

Ordinary Council Meeting Minutes

27 October 2020



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MINUTES of the ORDINARY MEETING of the CLARENCE VALLEY COUNCIL at Council Chambers, Grafton, 27 October 2020 commencing at 2.00 pm and closing at 4.48 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.

PRESENT

Cr Jim Simmons (Mayor), Cr Andrew Baker, Cr Jason Kingsley (Deputy Mayor), Cr Peter Ellem, Cr Arthur Lysaught, 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 (Jamie Fleeting), Director Corporate & Governance (Laura Black) and Minutes Secretary (Lesley McBay).

APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE - Nil

DISCLOSURES AND DECLARATIONS OF INTEREST – 03.20.009

Declarations received at the commencement of the Ordinary Meeting

<i>Name</i>	<i>Item</i>	<i>Nature of Interest</i>	<i>Reason/Intended Action</i>
Cr Novak	6a.20.041	<input checked="" type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: DA2019/0539, Monthly Twilight Markets Yamba Intended action: Leave the Chamber.

Declarations received at the Committee meetings - Nil

4. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION – 04.20.09

Williamson/Ellem

That the Minutes of the Ordinary Meeting of Council dated 22 September, 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, Lysaught
Against: Nil

CARRIED

COUNCIL RESOLUTION – 04.20.10

Lysaught/Kingsley

That the Minutes of the Extraordinary Meeting of Council dated 22 September, 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, Lysaught

Against: Nil

CARRIED

5. MAYORAL MINUTES - Nil

PRESENTATION – ITEM 08.20.010 – CODE OF CONDUCT CR NOVAK

The Mayor invited Cr Novak to make an apology to the Council meeting.

Cr Novak addressed the Council and advised that an apology would not be forthcoming.

6. REPORTS**a. GENERAL MANAGER**

ITEM	6a.20.039	AUSTRALIA DAY 2021 – COUNCILLOR ADVOCATE
Meeting	Council	27 October 2020
Directorate	Office of General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Nil	

SUMMARY

This report addresses the Clarence Valley Australia Day Award process and combined Awards and Citizenship Ceremony morning tea.

OFFICER RECOMMENDATION

That Council:

1. Note the information provided regarding the 2021 Australia Day Awards.
2. Appoint a Councillor as the 2021 'Australia Day Advocate'.

Cr Lysaught nominated Cr Clancy as the advocate, seconded by Cr Simmons. Cr Clancy declined the nomination and thanked the Councillors.

COUNCIL RESOLUTION – 6a.20.039

Lysaught/Williamson

That

1. Council note the information provided regarding the 2021 Australia Day Awards.
2. Councillor Toms be appointed as the 2021 'Australia Day Advocate'.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 1 Society

Objective 1.1 We will have proud and inviting communities

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

BACKGROUND

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

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

Due to changes to the Australian Citizenship Ceremonies Code, at its meeting held 22 October 2019, Council resolved (6c.20.063):

That Council

1. Conduct a citizenship ceremony on Australia Day (January 26).
2. Invite the Federal Member for Page to attend our citizenship ceremonies to read the Minister's message.
3. Adopt the dress code for ceremonies and advise the Department of Home Affairs.

Australia Day occurs on Tuesday, 26 January 2021 and now that councils are required to conduct a Citizenship Ceremony on Australia Day and due to COVID-19 restrictions, Council officers are proposing that the 2021 Australia Day Awards and Citizenship Ceremony be combined and a morning tea (free event) be held at the Grafton District Services Club.

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

KEY ISSUES

An Australia Day Awards Selection Panel will be formed. The Panel will include at least 2 members of the community and a Councillor nominated to be the Australia Day Advocate. The primary role of this Panel is to select the Australia Day Award finalists and recipients nominated by the members of the community.

The Panel participants will be sourced from across the Clarence Valley Council Local Government Area through an expression of interest process. An invitation will be sent to the Clarence Valley Aboriginal Advisory Committee to be part of the Panel and to nominate a local person or community group for an Award as per Council Resolution 13.014/19 from 28 May 2019 Council meeting.

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

Award nominations and Selection Panel expression of interest opened on 1 July and have been extended to close on 1 November 2020.

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

COUNCIL IMPLICATIONS

Budget/Financial

Costs will be funded from 996060-6736-2200 for the Australia Day Awards Ceremony
Costs will be funded from 991001-7014-2200 for the Citizenship Ceremony.

Asset Management

N/A

Policy or Regulation

[Australian Citizenship Ceremonies Code](#)

Consultation

Consultation has included CVC Community & Industry Engagement team, Home Affairs, Australia Day Council of NSW, and National Australia Day Council.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Debbie McGilvray, Executive Support Officer
Attachment	Nil

ITEM	6a.20.040	2020/21 OPERATIONAL PLAN – QUARTERLY REVIEW AS AT 30 SEPTEMBER 2020
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Meeting	Council	27 October 2020
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	To be tabled	

SUMMARY

This report provides the final quarterly review on Council's performance of fulfilling its actions, services, projects and programs in the 2020/21 Operational Plan. It should be noted that the impact of COVID-19 has impacted timing of delivery as intended for some activities.

OFFICER RECOMMENDATION

That the Quarterly Operational Plan outcomes as at 30 September 2020 be noted.

COUNCIL RESOLUTION – 6a.20.040

Williamson/Ellem

That the Quarterly Operational Plan outcomes as at 30 September 2020 be noted.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

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

BACKGROUND

On 23 June 2020 Council adopted the 2020/21 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 2020/21 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 2020/21 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.

COUNCIL IMPLICATIONS**Budget/Financial**

Actions contained in the 2020/21 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
To be tabled	Quarterly Progress Report

ITEM 6a.20.041 DEVELOPMENT APPLICATIONS

Meeting	Council	27 October 2020
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	To be tabled	

SUMMARY

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

OFFICER RECOMMENDATION

That the update on Development Applications be noted.

Having declared an interest in this item, Cr Novak left the Council meeting at 2.11 pm and returned at 2.12 pm.

COUNCIL RESOLUTION – 6a.20.041

Baker/Kingsley

That the update on Development Applications be noted.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

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

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

KEY ISSUES

The figures from 1 July 2020 to 30 September 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)
248	223	\$26,525,464.00	41	Average : 61 days Median: 40 days

Of the 223 approved Development Applications between 1 July 2020 and 30 September 2020, 114 (51%) were determined within 40 days or less.

Exceptions to Development Standards under Clause 4.6 of the LEP

There was nil use of Clause 4.6 for determined Development Applications during the month of September 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, eg development on land subject to long term sea level rise and/or coastal erosion.

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

ITEM	6a.20.042	2019/20 GENERAL PURPOSE FINANCIAL STATEMENTS REFER TO AUDIT
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Meeting	Council	27 October 2020
Directorate	Corporate & Governance	
Reviewed by	Manager - Finance & Supply (Kate Maginnity)	
Attachment	To be tabled	

SUMMARY

Council's 2019/20 Annual Financial Statements have been completed and are currently being audited by Council's auditor, Thomas Noble and Russell. The purpose of this report is to present the interim financial results and to implement certain statutory obligations in relation to the finalisation of the audited financial statements.

The auditor will present the audit report to Council's 24 November 2020 Ordinary meeting along with the public presentation of the audited financial statements.

OFFICER RECOMMENDATION

That Council:

1. Sign the Statements as prescribed by Section 413(2) (c) of the Local Government Act 1993 for the General Purpose Financial Statements and the Special Purpose Financial Statements.
2. Refer the 2019/20 Annual Financial Statements to the Auditor for audit in accordance with Section 413 (1) of the Local Government Act 1993.
3. Receive and note the 2019/20 Special Schedules, which are not required to be audited.
4. Authorise the General Manager to forward the Financial Statements to the Office of Local Government upon receipt of the audited 2019/20 Financial Statements.
5. Present the signed audited Financial Statements, together with the signed Client Services Reports (Auditor's Reports), to the public at the Ordinary Council meeting to be held on 24 November 2020 in accordance with Section 419 (1) of the Local Government Act 1993.

COUNCIL RESOLUTION – 6a.20.042

Lysaught/Baker

That Council:

1. **Sign the Statements as prescribed by Section 413(2) (c) of the Local Government Act 1993 for the General Purpose Financial Statements and the Special Purpose Financial Statements.**
2. **Refer the 2019/20 Annual Financial Statements to the Auditor for audit in accordance with Section 413 (1) of the Local Government Act 1993.**
3. **Receive and note the 2019/20 Special Schedules, which are not required to be audited.**
4. **Authorise the General Manager to forward the Financial Statements to the Office of Local Government upon receipt of the audited 2019/20 Financial Statements.**
5. **Present the signed audited Financial Statements, together with the signed Client Services Reports (Auditor's Reports), to the public at the Ordinary Council meeting to be held on 24 November 2020 in accordance with Section 419 (1) of the Local Government Act 1993.**

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

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

BACKGROUND

Under Section 416(1) of the Local Government Act 1993, Council must prepare and arrange for its annual Financial Statements to be audited within four (4) months of year end (that is, by 31 October each year). The 2019/20 Annual Financial Statements have been completed and have been audited by Council's Auditor, Thomas Noble & Russell. The 2019/20 Annual Financial Statements can now be referred to Council, as a resolution of Council is required to formally refer the Annual Financial Statements to the Auditor for audit.

Council is also required to resolve to sign and attach a 'Statement by Councillors and Management' to its annual Financial Statements in accordance with Section 413(2) (c) of the Act. This Statement is included in the attachments (refer Attachment A) for Council's reference. This Statement is to be signed by the Mayor, Deputy Mayor, General Manager and Council's Responsible Accounting Officer.

In accordance with the requirements of the Local Government Code of Accounting Practice and Financial Reporting, Council is required to prepare Special Purpose Financial Statements for the Business Activities of Council. Council's Water, Sewerage, Holiday Parks and Clarence Care & Support operations are Category 1 businesses for the purposes of the Special Purpose Financial Statements. A copy of the Statement by Councillors and Management that is required to be signed by the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer is attached (refer to Attachment B).

This formal process of referring the Financial Statements to audit by the Council and the signing of the Council Statement for inclusion with the Financial Statements is a legislative obligation, which in reality does not match the timing of the actual audit process as Council's auditor commenced the audit on Monday 21 September 2020 and is in the process of finalising the audit.

As soon as practicable after the Client Services Reports (Auditor's Reports) have been received, Council must fix a date for a meeting, and give public notice of this meeting, to present the audited Annual Financial Statements and the Client Services Reports to the public. The audited Annual Financial Statements are placed on public exhibition from the date of the public notice of the Council meeting until seven days after the meeting. It is proposed that the final 2019/20 Annual Financial Statements be presented to the ordinary Council meeting of 24 November 2020.

A copy of Council's 2019/20 General Purpose Financial Statements is included in the attachments (refer to Attachment C). The General Purpose Financial Statements incorporate the Primary Financial Statements i.e. Income Statement, Statement of Comprehensive Income, Statement of Financial Position, Statement of Changes in Equity and Statement of Cash Flows.

Council's 2019/20 Special Purpose Financial Statements for the Water, Sewerage, Holiday Parks, Clarence Care & Support Services operations, have been completed and a copy of the Income Statement by Business Activity and Statement of Financial Position by Business Activity are included in the attachments (refer to Attachment D).

In accordance with the requirements of the Local Government Code of Accounting Practice and Financial Reporting, Council is required to prepare Special Schedules for the purposes of providing additional information required for the NSW Grants Commission, the Australian Bureau of Statistics, the Department of Industry and the Office of Local Government and also to support data included in the Special Purpose Financial Statements. The data from the Special Schedules is also used in the allocation of Financial Assistance Grants, incorporation in national statistics, monitoring of loan approvals, allocation of borrowing rights and monitoring of financial activities of specific services. The auditor is not required to audit the Special Schedules.

The Special Schedules included in the attachments (refer to Attachment E) are:

- Special Schedule 2 - Permissible Income for General Rates
- Special Schedule 7 - Report on Infrastructure Assets (as at 30 June 2020). Special Schedule 7 also includes the following mandatory Infrastructure Asset performance indicators:

1. Building and Infrastructure Renewals Ratio
2. Infrastructure Backlog Ratio
3. Asset Maintenance Ratio
4. Costs to Bring Assets to Agreed Service Level Ratio

The below Special Schedules are no longer part of the Annual financial statements. These now form part of the Financial Data Return (FDR) which are submitted separately to the OLG:

- Special Schedule 1 - Net Cost of Services
- Special Schedule 3 - Water Supply Operations - includes Income Statement
- Special Schedule 4 - Water Supply – Statement of Financial Position
- Special Schedule 5 - Sewerage Service Operations - includes Income Statement
- Special Schedule 6 - Sewerage Services – Statement of Financial Position

KEY ISSUES

Summary Financial Result

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

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

On 30 June 2020, Clarence Valley Council transferred the existing services provided by Clarence Care + Support to Wesley Community Services Limited trading as Wesley Mission. Council's intention is that at 30 June 2020, Clarence Care + Support no longer exists as a Category 1 business. Discontinued Operation disclosures have been included in the Financial Statements accordingly and previous year comparatives restated where required.

Financial Reserves - Externally Restricted

External financial restrictions represent unspent monies that have been provided to Council to be spent on a particular project/allocation. They generally consist of unspent Section 7.11 and Section 64 Developer Contributions, unspent specific purpose grants, sewerage fund, domestic waste management and Clarence Coast Holiday Park revenues.

As at 30 June 2020, Council's balance of externally restricted cash is \$81.844M (compared to \$68.768M as at 30 June 2019). A summary is tabled below:

Externally Restricted Reserves	Balance as at 30 June 2020	Balance as at 30 June 2019
Unexpended Grants	\$5,061,000	\$4,673,000
Water Supply Contributions, Loans & General Reserves	\$44,478,000	\$31,494,000
Sewer Services Contributions, Loans & General Reserves	\$14,749,000	\$13,301,000
Developer Contributions – General Fund	\$8,597,000	\$9,324,000
Security Deposits & Bonds	\$2,192,000	\$1,807,000
Domestic Waste Management Charges & Loans	\$1,600,000	\$1,058,000
Holiday Parks	\$2,262,000	\$2,708,000
Clarence Care & Support Services Grants	\$917,000	\$2,300,000
Other External Reserves	\$1,162,000	\$1,055,000
Clarence Regional Library	\$826,000	\$1,048,000
TOTAL Externally Restricted Reserves	\$81,844,000	\$68,768,000

Financial Reserves - Internally Restricted

Internal financial restrictions represent monies set aside for expenditure on non-specific items that Council has resolved to spend in the future.

As at 30 June 2020 Council's balance of internally restricted cash is \$43.302M (compared to \$51.114M as at 30 June 2019). A summary is tabled below:

Internally Restricted Reserves	Balance as at 30 June 2020	Balance as at 30 June 2019
Employee Leave Entitlements	\$3,401,000	\$3,159,000
Floodplain Services	\$384,000	\$522,000
Strategic Building Reserve	\$1,522,000	\$1,354,000
Roads	\$2,509,000	\$1,657,000
Quarry Rehabilitation/Development	\$883,000	\$1,089,000
Regional Landfill	\$5,153,000	\$6,275,000
Public Pool Improvements	\$512,000	\$493,000
Replacement – Plant & Vehicles	\$9,354,000	\$11,839,000
Clarence Care & Support Services	\$1,898,000	\$3,336,000
Unexpended Loans	\$74,000	\$116,000
Building Asset Renewals	\$1,083,000	\$1,101,000
Sporting Facilities Improvements	\$396,000	\$993,000
Saleyards Asset Replacement	\$320,000	\$234,000
Election Cost Reserve	\$225,000	\$150,000
Insurance Reserves	\$178,000	\$976,000
Maclean & District Improvements	\$578,000	\$614,000
Software Implementation Reserves	\$608,000	\$483,000
Waste Management Reserves	\$4,687,000	\$4,837,000
Other Internal Reserves	\$2,016,000	\$2,630,000
Unspent Financial Assistance Grant	\$5,837,000	\$5,553,000
Infrastructure Assets Renewal Reserve	\$1,684,000	\$3,703,000
TOTAL Internally Restricted Reserves	\$43,302,000	\$51,114,000

Special Purpose Financial Reports

In accordance with the requirements of the Local Government Code of Accounting Practice and Financial Reporting, Council is required to prepare Special Purpose Financial Reports for the Business Activities of Council. Council's Water, Sewerage, Holiday Parks and Community Support Service operations are Category 1 businesses in accordance with the "Pricing & Costing for Council Businesses A Guide to Competitive Neutrality" issued by the Office of Local Government in July 1997.

