

# Ordinary Council Meeting Minutes

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24 November 2020



# Minutes

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**MINUTES of the ORDINARY MEETING of the CLARENCE VALLEY COUNCIL at Council Chambers, Maclean, 24 November 2020 commencing at 2.00 pm and closing at 7.33 pm.**

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

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

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

#### **ANNOUNCEMENT**

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

#### **ATTENDEES**

Cr Jim Simmons (Mayor), Cr Andrew Baker, Cr Peter Ellem, Cr Arthur Lysaught, Cr Karen Toms, Cr Debrah Novak, Cr Greg Clancy

#### **PRESENT**

General Manager (Ashley Lindsay), Director Environment, Planning & Community (Des Schroder), Director Works & Civil (Jamie Fleeting), Director Corporate & Governance (Laura Black) and Minutes Secretary (Lesley McBay).

#### **APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE**

#### **COUNCIL RESOLUTION – 02.20.006**

**Ellem/Toms**

**That a leave of unavoidable absence be granted for Cr Jason Kingsley (Deputy Mayor) and Cr Richie Williamson.**

**Voting recorded as follows:**

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

**Against: Nil**

**CARRIED**

#### **DISCLOSURES AND DECLARATIONS OF INTEREST – 03.20.010**

##### **Declarations received at the commencement of the Ordinary Meeting**

<i>Name</i>	<i>Item</i>	<i>Nature of Interest</i>	<i>Reason/Intended Action</i>
Cr Novak	6a.20.050	<input checked="" type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: DA2019/0539, Monthly Twilight Markets Yamba Intended action: Leave the Chamber.
Mr Lindsay	05.20.013	<input checked="" type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: Report deals with employment contract with Council Intended action: Leave the Chamber.
Cr Clancy	6a.20.049	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Executive member of an organisation that has requested Council to oppose mining (CCA) Intended action: Remain in the chamber

<i>Name</i>	<i>Item</i>	<i>Nature of Interest</i>	<i>Reason/Intended Action</i>
Cr Novak	6b.20.090	<input checked="" type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: Active DA before Council Intended action: Leave the Chamber.

#### Declarations received at the Committee meetings

<i>Name</i>	<i>Item</i>	<i>Nature of Interest</i>	<i>Reason/Intended Action</i>
Cr Ellem	6b.20.085	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Friend of applicant lodging on behalf of owner. Intended action: Leave the Chamber.
Cr Kingsley	6b.20.085	<input type="checkbox"/> Pecuniary <input checked="" type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: Owns a property on Angus Drive, Junction Hill. Intended action: Leave the Chamber.

#### 4. CONFIRMATION OF MINUTES

##### COUNCIL RESOLUTION – 04.20.011

Lysaught/Ellem

That the Minutes of the Ordinary Meetings of Council dated 27 October 2020, copies of which have been circulated, be taken as read and be confirmed.

Voting recorded as follows:

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

Against: Nil

**CARRIED**

#### PRESENTATION – 2.07 pm – 2-19 pm

Mr Adam Bradfield from Thomas Noble & Russell on behalf of the Audit Office of New South Wales spoke on the audit of Council's 2019/20 Annual Financial Statements.

## 5. MAYORAL MINUTES

<b>ITEM</b>	<b>05.20.013</b>	<b>GENERAL MANAGER'S CONTRACT OF EMPLOYMENT</b>
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<b>Meeting</b>	Council	24 November 2020
<b>Directorate</b>	Mayoral Minute	
<b>Submitted by</b>	Cr Jim Simmons	
<b>Attachment</b>	Yes + Confidential	

**SUMMARY**

This Mayoral Minute is tabled in accordance with the term of the General Manager's new contract, which specifies a performance agreement must be established within three (3) months of signing the contract.

**PROPOSED MOTION**

That Council:

1. Note the Strategic and Operational Objectives against which the General Manager's Performance Agreement will be assessed.
2. Enter an agreement with Local Government Management Solutions to facilitate the General Manager's performance appraisals.
3. Reaffirm the General Manager's Performance Review Panel for the remainder of the term of Council as comprising the Mayor Cr Simmons, Deputy Mayor Cr Kingsley, Cr Williamson and Cr Ellem who was nominated by the General Manager.

*Having declared an interest in this item, Mr Lindsay left the Council meeting at 2.19 pm and returned at 2.35 pm.*

**COUNCIL RESOLUTION – 05.20.013**

**Mayor Simmons**

**That Council:**

1. **Note the Strategic and Operational Objectives against which the General Manager's Performance Agreement will be assessed.**
2. **Enter an agreement with Local Government Management Solutions to facilitate the General Manager's performance appraisals.**
3. **Reaffirm the General Manager's Performance Review Panel for the remainder of the term of Council as comprising the Mayor Cr Simmons, Deputy Mayor Cr Kingsley, Cr Williamson and Cr Ellem who was nominated by the General Manager.**

**Voting recorded as follows:**

**For: Simmons, Ellem, Toms, Lysaught, Baker**

**Against: Novak, Clancy**

**CARRIED**

## AMENDMENT TO MOTION - LAPSED FOR WANT OF A SECONDER

Novak

That Council:

1. Note the Strategic and Operational Objectives against which the General Manager's Performance Agreement will be assessed.
2. Enter an agreement with Local Government Management Solutions to facilitate the General Manager's performance appraisals.
3. Reaffirm the General Manager's Performance Review Panel for the remainder of the term of Council as comprising the Mayor Cr Simmons, Deputy Mayor Cr Kingsley, Cr Williamson and Cr Ellem who was nominated by the General Manager.
4. Include in the Performance Review Panel 4 members nominated from the Clarence Valley community who are suitably qualified to assist and contribute to this process.

**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 resolved to enter into a new contract with the General Manager, Mr Ashley Lindsay at its August Ordinary Meeting (MIN 05.20.011) and doing so requires establishment of a new Performance Agreement.

The Panel has agreed the Strategic and Operational Objectives of the Performance Contract, which include:

- 7.1 Financial Sustainability
- 7.2 Asset Management – implementation of the Enterprise Asset Management system
- 7.3 Financial Management
- 7.4 Community Engagement/Consultation
- 7.5 Major Project Delivery
- 7.6 Corporate System Development – Ci-Anywhere implementation
- 7.7 Corporate Performance – Service Reviews – Review of the Development Application Process

A copy of Part 3 of the document is attached for the information of Councillors.

The Panel has also sought a fee proposal for facilitation of the General Manager's performance appraisal from Local Government Management Solutions (LGMS), which is attached as a confidential document to this Mayoral Minute. As the panel is satisfied with previous services provided by LGMS, it is proposed that the fee proposal be accepted.

The Performance Management – General Manager Policy was intended to be reviewed following the election of a new Council in 2020. In the spirit of this intention, I commend the reaffirmation of the existing Performance Panel for the remainder of the term of Council. This will enable the new Council to determine the framework for oversight of the General Manager's performance.

The role of the Performance Review Panel includes:

- conducting performance reviews
- reporting the findings and recommendations of those appraisals to Council
- development of the performance agreement
- negotiating any performance based increases in the General Manager's total remuneration package.

## 6. REPORTS

## a. GENERAL MANAGER

ITEM	6a.20.043	2019/20 AUDITED FINANCIAL STATEMENTS
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<b>Meeting</b>	Council	24 November 2020
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	Manager - Finance & Supply (Kate Maginnity)	
<b>Attachment</b>	To be tabled	

**SUMMARY**

This report notes a presentation by the auditors (Thomas Noble & Russell on behalf of the Audit Office of New South Wales) on the audit of Council's 2019/20 Financial Statements.

**OFFICER RECOMMENDATION**

That Council:

1. Receive and note the auditor's presentation on the audit of Council's 2019/20 Financial Statements,
2. Note that upon receipt of the Independent Auditor's Reports, Council will place the Audited 2019/20 Financial Statements on public exhibition with any submissions to be presented to the December Council meeting,
3. Present the Audited 2019/20 Financial Statements to the December Council meeting,
4. Note that the Audited 2019/20 Financial Statements will be submitted to the Office of Local Government by the required due date of 30 November 2020.

**COUNCIL RESOLUTION – 6a.20.043**

**Lysaught/Baker**

**That Council:**

1. **Receive and note the auditor's presentation on the audit of Council's 2019/20 Financial Statements.**
2. **Note that upon receipt of the Independent Auditor's Reports, Council will place the Audited 2019/20 Financial Statements on public exhibition with any submissions to be presented to the December Council meeting.**
3. **Present the Audited 2019/20 Financial Statements to the December Council meeting.**
4. **Note that the Audited 2019/20 Financial Statements will be submitted to the Office of Local Government by the required due date of 30 November 2020.**

**Voting recorded as follows:**

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

**Against: Nil**

**CARRIED**

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

**BACKGROUND**

In accordance with Section 419(1) of the LGA, Council is required to present its audited consolidated Annual Financial Statements to the public.

Section 418(2) requires public notice of at least 7 days be given of the Council meeting date fixed for presentation of the audited financial statements. Public notice of the presentation of the audited financial



statements was advertised on Council's website prior to this meeting and will be re-advertised prior to the December Council meeting.

Section 420 makes provision for any person to make submissions to the Council with respect to the financial statements or auditors report. Such submission must be made within 7 days after the reports are presented to the public. Copies of submissions must be referred to the auditor and, if required, amendments made to the financial reports.

A copy of Council's Audited 2019/20 Annual Financial Statements will be presented at the December Council meeting and will be available on Council's website. At its meeting of 27 October 2020 the report "2019/20 General Purpose Financial Statements Refer to Audit" was presented to Council (Item 6a.20.042). This report contained information in relation to Council's financial result, cash reserve movements and key financial performance indicators for 2019/20 and should be referred to in conjunction with this report.

### KEY ISSUES

The Audited 2019/20 Annual Financial Statements are usually tabled at the November Council meeting for receiving and noting. Due to a slight delay in receiving the Auditor-General New South Wales Independent Auditor's Reports before this meeting the Financial Statements will now be presented at the December Council meeting.

The 2019/20 Annual Financial Statements will include the Auditor-General New South Wales Independent Auditor's Reports and the four consolidated statutory reports required by Australian Accounting Standards and the Office of Local Government's Code of Accounting Practice and Financial Reporting (Update #28). The purpose of these four reports is as follows:

Income Statement and Statement of Comprehensive Income	The change in net assets resulting from operations. The income statement and statement of comprehensive income discloses all revenues and expenses from ordinary activities for the financial year in accordance with AASB 101.
Statement of Financial Position	The net ownership of assets after the deduction of liabilities in accordance with AASB 101.
Statement of Changes in Equity	The statement of changes in equity to disclose a reconciliation of the opening and closing balances of each class of equity for the reporting period detailing the nature and amount of movements in those classes of equity (AASB 101).
Statement of Cash Flows	The effect on Council's cash resources for the year prepared in accordance with AASB 107.

The Auditor-General New South Wales is required to prepare:

1. an independent Audit Report for the General Purpose Financial Reports (Section 417 (2) of the LGA);
2. an independent Audit Report on the Conduct of the Audit (Section 417 (3) of the LGA). The report includes additional statements regarding the conduct of the audit, operating result for the year, statement of cash flows movements, statement of financial position movements, performance ratios results and other matters; and
3. an independent Audit Report for the Special Purpose Financial Reports.

### COUNCIL IMPLICATIONS

#### Budget/Financial

Council's Net Operating Result for the financial year ended 30 June 2020 was a profit (surplus) of \$7.528M, which includes Capital Income of \$24.740M. This compares to a profit (surplus) in 2019 of \$4.428M (including Capital Income of \$12.817M).

The 2020 consolidated result can be summarised as follows:

	2020	2019
	\$'000	\$'000
Income from Continuing Operations	141,286	125,366
Expenses from Continuing Operations	(99,290)	(85,278)
<b>Result from ordinary activities before depreciation</b>	<b>41,996</b>	<b>40,088</b>
Less Depreciation	(44,033)	(42,279)
<b>Result from Continuing Operations before capital</b>	<b>(2,037)</b>	<b>(2,191)</b>
Capital grants and contributions	24,740	12,817
Loss on disposal of assets	(15,227)	(6,926)
Operating Result from discontinued operations	52	728
<b>Net Operating Result for the Year – Net Profit</b>	<b>7,528</b>	<b>4,428</b>

Financial implications were previously outlined in Council Minute (Item 6a.20.042) - "2019/20 General Purpose Financial Statements Refer to Audit" on 27 October 2020.

#### **Asset Management**

N/A

#### **Policy or Regulation**

Section 419 (1) of the Local Government Act 1993.

#### **Consultation**

This report has been prepared in consultation with Council's Finance Staff.

#### **Legal and Risk Management**

N/A

#### **Climate Change**

N/A

Prepared by	Michael Salvestro, Financial Accountant
To be tabled	Annual Financial Statements 2019-20 Draft Only

<b>ITEM</b>	<b>6a.20.044</b>	<b>FORMER GRAFTON GAOL SITE</b>
<b>Meeting</b>	Council	24 November 2020
<b>Directorate</b>	General Manager	
<b>Reviewed by</b>	General Manager - Ashley Lindsay	
<b>Attachment</b>	Confidential	

### SUMMARY

Representatives from NSW Corrections and the NSW Department of Planning, Industry & Environment have approached Council seeking Council's interest in acquiring the former Grafton Gaol site (Lots 1 to 6 Sec 118 DP758470) including all buildings and structures on the site.

### OFFICER RECOMMENDATION

That Council:

1. Advise NSW Corrections and NSW Department of Planning, Industry & Environment that Council is not in a position to acquire the former Grafton Gaol site.
2. Assist NSW Corrections and NSW Department of Planning, Industry & Environment with any community consultation that they may undertake to inform the future re-purposing of the Grafton Gaol site.
3. Recommend that the future re-purposing of the Grafton Gaol site include opportunities for health, education and accommodation that addresses a range of social outcomes including homelessness, emergency and low cost.

### MOTION (1)

Novak/Toms

That Council

1. Defer the decision of the purchase of the Old Grafton Gaol until the February 2021 meeting.
2. Arrange an online meeting between the Mayor and Councillors with the Mayor of Dubbo and Councillors to discuss how they manage their restored historic gaol.
3. Arrange a meeting with the Mayor and Councillors with State and Federal MP's Chris Gulaptis and Kevin Hogan to discuss funding opportunities.
4. Invite feedback from the Clarence Valley community via email about taking ownership of the heritage facility before the meeting in February 2021.
5. The General Manager prepare a report for the February 2021 meeting with the above information.

### AMENDMENT TO MOTION (1)

Lysaught/Clancy

That Council

1. Defer the decision of the purchase of the Old Grafton Gaol until the February 2021 meeting.
2. Arrange an online meeting between the Mayor, Councillors and senior staff with the Mayor of Dubbo and Councillors to discuss how they manage their restored historic gaol.
3. Arrange a meeting with the Mayor, Councillors and senior staff with State and Federal MP's Chris Gulaptis and Kevin Hogan to discuss funding opportunities.
4. Invite feedback from the Clarence Valley community via email about taking ownership of the heritage facility before the meeting in February 2021.
5. The General Manager prepare a report for the February 2021 meeting with the above information.

*Point of Order – Cr Baker*

*That the motion be ruled out of order in that there is no offer to purchase included in any of the papers we have so to be debating a motion of purchase which is completely different to acquisition seems to be out of order.*

*The Chair upheld the Point of Order. The Motion (1) and Amendment to Motion (1) were ruled out of order.*

*The Foreshadowed Motion (2) was then considered and became the Council resolution*

## FORESHADOWED MOTION (1) – WITHDRAWN

Baker

That Council:

1. Advise NSW Corrections and NSW Department of Planning, Industry & Environment that Council is not in a position to acquire the former Grafton Gaol site.
2. Assist NSW Corrections and NSW Department of Planning, Industry & Environment with any community consultation that they may undertake to inform the future re-purposing of the Grafton Gaol site.
3. Recommend that the future re-purposing of the Grafton Gaol site include opportunities for health, education and accommodation that addresses a range of social outcomes including homelessness, emergency and low cost.

**COUNCIL RESOLUTION – 6a.20.044**

Clancy/Baker

That Council:

1. Advise NSW Corrections and NSW Department of Planning, Industry & Environment that Council is not in a position to acquire the former Grafton Gaol site at the present time but would consider any offer of perpetual funding support from the state government to cover ongoing maintenance costs.
2. Assist NSW Corrections and NSW Department of Planning, Industry & Environment with any community consultation that they may undertake to inform the future re-purposing of the Grafton Gaol site.
3. Recommend that the future re-purposing of the Grafton Gaol site include opportunities for health, education and accommodation that address a range of social outcomes including but not limited to homelessness, emergency and low cost.

Voting recorded as follows:

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

Against: Nil

**CARRIED**

AMENDMENT TO MOTION - the Chair did not accept this amendment

Novak/

That Council:

1. Advise NSW Corrections and NSW Department of Planning, Industry & Environment that Council is not in a position to acquire the former Grafton Gaol site at the present time but would consider any offer of perpetual funding support from the state government to cover ongoing maintenance costs.
2. Assist NSW Corrections and NSW Department of Planning, Industry & Environment with any community consultation that they may undertake to inform the future re-purposing of the Grafton Gaol site.
3. Recommend that the future re-purposing of the Grafton Gaol site include opportunities for cultural, health, education and accommodation that address a range of social outcomes including but not limited to homelessness, emergency and low cost.

**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**

The current Grafton Gaol complex was built and proclaimed on 8 September 1893 with prisoners being transferred to the gaol in November of that year. In 1893 this gaol was the third gaol to be constructed to serve the town of Grafton.

The Grafton Correctional Centre was listed on the New South Wales Heritage register on 2 April 1999.



With the construction and commissioning of the new Clarence Correctional Centre at Lavadia (which opened 1 July 2020) the site is now surplus to the NSW Government's requirements and the gaol ceased operations as a corrections facility on 5 August 2020.

Council has been approached by representatives from NSW Corrections and the NSW Department of Planning, Industry & Environment seeking Council's interest in acquiring the site and all building improvements.

#### **KEY ISSUES**

A site overview provided by the NSW Department of Planning, Industry & Environment is a confidential attachment to this report.

The site has an area of 45,270 sq metres comprising six adjoining lots, Lots 1-4 Sec 118 DP758470 are held by the State of NSW with Lots 5 & 6 Sec 118 DP758470 held by Her Majesty Queen Elizabeth II, all lots are classified as freehold.

The building improvements on the site are purpose built for a correctional centre and supporting services. There are a significant number of buildings on the site of various uses, ages and conditions. The structures can be grouped into eight precincts:

1. Heritage
2. Minimum security
3. Agricultural
4. Light Industrial
5. Women's section
6. Alamy Creek
7. Offices
8. Staff and Officers precinct.

While the whole site is State Heritage Listed it is only the Heritage Precinct that needs to be retained (approx. 5,000 sq metres) as part of any future development which can be seen within the image below.



The site is currently zoned SP2 Infrastructure (Correction Centre) under Council's LEP. The objectives of this zone are:

- To provide for infrastructure and related issues
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

It would appear that this current zoning provides very limited opportunities for the future development of the site which would bring new economically viable development outcomes.

Council would need to undertake a rezoning process for the site.

It would make the most sense that any development of the old Grafton gaol site be reflective of the developing health/education precinct around the area and this has been identified in the Local Strategic Planning Statement Council recently adopted. Not only is there the soon to be redeveloped Grafton Base Hospital (and the planning for this upgrade has been announced in the state budget), you have the DA approved private hospital site and adjoining the back of the hospital the redeveloped Whiddon Aged Care Home.

The agricultural area of the old Gaol for instance could be redeveloped for badly needed hospital parking (its in a flood impacted area), while there is an expanding presence of Wollongong University doctor training centre for GP's at Grafton Base. There are also possibilities for some emergency social housing in the minimum security dorm accommodation area. Allied health associated industries are logical also for this precinct.

## COUNCIL IMPLICATIONS

### Budget/Financial

No additional costs incurred in preparing this report for Council.

Should Council elect to commence negotiations with the NSW State Government to acquire the site a business case to support this acquisition should be developed which is likely to cost \$50,000.

### Asset Management

The NSW Valuer Generals unimproved land value for the site is \$1,090,000 as at 1 July 2020.

The value of the building improvements on the site are unknown but potentially will add significant maintenance and depreciation costs to Council's General Fund.

Based on a recent inspection of the buildings and structures on the site significant investment will be required to re-purpose these assets.

**Policy or Regulation**

The site is subject to the Environment Protection and Biodiversity Conservation Act, 1999 (Commonwealth Legislation) as the Grafton Gaol is listed on the NSW Government's State Heritage Register as Item I109.

The site is currently zoned SP2 Infrastructure (Correction Centre) which is governed by the Clarence Valley Local Environmental Plan (CVLEP) 2011 and the Clarence Valley Development Control Plan (CVDCP) 2011.

**Consultation**

Council's senior executive staff have been consulted.

**Legal and Risk Management**

There have been two (2) Aboriginal Land Claims lodged over the site by the NSW Aboriginal Land Council

- 51716 lodged 5 August 2020
- 51732 lodged 6 August 2020

**Climate Change**

Any redevelopment of this site should be focused on minimising impacts on climate change.

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Prepared by	Ashley Lindsay, General Manager
Confidential	Site Overview – NSW Department of Planning, Industry & Environment

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<b>ITEM</b>	<b>6a.20.045</b>	<b>NORTHERN RIVERS NSW BRAND</b>
<b>Meeting</b>	Council	24 November 2020
<b>Directorate</b>	Office of General Manager	
<b>Reviewed by</b>	General Manager - Ashley Lindsay	
<b>Attachment</b>	Yes	

### SUMMARY

In July 2019 the NSW State Government's Regional NSW Office (Northern Rivers), initiated the Northern Rivers brand development project and for the purposes of guiding this work a Project Steering Committee (known as Northern Rivers Together) represented by all levels of government, business and industry stakeholders was formed.

This report presents to Council a request from the Northern Rivers Together Steering Committee for Council to sign a Memorandum of Understanding (MOU) which establishes an arrangement for cooperation and collaboration between the Participants to strengthen the position of the **Northern Rivers NSW** brand and for Council to contribute \$50,000 to formally join as a Founding Partner.

### OFFICER RECOMMENDATION

That Council:

1. Support the Northern Rivers NSW brand, in principle, by signing the MOU with Northern Rivers Together,
2. Encourage local Clarence Valley businesses to sign up to use the Northern Rivers NSW brand,
3. Not contribute \$50,000 to Northern Rivers Together to become a founding partner at this time,
4. Consult with local Clarence Valley Business Chambers of Commerce to inform Council's future investment and support for the Northern Rivers NSW brand.

### COUNCIL RESOLUTION – 6a.20.045

**Lysaught/Ellem**

That Council:

1. **Support the Northern Rivers NSW brand, in principle, by signing the MOU with Northern Rivers Together,**
2. **Encourage local Clarence Valley businesses to sign up to use the Northern Rivers NSW brand,**
3. **Not contribute \$50,000 to Northern Rivers Together to become a founding partner at this time,**
4. **Consult with local Clarence Valley Business Chambers of Commerce to inform Council's future support for the Northern Rivers NSW brand.**

Voting recorded as follows:

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

Against: **Nil**

**CARRIED**

### 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

The **Northern Rivers NSW** brand was developed by the 'Northern Rivers Together' (NRT) Steering Committee – a not for profit collaborative partnership of regional business, industry bodies and government representatives including representatives from Kyogle, Byron, Ballina, Lismore and Tweed Shires plus Richmond Valley and Clarence Valley Councils. The brand is not intended to replace the private brands of businesses or the individual Council brands. The intention is to provide organisations with the opportunity to enhance their own brand as they see fit.



A copy of the draft Brand Governance model and MOU is attached.

## KEY ISSUES

The NRT Steering Committee has developed a detailed brand business plan and implementation strategy (overview attached). The implementation strategy is initially focused on brand awareness and adoption with a target of 200 registrations in the first two years. A video of the [brand journey so far](#) can be found within this link.

The NRT Steering Committee have advised that their longer term objectives include the development of a sustainable funding model and championing projects that support the brand's four pillars. Which are as follows:

- **Visitation** – Maximising the visitor economy via collective use of the Northern Rivers NSW brand.
- **Investment** – Positioning the Northern Rivers as the optimum investment location for progressing businesses.
- **Provenance** – Building awareness and familiarity of the Northern Rivers NSW brand as a trusted and valued origin.
- **Liveability** – Celebrating the Northern Rivers as a region that provides a quality of life driven by our intrinsic values.

At this stage paid up founding partners include the Northern Co-operative Meat Company (NCCMC), Norco, Richmond Dairies, North Coast Petroleum, Summerland Credit Union, Southern Cross University and Stone & Wood Brewery.

Of the seven Councils Kyogle Shire, Richmond Valley and Ballina Shire Councils have paid. Byron Shire Council has resolved against becoming a paid founding partner.

There are 146 local businesses and organisations currently signed up to utilise the brand with six (6) businesses from the Clarence Valley (includes Clarence Valley Council).

Convincing all businesses within the region to embrace the **Northern Rivers NSW** brand will be a challenge as history has shown that previous brands such as 'Rainforest Way', 'Tropical North' or 'Legendary Pacific Coast' have failed to break through the more 'placed based' brands such as 'Tweed Coast' and 'Byron Bay'.

The **Northern Rivers NSW** brand certainly has merit and it is recommended that Council support the brand by signing the MOU with Northern Rivers Together and that Council encourage local Clarence Valley businesses to sign up to use the brand.

Before Council commits to invest any funds into the brand it is recommended that local Clarence Valley Business Chambers of Commerce be consulted to inform Council's investment.

## COUNCIL IMPLICATIONS

### Budget/Financial

Council's 2020/21 Budget does not make provision for the \$50,000 contribution requested by the Northern Rivers Together Steering Committee.

If Council is of a mind to make the \$50,000 contribution and be a founding partner of the **Northern Rivers NSW** brand Council could allocate \$50,000 from the Resilience NSW Bushfire Recovery Program (\$1.416 million) as the brand would meet the funding criteria as it is seen as an important tool contributing to community recovery and preparedness for the future.

The allocation of \$50,000 would be a one-off contribution but it is likely that Council may be called on to contribute further funds on an annual basis to cover the ongoing promotion of the brand. The quantum of this annual contribution is unknown at this stage. Council's Long Term Financial Plan currently does not make provision for this contribution.

### Asset Management

N/A

### Policy or Regulation

N/A

**Consultation**

The Northern Rivers Together interim Chair, Simon Stahl and Executive Officer Allison Henry presented to the Councillor Workshop Tuesday 10 November 2020.

Council staff have not undertaken any consultation with the Clarence Valley Business Chambers of Commerce.

**Legal and Risk Management**

For compliance, governance and audit purposes the brand NRT Committee is a sub-committee of the Regional Development Australia - Northern Rivers. Executive support is provided by the RDA.

The Northern Rivers NSW brand IP is granted to Regional Development Australia (RDA) on behalf of the NRT Steering Committee.

**Climate Change**

N/A

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Prepared by	Ashley Lindsay, General Manager
Attachment	Correspondence from Northern Rivers Together including MOU & Brand Governance

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**ITEM 6a.20.046 DECEMBER 2020 AND JANUARY 2021 COUNCIL MEETING ARRANGEMENTS**

<b>Meeting</b>	Council	24 November 2020
<b>Directorate</b>	Office of General Manager	
<b>Reviewed by</b>	General Manager - Ashley Lindsay	
<b>Attachment</b>	Yes	

**SUMMARY**

This report concerns the setting of dates for Council and Committee meetings in December 2020 and January 2021.

**OFFICER RECOMMENDATION**

That the following meeting schedule be adopted:

1. Combined Committee/Council Meeting to be held at Maclean on 15 December 2020 commencing at 2.00 pm.
2. A tentative date of Tuesday, 19 January 2021 for a Council Meeting for urgent matters only and subject to a quorum being available commencing at 2.00 pm in Maclean.

**COUNCIL RESOLUTION – 6a.20.046**

**Toms/Ellem**

**That the following meeting schedule be adopted:**

1. **Combined Committee/Council Meeting to be held at Maclean on 15 December 2020 commencing at 2.00 pm.**
2. **A tentative date of Tuesday, 19 January 2021 for a Council Meeting for urgent matters only and subject to a quorum being available commencing at 2.00 pm in Maclean.**

**Voting recorded as follows:**

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

**Against: Nil**

**CARRIED**

**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**

With the Christmas holiday period, it has been the practice for Council to adjust the meeting cycle in December and January. The primary reason for this is to provide sufficient time following the meeting for staff to action the decisions arising from the meeting prior to the Christmas break.

The Code of Meeting Practice Section 3.1.1 states that “council will meet at 2pm on the fourth Tuesday of each month, with the exception of January and December”. The policy also states under Clause 3.1.1 (a) that meetings “will alternate between Grafton and Maclean”.

**KEY ISSUES**

Due to its proximity to the Christmas holiday period, it is recommended that a combined Committee/Council meeting be held on the Committee meeting day in December (scheduled for the third Tuesday) and commencing at the usual time of 2.00 pm. This would allow sufficient time for the bulk of Council decisions made at that meeting to be implemented prior to the vacation period.

With respect to the month of January, the practice adopted over the past few years has been to only meet in January if matters of an urgent nature arose and provided a quorum was available.

At this stage no urgent matters have been identified or anticipated for next January. Nevertheless, tentative arrangements have been made to reserve Tuesday, 19 January 2021 for a meeting if required. The lack of a meeting in January has not caused any problems in the past as the arrangements generally coincide with the holiday period for both the business sector and the development industry.

A return to the normal cycle of Council meetings is recommended from February 2021, refer to schedule attached.

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

N/A

**Asset Management**

N/A

**Policy or Regulation**

Code of Meeting Practice

**Consultation**

The practice of adjusting the meeting cycle to mesh with the vacation period, for the benefit of both Councillors and staff, is appropriate in the circumstances. By making arrangements now, adequate public notice of the proposed arrangements can be given.

