



clarence  
VALLEY COUNCIL

2020

# Ordinary Council Meeting



## Minutes

Tuesday, 28 April 2020

2.00 pm

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**MINUTES of the ORDINARY MEETING of the CLARENCE VALLEY COUNCIL held on-line, 28 April 2020 commencing at 2.00 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.

#### **BEREAVEMENT ACKNOWLEDGEMENT**

Councillors acknowledged the passing of Ian Causley who served as a State Member for Clarence and Federal Member of Page spending a total of 23 years in both the NSW and Federal Parliament.

#### **PRESENT ON-LINE**

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

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

##### **COUNCIL RESOLUTION – 02.20.003**

**Kingsley/Novak**

**That a leave of absence be granted to Councillor Arthur Lysaught.**

**Voting recorded as follows:**

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

**Against: Nil**

##### **DISCLOSURES AND DECLARATIONS OF INTEREST – 03.20.003**

#### **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 Toms	6c.20.043	<input type="checkbox"/> Pecuniary <input checked="" type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: Director JKT & Sons Pty Ltd which are contract managers of Holiday Park Intended action: Remain in meeting

<i>Name</i>	<i>Item</i>	<i>Nature of Interest</i>	<i>Reason/Intended Action</i>
Cr Novak	6b.20.032	<input checked="" type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: Applicant for 2 DA's listed in report Intended action: Leave the meeting
Cr Kingsley	6c.20.048	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Daughter sent an email to Councillors opposing the Masterplan Intended action: Remain in the meeting
Cr Kingsley	08.20.004	<input type="checkbox"/> Pecuniary <input checked="" type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: Has professional dealings with the organisation the report is addressing Intended action: Leave the Chamber

**CONFIRMATION OF MINUTES****COUNCIL RESOLUTION – 04.20.003****Kingsley/Ellem**

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

**Voting recorded as follows:**

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

**Against: Nil**

**MOTION**

Toms/Clancy

That Item [07.20.002](#) Rescission Motion be considered as the next item of business.

Voting recorded as follows:

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

Against: Nil

## MAYORAL MINUTE

ITEM	05.20.008	COVID-19 FINANCIAL SUPPORT
<b>Meeting</b>	Council	28 April 2020
<b>Directorate</b>	Mayoral Minute	
<b>Submitted by</b>	Cr Jim Simmons	
<b>Attachment</b>	Nil	

## SUMMARY

I am calling on Councillors to support the local government sector's campaign for assistance in dealing with the health and economic crisis caused by the COVID-19 pandemic.

## PROPOSED MOTION

That Council

1. Call on the Federal Government and NSW Government to urgently deliver comprehensive and multifaceted financial support and stimulus packages to local government to enable them to continue to operate effectively and provide essential services during the COVID-19 pandemic.
2. Call for the packages to include the following measures:
  - Increasing Financial Assistance Grants payments to 1% of the Federal Government's tax revenue to help councils maintain essential functions and services, acknowledging the increased costs and mounting revenue losses arising from COVID-19 (and drought and bushfire where affected) as well as giving councils capacity to provide hardship assistance to businesses and residents.
  - Immediate financial assistance to support council employees, especially in community and aged care.
  - Providing stimulus funding to councils for projects that will help sustain council operations and boost local economies. This could be achieved through increasing or bringing forward funding under existing funding programs or introducing new programs.
  - Increased access to TAFE, VET and other apprenticeship opportunities that council staff can undertake to address skill shortages, especially for staff in non-essential services who are unable to be redeployed.
3. Commend the NSW and Federal Governments on their stewardship during this crisis and commits to working in partnership to protect community health and sustain local economies through this crisis.
4. Write to the local Federal and State Members, Mr Chris Gulaptis and Mr Kevin Hogan, Prime Minister the Hon Scott Morrison MP, NSW Premier the Hon Gladys Berejiklian MP, Federal Treasurer the Hon Josh Frydenberg MP, NSW Treasurer the Hon Dominic Perrottet MP, NSW Local Government Minister the Hon Shelley Hancock MP, Federal Minister for Local Government the Hon Mark Coulton, Federal Opposition Leader the Hon Anthony Albanese, NSW Opposition Leader Jodi McKay MP, Federal Shadow Minister for Local Government Jason Clare MP and NSW Shadow Minister for Local Government Greg Warren MP to confirm their support for increased financial assistance and stimulus funding for local government to help councils maintain essential services and employment during the COVID-19 pandemic.
5. Endorse Local Government NSW's sector-wide campaign to obtain financial assistance, employment support and stimulus funding for the local government sector.
6. Advise LGNSW President Linda Scott of the passage of this Mayoral Minute.

**COUNCIL RESOLUTION – 05.20.008**

**Mayor Simmons**

**That Council**

1. Call on the Federal Government and NSW Government to urgently deliver comprehensive and multifaceted financial support and stimulus packages to local government to enable them to continue to operate effectively and provide essential services during the COVID-19 pandemic.
2. Call for the packages to include the following measures:
  - Increasing Financial Assistance Grants payments to 1% of the Federal Government's tax revenue to help councils maintain essential functions and services, acknowledging the increased costs and mounting revenue losses arising from COVID-19 (and drought and bushfire where affected) as well as giving councils capacity to provide hardship assistance to businesses and residents.
  - Immediate financial assistance to support council employees, especially in early education and care.
  - Providing stimulus funding to councils for projects that will help sustain council operations and boost local economies. This could be achieved through increasing or bringing forward funding under existing funding programs or introducing new programs.
  - Increased access to TAFE, VET and other apprenticeship opportunities that council staff can undertake to address skill shortages, especially for staff in non-essential services who are unable to be redeployed.
3. Commend the NSW and Federal Governments on their stewardship during this crisis and commits to working in partnership to protect community health and sustain local economies through this crisis.
4. Write to the local Federal and State Members, Mr Chris Gulaptis and Mr Kevin Hogan, Prime Minister the Hon Scott Morrison MP, NSW Premier the Hon Gladys Berejiklian MP, Federal Treasurer the Hon Josh Frydenberg MP, NSW Treasurer the Hon Dominic Perrottet MP, NSW Local Government Minister the Hon Shelley Hancock MP, Federal Minister for Local Government the Hon Mark Coulton, Federal Opposition Leader the Hon Anthony Albanese, NSW Opposition Leader Jodi McKay MP, Federal Shadow Minister for Local Government Jason Clare MP and NSW Shadow Minister for Local Government Greg Warren MP to confirm their support for increased financial assistance and stimulus funding for local government to help councils maintain essential services and employment during the COVID-19 pandemic.
5. Endorse Local Government NSW's sector-wide campaign to obtain financial assistance, employment support and stimulus funding for the local government sector.
6. Advise LGNSW President Linda Scott of the passage of this Mayoral Minute.

**Voting recorded as follows:**

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

**Against:** Nil

## AMENDMENT TO MOTION

Toms/Novak

That Council

1. Call on the Federal Government and NSW Government to urgently deliver comprehensive and multifaceted financial support and stimulus packages to local government to enable them to continue to operate effectively and provide essential services during the COVID-19 pandemic.
2. Call for the packages to include the following measures:
  - Increasing Financial Assistance Grants payments to 1% of the Federal Government's tax revenue to help councils maintain essential functions and services, acknowledging the increased costs and mounting revenue losses arising from COVID-19 (and drought and bushfire where affected) as well as giving councils capacity to provide hardship assistance to businesses and residents.
  - Providing stimulus funding to councils for projects that will help sustain council operations and boost local economies. This could be achieved through increasing or bringing forward funding under existing funding programs or introducing new programs.
3. Commend the NSW and Federal Governments on their stewardship during this crisis and commits to working in partnership to protect community health and sustain local economies through this crisis.
4. Write to the local Federal and State Members, Mr Chris Gulaptis and Mr Kevin Hogan, Prime Minister the Hon Scott Morrison MP, NSW Premier the Hon Gladys Berejiklian MP, Federal Treasurer the Hon Josh Frydenburg MP, NSW Treasurer the Hon Dominic Perrottet MP, NSW Local Government Minister the Hon Shelley Hancock MP, Federal Minister for Local Government the Hon Mark Coultan, Federal Opposition Leader the Hon Anthony Albanese, NSW Opposition Leader Jodi McKay MP, Federal Shadow Minister for Local Government Jason Clare MP and NSW Shadow Minister for Local Government Greg Warren MP to confirm their support for increased financial assistance and stimulus funding for local government to help councils maintain essential services and employment during the COVID-19 pandemic.
5. Endorse Local Government NSW's sector-wide campaign to obtain financial assistance, employment support and stimulus funding for the local government sector.
6. Advise LGNSW President Linda Scott of the passage of this Mayoral Minute.

Voting recorded as follows:

For: Clancy

Against: Baker, Novak, Kingsley, Simmons, Toms, Ellem, Williamson

The Amendment to Motion was put and declared LOST.

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

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

Strategy 5.1.5 Represent our community at Regional, State and Federal levels

I am recommending that we support the campaign, which is being coordinated on behalf of the NSW sector by Local Government NSW (LGNSW) and at a national level by the Australian Local Government Association (ALGA).

Council was already struggling with the financial impacts of recent bushfires, which consumed more than 50% of the local government area and this is now compounded by COVID-19. The immediate financial impact of which can be seen in the additional regulatory and surveillance resources required to support the Local Area Command in its efforts to enforce community compliance with the Public Health (COVID-19 Restrictions on Gathering and Movement) Order 2020. Yet to be fully realised, is the financial loss of the recovery period in a community that has only just begun its recovery journey following the devastating



bushfires. While Council faces increased costs to these events, at the same time it is experiencing declining revenue, as more and more ratepayers are forced into financial hardship. The impacts are rapidly escalating.

This Council is doing everything possible to provide support and continue to deliver the services needed to protect community health and maintain community wellbeing during these difficult times. It is however, critical that the local government sector receives adequate funding and resources to coordinate and deliver the goods and services needed as we navigate through, and recover from, natural disasters and the new challenges presented by COVID-19 with its massive impact on people and our local economies.

Councils need urgent financial assistance from the Federal Government and NSW State Government to maintain infrastructure, services and employment as well as funding to give councils the capacity to provide hardship assistance to the community.

The measures listed below would be effective and simple to implement:

- Increasing Financial Assistance Grants payments to 1% of the Federal Government's tax revenue to help councils maintain essential functions and services, acknowledging the increased costs and mounting revenue losses arising from COVID-19 (and drought and bushfire where affected) as well as giving councils capacity to provide hardship assistance to businesses and residents.
- Immediate financial assistance to support council employees, especially in community and aged care.
- Providing stimulus funding to councils for projects that will help sustain council operations and boost local economies. This could be achieved through increasing or bringing forward funding under existing funding programs or introducing new programs. Existing Federal funding programs include the Roads to Recovery, Bridges Renewal and Road Safety Blackspots programs. State programs include Fixing Local Roads, Fixing Country Bridges and the Stronger Country Communities programs.
- Increased access to TAFE, VET and other apprenticeship opportunities that council staff can undertake to address skill shortages, especially for staff in non-essential services who are unable to be redeployed.

## a. GENERAL MANAGER

ITEM	6a.20.010	COVID-19 CARE PACKAGE FOR SMALL BUSINESS
<b>Meeting</b>	Council	28 April 2020
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	General Manager - Ashley Lindsay	
<b>Attachment</b>	Nil	

**SUMMARY**

Small retail, food and tourism businesses are particularly affected by the COVID-19; with many of these same businesses impacted also by the recent drought and bushfire emergency. This report seeks to offer help where Council can to aid these small business operators. For the purpose of this report, small business is defined under the Australian Bureau of Statistics definition '*as a business that employs less than 20 staff*'.

**OFFICER RECOMMENDATION**

That Council support small businesses in this time of need through adopting the following COVID-19 care package:

- Implementing the Rates Hardship Policy (see Item 6c.20.037) which incorporates the opportunity to negotiate payment terms and waive interest.
- Not charge for food inspection services in the 2020/21 financial year, in total valued at approximately \$85,000.
- As adopted under 'vibrant places' continue to not charge for on-street dining fees, in total valued at approximately \$39,000 per annum (also this will help with social distancing if outdoor dining restrictions are eased in the future).
- Not charge for commercial bin availability (\$8 bin) commencing for the April-June quarter 2019/20 and the first two quarters of 20/21, total Council impact valued at approximately \$33,000 (\$11,000 per quarter) and provide the General Manager delegation to extend this availability fee for a further 6 months if necessary.
- Implement as per the March Council meeting a 100 percent head tax reduction for the landing fee from April until December 2020 for REX Airlines to support small business access to Sydney Airport - estimated cost to Council \$80,000.
- Working with the State Government to facilitate 24 hour delivery of supplies to stores and for seven day a week construction on building sites.
- Facilitating connection and personalised support for a 1 hour one-on-one consultation (by video conferencing) with a business specialist who operates within the Australian Government's Entrepreneurship Facilitators program - cost to Council \$20,000 over the next 12 months, in addition to the Federal Government funding of the program (redirection of economic development funds already in the budget).
- Creation and promotion of the From the Couch program - a central platform to promote local businesses that have pivoted their services so as to keep operating (redirection of existing tourism marketing budget allocation) - approximate cost \$10,000.
- Invest in Grant Guru a new tool that provides a comprehensive and easy to use list of grant and funding opportunities available to businesses, Non for Profit, community groups and individuals (in 2020/21 draft budget) - cost \$4,500.
- Keep redeploying tourism information staff to contact businesses to make them aware of all the assistance available until the tourism sector once again is operating (2 staff redeployed on this contact role) as normal.

## MOTION

Williamson/Ellem

That the Officer Recommendation be adopted.

## AMENDMENT TO MOTION

Novak/Clancy

That Council support small businesses and sole traders in this time of need through adopting the following COVID-19 care package:

- Implementing the Rates Hardship Policy (see Item 6c.20.037) which incorporates the opportunity to negotiate payment terms and waive interest.
- Not charge for food inspection services in the 2020/21 financial year, in total valued at approximately \$85,000.
- As adopted under 'vibrant places' continue to not charge for on-street dining fees, in total valued at approximately \$39,000 per annum (also this will help with social distancing if outdoor dining restrictions are eased in the future).
- Not charge for commercial bin availability (\$8 bin) commencing for the April-June quarter 2019/20 and the first two quarters of 20/21, total Council impact valued at approximately \$33,000 (\$11,000 per quarter) and provide the General Manager delegation to extend this availability fee for a further 6 months if necessary.
- Implement as per the March Council meeting a 100 percent head tax reduction for the landing fee from April until December 2020 for REX Airlines to support small business access to Sydney Airport - estimated cost to Council \$80,000.
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- Creation and promotion of the From the Couch program - a central platform to promote local businesses that have pivoted their services so as to keep operating (redirection of existing tourism marketing budget allocation) - approximate cost \$10,000.
- Invest in Grant Guru a new tool that provides a comprehensive and easy to use list of grant and funding opportunities available to businesses, Non for Profit, community groups and individuals (in 2020/21 draft budget) - cost \$4,500.
- Keep redeploying tourism information staff to contact businesses to make them aware of all the assistance available until the tourism sector once again is operating (2 staff redeployed on this contact role) as normal.

Voting recorded as follows:

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

Against: Nil

The Amendment to Motion was put and declared CARRIED. The Amendment became the substantive motion.

**COUNCIL RESOLUTION – 6a.20.010**

Williamson/Ellem

That Council support small businesses and sole traders in this time of need through adopting the following COVID-19 care package:

- Implementing the Rates Hardship Policy (see Item 6c.20.037) which incorporates the opportunity to negotiate payment terms and waive interest.
- Not charge for food inspection services in the 2020/21 financial year, in total valued at approximately \$85,000.
- As adopted under 'vibrant places' continue to not charge for on-street dining fees, in total valued at approximately \$39,000 per annum (also this will help with social distancing if outdoor dining restrictions are eased in the future).
- Not charge for commercial bin availability (\$8 bin) commencing for the April-June quarter 2019/20 and the first two quarters of 20/21, total Council impact valued at approximately \$33,000 (\$11,000 per quarter) and provide the General Manager delegation to extend this availability fee for a further 6 months if necessary.
- Implement as per the March Council meeting a 100 percent head tax reduction for the landing fee from April until December 2020 for REX Airlines to support small business access to Sydney Airport - estimated cost to Council \$80,000.
- Working with the State Government to facilitate 24 hour delivery of supplies to stores and for seven day a week construction on building sites.
- Facilitating connection and personalised support for a 1 hour one-on-one consultation (by video conferencing) with a business specialist who operates within the Australian Government's Entrepreneurship Facilitators program - cost to Council \$20,000 over the next 12 months, in addition to the Federal Government funding of the program (redirection of economic development funds already in the budget).
- Creation and promotion of the From the Couch program - a central platform to promote local businesses that have pivoted their services so as to keep operating (redirection of existing tourism marketing budget allocation ) - approximate cost \$10,000.
- Invest in Grant Guru a new tool that provides a comprehensive and easy to use list of grant and funding opportunities available to businesses, Non for Profit, community groups and individuals (in 2020/21 draft budget) - cost \$4,500.
- Keep redeploying tourism information staff to contact businesses to make them aware of all the assistance available until the tourism sector once again is operating (2 staff redeployed on this contact role) as normal.

Voting recorded as follows:

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

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 3 Economy

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

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

**BACKGROUND**

The COVID-19 pandemic has devastated small businesses in the Clarence Valley having a cumulative financial impact on top of the bushfire emergency which businesses have not had time to recover. As well,

100's of staff have lost their jobs or are working reduced hours. The tourism (and tourism accommodation), food and retail sector have been particularly badly affected with at least 6 months of similar conditions ahead. The Council also welcomes the record Federal and State Government assistance to help support businesses and their staff through this period.

Already Council has been working with the Australian Government's Entrepreneurship Facilitators program to support small businesses in the Clarence Valley following the bushfires which will now be extended to advice on impacts from the COVID-19 virus. The program aims to give 1 hour free one-on-one advice to individual businesses to help them through this difficult period, and link them to grants and other assistance available. These business specialists have already provided advice and support to 26 businesses to date, with more booked in for personalised video calls into the future. The industries these businesses represent span from hospitality, accommodation, beauticians, hairdressers, complementary health services, retail, transport and event venues.

In addition, the CVC Visitor Information staff have pivoted their focus and have been calling businesses to touch base, to maintain our relationships and check in that they are aware of all the business support on offer through the various assistance and grants for both bushfire and COVID-19. By mid-April, 115 businesses had been called.

In addition, Council has been very pro-active in communicating with local businesses on the eligibility for the \$10,000 bushfire recovery grant. As of 31 March 275 businesses, the second highest in the State, had registered for this assistance.

## **KEY ISSUES**

There are about 464 small business providers in the food and retail sector in the Clarence Valley representing about 11.9 percent of the Clarence Valley economy. This sector has been badly affected by COVID-19. While the heavy lifting here to assist these businesses and staff has to occur through the Federal and State Governments, Council will do everything it can to assist small businesses through this very difficult period.

Besides the Council availability charge for commercial waste there is a user pay charge per bin emptied by the waste contractor which is recorded by microchip. It is expected, given that there will be less waste generated in the near future, that usage charges will be considerably reduced to users also.

In addition to the above initiatives, at the March Council meeting the General Manager was given delegation to waive rent for non-profit community groups that are ceasing and cancelling gatherings in, and use of, Council facilities due to the threat of the COVID-19 pandemic.

## **COUNCIL IMPLICATIONS**

### **Budget/Financial**

The above initiatives, if implemented to the full, would mean income to Council would be reduced by around \$237,000 plus an unknown impact by waiving interest under the Rates Hardship Policy. In addition, Council will be redirecting over \$90,000 of existing programs to support small business.

### **Asset Management**

N/A

### **Policy or Regulation**

The State wide State Environmental Planning Policy and Public Health Orders have overridden a lot of Council's planning instruments and local policies in this emergency period.

**Consultation**

If adopted by Council the fee adjustments can be part of the 2020/21 budget consultation.

**Legal and Risk Management**

N/A

**Climate Change**

There will be less business activity in 2020 and, hence as is occurring across the world, there will be a reduction in greenhouse gas production.

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

**VOTE BY EXCEPTION****Baker/Kingsley**

That the following Items be adopted as recommended:

<b>6b.20.028</b>	<b>6c.20.037</b>	<b>6d.20.003</b>	<b>6e.20.011</b>
<b>6b.20.031</b>	<b>6c.20.038</b>		
<b>6b.20.033</b>	<b>6c.20.039</b>		
	<b>6c.20.040</b>		
	<b>6c.20.041</b>		
	<b>6c.20.042</b>		
	<b>6c.20.045</b>		
	<b>6c.20.046</b>		
	<b>6c.20.049</b>		
	<b>6c.20.050</b>		
	<b>6c.20.051</b>		
	<b>6c.20.052</b>		
	<b>6c.20.053</b>		
	<b>6c.20.054</b>		
	<b>6c.20.056</b>		
	<b>6c.20.057</b>		
	<b>6c.20.058</b>		

**Voting recorded as follows:**

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

**Against: Nil**

**MOTION**

Kingsley/Toms

That the Council meeting adjourn at 4.09 pm for a short break. CARRIED.

The Council meeting resumed at 4.19 pm.

**b. ENVIRONMENT, PLANNING AND COMMUNITY COMMITTEE**

<b>ITEM</b>	<b>6b.20.026</b>	<b>DA2020/0014 – CARETAKERS DWELLING – 7 HENRY SEARLE DRIVE, ILUKA</b>
<b>Meeting</b>	Council	28 April 2020
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
<b>Attachment</b>	Yes	

**SUMMARY**

<i>Applicant</i>	Ian Keith Collins
<i>Owner</i>	Ian Keith Collins
<i>Address</i>	7 Henry Searle Drive, Iluka
<i>Submissions</i>	Nil

Council is in receipt of DA2020/0014 which proposes the conversion of the second storey of the existing industrial shed to a caretakers dwelling at 7 Henry Searle Drive, Iluka.

The application was notified and advertised, no submissions or comments were received during the exhibition period. Council staff are recommending refusal of the application as suitable justification has not been provided to demonstrate that the dwelling is fundamental to the operation of the existing business. The report provides an assessment of the application and a recommendation for Council's consideration.

**OFFICER RECOMMENDATION**

That DA2020/0014 be refused as the applicant has not adequately demonstrated that the caretakers dwelling is fundamental to the industrial use of the land as required by Clause C12 of the Industrial Zones DCP.

**MOTION**

Baker/Kingsley

That Council:

1. Does in general terms consider the importance of encouragement and support of new and existing economic investment and activity in the Council area.
2. Is satisfied this application meets all provisions of Clause C12 of Development in Industrial Zones DCP and, having given particular consideration to sub clause (viii) of Clause C12, is satisfied:
  - a. the approved industrial building is to be an approved development and use of the land.
  - b. the dominant use of the land is to be the approved industrial building and,
  - c. the proposed dwelling is to be both ancillary and subordinate to that area of the existing industrial land available for industrial use.
3. Approves DA2020/0014 subject to the Draft Advices and Conditions after deletion of Draft Conditions 10 and 11 therein, shown as Schedule 1 of this report with additional conditions:
  - a. designated car parking space is to be provided for the dwelling and signposted accordingly and,
  - b. the dwelling is required to be adequately insulated against sound penetration by construction as required for class 2 and 3 buildings in accordance with the provisions of Part F5 of the BCA requiring a minimum of Rw + Ctr value of 50 or more for the floor and walls.
4. Note any requirement that acts to prohibit occupation of the dwelling component when the business is not operational would be excessively onerous in the present economic circumstances.

## AMENDMENT TO MOTION

Clancy/Toms

That Council:

1. Does in general terms consider the importance of encouragement and support of new and existing economic investment and activity in the Council area.
2. Is satisfied this application meets all provisions of Clause C12 of Development in Industrial Zones DCP and, having given particular consideration to sub clause (viii) of Clause C12, is satisfied:
  - a. the approved industrial building is to be an approved development and use of the land.
  - b. the dominant use of the land is to be the approved industrial building and,
  - c. the proposed dwelling is to be both ancillary and subordinate to that area of the existing industrial land available for industrial use.
3. Approves DA2020/0014 subject to the Draft Advices and Conditions shown as Schedule 1 of this report with additional conditions:
  - a. designated car parking space is to be provided for the dwelling and signposted accordingly and,
  - b. the dwelling is required to be adequately insulated against sound penetration by construction as required for class 2 and 3 buildings in accordance with the provisions of Part F5 of the BCA requiring a minimum of Rw + Ctr value of 50 or more for the floor and walls.
4. Note any requirement that acts to prohibit occupation of the dwelling component when the business is not operational would be excessively onerous in the present economic circumstances.

Voting recorded as follows:

For: Novak, Toms, Ellem, Clancy, Simmons

Against: Baker, Kingsley, Williamson

The Amendment to Motion was put and declared CARRIED. The Amendment became the substantive motion.

**COUNCIL RESOLUTION – 6b.20.026****Baker/Kingsley****That Council:**

1. **Does in general terms consider the importance of encouragement and support of new and existing economic investment and activity in the Council area.**
2. **Is satisfied this application meets all provisions of Clause C12 of Development in Industrial Zones DCP and, having given particular consideration to sub clause (viii) of Clause C12, is satisfied:**
  - a. **the approved industrial building is to be an approved development and use of the land.**
  - b. **the dominant use of the land is to be the approved industrial building and,**
  - c. **the proposed dwelling is to be both ancillary and subordinate to that area of the existing industrial land available for industrial use.**
3. **Approves DA2020/0014 subject to the Draft Advices and Conditions shown as Schedule 1 of this report with additional conditions:**
  - a. **designated car parking space is to be provided for the dwelling and signposted accordingly and,**
  - b. **the dwelling is required to be adequately insulated against sound penetration by construction as required for class 2 and 3 buildings in accordance with the provisions of Part F5 of the BCA requiring a minimum of Rw + Ctr value of 50 or more for the floor and walls.**
4. **Note any requirement that acts to prohibit occupation of the dwelling component when the business is not operational would be excessively onerous in the present economic circumstances.**

Voting recorded as follows:

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

Against: Nil



**LINKAGE TO OUR COMMUNITY PLAN**

Theme	5 Leadership
Objective	5.1 We will have a strong, accountable and representative Government
Strategy	5.1.4 Provide open, accountable and transparent decision making for the community

**BACKGROUND**

Development Application DA2020/0014 was lodged with Council via the planning portal on 17 January 2020. The subject land is zoned IN1 General Industrial under the provisions of the *Clarence Valley Local Environmental Plan 2011* (the LEP).

Residential dwellings are ordinarily a prohibited use in the IN1 General Industrial zone under the LEP, however, Clause C12 of the Development Control Plan – Industrial Zones (the DCP) has provisions that enable a caretakers dwelling where it is demonstrated to be ancillary and subordinate to the use of the site, subject to satisfaction of a number of criteria.

Following receipt of DA2020/0014, additional information was requested from the Applicant on 29 January 2020 requesting further justification for why the caretakers dwelling is fundamental to the operation of the spear and pumping business. The initial DA documentation did not demonstrate compliance with Clause C12 of the DCP. Additional information was received in support of the application on 12 March 2020 and 14 April 2020. The reasons for justification are discussed in the Key Issues section of this report.

**KEY ISSUES****1. Compliance with Clause C12 – Dwellings of the Industrial Zones Development Control Plan**

Clause 12 of the Industrial Zones permits caretakers dwellings within the IN1 zone if the following conditions are met:

- i. Only one dwelling per lot or holding.*
- ii. The gross floor area of the dwelling is not more than 75m<sup>2</sup>.*
- iii. The dwelling is attached to and located above (i.e. not at ground level), an industrial or commercial building.*
- iv. The dwelling is for the owner of the business operating on the land, or an employee of that person.*
- v. The dwelling is adequately insulated against sound penetration from surrounding industrial activities.*
- vi. The dwelling is not subdivided as a strata title.*
- vii. A dedicated car parking space is available on the site for the dwelling.*
- viii. Use of the dwelling must be fundamental, but subordinate to the dominant industrial/commercial use of the land.*

The Applicant has provided the following justification for the caretakers dwelling:

- The land was purchased in 2013 with the understanding that a caretakers dwelling was permitted on the land.
- An approval for a light industrial shed exists on the site and the business Spear and Pumping Service exists on the land.
- It is beneficial to live on the same site as the business because the owner operates long hours fabricating and repairing at night.
- The owner provides a 24 hour response for customers from the premises.
- Provide security at the premises (see notes below).
  - Due to slow internet, video surveillance is not practical or financially viable.

- Emergency Response Organisations are non existent.
- One access road in/out from main road approximately 20kms away – Pacific Highway.
- Being in residence allows immediate response to any incident.
- Keyholder would also have to respond with same issues as Emergency Response Organisations.
- Not reliant on a poor communications service for security and awareness management.
- Due to recent fires, the owner has provided an emergency response for fire fighting water capabilities by maintaining spear pumps. In addition, providing water systems for the irrigation of the houses.
- Land and business that have C12 approval with the understanding that if the business is sold or closed down, the caretakers dwelling is to be removed or otherwise converted so that human habitation is not possible.

<b>DCP Control</b>	<b>Comment</b>
i) <i>Only one dwelling per lot or holding.</i>	Complies – Only one caretakers dwelling applied for.
ii) <i>The gross floor area of the dwelling is not more than 75m<sup>2</sup>.</i>	Complies – Caretakers dwelling has a maximum floor area of 72m <sup>2</sup> .
iii) <i>The dwelling is attached to and located above (i.e. not at ground level), an industrial or commercial building.</i>	Complies – The caretakers dwelling is located on the second storey of the building.
iv) <i>The dwelling is for the owner of the business operating on the land, or an employee of that person.</i>	Complies – As part of the supporting application documents, the owner has advised that he will be the occupant of the caretakers dwelling and sole owner/operator of the Spear and Pumping Business. The owner has advised that they are fully aware that the caretakers dwelling can only be occupied as an ancillary use to the operation of the business. If the business ceases to exist and operate from this location, the caretakers dwelling will be required to cease operations. If the development is approved, a condition to this effect will be placed upon the approval. See recommendations section below.
v) <i>The dwelling is adequately insulated against sound penetration from surrounding industrial activities.</i>	Complies – To meet the requirements of the DCP, the dwelling will be required to be adequately insulated against sound penetration by the inclusion of construction that is required for class 2 & 3 buildings in accordance with the provisions of Part F5 of the BCA requiring a minimum of Rw + Ctr value of 50 or more for the floor and walls. If approved, the DA will be conditioned accordingly.
vi) <i>The dwelling is not subdivided as a strata title.</i>	Complies – There is no strata titling of the premises proposed as part of this application. However, it is recommended that an advice be placed on any approval advising of such. See recommendations section below.
vii) <i>A dedicated car parking space is available on the site for the dwelling.</i>	Complies – There is ample carparking and manoeuvring area on the site for the business and caretakers dwelling. However, a designated car parking space is to be provided for the dwelling and should be signposted accordingly. If approved, a condition to this effect should be imposed. See recommendations section below.
viii) <i>Use of the dwelling must be fundamental, but subordinate to the dominant industrial/commercial use of the land.</i>	Does not comply – see comments below.

The additional justification provided by the Applicant on 12 March 2020 has stated that due to the nature of the business including long hours of operation, a 24 hour call out service plus security reasons due to poor communication, a caretakers dwelling is fundamental to the operation of the business.

The reasons provided by the Applicant were considered by Council's Development Assessment Panel who determined that the information did not reasonably demonstrate that a caretakers dwelling is fundamental to any business use on the site and that the matter be reported to Council for determination.

It appears the business has existed on the site since 2013. The initial information provided by the applicant did not demonstrate what had changed to make the caretakers dwelling 'fundamental' to the business use and the justification provided was not deemed adequate given the proximity of a large Iluka residential area (for separate residential accommodation) and the existence of a number of other dwellings in this industrial estate that offer some casual surveillance of the site.

The applicant was advised that the reasons were not supported on 27 March 2020 and further justification was provided by the applicant on 14 April 2020. A copy of the additional information is provided in Attachment C.

A summary of the additional reasons provided by the applicant is provided below:

- The business was originally operated out of a shed behind the applicant's residential dwelling. After several complaints being received due to after hours operation, the applicant purchased the subject land in the industrial zone with the intention of constructing a shed with caretakers dwelling.
- The applicant sold the residential dwelling to fund construction of the shed and worked doing fly-in fly-out work and operated the business on a part time basis.
- The applicant now operates the business full time and offers a 24 hours service with installations during the day and manufacture and repair pumps and spears at night.
- It is not the responsibility of other people that occupy caretakers dwellings in the industrial estate to provide surveillance of my property.
- The applicant is not financially able to purchase a dwelling in Iluka at this time.

The Applicants justification to live at the industrial premises appears to be a combination of financial management and convenience that may or may not be deemed to be fundamental. It is recognised that the Applicant appears to have planned this residential use at the industrial site for some time under the planning provisions that are contained in the DCP. The key issue consideration for Council remains as to whether or not the residential use is fundamental or essential. If it is then Council can approve the use. If Council deems it isn't fundamental then it would effectively be 'residential accommodation' and the use should be refused as it would be deemed to be prohibited development.

#### Options

1. Council uphold the Council Officer recommendation to not support the proposed caretakers dwelling component on the basis that residential accommodation is a prohibited use under the LEP and the Applicant has not adequately justified that the caretaker dwelling is fundamental to the existing use of the land.
2. Council could approve the application if it considers the caretakers dwelling is fundamental to the existing Spear and Pumping business and approve the development subject to the conditions contained in Schedule 1, including conditions necessary to uphold criteria in Clause C12 of the DCP as follows:
  - Should the business cease to operate the caretakers dwelling is to also cease occupation and be decommissioned unless separate written development approval from Council is obtained.

- The dwelling is to be occupied by the owner of the land and/or business consistent with the Applicant's submission submitted as part of the application.
- One designated car parking space is to be provided for the dwelling and signposted accordingly.
- The dwelling will be required to be adequately insulated against sound penetration by the inclusion of construction that is required for class 2 & 3 buildings in accordance with the provisions of Part F5 of the BCA requiring a minimum of  $R_w + C_{tr}$  value of 50 or more for the floor and walls.
- Strata Subdivision of the caretakers dwelling from the industrial use is prohibited.

If Council resolves to approve the application, it is recommended that appropriate conditions be included to ensure compliance with the criteria in Clause C12 of the DCP prior to issue of a Construction Certificate or during occupation (as relevant) and that should the business cease to operate the dwelling is to also cease occupation unless separate written development approval from Council is obtained. In addition, it is recommended in approving the development that appropriate conditions be inserted so that if the industrial use ceases to exist the caretakers dwelling must also cease and be decommissioned.

## 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 (Building Sustainability Index: BASIX) 2004

Clarence Valley Local Environmental Plan 2011

Clarence Valley Council Development Control Plan for Development in Industrial 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>
Health and Building	Conditions provided if application approved
Development Assessment Panel	Not supported as applicant did not demonstrate that caretakers dwelling was fundamental to operation of business

### Legal and Risk Management

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

**Climate Change**

The proposed development would contribute to CO2-equivalent emissions through construction and operation which are considered to be a driver for climate change via building materials, construction methods, maintenance and associated energy and resource use. Notwithstanding the above comments, if the development is approved, the caretakers dwelling would be required to comply with the energy efficiency requirements of the BASIX Certificate submitted with the application to ensure that the development meets the NSW Government's requirements for sustainability.

Prepared by	Carmen Landers, Development Planner (Systems)
Attachment	A. Plans B. Justification from Applicant - 12 March 2020 C. Justification from Applicant – 14 April 2020 D. Section 4.15 Assessment

**Schedule 1**  
**Draft Advices and Conditions of Consent for DA2020/0014**

**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 Engineering details
4. Clause C2.8 of the Building Code of Australia requires a fire wall to separate the caretakers residence from the remainder of the building. Table 5 of the BCA (Type C construction) requires the fire wall to have a 90/90/90 FRL. The wall shall extend from the floor to the underside of the roof covering. Details of the proposed method of providing a 90/90/90 FRL wall shall be submitted with the construction certificate application.
5. Clause C2.9 of the Building Code of Australia requires If one of the adjoining parts is of Class 2, 3 or 4, the floor separating the part from the storey below must—
  - i. be a floor/ceiling system incorporating a ceiling which has a resistance to the incipient spread of fire to the space above itself of not less than 60 minutes; or
  - ii. have an FRL of at least 30/30/30; or
  - iii. Have a fire-protective covering on the underside of the floor, including beams incorporated in it, if the floor is combustible or of metal.

**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 Site Plan, Floor Plan and Elevations as amended in red, or where modified by any conditions of this consent.
2. The development is not to be occupied or used until such time as an Occupation Certificate has been issued.
3. **Working/Construction Hours** Working hours on the construction project being limited to the following:

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

The builder to be responsible to instruct and control sub contractors regarding the hours of work and the requirements of the Protection of the Environment Operations Act 1997 and Regulations.
4. Prior to commencement of works, a sign must be erected in a prominent position on any work site on which work is being carried out:
  - a Stating that unauthorised entry to the work site is prohibited;
  - b Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside of working hours, and
  - c Showing the name, address and telephone number of the principal certifying authority for the work.Any such sign is to be removed when the work has been completed.