Water Supply Business Activity – Category 1

The Water Supply Business Activity achieved an Operating Surplus After Tax of \$5.667M compared to an Operating Surplus After Tax of \$0.308M for 2018/19.

Sewerage Business Activity – Category 1

The Sewerage Business Activity achieved an Operating Deficit After Tax of \$1.968M compared to an Operating Surplus after tax of \$1.918M for 2018/19.

Holiday Parks Activity – Category 1

The Holiday Parks Activity achieved an Operating Surplus After Tax of \$0.473M compared to an Operating Surplus After Tax of \$1.432M for 2018/19.

Clarence Care & Support – Category 1

Clarence Care & Support reported an Operating Deficit After Tax of \$0.932M compared to an Operating Deficit After Tax of \$0.277M for 2018/19. This activity was discontinued on 30 June 2020 and existing services transferred to Wesley Community Services Limited.

Special Schedules

Special Schedule 7 (SS7) which is the Report on Infrastructure Assets discloses by Infrastructure Asset Class for the financial year the following; Estimated cost to bring up to a satisfactory standard, Estimated cost to bring to the agreed level of service set by council, Required Maintenance, Actual Maintenance, Net

Carrying Amount, Gross Replacement Cost and Assets in Condition Ratings 1 to 5 as a percentage of the Gross Replacement Cost of Infrastructure Assets. For the 2019/20 financial year SS7 is not subject to audit.

COUNCIL IMPLICATIONS

Budget/Financial

Tabled below is a summary of some financial indicators and the result vs the benchmark goal.

FINANCIAL INDICATORS	2019/20	2018/19	BENCHMARK GOAL
1. Operational Liquidity (short term focus)			
1.1 Unrestricted Current Ratio (Overall)	3.38	4.42	All Funds: >1.5:1 (OLG Recommendation)
1.2 Rates & Annual Charges Outstanding	7.32%	6.52%	<=5% (Council Policy)
1.3 Cash Expense Cover Ratio	13.98 months	13.90 months	Consolidated Funds: Minimum >3 months (OLG Recommendation)
2. Fiscal Responsibility (Council elected term focus)			
2.1 Operating Performance Ratio (by Fund)			All Funds: Minimum >0% (Council Policy)
Overall	(1.43%)	(1.78%)	
General Fund Result	(5.72%)	(9.35%)	
Water Fund Result	20.61%	20.30%	Fit For The Future (General Fund Only): >=0% meet by 2020/21
Sewer Fund Result	(3.04%)	(8.66%)	
2.2 Own Source Revenue Ratio (by Fund)			All Funds: Minimum >60% (OLG Recommendation)
Overall	65.45%	75.69%	
General Fund Result	56.42%	67.88%	
Water Fund Result	81.05%	92.01%	Fit For The Future (General Fund Only): >60% meet by 2020/21
Sewer Fund Result	96.36%	94.86%	
2.3 Debt Service Cover Ratio (by Fund)			All Funds: Minimum >2x (OLG Recommendation)
Overall	3.33	3.31	
General Fund Result	5.90	5.77	
Water Fund Result	4.41	4.40	
Sewer Fund Result	1.52	1.67	
3. Financial Sustainability (Long term intergenerational focus)			
3.1 Infrastructure Renewals Ratio (by Fund)			All Funds Maximum >100% (OLG Recommendation)
Overall	30.87%	31.73%	
General Fund Result	39.50%	43.04%	Fit For The Future (General Fund Only): >100% meet or show improvement towards achieving by 2020/21
Water Fund Result	13.67%	14.18%	
Sewer Fund Result	16.17%	6.59%	
3.2 Infrastructure Backlog Ratio (by Fund)			All Funds Maximum <2% OLG Recommendation)
Overall	4.04%	4.29%	
General Fund Result	4.58%	4.83%	Fit For The Future (General Fund Only): <2% meet or show improvement towards achieving by 2020/21
Water Fund Result	3.97%	4.53%	
Sewer Fund Result	1.51%	1.43%	
3.3 Cost to bring assets to agreed service level (by Fund)			All Funds <=4.5%
Overall	2.91%	3.14%	
General Fund Result	3.36%	3.58%	
Water Fund Result	2.82%	3.26%	
Sewer Fund Result	1.02%	1.00%	
3.4 Asset Maintenance Ratio (by Fund)			All Funds Maximum >100% (OLG Recommendation)
Overall	105.42%	95.94%	
General Fund Result	101.12%	94.65%	Fit For The Future (General
Water Fund Result	102.98%	97.33%	

Sewer Fund Result	147.09%	105.42%	Fund Only): >100% achieve, or show progress towards achieving by 2020/21
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Asset Management

N/A

Policy or Regulation

Sections 413 and 416 of the Local Government Act.

Consultation

Report has been prepared in consultation with the Manager Finance and Supply.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Michael Salvestro, Financial Accountant
To be tabled	A – Statement by Councillors & Management General Purpose Financial Statements B – Statement by Councillors & Management Special Purpose Financial Statements C – General Purpose Financial Statements D – Special Purpose Financial Statements E – Special Schedules

VOTE BY EXCEPTION

Kingsley/Baker

That the following Items be adopted as recommended:

6b.20.077	6c.20.152	6d.20.009
6b.20.078	6c.20.153	
6b.20.079	6c.20.154	
6b.20.080	6c.20.155	
6b.20.081	6c.20.158	
6b.20.082	6c.20.159	
6b.20.083	6c.20.161	
6b.20.084	6c.20.162	
	6c.20.163	
	6c.20.164	
	6c.20.165	
	6c.20.169	

Voting recorded as follows:

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

Against: Nil

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

MINUTES of a meeting of the **ENVIRONMENT, PLANNING & COMMUNITY COMMITTEE** of Clarence Valley Council held in the Council Chambers, Grafton on Tuesday, 20 October 2020 commencing at 3.34 pm and closing at 4.10 pm.

PRESENT

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

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

APOLOGY - Nil

DISCLOSURE AND DECLARATIONS OF INTEREST - Nil

SUBMISSIONS RECEIVED

Item 6b.20.077 - REV2020/0003 – Request to Review Condition No. 10 of Development Consent 2020/0175 Dwelling and Pool - 2 Mark Close, Grafton - Preventing an Additional Driveway off the Unmaintained Crown Road Section of Arthur Street	
Against the Officer Recommendation	Andrew Fletcher & Associates (Applicant)
Item 6b.20.079 - DA2020/0278 – As Built Carport Lot 114 DP253207 - 20 Boronia Crescent, Yamba	
Against the Officer Recommendation	Brett Ryan (Owner/Applicant)
Item 6b.20.080 - MOD2020/0007 – Section 4.55(1a) Modification to DA2018/0787 – 21 The Crescent, Angourie – Increase in Roof Height of Secondary Dwelling by 400mm and Delete Alterations and Additions to Existing Dwelling from Application	
For the Officer Recommendation	<ul style="list-style-type: none"> • David & Sam Boulton (Owner/Applicant) • Fiona Hoddle
Item 6b.20.083 - SUB2020/0012 – 12 Lot Subdivision – 5 Bridge Street, Glenreagh	
For the Officer Recommendation	Rob Donges

ITEM	6b.20.077	REV2020/0003 – REQUEST TO REVIEW CONDITION NO. 10 OF DEVELOPMENT CONSENT 2020/0175 DWELLING AND POOL - 2 MARK CLOSE, GRAFTON - PREVENTING AN ADDITIONAL DRIVEWAY OFF THE UNMAINTAINED CROWN ROAD SECTION OF ARTHUR STREET
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Meeting	Environment, Planning & Community Committee	20 October 2020
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	A. Fletcher & Associates
<i>Owner</i>	Travis Stone and Helen Stone
<i>Address</i>	2 Mark Close, Grafton
<i>Submissions</i>	Yes – applicants covering letter

DA2020/0175 was determined on 24 June 2020 for a dwelling and swimming pool at 2 Mark Close, Grafton with a condition requiring that amended plans be submitted with the Construction Certificate showing deletion of the third garage that was requiring access off the unmaintained Crown road section of Arthur Street, as access to the site was already provided by two other driveways off Mark Close and Arthur Street.

The applicant has now submitted a request for a review of that condition. As the request is not supported by Council's Civil Services section the review is being referred to Council for consideration and determination.

OFFICER RECOMMENDATION

That Council refuse the request for a review of development consent 2020/0175 Condition No.10 as the consent already allows for 2 separate access driveways off 2 separate Council maintained roads and the granting of the development consent was not reliant on access being gained from the adjacent Crown road.

MOTION

Novak

That the Officer Recommendation be adopted.

The Motion LAPSED for want of a seconder.

COMMITTEE RECOMMENDATION

Williamson/Clancy

That Council approve the review request and adopt the conditions as outlined in Schedule 1 of the report.

Voting recorded as follows:

For: Williamson, Clancy, Baker, Novak, Simmons

Against: Nil

COUNCIL RESOLUTION – 6b.20.077

Kingsley/Baker

That Council approve the review request and adopt the conditions as outlined in Schedule 1 of the report.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

Development application 2020/0175 was lodged on 30 March 2020 for a dwelling and swimming pool at 2 Mark Close, Grafton. The application was referred to Council's Civil Services section for comments as the proposal involved 3 driveway accesses to serve 3 separate garages, one of which was off the unmaintained Crown road section of Arthur Street. Civil Services were not supportive of the third driveway off the unmaintained Crown road section of Arthur Street. The application was also referred to Council's Floodplain Services section as the proposal involved a deck protruding into the levee easement. Floodplain Services indicated that they were supportive of the proposal subject to the deck being cantilevered over the levee and not having any footings within the easement.

The application was referred to Council's Development Assessment Panel (DAP) as the proposal also involved a variation to the side boundary (secondary) setback of 2.5m in lieu of the DCP required 3.5m. The DAP were supportive of the setback variation but recommended that amended plans be sought showing deletion of the third driveway off the unmaintained Crown road section of Arthur Street.

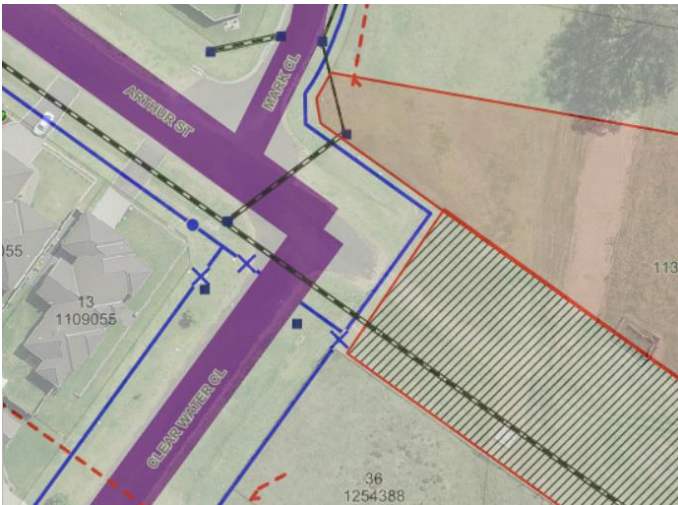
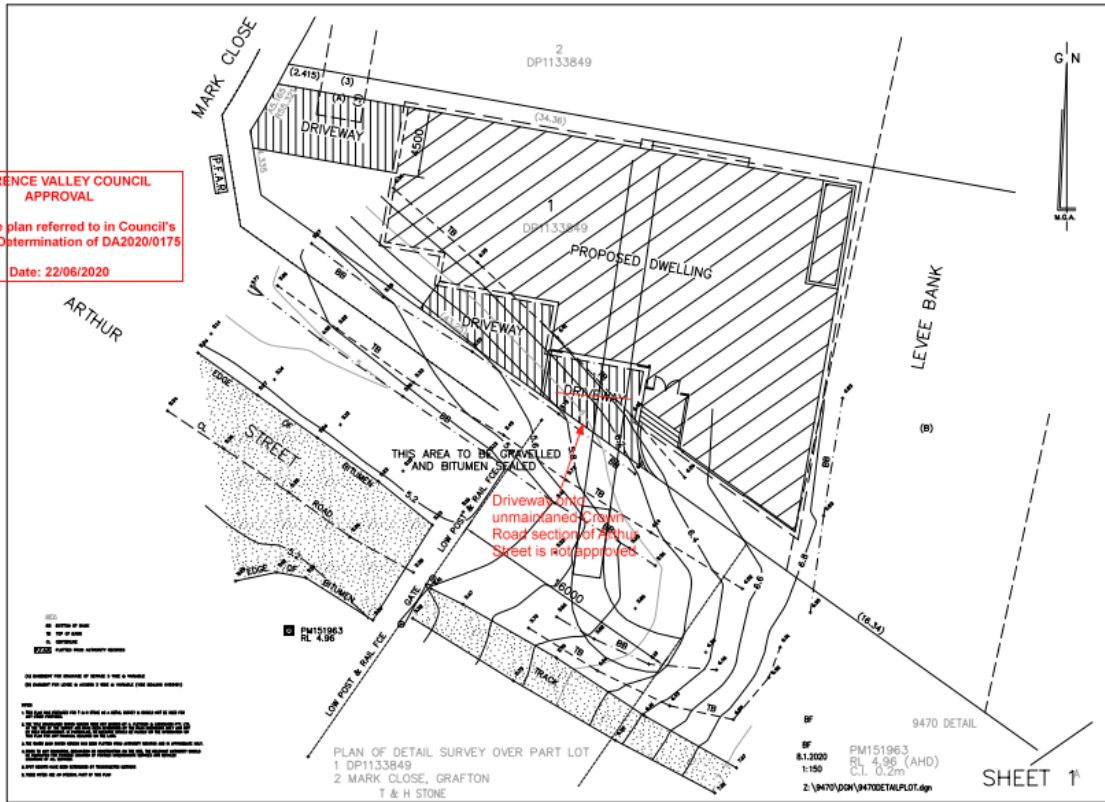
Amended plans were subsequently submitted but they still indicated access off the unmaintained Crown road section of Arthur Street. The application was again referred to the DAP with the amended plans and where it was recommended that the development consent be issued with a requirement for deletion of the third access and garage that it served.

Subsequent to the issue of the development consent an application for modification of that consent was submitted requesting a removal of Condition 10 that required deletion of the subject driveway and garage. The applicant was advised that as they were not proposing any modification of the approved plans that a modification application was the incorrect application to lodge and the applicant was advised to submit an application for review of the determination of the consent. The modification application was withdrawn and review number REV2020/0003 was subsequently lodged.

KEY ISSUES

The proposed third driveway access off the unmaintained Crown road section of Arthur Street is not supported by Civil Services as the dwelling already has 2 approved vehicular access points off 2 separate maintained Council roads, (i.e. Mark Close and Arthur Street), and the granting of development consent for a dwelling on the site was not dependent upon access being gained via the Crown road. See copy of the site plan approved by development consent DA2020/0175 and also a diagram of the maintained/Crown roads (hatched) below -

CLARENCE VALLEY COUNCIL
APPROVAL
This is the plan referred to in Council's
Notice of Determination of DA2020/0175
Date: 22/06/2020



Council's Development Engineer has provided the following comments in respect of the application for a review of the original consent:

Council's Roads Policy Section 5.4 states the following:

Council may accept existing Crown roads or extensions of existing Council roads for inclusion as part of Council's constructed road network (as either Category 1 or Category 2 roads) if they meet all the following criteria:

1. *The subject road will be the sole means of access to at least one lawful continuously occupied residence(s) or property with a lawful dwelling consent. If a residence is able to obtain access from another maintained road, the road may not be included. Council will also give consideration to the length of road to be maintained, gradients, construction impacts, the cost of maintaining the additional length of road and the number of residences on the road and distances between residences in determining whether the road should be accepted.*
2. *The maximum length accepted shall be the distance to the access point of the last residential property.*

3. *Where Council accepts the transfer of a Crown road it shall approach the State Government to have the road reclassified as a public road over the nominated length. If the road is accepted for inclusion to the roads asset register, all costs for reclassification are to be met by the applicant.*
4. *The constructed road shall be wholly located within the designated road reserve. Where this is not practical and the access is otherwise acceptable realignment of the road reserve can be approved, with all costs to be met by the applicant.*
5. *The road shall be constructed at no cost to Council to the required standard. Category 1 roads shall be constructed as specified in the Northern Rivers Development and Design Manual – Version 2 and the Northern Rivers Construction Manual. An exception may be made for existing unmaintained unsealed public roads which may be accepted as Category 2 roads subject to the roads meeting a specified standard of a minimum 6 metre wide constructed carriageway or 4 metre wide constructed carriage way with passing bays at a maximum of 200 metre intervals. The minimal gravel depth of the road shall be 100 mm of appropriately specified gravel for unsealed roads. Additional requirements to address design, environment, drainage and safety issues may also be required as assessed by Council. The decision on whether Council will accept a road as either Category 1 or Category 2 is at the discretion of Council and will be based on the access, development and maintenance implications of the access.*
6. *There shall be no timber bridges located on the subject road.*

As the development did not meet the criteria of Council's Roads Policy, advice was provided to the applicant that access via the Crown Land portion of Arthur Street would not be supported. Approval was issued for the development with notation provided on the DA plans excluding the driveway and garage accessing via the Crown Land portion of Arthur Street and Advice 3, which stated, 'No access to the site is permitted via the unsealed section of Arthur Street. The transfer of the crown road section of Arthur Street to Council's control can be followed up as a separate matter outside of the development application (DA) process as there is already legal access available to the premises via Council maintained roads on both Mark Close and Arthur Street'.