**Legal and Risk Management**

N/A

**Climate Change**

N/A

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Prepared by	Lesley McBay, Coordinator Executive Support
Attachment	Schedule for 2021 Meetings

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**ITEM 6a.20.047 NATURAL DISASTER FUNDING ARRANGEMENTS**

<b>Meeting</b>	Council	24 November 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	Director - Works & Civil (Jamie Fleeting)	
<b>Attachment</b>	Yes	

**SUMMARY**

The NSW Government has offered Council to change the Disaster Recovery Funding Arrangements (DRFA) funding model from 'Opt-Out' to 'Opt-In' allowing the two disasters that occurred in the 2019/20 financial year to be applied retrospectively. The following report outlines the pros and cons of this proposal.

**OFFICER RECOMMENDATION**

That Council accept the offer of becoming an 'Opt-in' Council for the purposes of assessing Disaster Recovery Funding Arrangements.

**COUNCIL RESOLUTION – 6a.20.047**

**Toms/Novak**

**That Council accept the offer of becoming an 'Opt-in' Council for the purposes of assessing Disaster Recovery Funding Arrangements.**

**Voting recorded as follows:**

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

**Against: Nil**

**CARRIED**

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 2 Infrastructure

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

Strategy 2.1.2 Ensure adequate natural disaster management

**BACKGROUND**

In 2018 the NSW Government (through the Office of Emergency Management (OEM)) conducted a review of Natural Disaster Relief and Recovery Arrangements (NDRRA) for natural disasters and sought Council comments on a range of proposals. The revised arrangements are known as the Disaster Recovery Funding Arrangements (DRFA).

A report was presented to the June 2018 Council meeting (Item 15.095/18) that outlined this change and considered the options of opting-in to the new arrangements or opting-out and remaining on the existing funding arrangements. The resolution noted the following:

*That:*

1. *The proposed Disaster Recovery Funding Arrangements be noted.*
2. *Council not determine its choice of scheme at this point in time.*

**KEY ISSUES**

In 2018 when the report was presented, the arrangements were in draft and a pilot program was undertaken with a small group of councils. Since this time some minor changes have been made to the opt-in and opt-out arrangements that have significant impacts on the claim process and evidence requirements to validate those claims.

One of the main concerns associated with the original 'opt-in' requirements was the need to have photographic asset verification data less than 4 years old. However, this has since become a requirement of both 'opt-in' and 'opt-out' arrangements and staff have already modified their inspection procedures to capture this data where feasible.

There have also been changes to the work categories that are included in the 'opt-out' model and minor changes to the funding thresholds.

Since 2018 Clarence Valley has experienced two natural disasters, being the August 2019 bushfires and the February 2020 flood event. Staff have been working through these claims with representatives of Transport for NSW (TfNSW) and some key issues have been identified:

- Internal tip fees totalling approximately \$1M (flood related claim) has been deemed to be ineligible.
- A claim previously considered ineligible (\$500k approx. bushfire related claim for 19/20) under the opt-out option is now eligible for reassessment under the opt-in methodology.

The ineligibility of internal staff time and plant is not new under the opt-out arrangements, however, is simply unavoidable in managing natural disasters. For instance, it is very difficult to engage contractors to operate levy walls and flood gates during a flood event, or, mobilise heavy equipment immediately to remove fallen trees.

*Note: The financial impact of the bushfire claim (\$500k approx.) as referenced above had been realised (written off) due to non recoverable costs associated with internal plant and resources not eligible for funding.*

However, recent feedback has been received from TfNSW indicating that internal tip fees would be ineligible was unexpected. These fees have historically been paid under previous claims. It is understood that a more rigorous assessment of those claims is now being applied following an audit process resulting in these charges no longer being considered eligible. In order to alleviate this issue, Transport for NSW has offered to allow Council to retrospectively become an 'opt-in Council for the bushfire and flood events. This change would make the tip fees and internal plant, materials and staff time to become eligible expenditure.

In order to summarise the differences between the two options, a list of pros and cons of 'opting-in' are provided below:

#### **Pros**

- Internal staff (during normal time) is claimable
- Project management time (for salaried staff) of the emergency related works is claimable
- Internal plant, fuels and maintenance is claimable
- Internal on-costs (up to limits is claimable)
- Internal tip fees is claimable
- Extended response timeframes for all response types (emergency, immediate and restoration)
- The State Government may (in the future) require councils to adopt the 'Opt in' only model to standardise the administration process

#### **Cons**

- Council's co-contribution would increase from a flat rate of \$29k per disaster to the lesser of ~\$230k (0.075% of rate base) or 25% of the claim value
- The financial year co-contribution cap increases from \$68k to \$610k (2% of total rate revenue).

As noted above, the scope of eligible expenditure significantly increases with the opt-in model, but the co-contribution value also increases. The increase in co-contribution is significant, but as shown in the current claims that are being processed, the difference in eligible expenditure is also significant.

In light of the above, it is recommended that Council accept the offer to move to the 'opt-in' model. It is worth noting that once Council has moved to the opt-in model it is not possible to move back to the opt-out model in the future.

## **COUNCIL IMPLICATIONS**

### **Budget/Financial**

The 'opt-in' arrangements require a significant increase in co-contribution, however, if the current natural disaster claims are representative of future natural disaster claims then the co-contribution will be offset with increased eligible expenditure.

**Asset Management**

Natural disaster funding is used to restore Council assets to pre-disaster condition. Under current arrangements Council is required to arrange contractors to undertake works for asset restoration. There are often delays in completing works due to the unavailability of suitable contractors, which impacts on the community to recover from a natural disaster. The new proposal will allow Council to undertake and claim costs associated with restoration works using Council resources, allowing a quicker operational response for restoration works. Council can still utilise contractors for restoration works, providing a larger resource pool.

**Policy or Regulation**

N/A

**Consultation**

Consultation with TfNSW and the Office of Emergency Management (OEM) has been undertaken.

**Legal and Risk Management**

Council's risks and its response to natural disasters remains the same under each model. The 'opt-in' model would increase our ability to respond to natural disasters and lower the risks associated with utilising internal resources to assist with disaster recovery.

**Climate Change**

The science suggests that as the climate warms it is expected that the frequency and severity of natural disasters will increase.

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Prepared by	Alex Dalrymple, Manager Civil Services
Attachment	Worked example of the co-contribution model

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<b>ITEM</b>	<b>6a.20.048</b>	<b>GRAFTON SALEYARD INFRASTRUCTURE UPGRADE AND IMPROVEMENTS</b>
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<b>Meeting</b>	Council	24 November 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	Manager - Open Spaces & Facilities (Peter Birch)	
<b>Attachment</b>	Yes	

**SUMMARY**

Council consider an alternative project for the \$1 million grant funding under the Drought Communities Programme Extension (DCPE).

**OFFICER RECOMMENDATION**

That Council nominate 'Grafton Regional Livestock Selling Centre – Infrastructure Upgrade and Improvements' as detailed below (Table 1) as the project proposal for \$1 million grant funding under the Drought Communities Programme Extension.

**COUNCIL RESOLUTION – 6a.20.048**

**Toms/Novak**

That Council nominate 'Grafton Regional Livestock Selling Centre – Infrastructure Upgrade and Improvements' as detailed below (Table 1) as the project proposal for \$1 million grant funding under the Drought Communities Programme Extension.

**Voting recorded as follows:**

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

**Against:** Nil

**CARRIED**

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 3 Economy

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

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

**BACKGROUND**

Council was deemed eligible to submit a proposal for \$1 million grant funding under the Drought Communities Programme Extension (DCPE).

At its February 2020 meeting Council resolved:

**COUNCIL RESOLUTION - 6a.20.002**

*That Council nominate 'Roofing of the Grafton Saleyards' as the project proposal for \$1 million grant funding under the Drought Communities Programme Extension.*

**KEY ISSUES**

As previously reported in February 2020, estimates ranged from \$1,015,250 for partial coverage to \$2,042,397 for full coverage of the saleyard hardstand area. After further consultation with the Saleyard Advisory Committee (the 'committee'), it was decided that partial or staged roofing of the saleyard hardstand area was not a satisfactory outcome. Partial coverage would not facilitate the installation of soft flooring as it would become wet and rancid. Soft flooring which contributes considerably to animal comfort and welfare was one of the major reasons for roofing the saleyard.

Outcross Pty Ltd was engaged to perform a review of infrastructure and processes at the saleyard. The committee reviewed the Outcross report and cross-referenced infrastructure identified for upgrade/renewal in



the draft CVC Service Plan Saleyard 2020-2025. The committee now recommends the following items in Table 1 to be funded by the \$1m Drought Communities Programme Extension:

**Table 1 – Improvements and Upgrades**

1. Install double deck unloading ramp	\$100,000
2. Improve scanning processes including:	
* Install 6 way air draft	\$330,000
* Install stack pens	\$10,000
* Upgrade existing scanner and scales	\$100,000
3. Install rubber flooring	\$140,000
4. Upgrade grass paddock fencing	\$50,000
5. Upgrade pen fencing/gates	\$100,000
6. Install CCTV cameras	\$20,000
Detailed design, drawings, specifications, QS	\$100,000
Project management	\$50,000
<b>TOTAL</b>	<b>\$1,000,000</b>

The infrastructure upgrade and improvements will provide immediate and direct benefits to the saleyard users, however, it will also have long lasting economic and social benefits to the farming and broader local community.

The improvements will also assist in improving animal welfare and general safety for staff and workers at the facility through measures such as quicker off loading of cattle, and improving the controlled movement of cattle through the yards during sales.

## COUNCIL IMPLICATIONS

### Budget/Financial

Under the DCPE guidelines, Clarence Valley Council is eligible for tier one funding – maximum available up to \$1m and co-funding is not mandatory. The Outcross report provided estimates of costs.

These major capital works would be difficult to achieve without the injection of funds provided through the Drought Communities Programme. The Saleyard Asset Replacement Reserve has a balance of \$370,202.11 as at 30 June 2020.

### Asset Management

Improvements are identified in the CVC Service Plan Saleyard 2020-2025 (draft) and will be added to the Saleyard Asset Management Plan.

### Policy or Regulation

- Model Code of Practice for the Welfare of Animals at Saleyards. Australian Agricultural Council
- Australian Animal Welfare Standards and Guidelines – Livestock at Saleyards and Depots. Animal Health Australia
- National Saleyards Quality Assurance Program (NSQA)
- The National Standard for the Operation of Australian Saleyards
- Protection of the Environment Operations Act 1997
- Work Health and Safety Act 2011

### Consultation

At their October 2020 meeting, the Saleyard Advisory Committee resolved to adopt the proposed list of infrastructure upgrades and improvements. They also resolved to monitor for any future grant funding opportunities that would be suitable for roofing the saleyard.

The revised proposal has been discussed with Department of Industry, Science, Energy and Resources staff and is deemed eligible and still satisfying the desired program outcomes of local employment, leading to growth both during and beyond construction and retention of business.

**Legal and Risk Management**

N/A

**Climate Change**

N/A

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Prepared by	Julie Schipp, Holiday Parks & Saleyards Officer
Attachment	Outcross Pty Ltd: Recommendation for infrastructure upgrade at the Grafton Saleyards Draft Saleyards Service Plan 2021/2025

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<b>ITEM</b>	<b>6a.20.049</b>	<b>MINING IN THE CLARENCE VALLEY</b>
<b>Meeting</b>	Council	24 November 2020
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	General Manager - Ashley Lindsay	
<b>Attachment</b>	Yes	

### SUMMARY

Council is receiving increasing numbers of requests from various individuals and groups on its view regarding a number of mining exploration proposals in the Clarence Valley and particularly concerns about the impacts on the Clarence River system if they move to production. At present Council has no official view on mining in the Clarence.

There are three companies who appear to be advanced in exploration activities with some potential to go to mine production in the near future being Corazon at Gordon Brook around a promising copper-cobalt-gold resource; Castillo based mainly around copper at Cangai (around the old Cangai copper mine); and by the Sons of Bavaria around the Ewingar/Drake area looking for copper/gold. The flurry of exploration has its origin in the demand for the move to greenhouse reducing technologies around battery, electric motors, solar and wind turbine production which use a lot of copper and also some cobalt in batteries.

An additional exploration application for gold and silver has also been made by Wilson Investments Pty Ltd around Coramba/Nana Glen and an area 25 kilometres south west of Grafton shown on the attached letter from Clarence Environment Centre. It is understood this application is motivated by high gold prices due to the COVID driven recession.

### OFFICER RECOMMENDATION

That Council invite:

1. The Department of NSW Resources and Geoscience to address Council to overview the present mining exploration licences in the Clarence Valley - an update on the likely resources, the approval process (including EIS) and any role for Council and likely potential of these to move to full scale production; and also discuss implications of any mining licence applications in the drinking water catchment.
2. A representative of Corazon, Castillo, Wilson Investments Pty Ltd and Sons of Bavaria to address Council on their current activities, whether they see the potential for full scale production, and if so what would be their environmental safe guards, the economic impacts (including jobs) and infrastructure impacts (roads).

### COUNCIL RESOLUTION – 6a.20.049

#### Clancy/Ellem

That Council acknowledges that:

1. **the Clarence River System is one of the largest river systems in eastern Australia. It is the lifeblood of our community and its health is essential to the environmental, social, cultural and economic wellbeing of our constituents. The Clarence and Nymboida Rivers and their tributaries support an abundant variety of natural ecosystems, many being home to endangered species, as well as being the playground for our water based lifestyle and leisure. Our river and its surrounds hold immense spiritual and cultural importance to the local Indigenous communities, the Gumbaynggirr, Bundjalung and Yaegl people and form the common link between dreamtime stories of each Nation. The Clarence River supports a number of essential, well established local industries also, such as timber, aquaculture, including fish, shellfish, farmed and wild caught prawn sectors, agriculture, including livestock grazing, crop production and our ever growing agri-food sectors. Tourism, both international and domestic, surfing, fishing, ecotourism and nature exploration sectors also influence the success of local retail and hospitality sectors and all rely on our environment's health. Employment within these industries makes up a high proportion of job numbers in the local area.**
2. **there are a number of mining exploration licences active within the Valley, including those of Castillo Copper at Cangai, Corazon on Mount Gilmore Coombadjha and the Sons of Bavaria at Ewingar and Wilson Investments near Coramba.**

3. the potential for pollution of the waters of the Clarence and Nymboida River systems is high, despite likely assurances that will be given by mining companies to the contrary;
4. some of the proposals include open cut, and full mountain-top removal mining methods which would involve the decimation of plateaus causing large amounts of sediment runoff which could contain dangerous minerals and chemicals used in the mining process;
5. the current exploratory mining and the potential for full scale mining has created great concern in the local community with in excess of 10,000 signatures being gathered to date on a petition to the state government, initiated by the Clarence Catchment Alliance.

Further that Council resolve to oppose mining in the Clarence River Catchment and to seek the support of both state and federal governments to impose a moratorium on further mining exploration licences and to cancel existing licences.

**Voting recorded as follows:**

**For: Simmons, Clancy, Ellem, Lysaught, Toms, Novak**

**Against: Baker**

#### FORESHADOWED MOTION

Baker

That Council invite the Department of NSW Resources and Geoscience to address Council to overview the present mining exploration licences in the Clarence Valley - an update on the likely resources, the approval process (including EIS) and any role for Council and likely potential of these to move to full scale production; and also discuss implications of any mining licence applications in the drinking water catchment.

#### LINKAGE TO OUR COMMUNITY PLAN

Theme 4 Environment

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

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

#### BACKGROUND

The Clarence Valley has a long history of mining in its catchments starting in the 1840's with the discovery of gold at Timbarra (McLeods Creek) east of Tenterfield and then mines at Drake, Tooloom, Lionsville – Solferino, Jackadgery, Dalmorton, Diggers Camp, Minnie Water, Glenreagh and Coramba (Bucca Creek). Most of these, with the exception of alluvial gold in the Tooloom area and open cut at Drake (Mt Carrington), were small underground mines of very limited duration and mostly limited profitability (see *Forgotten Country - The Story of the Upper Clarence Gold Fields – Isabel Wilkinson*). Most of these short lived once thriving communities, many had peak populations above 4,000 people at the peak of the gold rush, have now disappeared completely and a few have survived as much smaller villages.

One of the most talked about mines was the open cut Baryulgil asbestos mine and its eventual tragic health impact on the mainly local Aboriginal workers. The mine was operated from 1944-1976 by James Hardie.

There is a report on the 11 August in the Northern Star that the moth balled Mt Carrington open cut gold mine is being re-looked at as gold prices (due to the COVID recession) may make it feasible to operate again.

The other historical mines of significance was the Cangai copper mine which operated from 1904-1917 (the present Castillo exploration area) and an underground coal mine at Nymboida from 1909-1975. The most recent significant mine to operate was the controversial open cut gold mine at Timbarra (Tenterfield Council) which was developed in the late 1990's and operated for a period of 6 months before closing down. Before closure there was two reported incidents with its cyanide ponds (cyanide was used to extract gold) overflowing in high rainfall events - in 2006 the site was rehabilitated at a high standard by Barrick Gold. The mine while operating was subject to ongoing protests with up to 100 arrested at various times and numerous Land and Environment Court actions.

There was also a proposal for an antimony mine at Paddys Flat near Dorrigo in 2011 by Anchor Resources but seems this has not progressed further. This mine would have been in the Nymboida water catchment area.

The impacts of these mines on catchment health is largely unknown as little monitoring was carried out, except for Timbarra where it would seem the cyanide ponds overflowing and lack of a community social licence led to its very short life and closure.

In recent years, driven by the need for metals to underpin the growth in renewable energy in response to climate change, a number of exploration licences have been granted in the Clarence Valley catchments. These licences are mainly around copper and cobalt and a side product of gold and some other rare metals. The Federal Government has also signed a number of treaties to reduce the reliance of Australia and the world on the dominance of China for rare metals. In addition, the main world cobalt supplier, 70 percent of world production, is the Republic of Congo which is unreliable due to civil war and social unrest in the country. The main mineral exploration companies causing the most community concern due to possible impacts on the river system and currently very active in the Clarence Valley catchments are:

- Corazon based at Mt Gilmore (Gordon Brook) along the Clarence Way has discovered a potentially large copper/gold and associated cobalt resource which extends over a considerable area. Corazon has been supported by a grant by the Department of Resources and Geoscience recently for further exploration.
- Castillo is re-exploring the old Cangai mine area and has had reported good results of a large amount of high quality copper.
- The Sons of Bavaria (German and Canada based) are exploring around Drake/Ewingar and have purchased some shares in White Rock Minerals who own Mt Carrington.

As a result of this exploration there has been a rise in community concern regarding the possible impacts of these mines on the Clarence River and its tributaries. The most prominent group raising concern and populating a petition against mining is the Clarence Catchment Alliance.

In addition, Mr John Edwards Secretary of the Clarence Environment Centre has raised concerns about an exploration licence pending from Wilson Investments Pty Ltd which cover the old gold mining areas around Coramba – see attached letter.

## KEY ISSUES

There are several key issues:

- The first one is that there are not a lot of facts on the exploration whether it will lead to actual mines and if so what are their long term feasibility.
- There is rightly a lot of concern about the potential environmental impacts on the Clarence River if mines do move to production especially in these high rainfall areas. Although there is concern raised about the impacts on the drinking water catchment none of the three current exploration areas is above the weir at Nymboida.
- The approval process for a mine and the EIS assessment would be determined by the Department of Planning not Council. Council's role would be very limited.
- The mines have the potential to create jobs and considerable economic impacts as can be seen around Orange with the Cadia gold, copper, molybdenum mine.
- There would also be impacts on Council roads especially Clarence Way (note this could also be an opportunity for upgrade of the road).

## COUNCIL IMPLICATIONS

### Budget/Financial

N/A

### Asset Management

Mining could have impacts on Council roads and bridges from truck movements.

### Policy or Regulation

Mining is regulated by the State Government not Council but would be subject to an EIS through the Department of Planning.

### Consultation

There is considerable community concern about the possible mines as outlined in the attached examples.

**Legal and Risk Management**

There are potential environmental risks to the catchment from mining.

**Climate Change**

The materials targeted for potential mining are needed for battery, electric motor, solar and wind technology to reduce fossil fuel dependence.

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Prepared by	Des Schroder, Director Environment, Planning & Community
Attachment	Letters regarding concerns: <ul style="list-style-type: none"><li>• Clarence Environment Centre Inc.</li><li>• Lions Australia - Lions Club of Clarence – Environmental</li></ul>

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**ITEM 6a.20.050 DEVELOPMENT APPLICATIONS**

<b>Meeting</b>	Council	24 November 2020
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
<b>Attachment</b>	To be tabled	

**SUMMARY**

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

**OFFICER RECOMMENDATION**

That the update on Development Applications be noted.

*Having declared an interest in this item, Cr Novak left the Council meeting at 4.42 pm and returned at 4.43 pm.*

**COUNCIL RESOLUTION – 6a.20.050**

**Lysaught/Ellem**

**That the update on Development Applications be noted.**

**Voting recorded as follows:**

**For: Simmons, Baker, Ellem, Clancy, Lysaught, Toms**

**Against: Nil**

**CARRIED**

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

**BACKGROUND**

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

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

**KEY ISSUES**

The figures from 1 July 2020 to 31 October 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)
345	311	\$37,133,326.30	46	Average : 57 days Median: 39 days

Of the 311 approved Development Applications between 1 July 2020 and 31 October 2020, 163 (52%) were determined within 40 days or less.

Exceptions to Development Standards under Clause 4.6 of the LEP

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

DA No.	Property	Standard to be Varied	Extent of Variation	Concurring Authority & Justification
DA2020/0348	401 Kungala Road Kungala	Clause 4.2D (2) c - distance between two dwellings (max of 100m)	Clause 4.2D(2) (c) requires a maximum 100m separation distance for dual occupancies, the approved distance is 650m being 650%.	Clarence Valley Council at their meeting 27 October 2020.  The proposed building site is the only cleared area on the subject land for a second dwelling and has been managed as such since 1989, by complying with the standard it would require clearing of native vegetation on-site, The site has access to services, road and has sufficient area for on-site effluent disposal within the cleared area, The second dwelling will not be visible from the road or neighbouring properties and is not considered to have an adverse impact on the amenity or rural character of the locality, Granting approval for a second dwelling on the land will assist in management of the property to assist with hazard and pest/weed control, and the financial costs to prepare a flora and fauna assessment for a building envelope that complies with the standard, new accesses and asset protection zones in addition to costs to clear the land and any offset requirements imposed by Council are considered to be onerous.

**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.

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

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*Moved Cr Lysaught, seconded Cr Ellem that the Council meeting be adjourned for a short break at 4.44 pm.  
CARRIED*

*The Council meeting resumed at 4.54 pm.*

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**VOTE BY EXCEPTION****Lysaught/Novak**

**That the following Items be adopted as recommended:**

<b>6b.20.086</b>	<b>6c.20.171</b>	<b>6d.20.010</b>	<b>6e.20.028</b>
<b>6b.20.089</b>	<b>6c.20.172</b>		<b>6e.20.029</b>
	<b>6c.20.173</b>		<b>6e.20.031</b>
	<b>6c.20.174</b>		
	<b>6c.20.177</b>		
	<b>6c.20.179</b>		
	<b>6c.20.181</b>		

**Voting recorded as follows:**

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

**Against: Nil**

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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, Maclean on Tuesday, 17 November 2020 commencing at 3.30 pm and closing at 4.13 pm.

**ATTENDEES**

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

**PRESENT**

Cr Peter Ellem, Cr Jason Kingsley, Cr Karen Toms, Mr Ashley Lindsay (General Manager), Mr Des Schroder (Director – Environment, Planning & Community), Ms Laura Black (Director – Corporate & Governance) and Mr Jamie Fleeting (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 Ellem	6b.20.085	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Friend of applicant lodging on behalf of owner. Intended action: Leave the Chamber.
Cr Kingsley	6b.20.085	<input type="checkbox"/> Pecuniary <input checked="" type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: Owns a property on Angus Drive, Junction Hill. Intended action: Leave the Chamber.

**SUBMISSIONS RECEIVED**

<b>6b.20.085 - MOD2020/0014 – Section 4.55 Modification of SUB2016/0020 to Vary Contributions Towards Future Roundabout and Landscaping Requirement in E2 Zone – Summerland Way, Koolkhan</b>	
Against the Officer Recommendation	Rob Donges

<b>ITEM</b>	<b>6b.20.085</b>	<b>MOD2020/0014 – SECTION 4.55 MODIFICATION OF SUB2016/0020 TO VARY CONTRIBUTIONS TOWARDS FUTURE ROUNDABOUT AND LANDSCAPING REQUIREMENT IN E2 ZONE – SUMMERLAND WAY, KOOLKHAN</b>
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<b>Meeting</b>	Environment, Planning & Community Committee	17 November 2020
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	Director - Environment, Planning & Community (Des Schroder)	
<b>Attachment</b>	Yes	

### SUMMARY

<i>Applicant</i>	Garrard Building Pty Ltd
<i>Owner</i>	Kahuna No 1 Pty Ltd
<i>Address</i>	Summerland Way, Koolkhan
<i>Submissions</i>	Nil

Council has received a section 4.55 modification to SUB2016/0020 for a 59 lot subdivision (57 residential lots and 2 public reserves) off the Summerland Way, Koolkhan. The modification seeks to vary the contributions towards the future roundabout required by Condition 2 and the landscaping requirement in the E2 zone required by Condition 4.

The application was notified and no submissions were received during the notification period. This matter is reported to Council to consider the issues regarding a modification to the conditions and the report provides a recommendation for Council's consideration.

### OFFICER RECOMMENDATION

That Council:

1. Accept that the development does not create the need or demand for a roundabout in its own right and the developer has undertaken suitable intersection works to service the development.
2. Modify Condition 2 to remove reference to the future northern roundabout and consider a voluntary contribution towards the Angus Drive roundabout which is reflective of the traffic volumes which will use this intersection and alter the timing of the VPA until Stage 2.
3. Modify Condition 4 to remove reference to the Amos Plan and landscaping of the E2 zone.

*Having declared an interest in this item Crs Kingsley and Ellem left the EP&C Committee meeting at 3.33 pm and returned at 3.54 pm.*

### COMMITTEE RECOMMENDATION

Baker/Simmons

That Council:

1. Delete Condition 2 and Advices 2 and 3 in their entirety having considered all of the following:
  - a. The development does not trigger the need for a roundabout in its own right and,
  - b. The developer has constructed suitable intersection works with the Summerland Way to service the development and,
  - c. The developer is required to contribute over \$226,000 towards future road and traffic facilities through the payment of section 7.11 contributions and:

*Noting all residential subdivision development within the urban release area is required to contribute to road and traffic facilities through the payment of section 7.11 contributions and construct any necessary infrastructure to service their development.*

2. Modify Condition 4 to remove reference to the Amos Plan and landscaping of the E2 zone.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

*Having declared an interest in this item Cr Ellem left the Council meeting at 5.00 pm and returned at 5.01 pm.*

**COUNCIL RESOLUTION – 6b.20.085****Baker/Lysaught****That Council:**

1. Delete Condition 2 and Advices 2 and 3 in their entirety having considered all of the following:
  - a. The development does not trigger the need for a roundabout in its own right and,
  - b. The developer has constructed suitable intersection works with the Summerland Way to service the development and,
  - c. The developer is required to contribute over \$226,000 towards future road and traffic facilities through the payment of section 7.11 contributions and:

*Noting all residential subdivision development within the urban release area is required to contribute to road and traffic facilities through the payment of section 7.11 contributions and construct any necessary infrastructure to service their development.*
2. Modify Condition 4 to remove reference to the Amos Plan and landscaping of the E2 zone.

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

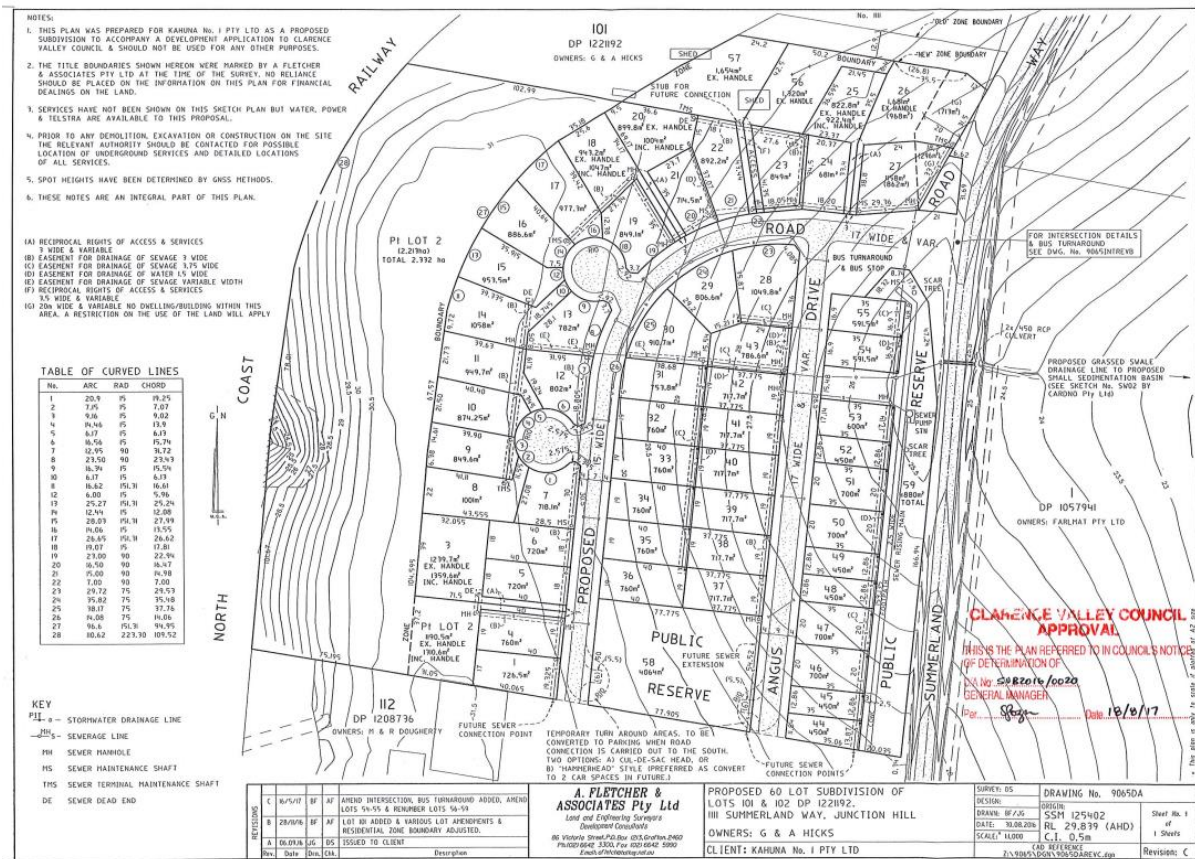
Theme 5 Leadership

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

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

**BACKGROUND**

Development Approval SUB2016/0020 (determined on 15 August 2017) gave approval for the subdivision of Lots 101 and 102 DP1221192 into 57 residential lots and 2 public reserves. Two roads are to be constructed to service the subdivision; one is an extension of Angus Drive and the other a new road off the Summerland Way. An extract of the approved plan of subdivision is provided below:



**Approved subdivision Plan SUB2016/0020 – A Fletcher & Associates**

The land forms part of the Junction Hill Urban Release Area (JHURA) and a concept approval for the area was previously approved under SUB2012/0017. The Junction Hill Residential Development Traffic and Transport Assessment (TIA) prepared by Cardno, dated February 2012, submitted with SUB2012/0017 detailed the masterplan traffic network for the urban release area. It determined that a roundabout is required along the Summerland Way north of the subject land to service the whole of the urban release area. An extract of the Cardno Road Hierarchy Plan 2012 is shown over page.