5. An amended Basix Certificate for a single dwelling is required to be submitted to Council for approval prior to issue of the Construction Certificate.
  6. Prior to the issue of an Occupation Certificate all requirements listed in the amended Basix Certificate for this development shall be completed/installed.
  7. 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.
  8. 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.
  9. At least 24 hours notice shall be provided to Council for the purpose of inspecting the following:
    - a plumbing work prior to covering/lining walls
    - b sewer work prior to back filling/lining
    - c final inspection of plumbing and drainage work.
- Inspections can be booked on line at [www.clarence.nsw.gov.au](http://www.clarence.nsw.gov.au) until midnight the day before the inspection or by phoning 6643 0200. Please quote the DA number when booking inspections.
10. Should the business cease to operate the caretakers dwelling is to also cease occupation and be decommissioned unless separate written development approval from Council is obtained.
  11. The dwelling is to be occupied by the owner of the land and/or business consistent with the applicant's submission submitted as part of the application.
  12. One designated car parking space is to be provided for the dwelling and signposted accordingly.
  13. The dwelling will be required to be adequately insulated against sound penetration by the inclusion of construction that is required for class 2 & 3 buildings in accordance with the provisions of Part F5 of the BCA requiring a minimum of  $R_w + C_{tr}$  value of 50 or more for the floor and walls.
  14. Strata Subdivision of the caretakers dwelling from the industrial use is prohibited.

<b>ITEM</b>	<b>6b.20.027</b>	<b>DA2019/0426 – ALTERATIONS AND ADDITIONS TO INDUSTRIAL PREMISES INCLUDING CARETAKERS DWELLING – 14 UKI STREET, YAMBA (LOT 320 DP790104)</b>
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<b>Meeting</b>	Council	28 April 2020
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
<b>Attachment</b>	Yes	

### SUMMARY

<i>Applicant</i>	Elsie Fay Philp
<i>Owner</i>	Elsie Fay Philp
<i>Address</i>	14 Uki Street, Yamba NSW 2464
<i>Submissions</i>	Nil

Council is in receipt of Development Application DA2019/0426 which proposes to undertake alterations and additions to an existing industrial premises including a Caretakers Residence at 14 Uki Street, Yamba.

The application was notified, no submissions or comments were received during the exhibition period. Council staff are recommending refusal of the application which is outside of Council staff delegations, therefore, the application is forwarded to Council for a decision. The report provides an assessment of the application and a recommendation for Council's consideration.

### OFFICER RECOMMENDATION

That Council:

1. Refuse Development Application DA2019/0426 on the grounds that:
  - a. The proposed residential use of the premises is the existing dominant use and the Applicant has not demonstrated that there will be a commercial or industrial use that will be dominant, hence, the residential use is prohibited in the INI General Industrial zone under the *Clarence Valley Local Environmental Plan 2011*;
  - b. The proposal has not demonstrated that all criteria in Clause C12 of the Development in Industrial Zones DCP, in particular sound insulation requirements and the requirement for the residential use to be both subordinate and fundamental to an industrial use; and
  - c. The proposed siting of the car port does not meet the front setback or vehicular manoeuvring requirements of the Council's DCP and as a result of this fact and existing circumstances will have an adverse impact on traffic safety.
2. Write to the owner requiring that the existing residential occupation of the premises on the subject land cease.

### COUNCIL RESOLUTION – 6b.20.027

**Baker/Williamson**

That Council:

1. Does in general terms consider the importance of encouragement and support of new and existing economic investment and activity in the Council area.
2. Is satisfied this application meets all provisions of Clause C12 of Development in Industrial Zones DCP and, having given particular consideration to sub clause (viii) of Clause C12, is satisfied:
  - a. the existing industrial building is an approved development and use of the land.
  - b. the dominant use of the land is the existing industrial building of some 400m2 nett lettable floor area and,
  - c. the gross floor area of the proposed dwelling at 48m2 is to be both ancillary and demonstrably



subordinate to that area of the existing industrial building available for industrial use.

3. Approves DA2019/0426 subject to the Draft Advices and Conditions contained in Schedule 1 at Attachment 3 to this report after deletion of draft Conditions 7 and 8 therein and,
4. Approves the front setback variation conditional entirely upon the carport structure being open to the side and front with any additional maneuvering area required to allow forward-motion carport entry and exit to be sealed.
5. Note any requirement that acts to prohibit occupation of the dwelling component when the business is not operational would be excessively onerous in the present economic circumstances.

Voting recorded as follows:

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

Against: Nil

FORESHADOWED MOTION

Clancy

That the Officer Recommendation be adopted.

### LINKAGE TO OUR COMMUNITY PLAN

Theme 3 Economy

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

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

### BACKGROUND

Development Application DA2019/0426 was lodged with Council on 8 August 2019. The subject land is zoned IN1 General Industrial under the provisions of the *Clarence Valley Local Environmental Plan 2011* (the LEP). The proposed alterations and additions are permissible with consent under the LEP, the extent of the alterations and additions include a carport/covered entry to the premises, kitchen area for staff, staff amenities and office. Conversely, the residential dwelling is a prohibited use under the LEP, however, Clause C12 of the Development Control Plan – Industrial Zones (the DCP) has provisions that enable a caretaker dwelling where it is demonstrated to be ancillary to the use of the site and subject to satisfaction of a number of criteria. The application was notified following receipt in accordance with Part B of the Residential Zones DCP and no submissions were received during the exhibition period.

Following receipt of DA2019/0426 on 8 August 2019, Council wrote to the Applicant on 14 August 2019 requesting additional information including detail regarding stormwater management, justification for the reduced front setback and demonstrate the need for the caretakers dwelling is fundamental to the business. The initial DA documentation did not demonstrate compliance with Clause C12 of the DCP. The Applicant provided the following justification for the need for the caretaker residence as follows:

- No information or justification for the need for the caretaker dwelling was contained in the initial application,
- In response to the additional information request *'the caretakers residence will be occupied by the owner of the site knowing the location and impacts of industry withdraws the right to make a complaint'*.

Throughout the assessment process the contact for the application has been Mr Steve Philp, the Applicant's son. Council staff wrote to the Applicant on 3 January 2020 advising the justification for the need for the caretakers residence was not considered to be adequate to demonstrate the need for an ancillary dwelling to be established on-site. Further, the Applicant was advised that based on the justification put forward

staff are not in a position to support the caretakers residence component of the proposed development and gave the following options to the Applicant:

1. Proceed with the caretakers dwelling, Council staff will report the matter to Council for determination, however, will recommend that Council not support the caretakers dwelling and call for amended plans or refusal of the application in its entirety, or
2. Amend the proposal to remove the caretakers dwelling.

The Applicant informed Council in writing of their intention to proceed with the application as submitted and have provided further justification for the proposed caretaker residence for consideration, see Attachment 2.

Council staff attempted to arrange for an inspection of the site as part of the Development Application process in late January 2020 following receipt of the additional justification, however, the Applicant initially denied staff access to the site. An inspection of the site was not able to be undertaken until 26 February 2020. During the inspection it was observed that part of the industrial premise had been converted to a habitable area and was being occupied. Furthermore, it was not apparent during the inspection that any business was operating from the site and the shed was being used for storage of personal belongings.

The Applicant has stated that it is their intention to establish a business relating to special needs, however, further approvals and alterations to the existing shed may be necessary to establish such a business. A timeline for this has not been provided. Following the site inspection, Council wrote to the applicant on 10 March 2020 requesting justification for the reduced front setback and demonstrate the need for the caretakers dwelling is fundamental to the business. The intent of this letter was for the Applicant to respond in writing to discussions had on-site regarding the carport and need for the dwelling. The Applicant has not responded to the letter and has advised that further information will not be provided and requested the application be put to Council.

## KEY ISSUES

### 1. Compliance with Clause C12 – Dwellings of the Industrial Zones Development Control Plan

Residential accommodation is a prohibited use under the LEP in the IN1 zone, however, Clause C12 of the DCP has provisions for a caretaker dwelling where a range of criteria in the clause are met. Clause C12 of the DCP reads as follows:

*A dwelling used as a caretaker's dwelling or ancillary dwelling to the industrial use, is permitted on an industrial lot if the following conditions are met:*

- (i) *Only one dwelling per lot or holding.*
- (ii) *The gross floor area of the dwelling is not more than 75m<sup>2</sup>.*
- (iii) *The dwelling is attached to, and located above (i.e. not at ground level), an industrial or commercial building.*
- (iv) *The dwelling is for the owner of the business operating on the land, or an employee of that person.*
- (v) *The dwelling is adequately insulated against sound penetration from surrounding industrial activities.*
- (vi) *The dwelling is not subdivided as a strata title.*
- (vii) *A dedicated car parking space is available on the site for the dwelling.*
- (viii) *Use of the dwelling must be fundamental, but subordinate to the dominant industrial/commercial use of the land.*

*Note: Clarence Valley LEP 2011 prohibits residential accommodation in the IN1 and IN4 zones. In order for a dwelling to be permitted in an industrial zone the dwelling must be ancillary to the industrial use or other approved use of the land.*

The following table identifies the provisions of the DCP and relevant comment made by the Applicant.

DCP Criteria/Conditions	Comment from Applicant
i. Only one dwelling per lot or holding.	Complies.
ii. The gross floor area of the dwelling is not more than 75m <sup>2</sup> .	Complies 48m <sup>2</sup> .
iii. The dwelling is attached to, and located above (i.e. not at ground level), an industrial or commercial building.	Complies.
iv. The dwelling is for the owner of the business operating on the land, or an employee of that person.	The owner will live on-site.
v. The dwelling is adequately insulated against sound penetration from surrounding industrial activities.	Requirements of BASIX will provide adequate insulation.
vi. The dwelling is not subdivided as a strata title.	N/A
vii. A dedicated car parking space is available on the site for the dwelling.	Car park for the residence shown on plans
viii. Use of the dwelling must be fundamental, but subordinate to the dominant industrial / commercial use of the land.	Indicated the future intent to establish a business on-site at a later date and also stated that by living in the industrial estate the owner and any future tenants have the right to make complaints taken away as contained in a statutory declaration submitted.

The Applicant has demonstrated through plans and written correspondence that Clause C12 of the DCP can be complied with the exception of C12 v and viii. In regards to C12 v of the DCP relating to noise insulation the applicant has stated that BASIX will provide the required insulation from noise generated from surrounding industries. For context, the requirements of BASIX apply to all new residential buildings with the main performance being to achieve a required level of thermal comfort to increase the sustainability and energy efficiency of residential development. The intent of BASIX is not to provide acoustic performance or barriers to exterior noise, for context the insulation for the proposed caretaker dwelling would be the same as a new dwelling in a residential estate with no surrounding industry or commercial operation therefore the level of insulation to the proposed caretaker dwelling is not adequate.

No definitive statement has been provided to address C12 viii. Despite numerous requests and opportunities to provide justification to have a caretaker dwelling on-site, the Applicant has not demonstrated that the caretaker dwelling is ancillary to an industrial development or activity on the subject land, provided reasons why it is fundamental to the business or how it will be subordinate to a business. While there may be prospects to establish a business on-site in the future, in the current situation as observed on-site, the caretaker dwelling would be the primary use of the land, and hence the use of the land would be 'residential accommodation' which is prohibited in the IN1 zone. Based on the lack of supporting information submitted, the caretaker dwelling is not considered to be fundamental to the operation of a business on-site and under current circumstances would be the dominant and independent use of the site, and hence does not meet the requirements of criteria viii of Clause C12 of the DCP. The dwelling use would be deemed to be 'residential accommodation' in the current circumstances and hence, Council is unable to approve of this prohibited use on the subject land.

## 2. Variation to Industrial Zones Development Control Plan

The Applicant has requested a 1.8m front setback for the carport. This requires variation to Clause C7 of the DCP which requires new development to have a front setback for all buildings of 9m and does not apply a

side and rear setback unless adjacent to residential development. The Applicant has provided the following justification for the variation:

- The proposed setback for the carport is consistent with other building lines in Uki Street,
- Location is best suited to access the caretaker residence and limit impact on the business, locating the car space at the rear near the caretaker residence would be inconvenient, and
- Will improve the appearance of the building.



Figure 1 – Aerial image showing existing buildings and setbacks of nearby buildings, image also shows intersection in question to the west of the subject land highlighted in red.

Visibility for drivers turning out of Neptune Place onto Uki Street, particularly in cars and similar height vehicles, is significantly reduced under existing circumstances especially when employees and customers of surrounding businesses park in the street network. By allowing the carport within the front setback it will further impede visibility of drivers using this intersection. While the carport could be required to be open and not enclosed, the carport will more often than not be occupied as it is the dedicated car space for the caretaker of the site. Furthermore, AS2890.1 requires a minimum dimension of 2.4m in width for a residential car parking space, however, the proposed dimensions of the residential car parking space do not meet this standard. Increasing the size of the carport will further encroach into driver visibility at the intersection. Should Council support the reduced setback additional manoeuvring areas will need to be sealed to allow any vehicle entering this carport to enter and exit the site in a forward direction. It is therefore preferable that the caretaker parking space be relocated to the rear of the building as shown in Attachment 2 to not further restrict visibility at the intersection and to minimise interference with the operation of any future business operating from the site should the caretaker not be associated with the business.

### Options

1. Council uphold the Council Officer's recommendation to not support the proposed caretaker dwelling component on the basis that residential accommodation is a prohibited use under the LEP and the Applicant has not adequately justified that the caretaker dwelling is fundamental to the use of the land. Council allow the Applicant to submit amended plans deleting the caretaker dwelling. Council then write to the Applicant requesting modified plan and upon receipt of these plans, the proposal be approved subject to appropriate conditions without the need for a further report to Council for consideration.

2. Council approve the DA (including caretaker dwelling without the front setback variation for the carport being approved) if it considers that the caretaker dwelling is fundamental to the proposed use of the subject land and approve the development subject to conditions (including conditions necessary to uphold criteria in Clause C12 of the DCP and limiting use of the caretaker dwelling to the proposed use when it commences unless separate written development approval from Council is obtained). An approval consistent with this option will require inclusion of a condition requiring the proposed carport to be relocated to the rear of the building on the Construction Certificate plans. This option is not the Council Officer's recommendation as Council has not received information to demonstrate satisfaction of all the criteria in Clause C12 of the DCP.
3. This option is similar to Option 2 above with the only difference being acceptance of the whole development as proposed, including the caretaker dwelling (on the terms mentioned in Option 2 above) with the front setback variation also being approved. Should Council resolve to adopt the front setback variation sought then a condition should be included to require the carport structure to be open and additional manoeuvring areas be sealed to allow entry and exit to the carport in a forward motion. This option is not the Council Officer's recommendation as both of the key concerns staff have with the proposal would be accepted.

If Council resolves to determine the DA consistent with Option 2 or 3 it is recommended that appropriate conditions be included to ensure compliance with the criteria in Clause C12 of the DCP prior to occupation of the dwelling once an industrial use is established on-site and that the dwelling to cease occupation should the industrial use cease unless separate written approval from Council is obtained. In addition, it is recommended in approving the development that an appropriate condition be inserted so that the dwelling cannot be occupied until such time as the full proposal is built, a Final Occupation Certificate has been issued and a business is operational from the subject land. This will require the current occupant/s of the premises to find alternative residential accommodation and in ordering cessation of the residential use Council is legislatively obligated to ensure that alternative residential accommodation is available.

## COUNCIL IMPLICATIONS

### Budget/Financial

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

### Asset Management

N/A

### Policy or Regulation

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

Clarence Valley Local Environmental Plan 2011

Clarence Valley Council Development Control Plan for Development in Industrial Zones

This DA has been assessed by applying the planning provisions that were current (and remain current) at the time the DA was submitted to Council.

### Consultation

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

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Development Engineer	Does not support proposed location of carport, supports relocation and approval of proposal subject to conditions
Health and Building	Supports subject to conditions

**Legal and Risk Management**

This report concludes that the current residential occupation of the existing shed premises on the subject land is not approved. Further, in the absence of any industrial or commercial use of the existing shed premises the residential occupation is the sole and dominant use of the land and is prohibited under the provisions of the Clarence Valley Local Environmental Plan 2011. Council does not have the power to approve of a prohibited use in the circumstances. Enabling continued residential use of the existing premises is not appropriate and the landowner should be instructed to cease the unauthorised use of the premises. In accordance with provisions of the relevant legislation Council would need to ensure that alternative residential accommodation was available for the occupant/s.

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**

In general terms, the redevelopment of an existing underutilised industrial building in the Yamba Industrial Estate with readily available access to infrastructure, services and transport routes will not significantly contribute to climate change.

Prepared by	James Hamilton, Development Planner
Attachment	<ol style="list-style-type: none"><li>1. Proposed Plans</li><li>2. Applicant's Submission regards Compliance with Clause C12 and C7</li><li>3. Suggested Advices and Conditions</li><li>4. Section 4.15 Report</li></ol>

<b>ITEM</b>	<b>6b.20.028</b>	<b>MOD2017/0072 APPLICATION TO MODIFY CONSENT DA95/45 FOR AN EXTRACTIVE INDUSTRY FOR GRAVEL AND FILL, 728-730 WOOLI ROAD, PILLAR VALLEY</b>
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<b>Meeting</b>	Council	28 April 2020
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
<b>Attachment</b>	Yes	

### SUMMARY

<i>Applicant</i>	Mark Thorley C/- GHD Coffs Harbour
<i>Owner</i>	R Jones and Sons
<i>Address</i>	728-730 Wooli Road, Pillar Valley
<i>Submissions</i>	Yes - Three

Council received an application to modify an extractive industry in Pillar Valley to extend the period of operation by thirty years and allow blasting and crushing on-site. The application was notified and advertised and three objections to the proposal were received. The issues raised in the submissions are discussed in this report.

Following the initial assessment of the application, anomalies were observed in the application in relation to the land identified on the quarry approval and the land identified in the application to modify. Council's records indicate that there have historically been incorrect references to two consents lodged, at the same time and on land in the same vicinity, by a Mr R Jones (DA95/45) and by a Mr C Jones. Council has a record of only one of the consents having been issued a Notice of Determination (DA95/45) on 18 December 1996.

Council is not able to modify a development that is not substantially the same development to that approved, namely the parcels of land identified on the consent. This matter is reported to Council for refusal for the reasons outlined in this report.

### OFFICER RECOMMENDATION

That the:

1. Application to modify the consent MOD2017/0072 be refused as the development to which the consent as modified relates is not substantially the same development as the development for which consent was originally granted, and
2. Land owners are put on notice that any unlawful quarrying is to cease and measures be put in place to remediate the quarry immediately.

### COUNCIL RESOLUTION – 6b.20.028

**Baker/Kingsley**

That the:

1. Application to modify the consent MOD2017/0072 be refused as the development to which the consent as modified relates is not substantially the same development as the development for which consent was originally granted, and
2. Land owners are put on notice that any unlawful quarrying is to cease and measures be put in place to remediate the quarry immediately.

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

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

**BACKGROUND**

Council received MOD2017/0072 on 15 December 2017 by Mark Thorley for an application to modify development consent DA95/45 to extend the expiry date of the approval and to include the process of blasting and crushing as part of the quarry operation.

Consent was granted under **DA95/45** on 18 December 1996 for the continuation of an extractive industry for an annual extraction of 10,000 m<sup>3</sup> of gravel and selected fill. The consent identified the land to be developed as being **Lots 30, 76, 78 in DP751378**. A condition of consent limited the approval for a period not exceeding 20 years from the date of issue.

The application to modify DA95/45 identified the land to be developed as **Lots 13, 14, 15, 61 and 78 in DP751358**. The lot references are not the same and notably have different DP numbers.

On 10 January 2018 Council wrote to the applicant's consultant (GHD) advising that 'there seems to be some confusion in regard to the correct land and Development Application to which development consent has been approved for the quarry'.

**KEY ISSUES**

Issue 1. Can Council lawfully approve the modification?

Section 4.55(2) Environmental Planning and Assessment Act 1979 provides:

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—*

- 1. it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- 2. it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- 3. it has notified the application in accordance with—*
  - (i) the regulations, if the regulations so require, or*
  - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- 4. it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*



Comment: Reference to different lots on the consent

Council's records show that a development application (**DA95/46**) was made for Lots 13, 14, 15, 61 & 78 DP751358 by a Mr Conrad Clyde Jones on the same date as **DA95/45** (14 June 1995). Copies of these are provided in the attachments to this report.

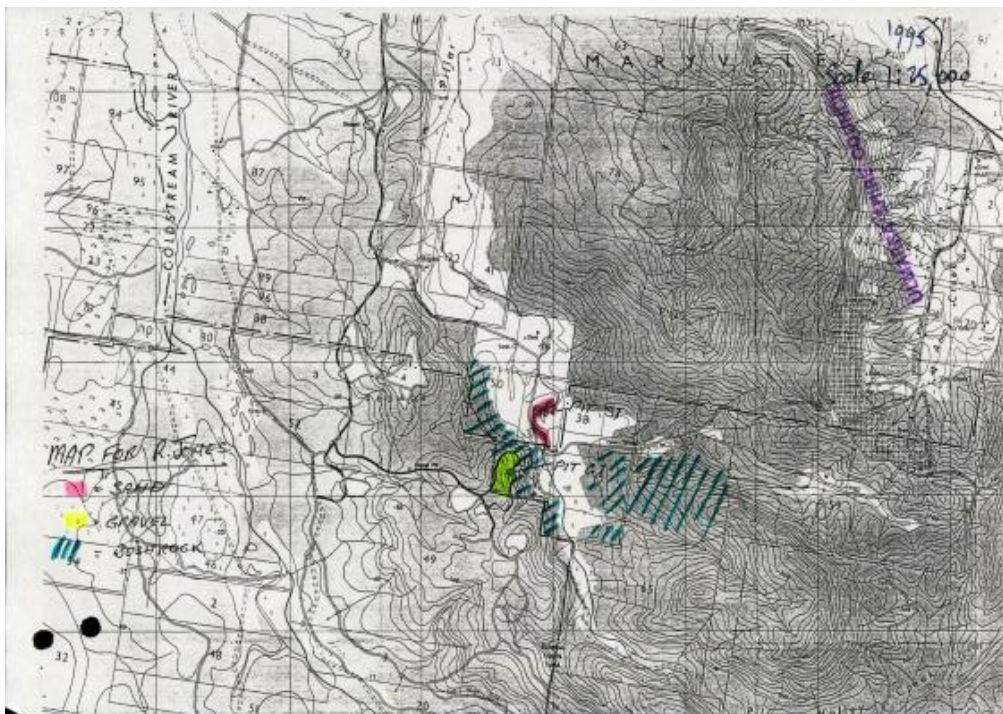
It appears that the applicant has sought to modify the wrong consent, however, no record could be found for DA95/46 and Council staff requested that the land owners or Thorley Sand and Gravel P/L provide a copy of the consent. This was not able to be provided to Council.

Council staff also requested that NSW State Archives look for a reference in the Ulmarra Shire Council Minutes (which are held in State Archives in Armidale) and forward the volumes of Minutes so they could be reviewed by staff. A copy of volumes of the Minutes for Ulmarra Shire Council between May 1995 and October 1997 were provided by the State Archive and on review no record of a Council resolution to approve DA95/46 was found. The applicant was advised of this on 5 November 2018 and that without proof of a consent being issued would not be able to approve an application to modify the consent.

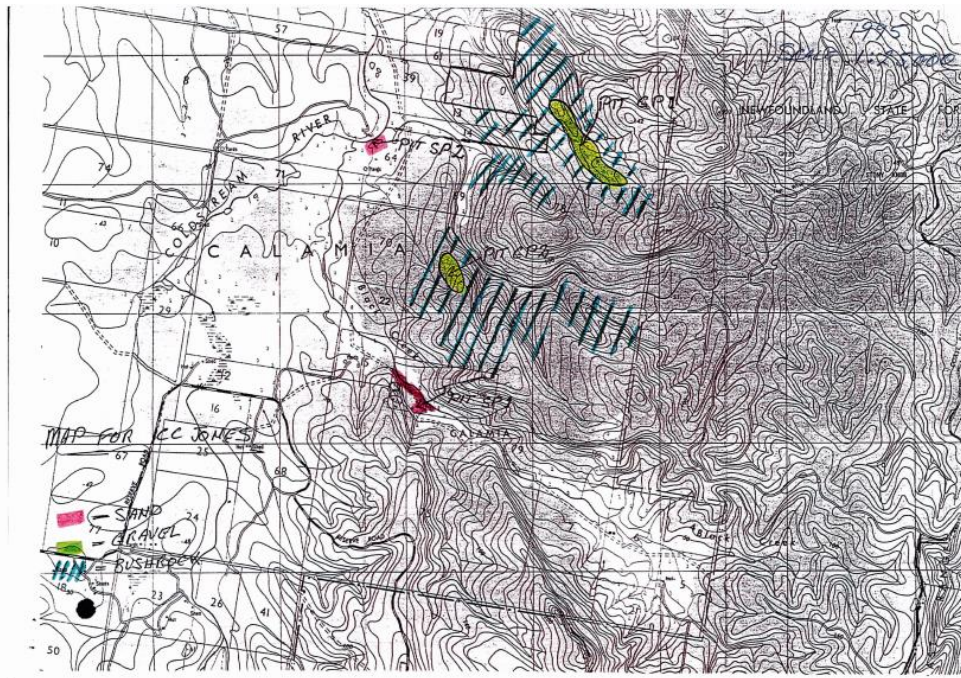
It is noted that at the time consent was granted for DA95/45 there were a number of quarries in use and seeking approval in the Pillar Valley area (and other LGAs). The continuation of the quarries was required to be applied for under State Environmental Planning Policy 37 – Continued Mines and Extractive Industries issued by the NSW Department of Planning.

The search for a copy of DA95/46 has been exhausted and without a copy of the Development Approval there is no evidence of it actually being approved neither in Council's historic Minutes nor in Council's ECM records system.

Council's records are clear on how the lots were identified for each application as shown on the plans lodged with the applications for the different owners R Jones and CC Jones.

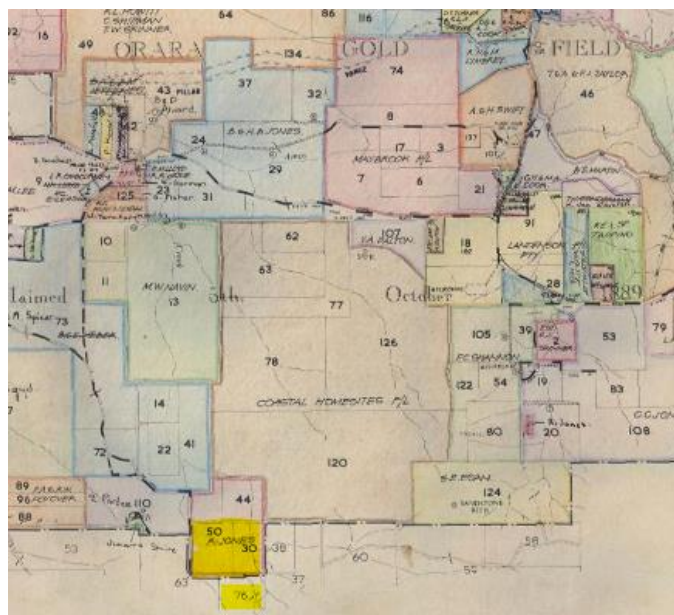


**Plan 1 – R Jones quarry areas submitted with the application**

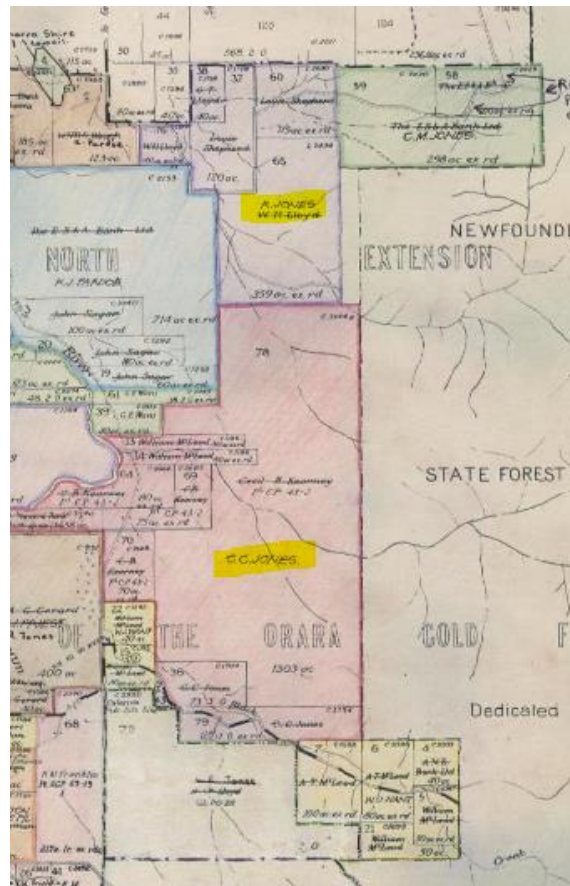


**Plan 2 – CC Jones quarry areas submitted with the application**

These areas also correspond with those portions and holdings shown on the old parish maps for Maryvale and Calamia and those held by R Jones and CC Jones (as coloured).



**Plan 3 - Extract Parish Maryvale and holdings of portions**



Plan 4 – Parish Calamia and holdings of portions

The intended areas to continue the extractive industry is highlighted below as well as the plan submitted with the application showing quarry areas.

Aerial photos show that the extraction of material has occurred on and around Lots 13, 61 and 78 DP751358. Neither of these lots is identified in the consent DA95/45.

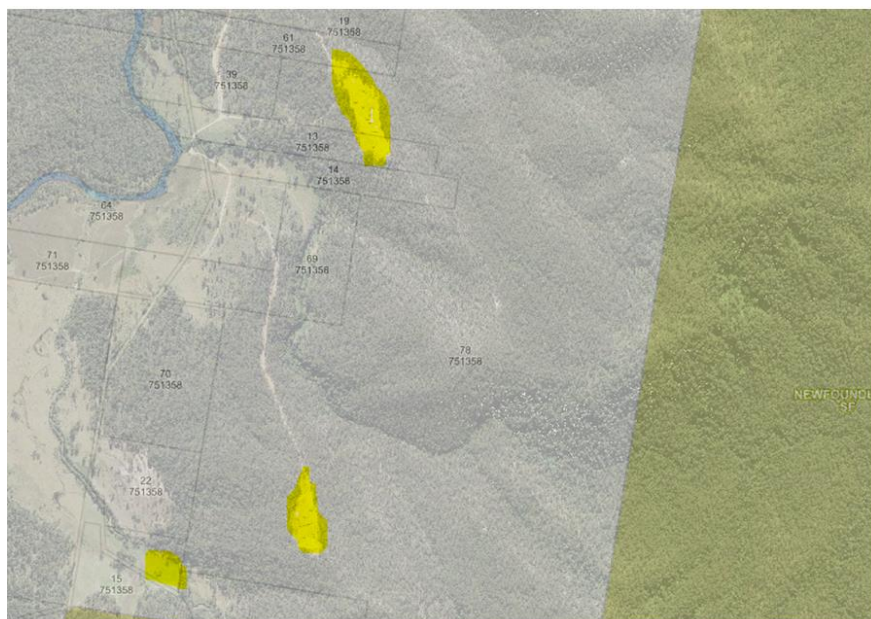


Figure 1 – Aerial view and highlighted areas showing lot numbers and areas to be quarried

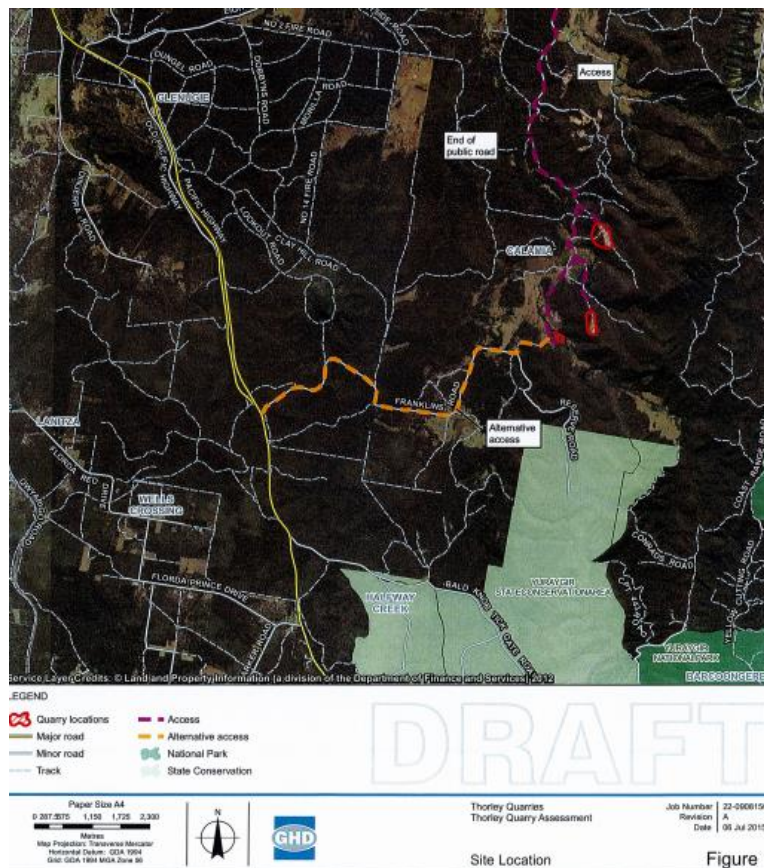


Figure 2 – plan lodged with application

Without any evidence of the DA95/46 development consent being issued the land that has been extracted from is likely to be unlawful, although it appears to be unintentional.

The circumstances of the quarry approval (or non approval) are unusual given that applications were lodged and only one appeared to be given approval. There is also no record found of the application being refused or withdrawn.

Based on the facts it is clear that DA95/45 is not the correct application to be modified and the application to modify the consent is not a valid application as the land to be developed is different to that stated on the development approval. Council cannot lawfully approve the application as the development to which the consent as modified relates is not substantially the same development as the development for which consent was originally granted.

The only options for the applicant would be to lodge a new development to legitimise the quarry operations or seek legal advice and apply for a review of Council’s decision. Until there is evidence available of an actual approval for an extractive industry on Lots 13, 14, 15, 61 and 78 in DP751358, all quarrying should cease immediately and rehabilitation of the site be undertaken.

Issue 2. Issues raised in the submissions

Three submissions were received from the notification and advertisement of the application and the issues raised are discussed below.

Objection was raised by two neighbours in regard to the impacts of residences that were within 1,000m of the quarry site from allowing the quarry to continue, truck movements on the access road, dust and the noise impacts of allowing blasting and crushing. They also advised that one residence that is within 500m of the quarry site was not considered as a sensitive receiver. One submitter raised concern to the ongoing impacts to native fauna and flora.

A submission was also received from a researcher that was using the surrounding area for researching the benefits and biosecurity importance of honey and the likelihood of the quarry having a detrimental impact on his research.

Comment:

The concerns raised by the submitters are valid in the circumstances and raise the issue that an extension of the quarry operation, as well as allowing blasting and crushing, will have a much greater environmental impact than stated in the report submitted with the application. This may also be valid reasons to refuse the application for not being substantially the same development as the development for which consent was originally granted. The impact that the quarry will have on honey research in the area is not clear. The concerns raised by the submitters would be alleviated through refusing the application.

## COUNCIL IMPLICATIONS

### Budget/Financial

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

### Asset Management

N/A

### Policy or Regulation

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

Clarence Valley Local Environmental Plan 2011

Clarence Valley Council Development Control Plan for Development in Rural Zones

### Consultation

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Development Engineer	No comments provided based on assessment
Environmental Health	Comments on noise monitoring and blasting/overpressure

### 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

Cessation of the use of the quarry until the required approvals are in place, by refusing the application to modify, will not result in significant use of energy and resources that result in emission of greenhouse gases (GHG). Planning decisions of both applicants and Council need to weigh up positives and negatives in a range of areas.

Prepared by	Pat Ridgway, Senior Development Planner
Attachment	<ol style="list-style-type: none"> <li>1. DA95/45 Notice of Determination</li> <li>2. Development applications DA95/45 &amp; DA95/46</li> <li>3. Statement Modification Application Report by GHD</li> <li>4. Submissions</li> </ol>

<b>ITEM</b>	<b>6b.20.029</b>	<b>WEST YAMBA URBAN RELEASE AREA – MEMORANDUM OF UNDERSTANDING FOR PROVISION OF TRUNK WATER AND SEWER INFRASTRUCTURE</b>
<b>Meeting</b>	Council	28 April 2020
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
<b>Attachment</b>	Yes	

## SUMMARY

This report seeks Council's in principle support to enter into a Memorandum of Understanding (MOU) with two developers in the West Yamba Urban Release Area (WYURA) who are prepared to fund the whole cost of construction of the trunk water and sewer main extensions to service the WYURA in lieu of payment of Section 64 contributions payable for their developments approved under DA2018/0373 and SUB2014/0016.