REV2020/0003 seeks the review of Condition 10, of the issued consent which states:

10. *The access driveway on the crown land section of Arthur Street and associated vehicular opening to the area identified as a garage adjoining the front entry are not approved as there is already legal access available to the premises via Council maintained roads on both Mark Close and Arthur Street. Amended plans deleting this driveway and the vehicular opening on the unmaintained crown road section of Arthur Street shall be submitted to Council for approval prior to issue of the construction certificate. The amended plans shall nominate a new use of the 6.2 x 6.69m area identified as a garage.*

The application is recommended for refusal based on the following grounds:

- *Council's Roads Policy does not recognise the application as valid for inclusion as part of Council's constructed road network as it does not meet the required criteria.*
- *Adoption of the Crown parcel would burden Council in that the additional portion of Council maintained road would only benefit the subject lot.*
- *Typically, residential zoned land is granted one access per lot. In its current form, the development has approval for two accesses and seeks approval for a third.*
- *The applicant was made aware of Council's position prior to issue of the development consent.*

If the revision to amend Condition 10 to state 'The request to extent the Arthur Street public road reserve by 16m (or its entirety) is approved and application is to be immediately made to Crown Land to the effect that transfer and any costs are to be met by the owners of Lot 1 DP113849' is to be approved, the following requirements would need to be met by the applicant:

- *The nominated 16m of Crown land would need to be updated to NRDC and Council standards and dedicated at no cost to Council.*

The applicant has provided a covering letter in support of the application and that document is included in the attachments to this report. In that submission it is suggested that the transfer of the Crown road to Council is fundamental to the owner's building design but this is not considered a valid argument as the dwelling design could be easily amended to replace the third garage with another use without significantly altering the footprint, appearance or functionality of the building.

If Council is in favour of supporting the review then Condition 10 of development consent 2020/0175 could be replaced with the advices and conditions listed in Schedule 1.

To permit access off the Crown road Council would need to have ownership of the road transferred from the Crown to Council. The applicant would then need to upgrade the appropriate section of the road to current design guidelines and when the works are completed that section of road would need to be included on the maintenance schedule. This would place an ongoing financial maintenance burden on Council with no benefit to the wider community but only to the individual landowner who is not reliant on that access to gain development consent for a dwelling on the site.

COUNCIL IMPLICATIONS

Budget/Financial

There would be an ongoing potential liability and maintenance issue for Council if the road is transferred to Council's ownership and there may be a cost to Council if the applicant chooses to appeal Council's decision.

Asset Management

If the road is transferred to Council there will be ongoing maintenance costs incurred.

Policy or Regulation

Environmental Planning and Assessment Act 1979
Clarence Valley Local Environmental Plan 2011
Clarence Valley Council Residential Development Control Plan
Roads Act 1993
Council's Roads Policy

Consultation

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Development Engineer	Not Supportive – comments provided

Legal and Risk Management

The applicant has sought a review under Section 8.2 of the Act. The applicant has the option to lodge an appeal to the Land and Environment Court against Council's determination. Any appeal would be likely to entail some cost to Council, however, this is only a potential at this time.

Climate Change

N/A

Prepared by	Kerry Harre, Building and Environmental Services Coordinator
Attachment	<ol style="list-style-type: none"> 1. Applicants covering letter 2. Development Consent 2020/0175 3. Plans approved by Development Consent 2020/0175

Schedule 1**Draft Advices and Conditions****Advices (additional)**

1. The NSW State Government will not grant permission for roadworks to be undertaken on a Crown road until the road reserve has been transferred to Council. The applicant will be required to lodge a bond with Council for the cost of the roadworks to ensure that the road is upgraded within an acceptable timeframe after the transfer of the road to Council.

To facilitate the transfer of the Crown road to Council, Council must apply to the Department responsible for Crown roads. Prior to the application being made by Council for the transfer of the Crown road the applicant will be required to provide to Council:

- a. Council's administration fee in accordance with the fees and charges at the time of the application. Council's current application fee is \$254.00 (Fees & Charges Fee Code 120.010).
- b. A plan showing the extent of the road to be transferred.

Conditions (to replace condition 10 of DA 2020/0175)

1. The proposed new road is on a Crown road reserve currently under the control of the NSW State Government. The transfer of the Crown road to Council must be completed prior to issue of the required Public Works Certificate approval to carry out the works under the Roads Act.
2. Upon transfer of the Crown road to Council, it will be necessary for the applicant to construct the road in accordance with the requirements of Council's Civil Services section and the NRDC at the applicants cost to provide additional access to Lot 3 DP1133849. All required works shall be completed prior to the issue of the Occupation Certificate for the dwelling.

ITEM	6b.20.078	DA2019/0672 – ALTERATIONS AND ADDITIONS TO CHURCH HALL – WHARF STREET, SOUTH GRAFTON
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Meeting	Environment, Planning & Community Committee	20 October 2020
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	David Whyte – Davkel Drafting and Design
<i>Owner</i>	Presbyterian Church NSW Property Trust
<i>Address</i>	Wharf Street, South Grafton (Lot 11 and 12 Section 8 DP758914)
<i>Submissions</i>	Nil

Council has received Development Application DA2019/0672 to undertake alterations and additions to the Presbyterian Church and hall located at Wharf Street, South Grafton.

The application was notified and advertised, no submissions or comment was received during the exhibition period. The Applicant is seeking a variation to Council's parking requirements by three (3), the extent of the variation is considered to be 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 support a variation to Clause F2 of the Business Zones Development Control Plan to not require the provision of three (3) additional car spaces on-site and approve DA2019/0672 subject to the draft Advices and Conditions contained in Schedule 1.

COMMITTEE RECOMMENDATION

Baker/Novak

That the Officer Recommendation be adopted.

Voting recorded as follows:

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

COUNCIL RESOLUTION – 6b.20.078

Kingsley/Baker

That Council support a variation to Clause F2 of the Business Zones Development Control Plan to not require the provision of three (3) additional car spaces on-site and approve DA2019/0672 subject to the draft Advices and Conditions contained in Schedule 1.

Voting recorded as follows:

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

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

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

BACKGROUND

Development Application DA2019/0672 was lodged on 9 December 2019 to undertake alterations and additions to an existing church hall at Wharf Street, South Grafton. The subject land is zoned B5 Business Development under the provisions of the *Clarence Valley Local Environmental Plan 2011* (the LEP). The proposal is to extend the existing church hall on the subject land which is permissible with consent under the LEP. The application was notified in accordance with Part B of the Business Zones Development Control Plan (the DCP) and no submissions were received. The extent of works include a new deck off the rear of the building, increasing the floor area of the hall by approximately 100m² and internal alterations to create additional offices and meeting rooms.

KEY ISSUES

Provision of On-site Parking

The Applicant has provided a written request seeking Council support to allow the development to proceed without requiring any additional car parking to be provided on-site. Currently there is sufficient space on-site to accommodate 7 vehicles, including 1 disabled car space.

Under Part F of the Business Zones Development Control Plan, a place of public worship requires 1 seat per 15m² of main assembly area or 1 per 10 seats, whichever is greater. The additional area within the hall is approximately 100m², therefore at a rate of 1 per 15m², 7 additional car spaces are required, however, parts of this space are not considered to be main assembly area. For the purposes of this application, the stage (approximately 45m²) and a circulation area in front of entry (approximately 10m²) have been excluded from areas considered to be main assembly area. Other internal alterations proposed within the building will create additional meeting rooms and a cry room where the existing stage is. Therefore, the proposal will increase the main assembly area of the hall by approximately 45m², therefore requiring 3 additional car spaces be provided.

Council has adopted a Parking Agreements - Car Parking Deficits Policy to establish a framework for the use of planning agreements for non-residential developments which feature on-site car parking deficiencies including within Council's CBD/commercial areas. The rate in December 2011 was \$3,308 for South Grafton, with CPI increase the rate per park to \$3,791.94 as of June 2020. The Applicant has not made an offer to make a monetary contribution by way of a Voluntary Planning Agreement for the shortfall of parking spaces created by the development and Council has no ability to require that the Applicant do so.

Variation requests can be considered on their merits on a case by case basis and Council may allow variations to the DCP requirements after taking into consideration the matters listed under Clause F3 as follows:

- (a) *The proposed development is a minor addition to an existing building and is not likely to generate additional parking demand, or the calculation of the parking requirement is less than 1 car space.*
- (b) *The peak demand for parking generated by the proposed development is outside the hours of 8:30AM and 5:30PM, and adequate on-street car parking is available and in proximity to the proposed development.*

The following matters must be considered in determining an application to vary the DCP requirements:

- (i) *The location, type and scale of the proposed development.*
- (ii) *The existing level of on-site car parking on the development site.*
- (iii) *The compatibility of the car parking location and design with adjoining properties.*
- (iv) *The nature and volume of traffic on the adjoining street network.*
- (v) *The geometry and width of the adjoining street network.*
- (vi) *The availability and accessibility of public car parking areas.*
- (vii) *Comments from the NSW Roads and Traffic Authority, if applicable.*
- (viii) *Whether an offer has been made to contribute to "deficit" parking by means of a planning agreement.*

The proposed alterations and additions will not result in fewer car parks being provided on-site. The Applicant has advised that the majority of patrons attending the premises either for church services or to utilise other facilities/groups offered by the church often park within the surrounding street network and that this does not currently create a conflict with nearby residents/land owners.

The Applicant has submitted details of the usage of the church and facilities within the church premises. On a Sunday 4 hours is scheduled for a church service, with approximately a further 16 hours of scheduled

group sessions across the week. Generally the majority of these group sessions are held before 9am and after 4pm on week days. The increase in floor area to the hall is not anticipated to result in additional schedule group sessions offered by the church; however the additional space may allow the group sizes to increase. Furthermore, as the subject site is located on the periphery of the South Grafton Central Business District, availability of on-street parking is not as critical which supports the Applicant's claim that the current use of the church does not create conflict.

Unless the sealed area is increased to cater for the additional spaces, no additional car parks can be provided. The only available area on-site for the provision of additional parking is within the front setback of the existing church, a heritage listed building. The area forms part of the visual setting for the church and is an important element to the heritage listed building and wider streetscape and amenity within the South Grafton Heritage Conservation area.

Requiring the provision of additional parking in this area, which also serves as an area for passive recreation areas in front of the church, would detract from the overall significance of the heritage item and therefore increasing the sealed area on-site to provide additional parking is not supported on this basis. The variation request has been assessed on its merits and is supported on the basis of reduced heritage impact, that there is the provision of adequate on-street parking directly in front of the subject site and current parking areas on-site are formalised and line marked.

The other option for Council is to not support the development proposal on the basis that waiving the reduction in parking as requested is not acceptable in the circumstances and request the Applicant submit amended plans prior to issue of the Building Construction Certificate detailing the location of the three (3) additional car spaces. This is not the officer recommendation.

COUNCIL IMPLICATIONS

Budget/Financial

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

Asset Management

The existing building is currently located over an existing sewer main, with the proposed additions to increase the building footprint over the main. The existing main is a 300mm diameter VC pipe, at an average depth of 7.9m.

Advice sought from Council's Water Cycle section is that the pipeline was constructed in 1938 so it is over 80 years old and has not been relined. Given the depth of the sewer, concrete encasing or realignment of the main would not be feasible. In lieu of concrete encasing or realigning, the pipeline should be relined at the developer's expense. Given the depth of the sewer the building foundations would be most unlikely to impose additional load. Conditions have been included in Schedule 1 to the report that covers this requirement.

Policy or Regulation

Environmental Planning and Assessment Act 1979
 Environmental Planning and Assessment Regulation 2000
 State Environmental Planning Policy 55 - Remediation of Land
 Clarence Valley Local Environmental Plan 2011
 Clarence Valley Council Development Control Plan for Development in Business Zones
 Planning Agreements – Car Parking Deficits Policy

Consultation

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

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Development Engineer	Supported subject to conditions
Health and Building	Supported subject to conditions
Heritage	Supported subject to conditions
Water Cycle	See comments under Asset Management above

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 within the established urban area of South Grafton will make some contribution to CO2-equivalent emissions through construction and operation which are considered to be a contributor to climate change via building materials, construction methods, maintenance and associated energy and resource use. Notwithstanding that, the benefit of locating certain business in industrial areas and manufacturing locally is considered to outweigh the negative effects of the development in terms of contribution to climate change.

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

Schedule 1
Draft Advices and Conditions of Consent for DA2019/0672

Definitions

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

Advices

1. 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
 - b. The name and licence number of the builder
4. Full engineering details prepared by a Practising Structural Engineer are to be submitted to Council for the proposed works prior to issue of a Construction Certificate.
5. Provide wet area flashing to the requirements of the BCA, AS 3740 and the manufacturer's specifications.
6. The manufacturer's details of the roof trusses are to be submitted to Council prior to the frame inspection.
7. All glazing is to be selected and installed in accordance with the provisions of AS 1288 or AS 2047. Upon completion of the building and prior to its occupation, the glass suppliers/installers certificate is to be submitted to Council.
8. Underside of bearers shall be a minimum of 400mm from ground level. All ant capping shall be installed, maintained and joined at laps and around protrusions in accordance with AS 3660.1.
9. All materials used in the building (in particular floor linings and floor coverings) must comply with the fire hazard properties specified in Specification C1.10 of the Building Code of Australia. Manufacturer's specifications and standard fire test reports confirming compliance will need to be provided prior to the issue of an Occupation Certificate.
10. A fire hose reel system complying with AS 2441 must be provided to service the whole building so that no point on the floor is beyond the reach of the nozzle end of a fully extended hose.
11. Portable fire extinguishers must be provided and must be selected, located and distributed in accordance with AS 2444.
12. No point on the floor of the building is more than 20m from an exit, or a point from which travel in different directions to two exits is available, in which case the maximum distance to one of those exits must not exceed 40m.
13. The space below the stairway shall not be enclosed to form a cupboard or similar enclosed space unless:
 - a the enclosing walls and ceiling have an FRL of not less than 60/60/60, and
 - b any access doorway to the enclosed space is fitted with a self-closing -/60/30 fire door.
14. Construction Certificate plans are to show full compliance with the Fire Safety Provisions of the Building Code of Australia, and include but not be limited to the following:
 - a Fire Hose Reels

- b Emergency Lighting system
 - c Exist Signage
 - d Portable Fire Extinguishers
 - e Fire Blanket
15. A door in a required exit, forming part of a required exit or in the path of travel to a required exit must be readily openable without a key from the side that faces a person seeking egress, by a single hand downward action or pushing action on a single device which is located between 900mm and 1.2m from the floor.
16. Stairs and landings must have a minimum clear width of 1000mm between the hand rails and a minimum vertical clearance of 2,000mm.
17. When fully open, the doors to stairs shall not encroach upon the required width of the landings by more than 100mm, the encroachment to include door handles, etc.
18. The stairs shall comply with the design criteria of Clause D2.13 of the Building Code of Australia.
19. An exit and emergency lighting system is to be provided throughout the building to comply with the requirements of Part E4.2 of the Building Code of Australia and AS 2293.1. The system is to be circuit sensing to the building lighting circuits.
20. An exit sign must be clearly visible to persons approaching the exit, and must be installed on, above or adjacent to each:
- a door providing direct egress from a storey to:
 - i an enclosed stairway, passageway or ramp serving as a required exit; and
 - ii an external stairway, passageway or ramp serving as a required exit; and
 - iii an external access balcony leading to a required exit; and
 - b door from an enclosed stairway, passageway or ramp at every level of discharge to a road or open space; and
 - c horizontal exit; and
 - d door serving as, or forming part of, a required exit in a storey required to be provided with emergency lighting in accordance with E4.2.
21. Electrical plans indicating the position of all exit signs and/or emergency lighting must be submitted to the Principal Certifying Authority for approval prior to issuing a Construction Certificate.
22. In a building required to be accessible, braille and tactile signage complying with Specification D3.6 of the Building Code of Australia and incorporating the international symbol of access or deafness, as appropriate, in accordance with AS 1428.1-2009 must identify each sanitary facility; space with a hearing augmentation system and door with a required 'exit' sign.
23. A hearing augmentation system complying with AS 1428.1-2009 is to be provided as required by Part D3.7 of Building Code of Australia should an inbuilt amplification system be installed within the building.
24. Access for people with disabilities must be provided to and within the building by means of an access way in accordance with AS 1428.1-2009:
- a from the main points of a pedestrian entry at the allotment boundary;
 - b from another accessible building connected by a pedestrian link; and
 - c from any required accessible carparking space on the allotment.
25. To obtain a Certificate of Compliance for water and or sewer works, Council requires completion of any works on Council's water or sewer infrastructure specified as a condition of this consent and payment of contributions in accordance with Section 64 of the Local Government Act, 1993, which applies Section 306 of the Water Management Act, 2000. The application form for a Certificate of Compliance is available on Council's website.