The TIA did not determine at what stage that roundabout is required to be constructed, or determine the staging of the subdivision approved under SUB2012/0017. The subdivision now being considered under the current application, SUB2016/0020, is the first proposed to be serviced by the new intersection. Construction of the roundabout is not required to service the 57 residential lots proposed at this stage, however it was determined with the original application that the lots will contribute to the need for the intersection in the future.

As part of the approval of SUB2016/0020, the developer offered to enter into a Voluntary Planning Agreement (VPA) with Council to pay a monetary contribution towards the cost of the future roundabout to the value of 6.31% of the cost of the construction. In order to gauge what the contribution amount would be the developer is also required to prepare a design and cost analysis of the future roundabout as per Advice 3 of SUB2016/0020. The design and cost analysis would cost somewhere in the vicinity of \$60,000 to prepare.

The original assessment of the subdivision concluded that the developer of adjoining Lot 1 DP1057941 (to the east of Summerland Way) will likely construct the roundabout (when and if needed) as part of the future subdivision of that land in accordance with SUB2012/0017 and subsequent development approvals. Alternatively, if Lot 1 is developed in stages and the roundabout isn't constructed in the initial stages, a similar VPA proposal could be proposed for other subdivisions in the urban release area. There may also be the option for Council to construct the roundabout in the future using the money collected, and that may depend on how the subdivision of Lot 1 is staged.



Figure 3-2 Road Hierarchy (Cardno, 2012)

**Extract of Cardno Road Hierarchy Plan 2012**

**KEY ISSUES**

- Variation to Condition No. 2 relating to the provision of a Voluntary Planning Agreement to contribute to the future roundabout**

The applicant has requested Council delete Condition 2 which reads as follows:

*Pursuant to section 80(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act), the developer is to execute and deliver to the Council the Planning Agreement, in accordance with Subdivision 2, Division 6 of Part 4 of the EP&A Act, which the developer has offered to enter into, prior to issue of the Subdivision Certificate for Stage 1.*

*The VPA is between Council and the developer, and is for a monetary contribution from the developer for future roundabout construction works at the intersection of the new road in the subdivision with Summerland Way. The contribution amount is to be 6.31% of the full cost of the intersection upgrade from a priority intersection to a roundabout. Payment of the contribution is required prior to issue of the Subdivision Certificate for Stage 1.*

Associated with this condition are the following advices:

- “2. Council’s template VPA document is attached to this notice and is to be used in the preparation of the VPA.
3. The VPA is to be supported with a cost analysis, prepared by suitably qualified persons, detailing the full cost to provide a roundabout intersection treatment at the subject location. The matters to be considered include:
  - a. Cost of the detailed design including but not limited to surveying, concrete roundabout, pavement, stormwater drainage, earthworks, linemarking, electrical and street lighting and Road Safety Audits,
  - b. Cost of necessary approvals, and
  - c. Cost of construction (materials, labour, testing, bonding and securities, erosion and sediment control, traffic management plan) and project management.”

This modification does not seek removal of the northern roundabout approved as part of the concept design for the whole urban release area under SUB2012/0017. This modification only seeks to remove the need to contribute to the cost of the future roundabout for the following reasons:

1. The development does not trigger the need to construct a roundabout to service the 57 residential lots;
2. The developer has constructed a priority intersection, with left and right turning lanes which is suitable to service the lots at a cost of approximately \$700,000.
3. Section 7.11 Contributions are required to be paid towards roads in accordance with the Copmanhurst Shire Council - Roads and Traffic Facilities Contribution Plan 2001 prior to the release of the Subdivision Certificate for each stage. Based on the 2020/21 contributions this results in a total contribution of \$226,410.80 (\$4043.05 x 56 lots);
4. It is unknown if and when the future roundabout is required to be constructed.

As part of the modification the applicant has provided the following statement:

*The subject consent represents around 5% of lots in the Junction Hill URA, and less when existing dwellings in Junction Hill are factored into apportionment of traffic generation through that intersection and as such it is considered that the issue of design and costings do not need to be dealt with at this stage, but if they are then my client is a very minor player who is required to contribute anyway and so does not need to be involved.*

*It is therefore requested that Condition 2 of MOD2017/0062 (SUB2016/0020) plus Advices 2 and 3 be deleted.*

#### Comment

Council staff support the removal of a VPA requiring a contribution towards the future northern roundabout as the development in itself does not trigger the need for a roundabout. However, as the subdivision will eventually serve as an extension of Angus Drive, it could be argued that the developer should contribute towards the construction of the Angus Drive roundabout to ensure cost sharing of infrastructure in the urban release area. The issue with this is that it is unknown when the extension of Angus Drive through to this subdivision will occur as there is no subdivision approval over the adjoining land (Lot 1 DP1224325) to connect through at this stage. Based on this reason, Council may wish to approve the modification without the need to enter into further negotiations for a VPA towards a proportionate cost of the Angus Drive roundabout. The Angus Drive roundabout has been cost estimated somewhere in the vicinity of \$5 million.

As stated under the Background section of this report, a detailed traffic network masterplan by Cardno was prepared for the whole urban release area and approved as part of SUB2012/0017. It determined that a roundabout is required in the subject location to service the whole of the urban release area. The TIA did not determine at what stage that roundabout is required to be constructed, or determine the staging of the subdivision approved under SUB2012/0017.

Council and Transport for NSW (TfNSW) is currently considering an amended TIA prepared by Cardno for the urban release area which seeks removal of the northern roundabout in its entirety. The Report models five scenarios, all of which include a T-Junction at the entrance to the subject estate (referred to as Summerland Way Northern T-Junction) and not a roundabout. The T-Junction intersection upgrade to service this development has been approved by Council and TfNSW (RMS Project No. P.003389 WAD) and construction will be completed as part of the subdivision certificate release for Stage 1 of SUB2016/0020.





Figure 3-3 Revised Road Hierarchy

**Extract of Amended Cardno Road Hierarchy Plan 2020**

The amended TIA may have implications for the Trenayr and Summerland Way intersection in that more traffic from future subdivision of land to the east of the Summerland Way may be directed to that intersection. The amended TIA is currently being assessed by Council staff and TfNSW, however further information is required to determine whether or not the future roundabout requirement for the whole urban release area is required. The Cardno Report assesses the entire Junction Hill Development Area which could create up to 1,070 residential lots. The development approved under SUB2016/0020 only creates 57 lots which is 5.32% of the potential lot yield of the urban release area.

The Subdivision Certificate Application SubCt2020/0037 for Stage 1 of SUB2016/0020 is currently being considered by Council and the developer is seeking release as soon as the outstanding information has been submitted. Stage 1 will comprise 40 lots and 3 public reserves. Currently, the VPA and payment of the contribution required by Condition 2 needs to be finalised prior to the release of the Subdivision Certificate for Stage 1 of this development.

In consideration of the above, Council may consider the following options:

Options

1. Accept that the development does not create the need or demand for a roundabout in its own right and the developer has undertaken suitable intersection works to service the development. As such, Council could modify Condition 2 to remove reference to the future northern roundabout and accept a voluntary contribution towards the Angus Drive roundabout. As this stage the developer has not offered to enter into such an agreement for any amount towards the Angus Drive roundabout, however it is considered that the amount should be reflective of the volume of traffic from the subdivision that would use this intersection. A planning agreement is voluntary, and as such Council cannot force an applicant to enter into such an agreement without the offer from the applicant.

If Option 1 is supported and to facilitate the release of Stage 1 lots, Condition 2 should read as follows:

2. Pursuant to section 80(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act), the developer is to execute and deliver to the Council the Planning Agreement, in accordance with Subdivision 2, Division 6 of Part 4 of the EP&A Act, which the developer has offered to enter into, prior to issue of the Subdivision Certificate for Stage 2 4.

The VPA is between Council and the developer, and is for a monetary contribution from the developer for future roundabout construction works at the intersection **of Angus Drive** ~~the new road in the sub-division~~ with Summerland Way. **The percentage of the contribution amount is to be reflective of the volume of traffic to use this intersection.** ~~The contribution amount is to be 6.31% of the full cost of the intersection upgrade from a priority intersection to a roundabout.~~ Payment of the contribution is required prior to issue of the Subdivision Certificate for Stage 2 4.

~~The monetary contribution shall be based on prices current at the time of the cost analysis. The contribution is to be indexed by relevant Consumer Price Index (CPI) if payment occurs more than 12 months after the costings are prepared and approved.~~

If the developer does not offer to enter into a VPA to contribute to the Angus Drive roundabout, Council would need to enforce existing Condition 2.

2. Delete Condition 2 and Advices 2 and 3 in their entirety because:
  - d. The development does not trigger the need for a roundabout in its own right;
  - e. The developer has constructed suitable intersection works with the Summerland Way to service the development; and
  - f. The developer is required to contribute over \$226,000 towards future road and traffic facilities through the payment of section 7.11 contributions.

Note: All residential subdivision development within the urban release area is required to contribute to road and traffic facilities through the payment of section 7.11 contributions and construct any necessary infrastructure to service their development.

3. Refuse to support the removal of Condition 2 requiring the payment of contributions though a VPA as it does not provide for adequate cost sharing across the release area. If Council do not support removal of the VPA for costs towards the northern roundabout then it is recommended that the condition be amended to alter the timing of the contribution until Stage 2 to allow the release of lots under the Stage 1 Subdivision Certificate. This would allow the developer time to engage consultants to undertake design and cost analysis of the future roundabout to gauge the contribution amount.

Option 1 is recommended. The Draft of the Advices and Conditions for each of the options is provided in Schedule 1.

## 2. Modification to Condition 4 to remove reference to the Amos Plan and landscaping required for the E2 zoned land

The applicant has requested Council amend Condition 4 which reads as follows:

*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 Civil Construction Certificate. The plan is to show all proposed streetscape plantings, plantings in the two public reserves, and plantings in the E2 zoned land.*

*The plan is to be generally in accordance with the Landscape Masterplan and Report, dated December 2011, Issue C, prepared by Jackie Amos Landscape Architect, and the landscape elements reflective of the history of Junction Hill as discussed in that report. 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.*

*Landscaping is to be completed in accordance with the approved Landscape Plan prior to the release of the relevant Subdivision Certificate.*

The Landscape Masterplan and Report prepared by Jackie Amos covers the whole of the Junction Hill URA. In respect of the subject land it has four elements:

- i. Plantings in Public Reserve adjacent to Summerland Way
- ii. Provision and embellishment of public park
- iii. Street tree plantings
- iv. Street tree plantings of E2 land adjacent to railway line.

Points (i) and (iii) have been addressed in the Landscape Plan prepared by Geolink for the approved development under SUB2016/0020 and generally accords with the Amos Plan.

In approving SUB2016/0020 Council agreed to relocate the public park away from its location on the Amos Plan where it would have linked with the E2 land to form a public open space precinct. The approved location is central and acknowledges that there is no linkage with the E2 land as it is not a public space. The Geolink Landscape Plan includes embellishment of the park as requested by Council.

Point (iv) refers to the E2 land. The Amos Plan envisaged this as public space as shown by the inclusion of a pathway through the area which could never be provided on private land. The scale and nature of plantings within this space reflected a public bushland space.

The Amos vision of a public space cannot be achieved as Council did not zone the land as RE1 Public Recreation under CVLEP2011 (which would have required Council to purchase it) or require its dedication as a condition of SUB2016/0020 (as is required for the two public reserves). If E2 land is privately owned then it is the developer's contention that the Amos Plan should not apply to it.

Further to the above, Council is currently considering a Planning Proposal (REZ2019/0003) which when finalised, will permit a subdivision to create proposed Lot 60 (zoned E2) and Lot 2 (zoned R1). As part of the Planning Proposal, landscaping of the E2 zone is required in response to concerns raised by Department of Planning, Industry and Environment – Biodiversity and Conservation. As such, when an application is lodged to subdivide the remaining land, a condition requiring landscaping in accordance with the Revegetation Plan by Geolink Plan Drawing 1. Revision B dated 5 July 2019 will be required and a section 88B instrument providing for ongoing protection against damage, removal etc of any vegetation in the E2 zoned area will be imposed.

Council staff support the removal of reference to the Amos Plan based on the requirement to revegetate the E2 zoned land at the time of the future subdivision. Therefore, it is recommended that Condition 4 be amended to remove reference to the Amos Plan and E2 zone as this will be covered upon approval of a subdivision of the land once the planning proposal for that land is completed.

Amended Condition 4 should read as follows:

*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 Civil Construction Certificate. The plan is to show all proposed streetscape plantings and plantings in the two public reserves.*

*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.*

*Landscaping is to be completed in accordance with the approved Landscape Plan prior to the release of the relevant Subdivision Certificate.*

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

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

Section 7.11 and Section 64 Contributions are payable to Council prior to the release of the Subdivision Certificate.

**Asset Management**

The internal new roads and T-Junction intersection will become a Council asset upon registration of the subdivision plan. Council will be responsible for the ongoing maintenance of these assets once the maintenance liability period ends which will be 6 months following registration of the subdivision plan.

The developer is required to contribute to Road and Traffic Facilities in the area through the payment of Section 7.11 contributions in the sum of over \$226,000.

**Policy or Regulation**

*Environmental Planning and Assessment Act 1979*

*Environmental Planning and Assessment Regulations 2000*

*Clarence Valley Local Environmental Plan 2011*

*Residential Zones Development Control Plan 2011*

**Consultation**

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

<i>Internal Section/Stakeholder</i>	<i>Comment</i>
Engineering	Supported subject to a contribution towards Angus Drive roundabout construction
Open Space	Supported subject to future landscaping of E2 zone under further subdivision required by Planning Proposal for this area

**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. 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**

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

Prepared by	Carmen Landers, Acting Development Services Coordinator
Attachment	A. Copy of Notice of Determination of SUB2016/0020 and approved plan B. Copy of Notice of Determination of SUB2012/0017 and approved plan C. Cardno Traffic Impact Assessment dated 8 September 2020 D. Section 4.55 Assessment Report

## Schedule 1 – Draft Advices and Conditions

Option 1

Delete Advice 3

Amend Condition 2 to read as follows:

2. Pursuant to section 80(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act), the developer is to execute and deliver to the Council the Planning Agreement, in accordance with Subdivision 2, Division 6 of Part 4 of the EP&A Act, which the developer has offered to enter into, prior to issue of the Subdivision Certificate for Stage 2 4.

The VPA is between Council and the developer, and is for a monetary contribution from the developer for future roundabout construction works at the intersection **of Angus Drive** ~~the new road in the sub-division~~ with Summerland Way. **The percentage of the contribution amount is to be reflective of the volume of traffic to use this intersection.** ~~The contribution amount is to be 6.31% of the full cost of the intersection upgrade from a priority intersection to a roundabout. Payment of the contribution is required prior to issue of the Subdivision Certificate for Stage 2 4.~~

~~The monetary contribution shall be based on prices current at the time of the cost analysis. The contribution is to be indexed by relevant Consumer Price Index (CPI) if payment occurs more than 12 months after the costings are prepared and approved.~~

4. 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 Civil Construction Certificate. The plan is to show all proposed streetscape plantings, plantings in the two public reserves. ~~, and plantings in the E2 zoned land.~~

~~The plan is to be generally in accordance with the Landscape Masterplan and Report, dated December 2011, Issue C, prepared by Jackie Amos Landscape Architect, and the landscape elements reflective of the history of Junction Hill as discussed in that report. 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.~~

Landscaping is to be completed in accordance with the approved Landscape Plan prior to the release of the relevant Subdivision Certificate.

Option 2

Delete Advices 2 and 3

Delete Condition 2

Modify Condition 4 to read as follows:

4. 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 Civil Construction Certificate. The plan is to show all proposed streetscape plantings, plantings in the two public reserves. ~~, and plantings in the E2 zoned land.~~

~~The plan is to be generally in accordance with the Landscape Masterplan and Report, dated December 2011, Issue C, prepared by Jackie Amos Landscape Architect, and the landscape elements reflective of the history of Junction Hill as discussed in that report. 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.~~

Landscaping is to be completed in accordance with the approved Landscape Plan prior to the release of the relevant Subdivision Certificate.

**Option 3**

Amend Condition 2 to allow payment of VPA upon release of Stage 2

2. Pursuant to section 80(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act), the developer is to execute and deliver to the Council the Planning Agreement, in accordance with Subdivision 2, Division 6 of Part 4 of the EP&A Act, which the developer has offered to enter into, prior to issue of the Subdivision Certificate for Stage 2 4.

The VPA is between Council and the developer, and is for a monetary contribution from the developer for future roundabout construction works at the intersection of the new road in the subdivision with Summerland Way. The contribution amount is to be 6.31% of the full cost of the intersection upgrade from a priority intersection to a roundabout. Payment of the contribution is required prior to issue of the Subdivision Certificate for Stage 2 4.

The monetary contribution shall be based on prices current at the time of the cost analysis. The contribution is to be indexed by relevant Consumer Price Index (CPI) if payment occurs more than 12 months after the costings are prepared and approved.

Modify Condition 4 to read as follows:

4. 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 Civil Construction Certificate. The plan is to show all proposed streetscape plantings, plantings in the two public reserves, ~~and plantings in the E2 zoned land.~~

~~The plan is to be generally in accordance with the Landscape Masterplan and Report, dated December 2011, Issue C, prepared by Jackie Amos Landscape Architect, and the landscape elements reflective of the history of Junction Hill as discussed in that report. 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.~~

Landscaping is to be completed in accordance with the approved Landscape Plan prior to the release of the relevant Subdivision Certificate.

ITEM	6b.20.086	DA2020/0534 – DUAL OCCUPANCY – 746 BROOMS HEAD ROAD, GULMARRAD
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Meeting	Environment, Planning & Community Committee	17 November 2020
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes	

**SUMMARY**

Applicant	Gracia Westera
Owner	Gracia Westera
Address	746 Brooms Head Road, Gulmarrad (being Lot 1 DP716587)
Submissions	Nil

Council has received Development Application DA2020/0534 to construct a second dwelling on the subject site approximately 140m from the existing dwelling.

The application was notified and advertised, no submissions were received during the exhibition period. The Applicant has sought approval for a variation under Clause 4.6 – exceptions to development standards of the *Clarence Valley Local Environmental Plan 2011* to the 100m maximum distance between dwellings required by Clause 4.2D (2). The variation sought is greater than 10% and is outside of Council staff delegations to determine; therefore the application is forwarded to Council to determine.

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

**OFFICER RECOMMENDATION**

That Council:

1. Support the requested variation under Clause 4.6 – Exceptions to Development Standards of the *Clarence Valley Local Environmental Plan 2011* to enable the proposed second dwelling to be located approximately 140 metres from the existing dwelling; and
2. Approve Development Application DA2020/0534 subject to the draft conditions and advices contained in Schedule 1 attached.

**COMMITTEE RECOMMENDATION**

Simmons/Novak

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

**COUNCIL RESOLUTION – 6b.20.086**

Lysaught/Novak

That Council:

1. Support the requested variation under Clause 4.6 – Exceptions to Development Standards of the *Clarence Valley Local Environmental Plan 2011* to enable the proposed second dwelling to be located approximately 140 metres from the existing dwelling; and
2. Approve Development Application DA2020/0534 subject to the draft conditions and advices contained in Schedule 1 attached.

Voting recorded as follows:

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

Against: Nil

**CARRIED**

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

**BACKGROUND**

Development Application DA2020/0534 was lodged on 10 September 2020 to construct a second dwelling at 746 Brooms Head Road, Gulmarrad. The subject land is zoned RU2 Rural Landscape under the *Clarence Valley Local Environmental Plan 2011* (the LEP). A detached dual occupancy is permissible with consent in the zone. Provisions relating to detached dual occupancies include dwellings being located within 100m of each other, having sufficient area for on-site effluent disposal and utilising the same driveway access. The Applicant has located the second dwelling approximately 140m from the existing dwelling to utilise an already cleared area. The existing dwelling on-site was approved by former Maclean Shire Council under DA87/1110 on 15 January 1987. Council records indicate that the grasstree nursery on-site has operated since 1982.

**KEY ISSUES**

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

The Applicant has provided a written request to vary a development standard pursuant to Clause 4.6 of the LEP, that being the 100m maximum distance between dual occupancy dwellings within the rural zone under Clause 4.2D (2) (c). The objectives of Clause 4.6 are as follows:

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

Sub-clause 4.6 (3) requires that:

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

The Applicant has provided the following justification for Council to consider their request to vary the maximum distance between the two dwellings:

- The proposed building site is the only largely cleared area on the subject land for a second dwelling and has been managed by the owner since the 1980's, by complying with the standard it would require clearing of native vegetation on-site,
- The location of the second dwelling has been selected to provide additional security for the grass tree nursery on-site,
- All remaining development standards regarding a single access and suitable area for effluent disposal, and
- The proposed site will utilise an existing vegetation buffer to the road which will reduce the impact on the rural character and amenity of the locality.

The approximate size of the largely cleared area for the building envelope is 50m by 60m, with few isolated standing trees within this area (see image below). The subject site is bushfire prone and a bushfire hazard assessment has been submitted with the application. The assessment indicates that a Bushfire Attack Level (BAL) of 19 could be achieved, however, the distance to vegetation on-site is closer than stated in the assessment. Council staff have assessed the bushfire risk to the property and consider that it is BAL 29. The second dwelling can be located within this area with limited impact on native vegetation, it is not clear whether the three mature trees in the centre of the below image will need to be removed or not to comply with the asset protection zone requirements. Any trees removed will need to be adequately offset, no hollows



were observed in these trees while on-site. The Applicant has submitted an On-Site Wastewater Management Application for the second dwelling which demonstrates on-site effluent disposal system can be accommodated within the already cleared area.

The plans submitted with the application show that the proposed dwelling would utilise the same access as the nursery and the existing dwelling would utilise the second access to the property. Clause 4.2D (2) (b) of the LEP states that each dwelling must use the same access point. Council staff sought additional information to request that a single access point for the dwellings be nominated. The Northern Rivers Design Codes Standard Handbook for Driveway Access to Property, only permits one access point to Brooms Head Road. The Applicant has nominated that the existing dwelling access be utilised. It will be required that the access to Brooms Head Road be upgraded in accordance with section 7.2.3 of Austroads Guide to Road Design Part 4: Intersections and Crossings – General for rural roads.



Photograph taken from eastern side of cleared area looking west across building site

The request to vary the LEP maximum separation distance of 100 metres between detached dual occupancy dwellings on rural land has been assessed on its merit. Taking into account the justification by the Applicant and assessment above, it is considered that there are suitable grounds to allow the proposal to be approved in the circumstances. Therefore, it is recommended that a variation to the 100m maximum separation distance between detached dual occupancy dwellings on the subject site be supported to allow a 140m distance between the existing and proposed dwelling.

Alternatively, Council may opt to not support the requested variation and require the second dwelling to comply with the controls so that the dwellings are located within 100m of each other. If the second dwelling was located near the existing house, the dwelling would still require asset protection zones to be implemented. The impact on native vegetation will be significantly increased and may impose costs on the Applicant to prepare additional consultants reports to assess the impacts of the development. This option is not the officer recommendation.

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

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

**Asset Management**

N/A

**Policy or Regulation**

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

State Environmental Planning Policy 55 - Remediation of Land

Clarence Valley Local Environmental Plan 2011

Clarence Valley Council Development Control Plan for Development in Rural Zones

**Consultation**

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

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Building Surveyor	Supported subject to conditions
Development Engineer	Supported subject to conditions

**Legal and Risk Management**

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

**Climate Change**

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 of the Building Code of Australia (BCA) and the NSW Building and Sustainability Index (BASIX) which will ensure that the development meets legislative requirements for sustainability.

Prepared by	James Hamilton, Development Planner
Attachment	<ol style="list-style-type: none"> <li>1. Proposed Plan</li> <li>2. Applicants Clause 4.6 Variation</li> <li>3. Section 4.15 Evaluation Report</li> </ol>

## Schedule 1

## Draft Advices and Conditions of Consent for DA2020/0534

## 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.

## Advices

1. No 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. The following information shall be submitted to the Council or Principal Certifying Authority prior to issue of a Construction Certificate:
  - a Home Building Compensation Fund (HBCF) Insurance Certificate or copy of the Owner Builder permit
  - b Engineering details
  - c The name and licence number of the builder (if not carrying out the work as an owner builder)
4. All construction and components must comply with the wind rating for the site which has been assessed at N3.
5. All plumbing and drainage work must be in accordance with AS 3500 and the Plumbing Code of Australia. The main drain shall be located external to the building unless exceptional site conditions or unusual circumstances exist (Section 4.10 AS/NZS 3500.5.2012).
6. Provide wet area flashing to the requirements of the BCA, AS 3740 and the manufacturer's specifications.
7. Timber posts are to be set in galvanised stirrups, 75mm above finished ground or floor level.
8. The on-site waste water management installation must be completed and ready for inspection at the same time as the frame inspection. All conditions of the on-site waste water management approval ACT2020/0368 dated 28 September 2020 shall be complied with prior to occupation of the dwelling.
9. The manufacturer's details of the roof trusses are to be submitted to Council prior to the frame inspection.
10. All glazing is to be selected and installed in accordance with the provisions of AS 1288 or AS 2047. Upon completion of the building and prior to its occupation, the glass suppliers/installers certificate is to be submitted to Council.
11. A smoke alarm system designed to ensure the occupants are given adequate warning so they can evacuate the building in an emergency, and complying with Part 3.7 of the Building Code of Australia shall be installed. Smoke alarms must be interconnected where there is more than one alarm, installed on each level and not located in dead air space. A licensed electrical contractor's installation certificate is to be submitted to Council prior to occupation.

12. The dwelling floor shall be treated and maintained against termites in accordance with AS 3660.1.
- a Upon installation of the method of treatment a Certificate shall be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with AS 3660.1.
  - b A durable notice must be permanently fixed to the building in the electricity meter box indicating:
    - i the method of protection;
    - ii the date of installation of the system;
    - iii where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label;
    - iv the need to maintain and inspect the system on a regular basis.
13. The House Number **Unit 1/746 Brooms Head Road has been allocated to the proposed dwelling and Unit 2/746 Brooms Head Road has been allocated to the existing dwelling** and shall be clearly displayed so it is visible from the road. Such action can reduce confusion and assist Australia Post, emergency services and the general community. Approval for the site and size of proposed householder mail boxes should be obtained from Australia Post.
14. No civil construction works, including the removal of vegetation or topsoil, shall be commenced until a Section 138 approval has been issued by Council.
- 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.
15. 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.
16. All building and construction work, which includes 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.

### Conditions

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

Plan No	Drawn by	Plan Date	Project No	Revision
A01	N.F.D Design & Drafting Services	19/08/2020	20-011	2
A02	N.F.D Design & Drafting Services	19/08/2020	20-011	2
A03	N.F.D Design & Drafting Services	19/08/2020	20-011	2
A04	N.F.D Design & Drafting Services	19/08/2020	20-011	2
A05	N.F.D Design & Drafting Services	19/08/2020	20-011	2
A06	N.F.D Design & Drafting Services	19/08/2020	20-011	2
A07	N.F.D Design & Drafting Services	19/08/2020	20-011	2
A08	N.F.D Design & Drafting Services	19/08/2020	20-011	2
A09	N.F.D Design & Drafting Services	19/08/2020	20-011	2

2. Prior to the commencement of construction, an Unexpected Heritage Finds Procedure for Aboriginal and non-Aboriginal Heritage must be prepared should actual or potential items or areas of Heritage be discovered during construction activities. This procedure must be tool boxed with all work crews and implemented during construction works. Should any Aboriginal or non-Aboriginal relics or artefacts be uncovered during works on the site, all work is to cease and Heritage NSW shall be contacted immediately and any directions or requirements of the Service complied with.
3. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
4. A **Traffic Control Plan** (TCP) must be prepared and submitted to Council showing how vehicle and pedestrian traffic will be safely managed within the work site and road reserve. This plan must be prepared by a person authorised by the **TfNSW** to prepare **TCP's** and must be endorsed by Council prior to the occupation of the road reserve and commencement of work.
5. Only one access will be permitted to service both dwellings. This has been nominated as the existing access to the existing dwelling. Vehicular crossings rendered unnecessary by this development are to be removed and the road verge restored to match the existing road profile.
6. Prior to the issue of the Occupation Certificate, the single access to the existing dwelling and proposed dwelling is to be upgraded in accordance with the **NRDC** Standard Drawings R14, R15 and R16, whilst maintaining minimum sight distance requirements in accordance with AS2890.1.

A detailed plan of the proposed driveway, road levels and other site specific considerations must be submitted for approval with the **Section 138** to demonstrate that access to the development is provided in accordance with **NRDC**.