The report also seeks Council approval to prepare a site specific Developer Servicing Plan for the WYURA to enable the apportionment of costs of the trunk water and sewer infrastructure across the remaining developments within the West Yamba Urban Release Area.

## OFFICER RECOMMENDATION

That Council:

1. Excise the West Yamba Urban Release Area from the existing Development Servicing Plan and prepare a specific Development Servicing Plan for the West Yamba Urban Release Area to allow the apportionment of costs of the trunk water and sewer infrastructure across the remaining developments within the West Yamba Urban Release Area.
2. Allocate \$50,000 of funding from the water and sewer budget to engage a consultant to prepare the Development Servicing Plan.
3. Provide "in principle" support to enter into a Memorandum of Understanding with Mavid Properties Pty. Ltd. and Yamba Residential Subdivision Pty. Ltd. (or any other relevant party) for the cost of construction for the trunk water and sewer infrastructure to service the West Yamba Urban Release Area in lieu of payment of capital water and sewer contributions for DA2018/0373 and SUB2014/0016, calculated in accordance with the specific Development Servicing Plan for the West Yamba Urban Release Area, pursuant to Section 64 of the *Local Government Act, 1993*.
4. Delegate to the General Manager the authority to approve the Memorandum of Understanding once costings have been agreed upon.

MOTION - WITHDRAWN

Toms/Novak

That Council

1. Provide "in principle" support to enter into a Memorandum of Understanding with Mavid Properties Pty Ltd and Yamba Residential Subdivision Pty Ltd (or any other relevant party) for the cost of construction for the trunk water and sewer infrastructure to service the West Yamba Urban Release Area for credit/debit towards capital water and sewer contributions for DA2018/0373 and SUB204/0016, calculated in accordance with Clarence Valley Council Development Service Plan, pursuant to Section 64 of the *Local Government Act 1993*.
2. Delegate the General Manager the authority to approve the MOU.

**COUNCIL RESOLUTION – 6b.20.029**

Williamson/Toms

**That Council:**

1. Excise the West Yamba Urban Release Area from the existing Development Servicing Plan and prepare a specific Development Servicing Plan for the West Yamba Urban Release Area to allow the apportionment of costs of the trunk water and sewer infrastructure across the remaining developments within the West Yamba Urban Release Area.
2. Allocate \$50,000 of funding from the water and sewer budget to engage a consultant to prepare the Development Servicing Plan.
3. Provide “in principle” support to enter into a Memorandum of Understanding with Mavid Properties Pty. Ltd. and Yamba Residential Subdivision Pty. Ltd. (or any other relevant party) for the cost of construction for the trunk water and sewer infrastructure to service the West Yamba Urban Release Area for credit/debit towards capital water and sewer contributions for DA2018/0373 and SUB2014/0016, calculated in accordance with the specific Development Servicing Plan for the West Yamba Urban Release Area, pursuant to Section 64 of the *Local Government Act, 1993*.
4. Delegate to the General Manager the authority to approve the Memorandum of Understanding once costings have been agreed upon.

**Voting recorded as follows:**

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

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 2 Infrastructure

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

Strategy 2.1.1 Maintain and renew water and sewer networks

**BACKGROUND**

Council at their meeting of 26 February 2019 (Item No 14.007/19) resolved to approve “in principle” the West Yamba Urban Release Area (WYURA) Servicing Strategy prepared by HunterH<sub>2</sub>O, subject to finalisation of the trunk sewerage infrastructure.

As part of the Council resolution, the General Manager was given delegation to approve the Strategy subject to concurrence from the other landowners that their concerns regarding sewerage infrastructure capacity for future lot yields were addressed. As per Council’s resolution, the General Manager gave his delegated approval to the Strategy on 24 July 2019.

The Strategy requires the first developers in the WYURA to construct the infrastructure as outlined in the plan to service the whole of the release area. The developers have indicated (not unreasonably) that other developers should not be able to “piggy back” on the excess capacity they have been required to provide. As such, the developers have requested Council consider entering into an MOU and preparation of a site specific Development Servicing Plan (DSP) for the West Yamba Urban Release Area.

**KEY ISSUES**

1. Memorandum of Understanding and Works in Kind for the provision of Water and Sewer Infrastructure to service the WYURA

Schedule X1(2) of the Urban Release Area Controls for West Yamba contained in the Residential Zones DCP, requires developers to pay for the upgrade of lead in and other major infrastructure, such as carrier mains, pumping stations and treatment plants to service the WYURA. To date, there have been two approvals issued within the West Yamba area for a 161 Lot Subdivision (SUB2014/0016) and 200 Dwelling Manufactured Homes Estate (DA2018/0373).

Due to the onerous costs of constructing the infrastructure to service the WYURA, Council has been requested by two of the developers, Mavid Properties Pty. Ltd. and Yamba Residential Subdivision Pty. Ltd., to enter into a Memorandum of Understanding (MOU). The developers request that, as part of the MOU, they construct and provide the trunk water and sewer infrastructure to service the whole of the WYURA in lieu of (all or part) payment of the Section 64 contributions payable for their respective developments approved under DA2018/0373 and SUB2014/0016.

The R1 zoned land within the WYURA is currently included in the DSP. However, the developers have requested that the provision of trunk infrastructure for the WYURA be included in a separate West Yamba DSP to allow the equitable sharing of costs across the whole of the WYURA. The matter was discussed with DPIE Water who suggested that rather than supplementary trunk infrastructure Sewer and Water DSPs for West Yamba, this area should be excluded from the existing DSPs (which would otherwise be unchanged) and new DSP plans be prepared for West Yamba. This means that the current contribution rates for development outside of the WYURA would remain unchanged.

The purpose of the new DSP is so that all developments contribute to the trunk infrastructure – the first developers are required to construct the infrastructure as outlined in the plan and have indicated (not unreasonably) that other developers should not be able to “piggy back” on the excess capacity they have been required to provide.

If an MOU is considered acceptable, the preparation and adoption of a separate DSP for West Yamba would enable Council to recoup the monies by apportioning the contributions accepted in lieu of the works across the remaining developments within the WYURA.

Comment:

In line with the objectives of Urban Release Area controls contained in Schedule X1(2) of the Residential Zone DCP, Council staff support the entering of an MOU to allow the first developers to construct the trunk infrastructure to service the WYURA in lieu of (part or all) Section 64 contributions required under the respective development approvals. The entering of an MOU will provide for the equitable sharing of infrastructure provision costs amongst the various developer parties and will facilitate the logical, orderly staged release of residential lots and development in the WYURA in accordance with the objectives of the Urban Release Area Development Control objectives.

## **COUNCIL IMPLICATIONS**

### **Budget/Financial**

The cost of providing the water and sewer infrastructure by one or two developers for the benefit of the remaining developers within the WYURA would appear to be financially unequitable. By allowing Mavid Properties Pty. Ltd. and/or Yamba Residential Subdivision Pty. Ltd. (or any other party contributing to the works) an offset of Section 64 contributions against the works in kind to provide water and sewer infrastructure, the developers could proceed without the financial burden of providing both the infrastructure and payment of capital contributions. The Section 64 contributions used for calculating the offset would be calculated using the separate DSP for West Yamba as this will include both headworks and the infrastructure serving West Yamba.

If the entering of an MOU is supported, Council will recoup the Section 64 contributions payable for each of the developments through the provision of the WYURA DSP which would apportion the costs across the



remaining developments within the WYURA. The cost of preparing the DSP would be included in the DSP so there are no long term out of pocket costs to Council.

At this stage, the exact cost of works and amount to be offset against the Section 64 contributions of the approvals is unknown. However, as part of the Servicing Strategy for the WYURA prepared by HunterH<sub>2</sub>O, the estimated cost of providing the infrastructure is approximately \$1.28m.

The MOU would work on a dollar for dollar “in lieu” basis. The current contribution rates per equivalent tenement (ET) are; water \$4,898/ET and sewer \$11,977/ET. If the works exceed the Section 64 contributions applied to the development consents, Council may be required to pay the difference to the developers. This amount would be recouped through the DSP for West Yamba.

#### **Asset Management**

The infrastructure to be completed under the MOU will become a Council asset once completed.

#### **Policy or Regulation**

Environmental Planning and Assessment Act, 1979

Environmental Planning and Assessment Regulation, 2000

Local Government Act, 1993

#### **Consultation**

The following sections of Council were consulted in the preparation of this report:

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Water Cycle	Supported
Development Engineer	Supported

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

Council will be burdened by the cost of the DSP and capital contributions paid in lieu of infrastructure works until such time as the entire WYURA is developed because there is no pre-determined timeframe as to when or how long it will take for the area to be developed.

#### **Climate Change**

N/A

Prepared by	Carmen Landers, Development Planner (Systems)
Attachment	A. Draft Memorandum of Understanding B. Draft Works in Kind Agreement

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**ITEM 6b.20.030 RANGER RESOURCING ISSUES**


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<b>Meeting</b>	Council	28 April 2020
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	General Manager - Ashley Lindsay	
<b>Attachment</b>	Yes	

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**SUMMARY**

This report gives an overview of the work loads of the Ranger team and recommends that a budget allocation be made in the 2020/21 financial year for two additional Rangers - one paid for by parking revenue.

**OFFICER RECOMMENDATION**

That Council include the allocation of \$85,000 (net impact, offset by parking fine income) for two additional full time Rangers in the draft 2020/2021 Budget during the public exhibition period, noting that it will decrease the General Fund Net result surplus by \$85,000.

**COUNCIL RESOLUTION – 6b.20.030**

**Ellem/Novak**

**That Council include the allocation of \$170,000 (net impact, offset by parking fine income) for three additional full-time Rangers in the draft 2020/2021 Budget during the public exhibition period, noting that it will decrease the General Fund net result surplus by \$170,000.**

**Voting recorded as follows:**

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

**Against: Nil**

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**LINKAGE TO OUR COMMUNITY PLAN**

Theme 1 Society

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

Strategy 1.2.3 Provide effective regulation of environmental legislation

**BACKGROUND**

The regulatory services team sits within Council's Environment, Development and Strategic Planning Section.

The team comprises of the following permanent/full-time staff:

Position title	Role description	Permanent full-time staff
Regulatory Services Supervisor	Team Leader	1
Senior Ranger	Assistant Supervisor. Lead Ranger.	1
Ranger	Implements and enforces the provisions of applicable Acts, Regulations, local laws and Council policies.	4

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Position title	Role description	Permanent full-time staff
Animal Control Officer	Undertakes animal control and impounding activities and all duties and activities associated with Council's animal pound operations.	1
Assistant Animal Control Officer	Provides assistance to the Animal Control Officer	1
	<b>Total FTE</b>	<b>8</b>

There has been no increase in permanent full-time Ranger staff over the past ten years. In this time, while the population has grown by 2,000 (size of Maclean), tourist numbers have increased by 360,000 and the number of jobs to attend have increased from just over a 1,000 to an average of 2,000 (see Attachment A). In addition, the type of tourist in the form of small campers which have now discovered the Clarence Valley has resulted in a new tourism impact which proportionally has a very large impact on the Rangers, especially with the need for night patrols, which means normal Ranger day time duties suffer and this rapidly fatigues the Rangers. The policing of Short Term Rental impacts is another issue that was not in the Rangers' duties 10 years ago.

On occasions, temporary staff have been engaged through a local skill-hire company to assist with backfilling extended periods of absences and to undertake a specific duty (e.g. a casual Parking Officer or Pound Assistant). The Ranger duties have a high risk factor when dealing with irate public eg campers and vicious dogs hence it is not desirable to have casual staff given the training needed.

#### KEY ISSUES

The majority of work undertaken by Council's regulatory services section is mandatory under the following pieces of legislation or has been identified as a high priority by Council:

Legislation	Typical example
Companion Animals Act (1997)	Dog attacks and roaming dogs
Protection of the Environment Operations Act (1997)	Barking dogs and environmental pollution (e.g. noise), Short Term rental impacts
Impounding Act (1993)	Straying livestock on roads
Local Government Act (1993)	Illegal camping, beach patrols, roosters etc
Roads Act (1993)	Illegal camping

On occasions, regulatory services staff attend to lower priority complaints such as those regarding overgrown vegetation on private property. An analysis of key activities undertaken by regulatory services staff is included as Attachment B.

#### Options for Resolution

An increase of the current Level of Service (LOS) cannot be met from existing staffing levels. In addition, the existing LOS is unsustainable due to staff fatigue and the absence of resourcing redundancy within the team. Three options and their financial implications are presented below:

Option	Description	Comment	Financial implication
1	No change	Existing Level of Service (LOS) would reduce over time as customer requests (CRM'S) increase. Staff fatigue and morale will continue to decline.	No change to existing budget.

Option	Description	Comment	Financial implication
2	Existing + 2 additional Rangers with 1 being a permanent specialist Parking Officer (returning own income)	This option would result in some improvements to current LOS and assist with addressing likely ongoing increase in CRMs and increase Parking Officer presence across the valley.	Cost breakdown as follows: <ul style="list-style-type: none"> <li>\$170,000 net \$85,000 Ranger includes a vehicle</li> </ul>
3	Existing + 2 additional Rangers + Parking Officer	This option would significantly increase LOS resulting in a very visual presence along the coastal strip especially.	Option 2 - \$255,000 net \$170,000 pa including vehicles

### Potential Revenue Generated by a Permanent Full-Time Parking Officer

On 11 February 2019 Council Rangers undertook parking patrols in Prince Street, Grafton between 9.00am and noon. Twenty-three infringements totaling \$2,622 were issued over this period. Following the deduction of Revenue NSW fees the net income from this patrol was around \$2,100.

The number of infringements will generally decrease as the community awareness of the patrols increase. A strategic estimate of revenue generated by one permanent full-time Parking Officer is presented below:

Location	Potential number of infringements	Infringement	Revenue range p/a #
Grafton, South Grafton, Yamba and Maclean CBD	5 tickets per day x 4 days a week x 48 weeks	\$114/ticket	\$109,440
Clarence valley school zones	5 tickets per day - 1 day per month	\$344/ticket	\$20,640

# Net revenue generated following Revenue NSW flat rate fee of \$22.49/ticket

### COUNCIL IMPLICATIONS

#### Budget/Financial

The additional net budget allocation would be \$85,000 for option 2 and \$170,000 for option 3.

#### Asset Management

No implications on assets directly, although protection of Council assets would improve.

#### Policy or Regulation

The regulations governing Rangers' duties are outlined above.

#### Consultation

No direct consultation has been undertaken but Council has numerous community requests, especially in our Coastal villages, for a greater Ranger presence.

#### Legal and Risk Management

The Ranger duties by definition quite often involve legal actions some of which are high risk especially in impounding vicious dogs.

#### Climate Change

There would be a slight climate change impact through new vehicle use.

Prepared by	Des Schroder, Director Environment, Planning & Community
Attachment	A. Job changes over 2010 to 2019 B. An analysis of key activities undertaken by regulatory services staff during 2019

<b>ITEM</b>	<b>6b.20.031</b>	<b>SUBMISSION TO THE NSW LEGISLATIVE COUNCIL SELECT COMMITTEE INQUIRY INTO THE POWERHOUSE MUSEUM AND OTHER MUSEUMS AND CULTURAL PROJECTS IN NSW</b>
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<b>Meeting</b>	Council	28 April 2020
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	Director - Environment, Planning & Community (Des Schroder)	
<b>Attachment</b>	Yes	

## SUMMARY

This report recommends that Council make a submission to the NSW Legislative Council Select Committee inquiry into the Government's management of the Powerhouse Museum and other museums and cultural projects in New South Wales.

## OFFICER RECOMMENDATION

That the attached submission is made to the NSW Legislative Council Select Committee Inquiry into the Powerhouse Museum and Other Museums and Cultural Projects in NSW.

## COUNCIL RESOLUTION – 6b.20.031

**Baker/Kingsley**

**That the attached submission is made to the NSW Legislative Council Select Committee Inquiry into the Powerhouse Museum and Other Museums and Cultural Projects in NSW.**

### Voting recorded as follows:

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

**Against: Nil**

## LINKAGE TO OUR COMMUNITY PLAN

Theme 1 Society

Objective 1.3 We will have a diverse and creative culture

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

## BACKGROUND

Terms of Reference for the Inquiry into the Government's management of the Powerhouse Museum and other museums and cultural projects in New South Wales are below. More information can be found on the inquiry website: <https://www.parliament.nsw.gov.au/committees/listofcommittees/Pages/committee-details.aspx?pk=264#tab-submissions>

### Terms of Reference

1. That a select committee be established to inquire into and report on:
  - (a) the proposed move of the Museum of Applied Arts and Sciences, the Powerhouse Museum, from Ultimo to Parramatta, including:
    - (i) the core visions behind the move,

- (ii) the governance of the project, including the effectiveness and adequacy of planning, business cases, design briefs, project management, public reporting, consultant selection and costs, project costing and cultural and demographic justifications,
  - (iii) the risks in the move, including damage to collections, cost overruns and the future cost of operations at Parramatta,
  - (iv) the consequences of flood at the site at Parramatta in light of the flood event in February 2020,
  - (v) the impact on the heritage status of the site at Ultimo and heritage items at Willow Grove and the Fleet Street precinct at Parramatta,
  - (vi) the use of the proceeds from the proposed sale of the site at Ultimo,
  - (vii) the Government's response to the previous recommendations of the Portfolio Committee No. 4 in Report 40 entitled 'Museums and Galleries in New South Wales',
- (b) the Government's management of all museums and cultural projects in New South Wales, including
- (i) current Government policy, funding and support for museums and galleries across regional New South Wales,
  - (ii) whether there is equitable access to collections across New South Wales, including at the Powerhouse Museum and the Australian Museum,
  - (iii) whether comprehensive consultation with communities and experts has informed cultural policy and projects across New South Wales, such as that applying to heritage arms and armour collections,
  - (iv) the continuing impact of the efficiency dividend on the budgets of museums and galleries over the last 10 years,
  - (v) funding levels for museums and galleries in New South Wales compared with other states,
  - (vi) whether there are other more cost effective strategies than the sale of the Powerhouse Museum site at Ultimo to support museum development across New South Wales, including consideration of the new Parramatta site and the proposed standalone Western Sydney Museum at the Cumberland Hospital site,
- (c) any other related matter.

## KEY ISSUES

Council gets around \$70,000 pa from the NSW Government to help run programs at the Grafton Regional Gallery. Council has applied in the last few years to double this amount but has been unsuccessful. There is no regular contribution to the museum sector which relies heavily on volunteers in the Clarence Valley.

## COUNCIL IMPLICATIONS

### Budget/Financial

Any increased contribution would help in funding cultural, art and museum programs in the valley.

### Asset Management

N/A

### Policy or Regulation

N/A

### Consultation

N/A

### Legal and Risk Management

N/A

**Climate Change**

N/A

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Prepared by	Niomi Sands, Director Grafton Regional Gallery
Attachment	Submission to the NSW Legislative Council Select Committee Inquiry into the Powerhouse Museum and Other Museums and Cultural Projects in NSW.

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**ITEM 6b.20.032 DEVELOPMENT APPLICATIONS**


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<b>Meeting</b>	Council	28 April 2020
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
<b>Attachment</b>	Nil	

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**SUMMARY**

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

**OFFICER RECOMMENDATION**

That the update on Development Applications be noted.

*Having declared an interest in this Item, Cr Novak left the Council meeting at 5.51 pm and returned at 5.53 pm.*

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**COUNCIL RESOLUTION – 6b.20.032**

**Toms/Kingsley**

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

**Voting recorded as follows:**

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

**Against: Nil**

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**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

**BACKGROUND**

The calculation method for the numbers of days an application is held by Council includes all calendar days including weekends and public holidays. This method is consistent with the NSW Department of Planning *Development Assessment Best Practice Guide – to assist Council to improve delivery timeframes*. A small percentage of development applications (DAs) approved have been with Council for a substantial amount of time and hence, these applications upwardly skew the average processing time. Hence, the median (or middle score) processing time for DAs has been included to give an additional indication of the amount of time taken to approve development applications during the reporting period. As Council has commenced taking applications electronically through the NSW Planning Portal the received date and the total number of days often does not match. The reason for this being that the application number is generated once Council accepts the application through the portal and issues the proponent with an invoice, the clock starts once payment of the application fees has been received which is usually not on the same day. As of the start of 2020, Council is now collecting estimated cost of works for subdivisions including all civil and associated works



to create the allotments, previously the only cost of works included in subdivision application were building works.

## KEY ISSUES

The figures from 1 July 2019 to 31 March 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)
569	519	\$112,503,575.80	284	Average : 73 days Median: 53 days

Of the 519 approved Development Applications between 1 July 2019 and 31 March 2020, 204 (39%) were determined within 40 days or less.

As of 1 April 2020 there were 159 outstanding development applications, which have been with Council for the following timeframes:

Less than 40 days	93
41 - 60 days	9
61 - 80 days	9
81+ days	48

The table below shows undetermined DAs that have been with Council for over 40 days with reasons for their current status.

### Reasons for Undetermined Applications over 40 days

Application No	Received Date	Days	Description	Property	Reason
DA2020/0074	18/02/2020	41	Artisan Food and Drink Industry	5 Neptune Place, YAMBA NSW 2464	Additional information submitted and currently being assessed*
DA2020/0075	18/02/2020	42	Shed	27 Sapote Street, JAMES CREEK NSW 2463	Currently being assessed*
DA2020/0069	14/02/2020	46	Dwelling	596 Tindal Road, EATONSVILLE NSW 2460	Currently being assessed*
DA2020/0070	14/02/2020	46	Retaining wall	39 Witonga Drive, YAMBA NSW 2464	Currently being assessed*
DA2020/0059	10/02/2020	50	Alterations and additions	9 Admiralty Court, YAMBA NSW 2464	Revised Plans submitted on 9/03, second additional information request (further amended plans to clarify setbacks)
DA2020/0054	7/02/2020	53	Shed	18 Locksley Close, GLENREAGH NSW 2450	Currently being assessed*
DA2020/0040	30/01/2020	57	Dwelling, pool, deck and retaining wall	2 Amaroo Place, YAMBA NSW 2464	Currently being assessed*
DA2020/0041	3/02/2020	57	Alteration to building and use as funeral home	68-72 River Street, MACLEAN NSW 2463	Second Additional information request 18/03 regarding land contamination.
DA2020/0047	3/02/2020	57	Patio	141 Eatonsville Road, WATERVIEW HEIGHTS NSW 2460	Currently being assessed*
DA2020/0035	28/01/2020	62	Twilight markets	Market Square, Prince Street, GRAFTON NSW 2460	Additional information requested 12/02 (traffic impact assessment and advertising fee)
DA2020/0038	29/01/2020	62	Demolish awning and erect awning	34-36 River Street, MACLEAN NSW 2463	Additional information requested (Compliance with Essential Energy Requirements)
DA2020/0033	28/01/2020	63	Shed	2 Orion Drive, YAMBA NSW 2464	Currently being assessed*
DA2020/0029	24/01/2020	67	Dwelling and swimming pool	458 Rushforth Road, SOUTH GRAFTON 2460	Additional information submitted 19/03 (Amended Plans, access details)
DA2020/0028	23/01/2020	68	Two industrial sheds	Electra Crescent, SOUTH GRAFTON 2460	Additional information requested 29/01 (Parking, use of building and landscaping details)

Application No	Received Date	Days	Description	Property	Reason
DA2020/0019	17/01/2020	70	Depot and construction of hardstand area for parking area	12 Mulgi Drive, SOUTH GRAFTON 2460	Awaiting additional information 23/01 (stormwater, manoeuvring and hours of operation).
DA2020/0023	20/01/2020	71	Swimming Pool & Deck	1469 Pacific Highway, ULMARRA NSW 2462	Currently being assessed*
DA2020/0014	14/01/2020	74	Caretakers dwelling	7 Henry Searle Drive, ILUKA NSW 2466	Report to April Council meeting.
DA2020/0012	13/01/2020	78	Dwelling	241 McGills Road, KREMNAS NSW 2460	Awaiting external referral to RFS.
DA2019/0701	19/12/2019	82	Alterations and additions to dwelling	136 Main Street, WOOLI NSW 2462	Currently being assessed*
DA2020/0007	8/01/2020	83	Dwelling	Donaldson Street, WOOMBAAH NSW 2469	Submission received and additional information received (OSM) currently being assessed*
DA2020/0009	8/01/2020	83	Swimming Pool	301 Brooms Head Road, GULMARRAD NSW 2463	Applicant to advise that they will withdraw application.
DA2020/0005	6/01/2020	85	Industrial shed	28A Hyde Street, SOUTH GRAFTON 2460	Awaiting internal comments and currently being assessed*
DA2019/0700	19/12/2019	103	Boundary adjustment and multi unit (3 additional residential units with existing building)	165-169 Cambridge Street, SOUTH GRAFTON NSW 2460	Awaiting additional information 30/03 (amended plans to reflect as built components).
DA2019/0691	16/12/2019	104	Shed on mound	16-22 Grafton Street, LAWRENCE NSW 2460	NRAR referral received and currently being assessed*
DA2019/0674	10/12/2019	106	Manufactured home estate	36 Golding Street, YAMBA NSW 2464	Waiting on response from the Rural Fire Service, likely to be reported to the May Council meeting.
DA2019/0690	16/12/2019	106	Proposed dwelling envelope	516 Iluka Road, WOOMBAAH NSW 2469	Additional information regarding cultural heritage and contamination submitted 23/03 and currently being assessed*
DA2019/0687	13/12/2019	109	Two patios	5 Melaleuca Drive, YAMBA NSW 2464	Additional information (amended plans to comply with setbacks).
DA2019/0675	10/12/2019	112	As built dwelling	561 Parker Road, LANITZA NSW 2460	Unable to complete site inspection under current COVID-19 circumstance and currently being assessed*
DA2019/0672	9/12/2019	113	Alterations & additions to church hall	Wharf Street, SOUTH GRAFTON 2460	Additional information requested 5/02 (amended plans and parking).
DA2019/0673	9/12/2019	113	Deck, pool, carport and shed	2 Gordon Street, PALMERS ISLAND 2463	Applicant to upgrade OSM or alternatively withdraw application.
SUB2019/0044	9/12/2019	113	Four lot subdivision	Micalo Road, MICALO ISLAND NSW 2464	Additional information requested (details of access to the site), applicant has requested extension to provide information which is being considered by staff.
SUB2019/0043	3/12/2019	117	Six lot subdivision	250 North Street, GRAFTON NSW 2460	Submissions received regarding amenity and currently being assessed*
SUB2019/0041	25/11/2019	123	Two lot subdivision	33 Spenser Street, ILUKA NSW 2466	Submissions received and further information to be requested regarding stormwater management from road upgrade and future buildings.
DA2019/0639	25/11/2019	127	New commercial building	20 High Street, YAMBA NSW 2464	Applicant has submitted amended plans 16/03 and currently being assessed*
DA2019/0636	22/11/2019	130	Vehicle repair station	228 Fitzroy Street, GRAFTON NSW 2460	Additional information (amended plans) submitted 20/03 and currently being assessed*
DA2019/0603	4/11/2019	148	Convert fuel depot to service station	119 Jubilee Street, TOWNSEND NSW 2463	Currently being assessed*
DA2019/0601	1/11/2019	151	Carport	64 River Street, MACLEAN NSW 2463	Additional information requested (location of stormwater pipe)
DA2019/0539	3/10/2019	166	Monthly Twilight Markets	Clarence Street, YAMBA NSW 2464	Additional information requested (owners consent). Under CVC Market Policy applicant is going to trial alternate proposal before lodging Section 55 Amendment to change proposal.
DA2019/0562	17/10/2019	166	Deck and awning	526 Yamba Road, MACLEAN NSW 2463	Waiting on Applicant to formally withdraw application.
DA2019/0560	15/10/2019	168	Alterations and additions to dwelling and two carports	142 Lakes Boulevard, WOOLWEYAH NSW 2464	Additional information to be submitted (Amended Plans).

Application No	Received Date	Days	Description	Property	Reason
DA2019/0516	24/09/2019	189	Dwelling alterations and additions	4 Boronia Street, BROOMS HEAD 2463	Additional information submitted 27/03 (OSM application to upgrade system)
DA2019/0514	23/09/2019	190	Retention of existing hardstand area and new earthworks	21 Through Street, SOUTH GRAFTON NSW 2460	Additional information submitted (contamination assessment of existing site) 12/03, submission received, being assessed*
DA2019/0489	6/09/2019	204	Dwelling	13 The Glen, MACLEAN NSW 2463	Information submitted, awaiting additional information 1/04 (BASIX Information)
DA2019/0492	9/09/2019	204	Additional filling of land (20,000m3)	52-54 Miles Street, YAMBA NSW 2464	NRAR requested additional information 27/03 – distance from watercourse, detailed site drainage and sediment and erosion control plans.
DA2019/0478	30/08/2019	211	Dwelling	191 Dirty Creek Road, DIRTY CREEK NSW 2456	Additional information requested second letter 8/01 (Revised Plans, OSM Application and Bushfire Report)
SUB2019/0034	28/08/2019	216	41 lot subdivision	Old Glen Innes Road, WATERVIEW HEIGHTS NSW 2460	Additional information requested 27/03 (SEPP 44, Bushfire, Stormwater, Access, Traffic Impacts, Servicing, Ecological Impacts and On-Site Sewerage Management)
DA2019/0459	22/08/2019	222	Coastal protection works (rock riverbank protection)	383 North Street, WOOLI NSW 2462	Awaiting external referral (NRAR), discussions with NRAR have occurred to progress this matter.
SUB2019/0033	20/08/2019	224	Boundary adjustment & consolidation of Lot 10 DP752845 & Lot 32 DP 752845	900-1278 Laytons Range Road, KANGAROO CREEK NSW 2460	Report to March Council meeting.
SUB2019/0030	14/08/2019	230	295 lot staged residential subdivision	52-54 Miles Street, YAMBA NSW 2464	Additional information submitted 23/03 (Compliance with DCP, Contamination Assessment, Revised Acid Sulfate Soil Assessment and various Engineering matters servicing, road layout) and on public exhibition until 17/4. Cost of works requires registration of application with Regional Planning Panel to determine (works over \$32M)
DA2019/0423	8/08/2019	232	255 manufactured home estate with community facilities	Brooms Head Road, GULMARRAD NSW 2463	Further information requested (Traffic Impact Assessment, Development Control Plan as per Part 6 of the LEP, Stormwater Management and Ecological Impacts)
DA2019/0426	8/08/2019	236	Extension to Industrial Shed, Caretakers Dwelling and Carport	14 Uki Street, YAMBA NSW 2464	Report to April Council meeting.
DA2019/0427	8/08/2019	236	Vehicle sales premises and shed	18-20 Clyde Street, MACLEAN NSW 2463	Awaiting additional information (shed elevations) for heritage concerns, requested on 27/03.
DA2019/0336	19/06/2019	278	Convert shed to dwelling	170 Bennetts Road, NYMBOIDA NSW 2460	Additional information required 14/11 (site plan, BASIX Certificate and building details)
DA2019/0321	14/06/2019	291	Relocated dwelling	9 Lorikeet Place, GLENREAGH NSW 2450	Additional information requested (amended plans), third letter sent. Spoke to Applicant 30/3 and advised that if information would not be provided, to request the application be withdrawn or submit information by 14/04.
DA2019/0266	22/05/2019	314	Remediation of riverbank erosion, establish dwelling envelope, construction of two dams and two flood mounds	Kings Creek Road, LAWRENCE NSW 2460	Received revised Acid Sulfate Soil Management Plan submitted 26/03 and currently being assessed*
DA2019/0243	13/05/2019	323	Shipping container building with playground, cafe and rooftop restaurant	383 North Street, WOOLI NSW 2462	Section 55 Amendment to proposal submitted 24/03 including amended plans and currently on exhibition until 30/04
SUB2019/0010	23/04/2019	343	Two lot subdivision (includes lot size variation)	401 Kungala Road, KUNGALA NSW 2460	Applicant to withdraw application.
DA2019/0152	26/03/2019	371	Temporary use of land (function centre)	Micalo Road, MICALO ISLAND NSW 2464	Currently being assessed, staff currently liaising with applicant regarding access to the property.
DA2019/0126	19/03/2019	378	Vegetation	35 Victoria Street,	Heritage Minor Works Application approval

Application No	Received Date	Days	Description	Property	Reason
			management control	GRAFTON NSW 2460	issued as an alternate way to manage vegetation, likely to withdraw DA.
DA2019/0128	19/03/2019	378	Machinery shed	1 Youngs Lane, HARWOOD NSW 2465	Awaiting additional information (Contaminated land assessment and geotechnical report of mound)
SUB2019/0002	6/02/2019	419	13 Large lot residential subdivision	198 Gardiners Road, JAMES CREEK NSW 2463	Comments on revised BDAR from BCD submitted 31/3 and currently being assessed*
SUB2018/0030	16/10/2018	532	Boundary adjustment	Pacific Highway, TYNDALE NSW 2460	Awaiting additional information (Contaminated land assessment), fourth update for status of information request sent 2/04. RMS previously advised information to be submitted by end of March.
SUB2018/0027	8/10/2018	540	Two lot subdivision	20 The Glen, MACLEAN NSW 2463	Awaiting additional information (Biodiversity and bushfire)
DA2018/0449	6/08/2018	603	Viewing deck	26 Ocean Road, BROOMS HEAD NSW 2463	Third additional information sent (Amended plans, view sharing issues), should information not be received, applicant to be advised to withdraw application.
SUB2018/0004	23/02/2018	767	11 (reduced from 12) large lot residential subdivision	Bloodwood Grove, GULMARRAD NSW 2463	Further information required regarding ecological impacts of development and stormwater management.
DA2017/0671	18/10/2017	895	Caravan Park - Alterations & Additions (10 additional sites) and amenities	391 Goodwood Island Road, GOODWOOD ISLAND NSW 2469	Awaiting additional information (Building Certificate Application, plans and compliance with Local Government Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

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

#### Exceptions to Development Standards under Clause 4.6 of the LEP

There was nil use of Clause 4.6 for DAs that were determined during the month of March 2020.

#### **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, e.g. development on land subject to long term sea level rise and/or coastal erosion.

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Prepared by	James Hamilton, Development Planner
Attachment	Nil

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**ITEM 6b.20.033 CLARENCE VALLEY LOCAL ENVIRONMENTAL PLAN 2011 (AMENDMENT NO. 42)**


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<b>Meeting</b>	Council	28 April 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 advises of recently completed amendment (Amendment No. 42) to the Clarence Valley Local Environmental Plan 2011 (the LEP).

**OFFICER RECOMMENDATION**

That Council note the finalisation of Amendment No. 42 to the Clarence Valley Local Environmental Plan 2011.

**COUNCIL RESOLUTION – 6b.20.033**

**Baker/Kingsley**

**That Council note the finalisation of Amendment No. 42 to the Clarence Valley Local Environmental Plan 2011.**

**Voting recorded as follows:**

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

**Against: Nil**

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**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**

Amendment No. 42 to the LEP was recently made by Council under delegation and notified on 20 March 2020. It amends the LEP to permit function centres with consent in the RU2 Rural Landscape zone and to insert a local provision that provides appropriate controls for proposed function centres within the RU2 zone. A copy of Amendment No. 42, as notified on the NSW legislation, is in the attachments.

The amendment to the LEP is also accompanied by an amendment to Council's Rural Zones DCP which inserted a new part to provide development controls for function centres to complement the LEP amendment.

**KEY ISSUES**

Previous reports to Council (26 June 2018 and 22 October 2019) have dealt with the issues associated with the planning proposal and LEP amendment.

It should be noted that function centres will remain a prohibited use within the RU1 Primary Production zone.

### COUNCIL IMPLICATIONS

#### Budget/Financial

The planning proposal was prepared and processed by Council staff within normal operational budget.

#### Asset Management

N/A

#### Policy or Regulation

- Environmental Planning and Assessment Act 1979
- Clarence Valley Local Environmental Plan 2011
- Clarence Valley Council Development Control Plan Rural Zones 2011

#### Consultation

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

#### Legal and Risk Management

N/A

#### Climate Change

N/A

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Prepared by	Terry Dwyer, Strategic Planning Coordinator
Attachment	CVLEP 2011 (Amendment No 42) - as notified

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## c. CORPORATE GOVERNANCE AND WORKS COMMITTEE

ITEM	6c.20.037	POLICY REVIEWS
<b>Meeting</b>	Council	28 April 2020
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	Manager - Organisational Development (Alex Moar)	
<b>Attachment</b>	Yes	

**SUMMARY**

The report recommends amendment and rescission of policies which have been reviewed.

**OFFICER RECOMMENDATION**

That the

1. Hardship Natural Disaster – Ordinary Rates and Annual Charges Policy be renamed Hardship Natural Disaster and Health Pandemic – Ordinary Rates and Annual Charges Policy.
2. Hardship Natural Disaster and Health Pandemic – Ordinary Rates and Annual Charges Policy be amended to include those experiencing hardship due to health pandemics.
3. Regional Gallery Naming Rights Policy be rescinded.
4. Competitive Neutrality Policy be adopted.
5. Concealed Water Leak Allowance Policy be adopted.
6. Rates Refund and Adjustment Policy be adopted.

