made in relation to its construction and management/maintenance.

**Climate Change**

Not Applicable

Prepared by	Kylee Baker, Property Coordinator
Attachment	Nil

<b>ITEM</b>	<b>6c.20.084</b>	<b>COUNCIL MEETING CHECKLIST – UPDATE ON ACTIONS TAKEN</b>
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<b>Meeting</b>	Corporate, Governance & Works Committee	16 June 2020
<b>Directorate</b>	Office of General Manager	
<b>Reviewed by</b>	General Manager - Ashley Lindsay	
<b>Attachment</b>	Yes	

**SUMMARY**

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

**OFFICER RECOMMENDATION**

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

**COMMITTEE RECOMMENDATION**

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

**BACKGROUND**

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

**KEY ISSUES**

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

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

**COUNCIL IMPLICATIONS****Budget/Financial**

N/A

**Asset Management**

N/A

**Policy or Regulation**

Local Government Act 1993 S335 (1)

**Consultation**

Staff and Managers

**Legal and Risk Management**

N/A

**Climate Change**

N/A

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Prepared by	Lesley McBay – Coordinator Executive Support
Attachment	Checklist

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ITEM	6c.20.085	POLICY REVIEWS
<b>Meeting</b>	Corporate, Governance & Works Committee	16 June 2020
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	Manager - Organisational Development (Alex Moar)	
<b>Attachment</b>	Yes	

## SUMMARY

The report recommends adoption and rescission of policies which have been reviewed.

## OFFICER RECOMMENDATION

That Council:

1. Adopt as having been reviewed with little or no substantial change, the
  - a. Clarence Regional Library - Volunteer Policy;
  - b. Clarence Regional Library - Children & Young Adults Policy; and
  - c. Clarence Regional Library - Internet Policy.
  - d. Investment Policy V10
  - e. Investment Strategy V14
2. Note the extinction of the Granting of Allowance for Large Industrial and Commercial Customers Requiring Pre-treatment of Boiler Water Policy.

## COMMITTEE RECOMMENDATION

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

## LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

## BACKGROUND

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

## KEY ISSUES

The Clarence Regional Library Volunteer Policy, Children & Young Adults Policy and Internet Policy have been reviewed in line with Council's policy review schedule and endorsed for adoption by the Clarence Regional Library Committee 14 May 2020. Minor updates, which do not change the intent of the policies have been incorporated as follows:

- The Volunteer Policy includes that a Working With Children Check (WWCC) be required for all volunteers.
- The Internet policy includes:
  - a. Definitions
  - b. an additional statement on ethical use of the internet within the Library and possible consequences of accessing inappropriate material.
  - c. Acknowledgment to Indigenous peoples about information regarding Indigenous peoples presented online.
  - d. Cyber safety information

- The Children's and Young Adults' Policy has no significant change, only minor updates for referenced materials and legislation.

All changes are highlighted in the individual attachments to show the updates and variances as described above.

The Investment Policy and Investment Strategy have had no change with the exception of being presented in the new template.

The Granting of Allowance for Large Industrial and Commercial Customers Requiring Pre-treatment of Boiler Water Policy was valid for claims for a sunset period ending 30 June 2018, and is therefore considered extinguished. The policy was adopted in July 2015 to address the issue of one company, with one claim being made and none since 2017.

## COUNCIL IMPLICATIONS

### Budget/Financial

N/A

### Asset Management

N/A

### Policy or Regulation

Clarence Regional Library - Volunteer Policy V2.0

Clarence Regional Library - Children & Young Adults Policy V4.0

Clarence Regional Library - Internet Policy V4.0

Allowance for Large Industrial and Commercial Customers Requiring Pre-treatment of Boiler Water Policy V1.0

### Consultation

The policies were reviewed in consultation with relevant staff and committee.

### Legal and Risk Management

N/A

### Climate Change

N/A

Prepared by	Monique Ryan, Governance Officer
Attachment	Clarence Regional Library - Volunteer Policy V3.0 Clarence Regional Library - Children & Young Adults Policy V5.0 Clarence Regional Library - Internet Policy V5.0

<b>ITEM</b>	<b>6c.20.086</b>	<b>REQUEST FROM ACCOUNT 2119899 FOR CONSIDERATION FOR REDUCTION IN WATER ACCOUNT</b>
<b>Meeting</b>	Corporate, Governance & Works Committee	16 June 2020
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	Manager - Finance & Supply (Kate Maginness)	
<b>Attachment</b>	Confidential	

## SUMMARY

During the February 2020 water meter reading round Council staff noticed an anomalous water meter at the above property, and the reading was estimated using the reading from the February 2019 quarter. The property owners have written to Council requesting that a different estimation method be applied on the basis that they had excessive consumption in the February 2019 quarter. As Council staff do not have any mechanism under which they can assess this request, it requires a resolution from Council.

## OFFICER RECOMMENDATION

That Council grant a one off reduction for Water Account 2119899, which will reduce their account by \$96.20.

## COMMITTEE RECOMMENDATION

Ellem/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Lysaught, Ellem, Toms

Against: Kingsley, Simmons

## 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

When Council staff checked the meter at this property in February 2019, it was determined the meter had been tampered with by having the dual check valves removed and being reinstalled backwards. Tampering with a water meter is an offence under Section 636 of the *Local Government Act, 1993*:

636 *Tampering with meters and fittings*

(1) *A person who wilfully or fraudulently, or by culpable negligence—*

(a) *damages a meter, fitting, fixture or other thing belonging to a council in connection with the supply of water, or*

(b) *alters the index of such a meter, or*

(c) *prevents such a meter from duly registering the quantity of water supplied,*  
*is guilty of an offence.*

*Maximum penalty—20 penalty units.*

(2) *The existence of any means for altering the index of such a meter or preventing such a meter from duly registering the quantity of water supplied is prima facie evidence that the person supplied with water through the meter has wilfully or fraudulently altered the index of the meter or prevented the meter from duly registering the quantity of water supplied.*

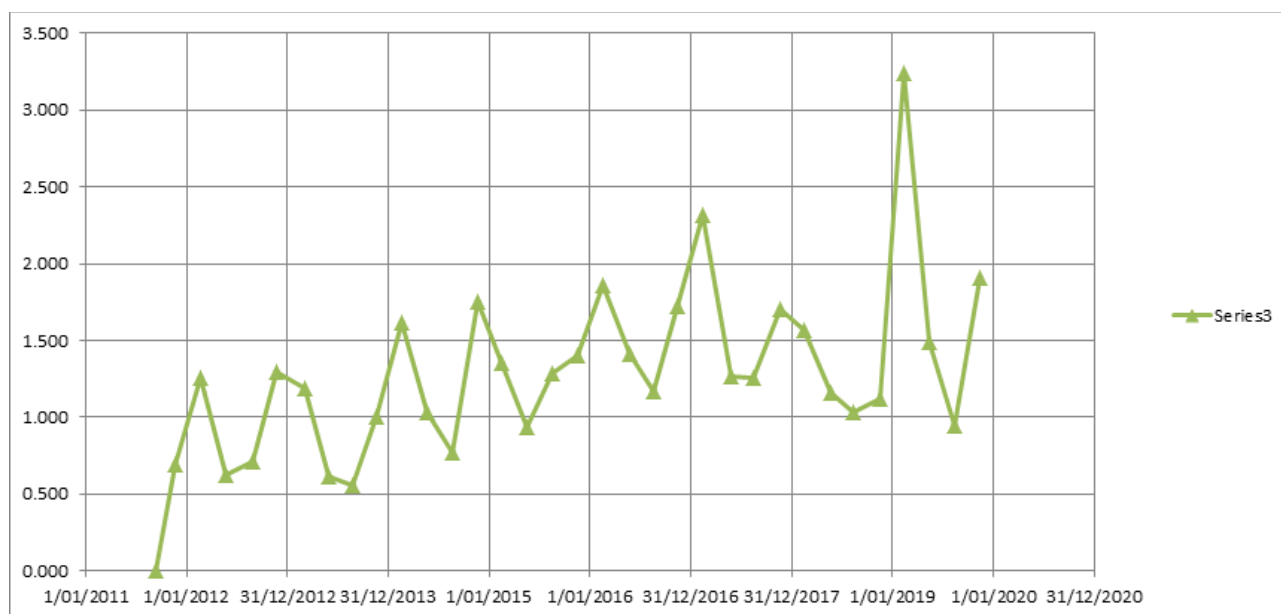
The property owners provided a Statutory Declaration that they did not tamper with the meter and under the provisions of the *Enforcement Policy* Council staff accepted the Declaration.

The February 2020 quarter reading was estimated using the methodology outlined in Section 158(3)(a) of the *Local Government (General) Regulation*, which applies when a meter is tested and determined as being faulty:

- (3) *If, as a result of such an examination and test, a water meter is found not to correctly measure the quantity of water passing through it, the council may charge for the supply of water—*
  - (a) *on the basis of a daily consumption equal to the average daily consumption during the corresponding meter reading period of the previous year, or*
  - (b) *on such other basis as the council and the consumer may agree.*

**KEY ISSUES**

The customer has written to Council requesting a different methodology be used to estimate the February 2020 consumption due to excessive consumption in the February 2019 quarter as a result of a hose being inadvertently left on. The consumption in February 2019 was clearly significantly higher than consumption in any previous quarter since the meter was installed in 2011:



There is generally a strong correlation for rural properties between rainfall and water consumption. The closest Bureau of Meteorology Rainfall Station at Brushgrove in the three preceding years indicates the quarter with the rainfall pattern closest to February 2020 was February 2017:

	Median	2015/16	2016/17	2017/18	2019/20
November	71.1	92.8	32.6	71.6	10
December	86.2	89.2	46.6	148.4	49
January	96.2	103.2	131.0	79.4	321
February	108.1	13.8	66.2	130.8	367.4

It is therefore recommended that the February 2017 meter reading (2.315kL/day) be used to estimate the account.

**COUNCIL IMPLICATIONS**

**Budget/Financial**

If no adjustment is granted there will be no impact on the income for the 2019/2020 financial year, however, if a concession is granted to this account as per the owners request, which if approved would be \$96.20, income for the 2019/2020 financial year on PJ 902125-03-6219-1241 (Water Usage Non Residential Income) will be reduced by this amount.

**Asset Management**

N/A

**Policy or Regulation**

*Local Government Act and Regulation  
Enforcement Policy*

Offences under Section 636 are not Penalty Infringement Notice offences and need to be prosecuted. Were Council to prosecute, it is unknown what weighting the Court would place on the property owner's Statutory Declaration. Even were Council successful and receive a costs order, the costs which would not be subject to a costs order would generally far exceed the maximum penalty of \$2200 (including GST). This was considered an "appropriate reason" under the *Enforcement Policy* for not taking any formal action.

**Consultation**

Water Cycle section

**Legal and Risk Management**

N/A

**Climate Change**

N/A

Prepared by	Paula Krahe – Revenue Co-Ordinator
Confidential	A) Customer Correspondence B) Statutory Declaration

ITEM	6c.20.087	2019/20 MONTHLY FINANCIAL REPORT – MAY 2020
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<b>Meeting</b>	Corporate, Governance & Works Committee	16 June 2020
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	Manager - Finance & Supply (Kate Maginnity)	
<b>Attachment</b>	To be tabled	

**SUMMARY**

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

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

Budget variations identified in this report impact the General Fund end of year result by (\$415,977), resulting in an expected end of year surplus (\$873,761).

The reserve fund variations identified in this report will increase the reserve funds by (\$6,382,630).

**OFFICER RECOMMENDATION**

That Council:

1. Receive and note the monthly financial information report for May 2020, attached to this report.
2. Endorse the proposed General Fund variations as set out in this report totalling (\$415,977).
3. Endorse the proposed variations, which increase Financial Reserves by (\$6,382,630).

**COMMITTEE RECOMMENDATION**

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

**BACKGROUND**

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

- 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*
- If any instance arises where the actual income or expenditure of the council is materially different from its estimated income or expenditure, report the instance to the next meeting of the council.*

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

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

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

## KEY ISSUES

### **Major Budget Variations Proposed**

Following is a list of the major proposed variations for the month of May 2020.

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
716	<b>Service – Finance &amp; Supply</b> <b>Sub-Service – General Purpose Revenue Management</b> <ul style="list-style-type: none"> <li>Adjust Financial Assistance Grant Budget to reflect 50% advance payment for 2020/21 as advised by Office of Local Government to be transferred to RA 10030 – IR – Financial Assistance Grant Unspent Reserve.</li> </ul>	\$Nil	(\$4,066,958)	N/A
733	<b>Service – Human Resources</b> <b>Sub-Service – Work Health &amp; Safety</b> <ul style="list-style-type: none"> <li>Recognise receipt of Statecover - Mutual Performance Rebate 2018/19 (\$91,196).</li> </ul>	(\$91,196)	\$Nil	N/A
805	<b>Service – Roads</b> <b>Sub-Service – Urban Roads</b> <ul style="list-style-type: none"> <li>Adjust Financial Assistance Grant Budget to reflect 50% advance payment for 2020/21 as advised by Office of Local Government to be transferred to RA 10030 – IR – Financial Assistance Grant Unspent Reserve.</li> <li>Remove budget to defer the following Projects to 2020/21: <ul style="list-style-type: none"> <li>Watts Lane/Murrayville Road - Heavy patching/rehabilitation (\$50,000) funds returned to RA 11150 - IR – Infrastructure Assets Renewal Reserve.</li> <li>Treelands Drive Community Centre Carpark - Design (\$100,000) to be returned to RA 10461 – IR – Yamba Treelands Drive Community Centre Development Reserve.</li> </ul> </li> </ul>	\$Nil (\$4)	(\$135,406) (\$150,000)	N/A N/A
806	<b>Service – Roads</b> <b>Sub-Service – Rural Roads</b> <ul style="list-style-type: none"> <li>Remove budget to defer the following Projects to 2020/21: <ul style="list-style-type: none"> <li>Glens Creek Road - table drain repair &amp; new drainage 4.3km from Armidale Road \$129,960 RMS Roads to Recovery Grant, (\$113,081) returned to RA 11150 - IR –</li> </ul> </li> </ul>	(\$50,005)	(\$113,081)	N/A

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"> <li>➤ Infrastructure Assets Renewal Reserve.</li> <li>➤ Gravel Resheeting - Ellesmere Road, Waterfall Way.</li> <li>➤ Gravel Resheeting - Grasstree Drive, Brooms Head.</li> <li>➤ Gravel Resheeting - Gallaghers Lane, Ashby-Tullymorgan</li> <li>➤ Gravel Resheeting - Old Murrayville Road, Ashby</li> </ul>	(\$14,458) (\$48,845) (\$1,294) (\$5,175)	\$Nil \$Nil \$Nil \$Nil	N/A N/A N/A N/A
807	<p><b>Service – Roads</b> <b>Sub-Service – Regional Roads</b></p> <ul style="list-style-type: none"> <li>• Adjust Financial Assistance Grant Budget to reflect 50% advance payment for 2020/21 as advised by Office of Local Government to be transferred to RA 10030 – IR – Financial Assistance Grant Unspent Reserve.</li> <li>• Remove budget to defer the following Projects to 2020/21:               <ul style="list-style-type: none"> <li>➤ Reseal - Wooli Road East of Diggers Camp Road. \$21,948 RMS Block Funding.</li> <li>➤ Reseal - Armidale Rd. \$115,240 RMS Block Funding, \$115,240 RMS Repair program Funding.</li> <li>➤ Reseal - Armidale Rd at Billies Creek South. \$31,236 RMS Block Funding.</li> <li>➤ Reseal - Armidale Rd at Billies Creek North. \$25,481 RMS Block Funding, (\$9,519) returned to RA 11150 - IR – Infrastructure Assets Renewal Reserve.</li> <li>➤ Reseal - Schultz at Billies Creek. (\$4,112) returned to RA 11150 - IR – Infrastructure Assets Renewal Reserve.</li> <li>➤ Reseal - Armidale Road at Wirri Road. (\$14,524) returned to RA 11150 - IR – Infrastructure Assets Renewal Reserve.</li> </ul> </li> <li>• Allocate additional RMS - Safer Roads Local Government Treatments Program to fund Orara Way - School Lane – widening (\$202,029)</li> </ul>	\$Nil \$Nil (\$4) \$4 (\$4) (\$4) (\$4) \$4 \$Nil	(\$1,634,606) \$Nil \$Nil \$Nil (\$9,519) (\$4,112) (\$14,524) \$Nil	N/A N/A N/A N/A N/A N/A N/A N/A
840	<p><b>Service – Parks &amp; Open Spaces</b> <b>Sub-Service – Parks &amp; Open Spaces</b></p> <ul style="list-style-type: none"> <li>• Remove budget to defer the following Projects to 2020/21:               <ul style="list-style-type: none"> <li>• Federation Park Playground (\$70,000).</li> <li>• Bailey Park Playground (\$70,000).</li> </ul> </li> </ul>	(\$140,000)	\$Nil	N/A
841	<p><b>Service – Sporting Facilities</b> <b>Sub-Service – Sporting Facilities</b></p> <ul style="list-style-type: none"> <li>• Remove budget to defer the following Project to 2020/21:               <ul style="list-style-type: none"> <li>• Maclean showground - Upgrade of stable facilities. (\$30,000) NSW Government 2019/20 Crown Reserve Improvement Fund (CRIF)</li> </ul> </li> <li>• Allocate NSW Dept of Planning, Industry</li> </ul>	\$Nil \$Nil	\$Nil \$Nil	N/A Foreshadowed



Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
	and Environment - Showground Stimulus package - Phase 1 to fund Maclean Showground Projects – reported elsewhere in these business papers: <ul style="list-style-type: none"> <li>• Arena Fence (\$9,100)</li> <li>• Jim Thompson Pavilion Building Improvements (\$30,853)</li> <li>• Entrance Road Upgrade (\$146,933)</li> </ul>			
850	<b>Service – Natural Resource Management</b> <b>Sub-Service – Catchment Management</b> <ul style="list-style-type: none"> <li>• Remove budget to defer the following Projects to 2020/21:               <ul style="list-style-type: none"> <li>➢ Alummy Creek Aquatic Weed Control.</li> <li>➢ Ecological Sustainable Development - Floodplain Farming. Funding returned to RA 89142 – UG – Ecological Sustainable Development Reserve.</li> </ul> </li> </ul>	(\$9,996) \$Nil	\$Nil (\$13,179)	N/A N/A
886	<b>Service – Water Supply</b> <b>Sub-Service – Water Operation Maintenance and Renewals</b> <ul style="list-style-type: none"> <li>• Remove budget to defer the following Project to 2020/21:               <ul style="list-style-type: none"> <li>➢ Renewable Energy Target Works with funds returned to RA 79010 – ER Water Bank Account Reserve</li> </ul> </li> </ul>	\$Nil	(\$59,104)	N/A
891	<b>Service – Sewerage Services</b> <b>Sub-Service – Sewer Operation and Renewals</b> <ul style="list-style-type: none"> <li>• Remove budget to defer the following Projects to 2020/21:               <ul style="list-style-type: none"> <li>➢ Prince St &amp; Arthur St Sewer Pump Station - inlet Macerator (\$75,000)</li> <li>➢ South Grafton Infiltration Reduction (\$99,996)</li> </ul> </li> </ul> Funds above to be returned to RA 79025 – ER - Sewer Bank Account Reserve.	\$Nil	(\$174,996)	N/A
916	<b>Service – Regulatory Services</b> <b>Sub-Service – Animal Control</b> <ul style="list-style-type: none"> <li>• Remove budget to defer the following Projects to 2020/21:               <ul style="list-style-type: none"> <li>➢ Security Fencing At Pound (\$25,000)</li> <li>➢ Drainage Works - Pound Driveway (\$30,000)</li> </ul> </li> </ul>	(\$55,000)	\$Nil	N/A
933	<b>Service – Community Development</b> <b>Sub-Service – Safe Communities</b> <ul style="list-style-type: none"> <li>• Remove budget to defer the following Projects to 2020/21:               <ul style="list-style-type: none"> <li>➢ Maclean Service Centre. (\$55,000)</li> </ul> </li> </ul> North Coast Health-Maclean Service Centre Grant.	\$Nil	\$Nil	N/A
934	<b>Service – Community Development</b> <b>Sub-Service – Indigenous Services</b> <ul style="list-style-type: none"> <li>• Remove budget to defer the following Projects to 2020/21:               <ul style="list-style-type: none"> <li>• SCCF3-1536 Our Language</li> </ul> </li> </ul>	\$Nil	\$Nil	N/A

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
	Connection. (\$80,000) NSW Government – Stronger Communities Funding.			
945	<b>Service – Galleries &amp; Museums</b> <b>Sub-Service – Gallery and Museums</b> <ul style="list-style-type: none"> <li>Remove budget to defer the following Projects to 2020/21: <ul style="list-style-type: none"> <li>Yulgilbar Foundation Grant Writer. (\$7,145) returned to RA 41055 – ER - Yulgilbar Foundation Grant Writer Reserve.</li> <li>The Bridges Art Project. (\$3,000) Transport NSW Grant.</li> </ul> </li> </ul>	\$Nil	(\$7,145)	N/A
	<b>TOTAL Proposed General Fund / Reserve Balance Impact</b>	<b>(\$415,977)</b>	<b>(\$6,382,630)</b>	

#### 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	\$140,398	Deficit
Q1 Revised Budget	\$256,829	Deficit
Q2 Revised Budget	(\$631,474)	Surplus
Q3 Revised Budget	(\$266,431)	Surplus
Q4 Budget Variations - April	\$42,894	Deficit
Q4 Proposed Budget Variations - May	(\$415,977)	Surplus
<b>Proposed Movement of General Fund 2019/20 Budget Result May 2020</b>	<b>(\$873,761)</b>	<b>Surplus</b>

#### Proposed Impact on External and Internal Financial Reserve Funds Result

##### Reserve Movements

Original Budget	(\$2,329,333)	Increase
Q1 Revised Budget	\$18,071,663	Decrease
Q2 Revised Budget	\$320,752	Decrease
Q3 Revised Budget	\$464,649	Decrease
Q4 Budget Variations - April	(\$1,023,072)	Increase
Q4 Proposed Budget Variations - May	(\$6,382,630)	Increase
<b>Proposed Movement of Reserve Funds 2019/20 Budget Result May 2020</b>	<b>\$9,122,029</b>	<b>Decrease</b>

##### Asset Management

N/A

##### Policy or Regulation

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

**Consultation**

This report has been prepared after consultation with the Management Accounting Team.

**Legal and Risk Management**

N/A

**Climate Change**

N/A

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

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<b>ITEM</b>	<b>6c.20.088</b>	<b>FAT DUCK ROAD – ROAD NAMING UPDATE</b>
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<b>Meeting</b>	Corporate, Governance & Works Committee	16 June 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	Director - Works & Civil (Peter Birch)	
<b>Attachment</b>	Yes	

**SUMMARY**

In August 2019, Council considered a report regarding the maintenance and renaming of Fat Duck Road (West), Woombah (Item 6c.19.040). This report provides an update on the resolution regarding this matter.

**OFFICER RECOMMENDATION**

That Council rename Fat Duck Road (West) to 'Blueberry Lane' subject to the concurrence of the Geographical Names Board.

**COMMITTEE RECOMMENDATION**

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 2 Infrastructure

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

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

**BACKGROUND**

In August 2019, Council considered a report regarding the maintenance and renaming of Fat Duck Road (West), Woombah (Item 6c.19.040). Council adopted the following resolution:

*That:*

- ...
3. *Rename Fat Duck Road (West) to 'Old Fat Duck Road' subject to the concurrence of the Geographical Names Board.*

Following the resolution, staff submitted the *Old Fat Duck Road* to the Geographical Names Board for approval. The name was rejected because of the name contains more than three words and the prefix of *Old*.

Subsequently, staff have undertaken further consultation with the adjacent land owners and called for new name suggestions. Three responses were received; all of the suggested names have been checked for validity by staff, the outcome of this is shown in table 1.

**Table 1 - Name Suggestions and Preliminary Validity Check**

<b>Suggested Name</b>	<b>Valid</b>	<b>Reason</b>
Blueberry Lane	Yes	
Fat Duck Lane	No	Duplicate Name (it is considered a duplicate even if the suffix changes)
Wood Duck Road	No	Duplicate Name in adjoining LGA.

**KEY ISSUES**

Council has received only one name suggestion that has passed a preliminary validation check. It is recommended to name the road as 'Blueberry Lane' and submit this to the Geographical Names Board for formal approval.

**COUNCIL IMPLICATIONS****Budget/Financial**

N/A

**Asset Management**

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

**Policy or Regulation**

The Roads Policy applies.

**Consultation**

All eight adjacent land owners were consulted requesting additional name suggestions.

**Legal and Risk Management**

N/A

**Climate Change**

N/A

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Prepared by	Alex Dalrymple – Manager Civil Services
Attachment	Submissions received

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<b>ITEM</b>	<b>6c.20.089</b>	<b>ROAD NAMING OF EXISTING AND PROPOSED ASSETS AS A RESULT OF THE CONSTRUCTION OF THE NEW PACIFIC HIGHWAY - UPDATE</b>
<b>Meeting</b>	Corporate, Governance & Works Committee	16 June 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	A/Director - Works & Civil (Peter Birch)	
<b>Attachment</b>	Yes	

## SUMMARY

At the March 2020 meeting a report was presented to Council (Item 6c.20.025) with the results of the community consultation. This report provides an update on the progress of the road naming process.

## OFFICER RECOMMENDATION

That Council:

1. Adopt Cattleman Drive as the road name for the new link road between Avenue Road and Old Six Mile Lane, providing a connection to Chevalley Lane and running roughly parallel with Old Six Mile Lane, and submit to the NSW Geographical Names Board for approval.
2. Undertake consultation on the proposal to close part of Old Six Mile Lane and report the results along with a cost estimate for any associated alteration works to the August 2020 Council meeting.

## COMMITTEE RECOMMENDATION

Lysaught/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

## LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

## BACKGROUND

At the March 2020 meeting a report was presented to Council (Item 6c.20.025) with the results of the community consultation. The resolution was:

*That Council:*

1. *Adopt the following road names and submit to the NSW Geographical Names Board for approval:*
  - a. *The existing Pacific Highway between Yamba Road Roundabout and Andersons Lane, including the existing Harwood Bridge be named Ulugundahi View.*
  - b. *The existing Pacific Highway between Chatsworth Road and Iluka Road roundabout, including the existing Mororo Bridge be named Wuyman Way.*
  - c. *The new link road between the existing Pacific Highway at Harwood and Harwood Mill Road be named Darhi Milgirr Road.*
2. *Seek more suggestions from the community for the new link road between Avenue Road and Old Six Mile Lane, providing a connection to Chevalley Lane and running roughly parallel with Old Six Mile Lane.*

Updates to these items are provided in order:

### 1. Submission to the NSW Geographical Names Board

The adopted names were submitted to and approved by the NSW Geographical Names Board and were gazetted on 29 May 2020. This item is complete.

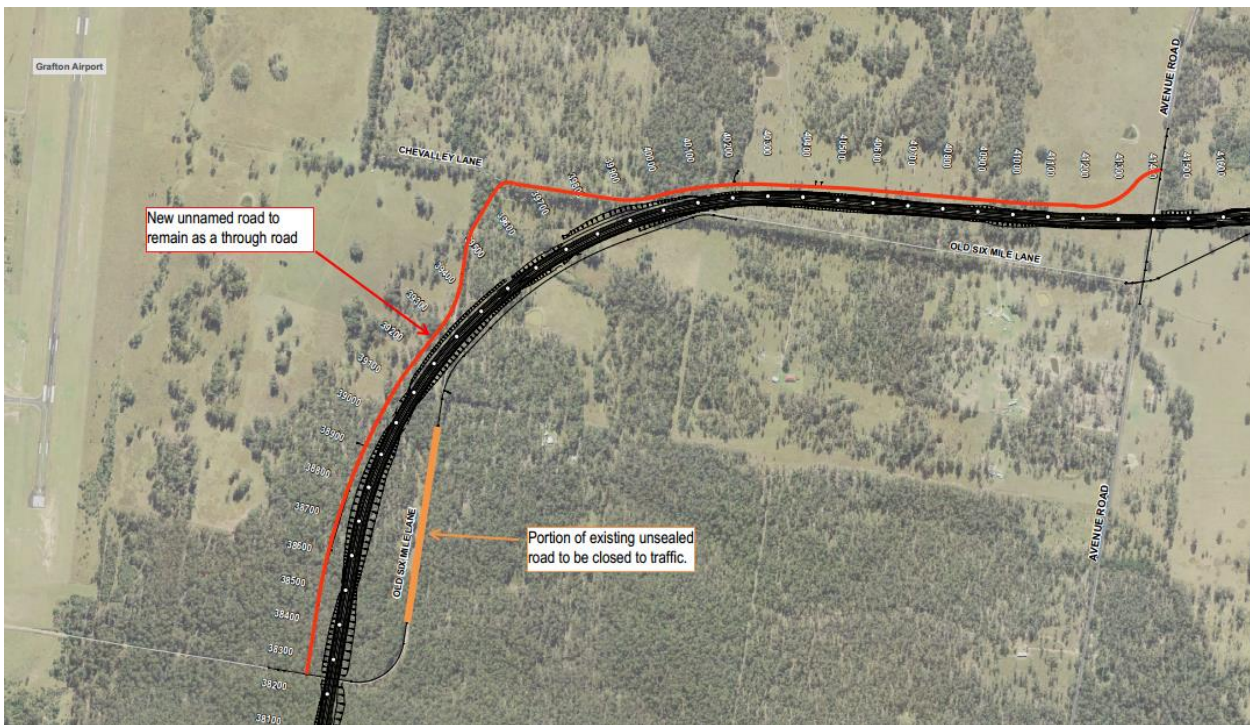
**2. Seek further suggestions for the last remaining road**

To action this item letters were sent to all the property owners in close proximity to the existing road called 'Old Six Mile Lane' and those on the new unnamed road, which has been locally called 'North Old Six Mile Lane'.

Only two responses were received to this request. The two responses did raise a number of concerns:

- The new unnamed road, for most of its length, is sealed and constructed to a high standard.
- The existing 'Old Six Mile Lane' is unsealed and narrow.
- Both roads run roughly in parallel and take through traffic to roughly the same start and finish points.
- GPS navigation systems are directing through traffic via the unsealed Old Six Mile Lane.

In light of the above, both submissions have requested that the existing Old Six Mile Lane be converted to a cul-de-sac to prevent through traffic from using it. Through traffic would then use the new unnamed road. An illustration of this is shown in Figure 1.



**Figure 3 - Layout of road changes**

The two submissions also provided the following name suggestions for the new unnamed road:

- Cattleman Drive
- Glenugie Road
- Glenugie Close
- Lavadia Crest

**KEY ISSUES**

Proposed Road Closure

The proposed road closure would reduce the length of road which Council maintains and would force through traffic to use the newly constructed road, which for most of its length is constructed to a high standard and much higher than that of the existing Old Six Mile Lane.

It is anticipated that this would lower Council’s long term liability and would slightly reduce our recurrent maintenance expenditure. The proposal would however require initial capital expenditure to construct a turning node at each end of the proposed closure. As this is simply a proposal at this stage, the cost of constructing turning nodes has not currently been investigated.

In general it appears that the proposed closure meets our strategic goals of providing a safe and efficient road network by lowering long term expenditure and reducing the traffic volumes using lower standard assets.

In light of this, it is recommended that further consultation be undertaken and the results of the consultation be reported back to Council along with a cost estimate for the required alteration works.

#### NSW Geographical Names Board

Section 6.7 of the NSW Address Policy and User Manual published by the NSW Geographical Names Board specifies the principles for road naming. Section 6.7 is attached for Councillors information, with the criteria for road naming summarised as:

- Be unique and not the same as, or similar to, other roads in the region
- Shall not be duplicated
- Not exceed three (3) words, including the road type
- Not cause confusion for emergency services
- Not be named after living people or businesses

All of the suggested names have been checked for validity by staff, the outcome of this is shown in the below table.

<b>Suggested Name</b>	<b>Valid</b>	<b>Reason</b>
Cattleman Drive	Yes	
Glenugie Road	Yes, but not recommended	Could be confused as an origin-destination road name, which are not recommended. An alternate suffix such as 'View', 'Ridge' or 'Crest' would be more appropriate.
Glenugie Close	No	Incorrect use of the suffix Close, which should be used for short, enclosed road ways. An alternate suffix would be more appropriate.
Lavadia Crest	Yes	

### **COUNCIL IMPLICATIONS**

#### **Budget/Financial**

Converting Old Six Mile Lane to a cul-de-sac will require some immediate investment to construct turning nodes to meet RFS minimum standards. There may be a reduction in the recurrent operational expenditure for the reduction in unsealed road length and traffic volumes on Old Six Mile Lane.

#### **Asset Management**

Reducing the length of our road network will result in a reduction in the required recurrent expenditure.

#### **Policy or Regulation**

Roads Act (1993)

#### **Consultation**

Consultation was undertaken by directly engaging the property owners in the direct vicinity of the new unnamed road.

#### **Legal and Risk Management**

N/A

#### **Climate Change**

N/A

Prepared by	Alex Dalrymple, Manager Civil Services
Attachment	Submissions



<b>ITEM</b>	<b>6c.20.090</b>	<b>LOCAL TRAFFIC COMMITTEE</b>
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<b>Meeting</b>	Corporate, Governance & Works Committee	16 June 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	Manager - Civil Services (Alex Dalrymple)	
<b>Attachment</b>	Yes	

**SUMMARY**

This report lists the recommendation made at 3 June 2020 meeting of the Clarence Valley Council Local Traffic Committee.

**OFFICER RECOMMENDATION**

That the recommendations of the Local Traffic Committee included in the Minutes of its 3 June 2020 meeting be adopted by Council.

**COMMITTEE RECOMMENDATION**

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 2 Infrastructure

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

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

**BACKGROUND**

The following items were discussed at the Local Traffic Committee held on 3 June 2020.

**Item: 007/20 ARTHUR STREET, GRAFTON – HEAVY VEHICLES**

That Council undertake vehicle counts and report back to the Committee with the results and any further recommendations.

**Item: 008/20 CHATSWORTH VILLAGE TRAFFIC SAFETY**

TfNSW complete the speed zone review of North Arm Drive and Chatsworth Road.

**Item: 009/20 CLARENCE AND HARBOUR STREET, YAMBA – BLIND CORNER**

That:

1. Concept designs for a one-way treatment be developed that includes Harbour Street as Eastbound only and Clarence Street as Southbound only.
2. Community consultation on the concept design be undertaken, and;
3. A further report be provided to the Traffic Committee on the outcome of points 1 and 2.

**Item: 010/20 COALDALE ROAD SPEED ZONE REVIEW**

That this report be received and noted.

**Item: 011/20 PROPOSED SUBDIVISION OFF GARDNERS ROAD, JAMES CREEK - SPEED ZONE REVIEW**

That an in principle speed zone review be undertaken by TfNSW – subject to future TfNSW approval at the completion of works.

**Item:012/20 THROUGH AND BENT STREET, SOUTH GRAFTON - TURNING RESTRICTION**

That approval be provided to remove the signage.

**Item: 013/20 SPEED REVIEW EXPERIMENT FARM ROAD**

That the request for a speed zone review not be forwarded to Transport for NSW for review

**Item: 014/20 HARWOOD MARINE PRECINCT - SPEED ZONE REVIEW**

No action to be taken at this time, monitor driver behaviour post opening and if any issues are identified, report back to a future meeting.

**KEY ISSUES**

Agenda, minutes and attachments are attached.

**COUNCIL IMPLICATIONS****Budget/Financial**

N/A

**Asset Management**

N/A

**Policy or Regulation**

N/A

**Consultation**

N/A

**Legal and Risk Management**

N/A

**Climate Change**

N/A

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Prepared by	Alex Dalrymple, Manger Civil Services
Attachment	Traffic Committee Minutes

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<b>ITEM</b>	<b>6c.20.091</b>	<b>GRANT FUNDING –MACLEAN SHOWGROUND ON CROWN LAND</b>
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<b>Meeting</b>	Corporate, Governance & Works Committee	16 June 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	Director - Works & Civil (Peter Birch)	
<b>Attachment</b>	Nil	

**SUMMARY**

This report seeks Council's endorsement as Crown Land Manager to accept an offer of \$186,886.57 (incl. GST) from the NSW Governments Phase One Showgrounds Stimulus Program to strengthen the arena fence posts; erect an awning and relocate a gas bottle on the Jim Thompson building; apply bitumen seal and constructing kerb and guttering to the showground access road at Maclean Showground, Maclean.