7. All disturbed areas shall be stabilised and revegetated. Turf, seeding or other approved method shall be undertaken in conjunction with or immediately following completion of earthworks. Topsoil shall be preserved for site revegetation. All sediment and erosion control measures must be regularly inspected and maintained to ensure they operate to the design specifications and meet the requirements of the NSW Protection of the Environment Operations Act 1997. Weather patterns must be monitored and be coordinated in with the inspection and maintenance procedures. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion. Person/s responsible for managing sedimentation and erosion controls for the development must be nominated to Council or accredited private certifier in writing together with full 24 hour per day contact details.
8. All erosion and sediment control measures are to be installed and maintained in accordance with the Statement for Sediment and Erosion Control that was submitted with the Development Application.
9. A separate property service with a single water meter servicing the whole property or individual meters for each dwelling unit (not both) shall be provided. The water meter(s) must be of a type approved by Council or purchased from Council and located in an accessible location at the property boundary for maintenance and reading purposes. Should the property in future decide to change the metering to multiple meters instead of a single meter (or vice versa) Council fees and charges will apply.
10. A plan detailing the location and species of trees to be removed is to be submitted prior to release of the Construction Certificate. In accordance with the biodiversity controls in Council's Development Control Plan the trees can be removed subject to their replacement with suitable local native tree species in suitable locations on the property at a rate of five new trees for every one removed tree over 150mm diameter at breast height and three to one for every native tree under 150mm diameter at breast height. Council is to be notified seven days prior to commencement of clearing of any vegetation.

Tube stock trees are acceptable provided they are protected with tree guards or similar. New plantings shall be located outside the asset protection zone and effluent irrigation area. Trees shall be planted before the Final Occupation Certificate inspection, mulched and maintained to maturity. A plan detailing the location and species of the new plantings shall be submitted to Council for its records prior to issue of an Occupation Certificate.

11. Prior to vegetation clearing, mature trees must be inspected by a suitably qualified person to determine that no fauna or fauna habitat features (nests, dreys) are present or active. An ecologist shall be present during the removal of hollow-bearing trees to ensure the potential for fauna injury or mortality is reduced. In the event that fauna are present and require care, the ecologist shall arrange transport of any animals to local wildlife carers or a local veterinary hospital.
12. The development is not to be occupied or used until such time as an Occupation Certificate has been issued.
13. Prior to the issue of an Occupation Certificate the principal contractor responsible for the construction work shall provide Council with a certificate which states that **all commitments** listed within the current Basix Certificate (quoting number and date) have been installed in accordance with the requirements of that Basix Certificate.
14. The dwelling site is located in a bushfire prone area and the bushfire attack level is BAL 29 as determined in accordance with AS 3959 - 2019. The dwelling shall be constructed to a minimum level BAL 29 with full details of how this is to be achieved being shown on the plans/specifications submitted with the Construction Certificate documentation.
15. The following Asset Protection Zone (APZ) shall be established around the dwelling prior to the commencement of the building works and maintained in accordance with the requirements of the NSW Rural Fire Service document titled 'Planning for Bushfire Protection 2019' and AS3959 - 2019..
  - North: 20 m
  - South: 20 m
  - West: 20 m
  - East: 20 m

The APZ shall have a tree canopy cover of less than 15%; have no trees within 10 metres of the dwelling; all trees shall have their lower limbs removed to a height of two metres and ground litter is to be kept to a minimum. The APZ shall be provided prior to the commencement of any building works within the APZ area and maintained in perpetuity.
16. **Water Tank** Install a minimum of 20,000 litres water storage tank dedicated for bushfire fighting purposes. A suitable connection for the Rural Fire Service must be made available. In general a 65mm stortz outlet with a gate or ball valve shall be provided. Above ground tanks are to be manufactured out of concrete or metal. Plastic tanks are not to be used.
17. No existing trees are to be removed from the site during construction, with the exception of those identified for removal on the drawing DA dwg. No. 1 dated 2 February 2009.
18. The clearing of trees and shrubs is to be restricted to the area to be built upon, the effluent disposal area and bushfire asset protection zones as required in this consent. No further clearing of trees is to occur without the prior written consent of Council.
19. Inappropriate landscaping within the asset protection zone (APZ) is a significant cause of house loss in a bushfire. Landscaping within the APZ shall comply with Section 7.4 and Table 7.4a of Planning for Bushfire Protection 2019 and be managed and maintained in perpetuity. No gardens or plantings shall be located within 1m of the house. It is recommended a concrete/paved/gravel perimeter path be provided around the dwelling
20. All **new** hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding 50°C. A higher hot water temperature is acceptable at all other fixtures, eg. laundry tub and kitchen sink.
21. 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.

22. A minimum height of 150mm shall be maintained between the top of the sewer overflow gully riser and the lowest fixture connected to the drain. The overflow gully shall also be 75mm above surrounding ground level, except if located in a path where it shall finish at a level so as to prevent the ponding and ingress of water.
23. Roof water, including overflow from a tank, shall be discharged a minimum of 3m clear of buildings, boundaries and downhill or clear of any effluent disposal area so as not to cause a nuisance.
24. **Working/Construction Hours** Working hours on construction or demolition shall be limited to the following:

**7.00 am to 6.00 pm Monday to Friday**

**8.00 am to 1.00 pm Saturdays**

**No work permitted on Sundays and public holidays**

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

25. **Mandatory Inspections** The head contractor or owner-builder must give Council as the certifying authority at least 24 hours notice to enable the following inspections to be performed at the appropriate time:
- a **Pier holes** (if any), before concrete is poured,
  - b **Footings**, with reinforcement in place before pouring of concrete,
  - c After reinforcement is in positions and before pouring of any **in-situ reinforced concrete** building element,
  - d Before internal covering/lining of the **framework** for any floor, wall, roof, or other building element,
  - e **Plumbing work** prior to covering/lining walls,
  - f **Sewer drainage** work prior to back filling/lining,
  - g Before covering **waterproofing in any wet areas**,
  - h Before covering any **stormwater drainage** connections,
  - i After the **building work has been completed** and prior to occupation.

If any of these inspections are not performed an Occupation Certificate cannot be issued for the building. Inspection bookings can be made online at [www.clarence.nsw.gov.au](http://www.clarence.nsw.gov.au) until midnight on the day before the inspection. The Construction Certificate or Complying Development Certificate number must be provided when booking an inspection.

26. 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.

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

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

**ITEM 6b.20.087 FLINDERS PARK DRAFT PLAN OF MANAGEMENT**

<b>Meeting</b>	Environment, Planning & Community Committee	17 November 2020
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
<b>Attachment</b>	To be tabled	

**SUMMARY**

A draft plan of management has been prepared for the Flinders Park reserve area. The preparation of a plan of management is a statutory requirement for community Crown land under the Crown Land Management Act 2016 and for land classified as 'community' under the Local Government Act 1993.

**OFFICER RECOMMENDATION**

That Council:

1. Note the preparation of a draft plan of management for the Flinders Park reserve area.
2. Authorise the General Manager to refer the draft plan to the NSW Department of Planning, Industry and Environment (DPIE) as owner of Flinders Park (Reserve 85724) for comment using Form B (*Notice of plan of management for Crown reserve—Alteration of categorisation or additional/new categorisation*).
3. Place the draft plan on public exhibition (after it has been returned by DPIE and any corrections regarding Flinders Park are made) for a period not less than 28 days as required under the *Local Government Act 1993*.
4. Conduct a public hearing regarding adding additional categories of 'community' land effectively altering the category(s) assigned by the Minister.
5. Accept submissions on the draft plan for a period not less than 42 days from the date the plan is placed on public exhibition as required under the *Local Government Act 1993*.
6. Bring the draft plan back to Council after the submission period has closed for consideration of its adoption or re-exhibition as per the requirements of section 40 of the *Local Government Act 1993*.

**COMMITTEE RECOMMENDATION**

Novak/Clancy

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

**COUNCIL RESOLUTION – 6b.20.087**

Novak/Toms

That Council:

1. **Note the preparation of a draft plan of management for the Flinders Park reserve area.**
2. **Authorise the General Manager to refer the draft plan to the NSW Department of Planning, Industry and Environment (DPIE) as owner of Flinders Park (Reserve 85724) for comment using Form B (*Notice of plan of management for Crown reserve—Alteration of categorisation or additional/new categorisation*).**
3. **Place the draft plan on public exhibition (after it has been returned by DPIE and any corrections regarding Flinders Park are made) for a period not less than 28 days as required under the *Local Government Act 1993*.**
4. **Conduct a public hearing regarding adding additional categories of 'community' land effectively altering the category(s) assigned by the Minister.**
5. **Accept submissions on the draft plan for a period not less than 42 days from the date the plan is placed on public exhibition as required under the *Local Government Act 1993*.**
6. **Bring the draft plan back to Council after the submission period has closed for consideration of its adoption or re-exhibition as per the requirements of section 40 of the *Local Government Act 1993*.**



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

Theme 5 Leadership

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

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

**BACKGROUND**

Flinders Park is Crown land, being Reserve 85724 for Public Recreation and Public Hall, notified in the Government Gazette on the 1 April 1966. It includes the Yamba Surf Life Saving Club which was added to the reserve on the 19 December 2014.

Council has managed the reserve since 18 November 1966, initially as a trustee, then as a Trust Manager and now as a Crown land manager under the Crown Land Management Act 2016 (CLM Act).

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

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

**KEY ISSUES*****Local Government Act 1993 requirements***

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

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

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

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

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

***Crown Land Management Act 2016 requirements***

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

Flinders Park is Crown land owned by the State of New South Wales. Consequently a copy of the plan must be referred to NSW Department of Planning, Industry and Environment (DPIE) as the owner of the land under section 39 of the LG Act, prior to Council placing the draft plan on public exhibition. This enables the DPIE as the land owner to ensure any matters required by the Department regarding the Park are included in

the draft plan. However, as the draft plan proposes to alter the category 'Park' generally assigned to the reserve, notification must be made on Form B (*Notice of plan of management for Crown reserve—Alteration of categorisation or additional/new categorisation*) of the *Developing plans of management for community land Crown reserves: Guidelines for council Crown land managers* document. Form B also acts as a request for Ministerial consent to add an additional purpose to the reserve if the DPIE consider this requirement as being necessary in the management of the reserve.

The draft PoM proposes to amend the 'Park' category by adding the category 'General Community Use' to the kiosk (attached to the Surf Life Saving Club); 'Natural Area (Foreshore)' to the foreshore/intertidal area; 'Natural Area (Bushland)' to the areas of bushland; and 'Natural Area (Escarpment)' to the area containing the sea cliff face and the old quarry face. The natural areas require specific management objectives and actions to ensure their protection and enhancement, while facilitating the sustainable use of the land. Section 40A of the LG Act requires a council to hold a public hearing in respect of a proposed PoM (including a PoM that amends another PoM) if the proposed plan would have the effect of categorising, or altering the categorisation of, community land under section 36(4). Consequently, a public hearing will be required as part of the public exhibition/submission process to seek public comment on Council's proposal to categorise this land under the PoM.)

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

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

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

Native title considerations in regards to Flinders Park and the adjoining ocean and Clarence River below the Mean High Water Mark have been included in the draft plan. Native title has been determined by the Federal Court (Yaegl People #2 & #2 Part B Native Title Determinations) to exist on the reserve except where native title may have been extinguished by a valid or validated 'public work' (evidenced under section 23B(7) of the *Native Title Act 1993* (Cth)) has been built. Consequently, the draft plan includes a statement noting that the granting of a tenure or a specific right must consider traditional owners' native title rights and interests before the tenure or right is issued. The draft plan also includes a statement regarding future development and the requirement that any impairment or impact on native title rights and interests need to be appropriately addressed through the Future Act provisions of the *Native Title Act 1993* (Cth). This includes meeting the notification requirements of Section 24JB (or s24KA) of the Act in regards to the construction or establishment of a public work prior to its approval and/or construction.

## COUNCIL IMPLICATIONS

### Budget/Financial

The draft PoM has been prepared in-house using the resources of Council. The public exhibition of the draft plan will be coordinated through Council's 'On Exhibition' webpage and 'Noticeboard' publication.

A cost will be associated with the requirement to hold a public hearing in accordance with s40A of the LG Act. The public hearing has to be facilitated by an independent chair. A report outlining the hearing and any recommendations made need to be considered as part of the submission process. An amount of \$2,000 is budgeted for the hearing. Council has allocated a budget for the 2020/21 year for public hearings associated with plans of management. The proposed allocation of funds for the Flinders Park PoM public hearing does not exceed the available budget.

### Asset Management

Council as the Crown land manager of Flinders Park (R85724) has the care, control and management of Lot 7031 DP1128361, Lot 7323 DP119051, Lots 7307-7308 DP1147276, Lots 1 and 1A Section 1 DP759130 and the assets there upon.

In contrast, the Yamba Surf Life Saving Club (SLSC) owns the surf club and is responsible for its maintenance and upkeep located on Lots 125 and 139 DP751395 and Lot 180 DP41513. However, the kiosk attached to the SLSC is a Council asset.

### Policy or Regulation

*Crown Land Management Act 2016*

*Local Government Act 1993*

*Native Title Act 1993 (Cth)*

### Consultation

The following internal sections of Council were consulted during the drafting of the Flinders Park PoM:

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

External consultation was also undertaken with the Yamba Surf Life Saving Club, Yamba Farmers Market Stallholders, Clarence Head Long-boarders, Yamba RSL Sub-Branch and the Disabled Surfers Association of Australia. An onsite meeting was also conducted with Yaegl TOAC Board members to identify matters that need to be highlighted in the plan of management.

### Legal and Risk Management

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

The (draft) Flinders Park PoM details how Council will manage the land, and in particular indicates how the land may be used and further developed.

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

### Climate Change

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

Prepared by	Dr Danny Parkin, Senior Strategic Planner (Public Land/Native Title); Jasmine Oakes, Plans of Management Officer
To be tabled	Draft Flinders Park Plan of Management

**ITEM 6b.20.088 REVIEW OF ADVERTISING FEE AND LEP/DCP VARIATION FEE**

<b>Meeting</b>	Environment, Planning & Community Committee	17 November 2020
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	Director - Environment, Planning & Community (Des Schroder)	
<b>Attachment</b>	Nil	

**SUMMARY**

The current advertising fee of \$481.75 for certain development applications requires review as advertisements are now placed on Council's webpage, not in print media which reduces costs incurred.

The recently adopted LEP/DCP Variation Fee of \$1,000.00 also requires review as it is causing unintended consequences, particularly in regard to minor developments.

**OFFICER RECOMMENDATION**

That the:

1. DA advertising fee be reduced to \$140.00
2. LEP/DCP variation fee for variations greater than 10% be restructured as follows:
  - LEP variations greater than 10% to remain at \$1,000.00.
  - DCP variations greater than 10% for Class 1-9 buildings (single/multiple dwellings, motels, caretaker's residences, offices, shops, storage buildings, factories and assembly buildings) to be \$650.00.
  - DCP variations greater than 10% for Class 10 buildings (garages, carports, pools and similar outbuildings) to be \$350.00.
3. Revised charges be placed on public exhibition for a period of 28 days, subject to no submissions being made, Council adopt the fees as above.

**COMMITTEE RECOMMENDATION**

Williamson/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Novak, Simmons, Williamson, Baker

Against: Clancy

**COUNCIL RESOLUTION – 6b.20.088**

Lysaught/Baker

That the:

1. DA advertising fee be reduced to \$140.00
2. LEP/DCP variation fee for variations greater than 10% be restructured as follows:
  - LEP variations greater than 10% to remain at \$1,000.00.
  - DCP variations greater than 10% for Class 1-9 buildings (single/multiple dwellings, motels, caretaker's residences, offices, shops, storage buildings, factories and assembly buildings) to be \$650.00.
  - DCP variations greater than 10% for Class 10 buildings (garages, carports, pools and similar outbuildings) to be \$350.00.
3. Revised charges be placed on public exhibition for a period of 28 days, subject to no submissions being made, Council adopt the fees as above.

Voting recorded as follows:

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

Against: Clancy

**CARRIED**

**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 was previously required by legislation to advertise development applications in a local newspaper while the Community Participation Plan required that an application be advertised and to also place a hard copy of the proposal on display in its administrative office(s). With the onset of COVID-19 those requirements have been relaxed so that advertising of development applications may now be done on Council's webpage with no requirement for hard copies to be placed in the administration office(s). Consequently, advertisements for certain development proposals are no longer placed in the local newspaper which has significantly reduced the costs involved.

Community concern has been expressed about the flat rate implementation of the recently adopted \$1,000.00 LEP/DCP variation fee, particularly in regard to small scale and low impact development proposals. The fee is having the unintended consequence of burdening those minor developments with excessive fees. A review of the averaged actual costs involved for various proposals has concluded that a sliding fee scale would more accurately reflect the actual costs.

**KEY ISSUES**

Below is a summary of the current and proposed fee structure including details of the processes involved:

Advertising

Current Fee - \$481.75 (previous actual cost of placing an advertisement in the local newspaper).

Proposed Fee - \$140.00 based on an administrative officer charge out rate of \$90.00 per hour covering formatting, redacting for privacy where necessary and uploading plans and associated documents to the webpage.

LEP Variations

Current Fee - \$1,000.00 per variation greater than 10%.

Proposed Fee - \$1,000.00 LEP per variation greater than 10% to remain as these proposals require significant assessment that involves external referrals to NSW Department of Planning, Industry and Environment, and mandatory reporting involving multiple Council staff.

DCP Variations

Current Fee - \$1,000.00 per variation greater than 10%.

Proposed Fee - DCP variations greater than 10% for Class 1-9 buildings (single/multiple dwellings, motels, caretaker's residences, offices, shops, storage buildings, factories and assembly buildings) to be at an averaged cost of \$650.00 based on the combined professional officer charge out rate of \$150.00 per hour (i.e. equal to professional advice fee), and an administrative officer charge out rate of \$90.00 per hour covering:

- Mandatory neighbour notification requirements and assessment of submissions.
- Negotiations with applicants and concerned parties.
- Streetscape and other impact assessments.
- Mandatory report to Development Assessment Panel (DAP) for consideration and advice.
- Possible report to Council depending extent of variation(s) and the nature of submissions received

DCP variations for Class 10 buildings (garages, carports, pools and similar outbuildings) to be at an averaged cost of \$350.00 based on the combined professional officer charge out rate of \$150.00 per hour (i.e. equal to professional advice fee), and an administrative officer charge out rate of \$90.00 per hour covering:

- Mandatory neighbor notification requirements and assessment of submissions.

- Possible negotiations with applicants and concerned parties.
- Streetscape and other impact assessments.
- Report to DAP for consideration and advice.
- Possible report to Council.

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

There will be an impact on the income received as the fees are being reduced.

**Asset Management**

N/A

**Policy or Regulation**

Fees and Charges Policy

**Consultation**

Discussions with community members raising concern at the fees  
Internal consultations on determining actual costs involved

**Legal and Risk Management**

Council fees should reflect the actual cost involved.

**Climate Change**

N/A

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Prepared by	Kerry Harre, Building and Environmental Services Coordinator
Attachment	Nil

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<b>ITEM</b>	<b>6b.20.089</b>	<b>ADDITIONAL FEES AND CHARGES FOR CLARENCE VALLEY LIBRARIES – 3D PRINTING</b>
<b>Meeting</b>	Environment, Planning & Community Committee	17 November 2020
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	Director - Environment, Planning & Community (Des Schroder)	
<b>Attachment</b>	Nil	

**SUMMARY**

Request for approval of an additional fee to cover the cost of 3D printing at our libraries.

**OFFICER RECOMMENDATION**

That:

- The following additional fees and charges at Clarence Valley Libraries be placed on public exhibition for a period of 28 days:
  - 3D Printing – Per Item and First Hour (or part thereof) – Minimum Charge \$3.00 including GST.
  - 3D Printing – Charge per Additional Hour (or part thereof) - \$3.00 including GST.
- Subject to no submissions being made, the above fees be accepted as adopted by Council.
- Should there be submissions, these be reported to Council for consideration.

**COMMITTEE RECOMMENDATION**

Novak/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

**COUNCIL RESOLUTION – 6b.20.089**

Lysaught/Novak

That:

- The following additional fees and charges at Clarence Valley Libraries be placed on public exhibition for a period of 28 days:
  - 3D Printing – Per Item and First Hour (or part thereof) – Minimum Charge \$3.00 including GST.
  - 3D Printing – Charge per Additional Hour (or part thereof) - \$3.00 including GST.
- Subject to no submissions being made, the above fees be accepted as adopted by Council.
- Should there be submissions, these be reported to Council for consideration.

Voting recorded as follows:

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

Against: Nil

**CARRIED**

**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**

A 3D printer was purchased as part of a successful State Library of NSW grant project. A pilot 3D printing project is underway for Children's Book Week 2020 and it is planned that 3D printing will become an additional library service offered.

A charge is required to fund material cost recovery.

**KEY ISSUES***What can be printed?*

We can print 3D objects in PLA plastic using a design that is uploaded from a digital computer file.

*What type of printing material is used?*

Our current Makerbot Replicator+ 3D printer uses PLA printing filament. PLA (polylactic acid) is a non-toxic resin derived from corn starch.

*Is it recyclable?*

PLA is compostable.

*Filament supply*

Some filament was purchased through the State Library of NSW grant project. This start up consumable supply allows us to offer an initial discounted charge to library users.

*Filament cost*

The amount of filament used in a print job varies according to the complexity of the job.

3D printing charges are generally based on material used or time taken to print, i.e. per gram of filament or per hour. After investigating both methods, surveying other public libraries and taking into account ease of implementation, it is recommended that we charge a base fee and an additional fee for extra printing time. After experimentation, we found that a \$3 base fee covers the cost of filament for most 1 hour print jobs. An additional \$3 charge will cover the cost of materials for each extra hour.

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

Expected income is minimal, less than \$200 p.a.

**Asset Management**

N/A

**Policy or Regulation**

Fees and Charges Policy

**Consultation**

In setting the 3D printing fee Council has examined fees and charges applied at other libraries.

**Legal and Risk Management**

N/A

**Climate Change**

N/A

Prepared by	Katrina Shillam, Team Leader (Grafton Library)
Attachment	Nil



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**ITEM 6b.20.090 DEVELOPMENT APPLICATION PROCESS REVIEW – PROGRESS REPORT**


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<b>Meeting</b>	Environment, Planning & Community Committee	17 November 2020
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
<b>Attachment</b>	Yes	

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**SUMMARY**

This report provides a progress status update of the ongoing project to review Council's Development Application processes.

**OFFICER RECOMMENDATION**

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

**COMMITTEE RECOMMENDATION**

Baker/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

*Having declared an interest in this item at the Council meeting, Cr Novak left the Council meeting at 5.06 pm and returned at 5.07 pm.*

**COUNCIL RESOLUTION – 6b.20.090**

Lysaught/Ellem

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

**Voting recorded as follows:**

**For: Simmons, Baker, Ellem, Clancy, Lysaught, Toms**

**Against: Nil**

**CARRIED**

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

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

Strategy 5.1.3 Engage with the community to inform decision making

**BACKGROUND**

The Development Application (DA) Review Process Review Team was created to review Council's current application process to meet the following objectives:

- Streamline the development application process.
- Reduce time taken for approvals.
- More transparent, accountable and outcome focused.
- More consistent, easier and quicker for 'mums and dads' and developers.
- Simplify, standardise and automate the process.

Since the implementation of the DA Review Team, the DA process has undergone major changes including the introduction of electronic lodgement options to customers through the implementation of the NSW ePlanning Portal and acceptance of applications in electronic format such as USB's.

Clarence Valley Council implemented the DA, CDC, Section 4.55 and Division 8.2 Reviews component of the ePlanning Portal on 1 July 2019.

On 1 August 2020, Council introduced the Construction Certificate (CC), Subdivision Certificate, Occupation Certificate and Principal Certifier component of the Planning Portal so now all types of development related applications are accepted electronically.

Council is now receiving 76% of all Development Applications electronically via the Planning Portal and USB. This number can be expected to increase since the implementation of the online post consent certificates via the Planning Portal in August.

## **KEY ISSUES**

### **DA Progress Report**

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

The DA Infographic contained in the attachments provides a snap shot of how many DA's and CC's were lodged electronically, determination processing times, requests for additional information and income from the adopted scanning/reformatting fee.

The report shows an improvement in the median assessment time of all applications which was 40 days for the July-September 2020 quarter. It also shows that the numbers of applications being approved within 40 days has also improved with 50% of all applications being determined within 40 days during the quarter.

## **COUNCIL IMPLICATIONS**

### **Budget/Financial**

The implementation of issuing electronic determinations and correspondence has resulted in savings related to the cost of postage and printing. The savings will continue to increase as more applications are lodged through the portal and through the recent implementation of Post Consent Certificates (CC's and Subdivision Certificates).

Council adopted an additional \$80 reformatting fee which is applied to hard copy applications and electronic documents and plans that are not formatted, named correctly or adhering to the naming conventions rules.

### **Asset Management**

N/A

### **Policy or Regulation**

*Environmental Planning and Assessment Act 1979*

### **Consultation**

There has been ongoing public communication promoting the implementation of electronic DA lodgement options through a weekly advertisement in the local newspapers.

Further consultation will be required to be undertaken with the community as part of the mandate to accept all applications via the Planning Portal.

### **Legal and Risk Management**

The ePlanning movement provides for a more transparent planning process thereby reducing exposure to risk.

**Climate Change**

The movement towards an ePlanning environment has reduced the amount of paper use having positive benefits for climate change.

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Prepared by	Carmen Landers, Acting Development Services Coordinator
Attachment	1. Project Status Report – November 2020 2. DA Infographic Report – Quarter 1 2020/21

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**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, Maclean on Tuesday, 17 November 2020, commencing at 2.00 pm and closing at 2.34 pm.

**ATTENDEES**

Cr Karen Toms (Chair), Cr Peter Ellem, Cr Jim Simmons (Mayor), Cr Jason Kingsley

**PRESENT**

Cr Andrew Baker, Cr Greg Clancy, Cr Richie Williamson, Cr Debrah Novak, Mr Ashley Lindsay (General Manager), Ms Laura Black (Director – Corporate & Governance), Mr Des Schroder (Director – Environment, Planning & Community), Mr Jamie Fleeting (Director – Works & Civil) were in attendance.

**APOLOGIES** – Cr Lysaught

**MOTION**

Kingsley/Ellem

That a leave of unavoidable absence be granted for Cr Lysaught.

Voting recorded as follows:

For: Kingsley, Ellem, Toms, Simmons

Against: Nil

**DISCLOSURE AND DECLARATIONS OF INTEREST** - Nil

**WRITTEN SUBMISSIONS**

<b>6c.20.178 – Blueberry Lane, Woombah – Update</b>	
For the Officer Recommendation	<ul style="list-style-type: none"><li>• Graham Marchant (for and on behalf of Scott Marchant)</li><li>• James Dunn</li><li>• Andrea Grant</li></ul>

**ITEM 6c.20.170 ANNUAL REPORT 2019/2020**

<b>Meeting</b>	Corporate, Governance & Works Committee	17 November 2020
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	Director - Corporate & Governance (Laura Black)	
<b>Attachment</b>	To be tabled	

**SUMMARY**

The Annual Report is one of the key points of accountability between Council and the community. The report outlines the Council's achievements in meeting statutory compliance requirements throughout the year and also provides a snapshot of activity.

**OFFICER RECOMMENDATION**

That:

1. Council note the 2019/2020 Annual Report.
2. The 2019/2020 Annual Report be made available to the community on Council's website.
3. The URL link to the 2019/2020 Annual Report be sent to the Office of Local Government, in accordance with the checklist for completing the Annual Report, in order that the Minister for Local Government be advised of its availability.

**COMMITTEE RECOMMENDATION**

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons

Against: Nil

**COUNCIL RESOLUTION – 6c.20.170**

Toms/Novak

That:

1. Council note the 2019/2020 Annual Report.
2. The 2019/2020 Annual Report be made available to the community on Council's website.
3. The URL link to the 2019/2020 Annual Report be sent to the Office of Local Government, in accordance with the checklist for completing the Annual Report, in order that the Minister for Local Government be advised of its availability.

Voting recorded as follows:

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

Against: Nil

**CARRIED**

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

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

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

**BACKGROUND**

The Local Government Act instructs councils to prepare an annual report within five months of the end of the financial year.

**KEY ISSUES**

The report covers all reportable aspects of Council operations under the Office of Local Government Annual Reporting requirements.

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

The Annual Report references Council's audited financial statements achievement for the year.

**Asset Management**

N/A

**Policy or Regulation**

Sections 406 and 428 of the *Local Government Act 1993* and Clause 217 of the *Local Government Regulation 2005*

**Consultation**

All managers were consulted in the development of the Annual Report.

**Legal and Risk Management**

N/A

**Climate Change**

N/A

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Prepared by	Alex Moar - Manager Organisational Development
To be tabled	Annual Report 2019/2020

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**ITEM 6c.20.171 2020/21 MONTHLY FINANCIAL REPORT – OCTOBER 2020**

<b>Meeting</b>	Corporate, Governance & Works Committee	17 November 2020
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	Manager - Finance & Supply (Kate Maginness)	
<b>Attachment</b>	Yes	

**SUMMARY**

The purpose of this report is to provide financial data at the end of each month for actual income and expenditure, for all Funds and provide advance notice of potential budget variations. This report is submitted to Council in addition to the statutory reporting requirements of the Quarterly Budget Review Statements.

Budget variations identified in this report impact the General Fund end of year result by (\$13,364). The reserve fund variations identified in this report will decrease the reserve funds by \$1,007,012.

**OFFICER RECOMMENDATION**

That Council:

1. Receive and note the monthly financial information report for October 2020, attached to this report.
2. Endorse the proposed General Fund variations as set out in this report totalling (\$13,364) for inclusion in the December Quarterly Budget Review Statement to be reported in February 2021.
3. Endorse the proposed variations, which decrease Financial Reserves by \$1,007,012 for inclusion in the December Quarterly Budget Review Statement to be reported in February 2021.

**COMMITTEE RECOMMENDATION**

Simmons/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons

Against: Nil

**COUNCIL RESOLUTION – 6c.20.171**

Lysaught/Novak

That Council:

1. Receive and note the monthly financial information report for October 2020, attached to this report.
2. Endorse the proposed General Fund variations as set out in this report totalling (\$13,364) for inclusion in the December Quarterly Budget Review Statement to be reported in February 2021.
3. Endorse the proposed variations, which decrease Financial Reserves by \$1,007,012 for inclusion in the December Quarterly Budget Review Statement to be reported in February 2021.