**COUNCIL RESOLUTION – 6c.20.037**

**Baker/Kingsley**

That the

1. **Hardship Natural Disaster – Ordinary Rates and Annual Charges Policy be renamed Hardship Natural Disaster and Health Pandemic – Ordinary Rates and Annual Charges Policy.**
2. **Hardship Natural Disaster and Health Pandemic – Ordinary Rates and Annual Charges Policy be amended to include those experiencing hardship due to health pandemics.**
3. **Regional Gallery Naming Rights Policy be rescinded.**
4. **Competitive Neutrality Policy be adopted.**
5. **Concealed Water Leak Allowance Policy be adopted.**
6. **Rates Refund and Adjustment Policy be adopted.**

**Voting recorded as follows:**

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

**Against: Nil**

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community



**BACKGROUND**

The intent of the Hardship Natural Disaster – Ordinary Rates and Annual Charges Policy is to provide affected ratepayers with a guaranteed position of assistance in the event that financial hardship is faced following natural disaster. The policy provides that interest will be waived for applicants who enter into a payment plan to spread payments of rates and annual charges over 48 months.

The purpose of naming rights at the Grafton Regional Gallery is to raise funds to support the ongoing sustainable development of Gallery infrastructure and major projects and to publicly acknowledge financial support.

**KEY ISSUES**

The Australian Government declared emergency event COVID-19 pandemic has resulted in a review of Council policies. To ensure equity of policy application for hardship caused by National or State declared health pandemics the Hardship Natural Disaster – Ordinary Rates and Annual Charges Policy has been amended as detailed in the marked up copy attached to this report.

The intent of the policy remains the same, and therefore change is considered minimal, with public exhibition not being required. The Policy is presented in the new template, which will apply to all policies as they are reviewed.

Clarence Valley Council Policy on Naming Rights at Grafton Regional Gallery has been reviewed and is to be replaced by The Regional Gallery Naming Rights Internal Policy. The new internal policy facilitates the management of the Naming Rights program within Council's policy framework and reflects the operational aspect of the program.

The Competitive Neutrality, Concealed Water Leak Allowance and Rates Refund and Adjustment Policies have all been reviewed and are presented in updated template. No amendments have been made and it is therefore recommended that they be adopted.

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

The impact of the decision to include Health Pandemic in the Hardship Natural Disaster and health Pandemic – ordinary rates and annual charges is considered to have minimal impact on the budget. Payment of rates and annual charges may be spread over 48 months, rather than collected within the year they are levied. However, as the payment plan must include quarterly payments at a minimum, the effect of this is minimised.

**Asset Management**

N/A

**Policy or Regulation**

Local Government Act 1993

**Consultation**

N/A

**Legal and Risk Management**

N/A

**Climate Change**

N/A

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Prepared by	Monique Ryan, Governance Officer
Attachment	Hardship Natural Disaster & Health Pandemic – Ordinary Rates and Annual Charges Policy Draft Regional Gallery Naming Rights Internal Policy Competitive Neutrality Policy Concealed Water Leak Allowance Policy Rates Refund & Adjustment Policy

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<b>ITEM</b>	<b>6c.20.038</b>	<b>FARMLAND AND COMMUNITY SPORTING FACILITIES DROUGHT WATER REBATE POLICY AMENDMENT</b>
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<b>Meeting</b>	Council	28 April 2020
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	Manager - Finance & Supply (Kate Maginness)	
<b>Attachment</b>	Yes	

## SUMMARY

The report recommends amendment to the definitions within the Farmland and Community Sporting Facilities Drought Water Rebate Policy to enable the policy to be applied in line with the intention of the recommendation of February Council Minute 6c.20.004.

## OFFICER RECOMMENDATION

That

1. The Farmland and Community Sporting Facilities Drought Water Rebate Policy definitions be amended to enable the policy to be applied as intended.
2. The rebate for Water Account 2216091 be processed as compliant with the updated policy.

## COUNCIL RESOLUTION – 6c.20.038

**Baker/Kingsley**

That

1. The Farmland and Community Sporting Facilities Drought Water Rebate Policy definitions be amended to enable the policy to be applied as intended.
2. The rebate for Water Account 2216091 be processed as compliant with the updated policy.

**Voting recorded as follows:**

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

**Against:** Nil

## LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

## BACKGROUND

The Farmland and Community Sporting Facilities Drought Water Rebate Policy was originally adopted in February 2020 (6c.20.004) after being modified to enable Community Sporting Facilities to be eligible to apply for the rebate.

The Manager of Water Account 2216091 has requested a reduction on the water usage account issued in December 2019 totalling \$19,238.32 and applied under the Farmland and Community Sporting Facilities Drought Water Rebate Policy. In this policy's definition it states:

*“Community Owned Sporting Facility – not for profit community owned sporting facility”*

The Manager of Water Account 2216091 has provided to Council the organisations "Articles of Association", however a check of The Australian Charities and Not-for-profits Commission (ACNC) has shown that the organisation is not registered as Not-for-Profit and therefore does not comply under this policy.

The property does however comply with the classification given by Department of Primary Industries as being in "intense drought" at some stage during the quarter to which the water notice relates.

The following is a breakdown of the consumption history on account 2216091 for the previous four accounts for the same quarter each year since 2016.

Issue Date	Account No	Due Date	Amount
21/12/2018	2216091	31/01/2019	\$1,977.72
05/01/2018	2216091	31/01/2018	\$2,386.34
06/01/2017	2216091	31/01/2017	\$1,850.53
11/01/2016	2216091	12/02/2016	\$2,223.12

Should a reduction be made to this account per the intent of the policy, the rebate would be calculated as follows:

Total account	\$19,238.32
Less	<u>\$2,109.42</u> (being the average of the four accounts listed above)
	\$17,128.90
50% Rebate	\$8,564.45

Whilst this rebate has been calculated it is unable to be applied to Water Account 2216091 as is outside of the current adopted policy.

## KEY ISSUES

A Farmland and Community Sporting Facilities Drought Water Rebate Policy application was received from Water Account 2216091. In line with the intent of the policy and Council's February 2020 resolution (MIN 6c.20.004), Water Account 2216091 should have been eligible to receive the rebate as they are a Community Owned Sporting Facility.

Per the policy, the definition of a Community Owned Sporting Facility means a "not for profit" community owned sporting facility and as such on application of the policy, Water Account 2216091 was deemed not eligible as they are not a "not for profit" entity.

The definition of "Community Owned Sporting Facility" within the policy is incorrect as it prevents the intended application. As such, the definition within the policy has been updated to allow for the correct application and now reads:

*"Community Owned Sporting Facility – A not for profit community owned sporting facility or a community owned sporting facility that does not operate for the personal profit or gain of it's members, but rather for the benefit of the Club and its associated community as evidenced by their Memorandum and/or Articles of Association."*

The intent of the policy remains the same, and therefore change is considered minimal, with public exhibition not being required. The Policy is presented in the new template, which will apply to all policies as they are reviewed.

On application of the updated policy, Water Account 2216091 would be deemed eligible and a 50% rebate able to processed.

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

Application of this policy would result in reduced income, which has not yet been budgeted given that income from water charges is budgeted on an average year.

**Asset Management**

N/A

**Policy or Regulation**

Local Government Act 1993

**Consultation**

N/A

**Legal and Risk Management**

N/A

**Climate Change**

N/A

Prepared by	Paula Krahe, Revenue Coordinator
Attachment	Farmland and Community Sporting Facilities Drought Water Rebate Policy

<b>ITEM</b>	<b>6c.20.039</b>	<b>PROPOSED PERMANENT ROAD CLOSURE AND ACQUISITION OF LAND – PART YOUNGS LANE, HARWOOD</b>
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<b>Meeting</b>	Council	28 April 2020
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	Director - Corporate & Governance (Laura Black)	
<b>Attachment</b>	Nil	

**SUMMARY**

Youngs Lane, Harwood is a Council maintained public road. Part of the road is currently located on private land and not within the public road reserve. This report considers the acquisition of land for road purposes and the subsequent closure of an unused Council public road and transfers to the landowner in lieu of compensation.

**OFFICER RECOMMENDATION**

That Council:

1. Acquire part of Lot 121-122 DP 751373 for road purposes.
2. Close the unused Council public road reserve within Lot 121-122 DP 751373.
3. Classify the newly created lot (closed road) as “operational” land.
4. Transfer the closed road section to the owner of Lot 121-122 DP 751373 in lieu of compensation for the acquired land.
5. Meet all survey and legal costs.
6. Affix the Common Seal to the survey and transfer documentation.
7. Authorise the General Manager to execute the transfer of land documents.

**COUNCIL RESOLUTION – 6c.20.039**

**Baker/Kingsley**

**That Council:**

1. **Acquire part of Lot 121-122 DP 751373 for road purposes.**
2. **Close the unused Council public road reserve within Lot 121-122 DP 751373.**
3. **Classify the newly created lot (closed road) as “operational” land.**
4. **Transfer the closed road section to the owner of Lot 121-122 DP 751373 in lieu of compensation for the acquired land.**
5. **Meet all survey and legal costs.**
6. **Affix the Common Seal to the survey and transfer documentation.**
7. **Authorise the General Manager to execute the transfer of land documents.**

**Voting recorded as follows:**

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

**Against: Nil**

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 2 Infrastructure

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

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

**BACKGROUND**

Part of Youngs Lane, Harwood, has been constructed over privately owned land being Lot 122 DP 751373. The landowner of Lot 122 has approached Council to rectify the situation.

Lot 121 has also been included in the report as if the survey finds that the road is out of alignment within this lot also, then it would be beneficial to correct it at the same time.

**KEY ISSUES**

Figure 1 identifies the road alignment currently maintained by Council and the areas proposed to be acquired and road section to be closed.

Easements over Council infrastructure will be granted at the time of survey if services are within any of the areas to be closed or transferred.

The acquisition of land is being processed in conjunction with the Harwood Marine Precinct road upgrade.

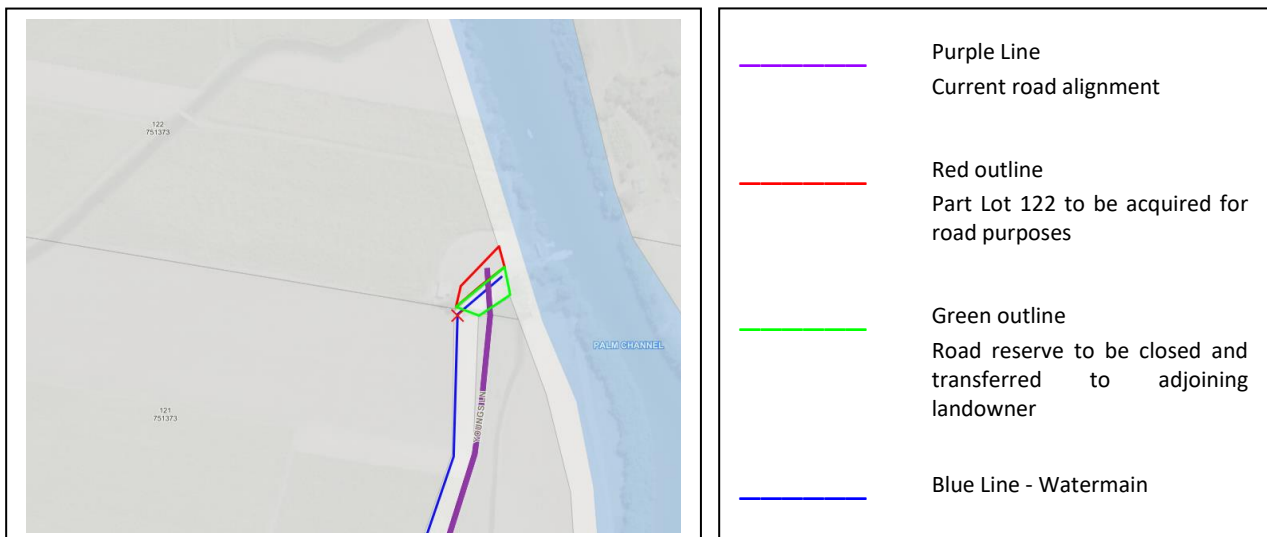


Figure 1 – Final area to be determined by survey

**COUNCIL IMPLICATIONS**

**Budget/Financial**

The survey and legal fees associated with the closure and acquisition process will be covered by RA 10899 Roads – Road Acquisitions.

**Asset Management**

Council is currently maintaining the section of road traversing the private land and has it recorded in our assets register and plans. There is no change to Asset Management. This will fix the ownership of the road.

**Policy or Regulation**

*Roads Act 1993*

*Local Government Act 1993*

*Conveyancing Act 1919*

**Consultation**

Council's Civil Services section has been consulted and supports the proposal.

Landowners in the area and relevant authorities have been consulted. No objections have been received.

**Legal and Risk Management**

Locating the public road within the correct road reserve alignment provides Council legal access to maintain the road and removes liability risk to the landowner and Council.

**Climate Change**

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

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Prepared by	Kylee Baker, Property Coordinator
Attachment	Nil

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<b>ITEM</b>	<b>6c.20.040</b>	<b>PROPOSED PERMANENT ROAD CLOSURE – PART DIANELLA DRIVE, GULMARRAD</b>
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<b>Meeting</b>	Council	28 April 2020
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	Director - Corporate & Governance (Laura Black)	
<b>Attachment</b>	Nil	

## SUMMARY

This report is to consider permanent closure of a part of Dianella Drive, Gulmarrad road reserve and transfer of lot ownership to the adjoining landowner. The request is made by the developer in response to correction of an error, which created the lot originally.

## OFFICER RECOMMENDATION

That Council

1. Permanently close part of Dianella Drive, Gulmarrad, as per Figure 1,
2. Classify the newly created lot as “operational” land,
3. Transfer the newly created lot to the adjoining landowner for \$1.00.
4. The developer and/or landowner are to meet all costs associated with the road closure.
5. Affix the Common Seal to the survey and transfer documentation.
6. Authorise the General Manager to execute the transfer of land to effect the above requirements.

## COUNCIL RESOLUTION – 6c.20.040

### Baker/Kingsley

That Council

1. Permanently close part of Dianella Drive, Gulmarrad, as per Figure 1,
2. Classify the newly created lot as “operational” land,
3. Transfer the newly created lot to the adjoining landowner for \$1.00.
4. The developer and/or landowner are to meet all costs associated with the road closure.
5. Affix the Common Seal to the survey and transfer documentation.
6. Authorise the General Manager to execute the transfer of land to effect the above requirements.

Voting recorded as follows:

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

Against: Nil

## LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

## BACKGROUND

Dianella Drive, Gulmarrad, was created from a 62 lot subdivision approved under SUB2009/0015. As part of that subdivision, there were a number of Aboriginal Scar Trees identified in the “*Arboricultural Review of Scarred Trees and Development Consent Conditions for Gulmarrad Developments Pty Ltd*” dated June 2010.

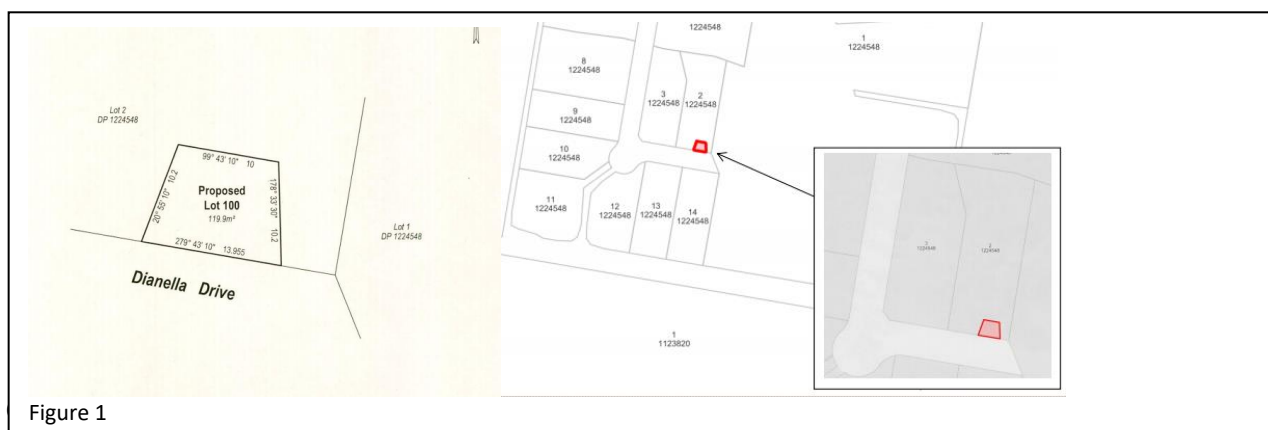
As part of the registered subdivision plan created by DP 1224548, a small section of rectangle road reserve within Lot 2 was created to protect what was originally identified as an Aboriginal Scar Tree. However, as a result of a field investigation and advice provided by the former Office of Environment and Heritage in November 2018, the location of an Aboriginal Scar Tree in this location was deemed to be incorrect.

The tree has since been removed and the developer, on behalf of the landowner, is seeking to close the section of road and create a Lot for ownership of the landowner of Lot 2.

### KEY ISSUES

The section of Dianella Drive, Gulmarrad, originally formed part of the residue Lot 16 DP1164248 and was dedicated to Council as a public road upon registration of the deposited plan 1224548. As part of the subdivision the developer constructed the road and as such it is proposed to transfer the land for the nominal figure of \$1.00 back to the land owner of Lot 2.

Map showing Location of Proposed Road Closure



### Budget/Financial

There will be no financial impact on Council as the applicant will meet all associated costs including survey and legal. If the closure is approved by Lands, Council will no longer be required to maintain this section of road and will therefore have a reduction in future maintenance costs

### Asset Management

Council currently has the section of road listed in the Assets register and an adjustment to the area listed will be made if the road closure is approved.

### Policy or Regulation

*Roads Act 1993*

*Local Government Act 1993*

*Conveyancing Act 1919*

### Consultation

Council's Civil Services and Planning Sections have been consulted and agree to the proposal. Landowners in the area and relevant authorities have been consulted. No objections have been received. One letter of support from a neighbouring landowner has been received.

### Legal and Risk Management

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

**Climate Change**

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

Prepared by	Kylee Baker – Property Coordinator
Attachment	Nil

ITEM	6c.20.041	2019/20 QUARTERLY BUDGET REVIEW STATEMENT – MARCH 2020
<b>Meeting</b>	Council	28 April 2020
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	Manager - Finance & Supply (Kate Maginnity)	
<b>Attachment</b>	Yes	

### SUMMARY

This report presents to Council the March 2020 Quarterly Budget Review Statement (QBRS) reports for the period 1 July 2019 to 31 March 2020.

Budget adjustments for the quarter ended 31 March 2020 (subject to council resolution) result in a net General Fund surplus of (\$118,288) increasing the current year projected budget result to a (\$500,678) surplus.

### OFFICER RECOMMENDATION

That Council:

1. The information in the Quarterly Budget Review Statement to March 2020 be received and noted.
2. Approve General Fund variations detailed in this report totalling (\$118,288), which results in a projected General Fund budget Surplus of (\$500,678) for the year.
3. Approve the variations for the Financial Reserves as detailed in this report totalling \$464,648, which results in a projected decrease in the External and Internal Reserves Funds of \$16,527,730.

### COUNCIL RESOLUTION – 6c.20.041

**Baker/Kingsley**

**That Council:**

1. **The information in the Quarterly Budget Review Statement to March 2020 be received and noted.**
2. **Approve General Fund variations detailed in this report totalling (\$118,288), which results in a projected General Fund budget Surplus of (\$500,678) for the year.**
3. **Approve the variations for the Financial Reserves as detailed in this report totalling \$464,648, which results in a projected decrease in the External and Internal Reserves Funds of \$16,527,730.**

**Voting recorded as follows:**

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

**Against: Nil**

### LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

**BACKGROUND**

In accordance with Clause 203(1) of the Local Government (General) Amendment (planning and reporting) Regulation 2011, the Quarterly Budget Review Statement must be submitted to Council no later than two months after the end of the quarter.

The QBRS presents a summary of Council's financial position at the end of each quarter. It is the mechanism whereby Councillors and the community are informed and monitor Council's progress against the Operational Plan (original budget) and the last adopted revised budget.

The QBRS includes:

Attachments

1. Statement of Income and Expenditure providing a summary of Council's revised financial position at the end of the quarter by Fund (**Attachment A**):
  - Consolidated
  - General
  - Water
  - Sewer
  - Holiday Parks
  - Clarence Regional Library
  - Domestic Waste Management
  - Clarence Care and Support
2. Statement of Income and Expenditure providing a summary of Council's revised financial position at the end of the quarter by Sub-Service (**Attachment B**).
3. Statement of Restricted Cash Reserve Funds providing a projected year end position (**Attachment C**).
4. Statement of Material Contracts entered into by Council and details of Consultancies and Legal Expenses during the quarter (**Attachment D**).

Other Matters:

5. Quarterly Budget Review – Provides the proposed variations for the month of December. Summarises the General Fund budget variations during the quarter and the impact on the overall projected result and reserves.
6. Capital Budget Review – References to the Works Report reported elsewhere in these Business Papers.
7. Improvement Strategies – References a separate Improvement Strategies Status Update reported elsewhere in these Business Papers.
8. Key Performance Indicators – Provides a projected result against the benchmark for Council's General Fund key performance indicators.

**KEY ISSUES****QUARTERLY BUDGET REVIEW**

The report table below includes proposed budget variations for the month of December to be considered for inclusion in the 2019/20 budget. The mechanism for reporting the actual variation is this Quarterly Budget Review Statement (QBRS) in compliance with Clause 203 of the Local Government (General) Regulation 2005.

**Major Budget Variations Proposed**

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

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
550	<b>Service – GM Management</b> <b>Sub-Service – Office of General Manager</b> <ul style="list-style-type: none"> <li>Allocate Federal Government Disaster Recovery &amp; Resilience Fund Grant to be transferred to RA 80001 – UG - Fed Government Disaster Recovery &amp; Resilience Fund Reserve to assist community recovery and increase community resilience to disaster</li> </ul>	\$Nil	(\$416,667)	N/A
612	<b>Service – Executive Support</b> <b>Sub-Service – Communication</b> <ul style="list-style-type: none"> <li>Recognise 19/20 Improvement Strategy saving reduction to Advertising budget. (\$18,000)</li> </ul>	\$Nil	\$Nil	6a.19.004
713	<b>Service - Finance &amp; Supply</b> <b>Sub-Service – Supply &amp; Light Fleet Management</b> <ul style="list-style-type: none"> <li>Fund purchase of Survey Equipment from RA 10880 - IR – Roads - SIC (Grafton) Reserve.</li> </ul>	\$Nil	\$110,000	N/A
830	<b>Service – Emergency Services and Natural Disasters</b> <b>Sub-Service – Natural Disaster Management</b> <ul style="list-style-type: none"> <li>Allocate additional contribution from Office of Emergency Management (NSW Disaster Assistance Guideline) for running costs of BlazeAid at base-camp Nymboida to assist with disaster recovery activities (\$40,000).</li> </ul>	\$Nil	\$Nil	N/A
835	<b>Service - Emergency Services and Natural Disasters</b> <b>Sub-Service – RFS Operations</b> <ul style="list-style-type: none"> <li>Recognise refund of Emergency Services Levy.</li> </ul>	(\$176,788)	\$Nil	N/A
860	<b>Service – Buildings, Properties &amp; Leases</b> <b>Sub-Service – Administration Buildings</b> <ul style="list-style-type: none"> <li>Increase contractor expenses for required asbestos inspections and reports \$16,000 and annual cost of thermal imaging &amp; RCD testing \$10,000.</li> </ul>	\$26,000	\$Nil	N/A
861	<b>Service – Buildings, Properties &amp; Leases</b> <b>Sub-Service – Administration Buildings</b> <ul style="list-style-type: none"> <li>Increase contractor expenses for required asbestos inspections and reports \$9,000 and annual cost of thermal imaging &amp; RCD</li> </ul>	\$14,000	\$Nil	N/A

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
	testing \$5,000.			
863	<b>Service – Buildings, Properties &amp; Leases</b> <b>Sub-Service – Administration Buildings</b> <ul style="list-style-type: none"> <li>Increase contractor expenses for required asbestos inspections and reports \$3,000 and annual cost of thermal imaging &amp; RCD testing \$6,000.</li> </ul>	\$9,000	\$Nil	N/A
864	<b>Service – Buildings, Properties &amp; Leases</b> <b>Sub-Service – Administration Buildings</b> <ul style="list-style-type: none"> <li>Increase contractor expenses for required asbestos inspections and reports \$10,000 and annual cost of thermal imaging &amp; RCD testing \$10,000.</li> </ul>	\$20,000	\$Nil	N/A
945	<b>Service – Galleries &amp; Museums</b> <b>Sub-Service – Galleries &amp; Museums</b> <ul style="list-style-type: none"> <li>Recognise private contribution towards future artwork purchases to be transferred to RA 41050 – ER – Contribution for Future Art Purchases.</li> <li>Remove CVC contribution from old Museum Adviser Program project - now replaced with Annual Calendar Projects.</li> </ul>	\$Nil	(\$3,500)	N/A
		(\$10,500)	\$Nil	N/A
	<b>TOTAL Proposed General Fund / Reserve Balance Impact</b>	<b>(\$118,288)</b>	<b>(\$310,167)</b>	

The table below summarises the General Fund budget variations endorsed during the quarter (Minutes 6c.20.029 February) and the impact on the overall projected result.

December 2019 Quarter Budget Variations	Council Minutes Actioned	Budget Review Variations	Total Quarterly Variations	Net Impact	Council Minute Reference
February	(\$250,000)	\$101,857	(\$148,143)	Surplus	6c.20.029
March Proposed	(\$0)	(\$118,288)	(\$118,288)	Surplus	
<b>Total</b>	<b>(\$250,000)</b>	<b>(\$16,431)</b>	<b>(\$266,431)</b>	<b>Surplus</b>	

<b>Original Adopted Budget Movement</b>			<b>\$140,398</b>	<b>Deficit</b>
September Quarter Adopted Variations	\$100,182	\$156,647	\$256,829	Deficit
December Quarter Adopted Variations	\$41,218	(\$672,692)	(\$631,474)	Surplus
March Quarter Proposed Variations	(\$250,000)	(\$16,431)	(\$266,431)	Surplus
<b>Revised Budget as at 31 March 2020</b>			<b>(\$500,678)</b>	<b>Surplus</b>

The table below summarises the External/Internal Reserve budget variations endorsed during the quarter and the impact on the overall projected result.

<b>December 2019 Quarter Reserve Funds Variations</b>	<b>Council Minutes Actioned</b>	<b>Budget Review Variations</b>	<b>Total Quarterly Variations</b>	<b>Net Impact</b>	<b>Council Minute Reference</b>
February	\$713,000	\$61,815	\$774,815	Decrease	6c.20.029
March Proposed	\$0	(\$310,167)	(\$310,167)	Increase	
<b>Total</b>	<b>\$713,000</b>	<b>(\$248,352)</b>	<b>\$464,648</b>	<b>Decrease</b>	

<b>Original Adopted Budget Reserve Funds Movement</b>			<b>(\$2,329,333)</b>	<b>Increase</b>
September Quarter Adopted Variations	\$894,500	\$17,177,163	\$18,071,663	Decrease
December Quarter Adopted Variations	\$178,882	\$141,870	\$320,752	Decrease
March Quarter Proposed Variations	\$713,000	(\$248,352)	\$464,648	Decrease
<b>Revised Budget as at 31 March 2020</b>			<b>\$16,527,730</b>	<b>Decrease</b>

### **CAPITAL BUDGET REVIEW**

For information on Council's capital works program and status, refer to the Works Report reported elsewhere in this business paper.

Any proposed changes that have a substantial impact on planned capital works, reserves or purchases and sales of capital assets during the current financial year will be notified to council in this report.

### **IMPROVEMENT STRATEGIES**

As per Council Resolution Item 6a.19.004 dated 25 June 2019, Council will receive a separate progress report on a six monthly basis commencing on the first Ordinary meeting after December 2019. Council received the first six monthly progress report in February 2020 (Item 6c.20.019) which included Improvement Strategies to the value of \$446,373 which had been recognised in the budget at the time of reporting. A second progress update report will be presented to Council in June 2020 and will provide further details of Improvement Strategies found and recognised since February 2020.

### **KEY PERFORMANCE INDICATORS**

The indicators adopted in the Financial Planning Policy measure Council's financial position and its financial performance and are categorised into the following framework:

- 1) Operational Liquidity (Short Term),
- 2) Fiscal Responsibility (Medium Term), and
- 3) Financial Sustainability (Long Term).

The operating performance ratio forecast is updated quarterly. The remaining indicators are reported as forecast against benchmark; the forecasts are derived from Council's adopted Long Term Financial Plan and the Asset Management Strategy (Asset Sustainability Ratio), unless a material variation in the indicator has



occurred during the period. The variations proposed in the QBRS do not materially affect Council's end of year position against KPI's.

GENERAL FUND	Forecast Indicator	Benchmark
<b>1. Operational Liquidity (Short Term)</b>		
1.1 Unrestricted Current Ratio	3.50	> 1.5:1
1.2 Rates and Annual Charges Outstanding	6.92%	<= 5%
1.3 Cash Expense Cover Ratio	12.72	Min > 3 Months
<b>2. Fiscal Responsibility (Medium Term)</b>		
2.1 Operating Performance Ratio	(4.55%)	Min > 0%
2.2 Own Source Revenue Ratio	62.97%	Min > 60%
2.3 Debt Service Cover Ratio	6.38	Min > 2x
2.4 Debt Service Ratio	4.68%	< 12%
2.5 Real Operating Expenditure Per Capita	1.37	Declining Trend
<b>3. Financial Sustainability (Long Term)</b>		
3.1 Building & Asset Renewal Ratio	54.32%	Min > 100%
3.2 Infrastructure Backlog Ratio	4.10%	Max < 2%
3.3 Cost to bring assets to agreed service level (SS7 Est Cost to agreed service level/Gross replacement Cost per 18/19 Financial Statements)	4.13%	<= 4.5%
3.4 Asset Maintenance Ratio	84%	Min > 100%
3.5 Asset Sustainability Ratio	100%	Min > 90% but < 110%

## COUNCIL IMPLICATIONS

### Budget/Financial

The proposed General Fund budget variations for the March 2020 Quarter will result in a Revised 2019/20 Budget as at 31 March 2020 of a (\$500,678) Surplus. The approved Reserve Funds variations for the March 2020 Quarter has resulted in a Revised 2019/20 Budget Reserve Funds movement as at 31 March 2020 of a \$16,527,730 reduction.

### Asset Management

N/A

### Policy or Regulation

The reports presented are in accordance with the requirements outlined in the Code of Accounting Practice and Financial Reporting, and clause 203(1) of the Local Government (General) Regulations applicable from 1 July 2011 including the format required under the Integrated Planning and Reporting (IP&R) framework.

### Consultation

Report has been prepared in consultation with the Management Accounting staff and Section budget managers.

### Legal and Risk Management

N/A

### Climate Change

N/A

Prepared by	Christi Brown – Management Accountant Coordinator
Attachments	A. Quarterly Budget Review Income Statement by Fund B. Quarterly Budget Review Sub Service Summary C. Quarterly Budget Review Summary of Restrictions D. Quarterly Budget Review Contracts and Other Expenses

### 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 which are currently calculated and adjusted only at year end.

### Appendix 1

#### Report by Responsible Accounting Officer – 2019/20 December Quarter Budget Review

The following statement is made in accordance with clause 203(2) of the Local Government (General) Regulation 2005.

It is my opinion that the Quarterly Budget Review Statement for Clarence Valley Council for the quarter ended 31 December 2019 indicates that Council's projected short term financial position at 30 June 2020 will be satisfactory, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

The available working capital for Council's General Fund as at 30 June 2019 was \$4.842m.

For clarification, the available working capital is regarded as funds that are currently not restricted for any use by Council for either internal or external purposes. In summary, the estimated balance of available working capital as at 30 June 2020 is as follows:

Estimated Balance of Working Capital	Amount \$'000
General Fund working capital as at 30 June 2019	\$4,842
Adopted original budget for 2019/20 – Deficit	\$140
Variations for September 2019 Quarterly Review – Deficit	\$257
Variations for December 2019 Quarterly Review – Surplus	(\$631)
<b>Estimated Balance of Working Capital at 30 June 2020</b>	<b>\$5,076</b>

Council's adopted benchmark goal for the General Fund working capital is for it to be maintained above \$4m. The estimated balance of the working capital for General Fund at 30 June 2020 of \$5,076m is above Council's benchmark and can be considered a satisfactory result as at 30 June 2020. However, Council must continue to maximise its revenue and contain expenditure to budget expectations to ensure the forecast Working Capital for 2019/20 does not deteriorate to unsatisfactory level.

Signed Kate Maginnity, Responsible Accounting Officer, Clarence Valley Council  
Date 7/02/20

<b>ITEM</b>	<b>6c.20.042</b>	<b>DRAFT RATING STRUCTURE FOR 2020/2021</b>
<b>Meeting</b>	Council	28 April 2020
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	Manager - Finance & Supply (Kate Maginness)	
<b>Attachment</b>	Yes	

## SUMMARY

This report presents to Council the proposed Rating Structure for inclusion in Council's Draft Operational Plan and Revenue Policy for 2020/2021 adopting the approved Special Rates Variation of 8% as determined by the NSW Independent Pricing and Regulatory Tribunal (IPART). The report also provides Councillors with a summary of the new land values issued by Property NSW (Valuer General's Division) as at 1 July 2019 for all properties within the Clarence Valley Council local government area. Council is required to use these new valuations when levying the rates for the 2020/2021 financial year. The draft Rating Structure presented in this report is in line with the adopted rating income path determined by Council at the Extraordinary Meeting in May 2016 (CM15.051/16).

## OFFICER RECOMMENDATION

That Council endorse the Rating Structure as recommended in this report for inclusion in Council's draft Revenue Policy, which forms part of the draft Operational Plan for 2020/21 and which is to be placed on public exhibition as part of the Integrated Planning and Reporting Framework documentation.

## COUNCIL RESOLUTION – 6c.20.042

### Baker/Kingsley

**That Council endorse the Rating Structure as recommended in this report for inclusion in Council's draft Revenue Policy, which forms part of the draft Operational Plan for 2020/21 and which is to be placed on public exhibition as part of the Integrated Planning and Reporting Framework documentation.**

### Voting recorded as follows:

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

**Against: Nil**

## LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

## BACKGROUND

The total land value of the Clarence Valley LGA is \$5.792 billion as at 1 July 2019. The previous re-valuation which took place 1 July 2016 had a land value of \$4.697 billion. The overall % land value changes per zone between 1 July 2016 and 1 July 2019, are detailed in Attachment A.

Residential land values have generally shown a very strong increase across the Clarence Valley Local Government Area since 2018, with a general increase of 5%. Strong increases in large lot residential (R5) in

all areas and coastal towns and villages – Angourie, Brooms Head, Iluka, Maclean, Minnie Water, Townsend, Wooli and Yamba all showing strong increases with Glenreagh showing strong increases fuelled by proximity to the Coffs Harbour lifestyle market. (Attachment B)

The moderate increase in commercial land values was seen in B2 and B3 zoned local centre commercial sites in Grafton, Maclean and Iluka. All commercially zoned land remained steady in this period with the exception of Yamba commercial centre which experienced moderate increases. Overall, commercial land values showed a 12.26% increase since the 2016 valuing year (Attachment C)

Rural land values across the Clarence Valley Council Local Government Area showed very strong increases since the 2016 valuing year. The highest increases occurred in large rural holdings south of Grafton to Hernani following continued demand for good grazing, fertile horticulture and farming land with superior water accessibility compared to other areas in NSW. (Attachment D)

The proposed rate structure for 2020/21 has been prepared based on the 2019/20 Rate Structure (plus the approved SRV of 8% for years 2018/2019, 2019/2020 and 2020/2021) with the following changes to Base Amounts:

- Yamba, Maclean & Townsend, Grafton & Junction Hill Residential Categories Base Amount increases from \$450 to \$490
- All Business Rating Categories Base Amount Increases from \$450 to \$490
- Residential “Outside Town Areas” and Residential A – “Coastal Villages” minimum increases from \$599 to \$647.

#### KEY ISSUES

IPART has determined that Council’s general income may increase by 8% under Section 506 of the Local Government Act 1993 for the rating year commencing 1 July 2020 (Attachment E).

The Statutory Minimum Rate for 2020/21 is \$647.00 (2019/20 \$599.00).

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

The following table provides information on the valuation movement by rate category on rateable properties for the 2016 base date vs 2019 base date. The land value increase is not a direct increase on the rates payable by an individual ratepayer as the SRV restricts the allowable increase in the total general rate revenue.