**OFFICER RECOMMENDATION**

That Council as Crown Land Manager, accept an offer of \$186,886.57 (incl. GST) to strengthen the arena fence posts; erect an awning and relocate a gas bottle on the Jim Thompson building; apply bitumen seal and constructing kerb and guttering to the showground access road at Maclean Showground, Maclean from the NSW Governments Phase One Showgrounds Stimulus Program.

**COMMITTEE RECOMMENDATION**

Ellem/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 2 Infrastructure

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

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

**BACKGROUND**

The stimulus program was announced in two phases. Phase 1 was for works that could commence immediately. Consultation has taken place with the Showground users and they support the projects.

**KEY ISSUES**

The work will improve a number of key assets is consistent with Council's Open Space Strategic Plan and Open Space Asset Management Plan including –

- strengthen arena fence posts,
- erect an awning and relocate a gas bottle on the Jim Thompson building,
- apply bitumen seal and constructing kerb and guttering to the showground access road at Maclean Showground, Maclean.

**COUNCIL IMPLICATIONS****Budget/Financial**

The grant funding of \$186,886.57 (incl. GST) from the NSW Governments Phase One Showgrounds Stimulus Program will fully fund the works.

**Asset Management**Arena Fence

The existing fence is assessed to be condition fair condition with posts support requiring strengthening.

Jim Thompson Building

The awning will be a new asset while the relocation of the gas bottle will be an improvement.

Road

The road will be upgraded with a part bitumen seal and kerb and guttering in part.

**Policy or Regulation**

Quotations will be sought consistent with the requirements of the Local Government Act and Regulation and Council's Sustainable Procurement Policy – Supporting Local Business.

**Consultation**

Preparation and submission of Phase One grants was limited to a two week period, due to the limited time available Council officers engaged with representatives from the Maclean Show Society only as they are the main user group and have links with the majority of other groups. The Maclean Show Society provided a letter of support that was submitted with the application.

**Legal and Risk Management**

Council has care, control and management over the Showground being the Crown Land Manager. The project renews and upgrades existing infrastructure and adds a new awning to provide weather protection for the JT Pavilion.

**Climate Change**

The provision of any new asset results in resource consumption and emission production factors that contribute to climate change, to minimise the impact the existing arena fence will be retained and strengthened, the existing road based incorporated into the sub-base, the awning added to the existing roof reusing the existing sheeting.

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

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**ITEM 6c.20.092 TOWNSEND PARK UPGRADE**

<b>Meeting</b>	Corporate, Governance & Works Committee	16 June 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	A/Director - Works & Civil (Peter Birch)	
<b>Attachment</b>	Yes	

**SUMMARY**

This report outlines proposed upgrade and improvements to Townsend Park following receipt of funding awarded to the Lions Club of Maclean under the Stronger Country Communities Fund (SCCF) R3.

**OFFICER RECOMMENDATION**

That Council;

1. receive and note this report regarding Townsend Park;
2. endorse Council officers and the Lions Club of Maclean collaborating to achieve an improved outcome for the community at Townsend Park;
3. endorse altering the Playground Asset Management Plan priority list bringing forward the Townsend Park playground renewal from 2022 to 2020 and to allocate \$140,000 from PJ550166 (Playground Equipment) 2020/21 budget;
4. endorse the expenditure of the \$140,000 from the NSW Government SCCF Round 3 granted to the Lions Club of Maclean to construct a half sized multipurpose court and other park facilities at Townsend Park.

**COMMITTEE RECOMMENDATION**

Lysaught/Ellem

That Council;

1. Receive and note this report regarding Townsend Park.
2. Endorse Council officers and the Lions Club of Maclean collaborating to achieve an improved outcome for the community at Townsend Park.
3. Endorse altering the Playground Asset Management Plan priority list bringing forward the Townsend Park playground renewal from 2022 to 2020 and to allocate \$140,000 from PJ550166 (Playground Equipment) 2020/21 budget.
4. Endorse the expenditure of the \$140,000 from the NSW Government SCCF Round 3 granted to the Lions Club of Maclean to construct a half sized multipurpose court and other park facilities at Townsend Park.
5. Include an all-abilities carousel similar to the one in Jacaranda Park.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 2 Infrastructure

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

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

**BACKGROUND**

Townsend Park is a 1.32 hectare parcel of Council owned Community land consisting of Lot 15 DP 789848 and Lot 4 DP 1149908 being located on Scullin Street opposite Purcell Crescent, in Townsend.

Lot 15 DP 789848 is partially developed. Embellishments include a children's playground, 2 pan toilet block, timber picnic table and shelter, bubbler, and litter bin. Lot 4 DP 1149908 remains undeveloped land that was

previously grazed. Both parcels contain remnant vegetation and mature trees. No internal or street footpath network has been constructed limiting the usability and accessibility of the assets located within the Park.

The Park is adjacent to other community facilities including Townsend Shop, Maclean Community Preschool, Valley Hope & Pacific Valley Christian School, and the Lower Clarence Baptist Church. The shared footpath that services Townsend and Gulmarrad crosses Scullin Street at the Jubilee Street, 70m from the Park.

The Lions Club of Maclean has a long standing connection with the Park having funded the construction of the playground and toilet block.

## KEY ISSUES

### NSW Government Funding

The NSW Government is investing an additional \$1.7 billion in regional infrastructure to support growing regional centres, activate local economies and improve services. Since 2017, the Stronger Country Communities Fund (SCCF) has supported more than 1000 local projects that make regional communities even better places to call home.

The NSW Government SCCF application requires a letter of support from the land owner. A letter dated 16 November 2017 issued in support of the L&G NSW Infrastructure Grant to upgrade the playground and park facilities was provided by the Lions Club of Maclean as evidence of support from the land owner for this application.

On Thursday 14 May 2020 it was announced by the Clarence Nationals MP Mr Chris Gulaptis, that the Lions Club of Maclean had successfully applied for \$140,000 from the NSW Government SCCF Round 3 to construct a competition sized multi-purpose court complete with fencing and LED lighting (refer to Attachment A). The announcement was attended by current President of Maclean Lions Club Robin Parker and Secretary Alan Cunningham. Council officers were not aware of this application, or announcement.

Discussions with representatives and information provided by the Lions Club of Maclean indicates that quotes received to construct a competition sized multi-purpose court complete with fencing and LED lighting required the total \$140,000 and that no allowance was made for the other works such as electrical connections, connecting footpaths, or seating.

The construction of a competition sized multi-purpose court complete with fencing and LED lighting within Townsend Park is not consistent with Council's Open Spaces Strategic Plan or Council's current Fit for the Future asset rationalisation approach.

### Existing Park Assets

Townsend Park is currently embellished with a children's playground, 2 pan toilet block, timber picnic table and shelter, bubbler, and litter bin. The improvements occurred over a number of years in an ad hoc manner as no holistic planning has been completed. No internal or street footpath network has been constructed limiting the usability and accessibility of the assets located within the Park. The existing assets would benefit from renewal and upgrade to better service the community.

### Looking Forward and Working Together

Council officers met with representatives from the Lions Club of Maclean to discuss concerns of the Club making an application for funding without prior knowledge or written support of Council, the opportunity to alter the grant funding to align with Council's Open Spaces Strategic Plan and Council's current Fit for the Future asset rationalisation approach. Additionally the discussion identified the issues with further ad hoc construction, the lack of supporting footpath connectivity and accessibility generally, the failing playground equipment, the need to consult with community and stakeholders to inform project outcomes and the need to develop a holistic plan for the park.

Through the discussion the preliminary draft sketch plans (refer to Attachments B and C) were tabled to demonstrate the impact of the ad hoc construction of the competition size multi purpose court or a holistic plan consisting of a half size multi purpose court and supporting park facilities.

It was agreed at the meeting to consider reducing the size of the court to half size with a hitting wall, to allocate part funding to provide supporting facilities such as internal footpath and seating, for Council to bring forward the playground renewal and is recommended that there is an opportunity for Council and the Lions Club of Maclean to collaborate to achieve an improved outcome for the community.

## COUNCIL IMPLICATIONS

### Budget/Financial

It is understood that the \$140,000 from the NSW Government SCCF Round 3 granted to the Lions Club of Maclean for the construction of a competition sized multi-purpose court complete with fencing and LED lighting could fully fund the works. Alternatively should the court be reduced to half size the funding would be sufficient to construct this and supporting facilities such as internal footpath and seating.

Funding of \$280,000 against PJ550166 (Playground Equipment) is identified in the 2020/21 budget. The Playground Asset Management Plan identifies Wherrett Park (\$210,000) and Tucabia Tennis Courts Playground (\$70,000) for the 2021 project.

To achieve economy of scale and address a known community need it is proposed that \$140,000 of the 2020/21 Playground Equipment renewal vote be allocated to Townsend Park, \$70,000 allocated to Tucabia Tennis Courts Playground and the balance (\$70,000) not be allocated to Playground Equipment renewal in the 2020/21 financial year.

### Asset Management

Townsend Park is a 1.32 hectare local level park, embellished with a children's playground, 2 pan toilet block, timber picnic table and shelter, bubbler, and litter bin. The assets are serviced and maintained by Council officers in line with established service levels. The Park is connected to sewer and potable water; there is currently no electrical service to the park.

### Playground

The playground equipment, edging and impact attenuation material was installed in the year 2000 being in poor condition and requiring renewal. The Playground Asset Management Plan identifies the asset for renewal in 2022.

### Toilets

The toilet block is in fair condition however would benefit from renewal and upgrade to better service the community.

### Picnic Facilities

The picnic facilities (1 table / shelter, drinking fountain, litter bin) are in fair condition however would benefit from renewal and upgrade to better service the community.

### Competition sized multi-purpose court

The proposed multi-purpose court complete with fencing and LED lighting would be a new asset and would need to be added to Council asset register, and operations and maintenance works list. Should the court be constructed as proposed inclusive of removable tennis court net, and lighting there would be need to form a management contract with a third party as the operations would be beyond Council current capacity. The construction of a half size court and hitting wall that did not include lighting similar to that which Council recently constructed in Hakea Park, Yamba could be serviced and maintained by Council officers in line with established service levels.

### Policy or Regulation

- Local Government Act and Regulation
- Sustainable Procurement Policy – Supporting Local Business
- Playground Policy
- Playground Asset Management Plan
- Open Spaces Strategic Plan

### Consultation

Council officers have met with representatives of the Maclean Lions Club to discuss the opportunity to alter the grant funding scope to achieve an improved outcome for the project and community. That included improving accessibility to the park and initial agreement to consider reducing the size of the court to half size with a hitting wall.

Council officers together with representatives of the Maclean Lions Club plan to engage with the community through future onsite and online intercept surveys.

Council officers have discussed the proposed variation of the grant scope with the Clarence Nationals MP Mr Chris Gulaptis having received having received in principle support.

**Legal and Risk Management**

N/A

**Climate Change**

Works will consist of new build and renewal, the provision of any new asset results in resource consumption and emission production factors that contribute to climate change, to minimise the impact the materials that are have a high recycled content or can be recycled will be predominately used.

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Prepared by	David Sutton, Manager Open Spaces & Facilities
Attachment	Attachment A – Funding announcement media release; Attachment B – Competition size court; Attachment C – Half size court & park facilities

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<b>ITEM</b>	<b>6c.20.093</b>	<b>REQUEST FROM ACCOUNT 2122562 FOR REDUCTION IN WATER ACCOUNT DUE TO BUSHFIRE DAMAGE TO PRIVATE WATER SERVICE</b>
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<b>Meeting</b>	Corporate, Governance & Works Committee	16 June 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	A/Director - Works & Civil (Peter Birch)	
<b>Attachment</b>	Yes plus Confidential Attachment	

**SUMMARY**

The above property is serviced by an approximately 1275 metre length of “private” water service under the “grandfathering” provisions of the revoked private water line policy (Resolution 15.027/16 from the 19 April 2016 meeting). This private water service was damaged during the Woombah bushfires, which resulted in excess leakage, and the property owner was unable to turn off the meter as this would have meant they were unable to protect their property. They have requested a reduction in their account for the excessive consumption in the February 2020 quarter. As Council staff do not have any mechanism under which they can assess this request, it requires a resolution from Council.

**OFFICER RECOMMENDATION**

That Council grant a one off reduction for Water Account 2122562 in the amount of \$1,111.56 on the basis that the increased water consumption was due to bushfire damage to a private water service and the property owner was unable to turn off the service at the water meter as this would have meant they were unable to protect their property.

**COMMITTEE RECOMMENDATION**

Ellem/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

**BACKGROUND**

The subject private water service is located in Fat Duck Road at Woombah and Council has previously considered the issue of Fat Duck Road and the private water service on several occasions. The private water service was originally located in the trafficable area of Fat Duck Road, and Council’s most recent consideration of this matter was at its meeting of 17 April 2018 (Resolution 15.066/18):

2. Council contact beneficiaries of the private water main that is located in the trafficable area of Fat Duck Road and request that the water main be relocated to the verge of Fat Duck Road.
3. Council add 2 km of Fat Duck Road, Woombah to the Council Road Maintenance Register as a Category 2 type road following the payment of the contribution as detailed in point 1 and the relocation of the water main in point 2.

The owner of account 2122562 advises (see letter in confidential attachments) that, in accordance with the Council resolution, as finances permit they have been relocating the private water service out of the trafficable area of Fat Duck Road.

**KEY ISSUES**

The February 2020 quarter water consumption on account 2122562 (7.391kL/day) is significantly higher than any previous recorded daily consumption since the private service was installed in 1988 (see graph in attachments). The property owner has provided photographic evidence of damage to sections of the private water service as a result of the Woombah bushfires in November 2019 and have requested an adjustment to their February 2020 water account in recognition that the damage to the private water service was outside of their control (see request in Confidential attachments). The property owner was unable to turn off the service at the water meter when the damaged occurred as this would have left them with no water to protect their property.

Council has previously recognised the financial impact of increased water consumption from property owners protecting and cleaning their properties from bushfire through a \$65 subsidy (Resolution 6c.19.068 at the 22 October 2019 meeting); however, in this instance the cost of the increased consumption is significantly higher than \$65 due to the damage to the private water service. The cause of the increased water consumption was outside the owner's control and on that basis it is recommended that their request for an adjustment be approved.

Using the principle in Section 158(3) of the *Local Government (General) Regulation* for adjusting water charges when water meters are tested and found faulty, it is proposed that the charge on account 2122562 be adjusted using the average daily consumption recorded in February 2019 (2.539kL/day).

**COUNCIL IMPLICATIONS****Budget/Financial**

If no adjustment is granted there will be no impact on the income for the 2019/2020 financial year, however, if a concession is granted to this account as per the owners request, which if approved would be \$1111.57, income for the 2019/2020 financial year on PJ 902125-03-6219-1241 (Water Usage Non Residential Income) will be reduced by this amount

**Asset Management**

N/A

**Policy or Regulation**

*Local Government Act & Regulation*

**Consultation**

Internal consultation with Revenue Section

**Legal and Risk Management**

Other properties with private water services which have experienced increased water consumption from natural disaster damage to their service may consider this decision as setting a precedent and make similar requests for reduction in water charges on the basis that the cause of the damage is outside their control.

For example, historically some private water services have been damaged in floods. Council staff have advised those property owners that they would not support a reduction in the water charges as the property owners had sufficient notice to turn off their water meters prior to the flood event. The officer recommendation includes a specific reason for granting this request to avoid setting a precedent. When such requests for reductions are received following natural disaster damage they would be considered on their merits.

**Climate Change**

With Climate Change predicted to increase the frequency and severity of bushfire events it is likely that Council will receive similar requests in the future. As outlined in the Risk Management section, it is proposed that such requests be considered on their merits.

Prepared by	Greg Mashiah, Manager Water Cycle
Attachment	Graph of historic consumption of Account 2122562
Confidential	Request from Account 2122562 for reduction and supporting photos of damage

<b>ITEM</b>	<b>6c.20.094</b>	<b>REQUEST FROM NATIONAL PARKS &amp; WILDLIFE SERVICE FOR REDUCTION IN WATER METER CONNECTION FEE</b>
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<b>Meeting</b>	Corporate, Governance & Works Committee	16 June 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	A/Director - Works & Civil (Peter Birch)	
<b>Attachment</b>	Yes	

**SUMMARY**

The National Parks & Wildlife Service (NPWS) have requested a reduction in the applicable water meter connection fee for upgrading the water meter servicing the Illaroo Camping Ground at Minnie Water due to the community benefit from the upgrade.

**OFFICER RECOMMENDATION**

That:

1. Council recognises upgrading the existing water meter servicing Illaroo camping group provides overall community benefit (as outlined in the request from National Parks and Wildlife Service), and
2. National Parks and Wildlife Service be charged the applicable fire service connection fee for upgrading the water meter servicing Illaroo Camping Ground.

**COMMITTEE RECOMMENDATION**

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 2 Infrastructure

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

Strategy 2.1.1 Maintain and renew water and sewer networks

**BACKGROUND**

NPWS is proposing to pipe a water supply 2km from the existing watering point located at the entrance of Illaroo Road at Yuragir National Park, Minnie Water, to the camping ground. To minimise friction loss over the length of the pipeline requires a larger size meter than the standard 20mm connection. Council staff have quoted NPWS the connection fee for various sized water meters as per the adopted fees and charges. NPWS have indicated the water meter connection fee is not affordable and have requested Council consider a reduction in the connection fee (see letter in attachments). As under the *Local Government Act* staff cannot alter adopted fees and charges, the matter is reported to Council for consideration.

**KEY ISSUES**

The higher connection fees for larger meters in the adopted fees and charges is because there can be increased consumption through a larger meter, and Council needs to provide infrastructure to ensure sufficient flow is available at the meter. The connection fee for water meters comprises a tapping fee and a capital component (which is reduced by any capital contributions previously received or existing site capital "credit"). Where a larger meter is required for fire flow purposes only, the fees and charges do not include a capital component.

Illaroo Road provides access to South Sandon Beach and Sandon village in addition to the Illaroo camping ground. The location of the current watering point near the entrance, approximately 2km from the camping ground, results in an increase in vehicular traffic from campers accessing drinking water, which increases

NPWS' maintenance requirements on the road. While maintenance of the road is a NPWS responsibility, Council ratepayers will benefit if there is a reduced maintenance requirement on Illaroo Road.