The proposed development has been assessed as contributing an additional 0.8 ET demand on

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

3. **Acid Sulphate Soils** Any excavation resulting in disturbance of more than one tonne of soil 2m below the natural ground surface, or work that is likely to lower the water table shall comply with the Acid Sulphate Soil management provisions of the Clarence Valley Local Environment Plan 2011. This may require the submission of an Acid Sulfate Soils Management Plan.
4. Lot 12 Sec 8 DP758914 and Lot 11 Sec 8 DP758914 are to be consolidated and registered prior to issue of the Occupation Certificate.

Heritage

5. **No additional structures are to be located within the grassed area forward of the hall.**
6. External colours are to match the existing hall. Any future painting or exterior fabric alterations are subject to prior approval from Council.
7. Prior to the commencement of construction, an Unexpected Heritage Finds Procedure for Aboriginal and non-Aboriginal Heritage must be prepared should actual or potential items or areas of Heritage be discovered during construction activities. This procedure must be tool boxed with all work crews and implemented during construction works. Should any Aboriginal or non-Aboriginal relics or artefacts be uncovered during works on the site, all work is to cease and Heritage NSW shall be contacted immediately and any directions or requirements of the Service complied with.
8. Prior to the issue of the Building Construction Certificate, the existing sewer main located within the property is to be relined at the full cost of the developer. Sewer relining works must be supervised by Council staff. It is recommended that, as per the advice section of this consent, the matter be discussed with Council's Water Cycle Section.

Engineering

9. A Certificate of Compliance for Water and or Sewer works must be obtained from Council prior to issue of the Building Occupation Certificate, for each and every stage of the development. This may require payment of a fee.
10. Car parking, driveways, manoeuvring and access areas must be constructed, sealed, line marked and drained in accordance with the DA approved plan and made available thereafter. The car parking classification is Class 2 for the internal parking and is to be designed in accordance with AS2890, the relevant parts of the applicable Council DCP and **NRDC**. All car parking spaces must be accessible by B99 vehicles.
11. All on-site visitor parking spaces are to be clearly marked, and a sign or signs conspicuous and legible from the street are to be permanently displayed indicating that visitor parking is available on the site.

Health and Building

12. The development is not to be occupied or used until such time as an Occupation Certificate has been issued.
13. Prior to any work commencing involving the disturbance or removal of any asbestos materials the principal contractor shall give two days written notice to the owner or occupier of any dwelling within 20m of the development site of his intention to carry out the work.
14. The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Clarence Valley Council's Asbestos Policy, the relevant requirements of SafeWork.

- a Work Health and Safety Act 2011 and associated regulations
- b SafeWork NSW Code of Practice - How to Safety remove Asbestos
- c Australian Standard 2601 (2001) - Demolition of Structures
- d The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.

A copy of Council's Asbestos Policy is available on Council's web site at

www.clarence.nsw.gov.au or a copy can be obtained from Council's Customer Service Centres.

15. On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
16. Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996. Asbestos waste must be disposed of at an approved waste disposal depot. Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.
17. Submit a Fire Safety Schedule of the existing and proposed fire safety measures within the building prior to issue of the Building Construction Certificate.
18. All building construction below 7.1m AHD shall be of flood compatible materials.
19. All erosion and sediment control measures are to be installed prior to the commencement of any work, including cutting and filling and are to be constructed and maintained to prevent sediment from leaving the site or entering downstream properties, drainage lines or watercourses.
20. Vehicular access is to be restricted to one stabilised access point during construction works.
21. No portion of the deck is to be enclosed without prior written approval being obtained from Council.
22. A suitable enclosure shall be provided on site, during construction, for depositing waste materials that could become wind blown. Waste materials shall be disposed of to an approved recycling service or waste depot. No burning of waste materials shall occur.
23. All building work shall be constructed wholly within the boundaries of the property. The location of the boundary shall be verified by a registered surveyor prior to construction commencing. A copy of this survey shall be submitted to Council at the footing/slab inspection.
24. 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.
25. Roof water, including overflow from a tank, is to be connected to the existing stormwater disposal system.
26. Council's assets (e.g. footpath, roadway, kerb, stormwater pits, manholes, etc) shall be protected from damage during demolition/construction works. Any damage to Council's assets during work shall be paid for by the principal contractor prior to completion of work or issue of the occupation certificate. The principal contractor is encouraged to photograph any existing damage to footpaths, etc prior to commencing works for their records. Where unmade or grassed footpaths are disturbed by the passage of builder/suppliers' vehicles, the footpaths are to be graded and restored to original level with top soil.
27. The building work involving the installation, modification or extension of a **relevant fire safety system** cannot commence unless:

- a plans have been submitted to Council as the principal certifying authority that show:
 - i in the case of building work involving the installation of the relevant fire safety system- the layout, extent and location of key components of the **relevant fire safety system**, or
 - ii (ii) in the case of building work involving the modification or extension of the relevant fire safety system- the layout, extent and location of any new or modified components of **the relevant fire safety system**, and
- b specifications have been submitted to Council as the principal certifying authority that:
 - i describe the basis for design, installation and construction of the **relevant fire safety system**, and
 - ii identify the provisions of the Building Code of Australia upon which the design of the system is based, and
- c those plans and specifications:
 - i have been certified by a compliance certificate referred to in section 6.4 (e) of the Act as complying with the relevant provisions of the Building Code of Australia, or
 - ii have been endorsed by a competent fire safety practitioner as complying with the relevant provisions of the Building Code of Australia.

relevant fire safety system means any of the following:

- a a hydraulic fire safety system including:
 - i a fire hydrant system (including street hydrants) or
 - ii a fire hose reel system, or
 - iii a sprinkler system (including a wall-wetting sprinkler or drencher system), or
 - iv any type of automatic fire suppression system of a hydraulic nature,
- b a fire detection and alarm system,
- c a mechanical ducted smoke control system.

The principal contractor for building work must ensure that the most recently endorsed copy of the plans and specifications for any **relevant fire safety system** for the building that were required to be submitted to the principal certifying authority:

- a are kept on the site of the building work, and
- b are made available for inspection on request by the certifying authority, consent authority, council and Fire and Rescue NSW at the times during which the building work is carried out.

28. The energy efficiency requirements in Section J of the Building Code of Australia (BCA) apply to this building. Sufficient written documentation shall be submitted with the Construction Certificate application to indicate compliance with Section J in the following areas:
- a Building fabric
 - b External glazing
 - c Building sealing
 - d Air movement
 - e Air conditioning and ventilation
 - f Artificial lighting and power
 - g Hot water supply
 - h Access for maintenance

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

7.00 am to 6.00 pm Monday to Friday

8.00 am to 6.00 pm on Saturdays

No work permitted on Sundays and public holidays

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

30. Prior to commencement of works, a sign must be erected in a prominent position on any work site on which work is being carried out:
- a Stating that unauthorised entry to the work site is prohibited;
 - b Showing the name of the person in charge of the work site and a telephone number at which

- that person may be contacted outside of working hours, and
- c Showing the name, address and telephone number of the principal certifier for the work.

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

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

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

32. Where the work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves enclosure of a public place, the following must be provided:

- a A hoarding or fence must be erected between the work site and the public place.
- b If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- c The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- d Any such hoarding, fence or awning is to be removed when the work has been completed.

ITEM	6b.20.079	DA2020/0278 – AS BUILT CARPORT LOT 114 DP253207 - 20 BORONIA CRESCENT, YAMBA
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Meeting	Environment, Planning & Community Committee	20 October 2020
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Nil	

SUMMARY

<i>Applicant</i>	Brett Ryan
<i>Owner</i>	Brett Ryan
<i>Address</i>	20 Boronia Crescent, Yamba
<i>Submissions</i>	Nil

The as built carport has inconsistencies with the objectives for development within a residential zone including an insufficient front setback that may create pedestrian safety issues and fails to complement the streetscape of Boronia Crescent, Yamba. These issues are discussed within the body of this report and a recommendation is made for Council consideration.

OFFICER RECOMMENDATION

That DA2020/0278 for an as built carport be refused and a notice of intention to serve an order to demolish the carport is issued to the owner in accordance with schedule 5 of the Environmental Planning and Assessment Act 1979.

COMMITTEE RECOMMENDATION

Clancy/Baker

That DA2020/0278 for an as built carport be approved with a condition stating that the north western side of the structure be screened with tall shrubs.

Voting recorded as follows:

For: Baker, Novak, Clancy, Williamson, Simmons

Against: Nil

COUNCIL RESOLUTION – 6b.20.079

Kingsley/Baker

That DA2020/0278 for an as built carport be approved with a condition stating that the north western side of the structure be screened with tall shrubs.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

DA2020/0278 was received by Council on 29 May 2020 for the proposed construction of a skillion roofed carport with a 2 metre front setback. The application was notified, however, no submissions were received. Upon commencement of the site inspection it was revealed that the majority of the carport had been constructed apart from the roof sheet, gutter and downpipes. The majority of structures in Boronia Crescent,

Yamba comply with the Residential Zones DCP, however, it is noted that there are two other carports in the vicinity that appear to be unauthorised which are subject to separate investigations.

KEY ISSUES

1. Non compliance with Resident Zones DCP

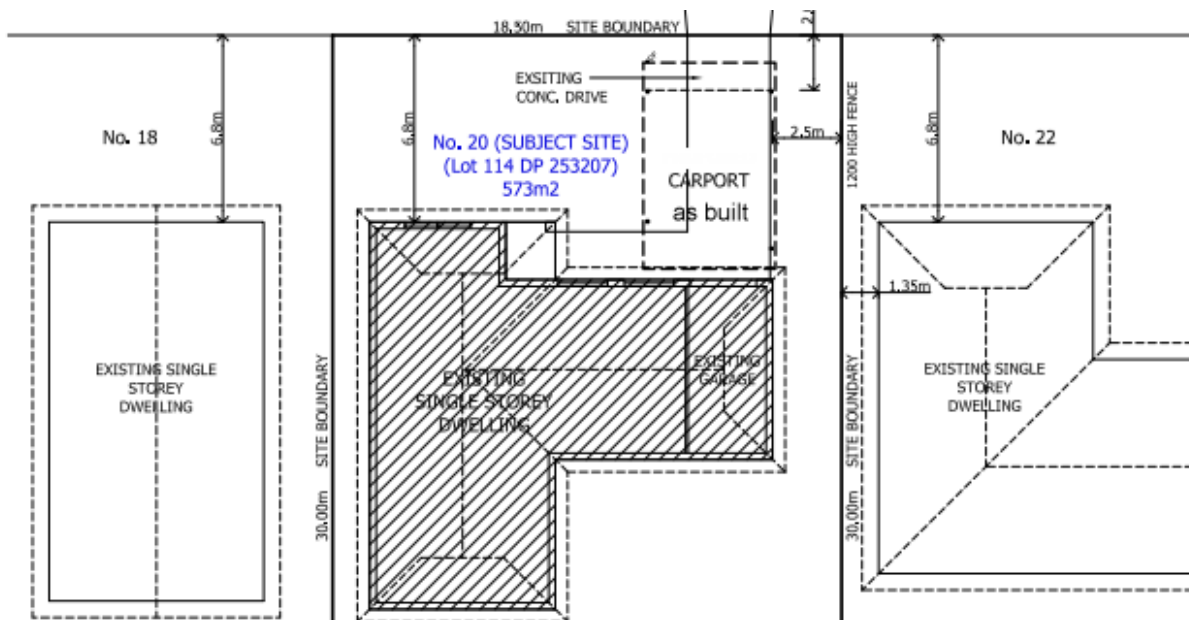
There are three non compliances with the controls of the Residential Zones DCP including local character, streetscape and the front setback.

Clause C1 of the DCP details the objectives that should be met and requires development of a high quality which is sensitive and preserves the established character of the locality.

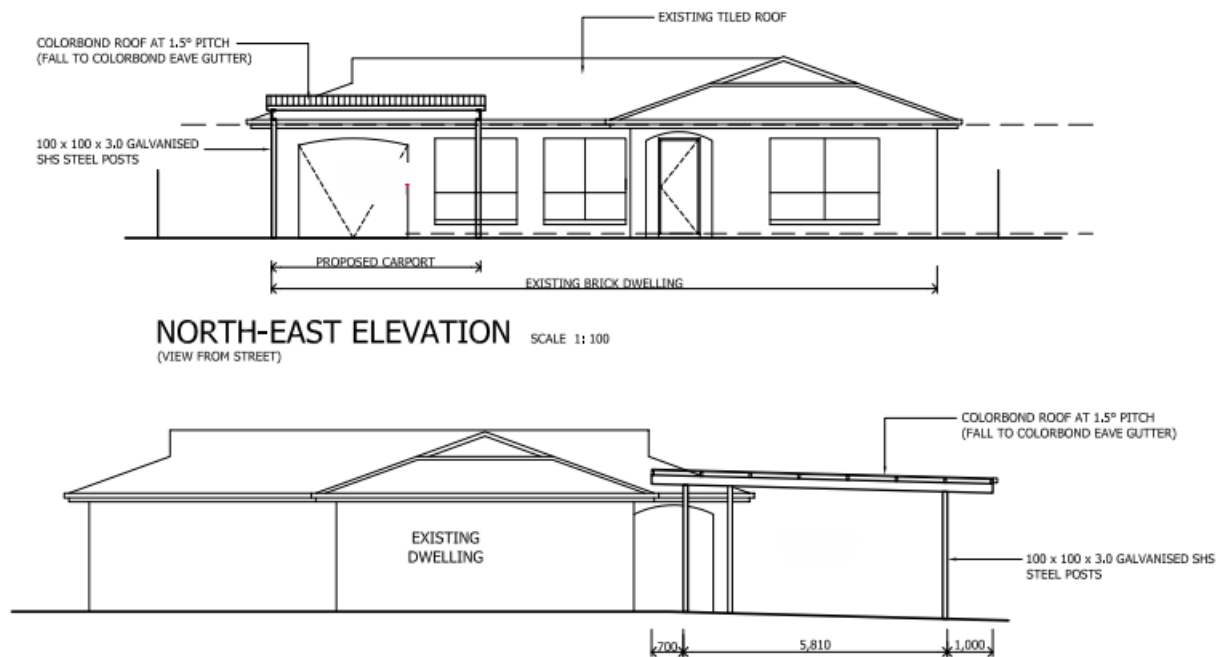
The as built carport depicted in the image below with a 2 metre front setback and 1 metre cantilevered roof towards Boronia Crescent is inconsistent with the above objectives in terms of not enhancing the amenity of the area, preserving the established front setbacks or the character of the locality.



As built carport



Site Plan



Elevations

Clause C16.2 requires a minimum front setback of 6 metres in the R2 zone.

Carpports should be adequately setback from the street to create and maintain attractive streetscapes. Variations from the minimum front setback are recommended to consider the position of adjacent buildings, residential character of the locality, the effect on sightlines and visibility for pedestrians and vehicles, and the facade of the proposed building which will face the street.

This carport dominates the streetscape and is the only structure located within the 6 metre front setback apart from the two unauthorised carports in the vicinity which are the subject of separate investigations.

A motor vehicle reversing from this carport may create pedestrian safety issues because of its close proximity to the boundary, while building design requirements suggest that carport roofs should be compatible with surrounding development, however, the majority of adjacent roof designs consist of tiled truss roofs.