VALUATION INCREASES BY CATEGORY					
Rate	Category	Base Date 01/07/2016	Base Date 01/07/2019	increase /decrease	% Increase/ Decrease
1	Farmland	879,430,800	1,051,519,070	\$172,088,270	20%
	<b>TOTAL FARMLAND</b>	<b>879,430,800</b>	<b>1,051,519,070</b>	<b>\$172,088,270</b>	<b>20%</b>
2	Residential – Ashby, Chatsworth, Copmanhurst, Brushgrove, Harwood, Ilarwill, Lawrence, Palmers Island, Coutts Crossing, Woombah, Cowper, Glenreagh, Swan Creek, Tucabia, Ulmarra, plus rural residential areas. This includes Residential Flood Prone land(15 prop	1,063,614,355	1,341,336,840	\$277,722,485	26%
2(i)	Residential A – Angourie, Brooms Head, Diggers Camp, Iluka, Sandon River, Minnie Water, Wooli,Wooloweyah	561,694,985	712,972,700	\$151,277,715	27%
	Residential B – Maclean,Townsend	171,675,500	229,066,900	\$57,391,400	33%
2(iii)	Residential C - Yamba	801,437,314	1,067,407,346	\$265,970,032	33%
2(iv)	Residential E – Grafton, Junction Hill	715,294,722	827,060,108	111,765,386	16%
	<b>TOTAL RESIDENTIAL</b>	<b>3,313,716,876</b>	<b>4,177,843,894</b>	<b>864,127,018</b>	<b>26%</b>
3	Business	38,693,720	47,189,690	\$8,495,970	22%
3(i)	Business B - Maclean CBD, Maclean Other, Townsend Other Business	42,540,310	48,649,820	\$6,109,510	14%
3(ii)	Business C - Iluka Industrial, Iluka Other Business	20,800,600	23,808,180	\$3,007,580	14%
3(iii)	Business D -Yamba CBD including Treelands Drive, Yamba Other	101,946,640	120,833,447	\$18,886,807	19%
3(iv)	Business E - Grafton & South Grafton CBD	91,242,663	96,156,328	\$4,913,665	5%
	Business F - Grafton & South Grafton other business	42,510,576	50,658,984	\$8,148,408	19%
	<b>TOTAL BUSINESS</b>	<b>337,734,509</b>	<b>387,296,449</b>	<b>49,561,940</b>	<b>15%</b>
3(v)	Business – Jetties	241,270	266,670	\$25,400	11%
	<b>TOTAL JETTIES</b>	<b>241,270</b>	<b>266,670</b>	<b>\$25,400</b>	<b>11%</b>

The recommended Rate Structure for 2020/21 continues to implement Council’s Rating Structure Framework by moving in a staged process to a common “base rate” for all ratepayers so as to not impose large increases on any category of ratepayer in any one financial year.

2020/2021 Rate levy balanced to Revaluation													
Rate	Category	Number of Properties	Land Value	Rate in \$	Number on Mins	Land Value of Mins	Min. Rate	Base Amount	% from Base	Income from Base	Income from Ad Valorem	2020/21 Total Yield	2020/21 Average Rate
1	Farmland	2225	1,051,519,070	0.283255				330.00	19.78%	\$734,250.00	2978480	\$3,712,730	\$1,669
2	Residential – Ashby, Chatsworth, Copmanhurst, Brushgrove, Harwood, Ilarwill, Lawrence, Palmers Island, Coutts Crossing, Woombah, Cowper, Glenreagh, Swan Creek, Tucabia, Ulmarra, plus rural residential areas. This includes Residential Flood Prone land(15 prop	7885	1,341,336,840	0.566011	1884	151,560,540	647.00				7953213	\$7,953,213	\$1,009
2(i)	Residential A – Angourie, Brooms Head, Diggers Camp, Iluka, Sandon River, Minnie Water, Wooli,Wooloweyah	2247	712,972,700	0.366405	348	42,772,060	647.00				2680805	\$2,680,805	\$1,193
	Residential B – Maclean,Townsend	1588	229,066,900	0.442073				490.00	43.45%	\$778,120.00	1012643	\$1,790,763	\$1,128
2(iii)	Residential C - Yamba	3341	1,067,407,346	0.321314				490.00	32.31%	\$1,637,090.00	3429729	\$5,066,819	\$1,517
2(iv)	Residential E – Grafton, Junction Hill	7704.15	827,060,108	0.793619				490.00	36.51%	\$3,775,033.50	6563706	\$10,338,740	\$1,342
3	Business	223	47,189,690	0.589754				490.00	28.19%	\$109,270.00	278303	\$387,573	\$1,738
3(i)	Business B - Maclean CBD, Maclean Other, Townsend Other Business	165	48,649,820	0.722047				490.00	18.71%	\$80,850.00	351275	\$432,125	\$2,619
3(ii)	Business C - Iluka Industrial, Iluka Other Business	57	23,808,180	0.595960				490.00	16.45%	\$27,930.00	141887	\$169,817	\$2,979
3(iii)	Business D -Yamba CBD including Treelands Drive, Yamba Other	278	120,833,447	0.568475				490.00	16.55%	\$136,220.00	686908	\$823,128	\$2,961
	Business E - Grafton & South Grafton CBD	367.71	96,156,328	2.030967				490.00	8.45%	\$180,177.90	1952903	\$2,133,081	\$5,801
3(iv)	Business F - Grafton & South Grafton other business	299.14	50,658,984	1.264588				490.00	18.62%	\$146,578.60	640627	\$787,206	\$2,632
3(v)	Business – Jetties	83	266,670	0.48600							1296	\$1,296	
	<b>Total ordinary rates</b>	<b>26463</b>	<b>4,565,407,013</b>		<b>2232</b>	<b>194,332,600</b>				<b>\$7,605,520.00</b>	<b>28671776</b>	<b>\$36,277,296</b>	

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

Council can expect to see an increase in the general rates income for 2020/2021 financial year by the 8% Special Rate Variation, however individual ratepayers who experience an above average land value increase may see higher than the rate peg increase on their properties (refer Attachment F) for example property levies for 2020/21 compared to the 2019/20 Rate Levy).

Tabled below is a summary of the proposed 2020/21 rate levy by category.

Rate Category	No. of Properties	Total Land Value	% of Total LV	2020/21 Proposed Rate Yield	% of Total Levy
Farmland	2225	\$1,051,519,070	18.72%	\$3,712,730	10.23%
Residential	22765	\$4,177,843,894	74.38%	\$27,830,340	76.71%
Business	1390	\$387,296,449	6.9%	\$4,732,930	12.05%
Business - Jetties	83	\$266,670		\$1,296	
<b>Total</b>	<b>26463</b>	<b>\$5,616,929,083</b>		<b>\$36,277,296</b>	

**Asset Management**

N/A

**Policy or Regulation**

At Council's December 2013 meeting Council adopted the following Rating Structure Framework which is to be used to guide the development of Council's future Rate Structures:

- Council transition to a fairer and more even rating structure, taking into consideration capacity to pay and responsibility to pay for services.
- The introduction of a base rate for all ratepayers to be implemented. The base rate is to be determined with reference to the criteria per S536 of the Act (see above), specifically structuring the base rates at a level that contributes towards the costs of Council's general administration, overheads and core service delivery that would be applicable to all rateable properties. An adjustment to the ad valorem rates will be required.
- That the recommendations above be implemented in a staged basis so as to not impose large increases on any category of ratepayer in any one financial year.
- That the Farmland category remains unchanged.

**Consultation**

Valuation information provided by Valuation Services, Coffs Harbour Office, a division of Property NSW.

**Legal and Risk Management**

Each year Council's proposed Rates and Charges to be levied for the next 12 months are to be incorporated into Council's Draft Operational Plan and exhibited for community consultation. This report has been prepared in accordance with the Local Government Act and Regulations and will meet Council's governance obligations.

Under section 548(3) (a) of the Local Government Act the minimum amount of an ordinary rate cannot exceed the statutory limit set in Regulation (clause 126) unless such a greater amount is determined by the Minister for Local Government. The Minister has delegated this authority to IPART.

**Climate Change**

N/A

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Prepared by	Paula Krahe, Revenue Coordinator
Attachment	A – Revaluation Increases by Category B – Residential Market Movement 2016-2019 C – Commercial/Industrial Market Movement 2016-2019 D – Rural Market Movement 2016-2019 E – Instrument Under Section 508A (Special Rates Variation) F – Example Properties – 20/21 Rates Comparisons

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<b>ITEM</b>	<b>6c.20.043</b>	<b>INTEGRATED PLANNING AND REPORTING FRAMEWORK 2020/2021</b>
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<b>Meeting</b>	Council	28 April 2020
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	Director - Corporate & Governance (Laura Black)	
<b>Attachment</b>	To be tabled	

## SUMMARY

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

The documentation underpins the activities of the Council, achieves the direction set by the elected members in the Delivery Program and the aspiration identified by the community in the Community Plan, Clarence 2027. The accompanying documentation also includes an annual budget, the resourcing strategy and Fees and Charges. It is proposed the draft documentation be placed on public exhibition and public comment be invited for consideration prior adoption in June 2020.

## OFFICER RECOMMENDATION

That

- The following documentation be endorsed for public exhibition from Wednesday 29 April 2020 until close of business Wednesday 3 June 2020:
  - the revised 2017 – 2021 Delivery Program and 2020 – 2021 Operational Plan (attachment A)
  - the resourcing strategy incorporating the Asset Management Strategy (2020/2021 – 2029/2030) (attachment B), Workforce Strategy (2017/2018 – 2020/2021) (attachment C) and Long Term Financial Plan (2020/2021 – 2029/2030) (attachment D)
  - the draft 2020 – 2021 Budget (attachment E)
  - the draft 2020 – 2021 Fees and Charges and Statement of Revenue Policy (attachment F)
  - the revised Capital Works Program 2020 – 2021 (attachment G).
- Members of the public be invited to make written submissions with regard to the draft documentation, while it is on public exhibition.
- Following the period of public exhibition, the draft documents as amended as a result of consideration of public submissions, be considered for adoption at the June Ordinary Meeting of Council.

## COUNCIL RESOLUTION – 6c.20.043

**Clancy/Novak**

That

- The following documentation be endorsed for public exhibition from Wednesday 29 April 2020 until close of business Wednesday 3 June 2020:
  - the revised 2017 – 2021 Delivery Program and 2020 – 2021 Operational Plan (attachment A)
  - the resourcing strategy incorporating the Asset Management Strategy (2020/2021 – 2029/2030) (attachment B), Workforce Strategy (2017/2018 – 2020/2021) (attachment C) and Long Term Financial Plan (2020/2021 – 2029/2030) (attachment D)
  - the draft 2020 – 2021 Budget (attachment E)
  - the draft 2020 – 2021 Fees and Charges and Statement of Revenue Policy (attachment F)
  - the revised Capital Works Program 2020 – 2021 (attachment G).



2. Members of the public be invited to make written submissions with regard to the draft documentation, while it is on public exhibition.
3. Following the period of public exhibition, the draft documents as amended as a result of consideration of public submissions, be considered for adoption at the June Ordinary Meeting of Council.

**Voting recorded as follows:**

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

**Against:** Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

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

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

**BACKGROUND**

Preparation of the IP&R documentation is the responsibility of Council's senior management in consultation with Councillors and staff. Preparation of the 2020/2021 documents considers Council's financial position and the continuing journey toward a sustainable future. Minor changes have been made to the Delivery Program to ensure currency. Incorporated in the Delivery Program is the 2020/2021 Operational Plan, which confirms activities proposed to meet year four of the 2017/18 – 2020/21 Delivery Program.

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

The draft 2020/21 Fees and Charges contains a total of 1,626 fees, including 54 new fees. Of the 54 new fees, 3 relate to Grafton Regional Landfill, 6 relate to the Regional Airport, 12 to building and development certificates and services, 2 to Clarence Regional Library, 2 to Grafton Regional Gallery, 19 to Cemeteries, 9 to Civil Engineering Works & Inspections and 1 for Noxious Weeds.

Major increases in fees (>50%) are as follows:

- A major review of all cemetery fees has been undertaken. This has resulted in a new structure and hierarchy being put in place for these fees. Some existing fees have increased to align with the new structure.
- Engineering Application and Inspection of Works fees have increased by approximately 60%. This is to more accurately reflect the cost of service.

Fees or charges that have decreased by greater than 25%. They are as follows:

- Per the commentary in major increases >50% above, a major review of all cemetery fees has been undertaken. This has resulted in a new structure and hierarchy being put in place for these fees resulting in some fees significantly decreasing.

Other significant variations include:

- A rationalisation of library fees has been undertaken to make the fee structure easier to understand for users. All individual library charges for printing and photocopying have been removed and just one set of fees that cover all locations have been introduced

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

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

The 2020/2021 draft budget proposes a net result surplus of \$1,386,726, after loan repayments, transfers from Reserves and a capital works program totalling \$68.7 million. The draft budget is presented in a number of ways:

- A Summary Income Statement by Fund and Consolidated
- An Income and Expenditure by Fund
- An Income and Expenditure by Service
- A Detailed Income and Expenditure Statement by Service
- A Detailed Income and Expenditure Statement by Sub-Service
- A Reserve Statement by Fund

Having been granted an SRV by IPART in 2018, the Long Term Financial Plan (LTFP) presents the path Council is currently on to meet sustainability obligations with a Net Operating General Fund surplus returned in 2020/2021. Additional funds raised through the SRV is identified separately and allocated to improved management of assets, through increased expenditure on renewal and maintenance programs as identified in the Capital Works Program.

## KEY ISSUES

The key points to note:

- The Long Term Financial Plan indicates that Clarence Valley Council is meeting its sustainability obligations in 2020/2021 and remains sustainable over the long term.
- Two LTFP scenarios have been prepared to examine the impacts of population growth as applied to Rates & Annual Charges Income on the operating result. Scenario 1 – Average Population Growth – 0.12% and Scenario 2 – Optimistic Population Growth – 1%.
- Includes \$5.2M (above rate peg) in ordinary rate revenue generated from a 3 year Special Rate Variations of 8% per year that commenced 2018/19. These funds will continue to be mainly spent on roads and infrastructure asset renewals.
- A 2020/2021 Net Result (after loan repayments and transfers from Reserves) deficit of \$1,386,726.
- \$2.9M of Improvement Strategies yet to be realised at the time of reporting have been included in the Long Term Financial Plan – an information sheet (attachment H) details strategic improvements made.
- Loan repayments of \$8,194,928 for 2020/2021, the majority of which is servicing Sewer loans.
- A Capital Works Program totalling \$68.7M, the key features being an allocation of \$21M to road and bridge infrastructure projects and approximately \$32 Million allocated to open spaces, community facility and building projects.
- A major review of all cemetery fees and charges has been undertaken. This has resulted in a new structure and hierarchy being put in place for these fees. Some existing fees have increased to align with the new structure conversely some fees have significantly decreased for the same reason.
- An Operational Plan that identifies actions that will be undertaken in 2020/2021 to meet the objectives of the Delivery Program – noting minor amendments to correctly identify responsibility following realignment of organisational structure.
- An Asset Management Strategy that provides a framework to guide planning, construction, maintenance and operation of Council's physical assets.

- Council has made a significant investment into a fully integrated Asset Management System which will commence in 20-21. This system will facilitate a significant improvement in the capture and recording of Council's capital and maintenance expenditure on assets. This data will directly feed into Council's future asset management plans which in turn inform the Long Term Financial Plan and guide future decisions.
- Due to the current health pandemic (COVID-19) and related Public Health Orders restricting gatherings and imposing social distancing, face to face information sessions will not be hosted.
- Public exhibition will be electronic through our website and social media, on external display at Council's Maclean and Grafton Administration Centres and in print media. This is supported by our previous experience in recent years with greater engagement occurring online than at the face to face information sessions held.

## COUNCIL IMPLICATIONS

### Budget/Financial

While there is no financial implication in adopting the recommendation of this report, the report subject matter considers the financial position of the council for 2020/2021 and long term. Also attached to this report is attachment H which details Council's progress in achieving the adopted improvement strategies.

### Asset Management

While adopting the recommendation of this report does not explicitly affect asset management, the content of the report does relate to Council's future funding and management of assets.

### Policy or Regulation

The Local Government Act 1993 provides for the exhibition period of Council's Integrated Planning and Reporting Framework documentation, over a minimum period of 28 days.

### Consultation

Due to the current health pandemic (COVID-19) and related Public Health Orders restricting gatherings and imposing social distancing, face to face information sessions will not be hosted.

Public exhibition will be electronic through our website and social media, on external display at Council's Maclean and Grafton Administration Centres and in print media. This is supported by our previous experience in recent years with greater engagement occurring online than at the face to face information sessions held.

### Legal and Risk Management

The Integrated Planning and Reporting Framework (IP&R) is enacted under the Local Government Act 1993.

### Climate Change

N/A

Prepared by	Kate Maginnity, Manager Finance and Supply
To be tabled	<ul style="list-style-type: none"> <li>A. Revised Delivery Program 2017 – 2021 and Revised Operational Plan 2020/21</li> <li>B. Revised Asset Management Strategy 2020/21 – 2029/30</li> <li>C. Workforce Management Strategy 2017/2018 – 2020/2021</li> <li>D. Draft Long Term Financial Plan (2020/2021 – 2029/2030)</li> <li>E. Draft Annual Budget 2020/21</li> <li>F. Draft 2020/21 Fees and Charges</li> <li>G. Draft 2020/21 Capital Works Program</li> <li>H. Strategic Improvement Information</li> </ul>

<b>ITEM</b>	<b>6c.20.044</b>	<b>STREET SWEEPING LEVEL OF SERVICE</b>	
<b>Meeting</b>	Council		28 April 2020
<b>Directorate</b>	Works & Civil		
<b>Reviewed by</b>	Manager - Open Spaces & Facilities (Peter Birch)		
<b>Attachment</b>	Nil		

## SUMMARY

Council owns and operates a street sweeper, and previously a footpath sweeper, which are operated by staff. The Level of Service (LoS) provided by this activity has been found to be very high and potential efficiencies have been identified in contracting the provision of this service.

## OFFICER RECOMMENDATION

That 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.

## COUNCIL RESOLUTION – 6c.20.044

**Kingsley/Baker**

### 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.

### Voting recorded as follows:

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

**Against:** Nil

## LINKAGE TO OUR COMMUNITY PLAN

Theme 1 Society

Objective 1.1 We will have proud and inviting communities

Strategy 1.1.1 Encourage vibrant and welcoming towns and villages

## BACKGROUND

Council owns and operates a street sweeper and previously a footpath sweeper and is operated by a full-time employee and other staff. Historically this operation has focussed on servicing Grafton CBD with sweeping of the town centre every working day and sweeping of the footpath twice a week.

Over the last 24 months, this service has been reviewed in detail. This review has included:

- Fitting a GPS tracking system to the street sweeper to collect data around the average production rates
- Mapping and measuring every section of kerb and gutter in the shire that should be swept
- Creating a detailed schedule using the maps and productivity rates identified above
- Iteratively optimising the schedule to achieve efficiency and ensure equitable service delivery
- Ceasing to operate the footpath sweeper and delivering the service with leaf blowers

The current sweeping schedule is based on a full-time work week with no overtime and achieves the sweeping intervals identified in the below table. This schedule has also been validated by an external street sweeping company (North Coast Sweepers) whilst our operator has been on periods of extended leave.

**Table 1 - Current Street Sweeping Level of Service (LoS)**

<b>Work Location</b>	<b>Sweeping Interval</b>
Grafton, South Grafton CBD including footpaths	Twice a week
Grafton and South Grafton State Highways (RMCC)	Once a fortnight
Maclean, Yamba, Iluka CBD's	Once a week
All other kerb and gutter in the LGA outside of the CBD	Once in 8 weeks

In order to understand what the current LoS is and how that compares to other Council areas, a number of steps have been taken. These include:

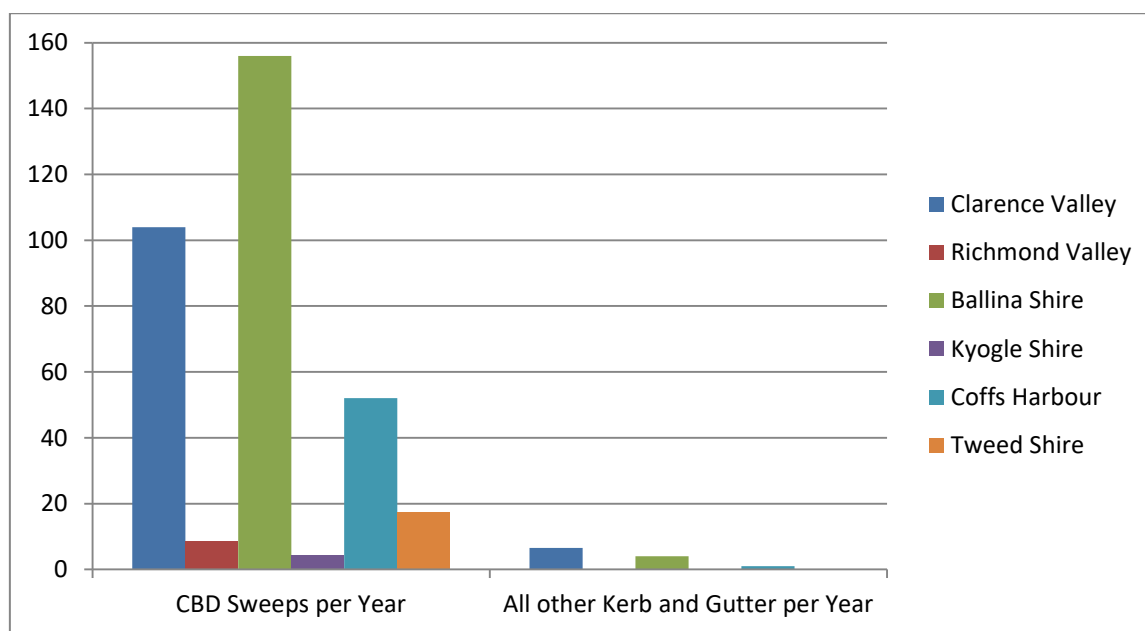
- Benchmarking the sweeping frequency against other local councils
- Investigating the number and nature of complaints that relate to street sweeping

### **Benchmarking**

The results of the benchmarking process are shown in the Table 2. Figure 1 also provides a chart to illustrate the differences in frequencies.

**Table 2 - Street Sweeping Benchmarking Summary**

<b>Council</b>	<b>CBD Sweeping Interval (visits pa)</b>	<b>All other Kerb and Gutter Interval (visits pa)</b>
Clarence Valley Council	Twice a week in Grafton (104) Once a week other CBD's (52)	Eight Weeks (6.5)
Richmond Valley	Every six weeks (8.6)	Not swept
Ballina Shire Council	Three times a week (156)	Once a quarter (4)
Kyogle Shire Council	Every 12 weeks (4.3)	Not swept
Coffs Harbour City Council	Weekly (52)	Once per Year (1)
Tweed Shire Council	Every three weeks (17.3)	Upon request only



**Figure 1 - Street Sweeping Benchmarking Summary**

The above data shows that there is a large spread of frequencies between different Councils. It is also clear that the level of service that we are providing is at the high end and is significantly higher than other nearby Councils.

To allow further analysis of different LoS’s the above information has been used a guide for the creation of three LoS standards that fit conveniently with the work that can be achieved per full work day. The high LoS is roughly equivalent to what is currently being delivered and that has been used as the basis for the cost estimates. The cost estimates allow for an escalation in the hourly hire rate for the street sweeper as a result of lower utilisation of the machine. Table 3 presents this information.

**Table 3 - Analysis of LoS and Costs for Street Sweeping Frequency**

LoS	CBD Sweeping Interval (visits pa)	All other Kerb and Gutter Interval (visits pa)	Estimated Annual Cost
<b>High</b>	Twice a week (104)	Once in 8 weeks (6.5)	\$275,000
<b>Moderate</b>	Once a fortnight (26)	Once in 16 weeks (3.25)	\$171,875
<b>Low</b>	Once a month (12)	Once in 32 weeks (1.63)	\$103,125

**Customer Request Analysis**

The results of the customer requests (CRM) relating to street sweeping have been investigated for the period between January 2019 and December 2019. Each CRM has been categorised based on the nature of the request, these categories are:

- *Ad Hoc Requests* – being requests that relate to a specific event or incident. ie. Smashed glass from a car accident
- *Too Often* – being requests asking us to sweep less often
- *Not Often Enough* – being requests for servicing areas we don’t currently service, or an increased frequency

**Table 4 - CRM Summary by Category**

Request Category	Number of CRM’s
Ad Hoc Requests	64
Not Often Enough	12
Too Often	1
<b>Total</b>	<b>77</b>

The requests within the *Not Often Enough* category have been further broken down by the locality of the request. This has shown that for the 12 month period all of the demand for additional servicing is from the CBD areas of South Grafton (5 requests), Grafton (4 requests), Yamba (2 requests) and Maclean (1 request).

This analysis supports the interpretation that our LoS for non-CBD areas is very high. It also suggests that within certain CBD's there is also some demand for more servicing. Considering the low number of requests in total, it does appear that this may be isolated and there may well be tolerance within the broader community for a reduction in the LoS.

## KEY ISSUES

### Appropriateness of LoS

It is clear that the LoS being provided throughout the LGA is high, particularly in relation to the sweeping of kerb and gutter outside of the main CBD's. The frequency provided in Grafton itself is also particularly high when compared to other CBD's.

The frequency provided within the Grafton CBD does have some merit due to the number and makeup of the street trees. After storms, and at certain times throughout the year (e.g Jacaranda Festival), the street trees drop a large amount of debris which accumulates in the kerb and gutter. The suggested LoS's do not show additional effort for Grafton, but instead rely on additional Grafton CBD visits being undertaken 'as required'.

In light of the information provided above it is recommended to adopt a lower LoS and address the ad-hoc requirements as they arise.

### Plant and Employee Utilisation

The current level of service is being achieved with one full time employee and one street sweeper, and as a result any reduction to the LoS will result in slack in the plant and labour available.

In addition, as the street sweeper cannot be used for anything other than street sweeping, a reduction in the utilisation will result in an escalation of the hourly hire rate of the plant item. This has been allowed for in the cost estimates provided above.

### Other Plant Considerations

In regards to the footpath sweeper, this item of plant had not been used for multiple months whilst an alternative approach has been trialled. The alternative approach, of using hand held leaf blowers and shovels has proved more effective than the footpath sweeper. This will be reflected in the plant replacement program.

## COUNCIL IMPLICATIONS

### Budget/Financial

A change to the current LoS will result in savings to the operational budget. The budget allocation for the 19/20 FY is \$275,000. The estimated annual cost of each of the LoS options are provided in Table 3. A recommended moderate LoS is forecasted to be \$171,875.

### Asset Management

Removing the footpath sweeper from the plant fleet will reduce the size of the heavy plant fleet.

### Policy or Regulation

N/A

**Consultation**

N/A

**Legal and Risk Management**

N/A

**Climate Change**

Heavy plant and equipment consume significant quantities of fossil fuels. Reducing the operating hours on the street sweeper will reduce our direct green house gas emissions.

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Prepared by	Alex Dalrymple – Manager Civil Services
Attachment	Nil

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<b>ITEM</b>	<b>6c.20.045</b>	<b>LOCAL TRAFFIC COMMITTEE</b>
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<b>Meeting</b>	Council	28 April 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	Manager - Civil Services (Alex Dalrymple)	
<b>Attachment</b>	Yes	

## SUMMARY

This report lists the recommendation made at 1 April 2020 meeting of the Clarence Valley Council Local Traffic Committee.

## OFFICER RECOMMENDATION

That the recommendations of the Local Traffic Committee included in the Minutes of its 1 April 2020 meeting be adopted by Council.

## COUNCIL RESOLUTION – 6c.20.045

**Baker/Kingsley**

**That the recommendations of the Local Traffic Committee included in the Minutes of its 1 April 2020 meeting be adopted by Council.**

**Voting recorded as follows:**

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

**Against: Nil**

## LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

## BACKGROUND

The following items were discussed at the Local Traffic Committee held on 1 April 2020.

### **Item: 006/20 HARWOOD BRIDGE INTERCHANGE**

That the Stop Sign treatments at both intersections onto Yamba Road from the Harwood Bridge interchange be replaced with Give Way signs.

## KEY ISSUES

Agenda, minutes and attachments are attached.

## COUNCIL IMPLICATIONS

**Budget/Financial**

N/A

**Asset Management**

N/A

**Policy or Regulation**

N/A

**Consultation**

N/A

**Legal and Risk Management**

N/A

**Climate Change**

N/A

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Prepared by	Alex Dalrymple, Manger Civil Services
Attachment	Traffic Committee Minutes

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<b>ITEM</b>	<b>6c.20.046</b>	<b>GRANT FUNDING – BRUSHGROVE RECREATIONAL TRIANGLE PLAYGROUND &amp; GREVILLIA PARK, MINNIE WATER</b>
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<b>Meeting</b>	Council	28 April 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	Manager - Open Spaces & Facilities (David Sutton)	
<b>Attachment</b>	Nil	

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**SUMMARY**

This report seeks Council's endorsement to accept an offer of \$20,000 for Brushgrove Triangle playground upgrade & \$15,000 for Grevillia Park Playground Upgrade in grant funding from the NSW Government's Community Building Partnerships Program.

**OFFICER RECOMMENDATION**

That Council accept the funding offer of \$20,000 (GST exclusive) for Brushgrove Triangle Playground & \$15,000 (GST exclusive) for Grevillia park playground from the NSW Government's Community Building Partnerships Program Grants Program.

**COUNCIL RESOLUTION – 6c.20.046**

**Baker/Kingsley**

**That Council accept the funding offer of \$20,000 (GST exclusive) for Brushgrove Triangle Playground & \$15,000 (GST exclusive) for Grevillia park playground from the NSW Government's Community Building Partnerships Program Grants Program.**

**Voting recorded as follows:**

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

**Against: Nil**

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**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**

Brushgrove Recreational Triangle playground, Brushgrove being constructed in 1996 and Grevillia Park playground, Minnie Water being constructed in 2002, the playgrounds were identified for replacement in Council's 2019/20 capital works budget in line with Council's Open Space Strategic Plan, Open Space Asset Management Plan and Playground policy.

**KEY ISSUES**

The funding was announced by Chris Gulaptis MP, Member for Clarence from the latest round of the NSW Government's Community Building Partnerships Program.

The projects will involve the demolition and disposal of the existing playground equipment that has reached the end of its useful life, the supply and installation new play equipment, minor landscape and garden improvements, and the installation of a new concrete footpath or edging. Using funding from other renewal votes the site furniture and fencing will be replaced as required.

The funding will bring the playgrounds up to date with the latest Australian Standards for safety, as well as to improve the play experience, accessibility, and diversity aligning with Council's Open Space Strategic Plan, Open Space Asset Management Plan & Councils Playground policy.

Key improvements proposed include:

- Provide a range of play experiences and cater to a range of age groups through active, imaginative, creative, social, quiet and free play
- Create nature play areas with an array of textures, sensory activities, gardens, and natural sounds to encourage children to engage all of their senses
- Provide strong connections with the local landscapes and local communities
- Possible improvements to surrounding car parks, BBQ's, seating areas and pathways

## COUNCIL IMPLICATIONS

### **Budget/Financial**

#### Brushgrove Triangle playground:

\$29,681 is allocated in the 2019/20 budget to PJ550170 - Brushgrove Recreation Triangle Playground. The total cost for the supply and installation of the new playground equipment is \$58,950.00. The \$20,000 from grant funding will reduce Council's costs to \$38,950.00, the balance of funds (\$9,270) will be drawn from savings from other 2019/20 playground projects. All other works will be drawn from other Open Spaces renewal budgets.

#### Grevillia Park:

\$20,000 is allocated in the 2019/20 budget to PJ 550326 - CCRT Grevillia Park Playground. The total cost for the supply and installation of the new playground equipment is \$28,540.00. The \$15,000 from grant funding and Council funding will enable the renewal of the equipment, soft fall, edging and other works to integrate the equipment into the park.

### **Asset Management**

The funding will assist in bringing the playground up to date with the latest Australian Standards for safety, as well as to improve the play experience, accessibility, and diversity

### **Policy or Regulation**

The funding is being provided through the NSW Government's Community Building Partnerships Program Grants Program

### **Consultation**

Community consultation was held online on Councils Clarence Conversations webpage & onsite at the Brushgrove Triangle playground Saturday 26 October, 2019 with a large amount of community interest, ideas and support for these upgrades.

### **Legal and Risk Management**

The supply & Installation of the playground will be from approved government contractors who supply to local governments throughout Australia. Their products, services, experience, qualifications, certifications, insurances, sustainability, work health and safety have all been thoroughly checked and approved by government bodies across Australia.

**Climate Change**

The projects will pursue an active environmental policy through its project management by setting high objectives to reduce its environmental impact, be it at the level of resource consumption at the manufacturing stage, industrial waste management of old play equipment consisting of the separation of all materials so recycling is possible, further native trees, shrubs & grasses (local providence wherever possible), to planted and waste management on our playground construction sites to be key priorities.

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Prepared by	Andrew Auglys, Acting Open Spaces Coordinator
Attachment	Nil

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<b>ITEM</b>	<b>6c.20.047</b>	<b>DRAFT BIODIVERSITY STRATEGY 2020-2025</b>
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<b>Meeting</b>	Council	28 April 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	Manager - Open Spaces & Facilities (Peter Birch)	
<b>Attachments</b>	Yes	

## SUMMARY

Council's current Biodiversity Management Strategy was written in 2010 and many of the actions from that strategy have since been achieved and there have been changes in legislation, land use and approaches to conservation that requires an updated document. The draft *Biodiversity Strategy 2020-2025* (Strategy) lists actions to protect biodiversity across the Clarence Valley for the next 5 years.

In developing the Strategy significant community and stakeholder engagement was completed. This draft has also been developed to align with other regional biodiversity plans.

## OFFICER RECOMMENDATION

That Council

1. Endorse the draft Biodiversity Strategy 2020-2025 to be placed on public exhibition for a period of not less than 28 days for comment.
2. Receive a report to the July meeting listing submissions received and proposed amendments to the draft Biodiversity Strategy 2020-2025 for consideration for adoption.

## COUNCIL RESOLUTION – 6c.20.047

**Toms/Clancy**

That Council

1. Endorse the draft Biodiversity Strategy 2020-2025 to be placed on public exhibition for a period of not less than 28 days for comment.
2. Receive a report to the July meeting listing submissions received and proposed amendments to the draft Biodiversity Strategy 2020-2025 for consideration for adoption.

Voting recorded as follows:

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

Against: Nil

## LINKAGE TO OUR COMMUNITY PLAN

Theme 4 Environment

Objective 4.1 We will preserve and enhance our natural environment

Strategy 4.1.2 Promote sustainable Natural Resource Management

## BACKGROUND

The 2010 Biodiversity Management Strategy was developed to address a need identified in Valley Vision 2020 being to develop a biodiversity strategy as one of the key documents to outline how the ecology and biodiversity of the Local Government Area (LGA) would be protected. Many actions have been completed

from the 2010 strategy (refer to Appendix 1 of the draft *Biodiversity Strategy 2020-2025* – Attachment A), hence the document required review to ensure the community, the legislation and approaches to conservation were up to date.

The Clarence Valley community continues to place a high value on the natural environment and biodiversity which is reflected in the feedback received for the *Clarence 2027 Community Strategy Plan*. Given that the natural environment underpins not only many of the region's key industries, but also the wellbeing of its residents, the importance and values of biodiversity in supporting life on earth are well documented.

In response to declines in biodiversity and following on from Council's *2010 Biodiversity Management Strategy* the draft *Biodiversity Strategy 2020-2025* has been developed with community consultation and assistance from a working group with representatives from Department of Primary Industry and Environment, Local Land Services, Clarence Environment Centre, and the Northern Rivers Fire and Biodiversity Consortium.

The actions in the draft *Biodiversity Strategy 2020-2025* emphasise that the number one threat to biodiversity in the Clarence is loss of vegetation and fragmentation of habitat. Therefore through implementing the list of actions the strategy aims for:

- a) an overall net gain in vegetation,
- b) an emphasis on connectivity,
- c) adequate design for development of land within remnant vegetation that protects and maintains a significant portion of that site, and
- d) provision for the protection of endangered ecological communities and vegetated corridors.

This draft plan has been developed to align with other regional plans including;

- The North Coast Regional Plan 2036 – the NSW Department of Environment's 20 year blue print for the region.
- CVC's Community Strategic plan 2027
- Australia's Strategy for Nature 2018-2030
- Northern Rivers Regional Biodiversity Management Plan 2010
- Australian Department of Energy & Environment Recovery Plans
- NSW Department of Primary Industry & Environment Saving our Species Programs
- Regional State of the Environment 2016 - North Coast Region of NSW
- NSW Biodiversity Offsets Scheme
- NSW Marine Estate Management Strategy
- Northern Rivers Joint Organisation Strategic Regional Priorities 2019-2022
- Draft Clarence Valley Local Strategic Planning Statement

Whilst there are Federal and State strategies for protecting biodiversity, local action is required to ensure the sustainability of our local biodiversity. The Clarence Valley LGA is home to 131 threatened fauna and 113 plants. The LGA also supports 18 threatened ecological communities and 3 endangered populations. The *Biodiversity Strategy 2020-2025* will help guide Council's actions to protect and enhance biodiversity - now and into the future.