Voting recorded as follows:

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

Against: Nil

**CARRIED**

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

**BACKGROUND**

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

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

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

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

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

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

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

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
204	<b>Service – Community &amp; Industry Engagement</b> <b>Sub-Service – Tourism</b> <ul style="list-style-type: none"> <li>• Allocate Regional Tourism Bushfire Recovery Grant – Light Up Grafton Jacaranda Trees - \$195,000 to be spent over 2 years.</li> </ul>	\$Nil	\$Nil	6c.20.148
342	<b>Service – Natural Resource Management</b> <b>Sub-Service – Natural Resource Management</b> <ul style="list-style-type: none"> <li>• Allocate LLS NSW Bushfire Recovery Stimulus funding for Tropical Soda Apple - Landholder Engagement and Property Inspections (\$79,000)</li> </ul>	\$Nil	\$Nil	N/A
344	<b>Service – Waste Services</b> <b>Sub-Service – Waste and Sustainability</b> <ul style="list-style-type: none"> <li>• Allocate North East Waste (NEW) additional Community Recycling funding and expenditure (\$67,500)</li> </ul>	\$Nil	\$Nil	N/A
391	<b>Service – Water Cycle</b> <b>Sub-Service – Water Operations</b> <ul style="list-style-type: none"> <li>• Return flow expenditure budget relating to Coffs Harbour City Council Regional Water Supply pipeline flows for 2018/19 and 2019/20. Funded from RA79010</li> </ul>	\$Nil	\$656,119	N/A



Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
393	<b>Service – Sewer Services</b> <b>Sub-Service – Sewer Operations</b> <ul style="list-style-type: none"> <li>Disposal of biosolids from Woodford Island STP to Regional Landfill funded from RA 79025</li> </ul>	\$Nil	\$273,000	N/A
395	<b>Service – Floodplain &amp; Estuary Management</b> <b>Sub-Service – Floodplain Infrastructure &amp; Operation</b> <ul style="list-style-type: none"> <li>Heber St Stormwater Pump station Penstock installation. Funded by TfNSW contribution including administration allowance (\$135,455) and RA 10413 (\$27,995)</li> <li>Alice St Levee Rehabilitation – Floodplain grant insufficient to cover required survey. Shortfall funded from RA10412</li> <li>GIS Floodway Mapping funded from RA 10426</li> </ul>	(\$13,364)  \$Nil  \$Nil	\$27,995  \$11,398  \$3,500	N/A
398	<b>Service – Floodplain &amp; Estuary Management</b> <b>Sub-Service – Coastal &amp; Estuary Management</b> <ul style="list-style-type: none"> <li>Allocate budget for Pilot Hill Drainage works funded from RA14071</li> </ul>	\$Nil	\$35,000	14.051/18
	<b>TOTAL Proposed General Fund / Reserve Balance Impact</b>	<b>(\$13,364)</b>	<b>\$1,007,012</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 Adopted by Council June 2020	(\$335,373)	Surplus
Q1 Revised Budget – September	\$26,113	Deficit
Q2 Proposed Budget Variations – October	(\$13,364)	Surplus
<b>Proposed Movement of General Fund 2020/21 Budget Result October 2020</b>	<b>\$12,749</b>	<b>Deficit</b>

##### Proposed Impact on External and Internal Financial Reserve Funds Result

##### Reserve Movements

Original Budget Adopted by Council June 2020	\$3,679,256	Decrease
2019/20 Carry Forwards	\$10,538,785	Decrease
Q1 Revised Budget – September	\$6,928,928	Decrease
Q2 Proposed Budget Variations – October	\$1,007,012	Decrease
<b>Proposed Movement of Reserve Funds 2020/21 Budget Result October 2020</b>	<b>\$22,153,981</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 in consultation with the Management Accounting Team and relevant Budget Managers.

**Legal and Risk Management**

N/A

**Climate Change**

N/A

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

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<b>ITEM</b>	<b>6c.20.172</b>	<b>CLASSIFICATION OF LOT 20 DP 1261938 AT YAMBA AS OPERATIONAL LAND</b>
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<b>Meeting</b>	Corporate, Governance & Works Committee	17 November 2020
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	Director - Corporate & Governance (Laura Black)	
<b>Attachment</b>	Nil	

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**SUMMARY**

To classify recently acquired land, Lot 20 DP 1261938, located at Rocky Laurie Drive, Yamba, as operational land.

**OFFICER RECOMMENDATION**

That Council classify Lot 20 DP 1261938 located at Rocky Laurie Drive, Yamba, as operational land.

**COMMITTEE RECOMMENDATION**

Ellem/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons

Against: Nil

**COUNCIL RESOLUTION – 6c.20.172**

Lysaught/Novak

That Council classify Lot 20 DP 1261938 located at Rocky Laurie Drive, Yamba, as operational land.

Voting recorded as follows:

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

Against: Nil

**CARRIED**

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

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

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

**BACKGROUND**

Development Application SUB2017/0027 approved a 19 Lot subdivision and associated drainage reserves. As part of the Subdivision Certificate release, Lot 20 DP 1261938, was dedicated as a drainage reserve and upon registration of the plan on 16 September 2020, Lot 20 transferred to the ownership of Council. A detention basin is located on Lot 20 which serves as a stormwater quality improvement device for the subdivision and development to the north of the land.



## KEY ISSUES

Section 31 of the *Local Government Act 1993* provides that land is automatically classified as community land, unless Council resolves prior to acquiring it, or within 3 months of acquisition, that it is operational. As the lot is used for drainage it is recommended to classify it as operational as it has an operational purpose. Other Council land used for similar purposes is classified as operational land.

If the land remained as community land, an adopted plan of management would be required and unnecessary restrictions on the use of the land would apply. To change the classification after the three months would require a planning proposal to reclassify.

## COUNCIL IMPLICATIONS

### Budget/Financial

The classification requires public notice to be given and the cost for advertising has been covered by Council's existing advertising budget.

### Asset Management

The land will be listed in Council's Asset Register and will be managed in accordance with other drainage reserves.

### Policy or Regulation

*Local Government Act 1993*

### Consultation

In accordance with Section 34 of the *Local Government Act 1993*, 28 days public notice has been given advising of the proposal to classify the land as operational. Submissions closed on 3 November 2020. One submission was received stating that the size of land for the drainage infrastructure is inadequate. The stormwater infrastructure located on Lot 20 was subject to a Subdivision Works Certificate from Council's Development Services Section and is considered adequate for the proposal. As this submission does not relate to the classification of the land, it has been referred to Council's Development Engineer to respond accordingly. Council's Civil Services and Planning sections have been consulted.

### Legal and Risk Management

To take no action and allow the classification to default to community land would require Council to incur the costs of preparing an adopted plan of management and impose unnecessary restrictions on the operational use of the land. To change the classification after the three months would require a planning proposal to reclassify.

**Climate Change**

Not Applicable

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Prepared by	Kylee Baker, Property Coordinator
Attachment	Nil

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<b>ITEM</b>	<b>6c.20.173</b>	<b>REQUEST FROM ACCOUNT 2090843 FOR CONSIDERATION FOR FURTHER REDUCTION IN WATER ACCOUNT</b>
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<b>Meeting</b>	Corporate, Governance & Works Committee	17 November 2020
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	Manager - Finance & Supply (Kate Maginness)	
<b>Attachment</b>	Confidential	

**SUMMARY**

Council received a request from the owner of Water Account 2090843 on 5 September 2019 seeking a reduction on water usage charges issued due to a concealed leak.

**OFFICER RECOMMENDATION**

That Council grant an additional concession of \$3,040.80 to that already granted under the Concealed Leak Policy on Account 2090843.

**COMMITTEE RECOMMENDATION**

Simmons/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons

Against: Nil

**COUNCIL RESOLUTION – 6c.20.173**

Lysaught/Novak

**That Council grant an additional concession of \$3,040.80 to that already granted under the Concealed Leak Policy on Account 2090843.**

Voting recorded as follows:

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

Against: Nil

**CARRIED**

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

**BACKGROUND**

Council received an email (Refer Attachment A) from the owners of PN 112608 dated 25 October 2020 expressing their concerns regarding a water leak on their property. The owner submitted a Concealed Leak Application and as a result was granted a reduction of \$2,608.96 on the water consumption account. The meter connected to the property was a private line.

The owner alleged that the supply line had been severed on a number of occasions by Council, NBN and an Electricity Authority while work was being conducted in the vicinity of the private water line.

The April 2016 Council resolution to rescind the private water line policy, contained grandfathering provisions for existing private water lines.

The following is a breakdown of the consumption history on account 2090843 during the time the water leak was detected.

Meter ID	Reading Date	Consumption	Daily Average	Amount
CVE06298	23/07/2020	1619	10.378	5746.27
CVE06298	18/02/2020	68	0.764	169.32
CVE06298	21/11/2019	21	0.226	52.29
CVE06298	20/08/2019	35	0.393	59.25
CVE06298	23/05/2019	13	0.250	31.85
CVE06298	01/04/2019	0	0.000	0.00
M7090	01/04/2019	9	0.225	22.05
M7090	20/02/2019	105	1.141	257.25

A reconciliation of the account is provided below:

Account Issued	\$5,771.77
Less Concealed Allowance	-\$2,608.96
Less Average Account	-\$122.01
Amount requested to be written off	\$3,040.80

## KEY ISSUES

The period during which the leak occurred was 18/02/2020 – 23/07/2020. There was a significant increase in the owner's daily average consumption. A "Concealed Leak Application Form" was received, and the owner was granted a concession of \$2,608.96.

On 23 October 2020, the General Manager met with the owner and agreed that Council would relocate the meter to a more suitable position at no cost to the owner. The owner also requested that a further reduction be granted for the remainder of the account with an allowance made for the owner's average usage of the same time for previous years. This amount has been calculated at \$122.01.

## COUNCIL IMPLICATIONS

### Budget/Financial

If no adjustment is granted there will be no impact on the income for the 2020/21 financial year, however, if a concession is granted to this account as per the ratepayers request which if approved would be \$3,040.80, income for the 2020/2021 financial year on PJ 902125-6219-1241 (Water – Usage Non Residential Income) will be reduced by this amount.

### Asset Management

N/A

### Policy or Regulation

Concealed Water Leak Allowance Policy

### Consultation

N/A

### Legal and Risk Management

N/A

### Climate Change

N/A

Prepared by	Paula Krahe Revenue Coordinator
Confidential	Request dated 25 October 2020

<b>ITEM</b>	<b>6c.20.174</b>	<b>HARWOOD RIVERSIDE &amp; VILLAGE PRECINCT PLAN</b>
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<b>Meeting</b>	Corporate, Governance & Works Committee	17 November 2020
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	Director - Corporate & Governance (Laura Black)	
<b>Attachment</b>	Yes	

**SUMMARY**

The Harwood Economic Development Plan was adopted by Council in December 2019. Several infrastructure objectives were highlighted by the Harwood community in this Plan. The development of a Harwood Riverside & Village Precinct (HRVP) Plan is a significant step towards achieving many of these aspirations. This report outlines the process used to develop the draft HRVPP and recommends it be placed on public exhibition to ensure wider community feedback.

**OFFICER RECOMMENDATION**

That the draft Harwood Riverside & Village Precinct Plan be placed on exhibition for a minimum of 28 days to enable broader community feedback.

**COMMITTEE RECOMMENDATION**

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons

Against: Nil

**COUNCIL RESOLUTION – 6c.20.174**

Lysaught/Novak

**That the draft Harwood Riverside & Village Precinct Plan be placed on exhibition for a minimum of 28 days to enable broader community feedback.**

Voting recorded as follows:

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

Against: Nil

**CARRIED**

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 1 Society

Objective 1.1 We will have proud and inviting communities

Strategy 1.1.1 Encourage vibrant and welcoming towns and villages

**BACKGROUND**

The Harwood Community Economic Development Plan (HCED Plan) was adopted by Council in December 2019 (6c.19.103). Council also resolved to match the funding (\$20,000) from the Birrinda & Harwood Island Committee and allocate \$20,000 to develop a Harwood Riverside & Village Precinct Plan.

The draft HRVP Plan creates a concept plan for a number of infrastructure aspirations the community identified during the HCED Plan community consultation. In line with the successful Riverside Precinct Plans for Grafton, Maclean and Ulmarra, the HRVP Plan would then be used opportunistically to gain funding for implementation.



Through an expression of interest process complying with procurement procedures, consultants CLOUSTON Associates were engaged to develop concept plans for the riverfront, Morpeth Street, village entries and linkages to the Cricket oval.

The HRVP Plan would:

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

## KEY ISSUES

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

## COUNCIL IMPLICATIONS

### Budget/Financial

There is a budget allocation of \$40,000 to develop the Harwood Riverside and Village Precinct Plan (RA 92022 – S94). This included match funding of \$20,000 from the Biirrinda and Harwood Island Committee. Should Council proceed to detailed design and implementation, a budget allocation should be considered as part of future budgets and/or grant applications.

### Asset Management

The plan proposes changed use of current Council assets.

### Policy or Regulation

N/A

### Consultation

The goals and expectations of the Harwood Community were important in the development of the HRVPP. These were identified in the wide community consultation which occurred as part of the Harwood Community Economic Development Plan. Over 50 people attended two workshops, which took place in August and September 2019

CLOUSTON Associates conducted a site visit and undertook preliminary consultations and conversations with the community. A community drop in session was held in Harwood on 5 August at the RSL Hall, which was attended by over 20 residents. A Council project team workshop was held on 5 August; in attendance were key Council staff from Planning, Community and Industry Engagement, Open Spaces, Water Cycle, Civil Services and Community Services.

First Nations' people participated in this community consultation. An online meeting was held with the Traditional Owners group and they will be sent a copy of the draft Plan for further comment.

Telephone interviews were conducted with Crown Lands, Fisheries, RMS, Harwood Marine and Destination North Coast.

### Legal and Risk Management

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

**Climate Change**

N/A

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Prepared by	David Newberry (Industry and Engagement Officer)
Attachment	Harwood Riverside and Village Precinct Plan - Draft

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<b>ITEM</b>	<b>6c.20.175</b>	<b>COUNCIL MEETING CHECKLIST – UPDATE ON ACTIONS TAKEN</b>
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<b>Meeting</b>	Corporate, Governance & Works Committee	17 November 2020
<b>Directorate</b>	Office of General Manager	
<b>Reviewed by</b>	Director - Corporate & Governance (Laura Black)	
<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/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons

Against: Nil

**COUNCIL RESOLUTION – 6c.20.175**

**Novak/Ellem**

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

**Voting recorded as follows:**

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

**Against: Nil**

**CARRIED**

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

**BACKGROUND**

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

**KEY ISSUES**

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

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

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

N/A

**Asset Management**

N/A

**Policy or Regulation**

Local Government Act 1993 S355 (1)

**Consultation**

Staff and Managers

**Legal and Risk Management**

N/A

**Climate Change**

N/A

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Prepared by	Lesley McBay, Coordinator Executive Support
Attachment	Checklist

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<b>ITEM</b>	<b>6c.20.176</b>	<b>LOCAL TRAFFIC COMMITTEE MINUTES &amp; REPORT ON SIGNAGE AT PALMERS CHANNEL NORTH BRIDGE</b>
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<b>Meeting</b>	Corporate, Governance & Works Committee	17 November 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	Manager - Civil Services (Alex Dalrymple)	
<b>Attachment</b>	Yes	

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**SUMMARY**

This report lists the recommendations made at 4 November 2020 meeting of the Local Traffic Committee and also the outcome of consideration of an advanced warning sign for Palmers Channel North Bridge be replaced to include a small symbol that warns motorists of traffic.

**OFFICER RECOMMENDATION**

That

1. The recommendations of the Local Traffic Committee included in the Minutes of its 4 November 2020 meeting be adopted by Council.
2. No further action be taken on signage at Palmers Channel North Bridge.

**COMMITTEE MOTION**

Simmons/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Simmons

Against: Kingsley, Ellem, Toms

The Motion was put and declared LOST. No further motions were put forward at the Committee meeting.

**COUNCIL MOTION**

Lysaught/Baker

That

1. The recommendations of the Local Traffic Committee included in the Minutes of its 4 November 2020 meeting be adopted by Council.
2. Council note that the LTC has further considered the signage at Palmers Channel North Bridge and concluded that:
  - a. The existing signage is appropriate to highlight the hazards associated with the recorded crash history at this location.
  - b. The accident history at the location to date was not associated with the private driveway.
  - c. Increasing the existing signage would not necessarily make the road environment safer.

*Cr Toms left the meeting at 5.42 pm and returned at 5.45 pm.*

**AMENDMENT TO MOTION – THE CHAIR RULED THE AMENDMENT OUT OF ORDER**

Clancy

That

1. The recommendations of the Local Traffic Committee included in the Minutes of its 4 November 2020 meeting be adopted by Council excluding Item 027/20.
2. Council note that the LTC has further considered the signage at Palmers Channel North Bridge and concluded that:
  - a. The existing signage is appropriate to highlight the hazards associated with the recorded crash history at this location.
  - b. The accident history at the location to date was not associated with the private driveway.
  - c. Increasing the existing signage would not necessarily make the road environment safer.

3. Council support signage to indicate the concealed driveway.

*Moved Cr Simmons, seconded Cr Toms that the meeting take a short adjournment at 5.54 pm. CARRIED.  
The Council meeting resumed at 6.01 pm.*

AMENDMENT TO MOTION – THE CHAIR RULED THE AMENDMENT OUT OF ORDER

Toms

That the recommendations of the Local Traffic Committee included in the Minutes of its 4 November 2020 meeting be adopted by Council excluding Item 027/20.

#### COUNCIL RESOLUTION – 6c.20.176

**Baker/Novak**

**That this item be deferred to the next Ordinary meeting of Council.**

**Voting recorded as follows:**

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

**Against: Nil**

**CARRIED**

#### 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 agenda items were considered at the Local Traffic Committee held on 4 November 2020.

**Item: 030/20 NO STOPPING - SKINNER STREET, SOUTH GRAFTON**

That a 'No Stopping' zone be implemented in Skinner Street, South Grafton to prevent vehicles parking in the centre island adjacent to Cowan Lane.

**Item: 031/20 WATTS LANE INTERSECTION SIGNAGE**

That the Local Traffic Committee concur with the amendment to signage at Watts Lane and Ulgundahi View.

**Item: 032/20 REQUEST FOR AMBULANCE PARKING – CHARLES STREET, ILUKA**

That a dedicated ambulance parking bay be installed outside 51 Charles Street, Iluka at the existing driveway layback.

**Item: 033/20 GRAFTON CYCLE CLUB – 2021/2022 MANAGEMENT PLAN AND RACING PROGRAM**

That Council approve the Management Plan for the Grafton Cycle Club May 2021 to May 2022 Racing Program, subject to the following conditions.

1. Valid public liability insurance being held by the event organiser (minimum \$20,000,000 where event uses a Roads and Maritime asset such as a bridge, Motorway or viaduct)
2. NSW Police approval is obtained.
3. TfNSW approval is obtained by way of a Road Occupancy License where event is on a state road or where the event may impact the state road network.
4. National Heavy Vehicle Regulator approval is obtained as required where road closures of approved Restricted Access Vehicles routes require identification of new routes for traffic detours.
5. The submission and approval of relevant council event application/s and compliance with any conditions imposed therein
6. Local Traffic Committee advice is sought for the event Traffic Management Plan prior to approval of traffic control devices. This includes a Risk Management Plan and Traffic Control Plan/s. The following traffic control conditions shall also be observed;

- a. Traffic Control Plans to include a map indicating any alternative routes required for traffic detours.
  - b. Traffic Control Plans to be drawn to scale and indicate the provision of passageways and clearances for pedestrian and emergency access. Plans should be prepared in accordance with TfNSW Guide to Traffic Control at Worksites
  - c. All signage erected for the event should not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event
  - d. Temporary Speed Zone Authorisation is obtained from the roads authority for any reduced speed limit/s required as part of the traffic control for the event. Where local council is the roads authority, notification of any reduced speed limit should be forwarded to TfNSW and NSW Police
  - e. Conformance with approved Traffic Management Plan and associated Traffic Control Plans which shall be implemented and controlled by a TfNSW accredited persons
7. Consultation with emergency services (Fire & Ambulance) and any identified issues addressed in a timely manner
  8. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event
  9. Community and affected business consultation including adequate response/action to any raised concerns
  10. Arrangements made for private property access and egress affected by the event
  11. The event organiser notifies local community of the impact of the event/s by advertising in the *local paper/s* a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints
  12. That the applicant organise for the events to be listed on council's web page
  13. Endorsement of the event by Cycling NSW
  14. The event be conducted and signposted in accordance with the NSW Guidelines for Bicycle Road Races' (where applicable this supersedes signposting in accordance with TfNSW Guide to Traffic Control at Worksites)

The following items were also discussed at the committee:

- Dinjerra Road, Glenugie – Hooning and Burnouts
- Item 027/20 – Driveway Warning Signage Yamba Road
- Gumnut Road
- Riverview Street, Iluka – One Way

Of particular note is Item 027/20, which was discussed in response to part 2 of resolution – 6a.20.034 from the September 2020 meeting as follows:

2. *Item 02.20 Driveway Warning Signage on Yamba Road being amended as follows:*
  - a) *That consideration of the advanced warning T section symbolic sign for Palmers Channel North Bridge be replaced to include a small symbol on the left hand side slightly lower than the right hand symbol that warns motorists of both hazards, with the Watch for Turning Traffic auxiliary plate.*
  - b) *A report with the considerations for and against this option from the Local Traffic Committee be brought back to Council.*

## KEY ISSUES

Agenda, minutes and attachments are attached of the formal meeting.

The following applies to Item 027/20 where the meeting discussed the matter:

### Sight Distance

The driveway servicing 797 Yamba Road, Palmers Island (Wynyabbie House) and 797A Yamba Road is located on the northern side of Yamba Road immediately east of the Palmers Channel Bridge. There is limited visibility of the driveway for vehicles heading east on Yamba Road.

The driveway surface is not visible to traffic crossing the bridge however a vehicle in the driveway would be partially visible although obscured to a degree by the bridge rails. Similarly, a vehicle exiting the driveway would have partial visibility of vehicles approaching over the bridge.

The visibility, both obscured and unobscured, does not meet the recommended minimum standards for a 90km/hr zone for an intersection. It is noted that a driveway is not considered to be an intersection; the intersection standard is generally considered the benchmark for sight distance assessment of driveways. In light of this, the driveway is 'concealed'.

**Figure 1 - Location of the Driveway**



#### Existing Signage

As the driveway is 'concealed' to a drivers view, a concealed driveway sign, could be installed to highlight the hazard. However, there are several other hazards that drivers need to be aware of on approach to this area and there are already signs in place to highlight these. The critical hazards in this area are:

- The corner with a less than desirable radius that opens (eastbound) and tightens (westbound)
- The intersection of Palmers Channel North Bank Road

There is a history of crashes at this location as a result of those critical hazards. The crash history relates to vehicles losing control on the corner (eastbound and westbound), and nose to tail accidents from vehicles propping to turn right into Palmers Channel North Bank Road. Two of these accidents resulted in moderate injury to the occupants of the vehicles.

The existing signage at this intersection are targeted to highlight the hazards associated with crashes at this location and include the following:

- Advanced warning T intersection symbolic sign for Palmers Channel North Bank Road with a *Watch for Turning Traffic* auxiliary plate,
- Duplicated Left Hand Curve symbolic with 65kph advisory speeds,
- Slippery Surface symbolic with *When Wet* and *Reduce Speed* auxiliary plates (duplicated),
- Curve Alignment Markers (CAMS).

#### Driver Workload

The Austroads Guide to Road Design, Part 1, Section 3.4.4 states that:

*Driver workload also has a marked effect on performance at both ends of the spectrum. If the demand is too low, the driver's attention (i.e. level of alertness) will be too low, with probable loss of vigilance, and the driver may even fall asleep at the wheel. At the other end of the spectrum, if the driver's brain activity level is too high (e.g. stress, information overload, emotional situations) they may compensate by ignoring some relevant information, leading to unsafe operation of the vehicle.*



On this basis additional signage, or signage with denser information is not considered to make the road environment safer. Conversely, if the speed of information delivery is too fast, it can make the road environment less safe and will increase the rate and or severity of accidents at that particular location.

It is the opinion of the committee and technical staff, that the signage on approach to this location is already cluttered and it would be inappropriate to either increase the number, or information density of the signage.

**Figure 2 - View on approach to the bridge**



Driveway vs Intersection

A driveway is not considered to be an intersection and there are differences in how they are considered from a road design perspective and with regard to the road rules. For instance, it is very uncommon for driveways to be highlighted by signage. There are in fact very few sign faces that are intended for this purpose in the Australian Standards suite of documents.

A staggered intersection symbolic sign face is intended to highlight intersections, not driveways and the members of the committee and technical staff are not aware of another instance of a driveway being highlighted by a sign that is intended for an intersection. Furthermore the using a sign for a purpose other than what it is intended for is also not recommended by the committee.

Summary

As suggested in part 2 a) of the resolution 6a.20.034, it is possible to change the T intersection advanced warning sign to a staggered intersection advanced warning sign. The pros and cons of this are summarised below:

Pros	Cons
Provides information to drivers that there is a potential hazard	Reduces the emphasis of the existing signage implemented to reflect the accident history.
	Increases the density of information and driver workload
	Signage that is not used for its intended purpose which may surprise drivers

**COUNCIL IMPLICATIONS**

**Budget/Financial**

The additional signage and line marking that will be installed will cost approximately \$2000. This can be accommodated within existing operational budgets.

The budget for Item 027/20 would be approximately \$400 to replace a single sign face.

**Asset Management**

The new traffic facilities will become assets on the asset register.

**Policy or Regulation**

N/A

**Consultation**

N/A

**Legal and Risk Management**

N/A

**Climate Change**

N/A

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Prepared by	Alex Dalrymple – Manager Civil Services
Attachment	Traffic Committee Minutes

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**ITEM 6c.20.177 BARYULGIL WASTE TRANSFER STATION**

<b>Meeting</b>	Corporate, Governance & Works Committee	17 November 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	Manager - Open Spaces & Facilities (Peter Birch)	
<b>Attachment</b>	Nil	

**SUMMARY**

In October 2019 Council agreed to engage a contractor to operate the Baryulgil Waste Transfer Station (WTS) and defer waste disposal fees at this site until January 2021. This report considers how the introduction of fees at this transfer station may impact the local community and makes recommendations to minimise this impact.

**OFFICER RECOMMENDATION**

That waste disposal charges being introduced from 1 January 2021 at the Baryulgil Waste Transfer Station apply to non domestic waste, as per Council's adopted fees, and that charges for all domestic waste received at the facility be exempt.

**COMMITTEE RECOMMENDATION**

Ellem/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons

Against: Nil

**COUNCIL RESOLUTION – 6c.20.177**

Lysaught/Novak

**That waste disposal charges being introduced from 1 January 2021 at the Baryulgil Waste Transfer Station apply to non domestic waste, as per Council's adopted fees, and that charges for all domestic waste received at the facility be exempt.**

Voting recorded as follows:

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

Against: Nil

**CARRIED**

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 4 Environment

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

Strategy 4.2.3 Provide efficient and effective solid waste management services which prioritises resource recovery and minimises environmental impacts

**BACKGROUND**

Baryulgil WTS is a rural waste disposal facility located approximately 80 km from Grafton on the Clarence Way. The site was previously not supervised and open all hours (24/7). This caused the site to become a health and environmental hazard with unregulated amounts of waste being brought in from large distances to avoid paying waste disposal fees.

A trial project involving staffing and gating the site was undertaken in 2019 with Council and the Baryulgil Local Aboriginal Land Council. This was successful and dramatically reduced the amount of waste being received at the site as well as maintaining the site in a clean and safe environment for patrons.

Council resolved at the October 2019 Council meeting to engage a contractor to operate the Baryulgil WTS and defer waste disposal fees at the site until January 2021 to give residents time to adjust to the new management arrangements.

The site is now operated by a contractor three (3) half days a week on behalf of Council. Since the site has been secured and supervised the;

- Waste volumes have dramatically decreased by around 70%. It is considered much of this waste was from commercial operators from outside of the local area using the site because of free waste disposal.
- Waste transfer and disposal costs have reduced.
- Site clean-up cost, previously every 3-4 weeks have been eliminated.
- Complaints from residents have been limited to the proposed introduction of disposal fees.
- Illegal dumping reported in the area has not increased.
- Clean-ups of hazardous wastes or bulk loads of tyres dumped have been eliminated.
- Site is clean and tidy and WH&S risks have been dramatically reduced.

The improvements in the management of the waste transfer station were complimented by an EPA funded project to improve overall waste management in the Baryulgil and Malabugilmah communities. The project included removal of hoarded waste and waste education to improve knowledge on recycling and the health benefits from good waste management practices.

The success of the new management arrangements at Baryulgil transfer station cannot be overstated, site safety has improved, environmental risk has reduced and substantially more material is being recycled.

## KEY ISSUES

### Introduction of Waste Disposal Fees:

Waste disposal fees are due to commence from January 2021. The local Aboriginal community have expressed concern that the success of the new management arrangements will be undone if waste disposal fees are applied. The site is well used by residents from both Baryulgil and Malabugilmah aboriginal communities as well as the local farming community.

The Chief Executive Officer (CEO) of both Aboriginal Land Council's (Ross James) has indicated that he would not like to see local residents unable to use the waste facility because of financial concerns. He believes this may cause local health issues from waste being stockpiled or illegally dumped. He supports the idea of not charging for domestic waste but charging for commercial waste to remove the financial incentive for commercial operators to use the Baryulgil waste transfer station for free.

### Illegal Dumping

In such a remote area it is highly likely that illegal dumping will increase if waste disposal fees are introduced which will result in environmental impacts and clean-up costs for Council.

### Social & Health Impacts

As described above if disposal fees are applied to domestic waste there may be unintended negative social and health impacts. Residents may choose not to use the waste facility and store waste or illegally dump.

### Equity

It is noted that all other Council waste transfer stations charge waste disposal fees for non recyclable waste.

### Summary

A basic cost benefit approach taking into account social and economic factors indicates that it would be more beneficial to exempt domestic waste from disposal fees at the Baryulgil waste transfer station.

## COUNCIL IMPLICATIONS

### **Budget/Financial**

The operation of Baryulgil WTS is funded through PJ 994490 *Transfer Station Operations* and Category 5975 *Baryulgil Waste Transfer Station*.