The approval of a carport in this location would be detrimental and out of character with the area; and may potentially provide justification or scope for major variations from the Residential Zones DCP in regards to front setback requirements in Boronia Crescent, Yamba for future development applications.

If the as built carport is determined to be suitable and Council chooses to approve the development application please find below the draft advices and conditions in schedule one.

COUNCIL IMPLICATIONS

Budget/Financial

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

Asset Management

N/A

Policy or Regulation

Environmental Planning and Assessment Act 1979
 Environmental Planning and Assessment Regulations 2000
 State Environmental Planning Policy (Coastal Management) 2018
 Clarence Valley Local Environmental Plan 2011
 Residential Zones Development Control Plan

Consultation

N/A

Legal and Risk Management

Should the applicant be dissatisfied with Council's decision, they may exercise a right of appeal to the Land and Environment Court.

Climate Change

N/A

Prepared by	Scott Whitehouse, Senior Building Surveyor
Attachment	Nil

**Schedule 1
Draft Advices and Conditions**

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. Metal building components installed in coastal locations shall have corrosion protection measures complying with the Building Code of Australia. This applies to brick wall ties, steel framing, fixings and metal sheet roofing in locations within 10km of breaking surf or 1km of salt water not subject to breaking surf. Higher standards apply the closer the location is to breaking surf.
4. The carport at this property was erected without prior Council approval and Council progress inspections did not occur during construction works. A Building Information Certificate under Division 6.7 of the *Environmental Planning & Assessment Act* shall be obtained from Council for the carport. The building certificate application shall be accompanied by a practising structural engineer's certificate of structural adequacy in respect of the as built carport. A development application under Division 6.7 of the *Environmental Planning & Assessment Act* has been submitted to Council. An approval subject to conditions has been granted. When the conditions of this development approval have been complied with, Council shall be notified for a final inspection so that a Building Certificate can be issued to finalise the matter.

Conditions

1. Plan(s) numbered 20-014 A01-A03 dated 1.05.2020 submitted by Tim Berry have been endorsed as concept plans for this development. Where required by the conditions of consent these plans must be modified. They may form the basis of the detailed engineering plans required for the Civil Construction Certificate/Building Construction Certificate.
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 construction or demolition shall be limited to the following:
7.00 am to 6.00 pm Monday to Friday
8.00 am to 1.00 pm Saturdays
No work permitted on Sundays and public holidays
The builder is responsible to instruct and control sub contractors regarding the hours of work and the requirements of the Protection of the Environment Operations Act 1997 and Regulations.
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, and
 - b Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside of working hours, and
 - c Showing the name, address and telephone number of the principal certifier for the work, andAny such sign is to be removed when the work has been completed.
5. The roof covering is to be of a colour which does not produce glare which adversely affects the amenity of adjoining properties. White colorbond, galvanised iron and zincalume are not permitted.
6. No portion of the carport is to be enclosed without prior written approval being obtained from Council.
7. Roof water, including overflow from a tank, is to be discharged into the most appropriate street gutter. Provide non breakable fittings where the stormwater pipe meets the kerb. Where the gutter is unformed, concrete protection is to be provided to the end of the pipe.

ITEM	6b.20.080	MOD2020/0007 – SECTION 4.55(1A) MODIFICATION TO DA2018/0787 – 21 THE CRESCENT, ANGOURIE – INCREASE IN ROOF HEIGHT OF SECONDARY DWELLING BY 400MM AND DELETE ALTERATIONS AND ADDITIONS TO EXISTING DWELLING FROM APPLICATION
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Meeting	Environment, Planning & Community Committee	20 October 2020
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	David Boulton
<i>Owner</i>	David Boulton
<i>Address</i>	21 The Crescent, Angourie
<i>Submissions</i>	Yes - 7

Council has received a Section 4.55(1A) Application to modify Development Application DA2018/0787 to consider an increase in height of 400mm to the secondary dwelling caused by an error in slab height during construction, and delete the alterations and additions to existing dwelling component of the application.

The application was notified and 7 submissions were received over the course of the assessment. The main issues resulting from an increase in building height are the potential impacts on coastal views to adjoining properties and further encroachments outside of the Angourie Building Height Plane Envelope.

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

OFFICER RECOMMENDATION

That Council:

1. Support a variation to the Angourie Building Height Plane Envelope; and
2. Approve MOD2020/0007 to modify DA2018/0787 by increasing the roof height of secondary dwelling by 400mm and delete the alterations and additions to existing dwelling component of the application as per the amended condition contained in Schedule 1.

COMMITTEE RECOMMENDATION

Williamson/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Novak, Clancy, Williamson, Simmons

Against: Nil

COUNCIL RESOLUTION – 6b.20.080

Kingsley/Baker

That Council:

1. **Support a variation to the Angourie Building Height Plane Envelope; and**
2. **Approve MOD2020/0007 to modify DA2018/0787 by increasing the roof height of secondary dwelling by 400mm and delete the alterations and additions to existing dwelling component of the application as per the amended condition contained in Schedule 1.**

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

Development Application DA2018/0787 approved a secondary dwelling and alterations and additions to the existing dwelling to provide a second storey extension at No. 21 The Crescent, Angourie. The original application was approved under delegated authority on 24 July 2019 with minor encroachments to the Angourie Building Height Plane Envelope. The minor encroachments were considered by Council's Development Assessment Panel and were considered acceptable because the proposed buildings had negligible overshadowing and visual impacts on adjoining properties and the maximum roof heights were well under the 10m height limit permitted on the land, and those of the neighbouring properties.

During the construction of the secondary dwelling it was discovered that there was an error in calculating the top of the secondary dwelling's concrete slab height which resulted in the whole secondary dwelling being constructed 400mm higher than approved. Council staff requested the lodgement of a Section 4.55 application to modify the height of the secondary dwelling so that the potential coastal view impacts to adjoining properties could be assessed and considered.

The modification application was notified to adjoining and potentially affected properties. Notification resulted in a total of 4 submissions. Due to restrictions on travel from COVID-19, some adjoining property owners were unable to attend their property to inspect any potential impacts from the increase in roof height of 400mm. As such, photographs showing the impacts of the constructed roof height from affected adjoining properties were requested as additional information and provided to adjoining properties. Three (3) additional submissions were received following notification of the constructed building photographs to adjoining property owners. The photographs of the constructed secondary dwelling are provided in attachment B.

KEY ISSUES

1. Impacts of increased height of 400mm to surrounding properties

As stated in the background section of this report, an error in calculation of the slab height of the secondary dwelling resulted in the building being constructed 400mm higher than what was approved under DA2018/0787. Due to potential view impacts on the surrounding properties, the applicant was required to lodge a Section 4.55 modification for consideration.

The increase in height of 400mm resulted in some additional impacts to coastal views from adjoining properties and this was the main concern raised within the submissions, particularly from Units 3 and 4 (No. 2 Bay Street) and Units 7 and 8 Angourie Blue (No. 6 Bay Street).

Comment

It is considered that an increase in the overall height of 400mm to the secondary dwelling has had some impacts to the coastal views enjoyed from some adjoining properties. For ease of assessment and consideration, photographs of the impacts of the affected properties are provided below.

Unit 7 Angourie Blue



Unit 8 Angourie Blue



Unit 3 No. 2 Bay Street



Unit 4 No. 2 Bay Street



Photographs of the secondary dwelling from affected properties were taken from a perspective of 1.65m above the balcony height to be consistent with other photomontages prepared for development with view sharing issues in Angourie and inline with the photomontage requirements set by the Land and Environment Court.

As can be seen from the above photographs, each of the affected properties retains some level of coastal views. This achieves the overall principal of view sharing set out in the objectives of Part Q Angourie Village Controls of the Residential DCP which states that no one can own a view across private property.

The owner of Unit 8 Angourie Blue states in their submission that they have lost views of Green Point and Yamba. As can be seen from the photographs, it is hard to gauge the actual coastal view impacts from this unit due to the existence of thick vegetation and foliage. However, it is considered that with the removal of vegetation this would open up a coastal view corridor from Unit 8.

The construction of a compliant building (even a single dwelling) at 21 The Crescent would have impacted upon these views. However, the maximum overall height of the building has been minimised and is well below the 10m height maximum that could have possibly been constructed on the site. Whilst the secondary dwelling has been constructed 400mm above the approved height, the development is considered to respect the surrounding development and allow for view sharing corridors to all adjoining properties.

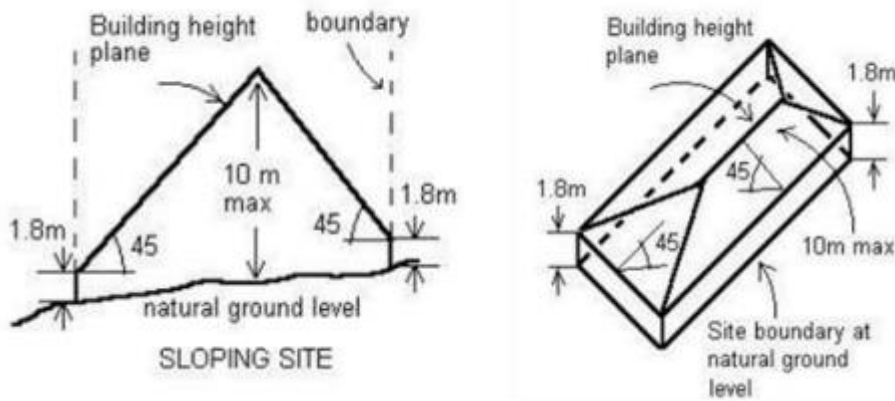
Further to the above, the original determination under DA2018/0787 approved a second storey extension to the principal dwelling. However, as an offset for the increase in height of the secondary dwelling the owner has removed the second storey extension of the principal dwelling which will be replaced by a single storey dwelling to open up a view corridor to the east to the benefit of the development at No. 2 Bay Street.

It is considered that the view impacts caused by an overall height increase of the secondary dwelling by 400mm are negligible and it is recommended that an increase in height be supported.

Alternatively, Council may not support the overall height increase by refusing the application and require an alteration to the existing roof line from a hipped roof to a skillion style roof to reduce the view impacts. This course of action may require the issuing of Orders under the *Environmental Planning and Assessment Act 1979* and possible fines to the owner if not undertaken. This is not recommended as the increase in height is not considered to create any significant coastal view impacts and the costs associated with the replacement could be quite onerous.

2. Variation the Angourie Building Height Plane

The increase in height of the secondary dwelling has resulted in additional encroachments of the building outside of the Angourie Building Height Plane. The building height plane means the plane projected at an angle of 45 degrees from a distance of 1.8 metres above existing ground level at the boundary of the site. The building height plane, in combination with the LEP building height limit, forms the maximum building envelope - see extract from the DCP Part Q Angourie Village Controls below.



There are increased breaches to the Building Height Plane Envelope as a result of an increase in height of the secondary dwelling. The proposed hip and skillion roof additions are not inconsistent with the character of the area and the building is well under the maximum building height restriction permitted in the area. The building design minimises the potential for overshadowing and loss of coastal views to surrounding development. The design of proposed development meets the objectives of Q5 of the DCP and therefore the development is suitable for approval. Shadow diagrams are provided in Attachment A.

The applicant has requested a variation the building height plane on the following grounds:

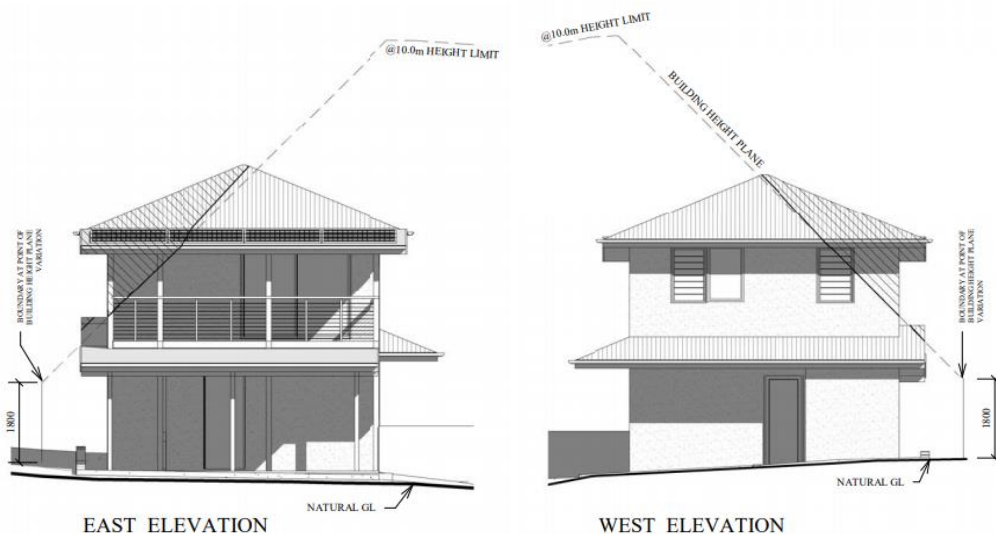
The works proposed by this application are relatively minor considering the R3 zoning possibilities, and will have a negligible overshadowing and visual impact on adjoining properties. The maximum roof heights are well under the 10m restriction on the lot, and those of the neighbouring dwellings on both sides. Design elements have been implemented to minimise potential overshadowing, and loss of view and or privacy of the neighbouring developments.

The roof gable ends are to be modified to hips (less bulk, improved visual access) and this hip roof theme continued through to the new upper floor bedroom roof, and the secondary dwelling roof behind. The main variation requested relates to a second storey portion of the secondary dwelling which will have no impact on existing or proposed neighbouring dwelling's ocean views.

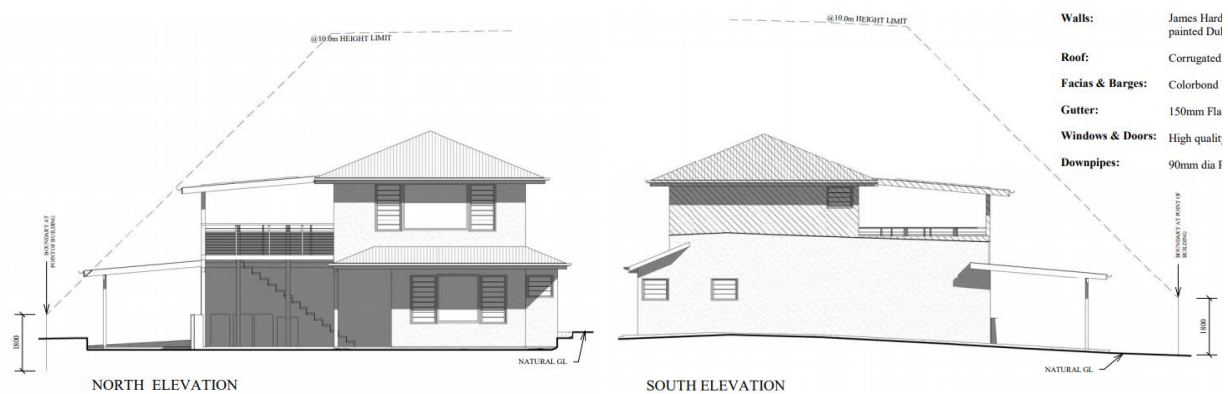
The areas affected by overshadowing of the two adjoining lots to the south comprise car parking and access only. Similarly the adjoining lot to the east would incur some minor overshadowing on a mid-winter afternoon however a vegetation screen runs along the boundary within that lot and the shadow is absorbed by this.

Comment

As shown on the plans below, the secondary dwelling encroaches outside of the Angourie Building Height Plane Envelope.



Extract of Plan Dwg. No. 19 by Mark Halford Design dated 29/2/2020



Extract of Plan Dwg. No. 19 by Mark Halford Design dated 29/2/2020

The DCP allows Council to consider exemptions to the building height plane envelope in relation to one or more boundaries in the following circumstances:

1. *Where clear advantages are achieved in other aspects of the design; or*
2. *On an existing narrow allotments, and*
3. *For second storey additions to single dwelling houses, providing the objectives for the building height plane are satisfied.*

The encroachments outside of the envelope are considered to be minor as there are no view sharing issues created. It is considered that the development proposal meets criteria a) and b) for an exemption from the building height plane and building envelope controls under clause Q6.

The height of the building is 6.775m which is well below the 10m permitted within the Angourie Village under Clause 4.3 of the *Clarence Valley Local Environmental Plan 2011*. The proposed design respects coastal view sharing principles from other properties and results in a modest development on a medium density zoned lot. The relatively low roof heights achieve advantages through the retention of views from adjoining properties.

In this instance, a variation to the building height plane envelope controls is supported because the design aspects of the development combine to reduce the appearance of bulk, improve the appearance of the development in the streetscape whilst protecting views from adjacent existing buildings on the neighbouring property.