## KEY ISSUES

### Community concerns - results of the survey

A survey, that was advertised on our Facebook page, in the media, and on radio, was conducted to inform the draft strategy and there were 94 responses.

The responses that ranked highest were regarding protecting habitat including fauna corridors, Council's continuing support to land care and managing fire appropriately.

Responses were strongly correlated to a broad scale application of biodiversity programs, from the coast to the mountains, with protection of habitat from clearing ranking the highest preferred action.

Overall the community input was positive towards the draft strategy, with support for programs across all areas of the LGA, from the coast to the ranges.

Further results can be viewed in attachment B.

### **Net vegetation gain**

The 2010 strategy included the premise of a net vegetation gain with the resultant development of a Biodiversity Development Control Plan (DCP) and the Biodiversity Offset Policy which were both adopted by Council. Net vegetation gain remains one of the central tenets of the 2020-2025 strategy, recognising that retaining habitat is crucial to native species survival. Further to this, implementing actions that encourage the development of wildlife corridors, and connecting remnant habitat are essential to securing populations of our threatened species in the wild.

### **Legislation**

Changes in legislation such as the introduction of the Biodiversity Conservation Act 2016, and the Biodiversity Offset Scheme (BOS), have seen the implementation of the "avoid, minimise and offset" policy to retain native vegetation. Where a development does not trigger the BOS, Council's Biodiversity DCP and associated controls must be considered.

One of the actions in the draft strategy is to develop a policy to encourage local offsetting of credits generated from developments. This is because currently when vegetation is being removed as part of a development that has entered the BOS, the loss can be offset in a different part of the state, thereby potentially creating a deficit of certain vegetation types and species here in the Clarence. A local offset policy would look at discounting credits for developers, should they choose to offset locally, thereby conserving vegetation in the Clarence.

### **Resourcing**

Council employed a dedicated Biodiversity Officer in 2018 to, among other duties, implement actions from the biodiversity strategy. Continuation of this position is paramount to conserving biodiversity across the LGA. Additional funds will be required to implement this strategy, with the draft action table indicating costs of actions as low (<\$10000), medium (\$10000-50000) and high (>\$50000).

### **Priority actions**

The priority actions to undertake in the first 12 months are:

- Identify a range of funding opportunities and landholder incentives for the establishment and maintenance of habitat corridors.
- Identify and develop links with habitat areas outside of Clarence Valley LGA in consultation with DPIE and adjoining local councils, community groups and organisations such as the Great Eastern Ranges.
- Manage roadside vegetation to maintain biodiversity values by developing a Roadside Vegetation Management Plan.
- Design an assessment and audit process to review compliance with the *Biodiversity Strategy 2020-2025* across all relevant areas of Council, including development applications and civil works.

## **COUNCIL IMPLICATIONS**

### **Budget/Financial**

The cost of developing the draft *Biodiversity Strategy 2020-2025* has been covered by Council's costs associated with employment of the Biodiversity Officer since 2018 which was a recommendation of the



2010 plan. There is scope to fund actions in this strategy with Council's recurrent budget subject to some external funds being secured.

### **Asset Management**

The development of vegetation management plans covering Council owned land is an action in the strategy.

### **Policy or Regulation**

- Biodiversity Conservation Act 2016
- Local Government Act 1993

### **Consultation**

Community consultation took place for the strategy via Council's engagement platform – Clarence Conversations. Over a 2 month period a survey was available for the community to fill out, which guided the development of the actions and allowed for communication and opinions to be heard. The summary of responses is provided in attachment B.

Seeking community input was very important to progress the strategy. A biodiversity page was developed on Clarence Conversations where the community was asked to answer a 10 question survey <https://www.clarenceconversations.com.au/biodiversity>.

Council sought input into developing the actions for the strategy, based on the following three overarching aims:

1. Maintain and rehabilitate natural areas across the Clarence local government area;
2. Protect threatened species and communities, and;
3. Implement actions to address threats to biodiversity.

The information that was placed on Clarence Conversations is reproduced below.

### **Why update the 2010 strategy?**

Human impact on the natural environment is having detrimental effects worldwide, with the decline of plants, animals and even insects at unprecedented levels. The Clarence Valley local government area remains a stronghold for a diverse range of plants and animals and with targeted programs, Council is working towards halting this trend of biodiversity decline.

### **What is biodiversity?**

Biodiversity is the variety of all life forms — the different plants, animals and micro-organisms, the genes they contain, and the ecosystems they form. Biodiversity is usually considered at three levels: genetic diversity, species diversity and ecosystem diversity.

### **Why is it important?**

The Clarence Valley community places a high value on the natural environment and biodiversity. This is not surprising given that the natural environment underpins many of the region's key industries and the well-being of its residents.

### **What will success look like?**

- A collaborative approach between Council, the community, landholders and other government agencies to manage biodiversity now and into the future
- Increase in the amount of effective connectivity in habitats
- Increase in landowner involvement in biodiversity conservation programs
- Improved recognition of the importance of the role of biodiversity across the LGA
- Maintained and improved populations of threatened species
- Improved water quality and overall river health

**What are we planning on doing to make a difference?**

Council has updated draft strategy – the Biodiversity Strategy 2020-2025 and the following three overarching aims will frame the actions:

1. Maintain and rehabilitate natural areas across the Clarence local government area;
2. Protect threatened species and communities, and;
3. Implement actions to address threats to biodiversity.

**Legal and Risk Management**

The risk to Council not to proceed with adopting the strategy would be contrary to council policy. Council needs to be a leader in biodiversity conservation as it has been in other natural resource management areas such as floodplain management and the integration of sustainability within the organisation.

**Climate Change**

This strategy aims to minimise the effects of climate change that negatively impact biodiversity, by increasing the resilience of natural ecosystems and landscapes. Actions that improve the health of natural areas such as weed control, replanting, and rehabilitation all increase the resilience of native plants to climate extremes. Implementing the actions in this strategy will go a long way towards securing our local populations of important flora and fauna.

Prepared by	Heather Mitchell NRM Officer - Biodiversity
Attachment	A: Draft Biodiversity Strategy 2020-2025 B: Summary of the biodiversity survey responses from Clarence Conversations

<b>ITEM</b>	<b>6c.20.048</b>	<b>GRAFTON POOL MASTER PLAN UPDATE – LOCATED ON CROWN LAND</b>
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<b>Meeting</b>	Council	28 April 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	Manager - Open Spaces & Facilities (Peter Birch)	
<b>Attachment</b>	Nil	

## SUMMARY

This report addresses item 3 and 4 of Council resolution 6c.19.112 providing a price estimate for the production of detailed design as well as a new diving pool and infrastructure and an update on the repairs to the to address the water loss and failing infrastructure.

## OFFICER RECOMMENDATION

That Council, as Crown Land Manager of the Grafton Westward and General Douglas MacArthur Park Reserve (R540035):

1. Allocate \$600,000 for the development of the detailed design documentation for the Grafton Pool Masterplan in the draft 2020/21 capital works program.
2. Include the allocation of \$600,000 for the development of the detailed design documentation for the Grafton Pool Masterplan in the draft 2020/2021 Budget during the public exhibition period, noting the impact on the reduction of the NET RESULT General Fund surplus by \$600,000.
3. Note the price estimate for a new purpose built diving pool and associated infrastructure.
4. Not include a new purposed built diving pool in the facility plan.
5. Investigate as part of the detailed design scope the required facility changes and the capital and operational cost impacts of including a low height diving board within the 50m pool, with the outcomes reported back as part of a project status report.

## MOTION

Kingsley/Simmons

That Council, as Crown Land Manager of the Grafton Westward and General Douglas MacArthur Park Reserve (R540035):

1. Allocate \$600,000 for the development of the detailed design documentation for the Grafton Pool Masterplan in the draft 2020/21 capital works program.
2. Include the allocation of \$600,000 for the development of the detailed design documentation for the Grafton Pool Masterplan in the draft 2020/2021 Budget during the public exhibition period, noting the impact on the reduction of the NET RESULT General Fund surplus by \$600,000.
3. Note the price estimate for a new purpose built diving pool and associated infrastructure.
4. Include a new purposed built diving pool in the facility plan.
5. Investigate as part of the detailed design scope the required facility changes and the capital and operational cost impacts of including a low height diving board within the 50m pool, with the outcomes reported back as part of a project status report.

Voting recorded as follows:

For: Kingsley, Simmons, Williamson

Against: Baker, Novak, Clancy, Toms, Ellem

The Motion was put and declared LOST.

## AMENDMENT MOTION

Williamson/Toms

That Council, as Crown Land Manager of the Grafton Westward and General Douglas MacArthur Park Reserve (R540035):

1. Allocate \$600,000 for the development of the detailed design documentation for the Grafton Pool Masterplan in the draft 2020/21 capital works program.
2. Include the allocation of \$600,000 for the development of the detailed design documentation for the Grafton Pool Masterplan in the draft 2020/2021 Budget during the public exhibition period, noting the impact on the reduction of the NET RESULT General Fund surplus by \$600,000.
3. Note the price estimate for a new purpose built diving pool and associated infrastructure.
4. Not include a new purposed built diving pool in the facility plan.
5. Investigate as part of the detailed design scope the required facility changes and the capital and operational cost impacts of including a low height diving board within the 50m pool, with the outcomes reported back as part of a project status report.

Voting recorded as follows:

For: Williamson, Toms, Ellem, Baker

Against: Novak, Clancy, Simmons, Kingsley

The Amendment to Motion was declared LOST on the casting vote of the Chair. The original motion was then considered.

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 1 Society

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

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

**BACKGROUND**

Price estimates were sought for the production of detailed design documentation for the approved masterplan design as well as a new dive pool and associated infrastructure to address items 3 and 4 of Council resolution 6c.19.112 (December 2019) being –

*That Council, as Crown Land Manager of the Grafton Westward and General Douglas MacArthur Park Reserve (R540035):*

1. *Receive and note the Grafton Aquatic Centre – Adjunct Report Master Plan (Rev A) dated 12 December 2018 and the Royal Lifesaving Desk Top Audit dated February 2019.*
2. *Adopt Master Plan – Update (Option 2) as detailed on Liquid Blu Plan SK-03 (Rev B) dated 19 November 2018 as the Master Plan for the Grafton Olympic Pool, and supersede the previously endorsed Master Plan (Option 1) as detailed on Liquid Blu Plan MP-01 (Rev C) dated 22 May 2018.*
3. *Seek quotations for the production of the detailed design and associated documentation for the development of Grafton Aquatic Centre and report these costs to its April 2020 meeting.*
4. *Seek an estimate of cost for the construction of a new diving pool and associated infrastructure including towers and boards and report these costs to its April 2020 meeting.*
5. *Include the production of the detailed design and associated documentation for the Grafton Aquatic Centre in its 2020/2021 budget.*
6. *Actively seek Government support for the project and apply for suitable external funding.*
7. *Allocate \$50,000 from the general fund to investigate the water leaks, and where practicable carry out short term temporary repairs to reduce water loss to the pool structures and associated services.*

8. *Receive a report to its March 2020 meeting which details the findings of the works undertaken in point 7, and provides a risk analysis of potential failure of the pool structure and associated infrastructure.*

Further to address item 8, information was gathered to repair the water loss issue and potential failure of the infrastructure with works scheduled for the closure period.

## KEY ISSUES

### Detailed Design and Associated Documentation

To assist with budget planning, a price estimate was sought for the production of detailed design and associated documentation for the Grafton pool masterplan.

The phases include a schematic design, detailed design, tender documentation to construction ready level. The production of these documents will enable the project to be in a good position for funding opportunities and ensure the infrastructure issues are addressed.

The detailed design works involve specialist fields including architectural design, structural engineering, as well as hydraulic and electrical engineering areas of expertise. The price estimate received was 7.5% of the total project costs, however, it is envisaged that an allocation of \$600,000 be approved and the procurement of these services is tendered to ensure the best value.

### Diving Pool Replacement

A cost estimate was sought for the construction of a new diving pool including plant, equipment, tower structure and fit out for a similar replacement to the current structure, sized to FINA standards which would provide a slight increase in the pool shell. A price estimate from an aquatic designer is \$1.75M.

### Diving Pool Usage and Risk

There are currently no dive clubs located within the Clarence Valley. The current infrastructure is not up to a required standard to hold competitions and can only be used to accommodate recreational activities.

There are several hazards identified with the diving pool including:

- Slippery surfaces
- Pool depth
- Large crowds
- Peer pressure

These hazards can lead to personal injury or even death.

### Water Loss and Potential Infrastructure Failure

An aquatic specialist has inspected the pools and commenced investigation for the water loss. They have provided a recommendation, based on previous test results as well as the work completed in 2012 on the 50m pool which significantly contributed to water savings in this instance.



Figure 1 and 2 - Works completed in 2012 on the pool basin of the 50m pool

These works are currently being scheduled and will be undertaken in the closure period.

## COUNCIL IMPLICATIONS

### **Budget/Financial**

#### Detailed Design Fees – Price Estimate

A price estimate has been provided by Liquid Blu based on the production of design documentation for the approved Grafton Pool masterplan. Their estimate is based on an allowance of 7.5% of construction value of \$18M being \$1.35M.

This estimate is considered high, therefore it is recommended that Council approve an allocation of \$600,000 for this aspect of the project and the service tendered through Council's procurement process to ensure the best value for money is received.

#### Construction of a new Diving Pool – Price Estimate

A price estimate has been provided by Liquid Blu based on the replacement of a similar structure as the current tower including 1 x 5m platform 1 x 3m springboard and 1 x 1m springboard of \$1.75M. This price estimate does not include an allowance for lighting, concourse, fencing or any other item besides the pool and associated plant and equipment.

It is not recommended to include a purpose built diving pool in the proposed facility, due to the risks identified and reported in Council report 6c.19.112, due to the low return on investment, high risks associated with the dive pool and on the recommendation of the Royal Life Saving Society New South Wales.

While it remains the recommendation not to include a purpose built diving pool particularly at its current location in the proposed facility due to the risks, it is acknowledged that the provision of some form of diving facility addresses the anecdotal emotive, and social connection and the highly regarded recreation use. As part of considering options for a purpose built facility, examples of other facilities have been identified in which a low height diving board has been included into the 50m pool with the required

modifications to the pool facility. To that end it is proposed that Council investigate as part of the detailed design scope the required facility changes and the capital and operational cost impacts of including a low height diving board within the 50m pool, with the outcomes reported back as part of a project status report.

### **Asset Management**

The significant leaks are currently being investigated and it is scheduled for repair in the closure period.

The development of the detailed design for the Grafton Pool masterplan will address other issues with the inclusion of new equipment and infrastructure.

### **Policy or Regulation**

The following references are applicable to this report:

- Report Item 6c.20.036 – March 2020
- Report Item 6c.19.112 – December 2019
- Report Item 15.099/18 – June 2018
- Report Item 15.257/17 – December 2017
- Report Item 15.112/17 – June 2017
- Report Item 13.016/17 – April 2017
- Report Item 15.152/16 – December 2016
- Report Item 15.054/16 – June 2016
- Sports Management Policy
- Asset Management Policy
- Clarence Valley Sports Facilities Plan
- Clarence Valley Aquatic Facility Strategy
- Disability Inclusion Action Plan 2017 – 2021
- NSW Disability Inclusion Act 2014
- Native Title Act 1993

### **Consultation**

Consultation on the original Master Plan occurred with the community and pool stakeholders with results reported to Council in December 2016 [Item 15.152/16].

Consultation has occurred with aquatic specialists regarding the repairs required to address the water loss and potential infrastructure failure issues.

### **Legal and Risk Management**

The commitment to proceed to the detailed design phase and construct new facilities will address the current legal and risk management issues, identified and outlined in Council report 6c.19.112.

Previous reports to Council have identified risks associated with the potential failure of the pool structure following the chemical and structural analysis. The results of the chemical testing indicated a decline in the pool structure and increasing annual maintenance costs.

### **Climate Change**

The new design will incorporate some energy saving items like solar power and rain water tanks to reduce the overall emissions of the facility.

Prepared by	Rachelle Passmore – Senior Parks & Recreation Officer
Attachment	Nil

ITEM	6c.20.049	NEW GRAFTON CORRECTIONAL CENTRE WATERMAIN – EASEMENT ACQUISITIONS
<b>Meeting</b>	Council	28 April 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	A/Director - Works & Civil (Peter Birch)	
<b>Attachment</b>	Yes plus Confidential Attachment	

## SUMMARY

Infrastructure NSW (INSW) has constructed a watermain from Ulmarra to service the new Grafton Correctional Centre and engaged Council to undertake easement acquisitions over the pipeline. Public Works Advisory (PWA) was engaged by Council to assist with the easement acquisitions. PWA has undertaken negotiations with property owners regarding appropriate compensation and a Council resolution is now required to acquire the easements for watermain purposes.

## OFFICER RECOMMENDATION

That

1. Council acquire the following easements for Water Supply purposes:
  - a. 10 metres wide over Lot 316 in Deposited Plan 751390 shown as A13 in Deposited Plan 1253670.
  - b. 10 metres wide over Lots 1-3 in Deposited Plan 1094985 shown as A15, A16, A17 in Deposited Plan 1253670.
2. The easements be acquired under the terms of the *Land Acquisition Just Terms Compensation Act 1991* and by authority contained within the *Local Government Act 1993*.
3. The terms of the easements shall be as shown on Schedule A attached.
4. Council enter into a Deed of Agreement with the land owners ensuring that:
  - a. the easement referred to at point 1(a) is created and the agreed compensation as per the valuation report obtained from the registered valuer is paid,
  - b. the easement referred to at point 1(b) is created in exchange for two water connection points to be provided to the owner's land as requested by the owner.
5. Minerals are excluded from the acquisitions.
6. The Common Seal of Clarence Valley Council be affixed to the Transfer Granting Easement Form.
7. The Mayor and General Manager be delegated authority to sign any documentation necessary to complete the acquisition.

## COUNCIL RESOLUTION – 6c.20.049

**Baker/Kingsley**

That

1. Council acquire the following easements for Water Supply purposes:
  - a. 10 metres wide over Lot 316 in Deposited Plan 751390 shown as A13 in Deposited Plan 1253670.
  - b. 10 metres wide over Lots 1-3 in Deposited Plan 1094985 shown as A15, A16, A17 in Deposited Plan 1253670.
2. The easements be acquired under the terms of the *Land Acquisition Just Terms Compensation Act 1991* and by authority contained within the *Local Government Act 1993*.
3. The terms of the easements shall be as shown on Schedule A attached.
4. Council enter into a Deed of Agreement with the land owners ensuring that:
  - a. the easement referred to at point 1(a) is created and the agreed compensation as per the valuation report obtained from the registered valuer is paid,



- b. the easement referred to at point 1(b) is created in exchange for two water connection points to be provided to the owner's land as requested by the owner.
5. Minerals are excluded from the acquisitions.
  6. The Common Seal of Clarence Valley Council be affixed to the Transfer Granting Easement Form.
  7. The Mayor and General Manager be delegated authority to sign any documentation necessary to complete the acquisition.

**Voting recorded as follows:**

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

**Against:** Nil

## LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

Strategy 2.1.1 Maintain and renew water and sewer networks

## BACKGROUND

At its 25 February 2020 meeting Council resolved to acquire easements over two properties for the watermain servicing the new Correctional Centre (Resolution 6c.20.009), and the report noted that when agreement is reached with other property owners their easement acquisitions will be reported to Council.

## KEY ISSUES

PWA has advised the preferred approach is for the watermain easements to be acquired "by agreement" under the terms of the *Land Acquisition Just Terms Compensation Act 1991*. Agreement has been reached with two additional property owners and those easement acquisitions are the subject of this report. The proposed watermain easements are shown on Deposited Plan 1253670 and are identified as A13, A15, A16 and A17. The easements affect Lot 316 DP751390 and Lots 1-3 DP1094985. A copy of DP1253670 is included in the attachments.

## COUNCIL IMPLICATIONS

### Budget/Financial

INSW is reimbursing all Council costs (including compensation) related to the easement acquisitions.

### Asset Management

The watermain to the correctional centre has become a developer provided Council asset. Several property owners wished to relocate their existing connections to the new main to eliminate significant lengths to private mains across adjoining properties.

### Policy or Regulation

- Land Acquisition Just Terms Compensation Act 1991
- Local Government Act 1993

### Consultation

PWA has undertaken consultation with the property owners and formal offers of compensation have been agreed to by the two property owners. PWA has also been liaising with Council's property officer. INSW has concurred with the recommendation compensation offer.

**Legal and Risk Management**

Under Section 59A of the Local Government Act, Council has ownership of watermains constructed by or on its behalf regardless of whether the land is owned by Council. This section of the Local Government Act has effect despite Section 42 of the Real Property Act, 1900. Council also has powers of entry to maintain its watermains under Section 191A of the Local Government Act. Notwithstanding these provisions, it is preferred that easements be acquired over Council's watermains because they ensure property owners are aware of the presence of Council infrastructure on their property and hence provide a measure of protection to the infrastructure. If PWA is unable to come to agreement with all landowners regarding the easement acquisitions, the options for Council are either compulsory acquisition under the Land Acquisition Just Terms Compensation Act 1991 or relying on the power of entry.

**Climate Change**

Not relevant to the easement acquisition.

Prepared by	Greg Mashiah, Manager Water Cycle
Attachment	Schedule A – Terms of Easement Deposited Plans 1253670
Confidential	Valuation report Compensation request and assessment

<b>ITEM</b>	<b>6c.20.050</b>	<b>COUNCIL MEETING CHECKLIST – UPDATE ON ACTIONS TAKEN</b>
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<b>Meeting</b>	Council	28 April 2020
<b>Directorate</b>	Office of General Manager	
<b>Reviewed by</b>	General Manager - Ashley Lindsay	
<b>Attachment</b>	Yes	

### SUMMARY

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

### OFFICER RECOMMENDATION

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

### COUNCIL RESOLUTION – 6c.20.050

**Baker/Kingsley**

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

**Voting recorded as follows:**

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

**Against: Nil**

### LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

### BACKGROUND

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

### KEY ISSUES

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

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

### COUNCIL IMPLICATIONS

#### Budget/Financial

N/A

#### Asset Management

N/A

**Policy or Regulation**

Local Government Act 1993 S335 (1)

**Consultation**

Staff and Managers

**Legal and Risk Management**

N/A

**Climate Change**

N/A

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Prepared by	Lesley McBay – Coordinator Executive Support
Attachment	Checklist

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<b>ITEM</b>	<b>6c.20.051</b>	<b>CLARENCE AND LOWER CLARENCE SPORTS COMMITTEES –MINUTES OF MEETINGS</b>
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<b>Meeting</b>	Council	28 April 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	A/Manager - Open Spaces & Facilities (David Sutton)	
<b>Attachment</b>	Yes	

### SUMMARY

This report provides a copy of the minutes of the meetings and recommendations from the Clarence and Lower Clarence Sports Committees for Council's information.

### OFFICER RECOMMENDATION

That Council receive and note the Minutes from Monday 10 February 2020 Clarence Sports Committee and Lower Clarence Sports Committee meetings.

### COUNCIL RESOLUTION – 6c.20.051

**Baker/Kingsley**

**That Council receive and note the Minutes from Monday 10 February 2020 Clarence Sports Committee and Lower Clarence Sports Committee meetings.**

#### Voting recorded as follows:

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

**Against: Nil**

### LINKAGE TO OUR COMMUNITY PLAN

Theme 1 Society

Objective 1.1 We will have proud and inviting communities

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

### BACKGROUND

Two Sports Committees operate within the Clarence Valley, the Clarence Sports Committee and the Lower Clarence Sports Committee. The Clarence Sports Committee met in Grafton Chambers at 4:30pm and the Lower Clarence Sports Committee met in Maclean Chambers at 7:00pm on the second Monday of the month, at three month intervals.

This report provides a copy of the minutes of the meetings that were held on Monday 10 February 2020.

### KEY ISSUES

Summary of General Business – Clarence Sports Committee

- Sports Awards 2020 – report from Sub-Committee
- Grant Funding – update from Council
- Sports Committee Funded Projects – update from delegates
- 2019/20 – Round 2 Sports Committee Funding

- Stronger Country Communities Fund, Round 3 – update from Council
- NSW Government, T20 World Cup 2020 Legacy Fund – update from Council
- NSW Government, Infrastructure Grants – update from Council
- Combined Sports Committee Meeting
- General Business and updates from sporting delegates

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

- Sports Awards 2020 – report from Sub-Committee
- Grant Funding – update from Council
- Lower Clarence Sports Committee Membership
- Sports Committee Funded Projects – update from delegates
- 2019/20 – Round 2 Sports Committee Funding
- Stronger Country Communities Fund, Round 3 – update from Council
- NSW Government, T20 World Cup 2020 Legacy Fund – update from Council
- NSW Government, Infrastructure Grants – update from Council
- Combined Sports Committee Meeting
- General Business and updates from sporting delegates

#### Sports Committee Funding

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

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

### **COUNCIL IMPLICATIONS**

#### **Budget/Financial**

Council has allocated an amount of \$35,000 grant funding to the Clarence Sports Committee and an amount of \$35,000 grant funding to the Lower Clarence Sports Committee to undertake capital works. Funding is on a dollar for dollar (1:1) basis with applicants.

At its December 2019 meeting Council endorsed (Item 6c.19.109) the Clarence Sports Committee recommendations for \$6,602.27 to be allocated to Round 1 projects, leaving a total of \$28,397.73 grant funding available for Round 2 projects.

Council endorsed (Item 6c.19.058) at its September 2019 meeting the Lower Clarence Sports Committee recommendations for \$10,494.50 to be allocated to Round 1 projects, leaving a total of \$24,505.50 grant funding available for Round 2 projects.

#### **Asset Management**

Ongoing maintenance is required at many of Council's sporting facilities, however applications for funding through the sports committee must be made by the individual sports.

#### **Policy or Regulation**

The following references are applicable to this report:

- Sports Committees (Clarence and Lower) are committees of Council being appointed under s.355 of the Local Government Act

- Asset Management Policy V 3.0
- Clarence Valley Sports Facilities Plan – November 2011
- Clarence and Lower Clarence Committee Constitutions
- Guidelines for Funding

**Consultation**

Consultation occurred with delegates at the Clarence Sports Committee and Lower Clarence Sports Committee meetings on Monday 10 February 2020.

**Legal and Risk Management**

N/A

**Climate Change**

N/A

Prepared by	Gavin Beveridge
Attachment	Minutes – Clarence Sports Committee Meeting – 10 February 2020 Minutes – Lower Clarence Sports Committee Meeting – 10 February 2020

<b>ITEM</b>	<b>6c.20.052</b>	<b>GRAFTON REGIONAL ART GALLERY UPGRADE PROJECT – STATUS REPORT</b>
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<b>Meeting</b>	Council	28 April 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	A/Director - Works & Civil (Peter Birch)	
<b>Attachment</b>	Yes	

**SUMMARY**

This report provides an update on the status of the Grafton Regional Gallery Upgrade project since approval was granted by Council to accept the tender from O'Donnell & Hanlon on the 22<sup>nd</sup> October 2019.

**OFFICER RECOMMENDATION**

That Council receive and note this status report on the Grafton Regional Gallery Upgrade project.

**COUNCIL RESOLUTION – 6c.20.052**

**Baker/Kingsley**

**That Council receive and note this status report on the Grafton Regional Gallery Upgrade project.**

**Voting recorded as follows:**

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

**Against: Nil**

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 3 Economy

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

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

**BACKGROUND**

At the October 2019 meeting, Council endorsed the recommendation to accept the tender from O'Donnell & Hanlon Pty Ltd (ODH) for RFT-10025741 Grafton Regional Gallery Upgrade Project (Design and Construct) at a cost of \$6,813,738 (GST inclusive) [Item 6e.19.015].

**KEY ISSUES**

As of 7 April 2020 the project is on-track to be delivered on-time, within budget and to the approved quality standards. The following provides specific detail in support of this status;

Schedule

Project is tracking 14 days behind schedule due to late delivery of Detailed Design, notwithstanding the current status the Contractors advice remains that the project is on-track for 8 December 2020 completion.

Deliverables (Current & Completed):

Please refer to Table 1 below.



Table 1 – Current and Completed Deliverables

Phase	Completed Activities	Status
Procurement	<ul style="list-style-type: none"> <li>Design and Construct (D&amp;C) Contract Awarded to O'Donnell &amp; Hanlon – 25 October 2020.</li> </ul>	Complete
Detailed Design (Jan – Mar 2020)	<ul style="list-style-type: none"> <li>50% Design Review</li> <li>80% Design Review</li> <li>100% Design Review</li> <li>Crown Compliance Certificate received. Formal approval to commence new build.</li> </ul>	Complete
Construction (Feb – Apr 2020)	<ul style="list-style-type: none"> <li>Site Possession established.</li> <li>Demolition Works accomplished (5 Robinson Ave).</li> <li>Bulk Earthworks complete.</li> <li>Site survey set out.</li> <li>In-ground Services installed.</li> <li>Detailed excavation complete.</li> </ul>	Complete
	<ul style="list-style-type: none"> <li>Subfloor Walls and Framing progressing.</li> <li>Internal demolition works progressing.</li> </ul>	In Progress

#### Quality Metrics

- Variations**

Variations valued at \$76,565 have been assessed and approved from the construction contingency amount of \$619,430 to date. The approved variations have no impact to the Completion date of 8 December 2020.

Seven (7) variations requests received from ODH with a total value of \$177,417 of these; Three (3) have been approved with a value of \$76,565; Zero (0) are in dispute; Two (2) have been declined with a value of \$102,544; and Two (2) are pending with a value of \$34,518. The approved variations relate to removal of asbestos found underneath the ground within the residential property site at 5 Robinson Avenue.

Council has received a suggestion from the access committee to design and construct a new accessible ramp at the front of Prentice House. A variation proposal is currently being developed by ODH, outlining scope, cost and time impacts. This will be evaluated and processed in accordance with the Council PM Framework.

- Requests for Information (RFI)**

RFI's raised by ODH have been responded to by Council within 24-48 hours, there has been no impact to Completion date of 8 December 2020 as a result of the RFI's raised.

A total of 23 RFI's have been raised, responded to and closed during the detailed design phase. No RFI's remain open. All have been dealt within contractual requirements.

- Extension of Time (EOT)**

1 EOT has been received for 7 days, this EOT was assessed and rejected on the basis that the reason provided for the EOT was not critical path related and not due to circumstances beyond contractual control of ODH.

- Safety**

On-Site Safety Review Check carried out by PWA on 11 Feb 2020 found no issues or breaches. There have been 0 LTI's recorded on the project to date.

Aboriginal Participation in Construction (APIC)

APIC requirements are promulgated from NSW Government APIC Policy. ODH is managing APIC requirements in accordance with the GC21 Contract.

Within the first 3 months of construction APIC trades have already accumulated 311 hours. Feedback received on resources is “hardworking and reliable”.

Local Content

It is estimated that use of local labour and supplies far exceeds the requirements as specified in the GC21 Contract.

Examples of local content includes local site supervisor, project manager, detailed excavation, concreter, reinforcement, plumber, architect, structural engineer, surveyor, demolition, electrical engineer, mechanical engineer, hydraulic engineer, pest control, waterproofing, bricklayers and labour hire. Products sourced locally including: plumbing supplier, blockwork, cement, hardware, safety supplies, gravel, fill, sand, electrical supplies, plant & equipment, skip bins, waste disposal, local newsagent and office supplies.

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

This project has been planned in accordance with the Council PM Framework and the projects financial position is favourable. Please find below a table summarising the projects financial position:

Item	Budget	Actuals	Commitments
Project Budget	<b>\$7,621,480.00</b>		
Income received	\$6,859,332.00		
Construction Contract Value	\$6,194,307.00		
Expenditure to date		\$1,090,776.00	
Current Commitment			\$5,742,806.00
Total (Actuals + Commitments)	<b>\$6,833,582.00<sup>^</sup></b>		

\*All figures are Ex GST

<sup>^</sup>Includes Variations

**Asset Management**

N/A

**Policy or Regulation**

Local Government Act and Regulation  
Council’s Sustainable Procurement Policy  
NSW Government APIC Policy  
Work Health and Safety Act and Regulation

**Consultation**

Council stakeholders across departments have provided input in the planning phase of this project via multiple stakeholder engagement workshops. Project Requirements are representative of council stakeholders input.

**Legal and Risk Management**

This project has been planned and managed in accordance with Council PM Framework.

COVID-19 – Public Health Orders (NSW Government) and COVID 19 related articles from the OLG have been distributed to ODH. ODH have implemented and notified staff of COVID-19 Sanitation and Separation procedures and protocols throughout their organisation and worksites.

As per, *Clause 5 Early Warning* of the GC21 Contract, both parties to the contract (ODH and Council) are required to promptly inform the other if it becomes aware of anything that is likely to affect the time for Completion. To date there has been no information received from ODH to suggest impact to time for Completion caused by COVID-19, however it is also acknowledged that this is an ongoing global risk and the situation is being closely monitored with safety practices implemented.

**Climate Change**

There are several environmental considerations incorporated in the facility design including rain water tanks, a solar system and energy efficient lighting. These inclusions will contribute positively towards the environment and climate change.

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Prepared by	Sisa Rasaku, Project Manager
Attachment	Construction Images

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<b>ITEM</b>	<b>6c.20.053</b>	<b>WORKS REPORT</b>
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<b>Meeting</b>	Council	28 April 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 March 2020.

### OFFICER RECOMMENDATION

That the Works report be received and noted.

### COUNCIL RESOLUTION – 6c.20.053

**Baker/Kingsley**

**That the Works report be received and noted.**

#### Voting recorded as follows:

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

**Against: Nil**

### LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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



### BACKGROUND

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

### KEY ISSUES


The summary of works undertaken in March.

Council staff also wish to highlight the projects below.

<b>Project:</b>	Orara Way/School Lane, Braunstone (Safer Roads)	 <p style="text-align: center;">Sub base layer</p>  <p style="text-align: center;">Shoulder Rock Treatment</p>
<b>Project Description:</b>	Upgrade of the intersection of School Lane and Orara Way at Braunstone	
<b>Budget:</b>	\$516,468	
<b>Expenditure:</b>	\$502,902	
<b>Status:</b>	<ul style="list-style-type: none"> <li>• Earthworks and shoulder widening 80% complete.</li> <li>• Drainage pipe upgrades are progressing 95% complete</li> <li>• Pavement works 70% complete.</li> <li>• Top soil and Hydro Seeding Batters 30% Complete.</li> <li>• It is very likely that the budget will be exceeded. Due to poor weather conditions early on in the job. However the teams have mitigated the effects of the poor weather very well and are producing a quality job.</li> </ul>	

<b>Project:</b>	Yamba Sporting Clubhouse Facility	 <p style="text-align: center;">New sporting facility</p>  <p style="text-align: center;">Aunty Lillian Williams cuts the ribbon</p>
<b>Project Description:</b>	Located adjacent to the NRL field at the Yamba Sports Complex, the new sporting clubhouse includes four unisex change rooms, referees rooms, canteen and bar facilities, a competition office, community space, public amenities and ancillary space.	
<b>Budget:</b>	\$1,391,773.00	
<b>Expenditure:</b>	\$1,311,491.00	
<b>Status:</b>	<ul style="list-style-type: none"> <li>• An occupation certificate has been issued.</li> <li>• The project has been commissioned and is consistent with the contract.</li> <li>• An official opening event was held on 20/02/2020 at the facility.</li> <li>• Additional items to compliment the project will be undertaken in the coming weeks.</li> <li>• This is a great asset for the Clarence Valley Community and is expected to become a hub for sporting and community groups.</li> </ul>	

<b>Project:</b>	Natural Disaster Relief Assistance (NDRA) Riverbank Restoration
<b>Project Description:</b>	Replacement of rock protection at various sites at Goodwood Island, Waterview Heights and Ulmarra that were damaged in the March 2017 Flood

<b>Budget:</b>	\$931,110	
<b>Expenditure:</b>	\$710,419.62	
<b>Status:</b>	<ul style="list-style-type: none"> <li>• Tenders awarded by Council in February 2019</li> <li>• State Government approvals for field work received in October 2019</li> <li>• Packages A (Ulmarra) and C (Waterview &amp; Tyndale) completed in March 2020</li> <li>• Package B (Goodwood Island) completed in April 2020, but yet to be invoiced</li> </ul>	
		Rock replacement at Waterview Height

### Fire, Flood and Pandemic Impacts on Works

The following table provides a list of projects that have been and / or will be impacted by the natural disasters and global pandemic;

Section	Project	Expected Impact of COVID-19 on project
Water Cycle	Shannon Creek Dam VSD repair	May be some delay due to travel restrictions
Water Cycle	Scope & Design Rushforth Rd 32ML replacement reservoir	May be some delay in calling tenders as interstate tenderers unable to undertake site visit
Water Cycle	Pressure Sewer Pump Stations 1400 units	May be some delays as pressure sewer suppliers are based interstate
Water Cycle	Prince & Arthur St Sewer Pump Station – inlet macerator	May be some delays as suppliers based interstate and unable to attend site
Water Cycle	Telemetry Upgrade (Clear SCADA)	May be some delays due to travel restrictions
Water Cycle	STP and Pump Station Epoxy coating renewal	May be some delays due to travel restrictions – main subcontractor is Queensland based
Water Cycle	Yamba STP Construction	May be some delays if further restrictions which restrict divers coming to site for final ebb tide release inspection
Water Cycle	Floodgate Replacements	May be some delays to floodgate installations put on hold as unable to maintain social distancing
Water Cycle	Rural Floodplain Asset Renewal	May be some delays to floodgate installations put on hold as unable to maintain social distancing
Water Cycle	Urban Floodplain Asset Renewal	May be some delays to floodgate installations put on hold as unable to maintain social distancing
Water Cycle	Sewer - Pumping Stations - Renewals Expenses	Nil in 19/20; switchboard supplied from interstate so may be some delay in 20/21 program if travel restrictions continue
Water Cycle	Sewer Rehabilitation & Relining	Project is proceeding but if further restrictions in terms of entering private property there may be delays
Water Cycle	North Grafton - EPA Licence Requirements	Some delays expected due to travel restrictions, plus possible increase in site investigation costs
Water Cycle	Rushforth Road Reservoir – additional treatment barrier	Work is in defects liability period. May be some delays addressing any defects due to travel restrictions
Civil Services	Armidale Rd - Pavement widening old quarry to Clouds Creek	Access to this project has been difficult with the closure of Armidale Road. This may need to be deferred to 20/21 FY.
Civil Services	Burnt Hut Creek Bridge, Bald Hills Road	This project has been delayed due to the bush fire and flood impacts, but is on track for replacement this FY.
Civil Services	Middle Creek Bridge Repair, Sherwood Creek Road	This project is on track to commence in the 19/20 FY but will carry over into the 20/21 FY due to fire and flood impacts.
Civil Services	Middle Creek Bridge Replacement, Kungala Road	This project is on track to commence in the 19/20 FY but will carry over into the 20/21 FY due to fire and flood impacts.