NPWS has noted in their submission that Council has a *Development contributions for community facilities* policy where, to reduce the cost of affected community facilities, when Council either develops community facilities or the facilities are developed by community groups on land owned or managed by Council, water and/or sewer headworks are not charged. While NPWS acknowledges the policy does not apply to the Illaroo camping ground as it is not a sporting and/or cultural facility located on Council owned or managed land, they have requested that Council consider the general principle of the policy as analogous to their situation.

The required upgrading of the existing connection at Illaroo is similar to water meter upgrading required for a fire service in that a larger meter at this site is required to reduce friction loss rather than potentially providing for increased consumption. As the camping ground has existing "credit" for the existing 20mm water connection, it is considered appropriate in this instance for NPWS be charged a tapping fee only, which is the same as the fire service connection fee listed in the fees and charges.

NPWS have not yet confirmed the size of the service and water meter to meet their requirements.

## COUNCIL IMPLICATIONS

### Budget/Financial

Were Council to adopt the officer's recommendation, the water fund income from this connection application will decrease by the capital component of the foregone connection fee. The tapping fee, capital component and total connection fee for various water meter sizes as outlined in the fees and charges are:

Meter Size	Tapping Fee	Capital Component	Total Connection Fee
25mm	\$2,205	\$5,878	\$8,083
32mm	\$3,088	\$11,266	\$14,354
40mm	\$3,693	\$18,123	\$21,816
50mm	\$7,283	\$56,328	\$63,611
80mm	By Quotation	\$121,960	\$121,960 + tapping quote
100mm	By Quotation	\$215,512	\$215,512 + tapping quote

As the service will be metered, Council will receive income from any NPWS consumption recorded. The property is charged a residential tariff so if consumption increases above 1.233kL/day that portion of consumption above 1.233kL/day is charged the inclining block, which is 50% higher than the standard tariff. Since the service was installed in January 1993 the highest quarterly consumption has been 1.132kL/day.

### Asset Management

An approximately 40 metre extension of the 100mm water main is required for the larger water meter, which will be paid for by NPWS and become Council asset.

### Policy or Regulation

Development contributions for community facilities

### Consultation

NPWS officers submitted the request following consultation with Council staff.

### Legal and Risk Management

Other private developers may consider Council's decision in this matter sets a precedent and may make similar requests for reduction of water meter connection fees on the basis that they are not increasing demand. The officer's recommendation proposes the request be specifically recognised as having community benefit and, as such, should not be seen as setting a precedent for private developers.

### Climate Change

N/A to the proposed water connection.

Prepared by	Greg Mashiah, Manager Water Cycle
Attachment	Request from NPWS

<b>ITEM</b>	<b>6c.20.095</b>	<b>LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM</b>
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<b>Meeting</b>	Corporate, Governance & Works Committee	16 June 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	General Manager - Ashley Lindsay	
<b>Attachment</b>	Yes	

**SUMMARY**

Projects for consideration under the Local Roads and Community Infrastructure Program (LRCIP) are presented to Council for consideration under the above grant funded program.

**OFFICER RECOMMENDATION**

That Council adopt the Priority 1 Projects in the attached schedule for submission for funding under the Federal Government's Local Roads and Community Infrastructure Program.

**COMMITTEE RECOMMENDATION**

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 2 Infrastructure

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

Strategy 2.1.3 Provide strategic asset management planning

**BACKGROUND**

Council has been advised that funding of \$2,051,366 has been received under the above program.

The program objective is to create jobs, business and resilience. The program also leaves it up to Council to decide what projects it puts forward and must -

- Be accessible to the public
- Deliver net benefits to the community such as improved access, visual amenity and safety
- Be complete by 30/06/21
- Be additional to pre-COVID capital works program for 20-21. Projects can be brought forward and would be eligible.
- Be eligible projects and they will receive funding.

The allocation was based similarly to how the Roads to Recovery model is applied to all Councils.

**KEY ISSUES**

A list of Priority 1 and 2 projects are submitted to Council for consideration. It is recommended that Priority 1 projects be endorsed for funding approval.

A number of these projects are to address road safety issues around school zones and have been with the Traffic Committee for some time.

**COUNCIL IMPLICATIONS****Budget/Financial**

Funding of \$2,051,366 is available under the grant.

**Asset Management**

Some of the projects are within Council's Asset Management Plans. The school safety projects are long standing projects that have been raised through Traffic Committee

**Policy or Regulation**

Nil

**Consultation**

Consultation internally with Civil Services and Open Spaces and Facilities has occurred.

**Legal and Risk Management**

The school safety projects will reduce risk at these locations and provide for safer communities.

**Climate Change**

Works will consist of new build, upgrade and renewals, and the provision of any new or upgraded assets does result in resource consumption and emissions that contribute to climate change.

To minimise the impact the materials that are have a high recycled content or can be recycled will be predominately used.

Prepared by	Peter Birch, A/Director Works and Civil
Attachment	Projects for Funding Funding Fact Sheet

<b>ITEM</b>	<b>6c.20.096</b>	<b>2 PRINCE STREET GRAFTON ADMINISTRATION CENTRE UPGRADE</b>
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<b>Meeting</b>	Corporate, Governance & Works Committee	16 June 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	General Manager - Ashley Lindsay	
<b>Attachment</b>	Yes	

**SUMMARY**

This report provides the alternate ramp design option for access to the multi use room/Council Chambers as part of the upgrade of the 2 Prince Street Grafton Administration Centre.

**OFFICER RECOMMENDATION**

That Council

1. Note and endorse the revised access ramp to service the Multi-Use Meeting Room and Council Chambers for the upgrade of the 2 Prince Street building.
2. Increase the budget by \$110,000 to facilitate construction of the ramp.

**COMMITTEE RECOMMENDATION**

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 2 Infrastructure

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

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

**BACKGROUND**

At the March 2020 Ordinary meeting it was resolved (**Item 6c.20.023**) as follows -

1. *Endorse inclusion of \$6,356,701 in the 2020-21 Draft Budget for the upgrade of the 2 Prince Street administration centre to be funded by the Strategic Building Reserve IR 10520 of \$1,050,783.52, the Admin. Buildings Improvement Reserve – 2 Prince Street of \$305,917.48, and internal borrowings from both the Regional Landfill Reserve IR10815 \$2,500,000 and the Plant Reserve IR10010 of \$2,500,000 to be repaid over a maximum 10 year period commencing July 2021 with interest to be based on Council's average interest on investments for the preceding financial year .*
2. *Seek approval from the Office of Local Government under their capital expenditure guidelines.*
3. *Request an amended detailed design which will include equal access by way of a fully compliant ramp in accordance with Building Code Australia (no staircase or lift) to the proposed chamber/multipurpose room and the amended detailed design be reported back on or before the July Ordinary Council meeting for feedback from Council's Access Committee.*
4. *Following approval from the Office of Local Government and endorsement of an amended detailed design by Council's Access Committee and Council, seek tenders for the construction of the works.*

This report addresses Point 3 of the resolution relating to the ramp access. The approval to the Office of Local Government under Point 2 is currently being sought.

**KEY ISSUES**

A revised ramp design to services the multi-use meeting room and Council Chambers now includes 1,200mm wide ramps (minimum width is 1,000mm). Feedback received from some of the Access Committee members has been supportive (refer to Attachments).

The access ramp servicing the customer service area has been modified to increase width as far as physically practicable to be 1,140mm between handrails or over 1,200mm between ramp walls.

**COUNCIL IMPLICATIONS****Budget/Financial**

The removal of the small open passenger lift was originally estimated to be \$38,000 plus related supporting construction work and sundries to create the necessary space (allow \$2,000).

At the time of writing the report estimates for the revised ramps are in the vicinity of \$150,000.

**Asset Management**

Some elements of the building are to be considered in fair to poor condition. The project has been part of Council's Asset Management Plan for a number of years. The access ramp will remove the need to have an elevated open passenger lift to service the multi use room and Council Chambers.

**Policy or Regulation**

- *Local Government Act 1993*

**Consultation**

Consultation has taken place with the Access Committee via Clarence Conversations initially and then via Email due to COVID-19 restrictions. Feedback is included in the Attachments.

**Legal and Risk Management**

The change to provide ramp access to both entrances to the building will mean a consistent access path is created for both parts and responds to feedback from the Access Committee. The proposed change to the ramp address concerns of Council with regards the small open passenger ramp to service the multi use meeting room/Council Chambers.

**Climate Change**

To renovate the current building will have a net positive climate change impact over finding an alternate building or at a greenfield site.

Prepared by	Peter Birch, A/Director Works and Civil
Attachment	<ol style="list-style-type: none"> <li>1. Clarence Conversations Feedback</li> <li>2. Access Committee Feedback</li> <li>3. Revised Ramp Access Design</li> </ol>



<b>ITEM</b>	<b>6c.20.097</b>	<b>IMPACT OF COVID-19 ON CLARENCE COAST HOLIDAY PARKS ON CROWN LAND</b>
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<b>Meeting</b>	Corporate, Governance & Works Committee	16 June 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	A/Manager - Open Spaces & Facilities (David Sutton)	
<b>Attachment</b>	Confidential	

**SUMMARY**

This report provides an overview of the impact of COVID-19 on the Clarence Coast Holiday Parks.

**OFFICER RECOMMENDATION**

That Council as Crown Land Manager receive and note the financial impact of the restrictions imposed on the 5 holiday parks from 23 March to 31 May 2020 due to COVID-19.

*Having declared an interest in this item, Cr Toms left the Corporate, Governance & Works Committee meeting at 3.09 pm and returned at 3.10 pm.*

*The Deputy Mayor, Cr Kingsley assumed the Chair for this item.*

**COMMITTEE RECOMMENDATION**

Simmons/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Simmons

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 3 Economy

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

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

**BACKGROUND**

As a result of the COVID-19 pandemic the Australian Government placed restrictions on non-essential gatherings on Monday 23 March 2020, and then non-essential travel on Wednesday 25 March 2020 in an attempt to halt the spread of the pandemic throughout Australia.

The implementation of the restrictions was a decision for each State, the NSW Government declared that from midnight Thursday 26 March 2020, caravan parks must not be open to members of the public with exceptions for 'essential guests/travellers' only, consisting of: permanent residents, people with no permanent place of residence in Australia or access to their permanent residence and essential workers in the area.

Council as Crown Land Manager operates 5 holiday parks that are located in Iluka, Yamba, Brooms Head, Minnie Water and Wooli.

Calypso Yamba Holiday Park was closed completely as it is exclusively a tourist park – no permanent or long term casual sites; however the onsite park managers were retained for security purposes and maintenance.

Brooms Head, Iluka Riverside, Minnie Water and Wooli Holiday Parks remained open with reduced staff numbers to service the 'essential guests/travellers' and maintenance. Occupancy across these 4 parks was negligible during this period due to the public's adherence with the governments' restrictions.

**KEY ISSUES**

**COVID-19 Closure**

The implementation of the restrictions from 23 March 2020 occurred within weeks of the Easter/School Holiday period. Typically this holiday period enjoys very high occupancy rates, being as high as 100% for the 4 days of Easter in some parks.

At the time of being proclaimed, the restrictions required caravan parks to be closed until 29 June 2020. Following the advice of the Caravan and Camping Industry Association (CCIA), being the peak industry body and in alignment with the actions of other major tourism operators such as NRMA, Reflections, Big 4, the decision was made to cancel all reservations to 29 June 2020.

In processing the reservations, Council’s officer initially offered guests a credit or transfer of funds to their 2021 reservation. If guests did not wish to transfer until 2021, full refunds were processed. A total of 608 refunds were processed for guests that did not wish to transfer their reservation or hold funds in credit. Long Term Casuals/Holiday Van owners, who pay an annual fee to keep their vans on site all year round and are permitted to stay at the park for up to 180 nights per year, were not permitted to utilise their vans during the ban on non-essential/leisure travel. Some owners requested monthly fee waivers during this period; however this was declined due to the fact that their vans still occupied the sites and restrictions on leisure travel were imposed by NSW Government and beyond our control. Fee waivers could be considered for any long term casual who provided proof of financial difficulty related to COVID-19.

Looking Forward

The NSW Government announced on Wednesday 20 May 2020 that it planned to lift restrictions on regional holiday travel as of 1 June 2020 and that holiday parks were permitted to reopen to people travelling for holiday purposes, conditional on implementing a COVID-19 Safety Plan. The 5 holiday parks operated by Council immediately started receiving a significant number of enquiries and bookings. Based on the enquiries and bookings received at the time of writing this report it is anticipated that there will be high occupancy rates over the June long weekend and average occupancy rates for the coming weeks.

**COUNCIL IMPLICATIONS**

**Budget/Financial**

Comparison reports of revenue and occupancy for reservations between 23 March to 31 May 2020 and 23 March to 31 May 2019 quantifies the holiday parks’ loss of revenue. Calypso Yamba Holiday Park was the most severely impacted accounting for 44% of the total lost revenue. Minnie Water and Wooli Holiday Parks were the least impacted due to their high ratio of permanent and long term casual sites to tourist sites. See confidential attachment for financial details.

The impact on Clarence Coast Holiday Parks is consistent with monthly indicators across all states. Despite individual state’s implementation of the federal government’s restrictions: e.g. caravan parks remained opened in Northern Territory and Queensland, Australia’s tourism industry has suffered tremendously.

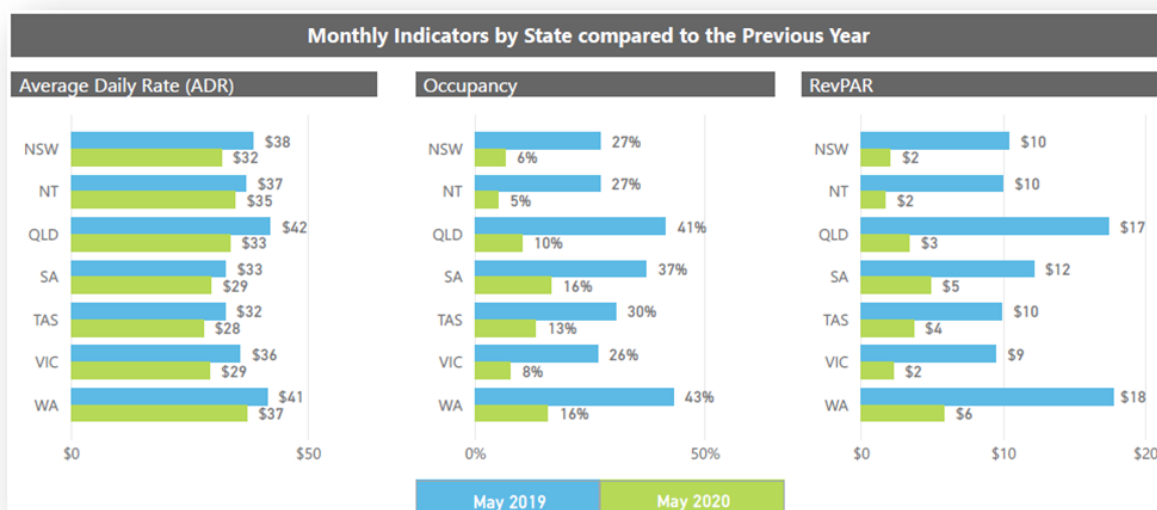


Figure 2: Powered Sites Accommodation Statistics for May 2020 – CIAA.

**Asset Management**

Asset management and strategic plans will need to be reviewed due to the significant loss of revenue.

**Policy or Regulation**

Terms and conditions including cancellation and refund policies were regularly revised and adapted in response to the rapidly changing restrictions.

**Consultation**

Our industry body, Caravan and Camping Industry Association were a constant and reliable source of information and guidance during the pandemic. They provided regular updates in the form of e-alerts and weekly Zoom meetings which was invaluable. Regular consultation also occurred with Council's Environmental staff.

**Legal and Risk Management**

Compliance with government restrictions was essential to help prevent the spread of the Coronavirus and to avoid heavy fines and penalties. Reopening of caravan parks is conditional on implementation of a COVID-19 Safety Plan which includes guest declaration registers, social distancing rules and increased hygiene and cleaning regimes.

**Climate Change**

N/A

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Prepared by	Julie Schipp, Holiday Parks and Saleyards Officer
Confidential	Financial Impact of COVID-19 on Clarence Coast Holiday Parks

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<b>ITEM</b>	<b>6c.20.098</b>	<b>LIFEGUARD SERVICE, PATROLLED BEACH SUMMARY 2019 – 2020 ON CROWN LAND</b>
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<b>Meeting</b>	Corporate, Governance & Works Committee	16 June 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	A/Manager - Open Spaces & Facilities (David Sutton)	
<b>Attachment</b>	To be tabled	

**SUMMARY**

This report provides a summary of the 2019/2020 lifeguard service (excluding volunteer lifeguards) at the patrolled beaches in the Clarence Valley for information.

**OFFICER RECOMMENDATION**

That Council as Crown Land Manager receive and note this information report regarding the lifeguard service provided at Yamba Main Beach, Wooli Beach, Turners Beach (Yamba), Pippi Beach (Yamba), Minnie Water Main Beach, Iluka Bluff Beach and Brooms Head Beach.

**COMMITTEE RECOMMENDATION**

Kingsley/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 1 Society

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

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

**BACKGROUND**

The Australian Lifeguard Service is engaged to perform lifeguard services at seven locations within the Clarence Valley local government area on a schedule commensurate to usage patterns. A requirement of the contract is to provide a Season Report. Key statistics from this Season Report are summarised and a copy of the Season Report is included as Attachment A for information.