3. Demolition of the existing dwelling

For information purposes and full transparency, it should be noted that during the assessment of this modification, it was brought to Council's attention that the "existing dwelling" on the site was demolished without approval. This work did not meet the criteria for exempt development (i.e. development that does not require Council approval) listed in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Therefore, prior development approval should have been obtained.

Council staff do not condone unauthorised works and as such, a "Stop Work Order" and "Unauthorised Works" letter was issued to the owner regarding the unlawful demolition of the existing dwelling. A response from the owner adequately demonstrated to staff that the works were undertaken due to instability and safety concerns with the dwelling following removal of asbestos, sinking due to poor sub-floor drainage and substantial wood rot. Whilst Council was not notified of these works and standard protocol was not followed, staff support the reasons for demolition of the whole dwelling and no fines were issued.

The demolition of the existing dwelling and construction of a new dwelling was not considered suitable to be included as part of the current modification application as it was considered to not be substantially the same development. As such, a separate development application was required to be submitted for assessment for the new dwelling. As stated above, as an offset for the increase in height of the secondary dwelling, the developer removed the second storey extension to the existing dwelling as part of the new application which will reduce any further potential coastal view impacts. This was approved under DA2020/0325.

COUNCIL IMPLICATIONS**Budget/Financial**

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

Asset Management

The site is connected to Council owned water and sewer infrastructure and has access to a Council maintained road. The proposed development does not place any unreasonable demand on Council infrastructure or services.

Policy or Regulation

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulations 2000

State Environmental Planning Policy No. 55 – Remediation of Land

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

State Environmental Planning Policy (Coastal Management) 2018

Clarence Valley Local Environmental Plan 2011

Residential Zones Development Control Plan 2011

Consultation

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

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Building	No changes to existing conditions

Legal and Risk Management

Should the applicant be dissatisfied with Council's determination of the modification, they may appeal to the Land and Environment Court. Prior to any appeal submitted through the Court the applicant can seek a review of Council's determination in accordance with the provisions of the Environmental Planning and Assessment Act 1979. Further, any person may appeal the determination to the Land and Environment Court if they consider Council has not followed correct procedure in administration and assessment of the DA.

Climate Change

The proposed secondary dwelling is compliant with the NSW Government's building sustainability index in terms of thermal comfort, water efficiency and energy efficiency and achieving this certification makes new residential development more sustainable and less of a contributor to climate change compared to older forms of housing.

Prepared by	Carmen Landers, Acting Development Services Coordinator
Attachment	A. Plans B. Photographs of secondary dwelling from adjoining residences C. Submissions D. Notice of Determination DA2018/0787 and approved plans E. Section 4.55 Assessment

Schedule 1 Draft Amended Conditions for DA2018/0787

- 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 plans numbered DA Dwg No. ~~1, 2, 3, 4, 5, 7, 8, 12, 14, 16 and 24~~ dated 29 February 2020 ~~5 March 2019 and DA Dwg No. 7 dated 26 June 2019 (11)~~ (7) sheets, drawn by Mark Halford Design, as amended in red, or where modified by any conditions of this consent.

ITEM	6b.20.081	DA2020/0354 – EXTENSIONS TO GRAFTON FOOD EMPORIUM LOT 11 DP615268- 25 KING STREET, GRAFTON
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Meeting	Environment, Planning & Community Committee	20 October 2020
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Richard van Dorp Architects Pty Ltd
<i>Owner</i>	Philip Hanna
<i>Address</i>	25 King Street, Grafton
<i>Submissions</i>	Nil

Council has received a development application DA2020/0354 for additions to the shopping complex known as the Grafton Food Emporium, 25 King Street, Grafton.

The proposal is add an additional commercial floor area of 72m² and provide an additional entry. Additional food shops will be located in the extension of the commercial area. Two carparks will need to be removed/built over under the proposal and the proposal will generate an additional parking demand of 2.4 spaces.

The applicant has requested an exemption from a contribution for a shortfall in the parking spaces in that the shopping centre already has 148 spaces available. This matter is reported to Council to consider the waiving of the parking shortfall and provides a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That Council approve DA2020/0354 with the schedule of draft advices and conditions of consent listed in Schedule 1 of this report and require that the shopping centre provide five spaces that are time limited to a maximum period of 30 minutes to address the shortfall in parking spaces.

COMMITTEE RECOMMENDATION

Novak/Baker

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Novak, Clancy, Williamson, Simmons

Against: Nil

COUNCIL RESOLUTION – 6b.20.081

Kingsley/Baker

That Council approve DA2020/0354 with the schedule of draft advices and conditions of consent listed in Schedule 1 of this report and require that the shopping centre provide five spaces that are time limited to a maximum period of 30 minutes to address the shortfall in parking spaces.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

Council received DA2020/0354 on 2 July 2020 for additions to the existing shopping complex.

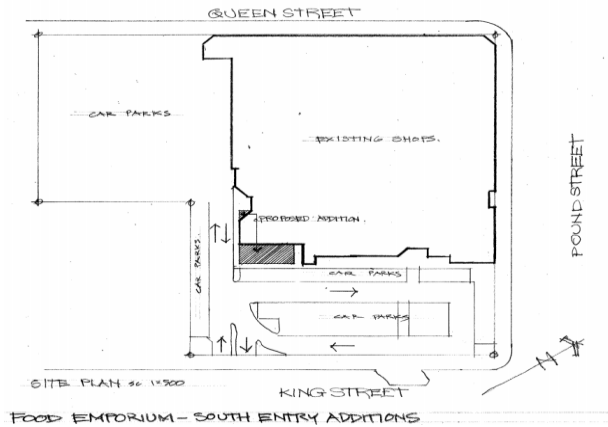


Figure 1: Extract of Site Plan

The additions include an additional 72m² of commercial space over an area that is largely un-utilised, but is designated for two parking spaces (shown as parking bays 63 and 64 on the plan below).

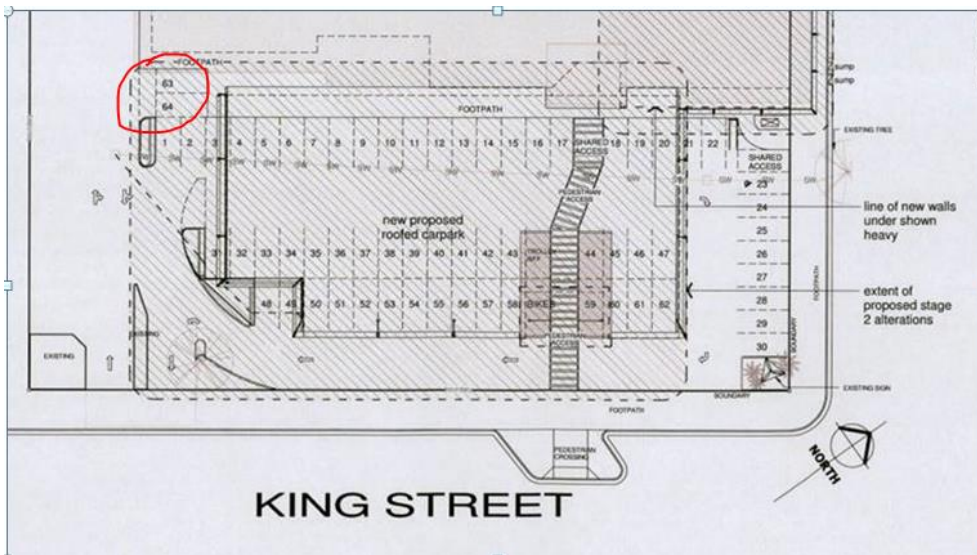


Figure 2: Existing parking layout for Grafton Food Emporium

KEY ISSUES

Issue – variation to parking requirement

The applicant has requested an exemption from a contribution for a shortfall in the parking spaces on the basis that the shopping centre already has 148 spaces available.

Comment

The development will generate additional parking demand through the creation of an additional commercial area. There will also be a loss of two parking spaces, resulting in an overall shortfall of 4.4 spaces. Overall this constitutes a reduction of 3% to the available parking spaces available.

Council has adopted a Parking Agreements - Car Parking Deficits policy to provide requirements and guidance for the use of planning agreements for non-residential developments which feature on-site car parking deficiencies including within Council’s CBD/commercial areas, however the Applicant has not made an offer to make a monetary contribution by way of a Voluntary Planning Agreement for the shortfall of parking spaces created by the development.

Variation requests can be considered on their merits on a case by case basis and Council may allow variations to the Development in Business Zones Development Control Plan (DCP) requirements of TABLE F1 in the following circumstances:

- (a) The proposed development is a minor addition to an existing building and is not likely to generate additional parking demand, or the calculation of the parking requirement is less than 1 car space.
- (b) The peak demand for parking generated by the proposed development is outside the hours of 8:30AM and 5:30PM, and adequate on-street car parking is available and in proximity to the proposed development.

The following matters must be considered in determining an application to vary the DCP requirements:

- (i) The location, type and scale of the proposed development.
- (ii) The existing level of on-site car parking on the development site.
- (iii) The compatibility of the car parking location and design with adjoining properties.
- (iv) The nature and volume of traffic on the adjoining street network.
- (v) The geometry and width of the adjoining street network.
- (vi) The availability and accessibility of public car parking areas.
- (vii) Comments from the NSW Roads and Traffic Authority (now Transport for NSW), if applicable.
- (viii) Whether an offer has been made to contribute to "deficit" parking by means of a planning agreement.

Following discussions with the Applicant an alternative option was considered where 5 spaces in close proximity to the new additions are to be marked as time limited spaces for a maximum period of 30 minutes to address the shortfall of parking spaces. Council's Development Engineer has supported this as an alternative solution.

The proposed additions are minor additions to the existing shopping complex and not likely to generate a significant additional parking demand. The reduction to the parking requirements and having 5 spaces designated as time limited spaces is considered an acceptable outcome to address the minor parking shortfall and is supported by Council staff on this basis.

The other option for Council is to not support the development proposal on the basis that waiving the reduction in parking as requested is not acceptable under the circumstances.

COUNCIL IMPLICATIONS

Budget/Financial

Approving the development with a shortfall in parking spaces and with no offer of a monetary contribution towards the shortfall may result in a loss to the overall parking availability and reduced ability for Council to improve parking facilities in the CBD within the vicinity of the shopping complex. The cost of providing a monetary contribution for the shortfall which has not been determined would likely be cost prohibitive for the proposed development to proceed.

Asset Management

Not applicable. There are no public assets that need to be managed.

Policy or Regulation

CVC Planning Agreements – Car Parking Deficits Policy. This Policy applies to non-residential development in Business Zones under the Clarence Valley Local Environmental Plan 2011.
Council's Development in Business Zones DCP

Consultation

Council's Development Engineer and Coordinator Building and Environmental Services have been consulted.

Legal and Risk Management

In the circumstances, it is not considered the recommendation presents any significant legal or other risk to Council.

Climate Change

The construction of the extensions to the building utilises energy and resources that results 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. In isolation these added impacts are very small.

Prepared by	Pat Ridgway, Senior Development Planner
Attachment	A. Plans B. Section 4.15 Evaluation Report C. Letter re exemption to payment of parking contributions

**Schedule 1
Draft Advices and Conditions of Consent for DA2020/0354**

Definitions

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

Advices

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

The proposed development has been assessed as contributing an additional 1.68 ET demand on Council's water supply, and an additional 1.68 ET loading on Council's sewerage system. The headworks charges at 2020/21 financial year rates are:

Water Headworks \$4,979.00 x 1.68 additional ET = \$ 8,364.72

Sewer Headworks \$6,811.00 x 1.68 additional ET = \$ 11,442.48

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

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

2. No construction is to be commenced until a Construction Certificate has been issued.
3. Prior to work commencing on a development the applicant must give notice to Council of their intention to commence work. Such notice shall be submitted to Council at least two (2) days before work commences.
4. Access to the building for disabled persons shall be provided and constructed in accordance with the requirements of Part D3 of the Building Code of Australia and AS 1428.1-2009.
5. The Construction Certificate plans shall detail dimensional compliance with the requirements of AS 1428.1-2009 for access.

Conditions

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

Plan	Drawn by	Sheet No
Site Plan	Richard van Dorp Architects PL	K82-DA 01
Floor Plan	Richard van Dorp Architects PL	K82-DA 02
East & South Elevation	Richard van Dorp Architects PL	K82-DA 03

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

\$750.00

GL S94ACVCOthResAcco

This amount is based on the following calculation

- a Proposed cost of carrying out the development is more than \$100,000 and up to and including \$200,000 = value of development x 0.005;
- b The value of development stated in the application was \$150,000.00

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

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

3. Five (5) parking spaces, that are easily accessible to the shopping centre, be marked as time limited spaces for a duration of 30 minutes to address the shortfall in parking demand.
4. A Certificate of Compliance for Water and or Sewer works must be obtained from Council prior to issue of the Building Occupation Certificate, for each and every stage of the development. This may require payment of a fee.
5. All food preparation and food storage areas shall comply with the requirements of Standard 3.2.3 of Chapter 3 of the Food Standards Code.
6. Detailed plans and sectional elevations showing details of the food preparation and storage layout must be submitted to the Principal Certifying Authority for approval prior to a construction certificate being issued. The plans must include the following details:
- finishes to floors, walls and ceilings
 - layout of all equipment, benches, fittings and fixtures, and mechanical ventilation
 - door and window openings
 - customer and staff toilet details (if detached, provide the distance to the facilities and the number available for use)
 - mechanical exhaust ventilation
 - process flow, from product received through to end-product delivered
7. The mechanical kitchen exhaust hood shall comply with Part F4.12 of the National Construction Code 2011 Building Code of Australia unless documentation is provided to Principal Certifying Authority verifying that power inputs of cooking apparatuses do not exceed those specified in Part F4.12
8. A food business must be registered with Council prior to operation. A registration form is available here https://www.clarence.nsw.gov.au/cp_themes/metro/page.asp?p=DOC-DIL-18-34-36
9. The development is not to be occupied or used until such time as an Occupation Certificate has been issued.
10. **Working/Construction Hours** Working hours on construction or demolition shall be 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 is responsible to instruct and control sub contractors regarding the hours of

work and the requirements of the Protection of the Environment Operations Act 1997 and Regulations.

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

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

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

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

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

13. 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, and
- 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, and

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

ITEM	6b.20.082	DA2020/0348 – DUAL OCCUPANCY (BUILDING ENVELOPE FOR SECOND DWELLING) – 401 KUNGALA ROAD, KUNGALA
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Meeting	Environment, Planning & Community Committee	20 October 2020
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Simon Chaseling – Headland Building
<i>Owner</i>	Timothy and Fiona Browne
<i>Address</i>	401 Kungala Road, Kungala being Lot 1 DP574431
<i>Submissions</i>	Nil

Council has received Development Application DA2020/0348 to establish a building envelope for a second dwelling on the subject site approximately 650m from the existing dwelling.

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

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

OFFICER RECOMMENDATION

That Council:

1. Support the requested variation under Clause 4.6 – Exceptions to Development Standards of the *Clarence Valley Local Environmental Plan 2011* to enable the proposed second building envelope to be located approximately 650 metres from the existing dwelling; and
2. Approve Development Application DA2020/0348 subject to the draft conditions and advices contained in Schedule 1 attached.

COMMITTEE RECOMMENDATION

Williamson/Novak

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Novak, Clancy, Williamson, Simmons

Against: Nil

COUNCIL RESOLUTION – 6b.20.082

Kingsley/Baker

That Council:

1. **Support the requested variation under Clause 4.6 – Exceptions to Development Standards of the *Clarence Valley Local Environmental Plan 2011* to enable the proposed second building envelope to be located approximately 650 metres from the existing dwelling; and**
2. **Approve Development Application DA2020/0348 subject to the draft conditions and advices contained in Schedule 1 attached.**

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

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

BACKGROUND

Development Application DA2020/0348 was lodged on 30 June 2020 to establish a building envelope on 401 Kungala Road, Kungala for a second dwelling. The site is predominantly vegetated with a dwelling approved by Council under DA2018/0141 in addition to an existing shed located on the land. The subject land is zoned RU2 Rural Landscape under the *Clarence Valley Local Environmental Plan 2011*. A detached dual occupancy is permissible with consent in the zone. Provisions relating to detached dual occupancies include dwellings being located within 100m of each other, having sufficient area for on-site effluent disposal and utilising the same driveway access. The Applicant has located the Building Envelope for the second dwelling 650m from the existing dwelling to utilise an already cleared area, with both dwellings utilising the same access to Kungala Road.