If domestic waste is exempt from disposal fees the net income (projected) for Council is expected to drop from \$3,000 to \$1,000 per annum. The potential loss of income can be met from the existing service budget which is funded from the waste management levy applied to all rateable properties.

**Asset Management**

Works are undertaken in accordance with Council's Waste Asset Management Plan.

**Policy or Regulation**

Council's adopted Fees and Charges 2020/21 include disposal fees for Baryulgil WTS.

**Consultation**

Council has discussed this proposed approach with the CEO of both Baryulgil and Malabugilmah Local Aboriginal Land Council's (LALC's CEO Ross James) and there is strong support for the approach to only apply fees to commercial waste, not local residents with domestic waste. This will allow local residents to continue to use the waste facility regardless of their financial circumstances but also generate some income from any commercial loads of waste. It is also believed that if fees were applied much of this waste could be illegally dumped.

Discussions with the contractor managing the site (MI Organics) also support this proposed approach. The contractor advised that the potential income from fees would not justify the potential difficulties if fees were introduced and that illegal dumping and hoarding waste within the communities could be an issue.

**Legal and Risk Management**

There is a risk of increased illegal dumping if domestic waste fees are introduced with the associated environmental and health impacts.

**Climate Change**

Improved waste management and resource recovery at this site has reduced emissions by;

- Reducing waste to landfill.
- Increasing resource recovery (steel, glass, household recyclables) for recycling will reduce emissions and save landfill space.
- Reducing waste transporting.

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Prepared by	Richard Roper, Senior Waste and Sustainability Officer
Attachment	Nil

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**ITEM 6c.20.178 BLUEBERRY LANE WOOMBAH - UPDATE**

<b>Meeting</b>	Corporate, Governance & Works Committee	17 November 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	Director - Works & Civil (Jamie Fleeting)	
<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). In June 2020 a further report was provided, and the road has now been named Blueberry Lane (Item 6c.20.088).

This report provides further information for consideration to place Blueberry Lane on Council's asset maintenance register as a Category 2 road.

**OFFICER RECOMMENDATION**

That Council:

1. Allocate \$20,000 from the Local Road and Community Infrastructure Grant Program to upgrade 2 km of Blueberry Lane, Woombah to a Category 2 type road.
2. Add 2 km of Blueberry Lane, Woombah to the Council Road Maintenance Register as a Category 2 type road.
3. Provide 90 days written notice to the owner of the private water service to relocate their private service. If it is not relocated from the road pavement within that time, Council reserves the right to disconnect the service.

**COMMITTEE RECOMMENDATION**

Ellem/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons

Against: Nil

**COUNCIL RESOLUTION – 6c.20.178**

**Baker/Lysaught**

That Council:

1. Allocate \$20,000 from the Local Road and Community Infrastructure Grant Program to upgrade 2 km of Blueberry Lane, Woombah to a Category 2 type road.
2. Add 2 km of Blueberry Lane, Woombah to the Council Road Maintenance Register as a Category 2 type road.
3. Provide 90 days written notice to the owner of the private water service to relocate their private service. If it is not relocated from the road pavement within that time, Council advise the owner of the private water service that it will be permanently disconnected.

Voting recorded as follows:

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

Against: Nil

**CARRIED**

**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 considered requests for the maintenance of Blueberry Lane on a number of occasions (June/July 1998, March/April 1999, May 1999, July 2000, August 2005, August 2008 and April 2018). To date Council has resolved not to maintain Fat Duck Road on a permanent basis however on various occasions Council has resolved a sum of money to undertake "one-off" works on the road to improve the road surface. While these works were completed at the time the road has deteriorated significantly over the following years.

Previous reports have also considered the private water service that is laid in the road pavement and is exposed in some locations. In line with previous resolutions, Council staff have written to the owner of the private water service and have directed the owner to relocate it out of the road pavement. The owner has advised (refer confidential attachment to report 6c.20.093 - 23 June 2020 meeting) that they have been relocating the private water service out of the road pavement as finances permit.

If this water service is not relocated, Council could disconnect the private service from Council's main and remove it during the road upgrade works. As the owner was first advised following the April 2018 Council ordinary meeting that the private water service required relocation to facilitate road upgrading to be undertaken, it is recommended that the owner be given 90 days notice to relocate the service. If the private water service is not relocated within that time, it is recommended that the service be disconnected.

Blueberry Lane forms a loop with the fire trail located on a Council road reserve and West Street, also shown on the attached plan. This loop provides fire fighting access to the North and West of Woombah and was used during the bushfire emergencies of late 2019 and early 2020.

As highlighted during the bushfire emergencies, Woombah is at significant risk and fire prone area with large expanses of uninterrupted national park located to the North. This fire trail complex along the northern edge of Woombah is critical to the defence of this town. The local NSW RFS staff have been consulted and they support the inclusion of this road to Council's asset register. An email to this affect is attached to this report.

Blueberry Lane is currently in very poor condition and in some locations is all but impassable. Photos of the current condition are attached.

## KEY ISSUES

As detailed in Council's Road Maintenance Policy for a road to be considered for inclusion on the road maintenance list (as a Category 1 road) a number of criteria must be met. This road has previously been assessed and it does not meet the requirements for inclusion as a Category 1 road.

A Category 2 road allows Council to accept a road of lower standard and maintain it to a lower Level of Service (LoS). It is recommended that this road be added as a Category 2 road.

This property is serviced by a "private" water service as the property is located more than 225 metres from a water main of the Council. Prior to April 2015 properties which were located further than 225 metres from a water main of the Council could connect as a "private" water service under the *Private Water Line Connection Policy*. This policy was rescinded in April 2016, with grandfathering provisions applying to properties (like this one) which had existing private water services. Although no new private water services are permitted, under the grandfathering provisions existing private connections can be relocated. If the property owner does not comply with the direction to relocate the private service within 90 days and the service is disconnected, under Council's *Sewer and Water Connection Policy* they would not be permitted to reconnect in the future unless a Council water main is extended to within 225 metres of the property.

## COUNCIL IMPLICATIONS

### Budget/Financial

The \$20,000 required to upgrade this road to a Category 2 standard can be allocated from the Local Road and Community Infrastructure Grant Program. This allocation is provided in a separate report.

### Asset Management

If this road is included to the roads register it will become an asset. This will impact the total asset value, depreciation expenses and routine maintenance expenditure.

**Policy or Regulation**

Councils Road Maintenance Policy  
Rescinded Private Water Line Policy

**Consultation**

The NSW Rural Fire Service (RFS) has been consulted and provided their support to the proposal.

**Legal and Risk Management**

NA

**Climate Change**

As the climate warms extreme weather events, including bushfires, are forecast to increase in frequency and severity.

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Prepared by	Alex Dalrymple, Manager Civil Services
Attachment	Images of the current condition RFS (email supporting proposal) Fire Trail Plan

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**ITEM 6c.20.179 PROPOSED DAM SAFETY LEVY ON DAM OWNERS**

<b>Meeting</b>	Corporate, Governance & Works Committee	17 November 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	Director - Works & Civil (Jamie Fleeting)	
<b>Attachment</b>	Yes	

**SUMMARY**

On 30 September 2020 Dams Safety NSW commenced consultation on a proposed dam safety levy, with submissions closing on 30 October 2020. Due to the timing of report preparation, Council's submission regarding the proposed levy could not be presented to the October round of meetings for endorsement.

**OFFICER RECOMMENDATION**

That Council endorse the submission to Dams Safety NSW on the proposed dam safety levy.

**COMMITTEE RECOMMENDATION**

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons

Against: Nil

**COUNCIL RESOLUTION – 6c.20.179**

Lysaught/Novak

**That Council endorse the submission to Dams Safety NSW on the proposed dam safety levy.**

**Voting recorded as follows:**

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

**Against: Nil**

**CARRIED**

**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**

Dams Safety NSW is proposing a levy on declared dams, to be implemented from 1 July 2021. A PowerPoint presentation from Dams Safety NSW on the proposed levy is included in the attachments.

Council currently has two declared dams – the 100ML reservoir at Rushforth Road and 30,000ML Shannon Creek Dam. Shannon Creek Dam is classified as an “extreme” consequence category dam and Rushforth Road Reservoir as a “significant” consequence category dam.

**KEY ISSUES**

The NSW State Government has historically funded the Dam Safety Committee to oversee dam safety in NSW. With the introduction of the *Dams Safety Act 2015*, the Dam Safety Committee was abolished and a

new agency (Dams Safety NSW) created. Dams Safety NSW is now proposing an industry funding model with its costs to be borne by dam owners through a levy on each dam.

The proposed dam safety levy is currently based solely on the hazard rating of the dam with no consideration of the capacity of the dam owner to pay or the community benefit of the declared dam. This means a "for profit" entity" (such as a mine tailing dam) would be paying the same levy as a small rural Council for its flood mitigation structure. As one example the proposed levy on Central Coast Council, with around 139,000 water customers is identical to the levy which would be paid by Tenterfield Shire with around 2000 water customers. The proposed dam safety levy is therefore considered to represent another example of cost shifting from state government to local government without regard to the capacity of regional communities to pay.

Council's submission opposing the dam safety levy (in its current form) is attached and it is recommended that Council endorse the submission. The association of NSW Local Water Utilities, the NSW Water Directorate (of which Council is a member) has also made a submission opposing the dam safety levy and their submission is attached for information.

## COUNCIL IMPLICATIONS

### Budget/Financial

Both of Council's declared dams are owned by the water fund, and if the proposed levy were adopted in its current form it would represent an increase in water fund operational costs in 2021/22 of \$23,289, which is less than \$2 per customer. However, many flood mitigation structures are declared dams and were Council to inherit such structures from developers in the future, the cost of the dam safety levy in its current form related to the additional declared dams would be a general fund cost and could only be met by a reduction in level of service in other areas.

### Asset Management

N/A

### Policy or Regulation

*Dams Safety Act, 2015*

### Consultation

NSW Water Directorate

### Legal and Risk Management

N/A

### Climate Change

The predicted increase in intense rainfall events resulting from climate change increases the likelihood of developers in the urban release areas providing larger stormwater detention basins which may reach the threshold of being declared dams and thus be subject to the levy.

Prepared by	Greg Mashiah, Manager Water Cycle
Attachment	Dams Safety NSW PowerPoint presentation on proposed levy Water Directorate Submission Council's submission

<b>ITEM</b>	<b>6c.20.180</b>	<b>LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM - EXTENSION</b>
<b>Meeting</b>	Corporate, Governance & Works Committee	17 November 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	Director - Works & Civil (Jamie Fleeting)	
<b>Attachment</b>	Yes	

**SUMMARY**

Projects for consideration under the Local Roads and Community Infrastructure Program (LRCIP) Extension of \$2,725,608 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**

Ellem/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons

Against: Nil

**COUNCIL RESOLUTION – 6c.20.180**

Toms/Lysaught

**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.**

**Voting recorded as follows:**

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

**Against: Nil**

**CARRIED**

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 2 Infrastructure

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

Strategy 2.1.3 Provide strategic asset management planning

**BACKGROUND**

At the June 2020 meeting a program of works was adopted following the allocation of \$2,051,366 secured under this program. Subsequently Council has been advised that the program has been extended to include the total funding allocation of \$2,725,608.

The program objective is to create jobs, business and resilience. The program allows Council to determine what projects it nominates, however must satisfy the following criteria -

- Be accessible to the public
- Deliver net benefits to the community such as improved access, visual amenity and safety
- Completed by 31 December 2021
- Projects are in addition to pre-COVID capital works programs.

The allocation was based similarly to the Roads to Recovery model with the funding allocation was pro-rated to all Councils.

## KEY ISSUES

### Previous Project Allocations

At the June meeting a list of priority one and two projects were submitted to Council for consideration. At the June ordinary meeting it was resolved to fund all of the nominated (priority one) projects. On the basis that the total value of the priority two projects are less than the funding offered as part of the extended funding round, this list has therefore been included to the full program allocation.

### Amendments to Previous Allocations

One of the projects that was funded in the original allocation was the William Agar Park footpath project. During design development the project was identified as requiring a similar boardwalk construction methodology to the Zig-Zag path project currently on the works program. In consideration of this including their location to one another these projects have been combined for delivery.

To facilitate this, it is recommended that these projects be (combined and funded) under the extended round of this program, refer attached project schedule.

### Civil Services (CS) Resource Considerations

Due to the number of grants and volume of work currently on this year's delivery program with further grants anticipated for next years program, there are invariably resource constraints to be considered including:

- Survey and design resources
- Project management resources
- Road construction teams
- Concrete construction teams
- Bridge construction teams

Conversely, Civil Services have largely completed the re-sheet, heavy patching, rehabilitation and resealing programs for the financial year and will therefore have resourcing opportunities as related to 'maintenance project' activities.

In consideration of this it is not recommended that any significant additional projects as related to footpath, cycleways, bridges or road construction be included on the program. It is recommended that any additional funding in the transport asset space be focused on maintenance projects. The attached project listing reflects this recommendation.

### Open Spaces and Facilities (OS&F) Resource Considerations

The main project within this round of funding for OS&F is the Yamba Skate Park Project estimated at \$500,000. Consultation has been completed with detailed design being developed following receipt of feedback. The key resource consideration is work required to procure, tender and manage the contract to completion and similarly to the William Agar Park/project that OS&F are delivering with the Zig Zag pathway project. It is anticipated that there are appropriate internal resources to deliver the projects that have been identified.

## COUNCIL IMPLICATIONS

### **Budget/Financial**

Funding of \$2,725,608 is available for expenditure over the 2021 Calendar Year and the projects can be 100% funded with the grant funds.

### **Asset Management**

The identified projects in the Transport Asset area relate to the renewal of assets that are currently on council's asset register. This expenditure will be capitalised and targets asset management priorities.

The Yamba Skate Park is on council's asset register and this addition will complete the project with the addition of a bowl that the community have sought funding for some time.

### **Policy or Regulation**

NA

**Consultation**

Consultation internally with Civil Services and Open Spaces and Facilities has occurred.

**Legal and Risk Management**

NA

**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 impact, materials that have a high recycled content or can be recycled will be predominately used.

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Prepared by	Alex Dalrymple and Peter Birch
Attachment	Projects for Funding Funding Fact Sheet Letter of offer (Federal Government)

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**ITEM 6c.20.181 WORKS REPORT**

<b>Meeting</b>	Corporate, Governance & Works Committee	17 November 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	Manager - Civil Services (Alex Dalrymple)	
<b>Attachment</b>	Yes	

**SUMMARY**

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

**OFFICER RECOMMENDATION**

That the Works report be received and noted.

**COMMITTEE RECOMMENDATION**

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Ellem, Toms, Simmons

Against: Nil

**COUNCIL RESOLUTION – 6c.20.181**

Lysaught/Novak

That the Works report be received and noted.

Voting recorded as follows:

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

Against: Nil

**CARRIED**

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 2 Infrastructure

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


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


**BACKGROUND**


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


**KEY ISSUES**

The projects below highlight capital projects being undertaken during October.

<b>Project:</b>	Stage 1 - Maclean Pool plant room and filtration upgrade	
<b>Project Description:</b>	The project includes the construction of accessible car spaces, new pathways, a new accessible amenities as well as a large plant room	

	(designed for stage 1 and 2) and stage one of the filtration equipment including the installation of a filter and pumps. The old plant room and filtration equipment was demolished.	Defender Regenerative Media Filter
<b>Budget:</b>	\$1,232,007 (Maclean Pool Amenities Upgrade)	 <p>New plant room</p>
<b>Expenditure:</b>	\$1,269,272	
<b>Status:</b>	<ul style="list-style-type: none"> <li>The Maclean Pool project is almost complete with only minor items to finish.</li> <li>The pool was opened to the public from Monday 19 October, 2020.</li> <li>Swimming lessons and other activities have now recommenced.</li> </ul>	

<b>Project:</b>	Yamba Road/Carrs Drive Roundabout - Services Relocations	
<b>Project Description:</b>	Relocate of sewer mains and water mains required by the roundabout construction	
<b>Budget:</b>	\$98,000 (Watermain relocation) \$93,000 (Sewer Rising Main relocation)	
<b>Expenditure :</b>	\$76,000 including commitments (Watermain) \$95,000 including commitments (Sewer mains)	
<b>Status:</b>	<ul style="list-style-type: none"> <li>The sewer main relocation commenced on 19 October</li> <li>The water main relocation works commenced on 2 November</li> </ul>	

<b>Project:</b>	Repair to drainage pipeline at 32 Acacia Circuit Yamba	
<b>Project Description:</b>	Investigation into subsidence over pipeline in easement at 32 Acacia Circuit Yamba	
<b>Budget:</b>	\$49,684 (Urban Piped Drainage Maintenance)	
<b>Expenditure:</b>	Estimated cost - \$5,000. (includes CTV footage)	
<b>Status:</b>	<ul style="list-style-type: none"> <li>Following demolition of a house on 32 Acacia Circuit - A sinkhole was found over the drainage easement through the property.</li> <li>Now that the house was out of the way excavation was undertaken down to the pipeline, which was over 2 metres deep.</li> <li>Workers found that the concrete plug had not been placed in the pipe lifting point approximately 50 years ago when the pipe was laid. Sand was now falling into the pipe and causing a blockage.</li> <li>A new cap was installed and the pipe wrapped in a geofabric before backfilling.</li> <li>As a precaution, we arranged for a contractor with a video camera to provide CTV footage of the pipeline out to the river.</li> <li>The CTV footage showed the pipeline is in good condition and required no further repair works.</li> <li>Builder of the new dwelling has been advised he is right to commence construction of the new replacement house.</li> </ul>	

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

N/A

**Asset Management**

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

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

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**ITEM 6c.20.182 MONTHLY INVESTMENT REPORT – OCTOBER 2020**

<b>Meeting</b>	Corporate, Governance & Works Committee	17 November 2020
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	Manager - Finance & Supply (Kate Maginness)	
<b>Attachment</b>	Yes	

**SUMMARY**

The purpose of this report is to inform Council of the details of Council's investment funds as at the end of each month.

**OFFICER RECOMMENDATION**

That the report indicating Council's funds investment position as at 31 October 2020 be received and noted.

**COMMITTEE RECOMMENDATION**

Kingsley/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Toms, Simmons

Against: Ellem

**COUNCIL RESOLUTION – 6c.20.182**

Lysaught/Baker

**That the report indicating Council's funds investment position as at 31 October 2020 be received and noted.**

**Voting recorded as follows:**

**For: Simmons, Baker, Novak, Lysaught, Toms**

**Against: Clancy, Ellem**

**CARRIED**

**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%
	57.36%		42.64%
		Total External & Internal Reserves	100.00%

### **Portfolio Credit Limits**

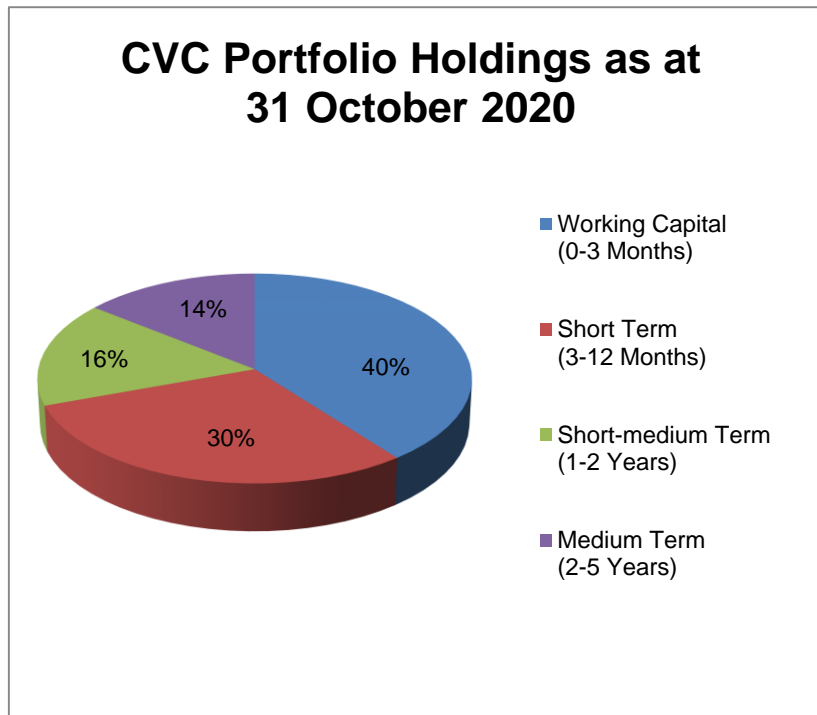
Tabled below is a summary of Council's investments as at 31 October 2020 which details compliance with Council's Investment Policy Portfolio Credit Limits.

Portfolio Credit Limits as at 31 October 2020				
Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
AAA	100.00%	4,989,811	4.27%	Yes
AA	100.00%	25,009,508	21.40%	Yes
A	60.00%	32,250,000	27.60%	Yes
BBB	50.00%	54,613,082	46.73%	Yes
<b>TOTAL INVESTMENTS</b>		<b>116,862,401</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.

### **Portfolio Holdings by Maturity**

Illustrated and tabled below is a summary of Council's investments by maturity as at 31 October 2020. Excluding "at-call" working capital, 39.52% of Council's investments are maturing within the next twelve months.



**Individual Institution or Counterparty Limits**

Tabled below is a summary of Council's investments as at 31 October 2020 which details compliance with Council's Investment Policy Counterparty Limits.

<b>Individual Institution or Counterparty Limits as at 31 October 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	6.85%	No
ANZ*	AA-	30.00%	2,053,248	1.76%	Yes
BoQ	BBB+	15.00%	16,000,000	13.69%	Yes
CBA*	AA-	30.00%	2,044,540	1.75%	Yes
Credit Union Australia	BBB	15.00%	2,000,000	1.71%	Yes
Defence	BBB	15.00%	8,000,000	6.85%	Yes
ING Direct	A	15.00%	18,000,000	15.40%	No
Macquarie	A	15.00%	6,000,000	5.13%	Yes
ME Bank	BBB	15.00%	4,000,000	3.42%	Yes
NAB	AA-	30.00%	4,000,000	3.42%	Yes
NAB*			1,029,078	0.88%	
P&N	BBB	15.00%	3,000,000	2.57%	Yes
RaboDirect	A+	15.00%	9,000,000	7.70%	Yes
Westpac	AA-	30.00%	7,000,000	5.99%	Yes
Westpac*	AA-		1,545,107	1.32%	
<b>TOTAL TERM DEPOSITS &amp; FRNs*</b>			<b>91,671,973</b>	<b>78.44%</b>	
<b>MANAGED FUNDS</b>					
TCorp	AAA	40.00%	489,811	0.42%	Yes
<b>TOTAL MANAGED FUNDS</b>			<b>489,811</b>	<b>0.42%</b>	
<b>FUNDS AT CALL</b>					
AMP	BBB	15.00%	15,307,529	13.10%	No
AMP	BBB	15.00%	1,055,553	0.90%	No
ANZ	AA-	30.00%	3,785,996	3.24%	Yes
CBA	AA-	30.00%	4,490,341	3.84%	Yes
CBA	AA-	30.00%	61,198	0.05%	Yes
<b>TOTAL FUNDS AT CALL</b>			<b>24,700,617</b>	<b>21.14%</b>	
<b>TOTAL INVESTMENTS</b>			<b>116,862,401</b>	<b>100.00%</b>	

Note: Whilst AMP & ING show non-compliance with the current investment policy, at the time of investing funds, they were within the approved limit. Variations in the balance of the cash at-call accounts directly affect the total investment percentage for each ADI. Council will rectify at the earliest opportunity.

Register of Investments - Clarence Valley Council as at 31 October 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	489,811	0.42%	At-Call	0.84%	AAA
AMP Bank Ltd	15,307,529	13.10%	At-Call	1.05%	BBB
AMP Bank Ltd	1,055,553	0.90%	At-Call	0.55%	BBB
ANZ Banking Group Ltd	3,785,996	3.24%	At-Call	0.55%	AA-
Commonwealth Bank of Australia	4,490,341	3.84%	At-Call	0.10%	AA-
Commonwealth Bank of Australia	61,198	0.05%	At-Call	0.20%	AA-
AMP Bank Ltd	2,000,000	1.71%	16/11/2020	1.65%	BBB
AMP Bank Ltd	2,000,000	1.71%	30/11/2020	1.60%	BBB
Bank Of Queensland Ltd	1,000,000	0.86%	02/12/2020	3.60%	BBB+
Bank Of Queensland Ltd	2,000,000	1.71%	12/01/2021	3.65%	BBB+
Credit Union Australia	2,000,000	1.71%	04/11/2020	1.55%	BBB
Defence Bank	2,000,000	1.71%	20/11/2020	3.00%	BBB
Defence Bank	2,000,000	1.71%	17/12/2020	3.00%	BBB
ING	1,000,000	0.86%	10/11/2020	2.92%	A
ING	2,000,000	1.71%	13/11/2020	1.55%	A
Macquarie Bank Ltd	3,000,000	2.57%	16/12/2020	1.65%	A
ME Bank Ltd	2,000,000	1.71%	06/11/2020	1.35%	BBB
<b>TOTAL WORKING CAPITAL (0-3 MONTHS)</b>	<b>46,190,428</b>	<b>39.53%</b>		<b>1.42%</b>	
<b>SHORT TERM (3-12 MONTHS)</b>					
AMP Bank Ltd	3,000,000	2.57%	05/03/2021	1.45%	BBB
AMP Bank Ltd	1,000,000	0.86%	31/08/2021	0.80%	BBB
Bank Of Queensland Ltd	2,000,000	1.71%	04/06/2021	1.15%	BBB+
Bank Of Queensland Ltd	1,000,000	0.86%	29/06/2021	3.45%	BBB+
Bank Of Queensland Ltd	1,000,000	0.86%	06/07/2021	0.95%	BBB+
Bank Of Queensland Ltd	2,000,000	1.71%	08/07/2021	0.95%	BBB+
Defence Bank	2,000,000	1.71%	04/03/2021	1.50%	BBB
Defence Bank	2,000,000	1.71%	09/03/2021	3.00%	BBB
ING	2,000,000	1.71%	03/02/2021	1.65%	A
ING	2,000,000	1.71%	02/03/2021	1.60%	A
Macquarie Bank Ltd	3,000,000	2.57%	11/05/2021	1.30%	A
ME Bank Ltd	2,000,000	1.71%	07/05/2021	1.35%	BBB
National Australia Bank	2,000,000	1.71%	11/08/2021	0.85%	AA-
National Australia Bank	2,000,000	1.71%	10/09/2021	0.75%	AA-
P&N Bank	3,000,000	2.57%	11/03/2021	3.82%	BBB
RaboDirect (Australia) Ltd	2,000,000	1.71%	14/06/2021	3.02%	A+
RaboDirect (Australia) Ltd	1,000,000	0.86%	21/06/2021	3.07%	A+
Westpac Bank	2,000,000	1.71%	05/03/2021	3.00%	AA-
<b>TOTAL SHORT TERM (3-12 MONTHS)</b>	<b>35,000,000</b>	<b>29.95%</b>		<b>1.87%</b>	
<b>SHORT - MEDIUM TERM (1-2 YEARS)</b>					
Bank Of Queensland Ltd	1,000,000	0.86%	02/12/2021	3.80%	BBB+
Bank Of Queensland Ltd	1,000,000	0.86%	09/05/2022	3.60%	BBB+
Bank Of Queensland Ltd	1,000,000	0.86%	03/08/2022	3.60%	BBB+
ING	2,000,000	1.71%	29/11/2021	1.55%	A
ING	3,000,000	2.57%	11/02/2022	1.60%	A
ING	2,000,000	1.71%	21/02/2022	1.60%	A
ING	3,000,000	2.57%	21/02/2022	1.60%	A
ING	1,000,000	0.86%	04/10/2022	3.66%	A
RaboDirect (Australia) Ltd	2,000,000	1.71%	13/09/2022	3.40%	A+
Westpac Bank	1,000,000	0.86%	16/11/2021	1.30%	AA-
<b>TOTAL SHORT-MEDIUM TERM (1-2 YEARS)</b>	<b>19,000,000</b>	<b>16.26%</b>		<b>2.15%</b>	

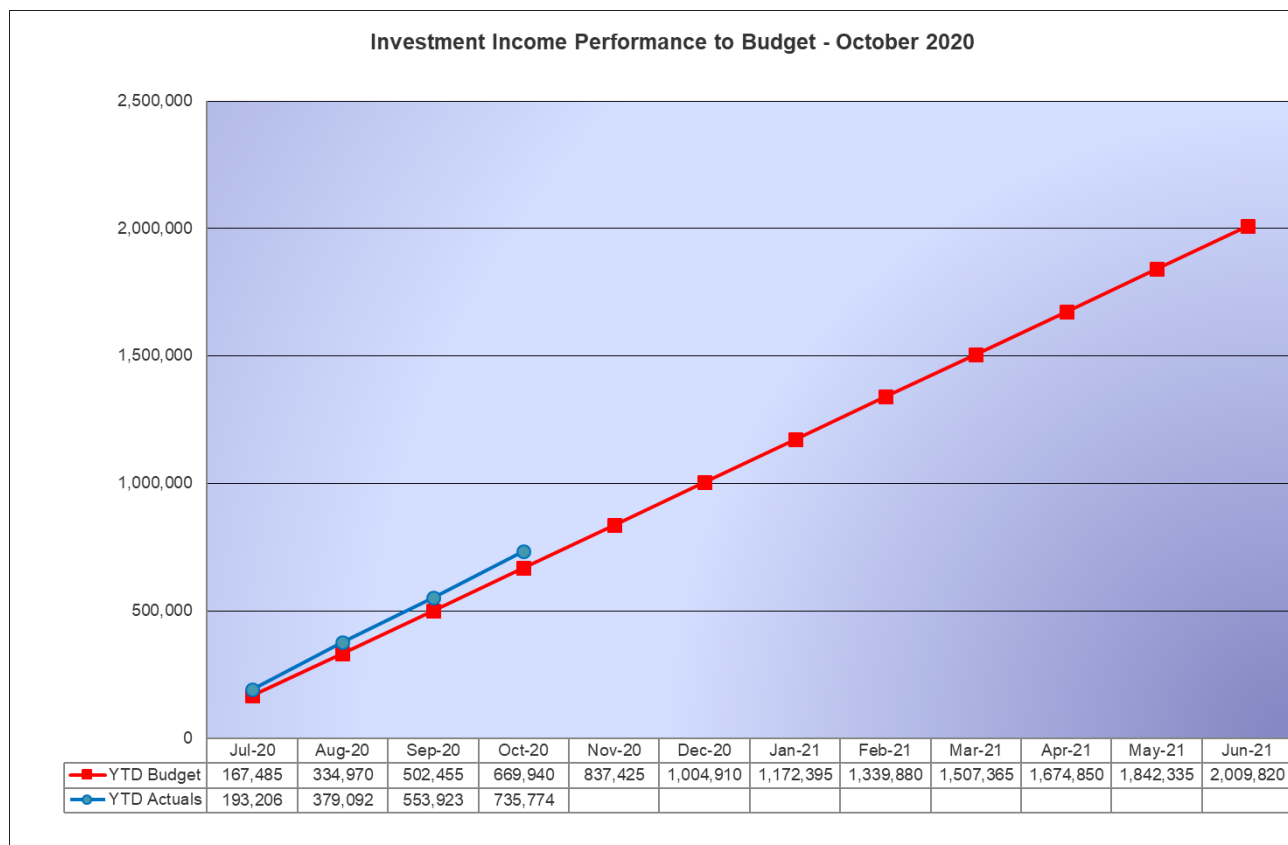
Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
<b>MEDIUM TERM (2-5 YEARS)</b>					
Bank Of Queensland Ltd	2,000,000	1.71%	08/02/2023	3.55%	BBB+
Bank Of Queensland Ltd	2,000,000	1.71%	21/08/2023	3.60%	BBB+
RaboDirect (Australia) Ltd	1,000,000	0.86%	05/12/2022	3.21%	A+
RaboDirect (Australia) Ltd	1,000,000	0.86%	17/08/2023	3.40%	A+
RaboDirect (Australia) Ltd	2,000,000	1.71%	19/09/2023	3.40%	A+
Westpac Bank	2,000,000	1.71%	13/03/2023	1.01%	AA-
ANZ Banking Group Ltd (3m BBSW +103bps) (Principal Value \$2,000,000) Market Value	2,053,248	1.76%	06/12/2023	1.12%	AA-
Commonwealth Bank (3m BBSW +80bps) (Principal Value \$1,000,000) Market Value	1,015,462	0.87%	25/04/2023	0.90%	AA-
Commonwealth Bank (3m BBSW +113bps) (Principal Value \$1,000,000) Market Value	1,029,078	0.88%	11/01/2024	1.24%	AA-
National Australia Bank (3m BBSW +80bps) (Principal Value \$1,000,000) Market Value	1,029,078	0.88%	10/02/2023	0.90%	AA-
Westpac Bank (3m BBSW +114bps) (Principal Value \$1,500,000) Market Value	1,545,107	1.32%	24/04/2024	1.24%	AA-
<b>TOTAL MEDIUM TERM (2-5 YEARS)</b>	<b>16,671,973</b>	<b>14.27%</b>		<b>2.22%</b>	
<b>TOTAL INVESTMENTS</b>	<b>116,862,401</b>	<b>100.00%</b>		<b>1.79%</b>	

## COUNCIL IMPLICATIONS

### Budget/Financial

<b>Portfolio Investment Returns to 31 October 2020</b>			
	<b>Actual</b>	<b>Budget 2020/21</b>	<b>Over/(Under)</b>
<b>This Month</b>			
Cash Deposits & FRNs	\$181,524	\$167,235	\$14,289
Managed Funds	\$327	\$250	\$77
	<b>\$181,851</b>	<b>\$167,485</b>	<b>\$14,366</b>
<b>Year to Date</b>			
Cash Deposits & FRNs	\$734,676	\$668,940	\$65,736
Managed Funds	\$1,098	\$1,000	\$98
	<b>\$735,774</b>	<b>\$669,940</b>	<b>\$65,834</b>

- Actual results have shown that total interest income to 31 October 2020 is \$0.065M above the 2020-21 YTD budget of \$0.658M.
- As at 31 October 2020 the Floating Rate Notes (FRNs) had an unrealised capital gain of \$166,834.