**KEY ISSUES**Lifeguard Service

Lifeguard services are provided by Council's contractor (Australian Lifeguard Service), these services are summarised below:

Beach	Patrol Dates	Days of Service	Patrol Times
Iluka Bluff Beach, ILUKA	21/12/2019 to 27/01/2020	7 days	9am - 5pm
	10/04/2020 to 26/04/2020	7 days	9am - 4pm
Turners Beach, YAMBA*	14/12/2019 to 20/12/2019	7 days	9am - 5pm
	21/12/2019 to 27/01/2020	7 days	9am - 5pm
	04/04/2020 to 26/4/2020	7 days	9am - 4pm
Main Beach, YAMBA	21/09/2019 to 13/10/2019	5 days	9am - 4pm
	14/12/2019 to 27/01/2020	5 days	9am - 5pm
	04/04/2020 to 26/4/2020	5 days	9am - 4pm
Pippies Beach, YAMBA	21/12/2019 to 27/01/2020	7 days	9am - 5pm
	9/04/20 to 13/04/2020	7 days	9am - 4pm
Brooms Head Main Beach, BROOMS HEAD	21/12/2019 to 27/01/2020	7 days	9am - 5pm
	10/04/2020 to 26/04/2020	7 days	9am - 4pm
Minnie Water Main Beach MINNIE WATER	21/12/2019 to 27/01/2020	5 days	9am - 5pm
	10/04/2020 to 26/04/2020	5 days	9am - 4pm
Wooli Beach, WOOLI	21/12/2019 to 27/01/2020	7 days	9am - 5pm
	10/04/2020 to 26/04/2020	7 days	9am - 4pm

NOTE: \* 2 lifeguards at Turners Beach Easter Long Weekend – 10/05/2020 – 13/04/2020.

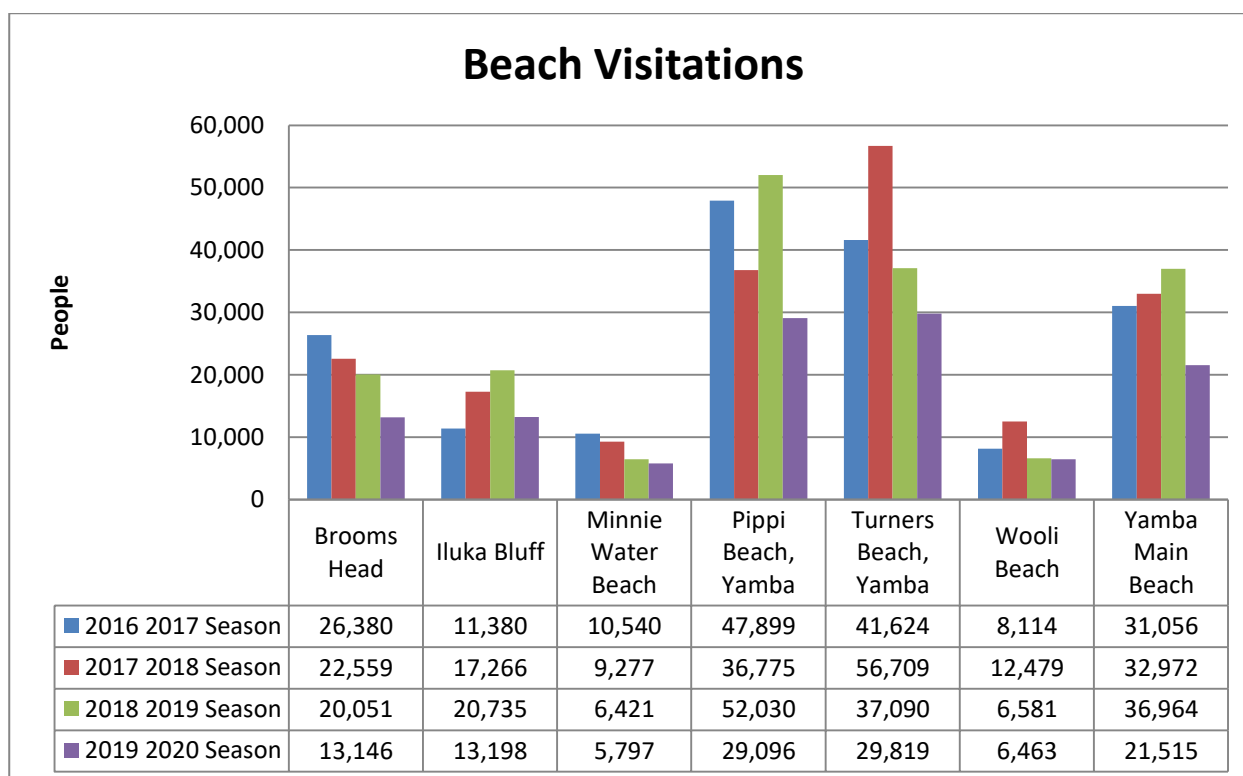
Lifeguard services on weekends and public holidays are provided by volunteers and this information is not included in this report.

#### Beach Visitations

There were a total of 119,034 people who visited Clarence Valley beaches during this period, at the following locations:

Brooms Head	13,146
Iluka Bluff	13,198
Minnie Waters	5,797
Pippi Beach	29,096
Turners Beach	29,819
Wooli Beach	6,463
Yamba Main Beach	21,515

In comparison to the 2018/19 season, there were 60,838 people less at the Clarence beaches during this time, as represented below:



Significant decreases were recorded across all patrolled beaches. This is consistent with the whole of the east coast of New South Wales as a result of climatic conditions. Severe bushfires affected the spring and summer months both in tourist and local attendance then Coronavirus (COVID-19) affected the autumn attendance with travel restrictions and limitations on public gatherings.

#### Service Statistics

A summary of statistics for Clarence Valley beaches is as follows:

Beach	Rescues Performed	Preventative Actions	First Aid Treatments	Law Enforcements	Public Relations
Brooms Head	0	1,236	18	6	1,180
Iluka Bluff	0	620	2	3	505
Minnie Water Beach	0	447	13	10	535
Pippi Beach, Yamba	3	1,214	21	3	1,129
Turners Beach, Yamba	10	2,559	23	22	2,095
Wooli Beach	0	646	2	4	590
Yamba main Beach	1	2,036	51	6	1,494
<b>TOTAL</b>	<b>14</b>	<b>8,758</b>	<b>130</b>	<b>54</b>	<b>7,528</b>

Further operational information is included in Attachment A, Australian Lifeguard Service, Season Report 2019 – 2020.

This report concludes the current service agreement with the Australian Lifeguard Service patrolling the beaches in the Clarence Valley.

**COUNCIL IMPLICATIONS****Budget/Financial**

The contract to supply the surf life saving services is funded from PJ 994165, cost centre 845.

**Asset Management**

NA

**Policy or Regulation**

The following guideline is applicable to this report:

- *Coastal Public Safety Risk Assessment - Project Blueprint – 2016*

**Consultation**

Regular consultation has occurred with Council's surf lifesaving contractor throughout the season.

**Legal and Risk Management**

There is a significant safety risk to the community if the lifeguard service is not provided, particularly during the peak season. Additionally, there is a further risk at some Clarence Valley beaches due to their remote locations.

**Climate Change**

Rising sea levels will bring significant change to Australia's coastal zone in the coming decades. Many coastal environments including beaches are closely linked to the sea level which could result in beach loss. Additionally the lifeguard service could be affected by extreme and more frequent adverse weather events, which was witnessed during the summer period with the intense bushfires and smoke inundation.

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Prepared by	Rachelle Passmore, Senior Parks and Recreation Officer
To be tabled	Surf Lifesaving Services, Season Report 2019 -2020

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**ITEM 6c.20.099 WORKS REPORT**

<b>Meeting</b>	Corporate, Governance & Works Committee	16 June 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	A/Director - Works & Civil (Peter Birch)	
<b>Attachment</b>	Yes	

**SUMMARY**

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

**OFFICER RECOMMENDATION**

That the monthly works report be received and noted.

**COMMITTEE RECOMMENDATION**

Simmons/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 2 Infrastructure

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

Strategy 2.1.3 Provide strategic asset management planning


**BACKGROUND**

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

**KEY ISSUES**




The summary of works undertaken in May.


Council staff also wish to highlight the projects below.

<b>Project:</b>	Yamba Road Reconstruction	
<b>Project Description:</b>	Yamba Road – Reconstruction and widening from Palmers Island to Romiaka Bridge.	
<b>Budget:</b>	\$582,000	
<b>Expenditure:</b>	\$434,262	
<b>Status:</b>	<ul style="list-style-type: none"> <li>Shoulder widening 80% complete (expected to complete within a few days)</li> <li>Footpath preparation 60% complete</li> <li>Stormwater upgrades complete</li> <li>Works commencing on bus bay widening and future roundabout earthworks today</li> <li>Stabilised pavements mobilising gear to site</li> </ul>	





<b>Project:</b>	Coastal Emus & Koalas in the Clarence	
<b>Project Description:</b>	<p>Funded by NSW Environmental Trust, this project seeks to increase engagement and education regarding the plight of the threatened population of coastal emu and the vulnerable koala. Information sessions and educational resources are provided to residents to increase their capacity to make change and facilitate recovery. A sighting register has been established for both species to add to the database of knowledge through citizen science, with data contributing to BioNet.</p> <p>Outcomes to date include:</p> <ul style="list-style-type: none"> <li>• Clarence Conversations engagement pages</li> <li>• Information sessions and workshops, including engagement via Grafton Show and Jacaranda Festival</li> <li>• Information pamphlets</li> <li>• Educational videos</li> <li>• Koala food tree identification guide</li> <li>• Community survey and infographic regarding domestic dog impacts on wildlife, and</li> <li>• Wild dog impact and control training sessions, motion camera monitoring program pending follow-up control.</li> </ul>	 <p>Caragh Heenan and Shane Landrigan at Jacaranda Festival 2018. Image: R. Luxton.</p>  <p>National Tree Day at Lawrence, with students from Lawrence Primary School planting koala food trees. Image: C. Heenan.</p>
<b>Budget:</b>	\$100,000	
<b>Expenditure:</b>	\$75,432	
<b>Status:</b>	<ul style="list-style-type: none"> <li>• Finalist – LG Excellence Awards 2020</li> <li>• This project is delivered through the NRM section by Project Officer Caragh Heenan, and due for completion in September 2020.</li> </ul>	 <p>Caragh Heenan presenting to members of the public about coastal emus and their decline in the Bungawalbin at a workshop held at Aranyani Bison Ranch. Image: J. Malecki.</p>

<b>Project:</b>	Yamba Road Services relocations	
<b>Project Description:</b>	Relocating sewer and water mains at Treelands Drive and Yamba Road intersection and Carrs Drive and Yamba Road intersection to facilitate roundabout construction	
<b>Budget:</b>	\$276,000 (Water relocations) \$115,000 (Sewer relocations)	
<b>Expenditure:</b>	\$25,627	
<b>Status:</b>	<ul style="list-style-type: none"> <li>Relocation works commenced on 25/05</li> <li>Relocations at Treelands Drive expected to be completed by 30/06</li> </ul>	

## COUNCIL IMPLICATIONS

### Budget/Financial

Financial details are provided in the attached works summary.

### Asset Management

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

### Policy or Regulation

There are no policy or regulation implications.

### Consultation

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

### Legal and Risk Management

There are no legal or risk management implications.

### Climate Change

There are no climate change implications.

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

<b>ITEM</b>	<b>6c.20.100</b>	<b>MONTHLY INVESTMENT REPORT – MAY 2020</b>
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<b>Meeting</b>	Corporate, Governance & Works Committee	16 June 2020
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	Manager - Finance & Supply (Kate Maginnity)	
<b>Attachment</b>	To be tabled	

**SUMMARY**

The purpose of this report is to inform Council of the details of Council's investment funds as at the end of each month.

**OFFICER RECOMMENDATION**

That the report indicating Council's funds investment position as at 31 May 2020 be received and noted.

**COMMITTEE RECOMMENDATION**

Simmons/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

**BACKGROUND**

This report has been completed in accordance with the *Local Government Act 1993*, Part 9, Division 5, Clause 212 of the *Local Government (General) Regulation 2005*, and Council's Investment Policy, which requires a monthly report to Council. The report is to include the source and amount of funds invested, terms of performance, and a statement of compliance in relation to the *Local Government Act 1993*.

**KEY ISSUES****Source of Funds Invested**

The funds invested are funds held under internal and external restrictions. External Restricted Funds are primarily from Sewer & Water, Granting Bodies and Developer Contributions. Internal restrictions are primarily sourced from General Revenue Funding and Unspent Loans.

Based on the audited 30 June 2019 figures, funds have been sourced from the following areas:

External Reserves		Internal Reserves	
Sewerage Funds	5.94%	Plant Equipment Reserve	9.88%
Water Supply Funds	22.85%	Regional Landfill Reserves	5.23%
Developer Contributions	16.35%	Fin. Assist Grants paid in advance	4.63%
Unexpended Grants	5.84%	Waste Mngmt / Commercial Waste	4.03%
Domestic Waste Management	0.88%	Infrastructure Assets Renewals	3.09%

Holiday Parks	2.24%	Clarence Care & Support	2.78%
Deposits, Retentions and Bonds	1.51%	Employee Leave Entitlements	2.64%
Other External	1.75%	Roads & Quarries Reserves	2.29%
		Strategic Building Reserve	1.13%
		Building Asset Renewals	0.92%
		Other (refer attachment for further detail)	6.02%
	<u>57.36%</u>		<u>42.64%</u>
		Total External & Internal Reserves	<u>100.00%</u>

### Portfolio Credit Limits

Tabled below is a summary of Council's investments as at 31 May 2020 which details compliance with Council's Investment Policy Portfolio Credit Limits.

Portfolio Credit Limits as at 31 May 2020				
Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
AAA	100.00%	4,988,421	3.79%	Yes
AA	100.00%	35,743,044	27.17%	Yes
A	60.00%	42,250,000	32.12%	Yes
BBB	50.00%	48,563,951	36.92%	Yes
<b>TOTAL INVESTMENTS</b>		<b>131,545,416</b>	<b>100.00%</b>	

Note, a permanent cap of \$250,000 per person per institution on deposits is guaranteed by the Federal Government under the *Financial Claims Scheme* and hence receives a rating of AAA.

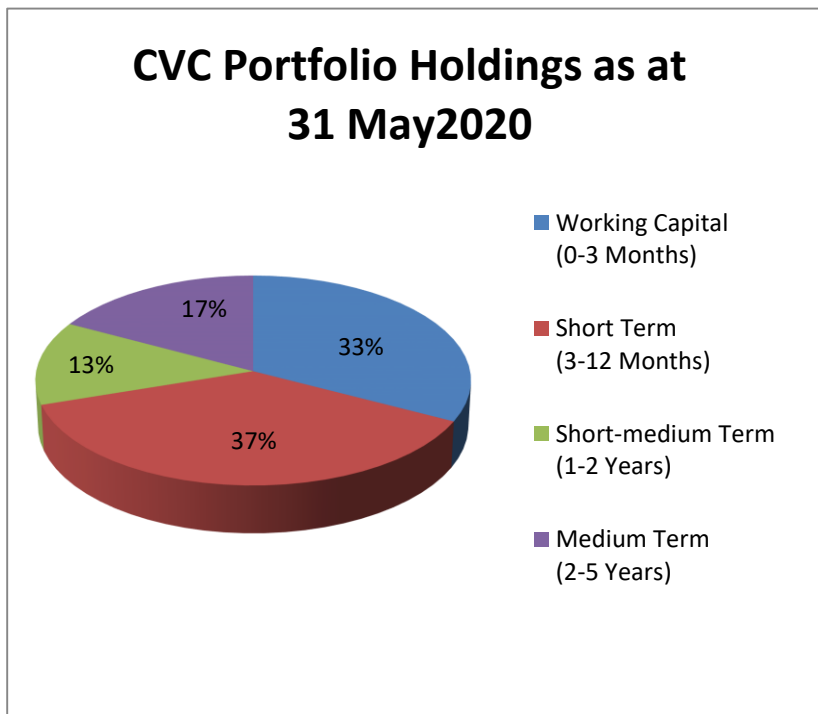
**Individual Institution or Counterparty Limits**

Tabled below is a summary of Council's investments as at 31 May 2020 which details compliance with Council's Investment Policy Counterparty Limits.

<b>Individual Institution or Counterparty Limits as at 31 May 2020</b>					
<b>Financial Institution</b>	<b>Credit Rating Long Term</b>	<b>Investment Policy Maximum Holding</b>	<b>Total Investments Held</b>	<b>% of Total Investments</b>	<b>Complies with Policy (yes/no)</b>
<b>TERM DEPOSITS &amp; FRNs*</b>					
AMP	BBB+	15.00%	8,000,000	6.08%	Yes
ANZ*	AA-	30.00%	2,028,120	1.54%	Yes
BoQ	BBB+	15.00%	16,000,000	12.16%	Yes
Bendigo	BBB+	15.00%	-	0.00%	Yes
Rural Bank			2,000,000	1.52%	
CBA*	AA-	30.00%	2,027,520	1.54%	Yes
Credit Union Australia	BBB	15.00%	2,000,000	1.52%	Yes
Defence	BBB	15.00%	8,000,000	6.08%	Yes
ING Direct	A	15.00%	19,000,000	14.44%	Yes
Macquarie	A	15.00%	15,000,000	11.40%	Yes
ME Bank	BBB	15.00%	4,000,000	3.04%	Yes
NAB	AA-	30.00%	6,000,000	4.56%	Yes
NAB*			1,007,980	0.77%	
P&N	BBB	15.00%	3,000,000	2.28%	Yes
RaboDirect	A+	15.00%	9,000,000	6.84%	Yes
Westpac	AA-	30.00%	7,000,000	5.32%	Yes
Westpac*	AA-		1,528,050	1.16%	
<b>TOTAL TERM DEPOSITS &amp; FRNs*</b>			<b>105,591,670</b>	<b>80.27%</b>	
<b>MANAGED FUNDS</b>					
TCorp	AAA	40.00%	488,421	0.37%	Yes
<b>TOTAL MANAGED FUNDS</b>			<b>488,421</b>	<b>0.37%</b>	
<b>FUNDS AT CALL</b>					
AMP	BBB+	15.00%	7,261,168	5.52%	Yes
AMP	BBB+	15.00%	1,052,783	0.80%	Yes
ANZ	AA-	30.00%	5,276,383	4.01%	Yes
CBA	AA-	30.00%	6,815,115	5.18%	Yes
CBA	AA-	30.00%	5,059,876	3.85%	Yes
<b>TOTAL FUNDS AT CALL</b>			<b>25,465,325</b>	<b>19.36%</b>	
<b>TOTAL INVESTMENTS</b>			<b>131,545,416</b>	<b>100.00%</b>	

**Portfolio Holdings by Maturity**

Illustrated and tabled below is a summary of Council’s investments by maturity as at 31 May 2020. Excluding “at-call” working capital, 50.17% of Council’s investments are maturing within the next twelve months.