The Applicant has previously applied to subdivide the land and lodged Development Application SUB2019/0010 proposing a two lot subdivision, one lot being 52 hectares and the other 20 hectares. The application was referred to the NSW Department of Planning, Industry and Environment due to a variation sought to the 40 hectare minimum lot. The response received from the Department advised that Council had no ability to approve a subdivision to create a lot unless it was within 10% of the minimum lot size, therefore as the land area did not meet the requirements to subdivide the Applicant withdrew the application.

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

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

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

Sub-clause 4.6 (3) requires that:

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

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

- The proposed building site is the only cleared area on the subject land for a second dwelling and has been managed as such since 1989, by complying with the standard it would require clearing of native vegetation on-site,
- The site has access to services, road and has sufficient area for on-site effluent disposal within the cleared area,
- The second dwelling will not be visible from the road or neighbouring properties and is not considered to have an adverse impact on the amenity or rural character of the locality,
- Granting approval for a second dwelling on the land will assist in management of the property to assist with hazard and pest/weed control, and

- The financial costs to prepare a flora and fauna assessment for a building envelope that complies with the standard, new accesses and asset protection zones in addition to costs to clear the land and any offset requirements imposed by Council are considered to be onerous.



The subject site is bushfire prone and a bushfire hazard assessment has been submitted with the Application. The assessment refers to the previous Planning for Bushfire Protection 2006 guidelines which were replaced in March 2020 by Planning for Bushfire Protection 2019. An Asset Protection zone of approximately 30m will be required, however this is dependent on the size of the future house and Bushfire Attack Level rating for construction. The approximate size of the largely cleared area for the building envelope is 60m by 60m, with few isolated standing trees within this area (see image below). The second dwelling could be located within this area with limited impact on native vegetation. The Applicant has prepared a Preliminary On-Site Wastewater Report for the building envelope that demonstrates a dwelling and on-site effluent disposal system can be accommodated within the already cleared area. The subject site is vacant with no known previous uses of the land that would result in potential contamination. Therefore, it is deliberated that the building envelope is suitable for a future dwelling.



Photograph taken from western side of cleared area looking east across building envelope.

The request to vary the LEP maximum separation distance of 100 metres between detached dual occupancy dwellings on rural land has been assessed on its merit. Taking into account the justification by the applicant and assessment above, it is considered that there are suitable grounds to allow the proposal to be approved in the circumstances. Therefore, it is recommended that a variation to the 100m maximum separation distance between detached dual occupancy dwellings on the subject site be supported to allow a 650m distance between the existing and proposed dwelling.

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

COUNCIL IMPLICATIONS

Budget/Financial

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

Asset Management

N/A

Policy or Regulation

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

State Environmental Planning Policy 55 - Remediation of Land

Clarence Valley Local Environmental Plan 2011

Clarence Valley Council Development Control Plan for Development in Rural Zones

Consultation

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

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Building Surveyor	Supported with conditions

Legal and Risk Management

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

Climate Change

The proposed future development of an additional residence on the subject site would contribute to CO² emissions through the construction and occupation phase which are both considered to be contributing factors for climate change via building materials, construction methods, maintenance and associated energy and resource use. Notwithstanding the above comments, if the development is approved, any future dwelling will be required to comply with energy efficiency requirements under BASIX to ensure that the development meets the NSW Government's requirements for sustainability.

Prepared by	James Hamilton, Development Planner
Attachment	<ol style="list-style-type: none"> 1. Proposed Plans 2. Applicant's submission to Clause 4.6 Variation 3. Section 4.15 Evaluation Report

Schedule 1
Draft Advices and Conditions of Consent for DA2020/0348

Advices

1. A separate Development Application is required to be submitted for Stage 2 of the development to construct a dwelling on the land.
2. Payment to Council of contributions pursuant to Section 7.11 of the Environmental Planning and Assessment Act are required should the gross floor area of the second dwelling exceed 60m² in area:

Clarence Valley Contribution Plan 2011 Open Space/Recreation Facilities

Isolated Coastal and Rural \$2,614.60 x 1 additional dwelling = \$ 2,614.60 GL
S94CVCOSRuralCoas

Clarence Valley Contributions Plan 2011 Community Facilities

Grafton and surrounds \$2,614.60 x 1 additional dwelling = \$ 2,614.60 GL S94CVCCFGrafton

Clarence Valley Contributions Plan 2011 Plan of Management

Rate per Other Residential Accommodation Dwelling \$49.30 x 1 additional dwelling = \$ 49.30 GL
S94CVCPoMResAcco

Arterial Roads Upgrading Contribution

Rural areas \$7,377.90 x 1 additional dwelling = \$ 7,377.90 GL S94 RdWksUlmarra

N.B.

The contributions listed above are per the 2020/21 Financial Year and **will be adjusted** in accordance with the adopted Schedule of Fees and Charges current at the time of payment. The contributions are to be paid to Council prior to issue of the Building Construction Certificate for the second dwelling.

3. An On-site Wastewater Management System Application is to be submitted with the Development Application for Stage 2 consistent with the report 'LCA and WWMP for Secondary Dwelling at 401 Kungala Road, Kungala' prepared by Earth Water Consulting, dated 28 August 2020.
4. Impacts to native trees or shrubs as a result of the development are to be minimised as far as practical.
5. A revised bushfire assessment is to be submitted with the Development Application for Stage 2 that complies with Planning for Bushfire Protection 2019.
6. Any activity to be carried out on any part of the road reservation requires the prior approval of Council under the *NSW Roads Act 1993*.

Conditions

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

Job No	Drawn by	Plan Date
2018-061	Amanda Nunes Drafting and Design	8/05/20

2. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.

ITEM 6b.20.083 SUB2020/0012 – 12 LOT SUBDIVISION – 5 BRIDGE STREET, GLENREAGH

Meeting	Environment, Planning & Community Committee	20 October 2020
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Stephen McEvoy
<i>Owner</i>	Gwendolyn Loy
<i>Address</i>	5 Bridge Street, Glenreagh (Lot 11 DP1185535)
<i>Submissions</i>	Yes – 1 submission

Council is in receipt of Development Application SUB2020/0012 which proposes a 12 lot subdivision and requests a reclassification of a Crown Road Reserve to Council Road Reserve.

The developer is proposing to construct a new road off George Street. The turning head has been located within a Crown Road Reserve adjacent to Lot 11 DP1185535, and the Applicant has requested that Council accept transfer of this section of Crown road. The matter is being reported to Council to accept transfer of this Crown road and to uphold the relevant design standards for new roads in urban developments, therefore the application is forwarded to Council to determine.

This report discusses Council's suitable road access provisions and makes a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That Council:

1. Request the transfer of approximately 35m of Crown road adjoining Lot 11 DP1185535 to accommodate the proposed turning head, and
2. Approve Development Application SUB2020/0012 subject to the conditions and advices contained with Schedule 1.

COMMITTEE RECOMMENDATION

Baker/Williamson

That Council:

1. Request the transfer of approximately 35m of Crown road adjoining Lot 11 DP1185535 to accommodate the proposed turning head, and
2. Approve Development Application SUB2020/0012 subject to the conditions and advices contained with Schedule 1 with an amendment to Condition 29 to add the words at the end "for Stage 2".

Voting recorded as follows:

For: Baker, Novak, Clancy, Williamson, Simmons

Against: Nil

COUNCIL RESOLUTION – 6b.20.083

Kingsley/Baker

That Council:

1. **Request the transfer of approximately 35m of Crown road adjoining Lot 11 DP1185535 to accommodate the proposed turning head, and**
2. **Approve Development Application SUB2020/0012 subject to the conditions and advices contained with Schedule 1 with an amendment to Condition 29 to add the words at the end "for Stage 2".**

Voting recorded as follows:

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

Against: Nil
CARRIED**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

Development Application SUB2020/0012 was lodged on 15 June 2020 to undertake a 12 lot subdivision of 5 Bridge Street, Glenreagh. The proposal will result in lots created ranging from 1,030m² to 1,176m². Proposed Lots 1 and 2 will gain access from Bridge Street with proposed Lots 3-12 gaining access from a new road to be constructed from George Street.

The subject land is zoned R2 Low Density Residential under the *Clarence Valley Local Environmental Plan 2011* (the LEP) and there is no minimum lot size for the subject land, however, under the Residential Zones Development Control Plan (the DCP) a minimum lot size for a dwelling is 400m². The Applicant has submitted a Consultant's On-Site Wastewater Report which demonstrates that the proposed lot sizes are of sufficient area to accommodate a dwelling and on-site wastewater system. The proposal was notified and advertised from 18 June to 10 July 2020, one submission was raised with the issue being stormwater management.

The site was formerly zoned RU2 Rural Landscape, however, was subject to Planning Proposal REZ2017/0001 where a rezoning application to change the zoning to R2 was approved on 23 March 2018. The Applicant attended a pre-lodgement meeting in August 2019 to discuss the proposed development; the main issues considered were access, servicing and effluent disposal.

KEY ISSUES

1. Transfer of Crown Road

The Applicant is proposing to utilise a Crown road adjacent to the subject site to construct a turning head to service the development. Options were put forward to the Applicant as follows to address this issue:

1. The Crown road could be purchased by the proponent and closed.
2. A small section of the Crown road be transferred to Council.

Following Council's request, the Applicant proposes that Council take over part of the road to permit the turning head to be constructed within this section of road reserve. Clause 5.3 of the Roads Policy sets out the provisions in which Council may accept existing Crown roads or extensions of existing Council roads for inclusion as part of Council's constructed road network (as either Category 1 or Category 2 roads) as follows:

1. *The subject road will be the sole means of access to at least one lawful continuously occupied residence(s) or property with a lawful dwelling consent. If a residence is able to obtain access from another maintained road, the road may not be included. Council will also give consideration to the length of road to be maintained, gradients, construction impacts, the cost of maintaining the additional length of road and the number of residences on the road and distances between residences in determining whether the road should be accepted.*

Comment: The proposed road extends within the Crown Road Reserve (identified as Nymboida Street) to the west of the subject site. The length of road to be transferred is approximately 30m from the end of the proposed road. The subject road will be the sole means of access for 10 lots, once developed and will provide a turning area for future residents and service vehicles accessing the subject land.

2. *The maximum length accepted shall be the distance to the access point of the last residential property.*

Comment: The length of road proposed to be transferred to Council extends 30m from the end of the proposed road to be constructed and will wholly contain the turning head proposed by the Applicant.

3. *Where Council accepts the transfer of a Crown road it shall approach the State Government to have the road reclassified as a public road over the nominated length. If the road is accepted for inclusion to the roads asset register, all costs for reclassification are to be met by the applicant.*
Comment: The road is classified as a Crown Road Reserve. If Council accepts the transfer of the road, all expenses are to be met by the Applicant. This will form part of the conditions of consent if approved.
4. *The constructed road shall be wholly located within the designated road reserve. Where this is not practical and the access is otherwise acceptable realignment of the road reserve can be approved, with all costs to be met by the Applicant.*
Comment: The access road will be wholly located within the existing road reserve.
5. *The road shall be constructed at no cost to Council to the required standard. Category 1 roads shall be constructed as specified in the Northern Rivers Development and Design Manual – Version 2 and the Northern Rivers Construction Manual. An exception may be made for existing unmaintained unsealed public roads which may be accepted as Category 2 roads subject to the roads meeting a specified standard of a minimum 6 metre wide constructed carriageway or 4 metre wide constructed carriage way with passing bays at a maximum of 200 metre intervals. The minimal gravel depth of the road shall be 100 mm of appropriately specified gravel for unsealed roads. Additional requirements to address design, environment, drainage and safety issues may also be required as assessed by Council. The decision on whether Council will accept a road as either Category 1 or Category 2 is at the discretion of Council and will be based on the access, development and maintenance implications of the access.*
Comment: For Council to accept transfer of the section of Crown road under Council's Roads Policy, the developer will be required to construct the road in accordance with Council specifications as per the Northern Rivers Development and Design Manual – Version 2 and the Northern Rivers Construction Manual prior to be accepted as a Council asset.
6. *There shall be no timber bridges located on the subject road.*
Comment: There are no timber bridges on the subject road.

It is recommended that Council accept the transfer of the Crown Road Reserve section as a sealed road provided the Applicant constructs the road to the standard as set out in the draft conditions of consent contained in Schedule 1. The road will also be required to be transferred from the Department of Industry (DPI) Crown Lands to Council (at the expense of the owner) and adopted into the Roads Asset Register, which requires a resolution of Council. The transfer of the road is supported by Council staff.

Alternatively, Council may resolve not to support the transfer and request the Applicant contain the turning head wholly within the subject site. The implications of this would be a reduced lot size which may have consequences on the ability to dispose of effluent in accordance with Council's On-site Sewerage Management Strategy therefore leading to a decrease in lot yield.

2. Road Design

The road in the original concept design proposed a one way cross fall to a single bioswale on the northern side of the road pavement with a second bioswale proposed through the middle of proposed Lots 6-12. Council staff have requested several changes to the preliminary road design submitted by the Applicant, both prior to lodgement and after the application was received. Most of the requested changes have been made, however, one issue remains regarding capture of stormwater from the road and separation of services within the road reserve.

In response the Applicant has crowned the road to give two way cross fall, however, only proposes a single swale on the north side of the road. Council staff have permitted a swale drainage system in lieu of kerb and gutter due to the size of the catchment. Council officers have requested that a swale be provided on the southern side of the road to capture run off. The Applicant justifies the single swale as follows:

- The majority of the catchment over the subject land drains from north to south. Road 1 intersects this overland flow, captures water within the swale located on the northern side of the road and directs the flow eastwards toward George Street.
- The landform falls gently from north west to south east, and there is little benefit in providing swales on both sides of the proposed road. The width from the centreline of the road to the property boundary to the south is only 6.75m and do not see the advantage of capturing the water from such a small catchment, and

- It is the Applicant's opinion that having a single swale is a better outcome than locating a swale on each side of the road.

The consequence of only one swale within the road reserve as proposed is water from the road will drain onto private property and an easement in gross would be required for the part of the property north of the swale drain C2 on the proposed plans. This easement would have implications for building locations and is likely to increase the bushfire rating of future dwellings. Future buildings on proposed Lots 6-12 already need to be built as far forward as setbacks allow to maximise the buffer to vegetation on the southern boundary.

Furthermore, there is potential liability for Council having water from a Council road running onto private property unless easements are provided, while this may happen in some circumstances Council should uphold the relevant standards for new developments. It is recommended that Council support the position of Council staff and request the Applicant provide a swale drain on the southern side of the road pavement within the road reserve, conditions within Schedule 1 are provided to support this position. This will result in the road reserve width being increased and lots sizes being reduced to achieve the desired outcome, Council staff are satisfied this can be achieved and not compromise the available area for effluent disposal. The reduction is expected to be a loss of 1m to 2m from the front of the lots, however, the Applicant may be able to reconfigure the road reserve design to accommodate the road pavement, stormwater drainage and services in the current width.

There is native vegetation within the current George Street road reserve that will need to be cleared for Proposed Road 1, these being 2 Pink Bloodwoods, 1 Tallowood and 1 Red Mahogany between 30-45cm diameter at breast height. The subject site land is largely cleared with native vegetation on the southern portion of the lot. Advice was sought from Council's Open Space Manager, these trees can be offset and form part of the landscaping plan for the subdivision or be planted north of Proposed Road 1 within George Street, an appropriate condition is included in Schedule 1. The road has been located to avoid a hollow bearing tree within the George Street road reserve. Council's vegetation controls in the DCP do not apply to the land in the circumstances, Part E Native Vegetation Controls applies to vegetation that does not form part of a Development Application and Part Y Biodiversity Controls does not apply to R1, R2 and R3 zoned land. Clearing is authorised as part of the development consent.

COUNCIL IMPLICATIONS

Budget/Financial

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

Asset Management

The majority of public roads in Glenreagh are still recognised as Crown roads, despite Council maintaining the majority of these roads. Council has commenced the process of transferring these roads from Crown with George Street to the proposed road transferred to Council in July 2020.

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

Policy or Regulation

Environmental Planning and Assessment Act 1979
 Environmental Planning and Assessment Regulation 2000
 State Environmental Planning Policy No. 55 - Remediation of Land
 Clarence Valley Local Environmental Plan 2011
 CVC Residential Zones Development Control Plan
 CVC Roads Policy

Consultation

Notification of the development application was given to the NSW Rural Fire Service for comment and Crown Lands, no objection to the proposed development was raised with relevant conditions contained within Schedule 1.