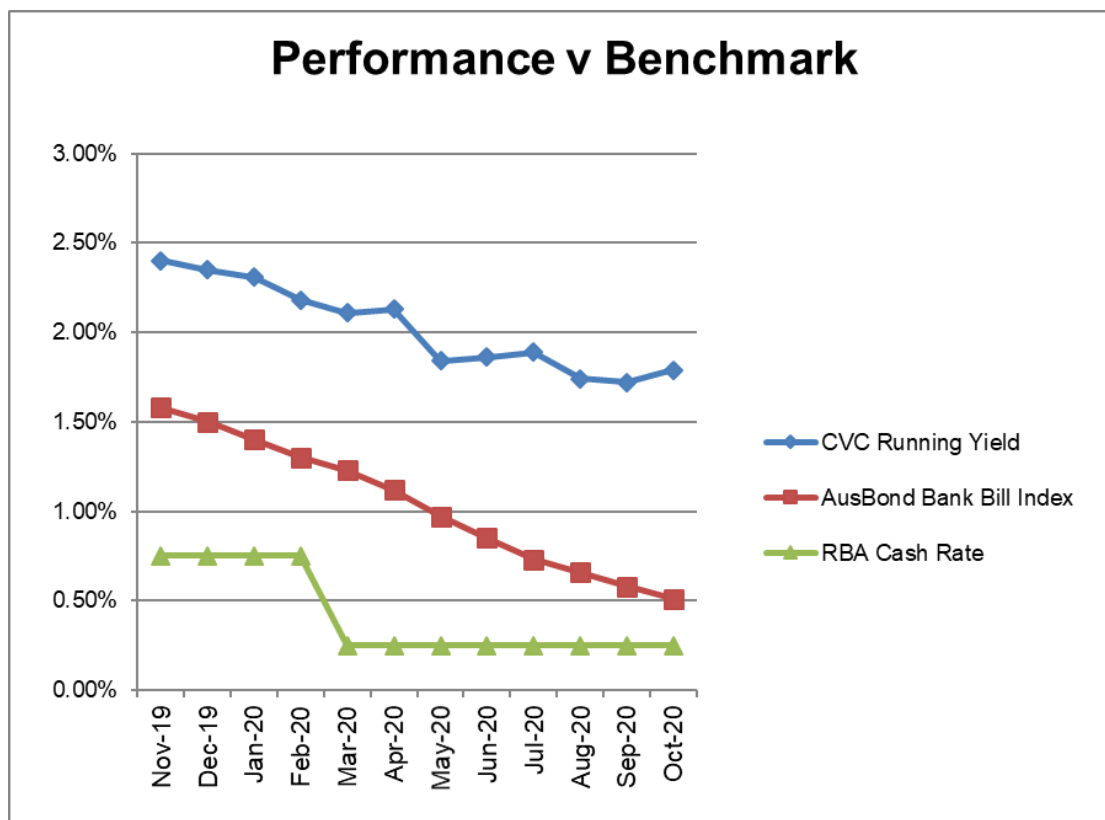


- Running yields\* to 31 October 2020 have been:

AMP Business	0.55%
AMP 31 Day Notice	1.05%
ANZ Premium Business	0.55%
CBA General	0.10%
24hr Call Account	0.20%
T-CorpIM Cash Fund	0.84%
Floating Rate Notes	1.10%
Term Deposits	<u>2.15%</u>
<b>Total</b>	<b>1.79%</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 October was 0.25%. The benchmark AusBond Bank Bill Index was 0.51% for October.
- The current running yield of the total investment portfolio remains at elevated levels above the cash rate. At month-end, it stood at +1.79% (October 1.72%).



The following investments were transacted during October:

- BOQ \$1.0m TD matured 26/10/2020, redeemed
- BOQ \$1.0m TD matured 26/10/2020, redeemed

#### Asset Management

N/A

#### Policy or Regulation

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

#### Consultation

N/A

#### Legal and Risk Management

N/A

#### 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
Attachment	Movement of Funds Between Months – October 2020



## d. INFORMATION ITEMS

ITEM	6d.20.010	ITEMS FOR INFORMATION
<b>Meeting</b>	Council	24 November 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:

1. Bureau of Meteorology – Response letter regarding Automatic Gauge Station – Orara River, Coutts Crossing
2. Chris Gulaptis MP – Community Recognition Statement
3. Director-General Qld Health – Letter regarding Queensland border restrictions.
4. Coaldale Barretts Creek Hall Committee – Minutes of meeting held 10 October 2020.

**COUNCIL RESOLUTION – 6d.20.010**

**Lysaught/Novak**

That the Items for Information as listed below be noted:

1. Bureau of Meteorology – Response letter regarding Automatic Gauge Station – Orara River, Coutts Crossing
2. Chris Gulaptis MP – Community Recognition Statement
3. Director-General Qld Health – Letter regarding Queensland border restrictions.
4. Coaldale Barretts Creek Hall Committee – Minutes of meeting held 10 October 2020.

Voting recorded as follows:

For: Simmons, Baker, Ellem, Clancy, Novak, Lysaught, Toms  
 Against: Nil

**CARRIED**

Prepared by	Debbie McGilvray, Executive Support Officer
Attachments	As listed above

## e. TENDERS

ITEM	6e.20.028	RFT 20-30 SUPPLY OF QUARRY PRODUCTS
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Meeting	Council	24 November 2020
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Confidential	

**SUMMARY**

Tenders have been called to supply quarry products to Council for the remainder of 2020/2021 financial year including:

- gravel (base, sub-base and resheeting quality),
- crushed concrete (base, sub-base and select fill quality) and;
- rock

Supply rates were also requested for the 2021/2022 and 2022/2023 financial years to allow for the possible extensions of the contract. This report is to accept the tenders received to be included on a Panel of Suppliers for use as required during the 2020/2021 financial year.

**OFFICER RECOMMENDATION**

1. That Council accept the Tenders from:

- BD & MC Lewis Pty Ltd
- Kangaroo Creek Recycling
- CW & VJ Cooper Pty Ltd
- Green Bros Investments Pty Ltd
- TG Jung Quarries
- Kis Quarries
- Lurcock's Quarry
- Newman Quarrying Pty Ltd
- RM Earthmoving Pty Ltd
- Sheridan's Hard Rock Quarry
- McLennan Earthmoving Pty Ltd
- Mt Zion Quarry Pty Ltd
- State Road Quarry
- VK & NJ Ellem
- Boral Resources

for the supply of quarry products (gravel, crushed concrete and rock) until 30 June 2021, with the preferred supplier for each product determined by an assessment undertaken having regard to cost and program requirements applicable at the time of the order.

2. That in accordance with the terms of the Contract, the General Manager is authorised to extend the contract period with optional two (2) x one (1) year extensions for 2021/2022 and 2022/2023 financial years, if that arrangement is to the best advantage of Council.

**COUNCIL RESOLUTION – 6e.20.028****Lysaught/Novak**

1. That Council accept the Tenders from:

- **BD & MC Lewis Pty Ltd**
- **Kangaroo Creek Recycling**
- **CW & VJ Cooper Pty Ltd**
- **Green Bros Investments Pty Ltd**

- TG Jung Quarries
- Kis Quarries
- Lurcock's Quarry
- Newman Quarrying Pty Ltd
- RM Earthmoving Pty Ltd
- Sheridan's Hard Rock Quarry
- McLennan Earthmoving Pty Ltd
- Mt Zion Quarry Pty Ltd
- State Road Quarry
- VK & NJ Ellem
- Boral Resources

for the supply of quarry products (gravel, crushed concrete and rock) until 30 June 2021, with the preferred supplier for each order determined by an assessment undertaken having regard to cost and program requirements applicable at the time of the order.

2. That in accordance with the terms of the Contract, the General Manager is authorised to extend the contract period with optional two (2) x one (1) year extensions for 2021/2022 and 2022/2023 financial years, if that arrangement is to the best advantage of Council.

Voting recorded as follows:

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

Against: Nil

CARRIED

## 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 requires gravel (including crushed concrete) and rock supplies to complete construction and maintenance works throughout the year. This may require Council to:

- Engage a Supplier to provide services that exceed \$250,000 in value for any single event;
- Engage a Supplier to provide services that exceed \$250,000 in value over a number of events; or
- Engage a Supplier to provide services that exceed \$250,000 in value over a range of disciplines (e.g. plant supply and gravel supply).

To ensure that Council complies with the requirements of the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, tenders have been called for the supply of quarry materials for the remainder of 2020/2021. It is recommended that the Tenderers who supplied conforming tenders will be added to a Panel of Suppliers to be engaged by Council as and when required during the year. Tenderers will be engaged for the supply of material based on an assessment of:

- the material type and quality;
- material price; and
- the cost to haul or deliver the products to site.

The panel tender does not preclude Council seeking quotes outside of this contract where it is considered that more competitive rates may be available.

Rates were also sought for the 2021/2022 and 2022/2023 financial years to allow possible extensions to the contract if the rates submitted are considered to represent market value.

**KEY ISSUES**

Tenders were called on 11 September 2020 and closed at 3:00pm on 6 October 2020 for the supply of quarry materials to Council for the remainder of 2020/2021 financial year including:

- gravel (base, sub-base and resheeting quality),
- crushed concrete (base, sub-base and select fill quality) and;
- rock

Submissions were accepted through Tenderlink e-tendering and the tender box at 2 Prince Street, Grafton only.

There were 15 tenders received including the following;

Tenderer	Directors	Address
BD & MC Lewis Pty Ltd	Brian & Mavis Lewis	283 Lewis Lane, Mororo, NSW 2469
Kangaroo Creek Recycling	Michael Welsh & Geraldine Coffey	PO Box 105, Maclean NSW 2464
CW & VJ Cooper Pty Ltd	Wayne Cooper	75 Chapman Street, Grafton, NSW 2460
Green Bros Investments Pty Ltd	John Green Phillip Green	11985 Warrego Highway, Oakey, QLD 4401
TG Jung Quarries	Raymond Smith	1199 Coramba Road, Karangi NSW 2450
Kis Quarries	Brian Turner Alan Lippiatt Peter Roberts	PO Box 6009, South Tweed Heads NSW 2486
Lurcocks Quarry	Dan & Andrea Oxenbridge	159 Lurcocks Road, Glenreagh NSW 2460
Newman Quarrying Pty Ltd	Mark Newman	PO Box 292 Yamba NSW 2464
RM Earthmoving Pty Ltd	Raj Oberoi	PO Box 381, Woolgoolga NSW 2456
Sheridans Hard Rock Quarry	Graham and Sonia Sheridan	315 Donellans Road, HerN/Ani NSW 2460
Boral Resources	Kathryn Fagg, Zlatko Todorcevski, Peter Alexander, Dr. Eileen Doyle, John Marlay, Karen Moses, Peter Rayner	PO Box 6041, North Ryde NSW 2113
McLennan Earthmoving Pty Ltd	Phil McLennan Cathy McLennan	10 Duncans Lane, South Grafton, NSW 2460
Mt Zion Quarry Pty Ltd	Denis A Greensill Lorna Greensill	PO Box 141 South Grafton, NSW 2460
State Road Quarry	Enzo Ferrazzano Frank De Meo	PO Box 1395, Grafton NSW 2460
VK & NJ Ellem	Ken Ellem	3164 Kangaroo Creek Rd, Kangaroo Creek

A tender evaluation panel was established and evaluated all of the submitted tenders. All tenders were deemed to be conforming.

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

Funds for the purchase of quarry products are contained within capital and maintenance budgets.

**Asset Management**

Supply of quarry products is required for Council to meet its Roads and Transport Asset Management program.

**Policy or Regulation**

Local Government Act & Regulations

**Consultation**

N/A

**Legal and Risk Management**

NA

**Climate Change**

N/A

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Prepared by	Bruce Shorrock, Quarries, Quality, Safety & Environment Officer
Confidential	Tender recommendation report

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**ITEM 6e.20.029 RFT 20-22 - 2 PRINCE STREET, GRAFTON REDEVELOPMENT**

<b>Meeting</b>	Council	24 November 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	Director - Works & Civil (Jamie Fleeting)	
<b>Attachment</b>	Yes plus Confidential Attachment	

**SUMMARY**

Tenders for the upgrade of the 2 Prince Street, Grafton Administration Centre Upgrade are being recommended for adoption by Council.

**OFFICER RECOMMENDATION**

That Council:

1. Accept the tender from FDC Fitout & Refurbishment (NSW) Pty Ltd for RFT 20-22 No 2 Prince Street Redevelopment at a cost of \$6,795,960.36 (GST excl) to be funded from Administration Building 2 Prince St Improvements (FP 530140 Sub-Service 343) with the budgeted allocation being now increased by \$545,960 from Heavy Plant Reserve RA10010 (\$245,960) and Grafton Regional Landfill Reserve RA10815 (\$300,000) to cover the shortfall.
2. Authorise the General Manager to approve variations up to 10% of the contract sum.
3. Endorse project budget variations (FP 530140 Sub-Service 343) at a cost of \$579,072.51 for completion of the detailed design; project and contract management; the early works to relocate the IT server room; and staff relocation to the 42 Victoria Street offices with the budgeted allocation being funded from Administration Building Improvement Reserve RA10125 (\$151,256.58), the Strategic Building Reserve RA10520 (150,748.43), and the Heavy Plant Reserve RA10010 (\$277,067.50) to cover the shortfall.
4. Endorse the internal borrowings from both the Heavy Plant Reserve RA 10010 (\$2,792,920) and Grafton Regional Landfill Reserve RA10815 (\$2,569,893) identified in Points 1, and 3 above to be repaid over a maximum 10 year period commencing July 2021 with interest to be based on Council's average interest for investments for the proceeding financial year.
5. Receive project implementation reports every two months on the delivery of the project.
6. Write to the Office of Local Government (OLG) advising of the project cost in accordance with the requirement of the Capital Expenditure Guidelines.

**COUNCIL RESOLUTION – 6e.20.029**

**Lysaught/Novak**

That Council:

1. **Accept the tender from FDC Fitout & Refurbishment (NSW) Pty Ltd for RFT 20-22 No 2 Prince Street Redevelopment at a cost of \$6,795,960.36 (GST excl) to be funded from Administration Building 2 Prince St Improvements (FP 530140 Sub-Service 343) with the budgeted allocation being now increased by \$545,960 from Heavy Plant Reserve RA10010 (\$245,960) and Grafton Regional Landfill Reserve RA10815 (\$300,000) to cover the shortfall.**
2. **Authorise the General Manager to approve variations up to 10% of the contract sum.**
3. **Endorse project budget variations (FP 530140 Sub-Service 343) at a cost of \$579,072.51 for completion of the detailed design; project and contract management; the early works to relocate the IT server room; and staff relocation to the 42 Victoria Street offices with the budgeted allocation being funded from Administration Building Improvement Reserve RA10125 (\$151,256.58), the Strategic Building Reserve RA10520 (150,748.43), and the Heavy Plant Reserve RA10010 (\$277,067.50) to cover the shortfall.**
4. **Endorse the internal borrowings from both the Heavy Plant Reserve RA 10010 (\$2,792,920) and Grafton Regional Landfill Reserve RA10815 (\$2,569,893) identified in Points 1, and 3 above to be repaid over a maximum 10 year period commencing July 2021 with interest to be based on Council's average interest for investments for the proceeding financial year.**
5. **Receive project implementation reports every two months on the delivery of the project.**

6. Write to the Office of Local Government (OLG) advising of the project cost in accordance with the requirement of the Capital Expenditure Guidelines.

Voting recorded as follows:

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

Against: Nil

CARRIED

## 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 resolved at the March 2020 Ordinary meeting [Item 6c.20.023] as follows –

*That Council -*

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/multi-purpose 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.

Council obtained approval from the Office of Local Government (OLG) to proceed with the project on 28 September 2020 (copy of OLG correspondence attached).

Council resolved at the 23 June 2020 Ordinary meeting [Item 6c.20.096] as follows –

*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.

Following endorsement of the design and consultation with the Access Committee detailed design was completed and tenders were then called through a selective tender process.

## KEY ISSUES

### Refurbishment Works and Tender

Tenders were assessed by a Tender Evaluation Committee (TEC) comprising Open Spaces and Facilities staff with external project and contract management support provided by Catherine Scott from Complete Urban P/L. The tender is using a weighting criteria of 60% price and 40% non price that includes 15% local content in accordance with Council policy. A detailed report from the Tender Evaluation Committee is included in the Confidential Attachments.

The TEC considers that, in accordance with Clause 178(1)(a) of the Local Government Regulation, the Tender which, having regard to all the circumstances (price and non-price) the most advantageous to Council is from FDC Fitout & Refurbishment (NSW) Pty Ltd.

Company Directors for the four tendering firms are listed in the TEP and this report.

It is recommended that the General Manager be authorised to approve variations totalling up to 10% of the contract sum. The tenderer has advised that works would be able to commence immediately from time of vacant possession in mid December 2020 with completion by September 2021 when Council's lease will terminate.

### Early Works

An early works package was awarded to relocate the ground floor IT server room to the first floor so as to secure future communications for Council. The works have been completed and expenditure to date is \$86,701.97.

### Relocation to 42 Victoria Street

The relocation to 42 Victoria Street has been planned and staff preparing to relocate subject to Council accepting this tender. To that end a contract has been awarded for works and the relocation at \$123,569.99 and is on time. The relocation is planned to occur over two weekends being 27-29 November and 4-6 December 2020.

An additional provisional allowance has been made of \$6,000 to relocate records and some equipment that cannot be immediately accommodated in 42 Victoria Street that are being scheduled for completion week ending 20 November 2020.

## COUNCIL IMPLICATIONS

### Budget/Financial

#### Project Budget

The March 2020 Ordinary meeting of Council [Item 6c.20.023] endorsed a budget of \$6,356,701 for the project based on a 90% design and excluded project management, design fees with a provisional sum allowance for additional items that included replacing the entire roof and all external windows. No allowance at that stage had been made for the additional design and changes to the accessible ramps to the multi-use meeting room/Council Chambers.

As reported at the March 2020 meeting the 2019-20 budget had \$500,000 for design and QS with expenditure of \$317,260 that included actuals and commitments. At the end of the 2019-20 financial year actual expenditure was \$348,743.90 with a project budget surplus balance of (\$151,256.10). This surplus was placed in the Administration Building Improvement Reserve and to be reallocated to the project in 2020/21.

At the June Ordinary meeting Council adopted the revised access ramp and a construction allowance for \$110,000 (ex detailed design). The total project budget according to the Council resolutions (\$6,356,701 +\$110,000) would be \$6,466,701 (ex GST). This didn't include project management costs and was subject to finalising detailed designs and a further QS on the additional items (roof, windows, ramp access, etc). Detailed designs were then finalised for construction to then go to tender.

The actual adopted 2020-21 budget for Administration Building 2 Prince St Improvements (FP 530140 Sub-Service 343) is \$6,250,000 (ex GST). The GST exclusive tender price is \$6,795,960 that requires the budget allocation to be increased by \$545,960 (ex GST).

#### Project Expenditure 2020-21

Project expenditure in 2020-21 relating to the project for the following items needs to be allocated a budget.

Item	Description	\$ Amount (excl GST)
1	Additional Detailed Design costs	104,600.09
2	Early works (relocation of the IT server room to first floor)	79,242.07
3	Relocation Expenses (Rick Winters P/L)#	#123,569.99
4	Additional Records Relocation	6,000.00
5	QS WT Partnership, Procurement, Contract Management# – Complete Urban	#175,660.36
6	CVC Project Management cost (est \$90,000)	#90,000.00
	<b>Total *</b>	<b>579,072.51</b>

# Assumes tender award.



**Summary**

The following table represents a summary of the current forecast project cost with the inclusion of the tender and project variations for 202/2021. In accordance with the attached OLG guidelines Council is required to notify the OLG when project costs increases by more than 10%.

	Date	(excl GST)
Project budget	2019/2020	\$500,000
Project Expenditure	2019/2020	\$348,744
Project Estimated (90% detailed design)	Jun-20	\$6,466,701
Actual budget adopted	Jun-20	\$6,250,000
Tender/Contract value - refer officer recommendation (1)	Nov-20	\$6,795,960
Variation - refer officer recommendation (3)	Nov-20	\$579,072
Total Project Cost (based on Tender and variation)	Nov-20	\$7,723,776
Total budget adopted (19/20 & 20/21)		\$6,750,000
Difference (Forecast Project Cost v adopted budget)	Nov 20	<b>-\$973,776</b>
Percentage increase	Nov 20	14%
(% Increase if revised June 2020 estimate was adopted)	Nov 20	11%

It is proposed to fund this expenditure from the Strategic Building Reserve, Administration Building Improvement Reserve, the Regional Landfill General Reserve and the Heavy Plant Reserve as denoted in the attached reserve summary as of 30 September 2020 (refer Attachment B).

**Asset Management**

The project is consistent with Council's Buildings Asset Management Plan.

**Policy or Regulation**

The tendering process followed is consistent with the requirement of the Local Government Act and Regulation and Council's Sustainable Procurement Policy – Supporting Local Business.

In accordance with Council's Sustainable Procurement Policy the following processes were undertaken:

- The tender specification requested tenderers to identify the local suppliers/contractors that would be involved in delivering/constructing the project and the tender assessment included a 15% weighting of the total tender score for local supplier content. The Tender Evaluation Plan contains details of the local supplier content for each tenderer.

**Consultation**

Internal consultation has taken place with Finance and Supply section.

**Legal and Risk Management**

The Company Directors for each entity are as follows –

Tenderer	ABN	Name of Partners and Directors	Position
FDC FITOUT & REFURBISHMENT (NSW) PTY LTD	29 618 496 558	Bentley Russell Edward Cottle – Director Blake Andrew Cottle - Director Russell John Grady - Director Peter John McCabe - Director	22 Rosemount Ave Woolahra NSW 2025 8A Wattle Street Killara NSW 2071 5 Wentworth Street Caringbah NSW 2229 151 Copeland Road Beecroft NSW 2119
GCB CONSTRUCTIONS PTY LTD	26 151 244 254	Trent Clark – Director Greg Clark - Director	32 Barnes Ave Lismore NSW 2480 32 Barnes Ave Lismore NSW 2480

Tenderer	ABN	Name of Partners and Directors	Position
O'DONNELL & HANLON PTY LTD	91 062 620 437	Michael O'Donnell - Director Trent O'Donnell – Director Ben O'Donnell - Director	38 South Street Kempsey NSW 2440 38 South Street Kempsey NSW 2440 38 South Street Kempsey NSW 2440
RENASCENT PTY LTD	53 109 220 760	Adam Peter Hargreaves – Director  Andrew Peter Melville - Director	Level 4 174 Pacific Highway St Leonards NSW 2065 Level 4 174 Pacific Highway St Leonards NSW 2065

There are no known issues relating to Native Title with the project. All entities have compliant and certified systems for Quality, Work Health and Safety and Environmental Management.

The tendered price also includes procurement of design services from Council's nominated project design team to enable the project to be delivered to completion.

### Climate Change

The project will include energy mitigation measures that will reduce our current operational and maintenance footprint including LED lighting, designed heating, ventilation and air conditioning system, insulation and external envelope improvements with new windows.

Prepared by	Peter Birch, Manager Open Spaces and Facilities
Attachments	A – OLG Letter CAPEX Guidelines B – Reserve Summary
Confidential	Tender Recommendation Report

**ITEM 6e.20.030 RFT20-32 PROVISION OF STREET SWEEPING SERVICES**

<b>Meeting</b>	Council	24 November 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	Director - Works & Civil (Jamie Fleeting)	
<b>Attachment</b>	Confidential	

**SUMMARY**

Tenders were called for the provision of lump sum amounts for the provision of street sweeping services to all nominated kerb and gutter, including islands within central business districts, the State highway network and other urban areas across the Clarence Valley for a three (3) year term. The tender includes a schedule of rates for additional services and allowed for annual rise and fall in accordance with the annual increase or decrease in the Consumer Price Index (Sydney All Groups) (CPI).

**OFFICER RECOMMENDATION**

That Council:

1. Accept the tender from Specialised Pavement Services Pty Ltd (ABN 46 076 353 887) for RFT20/32 (Provision of street sweeping services) for the period 1 December 2020 to 31 December 2023 at an initial lump sum annual cost of \$92,627 (including GST), to be funded from FP931130 (Urban Roads – Street Sweeping), plus schedule of rates for additional sweeping services.
2. Authorise the General Manager to approve the annual rise and fall of the lump sum amount and schedule of rates in accordance with the annual increase or decrease in the Consumer Price Index (Sydney All Groups) (CPI).

**MOTION**

Novak/Clancy

That Council defer this decision to the December 2020 meeting or until a determination has been reached by an external agency who is possibly investigating matters about this service are completed.

Voting recorded as follows:

For: Novak

Against: Ellem, Toms, Simmons, Lysaught, Baker, Clancy

The Motion was put and declared LOST.

**COUNCIL RESOLUTION – 6e20.030**

**Baker/Lysaught**

That Council:

1. **Accept the tender from Specialised Pavement Services Pty Ltd (ABN 46 076 353 887) for RFT20/32 (Provision of street sweeping services) for the period 1 December 2020 to 31 December 2023 at an initial lump sum annual cost of \$92,627 (including GST), to be funded from FP931130 (Urban Roads – Street Sweeping), plus schedule of rates for additional sweeping services.**
2. **Authorise the General Manager to approve the annual rise and fall of the lump sum amount and schedule of rates in accordance with the annual increase or decrease in the Consumer Price Index (Sydney All Groups) (CPI).**

Voting recorded as follows:

For: Clancy, Baker, Lysaught, Simmons, Ellem

Against: Novak, Toms

**CARRIED**

**LINKAGE TO OUR COMMUNITY PLAN**

Theme	1 Society
Objective	1.1 We will have proud and inviting communities
Strategy	1.1.1 Encourage vibrant and welcoming towns and villages

**BACKGROUND**

A report was provided to the April 2020 meeting (item 6c.20.044) regarding the level of service provided by our street sweeping operations. The resolution stated:

*That:*

- 1. The 'moderate' level of service being central business district (CBD) be adopted across the local government area for street sweeping being once every 2 weeks and all other kerb and gutter cleaning outside of the CBD at once every 16 weeks with flexibility to provide the service due to seasonal conditions or event activity.*
- 2. Alternate noise reduced options for footpath sweeping be explored as a replacement for leaf blowers. Options should include but not be limited to the reintroduction of a footpath sweeper and any other alternative that provides noise levels lesser than leaf blowers.*
- 3. A report be presented to the September 2020 Council Meeting cycle for further consideration.*

A further report was provided to the July 2020 meeting (item 6c.20.117) that addressed points 2 and 3 of the resolution from the April 2020 meeting (item 6c.20.044). Following consideration of this further report it was resolved:

*That Council proceed to open tender for the provision of street sweeping services in accordance with the adopted Levels of Service and that noise minimisation form part of the tender evaluation criteria and contract.*

Tenders were called on Wednesday 30 September 2020 for the provision of street sweeping services and closed Thursday 22 October 2020.