Section	Project	Expected Impact of COVID-19 on project
Civil Services	Taylor's Quarry Rehabilitation	Access to this project has been difficult with the fires and the lack of availability of water has delayed this project. It may carry over into the 20/21 FY.
Open Spaces & Facilities	Bailey Park Playground; Brushgrove Recreation Triangle Playground; Federation Park Playground; McIntosh Memorial Park Playground; Grevillia Park Playground; Lawrence Memorial Park Playground	Substantial portion of playground equipment components manufactured internationally, manufacturing and shipping delays may impact delivery timetable. Additionally installers located in Queensland and Sydney, travel restrictions may impact installation timetable.
Open Spaces & Facilities	Fisher Pk Exercise Stn	Substantial portion of equipment components manufactured internationally, manufacturing and shipping delays may impact delivery timetable. Additionally installers located in Queensland, travel restrictions may impact installation timetable.
Open Spaces & Facilities	Sports - Rushforth Park Kiosk - Replace aged facility	May be some delays as some trades people are based outside LGA and unable to attend site
Open Spaces & Facilities	Sports Courts - Surfaces/Fittings	May be some delays as some trades people are based outside LGA and unable to attend site
Open Spaces & Facilities	Maclean Pool - Sand Filter & Plant Equipment Room Upgrade	Substantial portion of equipment components manufactured internationally, manufacturing and shipping delays may impact delivery timetable. Additionally some delays as some trades people are based outside LGA and unable to attend site.

## COUNCIL IMPLICATIONS

### Budget/Financial

Financial details are provided in the attached works summary.

### Asset Management

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

### Policy or Regulation

There are no policy or regulation implications.

### Consultation

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

### Legal and Risk Management

There are no legal or risk management implications.

### Climate Change

There are no climate change implications.

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

<b>ITEM</b>	<b>6c.20.054</b>	<b>BENCHMARK AND REPORT CARD 2019/20</b>
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<b>Meeting</b>	Council	28 April 2020
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	General Manager - Ashley Lindsay	
<b>Attachment</b>	To be tabled	

### SUMMARY

The Benchmark and Report Card report gives Council and community oversight of our services and how we compare against industry averages and, how we are tracking toward goals. It also provides some key information about the quantity of activity being undertaken. This report represents activity results for Quarter 3 of 2019/20.

### OFFICER RECOMMENDATION

That the Quarter 3 Benchmark and Report Card for 2019/20 report be received and noted.

### COUNCIL RESOLUTION – 6c.20.054

**Baker/Kingsley**

**That the Quarter 3 Benchmark and Report Card for 2019/20 report be received and noted.**

#### Voting recorded as follows:

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

**Against: Nil**

### LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.3 Foster an organisational culture focused on customer service excellence, innovation and continuous improvement

### BACKGROUND

The Benchmark and Report Card document makes transparent our activity and our progress toward goals. Information is collated quarterly and is reported at the first Ordinary Meeting following the end of the quarter. This is the second year of such reporting and it provides oversight of trends as the reported quarter's activity can be comparable to previous quarters.

### KEY ISSUES

Reports for some activity are not currently available without system, or system report writing, upgrade. As we improve systems and visibility of data, the document will become more comprehensive. The document includes some Key Performance Indicators that are also included in our quarterly report of achievement against the Delivery Program and Operational Plan. Over time it is anticipated as we review our Delivery Program and Operational Plan following the next local government election, the two will become integrated.



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

N/A

**Asset Management**

N/A

**Policy or Regulation**

N/A

**Consultation**

N/A

**Legal and Risk Management**

N/A

**Climate Change**

N/A

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Prepared by	Laura Black – Director Corporate & Governance
To be tabled	Benchmark and Report Card Q3 2019/20

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<b>ITEM</b>	<b>6c.20.055</b>	<b>MONTHLY INVESTMENT REPORT – MARCH 2020</b>
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<b>Meeting</b>	Council	28 April 2020
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	Manager - Finance & Supply (Kate Maginnity)	
<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 March 2020 be received and noted.

## COUNCIL RESOLUTION – 6c.20.055

**Williamson/Toms**

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

**Voting recorded as follows:**

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

**Against: Clancy**

## LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

## BACKGROUND

This report has been completed in accordance with the *Local Government Act 1993*, Part 9, Division 5, Clause 212 of the *Local Government (General) Regulation 2005*, and Council's Investment Policy, which requires a monthly report to Council. The report is to include the source and amount of funds invested, terms of performance, and a statement of compliance in relation to the *Local Government Act 1993*.

## KEY ISSUES

### Source of Funds Invested

The funds invested are funds held under internal and external restrictions. External Restricted Funds are primarily from Sewer & Water, Granting Bodies and Developer Contributions. Internal restrictions are primarily sourced from General Revenue Funding and Unspent Loans.

Based on the audited 30 June 2019 figures, funds have been sourced from the following areas:

External Reserves		Internal Reserves	
Sewerage Funds	5.94%	Plant Equipment Reserve	9.88%
Water Supply Funds	22.85%	Regional Landfill Reserves	5.23%
Developer Contributions	16.35%	Fin. Assist Grants paid in advance	4.63%
Unexpended Grants	5.84%	Waste Mngmt / Commercial Waste	4.03%
Domestic Waste Management	0.88%	Infrastructure Assets Renewals	3.09%
Holiday Parks	2.24%	Clarence Care & Support	2.78%
Deposits, Retentions and Bonds	1.51%	Employee Leave Entitlements	2.64%
Other External	1.75%	Roads & Quarries Reserves	2.29%
		Strategic Building Reserve	1.13%
		Building Asset Renewals	0.92%
		Other (refer attachment for further detail)	6.02%
	<u>57.36%</u>		<u>42.64%</u>
		Total External & Internal Reserves	<u>100.00%</u>

### Portfolio Credit Limits

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

Portfolio Credit Limits as at 31 March 2020				
Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
AAA	100.00%	6,484,453	5.03%	Yes
AA	100.00%	25,052,118	19.42%	Yes
A	60.00%	43,250,000	33.52%	Yes
BBB	50.00%	54,248,262	42.04%	Yes
<b>TOTAL INVESTMENTS</b>		<b>129,034,833</b>	<b>100.00%</b>	

Note, a permanent cap of \$250,000 per person per institution on deposits is guaranteed by the Federal Government under the *Financial Claims Scheme* and hence receives a rating of AAA.

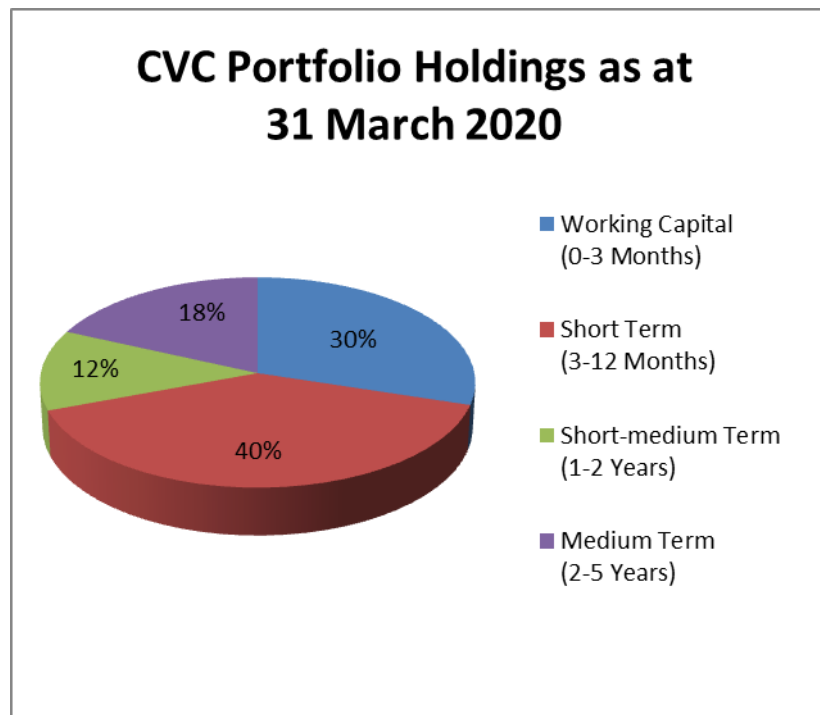
**Individual Institution or Counterparty Limits**

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

<b>Individual Institution or Counterparty Limits as at 31 March 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	6.20%	Yes
ANZ*	AA-	30.00%	2,018,420	1.56%	Yes
BoQ	BBB+	15.00%	16,000,000	12.40%	Yes
Bendigo	BBB+	15.00%	2,000,000	1.55%	Yes
Rural Bank			2,000,000	1.55%	
CBA*	AA-	30.00%	2,023,670	1.57%	Yes
Credit Union Australia	BBB	15.00%	2,000,000	1.55%	Yes
Defence	BBB	15.00%	10,000,000	7.75%	Yes
ING Direct	A	15.00%	19,000,000	14.72%	Yes
Macquarie	A	15.00%	16,000,000	12.40%	Yes
ME Bank	BBB	15.00%	4,000,000	3.10%	Yes
NAB	AA-	30.00%	9,000,000	6.97%	Yes
NAB*			1,005,010	0.78%	
P&N	BBB	15.00%	3,000,000	2.32%	Yes
RaboDirect	A+	15.00%	9,000,000	6.97%	Yes
Westpac	AA-	30.00%	7,000,000	5.42%	Yes
Westpac*	AA-		1,523,070	1.18%	
<b>TOTAL TERM DEPOSITS &amp; FRNs*</b>			<b>113,570,170</b>	<b>88.02%</b>	
<b>MANAGED FUNDS</b>					
TCorp	AAA	40.00%	1,984,453	1.54%	Yes
<b>TOTAL MANAGED FUNDS</b>			<b>1,984,453</b>	<b>1.54%</b>	
<b>FUNDS AT CALL</b>					
AMP	BBB+	15.00%	9,245,843	7.17%	Yes
AMP	BBB+	15.00%	752,419	0.58%	Yes
ANZ	AA-	30.00%	275,335	0.21%	Yes
CBA	AA-	30.00%	2,746,899	2.13%	Yes
CBA	AA-	30.00%	459,714	0.36%	Yes
<b>TOTAL FUNDS AT CALL</b>			<b>13,480,210</b>	<b>10.45%</b>	
<b>TOTAL INVESTMENTS</b>			<b>129,034,833</b>	<b>100.00%</b>	

**Portfolio Holdings by Maturity**

Illustrated and tabled below is a summary of Council's investments by maturity as at 31 March 2020. Excluding "at-call" working capital, 57.35% of Council's investments are maturing within the next twelve months.



Register of Investments - Clarence Valley Council as at 31 March 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	1,984,453	1.54%	At-Call	1.08%	AAA
AMP Bank Ltd	9,245,843	7.17%	At-Call	1.30%	BBB+
AMP Bank Ltd	752,419	0.58%	At-Call	0.75%	BBB+
ANZ Banking Group Ltd	275,335	0.21%	At-Call	0.55%	AA-
Commonwealth Bank of Australia	2,746,899	2.13%	At-Call	0.10%	AA-
Commonwealth Bank of Australia	459,714	0.36%	At-Call	0.20%	AA-
AMP Bank Ltd	2,000,000	1.55%	20/05/2020	1.80%	BBB+
AMP Bank Ltd	2,000,000	1.55%	02/06/2020	1.80%	BBB+
Bendigo Bank	2,000,000	1.55%	27/04/2020	1.50%	BBB+
Defence Bank	2,000,000	1.55%	11/05/2020	3.00%	BBB
Macquarie Bank Ltd	1,000,000	0.77%	21/05/2020	1.60%	A
Macquarie Bank Ltd	2,000,000	1.55%	03/06/2020	1.70%	A
Macquarie Bank Ltd	3,000,000	2.32%	07/05/2020	1.60%	A
ME Bank Ltd	2,000,000	1.55%	06/05/2020	3.11%	BBB
ME Bank Ltd	2,000,000	1.55%	08/05/2020	2.30%	BBB
National Australia Bank	3,000,000	2.32%	20/05/2020	2.25%	AA-
Rural Bank Ltd	2,000,000	1.55%	09/06/2020	1.55%	BBB+
<b>TOTAL WORKING CAPITAL (0-3 MONTHS)</b>	<b>38,464,663</b>	<b>29.81%</b>		<b>1.61%</b>	
<b>SHORT TERM (3-12 MONTHS)</b>					
AMP Bank Ltd	1,000,000	0.77%	31/08/2020	1.80%	BBB+
AMP Bank Ltd	3,000,000	2.32%	05/03/2021	1.45%	BBB+
Bank Of Queensland Ltd	1,000,000	0.77%	06/07/2020	3.00%	BBB+
Bank Of Queensland Ltd	1,000,000	0.77%	26/10/2020	3.20%	BBB+
Bank Of Queensland Ltd	1,000,000	0.77%	26/10/2020	3.20%	BBB+
Bank Of Queensland Ltd	1,000,000	0.77%	02/12/2020	3.60%	BBB+
Bank Of Queensland Ltd	2,000,000	1.55%	08/07/2020	1.65%	BBB+
Bank Of Queensland Ltd	2,000,000	1.55%	12/01/2021	3.65%	BBB+
Credit Union Australia	2,000,000	1.55%	04/11/2020	1.55%	BBB
Defence Bank	2,000,000	1.55%	20/11/2020	3.00%	BBB
Defence Bank	2,000,000	1.55%	17/12/2020	3.00%	BBB
Defence Bank	2,000,000	1.55%	04/03/2021	1.50%	BBB
Defence Bank	2,000,000	1.55%	09/03/2021	3.00%	BBB
ING	1,000,000	0.77%	21/08/2020	1.60%	A
ING	1,000,000	0.77%	10/11/2020	2.92%	A
ING	2,000,000	1.55%	13/11/2020	1.55%	A
ING	2,000,000	1.55%	03/02/2021	1.65%	A
ING	2,000,000	1.55%	02/03/2021	1.60%	A
Macquarie Bank Ltd	2,000,000	1.55%	03/07/2020	1.70%	A
Macquarie Bank Ltd	3,000,000	2.32%	16/12/2020	1.65%	A
Macquarie Bank Ltd	5,000,000	3.87%	03/09/2020	1.70%	A
National Australia Bank	2,000,000	1.55%	30/07/2020	1.80%	AA-
National Australia Bank	2,000,000	1.55%	11/08/2020	1.55%	AA-
National Australia Bank	2,000,000	1.55%	10/09/2020	1.35%	AA-
P&N Bank	3,000,000	2.32%	11/03/2021	3.82%	BBB
Westpac Bank	2,000,000	1.55%	05/03/2021	3.00%	AA-
<b>TOTAL SHORT TERM (3-12 MONTHS)</b>	<b>51,000,000</b>	<b>39.52%</b>			
<b>SHORT - MEDIUM TERM (1-2 YEARS)</b>					
Bank Of Queensland Ltd	1,000,000	0.77%	29/06/2021	3.45%	BBB+
Bank Of Queensland Ltd	1,000,000	0.77%	02/12/2021	3.80%	BBB+
ING	2,000,000	1.55%	29/11/2021	1.55%	A
ING	2,000,000	1.55%	21/02/2022	1.60%	A
ING	3,000,000	2.32%	11/02/2022	1.60%	A
ING	3,000,000	2.32%	21/02/2022	1.60%	A
RaboDirect (Australia) Ltd	1,000,000	0.77%	21/06/2021	3.07%	A+
RaboDirect (Australia) Ltd	2,000,000	1.55%	14/06/2021	3.02%	A+
Westpac Bank	1,000,000	0.77%	16/11/2021	2.11%	AA-
<b>TOTAL SHORT-MEDIUM TERM (1-2 YEARS)</b>	<b>16,000,000</b>	<b>12.40%</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	1,000,000	0.77%	09/05/2022	3.60%	BBB+
Bank Of Queensland Ltd	1,000,000	0.77%	03/08/2022	3.60%	BBB+
Bank Of Queensland Ltd	2,000,000	1.55%	08/02/2023	3.55%	BBB+
Bank Of Queensland Ltd	2,000,000	1.55%	21/08/2023	3.60%	BBB+
ING	1,000,000	0.77%	04/10/2022	3.66%	A
RaboDirect (Australia) Ltd	1,000,000	0.77%	05/12/2022	3.21%	A+
RaboDirect (Australia) Ltd	1,000,000	0.77%	17/08/2023	3.40%	A+
RaboDirect (Australia) Ltd	2,000,000	1.55%	13/09/2022	3.40%	A+
RaboDirect (Australia) Ltd	2,000,000	1.55%	19/09/2023	3.40%	A+
Westpac Bank	2,000,000	1.55%	18/07/2022	1.90%	AA-
Westpac Bank	2,000,000	1.55%	13/03/2023	1.49%	AA-
ANZ Banking Group Ltd (3m BBSW +103bps) (Principal Value \$2,000,000)					
Market Value	2,018,420	1.56%	06/12/2023	1.76%	AA-
Commonwealth Bank (3m BBSW +80bps) (Principal Value \$1,000,000)					
Market Value	1,005,580	0.78%	25/04/2023	1.68%	AA-
Commonwealth Bank (3m BBSW +113bps) (Principal Value \$1,000,000)					
Market Value	1,018,090	0.79%	11/01/2024	2.03%	AA-
National Australia Bank (3m BBSW +80bps) (Principal Value \$1,000,000)					
Market Value	1,005,010	0.78%	10/02/2023	1.71%	AA-
Westpac Bank (3m BBSW +114bps) (Principal Value \$1,500,000)					
Market Value	1,523,070	1.18%	24/04/2024	2.03%	AA-
<b>TOTAL MEDIUM TERM (2-5 YEARS)</b>	<b>23,570,170</b>	<b>18.27%</b>		<b>2.73%</b>	
<b>TOTAL INVESTMENTS</b>	<b>129,034,833</b>	<b>100.00%</b>		<b>2.11%</b>	

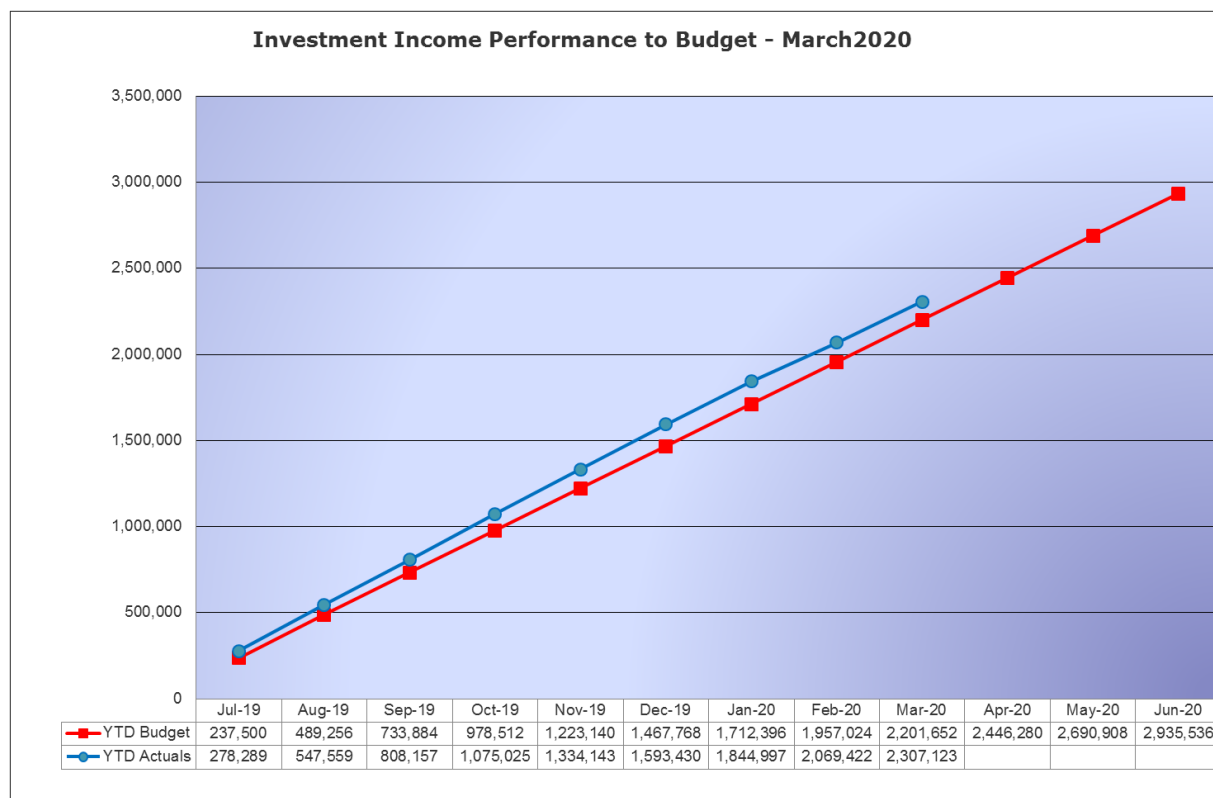
COUNCIL IMPLICATIONS

Budget/Financial

Portfolio Investment Returns to 31 March 2020			
	Actual	Budget 2019/20	Over/(Under)
<b>This Month</b>			
Cash Deposits & FRNs	\$240,227	\$243,128	(\$2,901)
Managed Funds	(\$2,526)*	\$1,500	(\$4,026)
	<b>\$237,701</b>	<b>\$244,628</b>	<b>(\$6,927)</b>
<b>Year to Date</b>			
Cash Deposits & FRNs	\$2,293,483	\$2,188,152	\$105,331
Managed Funds	\$13,640	\$13,500	\$140
	<b>\$2,307,123</b>	<b>\$2,201,652</b>	<b>\$105,471</b>

\* Reflects a negative unit price movement for the month for the T-CorpIM Cash Fund.

- Actual results have shown that total interest income to 31 March 2020 is \$0.105M above the 2019-20 YTD budget of \$2.202M. Note, the cumulative impacts of the RBA cuts (1.25%) to the Cash Rate (0.25%) since June 2019 are impacting on Council’s return and whilst Council is currently above budget this will decline as the year progresses and trend back towards budget.
- As at 31 March 2020 the Floating Rate Notes (FRNs) had an unrealised capital gain of \$57,855.



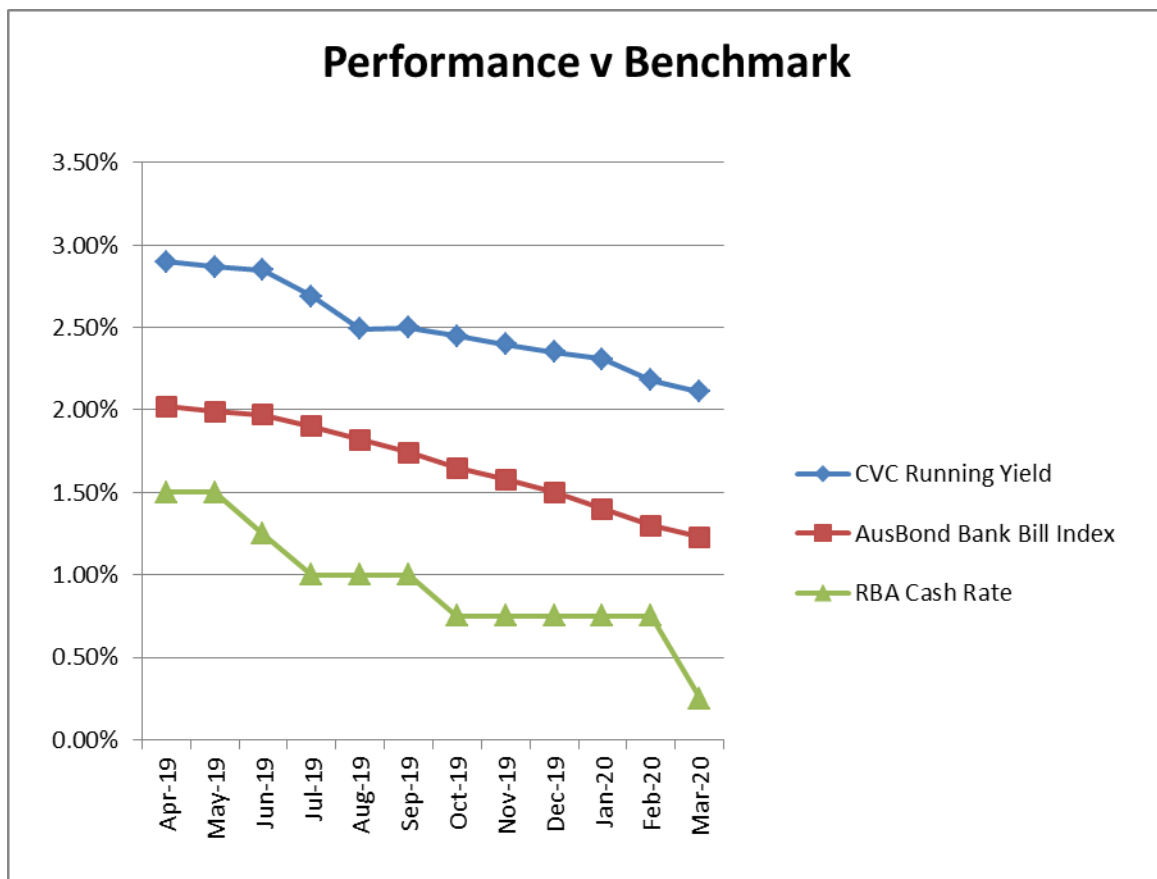


- Running yields\* to 31 March 2020 have been:

AMP Business	0.75%
AMP 31 Day Notice	1.30%
ANZ Premium Business	0.55%
CBA General	0.10%
24hr Call Account	0.20%
T-CorpIM Cash Fund	1.08%
Floating Rate Notes	1.84%
Term Deposits	<u>2.29%</u>
<b>Total</b>	<b>2.11%</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 March was 0.25%. The benchmark AusBond Bank Bill Index was 1.23% for March. Note, the RBA cut the cash rate by another 25bps to 0.25% at its meeting on 20 March 2020.
- The current running yield of the total investment portfolio remains at elevated levels above the cash rate. At month-end, it stood at +2.11% (February 2.18%). The running yield will continue to decline as previously higher yielding term deposits reach maturity.



The following investments were arranged during March:

- ING \$2.0m TD matured 02/03/2020, reinvested for 12 months at 1.60% - matures 02/03/2021
- NAB \$2.0m TD matured 03/03/2020, redeemed
- NAB \$3.0m TD matured 03/03/2020, redeemed
- New Macquarie \$2.0m TD invested 03/03/2020 for 3 months at 1.70% - matures 03/06/2020
- New Macquarie \$2.0m TD invested 03/03/2020 for 4 months at 1.70% - matures 03/07/2020
- New Macquarie \$5.0m TD invested 03/03/2020 for 6 months at 1.70% - matures 03/09/2020
- Defence Bank \$1.0m TD matured 04/03/2020, redeemed
- New Defence Bank \$2.0m TD for 12 months at 1.50% - matures 04/03/2021
- Rural Bank \$2.0m TD matured 04/03/2020, redeemed
- Rural Bank \$1.0m TD matured 04/03/2020, redeemed
- New CUA \$2.0m TD for 8 months at 1.55% - matures 04/11/2020
- AMP \$3.0m TD matured 05/03/2020, reinvested for 1 year at 1.65% - matures 05/03/2021
- NAB \$2.0m TD matured 10/03/2020, reinvested for 184 days at 1.35% - matures 10/09/2020
- NAB \$2.0m TD matured 11/03/2020, redeemed
- New Macquarie \$3.0m TD invested 12/03/2020 for 9 months at 1.65% - matures 16/12/2020
- G&C \$1.0m TD matured 18/03/2020, 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 – March 2020

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**ITEM 6c.20.056 2019/20 OPERATIONAL PLAN – QUARTERLY REVIEW AS AT 31 MARCH 2020**


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<b>Meeting</b>	Council	28 April 2020
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	Director - Corporate & Governance (Laura Black)	
<b>Attachment</b>	Yes	

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**SUMMARY**

This report provides the third quarterly review on Council's performance of fulfilling its actions, services, projects and programs in the 2019/20 Operational Plan.

It should be noted that redirection to Bushfire Disaster activity and the impact of COVID-19 have impacted timing of delivery as intended for some activities. Review of the way we achieve outcomes has, and is, being undertaken and overall, it is anticipated that goals set will, in the main be achieved in the fourth quarter.

**OFFICER RECOMMENDATION**

That the Quarterly Operational Plan outcomes as at 31 March 2020 be noted.

**COUNCIL RESOLUTION – 6c.20.056**

**Baker/Kingsley**

**That the Quarterly Operational Plan outcomes as at 31 March 2020 be noted.**

**Voting recorded as follows:**

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

**Against: Nil**

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**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.3 Foster an organisational culture focused on customer service excellence, innovation and continuous improvement

**BACKGROUND**

On 25 June 2019 Council adopted the 2019/20 Operational Plan, which specifies the objectives, strategies and activities to be achieved in this financial year.

*The Clarence 2027* identified five themes which are then broken down into objectives for Council to aspire to when setting the strategies and activities for the 2019/20 financial year.

**KEY ISSUES**

The one year Operational Plan is a sub-plan of the 2017/21 Delivery Program, which identifies activities (programs, services and projects) to be delivered by Council during the 2019/20 financial year. The General

Manager is required to ensure regular progress reports are provided to Council with respect to the principal activities.

Detailed progress updates for the final quarter are contained in the attached report.



The report shows that as at the end of March 2020, Council's programs, projects and services are 62% completed. However, this third quarter was wrought with difficulties in completing some scheduled works due to the bushfires and then the flooding situation which caused major damage to roads and bridges. Clean up work and maintenance then took priority to ensure access for emergency and recovery services which is reflected in the progress report.

## COUNCIL IMPLICATIONS

### Budget/Financial

Actions contained in the 2019/20 Operational Plan that have a financial implication are included in the adopted budget, which is reported to Council each month.

### Asset Management

N/A

### Policy or Regulation

Section 404(5) of the Local Government Act 1993

### Consultation

Outcomes based on information provided by all section Managers and Directors.

### Legal and Risk Management

N/A

Prepared by	Lesley McBay – Coordinator Executive Support
Attachment	Quarterly Progress Report

<b>ITEM</b>	<b>6c.20.057</b>	<b>GOVERNANCE REPORT</b>
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<b>Meeting</b>	Council	28 April 2020
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	Manager - Organisational Development (Alex Moar)	
<b>Attachment</b>	To be tabled	

### SUMMARY

This report summarises the status of legal proceedings, complaints lodged, Government Information (Public Access) applications, new and/or updated Disclosure of Interest returns and insurance claims in the period 1 January 2020 to March 2020.

### OFFICER RECOMMENDATION

That Council receive and note the Governance report for the period 1 January 2020 to 31 March 2020.

### COUNCIL RESOLUTION – 6c.20.057

**Baker/Kingsley**

**That Council receive and note the Governance report for the period 1 January 2020 to 31 March 2020.**

#### Voting recorded as follows:

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

**Against: Nil**

### LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

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

### BACKGROUND

#### *Legal Proceedings*

The report on legal proceedings is to contain details of the legal proceedings that have been taken by or against Council, except in cases where:

- the security of the Council, Councillors, Council staff or Council property may be threatened;
- the privacy of the personal affairs of the person may be contravened by revealing the information;
- the proceedings concern a personnel or industrial relations matter involving an individual staff member (for example, unfair dismissal claims, workers compensation claims and personal injury claims);
- the proceedings concern the personal hardship of any resident or ratepayer, or
- a not for publication order has been made by the relevant Court or Tribunal.

The report is also to contain details of the amounts, costs and expenses paid or received by the Council.

### *Complaints Management*

Under Council's Complaints Management Policy a request for a service or for information about a service is not a complaint. However, they may escalate into a complaint if action is not taken within designated timeframes or is undertaken in an unprofessional or substandard manner.

The following are not complaints under Council's Complaints Management Policy:

- an objection to a Development Application (DA) or a submission made to Council in response to a call for public comment;
- a concern for service levels that are the result of limits set by Council Policy, and not the result of organisational or mechanical breakdown;
- Code of Conduct complaints.

Under the policy Council has committed to respond substantially to any complaint (other than a competitive neutrality complaint) within 21 calendar days after it is received.

### *Government Information (Public Access) Applications*

The purpose of the Government Information (Public Access) Act 2009 (GIPA) is to open government information to the public by:

- (a) authorising and encouraging the proactive public release of government information by agencies, and
- (b) giving members of the public an enforceable right to access government information, and
- (c) providing that access to government information is restricted only when there is an overriding public interest against disclosure.

Information is not disclosed, if disclosing it would also disclose:

- private information about a third party
- details of legal action or law enforcement
- details that would undermine competitive neutrality in connection with any functions of Council or
- details that would endanger or prejudice any system or procedure for protecting the environment.

### *Declaration of Interests*

The Office of the Information and Privacy Commission released Information Access Guideline 1: For Local Councils on the Disclosure of Information (returns disclosing the interest of councillors and designated persons) – September 2019 and that all returns are to be made publicly available on Council's website. Updated returns and new returns are to be tabled at the next Council meeting after lodgement in accordance with Council's Code of Conduct.

### *Insurance Claims*

To reduce Council's exposure to risk, Council maintains insurance cover for protection against financial loss, damage and legal liabilities.

## **KEY ISSUES**

### *Legal Proceedings*

For the period the following legal proceeding taken by or against Council:

- LEC Class 1 Proceedings – defending a position – Iluka Road Woombah – clearing of native vegetation; Notice of Discontinuance issued 23 March 2020.

### *Complaints Management*

During the reporting period there were 4 complaints submitted. Of the complaints:

- Three complaints were referred to Council from the Ombudsman Office as they determined Council had not previously had the opportunity to respond to the complaints regarding
  - a. non compliance with regulations and policy for dogs on property within the LGA
  - b. delayed response from Council regarding Fat Duck Road

- c. delayed response from Council regarding a DA determination
- An Ombudsman investigation regarding non response to complainant.

All complaints were responded to and managed within appropriate time frames and the Ombudsman investigation completed and closed.

#### *Government Information (Public Access) (GIPA) Applications*

During the period three new GIPA applications were received. Of the three applications:

- one application was denied due to overriding public interest for non disclosure.
- two applications were granted access to the information requested.

All applications were processed within the specified guidelines.

#### *Declaration of Interest Returns*

A quarterly call for updated Declarations of Interest was requested from Councillors and designated persons. 2 Councillors and 2 new staff identified as a designated persons have completed returns and are attached.

#### *Insurance Claims*

To reduce Council's exposure to risk, Council maintains insurance cover for protection against financial loss, damage and legal liabilities.

There were twenty five claims lodged, comprising of:

- Four motor vehicle claims. The claims fell under Council's insurance policies resulting in a cost to Council of \$4,000, which is the excess of \$1,000 per claim
- 27 public liability property claims of which one was withdrawn, 19 claims denied, and 2 settled at a cost of \$1598.75; the remainder are currently pending finalisation
- One public liability injury claim
- No property claims during the reporting period

There was one public liability injury notification incident referred to the insurer regarding a near drowning event.