Register of Investments - Clarence Valley Council as at 31 May 2020					
Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
<b>WORKING CAPITAL (0-3 MONTHS)</b>					
T-CorpIM Cash Fund	488,421	0.37%	At-Call	1.32%	AAA
AMP Bank Ltd	7,261,168	5.52%	At-Call	1.30%	BBB+
AMP Bank Ltd	1,052,783	0.80%	At-Call	0.75%	BBB+
ANZ Banking Group Ltd	5,276,383	4.01%	At-Call	0.55%	AA-
Commonwealth Bank of Australia	6,815,115	5.18%	At-Call	0.10%	AA-
Commonwealth Bank of Australia	5,059,876	3.85%	At-Call	0.20%	AA-
AMP Bank Ltd	2,000,000	1.52%	02/06/2020	1.80%	BBB+
AMP Bank Ltd	1,000,000	0.76%	31/08/2020	1.80%	BBB+
Bank Of Queensland Ltd	1,000,000	0.76%	06/07/2020	3.00%	BBB+
Bank Of Queensland Ltd	2,000,000	1.52%	08/07/2020	1.65%	BBB+
ING	1,000,000	0.76%	21/08/2020	1.60%	A
Macquarie Bank Ltd	2,000,000	1.52%	03/06/2020	1.70%	A
Macquarie Bank Ltd	2,000,000	1.52%	03/07/2020	1.70%	A
National Australia Bank	2,000,000	1.52%	30/07/2020	1.80%	AA-
National Australia Bank	2,000,000	1.52%	11/08/2020	1.55%	AA-
Rural Bank Ltd	2,000,000	1.52%	09/06/2020	1.55%	BBB+
<b>TOTAL WORKING CAPITAL (0-3 MONTHS)</b>	<b>42,953,746</b>	<b>32.65%</b>		<b>1.06%</b>	
<b>SHORT TERM (3-12 MONTHS)</b>					
AMP Bank Ltd	2,000,000	1.52%	16/11/2020	1.65%	BBB+
AMP Bank Ltd	3,000,000	2.28%	05/03/2021	1.45%	BBB+
Bank Of Queensland Ltd	1,000,000	0.76%	26/10/2020	3.20%	BBB+
Bank Of Queensland Ltd	1,000,000	0.76%	26/10/2020	3.20%	BBB+
Bank Of Queensland Ltd	1,000,000	0.76%	02/12/2020	3.60%	BBB+
Bank Of Queensland Ltd	2,000,000	1.52%	12/01/2021	3.65%	BBB+
Credit Union Australia	2,000,000	1.52%	04/11/2020	1.55%	BBB
Defence Bank	2,000,000	1.52%	20/11/2020	3.00%	BBB
Defence Bank	2,000,000	1.52%	17/12/2020	3.00%	BBB
Defence Bank	2,000,000	1.52%	04/03/2021	1.50%	BBB
Defence Bank	2,000,000	1.52%	09/03/2021	3.00%	BBB
ING	1,000,000	0.76%	10/11/2020	2.92%	A
ING	2,000,000	1.52%	13/11/2020	1.55%	A
ING	2,000,000	1.52%	03/02/2021	1.65%	A
ING	2,000,000	1.52%	02/03/2021	1.60%	A
Macquarie Bank Ltd	5,000,000	3.80%	03/09/2020	1.70%	A
Macquarie Bank Ltd	3,000,000	2.28%	16/12/2020	1.65%	A
Macquarie Bank Ltd	3,000,000	2.28%	11/05/2021	1.30%	A
ME Bank Ltd	2,000,000	1.52%	06/11/2020	1.35%	BBB
ME Bank Ltd	2,000,000	1.52%	07/05/2021	1.35%	BBB
National Australia Bank	2,000,000	1.52%	10/09/2020	1.35%	AA-
P&N Bank	3,000,000	2.28%	11/03/2021	3.82%	BBB
Westpac Bank	2,000,000	1.52%	05/03/2021	3.00%	AA-
<b>TOTAL SHORT TERM (3-12 MONTHS)</b>	<b>49,000,000</b>	<b>37.25%</b>			
<b>SHORT - MEDIUM TERM (1-2 YEARS)</b>					
Bank Of Queensland Ltd	1,000,000	0.76%	29/06/2021	3.45%	BBB+
Bank Of Queensland Ltd	1,000,000	0.76%	02/12/2021	3.80%	BBB+
Bank Of Queensland Ltd	1,000,000	0.76%	09/05/2022	3.60%	BBB+
ING	2,000,000	1.52%	29/11/2021	1.55%	A
ING	3,000,000	2.28%	11/02/2022	1.60%	A
ING	2,000,000	1.52%	21/02/2022	1.60%	A
ING	3,000,000	2.28%	21/02/2022	1.60%	A
RaboDirect (Australia) Ltd	2,000,000	1.52%	14/06/2021	3.02%	A+
RaboDirect (Australia) Ltd	1,000,000	0.76%	21/06/2021	3.07%	A+
Westpac Bank	1,000,000	0.76%	16/11/2021	1.30%	AA-
<b>TOTAL SHORT-MEDIUM TERM (1-2 YEARS)</b>	<b>17,000,000</b>	<b>12.92%</b>		<b>2.19%</b>	

Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
<b>MEDIUM TERM (2-5 YEARS)</b>					
Bank Of Queensland Ltd	1,000,000	0.76%	03/08/2022	3.60%	BBB+
Bank Of Queensland Ltd	2,000,000	1.52%	08/02/2023	3.55%	BBB+
Bank Of Queensland Ltd	2,000,000	1.52%	21/08/2023	3.60%	BBB+
ING	1,000,000	0.76%	04/10/2022	3.66%	A
RaboDirect (Australia) Ltd	2,000,000	1.52%	13/09/2022	3.40%	A+
RaboDirect (Australia) Ltd	1,000,000	0.76%	05/12/2022	3.21%	A+
RaboDirect (Australia) Ltd	1,000,000	0.76%	17/08/2023	3.40%	A+
RaboDirect (Australia) Ltd	2,000,000	1.52%	19/09/2023	3.40%	A+
Westpac Bank	2,000,000	1.52%	18/07/2022	1.18%	AA-
Westpac Bank	2,000,000	1.52%	13/03/2023	1.49%	AA-
ANZ Banking Group Ltd (3m BBSW +103bps) (Principal Value \$2,000,000) Market Value	2,028,120	1.54%	06/12/2023	1.58%	AA-
Commonwealth Bank (3m BBSW +80bps) (Principal Value \$1,000,000) Market Value	1,007,980	0.77%	25/04/2023	0.91%	AA-
Commonwealth Bank (3m BBSW +113bps) (Principal Value \$1,000,000) Market Value	1,019,540	0.78%	11/01/2024	1.34%	AA-
National Australia Bank (3m BBSW +80bps) (Principal Value \$1,000,000) Market Value	1,007,980	0.77%	10/02/2023	0.90%	AA-
Westpac Bank (3m BBSW +114bps) (Principal Value \$1,500,000) Market Value	1,528,050	1.16%	24/04/2024	1.26%	AA-
<b>TOTAL MEDIUM TERM (2-5 YEARS)</b>	<b>22,591,670</b>	<b>17.17%</b>		<b>2.45%</b>	
<b>TOTAL INVESTMENTS</b>	<b>131,545,416</b>	<b>100.00%</b>		<b>1.84%</b>	

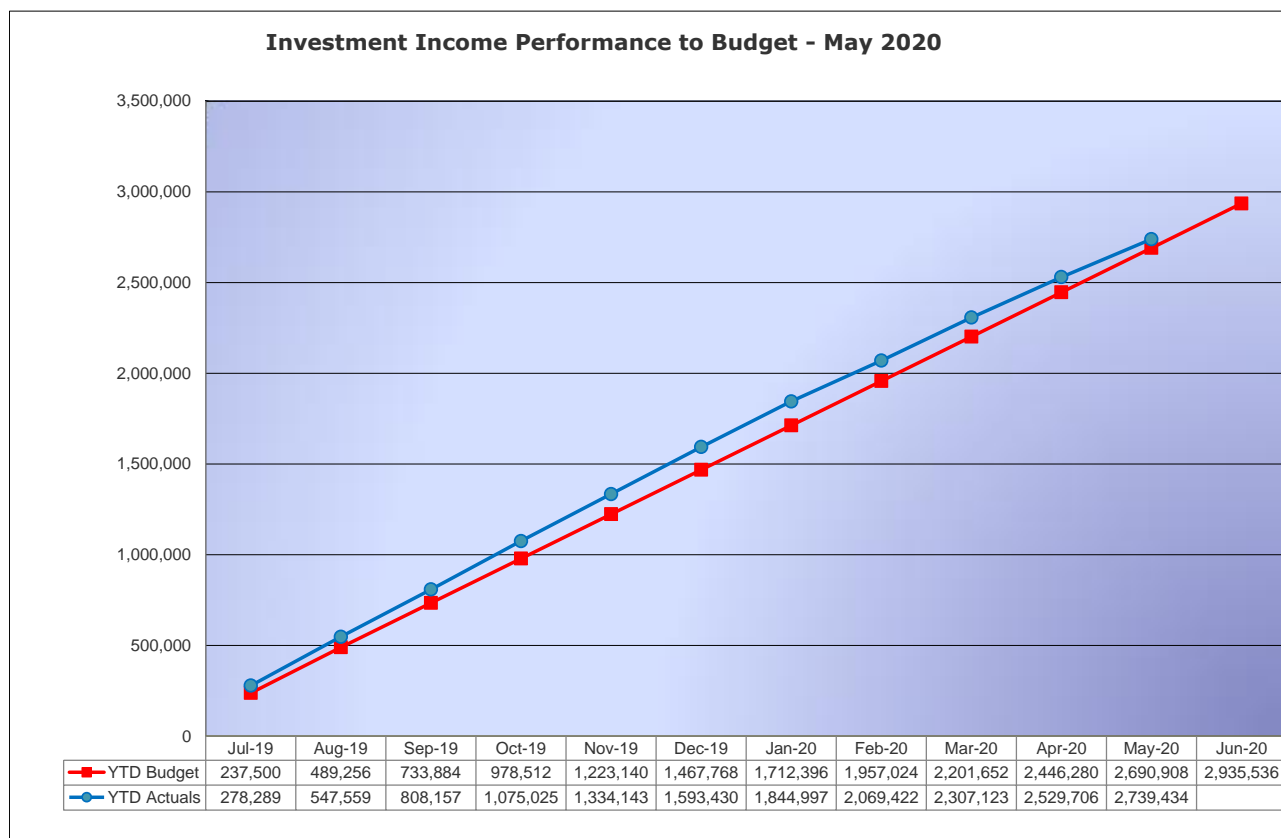


COUNCIL IMPLICATIONS

Budget/Financial

Portfolio Investment Returns to 31 May 2020			
	Actual	Budget 2019/20	Over/(Under)
<b>This Month</b>			
Cash Deposits & FRNs	\$209,211	\$243,128	(\$33,917)
Managed Funds	\$517	\$1,500	(\$983)
	<b>\$209,728</b>	<b>\$244,628</b>	<b>(\$34,900)</b>
<b>Year to Date</b>			
Cash Deposits & FRNs	\$2,721,826	\$2,674,408	\$47,418
Managed Funds	\$17,608	\$16,500	\$1,108
	<b>\$2,739,434</b>	<b>\$2,690,908</b>	<b>\$48,526</b>

- Actual results have shown that total interest income to 31 May 2020 is \$0.048M above the 2019-20 YTD budget of \$2.690M.
- As at 31 May 2020 the Floating Rate Notes (FRNs) had an unrealised capital gain of \$87,625.

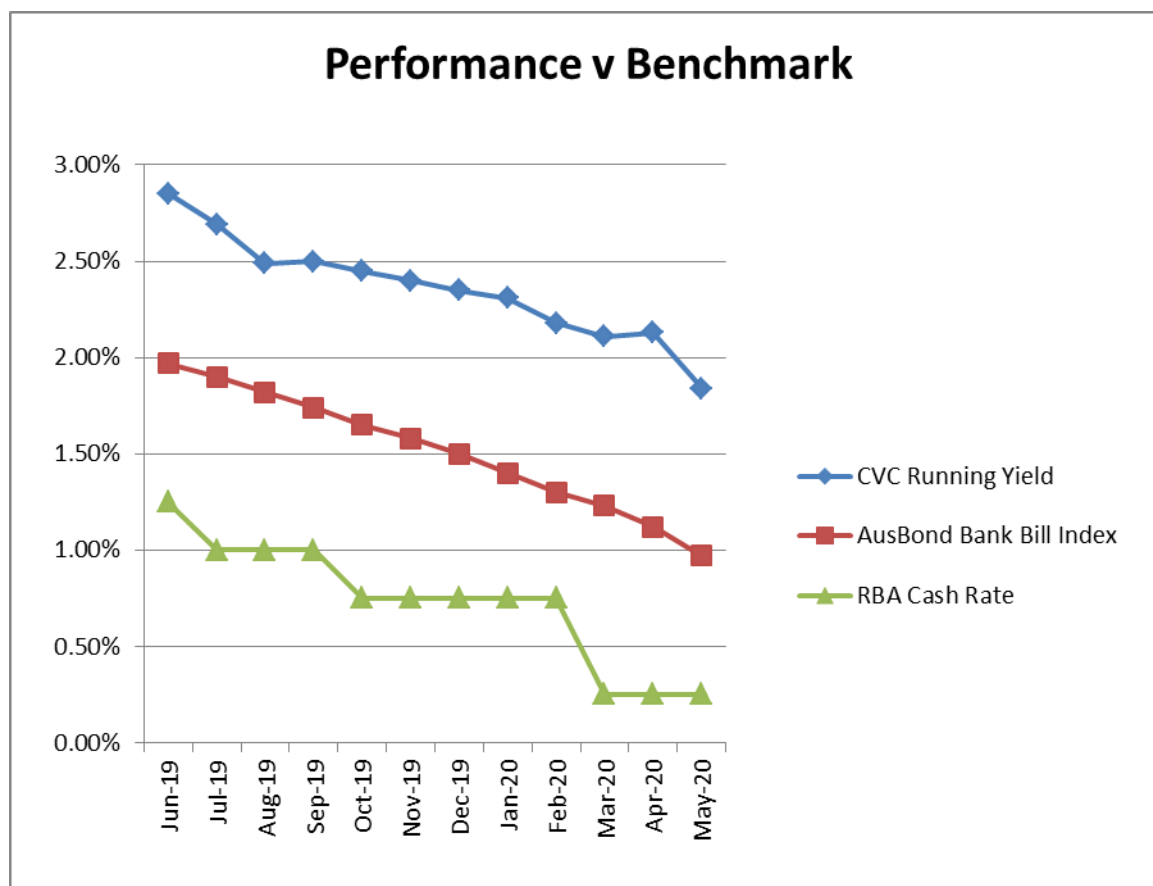


- Running yields\* to 31 May 2020 have been:

AMP Business	0.75%
AMP 31 Day Notice	1.30%
ANZ Premium Business	0.55%
CBA General	0.10%
24hr Call Account	0.20%
T-CorpIM Cash Fund	1.32%
Floating Rate Notes	1.26%
Term Deposits	<u>2.21%</u>
<b>Total</b>	<b>1.84%</b>

\*Running yield is a measure of the return (before costs) that would be earned from current positions if there were no trades and no fluctuation in market yields.

- The RBA cash rate at the end of May was 0.25%. The benchmark AusBond Bank Bill Index was 0.97% for May.
- The current running yield of the total investment portfolio remains at elevated levels above the cash rate. At month-end, it stood at +1.84% (April 2.13%). The running yield will continue to decline as previously higher yielding term deposits reach maturity.



The following investments were transacted during May:

- ME Bank \$2.0m TD matured 06/05/2020, reinvested for 184 days at 1.35% - matures 06/11/2020
- Macquarie \$3.0m TD matured 07/05/2020, reinvested for 12 months at 1.30% - matures 11/05/2021
- ME Bank \$2.0m TD matured 07/05/2020, reinvested for 12 months at 1.35% - matures 07/05/2021
- Defence Bank \$2.0m TD matured 11/05/2020, redeemed
- NAB \$3.0m TD matured 19/05/2020, redeemed
- AMP \$2.0m TD matured 20/05/2020, reinvested for 180 days at 1.65% - matures 16/11/2020

- Macquarie \$1.0m TD matured 21/05/2020, redeemed

### **Quarterly Investment Report 31 March 2020 (provided by CPG Research & Advisory)**

Key points from the CPG report include:

- The dominant share (83%) of the portfolio is held in term deposits (fixed and some floating) with the remaining assets diversified across liquid increased cash accounts (5%) and FRNs (5%), plus the cash notice account (7%).
- As at March, deposits yielded an exceptional +2.30% p.a.; +205bp above the official cash rate of 0.25%. This return far exceeds the highest rates for any term at the time of writing.
- Future returns on any investment are very low. Low-100bps is the norm for FRN running yields, needing potential trading gains even to approach 2%. (This may still be possible from covered bonds with a trading view.) T/Ds no longer reach even that level.
- Council's investment portfolio of \$129.0m is primarily invested in fixed and floating rate term deposits (83%) with the remaining assets diversified across liquid increased cash accounts (7%) and FRNS (5%) plus the cash notice account (5%).
- Overall, the portfolio is sufficiently liquid while very long, well rated and well diversified from a maturity perspective. A fuller range of credit ratings have been utilised recently, as more banks slipped into the BBB+ range where they are likely to converge. Most recently, this included a downgraded AMP Bank, which is a substantial allocation (albeit relatively short-dated or at call).
- As at the review date, Council did not have an overweight position to any single counterparty. Overall the portfolio is well diversified across the entire credit spectrum.
- The credit quality of the portfolio is fully invested and diversified to Policy limits, with approximately 57% of assets rated "A" or higher. The remaining 43% is all investment-grade (BBB).
- Council's portfolio has high liquidity, with 30% of assets maturing within 3 months and an additional 40% maturing within 12 months.
- There is a capacity to invest at all terms where value is available.

#### **Asset Management**

N/A

#### **Policy or Regulation**

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

#### **Consultation**

N/A

#### **Legal and Risk Management**

N/A

#### **Climate Change**

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

Prepared by	Michael Salvestro – Financial Accountant
To be tabled	A: Movement of Funds Between Months – May 2020 B: CPG Quarterly Investment Report - March 2020

<b>ITEM</b>	<b>6c.20.101</b>	<b>ENTERPRISE ASSET MANAGEMENT PROJECT UPDATE – JUNE 2020</b>
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<b>Meeting</b>	Corporate, Governance & Works Committee	16 June 2020
<b>Directorate</b>	General Manager	
<b>Reviewed by</b>	General Manager - Ashley Lindsay	
<b>Attachment</b>	Nil	

**SUMMARY**

The implementation of the Enterprise Asset Management project is continuing although aspects of the implementation have been impacted by the restrictions caused by COVID-19. As a result the timing of the completion some components of the system have been altered.