A non-mandatory meeting was held on 10:00am Wednesday 7 October 2020 at Rushforth Road Works Depot 121 Tyson Street, South Grafton. The meeting was attended by 1 tender being DASHEBS Pty Ltd T/A North Coast Road Sweepers.

The Tender Evaluation Committee (TEC) consisted of three representatives from Clarence Valley Council: David Sutton – Open Spaces Coordinator (Chair), Adele McGeary – Bridges Engineer, Andy Seaman – Project Manager. Scoring of the tender was done in accordance with the NSW Procurement Framework using the price/non-price evaluation matrix.

The Tender enabled tenderers the opportunity to submit an alternate non-conforming tender on the basis that a conforming tender had been submitted. The evaluation of the tender was based 50% on non-price (technical) and 50% on price (commercial) criteria.

**KEY ISSUES****Street Sweeping Services**

The tender required a schedule of rates for additional hourly services, CBD services and lump sum amounts for the following services:

- Fortnightly sweeping of all Kerb and gutter, including islands within CVC's central business district (CBD) as specified in Volume 5.
- Fortnightly sweeping of all kerb and gutter, including islands of the state highway network within the CVC area as specified in Volume 5.
- All other urban kerb and gutter within the CVC area as specified in Volume 5 are to be swept at 16 week intervals.

Tenders Received

Six (6) Tenders were received in response to the Request for Tender process, the Tenderers being listed in alphabetical order in the following table and throughout report:

Tenderer	ABN	Address
Advanced Sweepers Pty Ltd	77 138 900 526	11 Nevin Close, Gateshead, NSW, 2290
Colas NSW Pty Ltd	16 064 662 148	3-5 Gibbon Road, Winston Hills, NSW, 2153
DASHEBS Pty Ltd T/A North Coast Road Sweepers	14 608 231 205	1 Dianella Drive, Gulmarrad, NSW, 2463
Hydra-Wash Australia Pty Ltd	56 003 271 574	113 Fairford Road, Padstow, NSW, 2211
Specialised Pavement Services Pty Ltd	46 076 353 887	12 Welder Road, Seven Hills, NSW, 2147
Urban Sweepers Pty Ltd	19 635 052 552	6 Joalah Road, Duffy's Forest, NSW, 2084

The six (6) submissions received were deemed compliant and were processed through to evaluation criteria assessment.

Summary and Recommendation

Tender Evaluation Committee (TEC) evaluated the submissions against the Mandatory Participation Criteria to ensure compliance with the Tender Evaluation Plan (TEP). The six (6) submissions received were deemed compliant and were processed through to the evaluation criteria assessment.

The TEC reviewed the six (6) Tenders against the non-price (technical) criteria independently and then as a group to form a consensus score.

The TEC concluded that DASHEBS Pty Ltd T/A North Coast Road Sweepers (NCRS) submission demonstrated a thorough understanding of the required services and the noise mitigation requirements. NCRS is based in the Clarence Valley Council local government area. DASHEBS Pty Ltd T/A North Coast Road Sweepers ranked 1 in the non-price criteria.

The TEC concluded that Specialised Pavement Services Pty Ltd (SPS) submission demonstrated a thorough understanding of the required services submitting a clear methodology & program. In addition SPS demonstrated a thorough understanding of GPS devices and in field application, and offered one of the largest (reportedly 87 vehicles) and newest fleets (proposed vehicle & hopper to be used to fulfil the contract being manufactured 2020). SPS is based in Sydney being a wholly Australian owned company. Specialised Pavement Services Pty Ltd ranked 2 in the non-price criteria.

The TEC reviewed the six (6) Tenders against the price (commercial) criteria independently and then as a group to form a consensus score.

The TEC noted two outliers, one being 9 times the estimated value of the works and another being 1/3rd of the estimated value of the works. The TEC concluded that the high tendered price did not offer value for service provided and excluded them from the price calculations and did not further consider this tender in the evaluation. The TEC concluded that the low price created significant risk of contract dispute due to possible poor performance, reduced quality control or other like service issues and excluded them from the price calculations and did not further considered them in the evaluation.

Following the exclusion of the (high and low) outlier prices, the Specialised Pavement Services Pty Ltd tendered price ranked number 1 in the price criteria. DASHEBS Pty Ltd T/A North Coast Road Sweepers ranked 2 in the price criteria.

The highest ranked tender when non-price and price score were added together was SPS. As they were more than 3 points higher than the second ranked tender, in accordance with TEP SPS were considered the preferred tender.

After consideration of interviews and reference checks, the TEC are recommending that the Tender submitted by Specialised Pavement Services Pty Ltd is the most advantageous to council.

Details of the tender assessment are contained in the confidential attachment.

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

The 2020/21 recurrent vote held against Urban Roads – Street Sweeping, (PJ 931130 Sub Service 311) is \$171,320. Actuals and commitments allocated against PJ 931130 to date being \$113,178, leaving available funds of \$58,141.

The GST **inclusive** tender price for the lump sum items is \$92,627. Should Council resolve to award the tender the available funds of \$58,141 will cover the contract to Specialised Pavement Services Pty Ltd based on a pro-rata calculation. (7 months or 0.58% of 12 months x \$92,627 = \$54,032).

The contract duration of three (3) years includes a schedule of rates for additional services per hour and per kilometre for the CBDs. The tender also allows for annual rise and fall in accordance with the annual increase or decrease in the Consumer Price Index (Sydney All Groups) (CPI).

**Asset Management**

The tender is a service contract, all fleet associated with the contract remain under the ownership of the Contractor, however Specialised Pavement Services Pty Ltd has advised that they will be providing Council with the opportunity to have customised sign writing on the sweeper.

**Policy or Regulation**

The tendering process followed is consistent with the requirement of the Local Government Act and Regulation and Council's Sustainable Procurement Policy – Supporting Local Business.

In accordance with Council's Sustainable Procurement Policy the following processes were undertaken:

- Local suppliers, contractors and/or consultants were notified through tender link.
- Tender specifications were structured so local suppliers and/or contractors were not excluded from being the prime supplier/contractor.
- The tender specification requested tenderers to identify the local suppliers/contractors that would be involved in delivering the services and the tender assessment included a 15% weighting of the total tender score for local supplier content.

**Consultation**

N/A

**Legal and Risk Management**

Six (6) submissions were received in response to the Request for Tender process, the Company Partners and Directors are as follows:

<b>Tenderer</b>	<b>ABN</b>	<b>Name of Partners and Directors</b>	<b>Position</b>
Advanced Sweepers Pty Ltd	77 138 900 526	James Reid	Managing Director
Colas NSW Pty Ltd	16 064 662 148	Kevin McCullough Thierry Madelon Vincent Rauturier Richard Bullock	Director Director Director Secretary
DASHEBS Pty Ltd T/A North Coast Road Sweepers	14 608 231 205	Darren Turner Sheree Turner	Director Director/Secretary
Hydra-Wash Australia Pty Ltd	56 003 271 574	Brinley Alexandra Hall	Director
Specialised Pavement Services Pty Ltd	46 076 353 887	Wayne Jupp	Managing Director
Urban Sweepers Pty Ltd	19 635 052 552	Broc Crannage	Sole Director

**Climate Change**

Periodic sweeping of the street kerb and gutter greatly reduces the organic and inorganic debris that build up in kerbs that during rain events is washed into the storm water network and ultimately into the waterways and oceans, reduction of such debris minimises impact of the built environment on the natural environment enable the natural environment to be more resilient to the impacts of climate change.

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Prepared by	David Sutton, Open Spaces Coordinator
Confidential	Tender Recommendation Report

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**ITEM 6e.20.031 CONTRACT 19/041 EPOXY COATING - VARIATION**

<b>Meeting</b>	Council	24 November 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	Director - Works & Civil (Jamie Fleeting)	
<b>Attachment</b>	Nil	

**SUMMARY**

At its meeting of 25 February 2020 Council awarded Contract 19/041 to Ledonne Constructions Pty Ltd and authorised variations of up to 15% of the contract sum (Resolution 6e.20.006). Variations on the contract total 15.81%, and are reported for Council's information.

**OFFICER RECOMMENDATION**

That Council notes variations on Contract 19/041 (Epoxy Coating of STP Inlet Structures and SPS) total 15.81% of the contract sum.

**COUNCIL RESOLUTION – 6e.20.031****Lysaught/Novak**

**That Council notes variations on Contract 19/041 (Epoxy Coating of STP Inlet Structures and SPS) total 15.81% of the contract sum.**

**Voting recorded as follows:**

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

**Against: Nil**

**CARRIED****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**

Contract 19/041 was awarded in the amount of \$1,399,351 (including GST). The project involves renewal of concrete structures at Sewage Treatment Plant inlet works and Sewer Pump Stations. As these structures were "live" with raw sewage, the tender documents made assumptions about the degree of rehabilitation that was required. It was only when the structures were bypassed and pressure cleaned under the contract that a full condition assessment could be undertaken. To ensure the life of the asset is extended, the Yamba STP inlet works and the Prince and Arthur Streets sewer pump station required substrate improvement works which were not identified in the original tender, so this work is a variation. Variations total 15.81% of the contract sum.

**KEY ISSUES**

To undertake the substrate improvement works as a separate project is estimated to cost more than double the contract variation due to the need to bypass the structures and also a separate site establishment for the contractor undertaking the works. To avoid anticipated delay costs the contractor has been instructed to proceed with the substrate improvement works.

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

The 2019-20 budget included an allocation of \$731,500 for Financial Project 910131 (STP and Pump Station Epoxy Coating Renewal) and the 2020-21 budget included a further allocation of \$731,500, giving approved



funding for this project of \$1,463,000 (ex GST). Expenditure in 2019-20 totalled \$49,802 (ex GST), with the unspent \$681,698 being returned to the sewer fund reserve and is to be brought forward in the 2020-21 Q2 budget report.

The total contract cost (including the 15.81% variations of \$201,064.98 (ex GST)) is \$1,473,202.26. An additional budget variation of \$10,202 is therefore required to fund the substrate improvement works, and will also be included in the Q2 budget variation report.

**Asset Management**

This project extends the life of Sewage Treatment Plant inlet works and Sewer Pump Stations.

**Policy or Regulation**

Local Government Act & Regulations.

**Consultation**

N/A

**Legal and Risk Management**

Not undertaking the substrate improvement work would result in premature failure of the assets.

**Climate Change**

Assessment of climate change is not considered relevant to this variation.

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Prepared by	Greg Mashiah, Manager Water Cycle
Attachment	Nil

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*Moved Cr Simmons, seconded Cr Lysaught*

*That the Council meeting be extended past 7 pm to 7.30 pm in order to complete the outstanding business.*  
**CARRIED.**

7. NOTICE OF MOTIONS

ITEM	07.20.015	RESCISSION MOTION FOR COUNCIL RESOLUTION – 07.20.012 ADVERTISING EXPENDITURE DISCLOSED IN AUDITED FINANCIAL STATEMENTS
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Meeting	Council	24 November 2020
Directorate	Notice of Motion	
Submitted by	Cr Arthur Lysaught	
Attachment	Nil	

To the General Manager, Clarence Valley Council, we, the undersigned, propose that the following rescission motion be submitted to Council.

**PROPOSED RESCISSION MOTION**

That Item 07.20.012 from the 22 September 2020 Council meeting which resolved “*That Council incorporate into future budget reports the advertising breakup by Service and Sub-Service*” be rescinded.

MOTION

Lysaught/Baker

That Item 07.20.012 from the 22 September 2020 Council meeting which resolved “*That Council incorporate into future budget reports the advertising breakup by Service and Sub-Service*” be rescinded.

Voting recorded as follows:

For: Simmons, Lysaught

Against: Baker, Clancy, Ellem, Novak, Toms

The Motion was put and declared LOST.

**BACKGROUND**

At the September 2020 Council meeting Council resolved the following at Item 07.20.012:

“*That Council incorporate into future budget reports the advertising breakup by Service and Sub-Service*”

After considering how Council staff could achieve the above action it is now deemed to be too onerous for this to be accomplished.

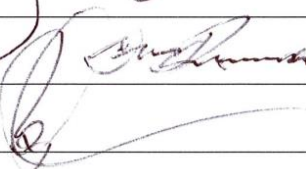
Signed:



Cr Lysaught



CR BAKER



**ITEM 07.20.016 CASSONS CREEK ROAD AND BRIDGE, LAVADIA**

<b>Meeting</b>	Council	24 November 2020
<b>Directorate</b>	Notice of Motion	
<b>Submitted by</b>	Cr Debrah Novak	
<b>Attachment</b>	Yes	

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

**SUMMARY**

Casson's Creek Road and bridge at Lavadia was closed to the public in January 2017.

A farmer impacted by this closure owns 169 hectares on the eastern side of the creek and 51 hectares of prime farmland on the western side of the creek. The farmland on the western side can only be accessed via Casson's Creek Road and Bridge.

The assessed lost opportunity resulting from the bridge closure has cost this farmer \$58,358.00 in this financial year alone.

Apart from ongoing loss year on year if nothing is done to restore the bridge the Clarence Valley will see a young farmer (PHD in genomics) being held back in the development of his stud.

The ripple effect of these bridge closures will impact on the throughput of the Grafton Regional Livestock Selling Centre.

**PROPOSED MOTION**

That Council recommend the General Manager, Ashley Lindsay bring a report to Council at the December Meeting:

1. Detailing the cost of reopening Casson Creek Road.
2. The cost of replacing the Casson Creek Road Bridge.
3. Review the matrix Clarence Valley Council uses to determine its bridge closures to include the economic activity of impacted properties.

**MOTION**

Novak/Toms

That Council recommend the General Manager, Ashley Lindsay, bring a report to Council at the December Meeting:

1. Detailing the cost of reopening Casson Creek Road.
2. The cost of replacing the Casson Creek Road Bridge.
3. The cost of modifying the Casson Creek Road Bridge.
4. Review the matrix Clarence Valley Council uses to determine its bridge closures to include the economic activity of impacted properties.

**PROCEDURAL MOTION**

Lysaught/Baker

**That Items 07.20.016, 07.20.017 and 08.20.013 be deferred to the December 2020 meeting and that the Council meeting move into Closed Session to consider Item 08.20.012.**

**Voting recorded as follows:**

**For: Clancy, Baker, Lysaught, Simmons, Toms, Ellem, Novak**  
**Against: Nil**

*No further discussion or debate took place on this item.*

**LINKAGE TO OUR COMMUNITY PLAN**

Theme	5 Leadership
Objective	1.2 We will have a safe, active and healthy region
Strategy	4.2.2 Plan, resource and respond to natural hazards and disasters taking into account impacts from climate change

**BACKGROUND**

The Clarence Valley is long recognised as a cattle nursery and producing region and in 2019/20 Financial Year, the Grafton Regional Livestock Selling Centre sold a total of 48,332 head of cattle with a combined value of \$41.7 million

The Clarence Valley region has also been identified by AgriGate Australia as one of 4 regions in Australia to grow primary production for export into the Singapore Markets.

AgriGate Australia focuses on accelerating exports of premium Australian Food using innovative technology to accelerate Australia's ability to be a premium food supplier to a global market.

It's imperative the Clarence Valley Council is recognised as supporting its farming communities as around half a billion dollars is generated in economic activity for this region.

One in four businesses in the Clarence Valley is a Primary producer and this sector employs more people than any other sector.

Economic plans supporting primary production in our area include the following:

**FEDERAL GOVERNMENT**

Regional Jobs and Investment Packages (RJIP)

Regional Agricultural Deals (RADS)

National Farmers Federation Industry Roadmap 2030

Transport Infrastructure Council - National Key Freight Routes Map Resilience in the Australian Food Supply Chain

National Food Plan

**NSW GOVERNMENT**

Industry Action Plan (IAP)

Primed for growth, investing locally, connecting globally.

NSW Freight and Ports Plan 2018-2023

NSW Future Transport Strategy 2056

NSW 20-Year Economic Vision for Regional NSW

NSW Regional Conferencing Strategy & Action Plan

NSW Food & Wine Tourism Strategy & Action Plan 2018 - 2022 NSW Food Industry Emergency Plan

**REGIONAL**

Northern Rivers Sustain Food Road Map

RDA Northern Rivers NSW Freight Study 2019

North Coast Regional Plan 2036

**LOCAL GOVERNMENT**

Clarence Valley Council Regional Economic Development Strategy (REDS) 2018 - 2022

CVC Local Strategic Planning Statement

**INDUSTRY**

CSIRO Futures

Farming Together

Food Innovation Australia Ltd

CVFi Industry Consultation

**KEY ISSUES**

The assessment process CVC staff use to determine bridge closures is a matrix which compares the number of persons in an urban area compared to the number of persons on a farm.

The matrix doesn't allow or acknowledge the farmer, or his farm is a business generating an income or employing people and is providing economic benefits to the region.

Closing the access to farmers to carry out core business functions is detrimental to the economic growth of primary producers within our region and is direct conflict with the North Coast Regional Strategy and Clarence Valley Council Economic Development plans.

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

N/A

**Policy or Regulation**

N/A

**Consultation**

Local Farmers (Graeme Granleese and Geoff Jones) Director Civil and Works Jamie Fleeting, GM Ashley Lindsay.

**Legal and Risk Management**

N/A

**SUBMISSION supporting the NOM**

From Graeme Granleese in Support of this Notice Of Motion for a bridge replacement over Casson's Creek on Casson's Creek Road Lavadia.

It is well documented Casson's Creek road was closed to the public at the bridge over Casson's Creek in January 2017.

We own and farm 169 hectares on the eastern side of the creek and 51 hectares of prime farmland on the western side of the creek. The farmland on the western side can only be accessed via Cassons Creek Road.

Upon closing the road Council acknowledged the bridge's unserviceable condition prevented us from accessing this part of our farm.

Council further acknowledged that prior to 2017 the bridge had been "in an unserviceable condition for an extended period of time".

Council also acknowledged that some years before closure pricing information for restoration of the bridge had been provided by the CVC bridge crew but "no funding was available to carry out the work that was required".

As such Council has had knowledge of the disrepair for many years prior to the closure of the road. We arrived in the Clarence Valley in 2015 to establish a cattle breeding enterprise.

Our son and his wife joined us in 2018 and established the "Jizzy Black Simmental" beef stud. The plan for 'Jizzy Black Simmentals' is to run 120 stud breeder cows, 25 replacement heifers and sell 40 very high genetic merit bulls annually at an average of \$6000 per bull plus surplus stud female sales. While the stud numbers build year on year we continue to run our commercial cattle.

As it stands the enterprise is running at 70% capacity due to the inability to access the prime pasture on the western side of the bridge. The bridge closure has cost us and is continuing to cost us financially as a business. This in turn reduces the amount of money we can draw from outside the Clarence Valley with the sale of commercial and stud cattle.

This year we engaged consultants to measure the value of the lost grazing opportunity in what is an excellent season. Samples of the pasture were analysed by DPI Wagga (Forage quality feed test) in determining the high nutritional value of the very good pasture.

They assessed the lost opportunity resulting from the bridge closure has cost \$58,358.00 in this financial year alone.

Apart from ongoing loss year on year if nothing is done to restore the bridge the Clarence Valley will see a young farmer (PHD in Genomics) being held back in the development of his stud.

This is contrary to Council's vision and strategic direction.

We ask respectfully Council support the Notice of Motion.

Graeme & Helen Granleese  
5<sup>th</sup> November 2020

### STAFF COMMENT

1. Cassons Creek Road is not closed. It is within a Crown Road Reserve and so technically the Roads Authority is the Crown; however Council maintains only the section of Cassons Creek Road between The Avenue and Deep Creek as a category 2 road, which means the road is maintained as funds permit. This section does not include the bridge over Deep Creek, and the road reserve physically finishes at Deep Creek. The bridge over Deep Creek is a floodplain asset. However, while the road is currently classified as a category 2 road (grandfathered) under the current Roads Policy (V3.0 – Section 5.4) Cassons Creek Road would not be eligible for inclusion as a category 2 road on the Assets Register as it does not service any dwellings. While the bridge is not part of the road reserve under the current Roads Policy another eligibility requirement for inclusion as a category 2 road is that there be no timber bridges on the section maintained by Council.
2. The Granleese purchased the property in October 2013. As per the email from Council's Bridges Engineer to the Granleese dated 27 March 2017 (see attachments), based on the condition of the bridge in 2016 "the high level of deterioration at the bridge indicates that at that time the bridge would not have been in a serviceable condition".
3. Following a structural assessment of the bridge in 2016 Council erected road closed signs at the end of the road in the week of 16 January 2017. Under Section 5H of the *Civil Liability Act* Council is not required to proactively warn of obvious risks and the poor state of the bridge is "obvious" as is shown in the photo below taken on 21 August 2020, the road closed signs have been removed. This means the bridge is not legally closed. While the bridge is in poor condition, it can be crossed at a person's own risk.



The Granleese's made a submission to the 2018/19 budget requesting the bridge be repaired. This request was considered by Council as part of report 13.027/18 to the 26 June 2018 meeting, with the officer comment on the request being work on this bridge "remains a lower priority". The project was not included by Council in the adopted budget and therefore Resolution 13.027/18 (i.e. that this work remain a lower priority) is Council's current policy position. It should be noted that since that time the cost of renewal has been revised and is now estimated at around \$200,000.

At its meeting of 23 April 2019 Council considered a report (15.063/19) on "Floodplain Projects and Grant Applications". The report noted (emphasis added):

*It is proposed to rank both the tangible and intangible projects using a risk matrix assessing the estimated cost of projects with the number of people impacted by flooding within that area. This matrix is provided below in Figure 1:*

	<10 people	10 -100 people	100 – 999 people	1,000-5000 people	>5000 people
<\$1,000	Medium	High	High	Very High	Very High
\$1,000-10,000	Medium	Medium	High	High	Very High
\$10,000-100,000	Low	Medium	Medium	High	High
\$100,000-500,000	Very Low	Low	Medium	Medium	High
>\$500,000	Very Low	Very Low	Low	Medium	Medium

***The concept of the matrix is that high cost projects which benefit few people should not be prioritised over lower cost projects which benefit many people.***

Under this matrix the renewal of the Cassons Creek Bridge floodplain asset, which benefits less than 10 people and costs between \$100,000 and \$500,000 is "very low".

The assessment matrix sets priorities for the limited floodplain renewal funding of providing the greatest benefit to the greatest number of people. For this reason the prioritisation matrix deliberately does not consider the economic activity of impacted properties. As the Granleese property is the main property serviced by this bridge, effectively this Notice of Motion is asking that Clarence Valley ratepayers subsidise their business. As the main beneficiaries of the renewal the Granleese could request permission to undertake work at their expense given they are the main beneficiaries; other property owners in similar situations have requested permission to undertake work on Council assets where they are the main beneficiary.

Approval has generally been granted subject to conditions. One of the property owners who has historically undertaken work at their expense on Council infrastructure where they are the main beneficiary commented to staff when they became aware of this proposal that if Council resolves to subsidise this property owner, then they intend to submit invoices to Council for the work they have historically undertaken. As any resolution to renew this bridge would set a precedent, it is considered there would be no grounds for Council to refuse any such property owner historic claims for reimbursement or refuse any such requests into the future. The cost of renewing floodplain assets where limited or single property owners economically benefit from the renewal work is considered to be such that Council would be unable to renew assets such as the levees and floodgates protecting towns such as Grafton and Maclean.

Greg Mashiah  
Manager Water Cycle

Attached: Report 15.063/19 and Report 13.027/18 extract and 27 March 2017 email to Granleese



<b>ITEM</b>	<b>07.20.017</b>	<b>REVIEW GRAFTON AIRPORT MASTER PLAN (2018), BUSINESS PLAN (2010) &amp; OPERATIONAL PLAN</b>
<b>Meeting</b>	Council	24 November 2020
<b>Directorate</b>	Notice of Motion	
<b>Submitted by</b>	Cr Debrah Novak	
<b>Attachment</b>	Nil	

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

### SUMMARY

The Clarence Valley no longer has any legal agreement or partnership with any air passenger carrier or service provider.

Clarence Valley Council's passenger airline service provider, Regional Express Airlines (Rex) cancelled their legal agreement with Clarence Valley Council when the Rex General Manager of Corporate Services, Irwin Tan, emailed the General Manager Ashley Lindsay on the 23<sup>rd</sup> April 2020 stating "Accordingly, whatever prior partnership agreements we may have with your council will be terminated with effect from 1 April 2020 due to Act of God".

On the 25<sup>th</sup> April 2020 Rex announced they were now receiving financial support from the Federal Government's Regional Airline Network Support (RANS) Grant to provide 3 services to Grafton a week with this funding agreement in place until March 2021.

Prior to the Rex cancellation, Rex was only on a monthly contract with Clarence Valley Council.

Like the Australian aviation industry, Council needs to be preparing for the future.

### PROPOSED MOTION

That

1. Council review the Grafton Airport Business Plan (2010)
2. Council review the Grafton Airport Master Plan (2018)
3. Council review the Grafton Airport Operational Plan
4. Council investigate business opportunities for the ongoing operations of the Grafton Airport and invite submissions from the community.
5. Council write to and invite feedback from Federal and State MP's Kevin Hogan and Chris Gulaptis about support and funding for the Grafton Regional Airport.
6. The General Manager provide a report to Council based on points 1- 5 to the February 2021 Council meeting.

### LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

### BACKGROUND

The COVID Pandemic has had a significant impact on the aviation industry due to travel restrictions and a slump in demand among travellers.

Significant reductions in passenger numbers have resulted in flights being cancelled or planes flying empty between airports throughout Australia, which in turn massively reduced revenues for Australia's major airlines Qantas, Virgin and Regional Express Airlines who holds 7% of the market.

Along with the pandemic impacts on local flight services the opening of the new motorway has also had its impacts on passenger numbers with many preferring to head to Coffs Harbour or Ballina. (15,000 tickets at Grafton compared to 45,000 Clarence Valley residents flying out from Coffs).

In 2014 Clarence Valley Council made a submission to the INQUIRY INTO REGIONAL AVIATION SERVICES Organisation and identified any future strategy must include the impacts of the M1 and options for the long term viability of the airport.

This submission also suggested Grafton Airport could become an airfreight hub.

In November 2019 KPMG undertook an International Airfreight study and identified Grafton Regional Airport as 1 of 5 airports on the North Coast with the potential to become a hub and spoke air freight service.

## KEY ISSUES

Council is not generating enough economic activity to cover the operational cost of its airport.

Funding will become available in the future for potential airport upgrades however Council needs to have all its airport plans in place to be eligible for any funding opportunities.

The knock-on effects of not planning for March 2021 when the Federal Government reassesses its RANS funding for regional airline services could leave the Clarence Valley without a passenger service or carrier.

## COUNCIL IMPLICATIONS

### Budget/Financial

N/A

### Policy or Regulation

N/A

### Consultation

- 1) CVC General Manager (funding reserve).
- 2) Some in the community including the Grafton Chamber of Commerce have said they want to keep the airport while just as many others have voiced it is a waste of ratepayer's money.
- 3) Federal MP Kevin Hogan (funding).

### Legal and Risk Management

N/A

## STAFF COMMENT

1. The Grafton Airport Business Plan (2010-2013) was adopted in December 2010.
2. The Clarence Valley Regional Airport Master Plan (2018-2033) issued February 2019 is generally considered to have superseded the Airport Business Plan (2010-2013).
3. The Master Plan (Final Report, Feb 2019) was compiled by consultants The Airport Group (TAG). It included comments and feedback from the public consultation process.
4. An update to the current Master Plan is unlikely to be completed for reporting purposes to the February 2021 meeting.
5. A review of The Airport Master Plan would reflect recent changes to the operating requirements of airports and importantly airfield design and construction requirements that has implications on the current Master Plan.
6. Council would also seek to grandfather out a number of these changes if Council decide to undertake works associated with the Master Plan.
7. The Airport Operational Plan is currently updated annually.
8. Passenger projections should also be reviewed in consideration of the following:
  - a. impact of COVID-19 on the aviation industry in general
  - b. completion of the M1 Motorway
  - c. completion of the new bridge
  - d. recent opening of the gaol

*Note: With the recent completion of several major infrastructure projects within the Clarence Valley and the impact of COVID-19 on the aviation industry in general, the data informing passenger projections may not be fully understood for at least another 12 months.*

**8. CONFIDENTIAL BUSINESS**

*Council moved into closed session at 7.25 pm to consider Item 08.20.012 only with Item 08.20.013 being deferred to the December Council meeting. The meeting broadcast was turned off.*

<b>ITEM</b>	<b>08.20.012</b>	<b>LOT 20 DP1265103 COMPULSORY ACQUISITION</b>
<b>Meeting</b>	Council	24 November 2020
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	General Manager - Ashley Lindsay	
<b>Attachment</b>	Confidential	

**CONFIDENTIAL**      *The General Manager advises that the following matter be dealt with in Closed Session as the matter and information are confidential in accordance with the Local Government Act 1993 Section: 10A 2 (c) The report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business*

*Council moved into open forum at 7.30 pm. The broadcast was resumed.*

**MOTION**

**Toms/Clancy**

**That Council adopt but not make public the recommendation for Item 08.20.012 under the Local Government Act 1993 Section 10A 2-c as to do so would disclose or confer a commercial advantage on a person with whom the Council is Conducting business.**

**Voting recorded as follows:**

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

**Against: Nil**

**CARRIED**

**9. QUESTIONS WITH NOTICE - Nil****10. LATE ITEMS OF BUSINESS AND MATTERS ARISING – Nil****11. CLOSE OF ORDINARY MEETING**

There being no further business the Council meeting closed at 7.33 pm.