## **COUNCIL IMPLICATIONS**

### **Budget/Financial**

For legal proceedings taken by or against the Council any costs incurred or recovered are allocated to the budget areas for the respective matters.

The GIPA Act provides that requests are subject to an initial fee of \$30 to cover first hour of investigation. There is an additional processing fee of \$30 per hour, after the first hour. Fees can be reduced by 50% if the agency is satisfied:

- the individual making the application is suffering financial hardship, or
- the information applied for is of special benefit to the public generally.

Council's liability for insurance claims is limited to the excess under the respective policy. Claims up to the excess are allocated against the operational budget of the relevant directorate.

### **Asset Management**

N/A

### **Policy or Regulation**

Complaints Management Policy

Government Information (Public Access) Act 2009 (GIPA Act)

Privacy and Personal Information Protection Act 1998

Information Access Guideline 1: For Local Councils on the disclosure of information (returns disclosing the interest of councillors and designated persons) – September 2019

Council's suite of insurance policies

Civil Liabilities Act 2002 No 22

**Consultation**

Insurance Officer, Managers and Directorates

**Legal and Risk Management**

N/A

**Climate Change**

N/A

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Prepared by	Monique Ryan, Governance Officer
To be tabled	Disclosure of Interest Returns

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<b>ITEM</b>	<b>6c.20.058</b>	<b>BUSHFIRE AND FLOOD INFRASTRUCTURE RECOVERY UPDATE</b>
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<b>Meeting</b>	Council	28 April 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	Manager - Open Spaces & Facilities (Peter Birch)	
<b>Attachment</b>	Nil	

## SUMMARY

This report provides Council with an update of Council's activities to restore the damage that was sustained to Council's infrastructure as a result of the 2019 bushfires and the 2020 flood.

## OFFICER RECOMMENDATION

That Council receive and note the bushfire and flood infrastructure recovery report.

## COUNCIL RESOLUTION – 6c.20.058

**Baker/Kingsley**

**That Council receive and note the bushfire and flood infrastructure recovery report.**

### Voting recorded as follows:

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

**Against: Nil**

## LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

Strategy 2.1.2 Ensure adequate natural disaster management

## BACKGROUND

Both the bushfires that occurred from September 2019 through to early January and the storms and floods that occurred from February 2020 have resulted in Natural Disaster Declarations and caused significant damage to Council infrastructure.

## KEY ISSUES

### Bushfire Recovery

Since the last report on this issue significant work has been undertaken to repair and restore the damaged infrastructure. The initial priority has been to remove debris and enable reopening of the roads to the public. This was completed by the 16 December 2019.

Subsequently the recovery effort focussed on repairing damaged guardrail, signage and other facilities that impact the safety of road users, in parallel with geotechnical work, survey, design and procurement of replacement bridges. At the time of writing the traffic facility work is substantially complete.

The bridge works are further divided into three categories, minor damage, simple replacement and complex replacement. At the time of writing all of the minor damage works have been contracted however the physical works have not commenced as the raw materials (hardwood of particular species and grades) is not readily available. These works will commence as soon as the materials are available.

The simple bridge replacements are also well progressed. The design work and procurement activities are complete and the works on site are progressing well. At the time of writing it is expected that the deck of the bridge on Kangaroo Creek Road will be installed on the 15 April and that all three bridges will be completed before the end of May 2020.

The complex bridges have required a significant amount of investigation work to determine the most appropriate path forward for each structure. The two structures in this category are: Chevalleys Bridge on Coaldale Road and Clouds Creek Bridge on Armidale Road.

Each of these structures has suffered extensive damage, but neither is completely destroyed. This creates a problem as the Natural Disaster Relief and Recovery Arrangement (NDRRA) will not pay for betterment of an asset. In order to comply with this requirement, we have had to engage a structural engineer to assess the feasibility of repairing the structure and the cost of that versus replacing the bridge with a new structure.

At the time of writing, we are expecting the reports from the structural engineer before the end of April. Once we can demonstrate which is a more cost effective option we can proceed with, either, engaging a contractor to undertake the repairs, or engaging a lead consultant to design the replacement structure.

Due to the complexity and size of these structures, if they proceed to full replacement we anticipate that it will take 18 months to complete the design and construction works. If the structures are to be repaired, the timeframe for repair will be dictated by availability of suitable timber and contractors. Both of the resources are very constrained in the current market.

### **Storm and Flood Recovery**

The storms and flooding that occurred in early February has caused extensive damage to the road network throughout the valley. In total we have recorded 110 roads affected and 815 damage items that need to be addressed. These damage items range from cleaning a blocked drain, to re-sheeting multiple kilometres of unsealed road.

In addition the event also caused significant damage to the side tracks that have been established next to fire damaged bridges on Armidale Road and Kangaroo Creek Road. This damage included the temporary bridge at Clouds Creek being washed completely off its abutments and the Hortons Creek side track being washed away multiple times. This has resulted in further closures of Armidale Road and delays to the fire recovery works.



**Figure 2 - Clouds Creek temporary bridge after being washed off its abutments**



**Figure 3 - Clouds Creek temporary bridge being reinstalled**

The immediate response to this event was similar to that of the fires, with the focus on restoring access to properties and addressing road safety issues. This work was staged as the flood waters receded and access was available for heavy machinery, but was completed on the 31<sup>st</sup> of March.

Subsequently we have focussed on undertaking data collection of all of the damage in parallel with repair works. Again this has been focussed on completing areas in a staged approach based on where was accessible. Contractors have then been engaged to complete all of the works within an area, and the works within each area have been prioritised based on risk and severity.

At the time of writing we have engaged 23 crews from local contractors to deliver the repair works along with 30 trucks and dogs importing material from quarries within the LGA. This is an approximate doubling of the plant and labour resources engaged by Civil Services at any time and is a substantial increase in the amount of work being undertaken. This is proving to be a substantial injection of work into the local economy in a time of significant uncertainty and reduction of spending.

Pending suitable weather conditions we anticipate that we will have completed the vast majority of this work by 20 May 2020. This will mark three months from the date the Natural Disaster Declaration was revoked and will be a substantial achievement.

Beyond 20 May 2020, the only damage items remaining for repair will be items that require detailed investigation and design work. There are currently only four items in this category and the investigation works for these are currently underway.

#### **Damage to Floodplain Assets**

In the weeks after the February 2020 flood Council's floodplain staff inspected the condition of levees. As a result of these inspections three levees were identified as sustaining damage related to the flood event. The damaged includes two riverbank slips adjacent to levees, as well as erosion at a levee located in an agricultural setting. An officer from NSW Public Works Advisory inspected the damaged assets on 24 March 2020 and concurred with the Council staff assessment that the damage was caused by the recent flood event.

*Waterview Levee (Asset ID F-4030-LV-0005)* – this levee protects the South Grafton urban area from flooding. Two slips sites have been attributed to the February 2020 flood. Cost estimates for these sites are still be prepared. It should be noted that Crown Land and Fisheries Approvals will be required for these sites.

*North Ulmarra Levee (Asset ID F-4260-LV-0003)* – one slip site was identified and confirmed as being attributable to the recent flood. As with Waterview, detailed cost estimates for this sites is being prepared and Crown Land and Fisheries Approvals will be required.

*The Avenue Levee (Asset ID F-4320-LV-0001)* – this levee is located in Lavadia in the upper Coldstream River area. The levee is located on privately owned property, and the original damage was reported to Council by these owners. The estimate of damage to this levee has been completed and is in the order of \$70,000.



Figure 3 - Erosion Damage on The Avenue Levee (taken 10<sup>th</sup> March 2020)

### **Impacts on other Civil Works**

The flood and fire recovery physical works are almost entirely being undertaken by contract resources additional to Councils normal operations. This has allowed the majority of our staff to focus on their day to day work and is not having a significant impact on our normal capital works and maintenance activities as far as practicable.

However, some activities are simply not easy to contract out. For instance, procurement activities, accounts payable and oversight of the works are still required. This has placed significant strain on our internal staff in these positions. Some of these staff carry project management and coordination roles that will see some of their projects needed to be pushed out to 2020-21 due to having to refocus on natural disaster work and the availability of materials. The impact of COVID 19 is now also affecting the delivery of some projects (refer to Works Report).

### **COUNCIL IMPLICATIONS**

#### **Budget/Financial**

All costs associated with the emergency and restoration works will be claimed through the provisions of the NDRRA. Council will be required to contribute these works in accordance with NDRRA, however, at this point in time, the contribution sum is unknown. Council's Claim is currently being prepared for the recovery activities that have been completed.

#### **Asset Management**

Council's asset records will be updated to reflect and replacement or repair works that are undertaken.

**Policy or Regulation**

NSW Natural Disaster Essential Public Asset Restoration Guidelines  
Commonwealth Disaster Recovery Funding Arrangements

**Consultation**

N/A

**Legal and Risk Management**

Thorough inspections of infrastructure assets need to be undertaken to ensure that the risk to Council and the public is minimised.

**Climate Change**

N/A

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Prepared by	Alex Dalrymple – Manager Civil Services; Kieran McAndrew, Floodplain Coordinator
Attachment	Nil

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## d. INFORMATION ITEMS

ITEM	6d.20.003	ITEMS FOR INFORMATION
<b>Meeting</b>	Council	28 April 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 adopted:

1. Grafton Regional Gallery Advisory Committee: Minutes 27 November 2019
2. Dundurrabin Community Centre Committee: Minutes 6 February 2020
3. Calliope Hall Committee: 19 February 2020
4. Tucabia Community Hall Committee: Minutes 19 February 2020
5. Nymboida Hall Management Committee: Minutes 24 February 2020
6. Coaldale Barretts Creek Hall Committee: Minutes 22 February 2020

## COUNCIL RESOLUTION – 6d.20.003

**Baker/Kingsley**

That the Items for Information as listed below be adopted:

1. Grafton Regional Gallery Advisory Committee: Minutes 27 November 2019
2. Dundurrabin Community Centre Committee: Minutes 6 February 2020
3. Calliope Hall Committee: 19 February 2020
4. Tucabia Community Hall Committee: Minutes 19 February 2020
5. Nymboida Hall Management Committee: Minutes 24 February 2020
6. Coaldale Barretts Creek Hall Committee: Minutes 22 February 2020

Voting recorded as follows:

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

**Against:** Nil

Prepared by	Lesley McBay, Coordinator Support Assistant
Attachments	As listed above

**e. TENDERS**

<b>ITEM</b>	<b>6e.20.011</b>	<b>RFT20/002 – MACLEAN POOL PLANT ROOM TENDER</b>
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<b>Meeting</b>	Council	28 April 2020
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	Manager - Open Spaces & Facilities (David Sutton)	
<b>Attachment</b>	Confidential	

**SUMMARY**

Tenders were called for the construction of a new plant room at the Maclean Pool to house the new filtration equipment [Item 6e.20.004]. This report presents the outcome of the tender process and seeks Council's endorsement to accept the most advantageous tender enabling the commencement of the construction phase of the plant room.

**OFFICER RECOMMENDATION**

That Council:

1. Accept the tender from Nanobuild Pty Ltd (ABN 43 151 612 001) for RFT20/002 Maclean Pool Plant Room to the value of \$1,232,007.46 (GST inclusive) to be funded from PJ 540646 (Maclean Pool Amenities Upgrade Stage 2) from the 2019/20 budget and projects identified in the report from the draft 2020/21 capital works program;
2. Note that RFT20/002 Maclean Pool Plant Room Tender to the value of \$1,232,007.46 (GST inclusive) includes RFT20/001 for the procurement and installation of filtration and related plant at the Maclean Pool for \$445,748 (GST inclusive) as a novated contract;
3. Authorise the General Manager to approve variations up to 5% of the contract value.

**COUNCIL RESOLUTION – 6e.20.011**

**Baker/Kingsley**

That Council:

1. **Accept the tender from Nanobuild Pty Ltd (ABN 43 151 612 001) for RFT20/002 Maclean Pool Plant Room to the value of \$1,232,007.46 (GST inclusive) to be funded from PJ 540646 (Maclean Pool Amenities Upgrade Stage 2) from the 2019/20 budget and projects identified in the report from the draft 2020/21 capital works program;**
2. **Note that RFT20/002 Maclean Pool Plant Room Tender to the value of \$1,232,007.46 (GST inclusive) includes RFT20/001 for the procurement and installation of filtration and related plant at the Maclean Pool for \$445,748 (GST inclusive) as a novated contract;**
3. **Authorise the General Manager to approve variations up to 5% of the contract value.**

**Voting recorded as follows:**

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

**Against: Nil**

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 2 Infrastructure

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

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



## BACKGROUND

Council called for tenders on Monday, 16 March 2020 for the Construction of the Plant Room at Maclean Pool. A mandatory site meeting was held on Wednesday, 23 March 2020 with tenders closing on Friday 3:00pm Friday, 17 April 2020.

Tenders were assessed by a Tender Evaluation Committee (TEC) consisting of three staff. Prior to the evaluation process the evaluation committee confirmed that the Tender Evaluation Plan was appropriate and the Code of Conduct provisions were understood and signed off by the panel.

At its February meeting of Council, Council resolved to [Item 6e.20.004]:

1. Accept the alternate tender from Swimplex Aquatics ATF Aquatics Unit Trust for RFT20/001 for the procurement and installation of filtration and related plant at the Maclean Pool for \$445,748 (GST inclusive) to be funded from PJ 540646 (Maclean Pool Amenities Upgrade Stage 2).
2. Authorise the General Manager to approve variations up to 10% of the contract value.

The tender required the contract for the procurement and installation of filtration and related plant at the Maclean Pool that was awarded to Swimplex be novated under this tender.

## KEY ISSUES

### Filtration Equipment and Plant Room

Council engaged an aquatic engineer to develop the specification documentation for the replacement of the filtration equipment at the Maclean pool. The design developed by Liquid Blu and Aquatic One was based on a needs assessment primarily of the water turnover duration. The scope of the works in this tender and the earlier adopted tender includes one pump and one filtration unit to achieve basic circulation and replace like for like output and performance. That performance just meets the water quality standards required to operate the pool.

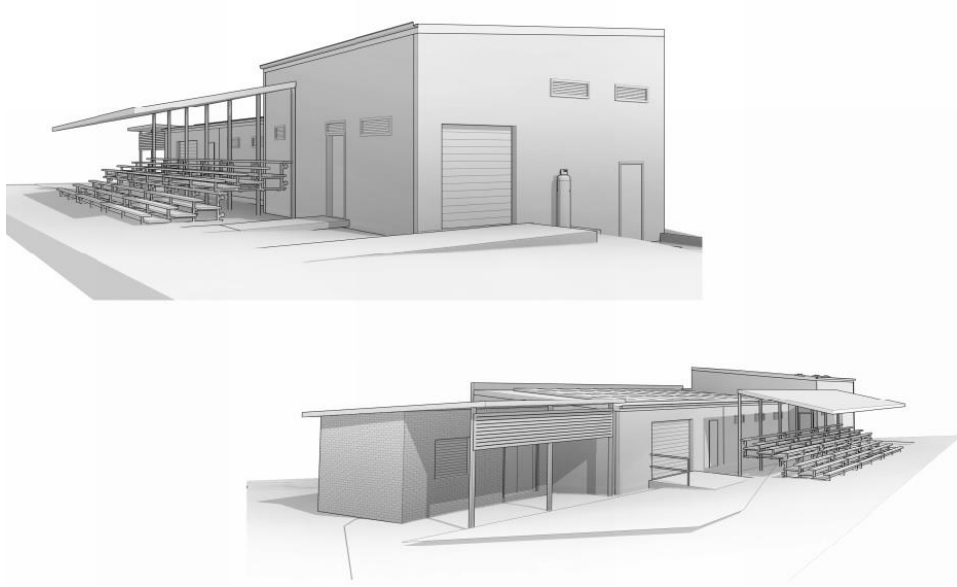
Due to existing hydraulic constraints (pipework), the replacement of filtration equipment needs to be completed in two stages. Those constraints are that the current pump delivery line to the pool only feeds into one side near the shallow end and there has been difficulty in achieving consistent even distribution of water to and from the pool to meet water quality standards. The first stage includes only the equipment and pipework to the plant room and does not include upgrading the existing delivery and suction return pipework connecting to the pool. A further stage of works is required to upgrade the delivery and suction return lines to both the 50m and toddler pools that will also include a second pump and filtration unit. This will enable the facility to easily meet the water quality performance standards for the pool while allowing the toddler pool to be brought off line in case of a contamination incident. The further stage works will involve removing existing perimeter pedestrian pavement around the pools and installing a new delivery pipework system within the pool base itself that is yet to be designed. This further stage will be a project in a future capital works program.

Council resolved to award the contract for the procurement and installation of filtration equipment to Swimplex as the Filtration Plant contractor [Item 6e.20.004]. This contract will be Novated under RFT20/002 – Maclean pool plant room. This form of contract was selected to enable additional time to procure the filtration equipment while maintaining a single point of control for the completion of the project.

### Plant room design and layout

Through the design process it was identified that the current plant room was inadequate to house the new filtration equipment. The plant room size and specifications was designed in conjunction with aquatic engineers to ensure compliance with legislation. It was identified that the recommended filtration equipment could not be housed in the existing building due to compliance issues. Further investigation identified other compliance issues with the storage of chemicals, ventilation and space requirements of the area.

To ensure compliance and safety, a new large structure is required to house the filtration equipment. The structure is designed to also house a future further stage of the equipment which includes a second filter, pump system and supporting equipment when required. The pipework required for this further stage in the plant room is included in this contract.



**Figure 1 – Building design of Maclean pool plant room**

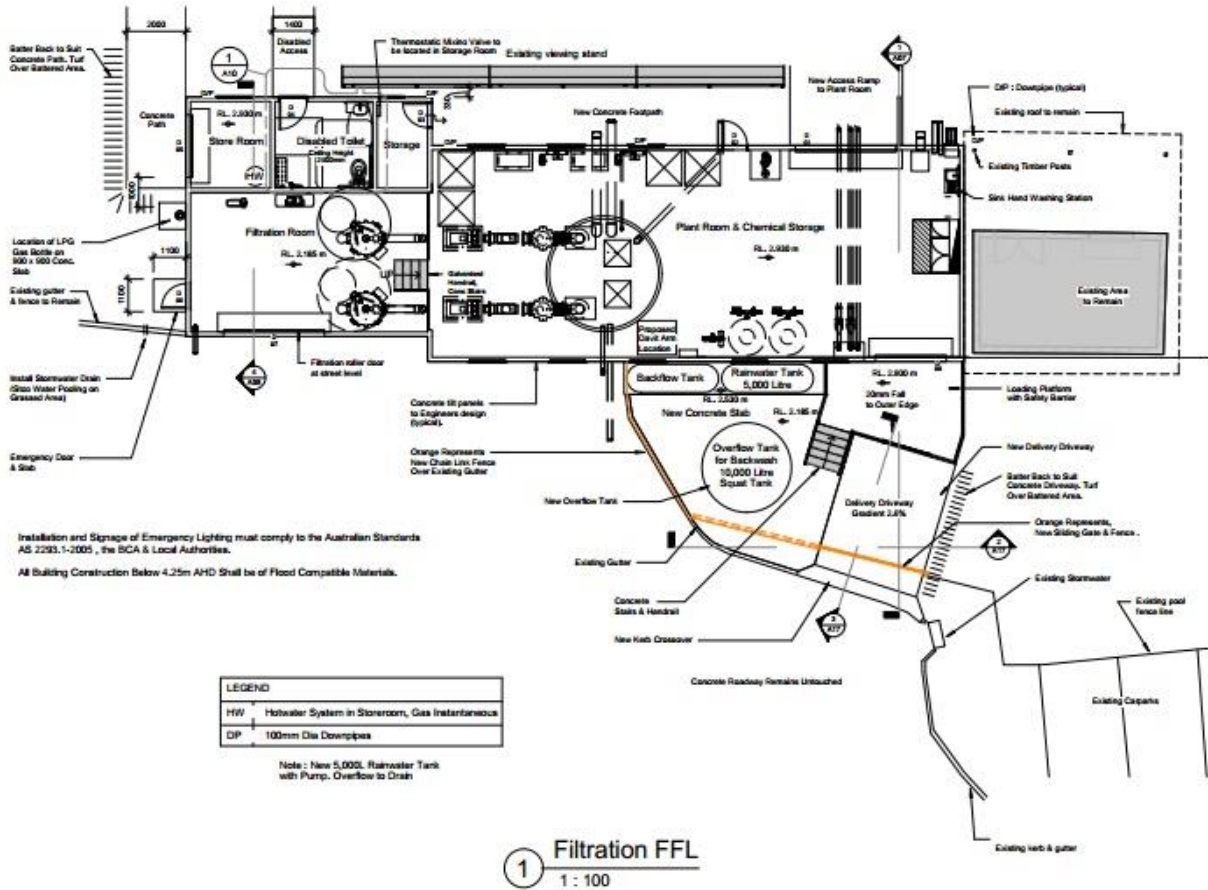


Figure 2 – Schematic design of inside the Maclean pool plant room

Disabled access and amenities

The existing pool facility and amenities do not meet accessibility standards. There are no disabled change rooms, no designated disabled parking spaces, and the access into the pool area and amenities is also not compliant. Investigation was undertaken to modify the existing pool amenities to incorporate disabled compliant change rooms and access, this investigation determined that efficiencies in build cost could be achieved by including these works into the new plant room.

Disabled parking spaces, access and change room were included in the design documentation and form part of this tender.

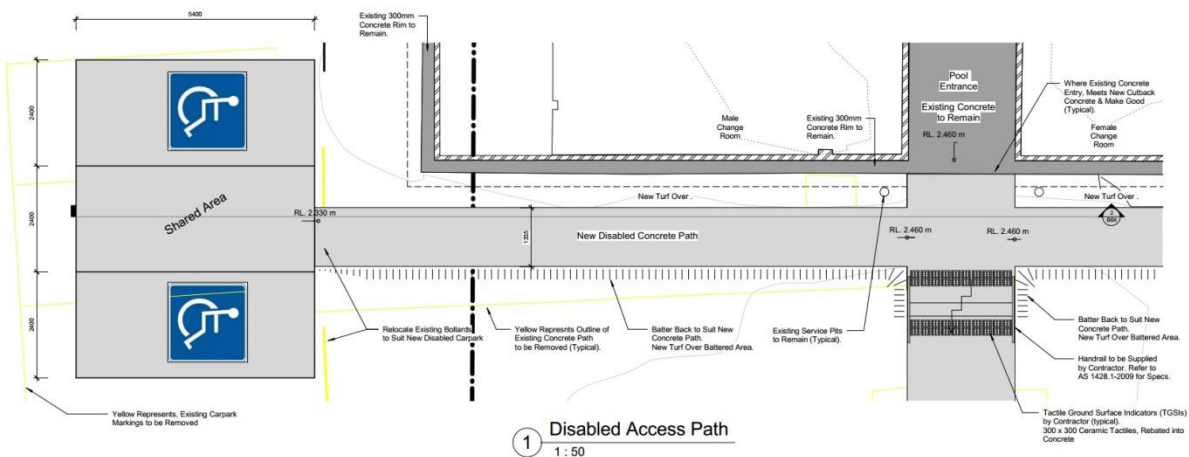


Figure 3 – Disabled car spaces and pathway, Maclean pool

Tenders Received

Four (4) submissions were received in response to the Request for Tender process, all of which are conforming to the Request for Tender documentation. The tenderers include:

1. AGS Commercial Pty Ltd
2. Bailey William Pty Ltd T/as G4 Building Group
3. Nanobuild Pty Ltd
4. Van Mal Group Construction Pty Ltd  
(listed in alphabetic order)

Summary and Recommendation

All submissions were assessed to be compliant and were processed through to evaluation criteria assessment on the basis that all terms and conditions and mandatory requirements of the RFT had been met.

After consideration of the tender submissions, scoring, results of further clarification, the TEC are recommending the offer from Nanobuild for the Maclean Pool Plantroom, pending a positive financial assessment.

Details of the tender assessment are contained in the confidential attachment.

**COUNCIL IMPLICATIONS****Budget/Financial**Contract Detail

The delivery of the total project will be achieved through two tenders and subsequent contracts, being;

1. RFT20/001: The procurement and installation of filtration and related plant at the Maclean Pool and
2. RFT20/002: Maclean Pool Plant Room.

The contract conditions requires the successful Contractor of RFT20/002: Maclean Pool Plant Room to novate RFT20/001: The procurement and installation of filtration and related plant at the Maclean Pool under there contract.

This novated contract model was selected due to the specialist nature of the filtration equipment procurement & installation, the long lead time for procurement of the equipment and the requirement to refine the building envelope to accommodate the equipment.

To achieve the delivery of the project with least impact to the pool operation and contract the project needs to be completed during the seasonal closure, the closure period bridges the financial year and the required funding will likewise need to bridge the financial year.

Funding Details

The need to construct a resilient building due to the corrosive environment has resulted in a total project value being more than the available funds, the funding for the project is detailed below:

Financial Year	Project Number	Project Description	Budget
19/20	540646	Maclean Pool Amenities Upgrade	\$463,867.00
19/20	540646	Maclean Pool Amenities Upgrade	\$309,996.00
19/20	540640	Pool Structures - RENEWALS UNALLOCATED	\$10,207.00
19/20	994771	Memorial Park Grafton Amenities Upgrade*	\$180,000.00
20/21	540646	Maclean Pool Equitable Access & Charge Facilities (Filtration Works Stage 2)	\$200,000.00

Financial Year	Project Number	Project Description	Budget
20/21	541198	Sports Buildings – Renewals#	\$81,000.00
20/21	550181	Parks & Reserves Access Pavement and Car parks – RENEWALS#	\$54,020.00
20/21	540640	Pool Structures - RENEWALS UNALLOCATED	\$20,000.00
20/21	942537	Lighting Systems – Renewals#	\$21,000.00
		<b>Total (Ex. GST)</b>	<b>\$1,340,090.00</b>

Note: - the project will be undertaken over 2019/20 and 2020/21 financial years as this is when the pool is shut down for works and maintenance.

\* It is proposed to reallocate the funding from the 2019/20 Memorial Park Grafton Amenities Upgrade project to complete the urgently needed project work at Maclean Pool, with funding for the Memorial Park Amenities will be drawn from the \$6.5 million dollar Australian Government grant.

# The Maclean Pool project incorporates renewal works to footpaths / car parking, lighting and the provision of disabled toilets, items of work that can be funded from the 2020/21 renewal votes.

The total available budget for this project in the 2019/20 and 2020/21 financial years is \$1,340,090.00 (Ex. GST) as detailed above.

#### Expenditure to date

Expenditure to date on the project is \$48,582.90 (Ex. GST), comprising:

Northern Rivers Structerre, engineering	\$12,960.00
Aquatic One, tender documentation	\$6,950.00
Aquatic One Tender Review	\$1750.00
Blackwoods Pallet Jack	\$600.00
Kevin Plummer, contract preparation	\$900.00
Marco consultant, survey	\$2,350.00
Navfox Design, design services	\$20,782.50
Financial check x2	\$1976.40
Tendering	\$314.00

#### Other Projected Costs

It is forecast that an additional \$115,500.00 (Ex. GST) will be required to complete the construction works, the other expenditure comprising of:

Change in design to raise the Building 350mm (required)	\$20,000.00
Precast balance tank supply and delivery	\$60,000.00
Project Management Costs (.25%)	\$30,500.00
Construction Certificate Fees and Inspections	\$5,000.00

#### Funding Summary:

Item	Amount (Ex GST)
Project Budget	<b>\$1,340,090.00</b>
Expenditure to date	\$48,582.90
Other Projected Costs	\$115,500.00
Remaining balance for contract works	<b>\$1,176,007.10</b>
Recommended tenderer's price (ex GST)	\$1,120,006.78
Contingency (5% on contract value)	\$56,000.00
Balance	\$0.32

Note: The Price for the Filtration works as adopted of \$405,225.45 (Ex. GST) 25 February 2020 Item 6e.20.004 RFT20/001 – Maclean Pool Filtration Equipment is included in the recommended tenderers price.

### Asset Management

The new filtration and pump equipment will replace asset # 510489 which has been identified as beyond its useful life. The facility has been closed on numerous occasions in the past 18 months as a result of the failure of the filtration equipment. Council's Water cycle team as well as contractors have repaired the equipment however it now requires urgent replacement to ensure compliance with health and safety legislation at the facility.

The new asset will be included into Council's Asset Management System and maintained to the required standard. Council's contractor will complete daily inspections and the equipment will be serviced in line with the manufacturer's recommendations.

### 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:

- Tender specifications were structured so local suppliers and/or contractors were not excluded from being the prime supplier/contractor.
- The tender specification requested tenderers to identify the local suppliers/contractors that would be involved in delivering/constructing the project and the tender assessment included a 15% weighting of the total tender score for local supplier content. The Tender Evaluation Plan contains details of the local supplier content for each tenderer.

### Consultation

Extensive consultation was undertaken with aquatic designers, aquatic engineers, the pool manager, various sections of Council including Open Spaces and Facilities and Water Cycle.

### Legal and Risk Management

Four submissions were received in response to the Request for Tender process, the Company Partners and Directors are as follows:

Tenderer	ABN	Name of Partners & Directors	Position
AGS Commercial Pty Ltd	37 602 997 606	Simon David Booth	Director
Bailey William Pty Ltd Trading as G4 Building	2561 943 5255	Phill George	Director
Nanobuild Pty Ltd	43 151 612 001	Ronald Van Vyfeyken	Managing Director
		Elizabeth Bloomer	Director
Van Mal Group Construction Pty Ltd	19 128 617 774	Nico van Mal	Director

(listed in alphabetic order)

### Climate Change

The new filtration system is more economical and efficient in comparison to the existing sand filters. They will utilise less energy, provide efficiency in the filtration process and contribute to a positive result for sustainability. The new plant room building will also have a positive impact on the environment, utilising heritage colours as well as other sustainable features including LED lighting and motion sensor lighting in some areas.

Prepared by	Justin Menzies – Open Spaces Project Manager
Confidential	Tender Recommendation Report

**7. NOTICE OF MOTIONS**

ITEM	07.20.002	RESCISSION MOTION COUNCIL RESOLUTION – 6a.20.009 CODE OF MEETING PRACTICE	
<b>Meeting</b>		Council	28 April 2020
<b>Directorate</b>		Notice of Motion	
<b>Submitted by</b>		Cr Karen Toms	
<b>Attachment</b>		Nil	

To the General Manager, Clarence Valley Council, I propose that the following rescission motion be submitted to Council.

**BACKGROUND**

These temporary changes were made to the Code of Meeting Practice at the March Council meeting as a result of the Prime Minister's announcement on Sunday 22 March 2020 relating to the COVID-19 pandemic.

Council's situation has changed since then, and Council meetings are now proposed to be undertaken on-line using videoconferencing without being physically present in the Grafton Chambers.

The suspension of questions and reduction of time permitted to Councillors to speak to two (2) minutes was also recommended to reduce the time that Council met in the Chamber, therefore limiting the time social distancing was required.

We the undersigned move the following motion:

That Council rescind points 1 and 2 of resolution for Item 6a.20.009 Code of Meeting Practice-Temporary Changes

1. Section 3.1 a), all Ordinary Council meetings be held in Grafton.
2. Section 3.16, question time during the meeting be suspended, with questions invited in writing by email no later than the day prior to the meeting.

**MOTION**

Toms/Clancy

That Council rescind points 1 and 2 of resolution for Item 6a.20.009 Code of Meeting Practice-Temporary Changes

1. Section 3.1 a), all Ordinary Council meetings be held in Grafton.
2. Section 3.16, question time during the meeting be suspended, with questions invited in writing by email no later than the day prior to the meeting.

Voting recorded as follows:

For: Toms, Clancy, Ellem, Novak, Simmons

Against: Baker, Kingsley, Williamson

The Motion was put and declared CARRIED.

**PROPOSED MOTION**

That Council approve the following temporary arrangements for two (2) months until 31 May 2020 commencing at today's Council meeting:

1. Section 3.1 a), all Ordinary Council meetings to be held on-line through videoconferencing.
2. Amend the temporary arrangement for Section 10.24 resolved at the March 2020 Council meeting from two (2) minutes to three (3) minutes.

**COUNCIL RESOLUTION – 07.20.002**

**Toms/Clancy**

**That Council approve the following temporary arrangements for two (2) months until 31 May 2020 commencing at today’s Council meeting:**

1. Section 3.1 a), all Ordinary Council meetings to be held on-line through videoconferencing.
2. Amend the temporary arrangement for Section 10.24 resolved at the March 2020 Council meeting from two (2) minutes to three (3) minutes.

**Voting recorded as follows:**

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

**Against: Baker, Kingsley, Williamson**

The Motion was put and declared CARRIED.

**AMENDMENT TO MOTION**




**Novak**

That Council approve the following temporary arrangements for two (2) months until 31 May 2020 commencing at today’s Council meeting:

1. Section 3.1 a), all Ordinary Council meetings to be held on-line through videoconferencing.
2. Amend the temporary arrangement for Section 10.24 resolved at the March 2020 Council meeting from two (2) minutes to three (3) minutes.
3. Section 20: Committee meetings be held via on-line video conferencing.

The Amendment to Motion LAPSED for want of a seconder.

**Signed:**

<b>Cr Toms</b>	
<b>Cr Simmons</b>	
<b>Cr Clancy</b>	

**POINT OF ORDER – Cr Baker**

The rescission motion is to rescind points 1 and 2 only.

However, the original resolution starts with “That Council approve the following temporary arrangements for two (2) months until 31 May 2020 after today’s meeting.”

This creates a conflict with the proposed motion for today’s meeting which states “That Council approve the following temporary arrangements for two (2) months until 31 May 2020 commencing at today’s Council meeting” .

The difference being “after today’s meeting” (March) and “commencing at today’s Council meeting” (April).

The Chair overruled the Point of Order.



**MOTION OF DISSENT – Cr Baker**

That the Chair’s overruling on the Point of Order is incorrect.

Voting recorded as follows:

For: Kingsley, Williamson, Baker

Against: Simmons, Novak, Clancy, Toms, Ellem

The motion of dissent was put and declared LOST.

**POINT OF ORDER – Cr Baker**

Against the replacement motion not the rescission. The proposed replacement motion is unsound and one part is unlawful and should be heard before rescinding points 1 and 2.

The Chair overruled the Point of Order.

**MOTION OF DISSENT – Cr Baker**

That the Chair’s overruling on the Point of Order is incorrect.

Voting recorded as follows:

For: Kingsley, Williamson, Baker

Against: Simmons, Novak, Clancy, Toms, Ellem

The motion of dissent was put and declared LOST.

## 8. CONFIDENTIAL BUSINESS

ITEM	08.20.003	YAMBA ACCESS – PROPERTY ACQUISITION
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Meeting	Council	28 April 2020
Directorate	Works & Civil	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Confidential	

**CONFIDENTIAL**      *The General Manager advises that the following matter be dealt with in Closed Session as the matter and information are confidential in accordance with the Local Government Act 1993 Section: 10A 2 (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*

ITEM	08.20.004	RFT20/11 CLARENCE CARE AND SUPPORT TRANSFER OF SERVICES TO A NOT FOR PROFIT PROVIDER
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Meeting	Council	28 April 2020
Directorate	General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Confidential	

**CONFIDENTIAL**      *The General Manager advises that the following matter be dealt with in Closed Session as the matter and information are confidential in accordance with the Local Government Act 1993 Section: 10A 2 (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*

## MOTION

Baker/Toms

That Council move into confidential Committee of the Whole to consider the following items in accordance with the Local Government Act 1993:

- **08.20.003 Yamba Access – Property Acquisition** *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*
- **08.20.004 RFT20/11 Clarence Care + Support Transfer of Services to a Not for Profit Provider** *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*

Voting recorded as follows:

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

Against: Nil

*Council moved into closed session at 6.51 pm. The meeting broadcast was turned off.*

## MOTION

Toms/Baker

That Council move out of confidential session at 7.02 pm.

Voting recorded as follows:

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

Against: Nil

## MOTION

Williamson/Toms

That this meeting be extended past 7.00 pm until 7.30 pm to finish dealing with the confidential business.

Voting recorded as follows:

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

Against: Nil

## MOTION

Kingsley/Toms

That Council move into confidential session at 7.04 pm.

Voting recorded as follows:

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

Against: Nil

## MOTION

Williamson/Toms

That Council move out of confidential session and adopt but not make public the recommendations for Items 08.20.003 and 08.20.004 under the Local Government Act 1993 Section 10A 2-c until the matters are resolved.

Voting recorded as follows:

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

Against: Nil

*Council moved into open forum at 7.32 pm. The broadcast was resumed.*

**9. LATE ITEMS OF BUSINESS AND MATTERS ARISING - Nil****10. CLOSE OF ORDINARY MEETING**

There being no further business the Ordinary Council meeting closed at 7.35 pm.