**OFFICER RECOMMENDATION**

That Council note the amended implementation program.

**COMMITTEE RECOMMENDATION**

Kingsley/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

**BACKGROUND**

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 Ci Anywhere operating platform. This report provides an update on the status of the project and the impacts of operational restrictions imposed for COVID-19.

**Ci Anywhere**

As previously reported the current suite of Technology One products (Electronic Communications Management (ECM), Property and Rating, Works and Assets and Finance 1) operate within a Technology One system or platform called Ci. Council will be migrating a number of these products (ECM and Works and Assets) to the new CiA platform. This is scheduled for 1 July 2020.

**Enterprise Asset Management**

There are a number of components to the Enterprise Asset Management being implemented. In the report of 15 October 2019 details of these components were provided to Council together with timelines for implementation. Aspects of this program, particularly in relation to the implementation of the new works system require significant training of the workforce. A three month training program has been developed but has not been able to be implemented due to restrictions on group meetings. This has meant delaying aspects of the work component of the system for the majority of the workforce (excluding Fleet, who currently use a similar system in Ci) until 1 January 2021 if training can be completed before this date. An update on each of the Enterprise Asset Management Components is provided below.

Asset Data Transfer	Council currently maintains its asset register in a series of unrelated spreadsheets. These assets will be transferred to an integrated series of registers which will allow improved management of the assets and financial
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	and physical modelling of the assets. Migration of the data to the new registers, including 2018/19 financial data will be completed by 30 June 2020.
Maintenance Schedules	Council currently operates a number of proprietary systems for maintenance schedules for various Council assets. These will be replaced by the EAM system. Maintenance schedules for plant are currently being developed for use commencing 1 July 2020.
Defect Management	Council operates a defect management system for roads which provides data for the maintenance schedules and also provides data for insurance claim purposes. The EAM system will replace to a large degree the current proprietary system. The configuration of the defect system is currently being developed and tested.
Work Orders	The work order system is a new concept for parts of the outdoor workforce although fleet maintenance has been using a similar system in Ci. Once the system is operational work gangs will be issued works through an electronic work order system. The work order system is to be operational for Fleet on 1 July 2020 but will be delayed for the bulk of the workforce until 1 January 2021.
Mobility	One of the advantages of the CiA system is the use of mobile devices, especially for field use. While a high proportion of the work gangs currently use mobile devices in the field this process will standardise the type and use of devices. The mobility system is to be operational for Fleet on 1 July 2020 but will be delayed for the bulk of the workforce until 1 January 2021.
Crew Management	Under the EAM work gangs will submit electronic timesheets instead of paper. In combination with the work order component this will streamline the processing of timesheets and reduce the potential for errors, especially in project coding. This will be operational for Fleet on 1 July 2020 but will be delayed for the bulk of the workforce until 1 January 2021.
Chart of Accounts	With the implementation of EAM there needs to be a change to the structure of the financial accounts. This will be prepared to commence on 1 July 2020.
Strategic Asset Management	A key component of this process is the implementation of a Strategic Asset Management system. The foundation of this component will be developed on 2019/20. The effectiveness of the system relies on the accuracy of the asset data, the checking of which will continue into 2020/21. Therefore the implementation of this system will not be fully operational until late 2020/21. This will provide data for Council's Asset Management Plans and Long Term Financial Plan.

## KEY ISSUES

The delay in being unable to complete staff training due to COVID-19 restrictions has required the delay in commencing the work order component of the system until the training can be completed.

## COUNCIL IMPLICATIONS

### Budget/Financial

To date Council has approved a budget of \$1,268,059 for the project. Current expenditure is \$816,484.53. No change to the budget is predicted at this stage.

### Asset Management

The EAM will be used for asset management at all levels of the organisation. 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 the Technology One consultants in the development of the system.

**Legal and Risk Management**

N/A

**Climate Change**

N/A

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Prepared by	Tim Jenkins, Asset Systems Project Coordinator
Attachment	Nil

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<b>ITEM</b>	<b>6c.20.102</b>	<b>CLARENCE CARE + SUPPORT TRANSITION TO WESLEY MISSION</b>
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<b>Meeting</b>	Corporate, Governance & Works Committee	16 June 2020
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	General Manager - Ashley Lindsay	
<b>Attachment</b>	Nil	

**SUMMARY**

This report provides an update of the transition of Clarence Care and Support services to Wesley Community Services Ltd (trading as Wesley Mission) which was the successful tenderer accepted by Council in the Confidential Session of the Ordinary Meeting, held 28 April 2020 (MIN08.20.004).

**OFFICER RECOMMENDATION**

That the Care and Support Transition Update report be noted.

*Having declared an interest in this item, Cr Kingsley left the Corporate, Governance & Works Committee meeting at 3.13 pm and returned at 3.14 pm.*

**COMMITTEE RECOMMENDATION**

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Lysaught, Ellem, Toms, Simmons

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

**BACKGROUND**

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.

**KEY ISSUES**

A Transition Project team comprising representatives of Clarence Valley Council, CCS and Wesley has been formed to oversee implementation of key activities relating to the transition, with the following summary provided as an update since the last report to Council in May:

- Wesley consultation with CCS staff has been undertaken, with transition processes underway.
- Transition Project team meetings held weekly.
- Applications for transfer of individual services are progressing at various stages.
- Property leases drafts are in final stages for distribution.
- Initial client contact made, with approach to support transition planned.

**COUNCIL IMPLICATIONS****Budget/Financial**

There are no budgetary implications in adopting the recommendation of this report.

**Asset Management**

N/A

**Policy or Regulation**

N/A

**Consultation**

N/A

**Legal and Risk Management**

N/A

**Climate Change**

N/A

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Prepared by	Laura Black, Director Corporate & Governance
Attachment	Nil

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**ITEM 6c.20.103 IMPROVEMENT STRATEGIES PROGRESS**

<b>Meeting</b>	Corporate, Governance & Works Committee	16 June 2020
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	Director - Corporate & Governance (Laura Black)	
<b>Attachment</b>	Nil	

**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".

**OFFICER RECOMMENDATION**

That Council note the postponement of reporting the 6 monthly progress report until completion of the 2019/2020 financial year.

**COMMITTEE RECOMMENDATION**

Kingsley/Toms

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

**BACKGROUND**

A report was proposed (MIN 6c.20.019) to be tabled in June identifying the remaining 2019/2020 improvement strategies totalling \$2,223,218.

**KEY ISSUES**

It is considered appropriate that the end of year processing be completed to finalise the total savings for the year. This can be better achieved by reporting the financial improvements when Council receives the end of year report for 2019/2020 in August 2020.

**COUNCIL IMPLICATIONS****Budget/Financial**

Nil

**Asset Management**

Nil

**Policy or Regulation**

Nil

**Consultation**

Nil

**Legal and Risk Management**

Nil

**Climate Change**

Nil

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Prepared by	Kate Maginness, Manager Finance & Supply
Attachment	Nil

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**CLOSE OF CORPORATE, GOVERNANCE & WORKS COMMITTEE MEETING**

There being no further business the Corporate, Governance & Works Committee meeting concluded at 3.15 pm.

## d. INFORMATION ITEMS

<b>ITEM</b>	<b>6d.20.005</b>	<b>ITEMS FOR INFORMATION</b>
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<b>Meeting</b>	Council	23 June 2020
<b>Directorate</b>	Office of General Manager	
<b>Reviewed by</b>	General Manager - Ashley Lindsay	
<b>Attachment</b>	Yes	

**OFFICER RECOMMENDATION**

That the Items for Information as listed below be noted:

- Letter from The Hon. David Elliott MP dated 5 May 2020 regarding potable water for bushfire-affected residents.
- Certificate of Appreciation from North Coast Local Land Services.
- Letter from the Prime Minister, the Hon Scott Morrison MP, regarding financial assistance for Local Government.

Prepared by	Karlie Chevalley, Executive Support Assistant
Attachments	As listed above

## e. TENDERS

<b>ITEM</b>	<b>6e.20.013</b>	<b>RFT20/013 SPORTS LIGHTING UPGRADE AT BARNIER PARK, JUNCTION HILL; MCKITTRICK OVAL, SOUTH GRAFTON AND NGAYUNDI YAMBA SPORTS COMPLEX, YAMBA ON CROWN LAND</b>
<b>Meeting</b>	Council	23 June 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	Manager - Open Spaces & Facilities (David Sutton)	
<b>Attachment</b>	Confidential	

**SUMMARY**

Tenders were called for the upgrade of the sports lighting at Barnier Park, Junction Hill; McKittrick Oval, South Grafton, and Ngayundi Yamba Sports Complex, Yamba. This report presents the outcome of the tender process and seeks Council's endorsement to accept the most advantageous tender enabling the commencement of the construction phase of these proposed lighting upgrades.

**OFFICER RECOMMENDATION**

That Council:

1. accept the tender from Alan Kneale Electrical Pty Ltd (ABN 62 097 266 923) for RFT20/013 Sports Lighting Upgrade (sic) at Barnier Park, Junction Hill for the lump sum of \$92,070.00 (GST Inclusive) to be funded from Energy Audits & Actions project (PJ994644 Cost Centre 881) from the 2019/20 budget;
2. accept the tender from Alan Kneale Electrical Pty Ltd (ABN 62 097 266 923) for RFT20/013 Sports Lighting Upgrade (sic) at McKittrick Oval South Grafton - Option 2, for the lump sum of: \$432,895.00 (GST Inclusive) to be part funded to the value of \$200,000.00 from Energy Audits & Actions project (PJ994644 Cost Centre 881) from the 2020/21 budget and part funded to the value of \$232,895.00 from the 2020/21 Local Roads and Community Infrastructure Program (LRCIP);
3. authorise the General Manager to approve variations over and above the variation for additional lighting up to 10% of the contract sum.

That Council as Crown Land Manager:

1. accept the tender from Alan Kneale Electrical Pty Ltd (ABN 62 097 266 923) for RFT20/013 Sports Lighting Upgrade (sic) at Ngayundi Yamba Sports Complex, Yamba, for the lump sum of: \$108,260.00 (GST Inclusive) to be funded from Energy Audits & Actions project (PJ994644 Cost Centre 881) from the 2019/20 budget.
2. authorise the General Manager to approve variations over and above the variation for additional lighting up to 10% of the contract sum.

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 2 Infrastructure

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

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

**BACKGROUND**

Council called for Tenders from appropriately qualified and experienced Tenderers for the procurement of Sports Lighting Upgrade at Barnier Park, Junction Hill; McKittrick Oval, South Grafton (Option 1 & Option 2); and Ngayundi Yamba Sports Complex, Yamba. Tenders were called on the Thursday 30 April 2020, closing Friday 29 May 2020.

Non-mandatory site meetings were held at 10:00am Thursday 21 & Friday 22 May 2020 at McKittrick Park, Barnier Park & Ngayundi Yamba sports complex. All tenders that submitted Tenders attended the site meetings.

Tenders were assessed by a Tender Evaluation Committee (TEC) consisting of three staff. Prior to the evaluation process the evaluation committee confirmed that the Tender Evaluation Plan was appropriate and the Code of Conduct provisions were understood and signed off by the panel.

**KEY ISSUES**

Lighting Design

Council engaged Musco Lighting to develop the specification documentations for the replacement of the Sports Lighting at Barrier Park, Junction Hill; McKittrick Oval, South Grafton; and Ngayundi Yamba Sports Complex, Yamba.

The designs developed by Musco Lighting were based on a needs assessment primarily of lowering energy consumption, reduced maintenance costs, and higher safety while also giving council greater control of Barrier Park & Ngayundi Yamba Sports complex by including Musco Control-Link which will allow for increased product performance and raising sporting use standards.

The scope of the works in this tender included removal of the existing metal halide and halogen lights from the existing poles and to supply and install nominated LED light fixtures complete with cross arms and driver enclosures, and retrofit these onto the existing poles. The new lights have a significantly lower energy consumption (90% more efficient) and will be controlled with the Musco Control Link system that allows remote control, remote system override, and improved data capture.

McKittrick Oval, South Grafton (Option 2) scope of work entails removal and replacement of the existing poles with a complete new lighting system comprising of new poles and LED lighting. The new lights are to be controlled with the existing Musco Control Link system that is presently installed on site. This will allow for a higher quality lighting of the field, giving users greater lighting performance and meet Australian standards for hosting larger night competitions to a required lighting standard.

An example of the lighting design information included in the tender is provided in Figure 1.

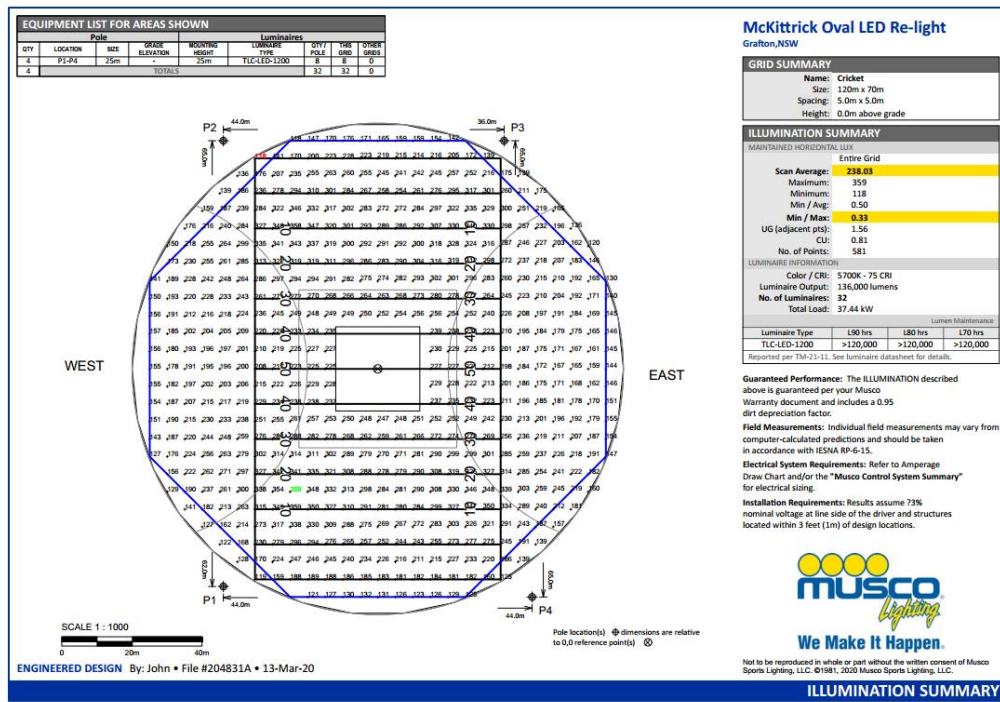


Figure 1 – McKittrick Oval Re-Light Illumination Summary

### Tenders Received

Three (3) submissions were received in response to the Request for Tender process (listed in alphabetic order), all of which are conforming to the Request for Tender documentation. The tenderers include:

1. Alan Kneale Electrical Pty Ltd
2. ETE Services Pty Ltd
3. Thearle Electrical

### Summary and Recommendation

All submissions were assessed to be compliant and were processed through to evaluation criteria assessment on the basis that all terms and conditions and mandatory requirements of the RFT had been met.

After consideration of the tender submissions, scoring, results of further clarification, the TEC are recommending the offer from Alan Kneale Electrical Pty Ltd (62 097 266 923) for the sports lighting upgrade at Barnier Park, Junction Hill; McKittrick Oval, South Grafton (Option 2); and Ngayundi Yamba Sports Complex, Yamba, pending a positive financial assessment.

Details of the tender assessment are contained in the confidential attachment.

## **COUNCIL IMPLICATIONS**

### **Budget/Financial**

The GST exclusive tender price to complete the Barnier Park works is \$83,700.00 (GST exclusive), plus GST exclusive tender price to complete the Ngayundi Yamba Sports Complex works \$98,418.18 (GST exclusive). The combined total for Barnier Park and Ngayundi Yamba Sports Complex being **\$182,118.18** (GST exclusive).

The available budget in the 2019/20 budget for the tender is **\$221,625.00** (GST exclusive) from the Energy Audits & Actions project (PJ994644 Cost Centre 881) to complete the works at Barnier Park and Ngayundi Yamba Sports Complex works. The available budget allows for a 10% contingency should unexpected or latent conditions arise.

For McKittrick Park it is foreshadowed that the available budget in the 2020/21 financial year for the tender is **\$432,895.00** consisting of \$200,000.00 (GST exclusive) from the Energy Audits & Actions project (PJ994644 Cost Centre 881), and \$232,895.00 (GST exclusive) from the 2020/21 Local Roads and Community Infrastructure Program (LRCIP). At the time of writing this report Council's Corporate Governance and Works Committee had unanimously endorsed the LRCIP Priority 1 projects for funding to be recommended to Council on 23 June 2020.

The GST exclusive tender price to complete the works at McKittrick Park is **\$393,540.90** (GST exclusive). The available budget allows for a 10% contingency should unexpected or latent conditions arise.

### **Asset Management**

The upgraded lighting at Barnier Park & Ngayundi Yamba Sports Complex will renew the luminaire part of the assets. The poles, cables and switching gear condition remains unimproved.

The works at McKittrick Park will achieve a full renewal of the existing asset, the project includes a 10 year service contract under which the Contractor will complete regular inspections, ad hoc repairs if required and the systems will be serviced in line with the manufacturer's recommendations.

### **Policy or Regulation**

- *Native Title Act*
- *Local Government Act and Regulation*
- *Council's Sustainable Procurement Policy – Supporting Local Business.*

In accordance with Council's Sustainable Procurement Policy the following processes were undertaken:

- Local suppliers, contractors and/or consultants were notified through local advertising.
- Tender specifications were structured so local suppliers and/or contractors were not excluded from being the prime supplier/contractor.

- The tender specification requested tenderers to identify the local suppliers/contractors that would be involved in delivering/constructing the project and the tender assessment included a 15% weighting of the total tender score for local supplier content.

### Consultation

Consultation was undertaken with Musco Lighting and internally with Open Spaces & Facilities. Sporting groups that use the facilities will be informed of the project and trained in the use of the system as required.

### Legal and Risk Management

#### Native Title and Cultural Heritage

Ngayundi Yamba Sports Complex is Crown Land that Council is the Crown Land Manager of. Native Title was assessed at this location being determined to have been extinguished due to a previous exclusive possession act (PEPA).

An area of Ngayundi Yamba Sports Complex near the Community Heated Pool was previously an Aboriginal camp being listed on the AHIMS register. The proposed work do not impact this known site being limited to the existing light poles within the rugby league field.

Barnier Park and McKittrick Park is Council owned freehold land for which Native Title has been extinguished.

#### Company Directors

Three submissions were received in response to the Request for Tender process, the Company Partners and Directors are as follows:

Tenderer	ABN	Name of Partners & Directors	Position
Alan Kneale Electrical Pty Ltd	62 097 266 923	Alan Kneale	Director
ETE Services Pty Ltd	54 070 752 257	Ian Notley	Director
Thearle Electrical	12 095 615 076	Brett Wong	Operations Manager

(listed in alphabetic order)

#### Local Roads and Community Infrastructure Program (LRCIP)

At the time of writing this report Council's Corporate Governance and Works Committee had unanimously endorsed the LRCIP Priority 1 projects for funding to be recommended to Council on 23 June 2020. The project meets the requirements of the program and the funding body has indicated if projects are endorsed by Council and meet the objectives of the funding program then funding will be approved.

### Climate Change

The new & upgrades lighting systems including LED technology also provides many additional advantages over halogen, fluorescents, and compact fluorescent lamps and lighting devices. This includes an exceptionally longer lifespan (60,000 hours), significantly lower energy consumption (90% more efficient), reduced maintenance costs, and higher safety providing a positive result for sustainability.

Prepared by	Andrew Auglys – Open Spaces Supervisor
Confidential	Tender Recommendation Report

<b>ITEM</b>	<b>6e.20.014</b>	<b>RFT20/016 - CALYPSO HOLIDAY PARK REDEVELOPMENT - STAGE 1 ON CROWN LAND</b>
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<b>Meeting</b>	Council	23 June 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	A/Director - Works & Civil (Peter Birch)	
<b>Attachment</b>	Confidential	

### SUMMARY

Tenders were called for the construction of a new turning circle and car park in Ford Park, Yamba to enable for the relocation of the entrance of Calypso Holiday Park. This report presents the outcome of the tender process and seeks Council as Crown Land Managers endorsement to accept the most advantageous tender to enable the commencement of construction.

### OFFICER RECOMMENDATION

That Council as Crown Land Manager;

1. accept the tender from Corbett Earthmoving Pty Ltd (ABN 29 062 304 205) for RFT20/016 – Calypso Stage 1 for the construction of a new turning circle, lighting, footpaths and car park in Ford Park to the value of \$343,384 (GST inclusive) with funding being allocated from Restart NSW grant funds and Crown Reserve - Holiday Parks Fund 4, in accordance with the Funding Agreement, and pending a pass in the financial assessment;
2. authorise the General Manager to approve variation for additional lighting to bring up to the lighting standard; and
3. authorise the General Manager to approve variations over and above the variation for additional lighting up to 10% of the contract sum.

### LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

### BACKGROUND

Council as Crown Land Manager called for tenders on Wednesday 20 May 2020 for the construction of a new turning circle and car park in Ford Park, Yamba to enable for the relocation of the entrance of Calypso Holiday Park. A non-mandatory site meeting was held on Wednesday 26 May 2020, Tenders closed on Wednesday 10 June 2020.

The Tender enabled tenderers the opportunity to submit an alternate non-conforming tender on the basis that a conforming tender had been submitted.

Tenders were assessed by a Tender Evaluation Committee (TEC) consisting of three staff. Prior to the evaluation process the TEC confirmed that the Tender Evaluation Plan was appropriate and the Code of Conduct provisions were understood and signed off by the panel.





Tenders received

Seven (7) submissions were received in response to the Request for Tender process (listed in alphabetic order), six (6) conforming and one (1) alternative non-conforming tender. The tenders received include:

4. CCA Winslow
5. Chambers Constructions Pty Ltd
6. Corbett Earthmoving
7. Corbett Earth Moving Pty Ltd alternative non-conforming
8. EIRE Constructions
9. Lucas Plumbing and Civil
10. Valley Earthworks

Summary and Recommendation

The six (6) conforming tenders were reviewed and all considered to be compliant. The TEC assessed all submissions to be capable and having capacity to complete the work. The TEC noted that four (4) of the six (6) tenders were submitted by business located within the Clarence Valley, these were assessed considering the Council's Sustainable Procurement Policy.

Corbett Earthmoving's alternative non-conforming tender was assessed by the TEC as not meeting the Northern Rivers Local Government standards with the proposed alternates considered to increase the risk of significant maintenance costs in the future. The TEC determined the maintenance cost outweighed the capital savings, the alternate was not considered further.

The TEC assessed and considered the tender submissions determining that the conforming offer from Corbett Earthmoving Pty Ltd (ABN 29 062 304 205) for the construction of a new turning circle, lighting, footpaths and car park in Ford Park, at the corner Harbour and River St is the most advantageous and recommends this tender be accepted.

Details of the TEC's assessment is included in the confidential attachment.

**COUNCIL IMPLICATIONS****Budget/Financial**

Council received funding of \$6,720,000 (GST exclusive) from the NSW Government's Regional Growth – Environment and Tourism Fund to part fund the estimated \$8,750,000 (GST exclusive) redevelopment of Calypso Holiday Park. The funding strategy and project implementation will be the subject of a future report to Council. As the works will not commence in 2019/20 financial year no project number (PJ) has been assigned at this time.

The recommended tenderer Corbett Earthmoving Pty Ltd (ABN 29 062 304 205) price for RFT20/106 – Calypso Stage 1 for the construction of a new turning circle, lighting, footpaths and car park in Ford Park is \$312,167.27 (GST exclusive).

The item of work has been estimated by the design consultant (\$300,000 ex. GST) and an independent quantity surveyor (\$285,000.00 ex. GST).

It is foreshadowed there is \$23,000.00 of works to be funded from this allocation which is not included as part of the contract works, comprising:

Internal project management costs	\$3,000.00
Car park lighting	\$20,000.00
(design change increase to 11 lights from 8 lights shown in tender)	

It is considered that the works are within an acceptable variance of the estimated price, hence it is recommended that the contract be awarded to Corbett Earthmoving Pty Ltd to the value of \$312,167.27 (GST exclusive) and that an allowance of \$20,000.00 (ex. GST) be made the lighting.

**Asset Management**

The facility will be a new asset for Council and will need to be included into Council's Buildings Asset Management Plan.

**Policy or Regulation**

- *Native Title Act*
- *Local Government Act and Regulation*
- *Council's Sustainable Procurement Policy – Supporting Local Business.*

In accordance with Council's Sustainable Procurement Policy the following processes were undertaken:

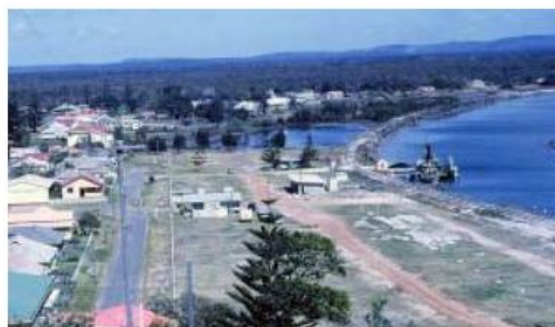
- Local suppliers, contractors and/or consultants were notified through local advertising.
- Tender specifications were structured so local suppliers and/or contractors were not excluded from being the prime supplier/contractor.
- The tender specification requested tenderers to identify the local suppliers/contractors that would be involved in delivering/constructing the project and the tender assessment included a 15% weighting of the total tender score for local supplier content.

**Consultation**

The tender forms stage 1 of the endorse Calypso Holiday Park Master Plan that was developed following significant engagement with stakeholders and community.

**Legal and Risk Management**Native Title

The land on which this development is planned has had Native title determined to exist. Council has received legal advice that Native title has been extinguished on this land due to the public work which was carried out to fill in Yamba Bay in the 1930's and 1940's (refer to photographs below). Council is in negotiations with Yaegl TOAC in regards to the project and Yaegl's involvement in the project.

Land Claim

A Land Claim was placed on Ford Park, this posed a risk to the project, if the land claim was accepted the new access would be through land owned by the traditional owners and the new entrance may need to be relocated a second time. The Land claim (ALC 36809) process was expedited and was refused 13 March 2020 and hence the risk mitigated.

Company Directors

The Company Directors are as follows:

<b>Tenderer</b>	<b>ABN</b>	<b>Name of Partners and Directors</b>	<b>Position</b>
CCA Winslow Pty Ltd	56 169 588 194	Dino Strano	Director
Chambers Constructions Pty Ltd	80 095 471 135	Steve Chambers	Director
Corbett Earthmoving Pty Ltd	29 062 304 205	Michael Corbett	Director
EIRE Constructions Pty Ltd	23 116 308 573	Eamon Thomas Keliher	Director
Lucas Plumbing and Civil	27 636 461 464	Tadhg Brendan Keliher	Director
		Jackson Lucas	Proprietor
Valley Earthworks Pty Ltd	Not supplied	Mark Mitchell	Director
		Paul Fuller	Director

**Climate Change**

The provision of any new asset results in resource consumption and emission production factors that contribute to climate change, to offset these impacts elements of the existing turning circle and car park will be retained, materials will be sourced locally to reduce transport emissions, and new features such as the lighting will be LED.

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Prepared by	Justin Menzies Project Manager
Attachment	Confidential – Tender Recommendation Report

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<b>ITEM</b>	<b>6e.20.015</b>	<b>SUPPLY OF BULK WATER TREATMENT CHEMICALS</b>
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<b>Meeting</b>	Council	23 June 2020
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	Manager - Finance & Supply (Kate Maginnity)	
<b>Attachment</b>	Confidential	

### SUMMARY

This report recommends to Council the acceptance of a "Panel Source" tender for the supply and delivery of Bulk Water Treatment Chemicals for the period 1 July 2020 to 30 June 2023. The tender was called by Regional Procurement Initiative ® on behalf of Richmond Valley and Clarence Valley Councils.

### OFFICER RECOMMENDATION

That

1. Council accept the tendered prices from The Panel as detailed in Confidential Attachment A to this report for the Supply of Bulk Water Treatment Chemicals (Regional Procurement Initiative ® REGPRO022021) for the period 1 July 2020 to 30 June 2023
2. The General Manager be delegated authority to execute the Deed of Agreement on behalf of Council
3. Subject to satisfactory supplier performance the General Manager be delegated authority to extend this agreement for a further 12 months.

### 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 is a member of Regional Procurement Initiative®, a Division of Hunter Councils Inc., which was established in response to a need for a collaborative approach to regional tendering and contracting.

On behalf of Clarence Valley Council, Regional Procurement® called an Open Panel Source by Council tender for the Supply of Bulk Water Treatment Chemicals Tender REGPRO022021. By actively participating in this Regional Procurement tender, Council will not breach the Local Government (General) Regulation 2005 - Section 7 Tendering, for expenditure over \$250,000 over the term of the contract.

This tender was advertised in the following media:

- Tenderlink on the 3 March 2020
- Sydney Morning Herald on 3 March 2020
- Gold Coast Bulletin on 7 March 2020
- Coffs Coast Advocate on 7 March 2020
- Southern Highland News on 7 March 2020
- Northern Daily Leader on 7 March 2020

The tender evaluations were conducted on, 8 April 2020, via a teleconference with the following staff participating:

- Vicki Thomas – Kempsey Shire
- Andrew Holt – Coffs Harbour City
- Chenxi Zeng – MidCoast (Water Services)
- David Bowland – MidCoast (Water Services)
- Richard Spain – Nambucca Valley
- Facilitator: Peter Salafia - Regional Procurement

**KEY ISSUES**

Seventeen (17) Tenders were received from:

BOC Limited
Chemprod Nominees Pty Ltd (T/As Omega Chemicals)
Consolidated Chemical Company
Colonial Chemicals Australia Pty Ltd
Ixom Operations Pty Ltd
Redox Pty Ltd
Calix Limited
Grenof Pty Ltd
Fluidra Group Australia Pty Ltd
Hardman Chemicals Pty Ltd
Nowra Chemical Manufacturers
SNF (Australia) Pty Ltd
Chemiplas Australia Pty Ltd
Coogee QCA Pty Ltd
Graymont (Australia) Pty Ltd
Hyclor Australia Pty Ltd
Phoenix Australia Pty Ltd

The % weightings and criteria were agreed upon prior to the tender closing.

The evaluation result was determined by:

- Adding the total annual volume of each item together and multiplying that figure by the rates offered by each tenderer to determine the lowest overall price.
- The lowest overall amount was awarded the full Criteria % for each Category, as shown in the Evaluation Results Table.
- Each subsequent total \$ value was then divided into the lowest total amount to obtain a pro-rata score.

Other Evaluation Criteria was evaluated based on the following factors:

- Reference scoring was calculated by adding the total scores obtained from the Tenderer's three nominated referees (where each referee is worth up to 25 points) and dividing this total by the maximum possible score of 75, then multiplying this number by the allocated matrix Weighting value.
- Where a tenderer's nominated referee did not respond after 2 emails and 1 telephone call that referee was scored as zero.
- If the tenderer provided the required evidence to meet the benchmark, e.g.: a current ISO certificate and QMS document contents page, the Evaluation Panel awarded full marks for that criterion.
- If the tenderer provided partial evidence to meet the benchmark, e.g.: provided a QMS document contents page but they are not ISO certified, a lower score was awarded subject to the evidence provided.
- If the tenderer provided a copy of the company's Customer Service Policy they were awarded full points for this criterion.
- Where a tenderer did not have a Policy document and provided other supporting evidence of CS principles they were awarded a lower score based on the evidence provided.

The recommended tenderers were –

- Ixom Operations Pty Ltd
- Chemprod Nominees Pty Ltd (T/As Omega Chemicals)
- Coogee QCA Pty Ltd
- Consolidated Chemical Company
- SNF (Australia) Pty Ltd
- Colonial Chemicals Australia Pty Ltd
- Redox Pty Ltd

The Tender Recommendation Report with the tenderers and tender rates are attached (refer to Attachment A).

## COUNCIL IMPLICATIONS

### **Budget/Financial**

It is anticipated that Council's spend on Water Treatment Chemicals for the duration of the period of the contract will exceed \$250,000 and as a result a Council resolution is required to accept the Tender.

### **Asset Management**

N/A

### **Policy or Regulation**

The tendering process followed is consistent with the requirement of the Local Government Act and Regulation and Council's Sustainable Procurement Policy.

### **Consultation**

Water Cycle have been consulted with regards this tender.

### **Legal and Risk Management**

N/A

### **Climate Change**

N/A

Prepared by	Trevor Pate, Procurement Coordinator
Confidential	Attachment A - Tender Recommendation Report Attachment B - Evaluation Matrix & Pricing Schedule



## 7. NOTICE OF MOTIONS

ITEM	07.20.005	QUESTIONS WITH NOTICE
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Meeting	Council	23 June 2020
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**SUMMARY**

Councillors may submit questions with notice for answers to be supplied by Council staff under Clause 3.16 of the Code of Meeting Practice.

**QUESTIONS WITH NOTICE****CR BAKER – ITEM 6b.20.053**

Please accept the following questions on this Item for DA2020/0144 (reported 77 days).

1. *The report says the DA received 16 March 2020 with a (elapsed) Time of 72 days. The report is to the 23 June Meeting - 99 days that receipt date. What is the cause of the discrepancy of 22 days in the report?*

**Response**

The application was lodged on 21 February 2020. Council staff requested further information on 24 February which included a request to confirm the lot and DP of the proposed development, amended plans due to missing information, a bushfire consultant's report, and an on-site wastewater application. In general, the information included with the DA was deficient in a number of areas.

The information requested by Council on 24 February was progressively supplied by the applicant between 4 and 11 March, with a final request to supply previously requested information on 12 March. All information was then provided by 16 March and the application was then accepted by Council.

Item 6b.20.053 states that "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"

2. *Given the DA was lodged on the NSW Planning Portal on 21 February 2020, some 113 days before the Report is to be received at the 23 June meeting, should elapsed days more correctly be reported as the time between a). first (Portal) acceptance and b). the date the report is to be received by the meeting?*

**Response**

An assessment (or acceptance of the DA) can only commence when all relevant information is provided by the applicant. The committee reports are finalised around a week or so in advance. As an example, the June Committee reports are submitted to the Director around 8 June 2020.

3. *This report states Reason as: "submission received and currently being assessed". The report to the 26 May 2020 meeting a month ago (actual 71 days Council, 95 days from lodgement) says 41 days as the Time and states the same Reason as: "submission received and currently being assessed". Given the concerns expressed to me that "Council is simply refusing to process this DA and refusing to answer calls about why it is sitting on it", if any of the preceding is found to be substantiated, is the Report to Council (being assessed) misleading and, is the concern as to Council 'refusal to process' justified?*

**Response**

There are potential issues with this DA and the assessment is nearing completion. We are targeting a report to the July meeting for Council's consideration.



4. *Is there a reasonable explanation for what appears to be 'no change of status' in the last month between meetings and if such reasonable explanation exists, can that be reported to this meeting please?*

**Response**

It is acknowledged that more information on the status of the assessment should have been incorporated into the report. This will be provided in future reports.

And as a general question to Item 6b.20.053 please accept the following:

1. *Given Council Reports are meant to inform the meeting and, to the extent a Report is non-confidential - to inform the ordinary reader, what information does the repetitious use of "currently being assessed" provide when the elapsed time is well over the statutory assessment period in each of numerous applications?*

**Response**

As per item (4) above, it is acknowledged that more information on the status of the assessment should have been incorporated into the report.

2. *Should Council accountability to statutory requirements for DA processing time, and a general responsibility to honesty in reporting to a Council Meeting, extend to an full, open and honest explanation as why applications are exceeding required processing times?*

**Response**

As per items (4) and (2) above, it is acknowledged that more information on the status of the assessment should have been incorporated into the report. We will target this issue as a key area for improvement for future monthly reports.