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

Civil Services	Supported subject to conditions
Environmental Health	Supported subject to conditions

Legal and Risk Management

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

Climate Change

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

Prepared by	James Hamilton, Development Planner
Attachment	<ol style="list-style-type: none"> 1. Proposed Plans 2. Submission 3. Section 4.15 Evaluation Report 4. General Terms of Approval

Schedule 1
Draft Advices and Conditions of Consent for SUB2020/0012

Definitions

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

- a. Northern Rivers Local Government Development and Design Manual (AUS-SPEC)
- b. Northern Rivers Local Government Construction Manual (AUS-SPEC)
- c. Northern Rivers Local Government Handbook of Stormwater Drainage Design (AUS-SPEC)
- d. Northern Rivers Local Government Handbook for Driveway Access To Property (AUS-SPEC)
- e. Water Supply Code of Australia (WSA 03 - 2002)
- f. Clarence Valley Council 'MUSIC' Guidelines (Draft)
- g. Clarence Valley Council Street lighting Strategy

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

WSUD means Water Sensitive Urban Design

Clarence Valley Council Development Control Plans include Sustainable Water Controls which identify the measures required in the various land use zones. Council endorses the Queensland 'Water By Design - Healthy Waterways' reference and technical guidelines for the design and construction of WSUD drainage systems.

The **WSUD** documents may be accessed via the 'Water-By-Design' web-site.

Civil Works may include:

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

SWC means Subdivision Works Certificate

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

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

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

Advices

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

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

2. A completed 'Design Certification Report' with supporting documentation, in accordance with the requirements of **NRDC** must be submitted to Council and/or accredited private certifier with the submission of the **SWC** application.

Approval of a **SWC** will be current for a period of two years after which time Council may require the alteration to the Engineering Design to comply with current standards. Engineering plans for the **SWC** are required in electronic format to be confirmed with Council before lodgement.

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

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

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

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

The proposed development has been assessed as contributing an additional 10.8 ET demand on Council's water supply. This includes an applicable credit for pre-existing uses. The headworks charges at 2020/21 financial year rates are:

Stage 1 Water Headworks \$4,979.00 x 1.8 additional ET	= \$ 8,962.20
Stage 2 Water Headworks \$4,979.00 x 9 additional ET	= \$ 44,811.00
Total Water Headworks \$4,979.00 x 10.8 additional ET	= \$53,773.20

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

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

5. Any activity to be carried out on any part of the road reservation requires the prior approval of

Council under the NSW Roads Act 1993.

6. Certification of constructed **Civil Works** by the supervising engineer and/or registered surveyor is required prior to public infrastructure being accepted "on maintenance" and/or "practical completion" being granted for private property works.
7. All building and construction work, which includes subdivision and civil works, which cost \$25,000 or more require the payment of the long service levy prior to a Construction Certificate being issued. The levy is required under the Building and Construction Industry Long Service Payments Act 1986. The total value of works must be included on the Construction Certificate Application form.
8. The NSW State Government will not grant permission for roadworks to be undertaken on a Crown road until the road reserve has been transferred to Council.

To facilitate the transfer of the Crown road to Council, Council must apply to the Department responsible for Crown roads. Prior to the application being made by Council for the transfer of the Crown road the applicant will be required to provide to Council:

- a A cheque for the application fee made out to the relevant government department.
 - b Council's administration fee in accordance with the fees and charges at the time of the application.
 - c A plan showing the extent of the road to be transferred.
9. Upon lodging the written request for new a street name for Proposed Road 1, a Road Naming Application fee is required to be paid. The fees for the 2020/21 financial year are \$1,500.00
 10. A Subdivision Certificate fee is charged for the endorsement of linen plans. Fees for the 2020/21 financial year are \$250.00 plus \$30.00 per additional lot (minimum \$250.00). An additional fee of \$113.55 is payable if the Subdivision Certificate requires the signing of an 88B instrument by Council.

Conditions

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

Plan No	Drawn by	Plan Date	Revision
20042-03	De Groot & Benson Pty Ltd	29/09/2020	B
20042-04	De Groot & Benson Pty Ltd	29/09/2020	B
20042-05	De Groot & Benson Pty Ltd	29/09/2020	B

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

Clarence Valley Contribution Plan 2011 Open Space/Recreation Facilities

Stage 1 Isolated Coastal and Rural \$3,834.85 x 2 additional lots = \$ 7,669.70 GL
S94CVCOSRuralCoas

Stage 2 Isolated Coastal and Rural \$3,834.85 x 9 additional lots =
\$ 34,513.65 GL S94CVCOSRuralCoas

Clarence Valley Contributions Plan 2011 Community Facilities

Stage 1 Grafton and surrounds \$3,834.85 x 2 additional lots = \$ 7,669.70 GL
S94CVCCFGrafton

Stage 2 Grafton and surrounds \$3,834.85 x 9 additional lots = \$ 34,513.65 GL
S94CVCCFGrafton

Clarence Valley Contributions Plan 2011 Plan of Management

Stage 1 Rate per Dwelling/Lot \$73.45 x 2 additional lots = \$ 146.90GL S94CVCPoMDwell

Stage 2 Rate per Dwelling/Lot \$73.45 x 9 additional lots = \$661.05 GL S94CVCPoMDwell

Arterial Roads Upgrading Contribution

- Stage 1 Urban/Urban Investigation \$7,472.20 x 2 additional lots = \$ 14,944.40 GL S94 RdWksUlmarra
- Stage 2 Urban/Urban Investigation \$7,472.20 x 9 additional lots = \$ 67,249.80 GL S94 RdWksUlmarra

Street Trees Contribution

- Stage 1 Urban/Urban Investigation \$92.10 x 2 additional lots = \$ 184.20 GL S94TreePlantUlmr
- Stage 2 Urban/Urban Investigation \$92.10 x 9 additional lots = \$ 828.90 GL S94TreePlantUlmr
N.B.

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

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

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

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

3. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
4. The proposed 12 lot subdivision SUB2020/0012 must comply with the Effluent Disposal Report prepared by Lanfax Laboratories on the 4th June 2020 and the associated conditions of the Approval to Install an On-Site Wastewater Management System.
5. The designated Land Application Areas (LAA) identified on the De Groot & Benson Effluent Disposal Area Plan (DWG: 20042-04) shall be subject to a restriction-as-to-user registered on the title of each lot to the effect that:
 - a. No development other than for the land application of effluent shall take place on the proposed Land Application Area (LAA) areas for each lot identified on "Effluent Disposal Area Plan (DWG: 20042-04)" submitted with the on-site wastewater management report.
 - b. Any variation to the restriction shall be with prior written consent of Clarence Valley Council
6. The developer is not to undertake any activity on the adjacent Crown land or use the Crown land for any purpose associated with the development, with the exception of the area to be transferred. The proponent may not:
 - a. remove any vegetation from the Crown land,
 - b. stockpile materials, equipment or machinery on the Crown land,
 - c. direct stormwater discharges to the Crown land, or
 - d. use the Crown land as an Asset Protection Zone
7. This approval has also been granted under Section 4.47 of the Environmental Planning and Assessment Act 1979. General terms of approval have been given. Compliance with the conditions and advice of the NSW Rural Fire Service, as obtained in their letter dated 17 June 2020, consisting of four (4) pages, and as attached to this Notice of Determination, is to be demonstrated prior to issue of the **SWC** and release of the Subdivision Certificate.
8. Pre-clearing surveys are to be completed prior to vegetation removal to ensure no fauna are present within mature trees to be removed from George Street.
9. Prior to the commencement of construction, an Unexpected Heritage Finds Procedure for Aboriginal and non-Aboriginal Heritage must be prepared should actual or potential items or areas of Heritage be discovered during construction activities. This procedure must be tool boxed with all work crews and implemented during construction works. Should any Aboriginal or non-Aboriginal relics or artefacts be uncovered during works on the site, all work is to cease and Heritage NSW

shall be contacted immediately and any directions or requirements of the Service complied with.

10. A restriction-as-to-user is to be placed on **all** allotments requiring boundary fencing to be of the type which will allow free passage of native ground moving animals including Koalas.
11. A restriction-as-to-user is to be placed on lots 6 -12 prohibiting the removal of any native trees or the native understorey outside those areas required for house construction or provision of asset protection zones approved by the NSW Rural Fire Service without prior written approval of Council.
12. No existing trees are to be removed from the site during subdivision construction, with the exception of those necessary for road construction, site accesses, services laying, and other approved design features of the subdivision.

General Requirements for Stage 1 and 2

13. Prior to the issue of a Subdivision Certificate, certification is to be provided to Council by a registered surveyor, confirming that all infrastructure (including services, WSUD components, pipelines, road batters, access ways and drainage paths) are contained within the respective lots or easements for the lands to be subdivided.
14. A Certificate of Compliance for Water works must be obtained from Council prior to release of the Subdivision Certificate, for each and every stage of the development. This may require payment of a fee.
15. Prior to the issue of the Subdivision Certificate for each and every stage of the development, Council will require satisfactory evidence that all requirements of the relevant telecommunications and power authorities have been complied with and all required contributions have been lodged.
16. Certification is to be provided to the Principal Certifying Authority by a Registered Surveyor prior to the issue of the subdivision certificate for each and every stage, that all services and domestic drainage lines are wholly contained within the respective lots.
17. The submission of the 88B Instrument, and one copy thereof, to Council prior to the release of the Subdivision Certificate.
18. Prior to issue of the Subdivision Certificate, the applicant is to provide water supply infrastructure to service all lots in the subdivision, in accordance with the requirements and specifications of the Clarence Valley Council Sewer & Water Connection Policy and **NRDC**.

Stage 2

19. The developer must design and construct all civil works, in accordance with **NRDC** and the approved **SWC**. Civil construction works must be supervised by a suitably qualified and experienced engineer or registered surveyor who must certify the completed works prior to the release of the Subdivision Certificate. The Council will hold each Subdivision Certificate or a bond in accordance with Council's fees and charges for constructed public infrastructure works until such time as Council accept the works 'Off Maintenance'.
20. Prior to the issue of the Subdivision Certificate telecommunications (including provision for NBN services where applicable), low voltage electricity and street lighting services must be provided to the development and/or all lots within the subdivision in accordance with the requirements and specifications of the relevant service authorities, Australian Standards, the relevant parts of the applicable Clarence Valley Council Development Control Plans and NRDC.
 - a All new services are to be provided within the service allocations within NRDC, unless an agreement has been obtained from Council for an alternative location.
 - b Written agreement of non compliance with the service allocations will be required from the affected service authorities.
 - c Service locations are to be clearly dimensioned on the Construction Certificate plans.
 - d All service locations are to be approved by Council and the relevant service authority with regard to WSUD components of the proposed stormwater drainage system.
 - e Council must be consulted, and agreement obtained, prior to any variation in location of

- services during construction due to field conditions.
- f Any variation to the service location from that approved with the Construction Certificate plans must be clearly documented on the work as executed plans. A registered surveyor must be engaged to locate a service prior to backfilling where it is necessary to clearly demonstrate the location of the service/s.
21. A **TCP** must be prepared and submitted to Council showing how vehicle and pedestrian traffic will be safely managed within the work site and road reserve. This plan must be prepared by a person authorised by the **TfNSW** to prepare **TCP's** and must be endorsed by Council prior to the occupation of the road reserve and commencement of work.
22. The developer shall submit a landscape plan to offset clearing within the George Street road reserve to the satisfaction of Council's Manager Open Spaces and Facilities Section prior to release of the **SWC**. Offsets are calculated at a rate of 1 to 2 and are to replace species to be removed with like for like, plantings are to occur within the George Street road reserve not in direct conflict with the required upgrading. Trees are to be planted in accordance with AS 2303 (Tree Stock for Landscape Use) prior to issue of the Subdivision Certificate.
23. 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:
- Stating that unauthorised entry to the work site is prohibited;
 - 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
 - Showing the name, address and telephone number of the principal certifier for the work.
- Any such sign is to be removed when the work has been completed.
24. Where proposed, **WSUD** systems are to be included in a detailed Design, Construction, Inspection, Testing, Establishment and Staging Management Plan and submitted with the **SWC** application for approval by Council. Road reservation widths are to be in accordance with **NRDC** plus additional width to contain proposed **WSUD** components as approved by Council.
25. Preliminary road pavement designs, in accordance with **NRDC**, must be submitted to Council as part of the **SWC** approval. The asphaltic concrete wearing surface must be a minimum 30mm and 40mm at the cul-de-sac/t-head compacted depth. Final pavement design will be subject to in-situ CBR tests.
- George Street is to be upgraded from the intersection of Bridge Street to Proposed Road 1 to have a sealed carriageway width of 6 metres minimum.
- Stabilised pavement and concrete road pavement suitable for the intended design loadings may be used subject to submission of alternative designs for the approval of Council.
26. The **SWC** application must include design calculations for any necessary upgrade of existing stormwater drainage cross-culverts and affected services/utilities.
27. Prior to the issue of any **SWC** engineering calculations must be provided which clearly indicate the capacity of table/swale drains, the maximum flow velocities and their resistance to scour. Where table/swale drains are used they must be designed to minimise velocity of flow to that necessary to achieve draining of the table/swale minimising ponding and must be treated to minimise scour.
- Table/Swale drains within the road reservation must be designed to protect the road pavement from infiltration of surface water and prevent sheet flow to adjoining properties. This could be achieved by either a configuration that locates the water surface level from minor storm flows below the subgrade level, or other methods of protection acceptable to Council.
- Batters on table/swale drains must be suitable for mowing by domestic mowers which will generally require a batter with a maximum grade of 1 in 6 unless approved by Council. The width of road reservations must account for any batters and an area suitable for pedestrians at least 2.5 metres wide at all road frontages where there is a water main, and at least 2 metres at all road frontages where there is no water main.

28. Prior to release of the Subdivision Certificate, street name signs are to be provided to all intersections in accordance with Council's specifications. The name of the proposed road(s) will require written approval from Council.
29. The proposed new road is on a Crown road reserve currently under the control of the NSW State Government. The transfer of the Crown road to Council must be completed prior to issue of the **SWC**.
30. All stormwater falling on the property is to be collected within the property and discharged in accordance with the relevant parts of the applicable Clarence Valley Council Development Control Plans and NRDC. A Stormwater Management Plan must be prepared to reflect these standards and guidelines.

A Stormwater Management Plan (SWMP) that demonstrates **NorBe** must be prepared in accordance with **NRDC**.

The SWMP must consider any adjacent property or infrastructure affected by the development. Design details of the drainage system and point of discharge must be submitted with the Stormwater Management Plan for approval by Council and/or accredited private certifier prior to issue of the **SWC**. The Stormwater Management Plan must include a management plan for any **WSUD** systems. The management plan must consider construction and operational phases.

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

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

31. An easement is to be created to provide for conveyance of existing/ proposed inter-allotment drainage through the subject land. The easements shall be provided as follows:
 - a Where there is no Council infrastructure contributing to the drainage scheme the easements shall be in favour of the properties requiring the benefit and not Council.
 - b Where there is water draining off roads, Council land or Council drainage infrastructure in the upstream drainage system then the easement must benefit Council only. This easement must be an easement in gross.
 - c Where there is water draining off roads, Council land or Council drainage infrastructure in the upstream drainage system and there are properties draining directly to the drainage system then the easement must benefit Council and these properties.
 - d Easement widths must be in accordance with **NRDC**.The right to release vary or modify the easement is to be assigned to Clarence Valley Council where Council has a benefit.
32. An **ITP** must be submitted for approval with the application for a **Civil CC**. The supervising engineer or registered surveyor must arrange for the hold/witness point inspections, and accompany Council and/or accredited Private Certifier on the inspection unless alternative arrangements are made. Hold Point, Witness Point, On / Off Maintenance and/or Practical Completion inspections involving public infrastructure must be attended by Council officers. Where Council is the Certifying Authority for civil engineering works the applicant must give Council one (1) business day's notice to attend inspections. Hold Point, Witness Point and Audit inspections must be documented by the ITP and include the following works (but not limited to):
 - a. Pre-start Meeting (Attended by Council and/or Accredited Private Certifier, Principal Contractor & Supervising Engineer and/or Registered Surveyor)
 - b. Erosion & Sedimentation Controls

- c. Roadworks
 - d. Stormwater Drainage
 - e. Water
 - f. Other Services
 - g. 'On Maintenance' (Public Infrastructure)
 - h. 'Off Maintenance' (Acceptance of Public infrastructure by Council)
33. Prior to release of the Subdivision Certificate, where the total value of works to become Council infrastructure is greater than \$10,000, a maintenance bond is required for 5% of the contract value for works that will become Council infrastructure or \$2,500 whichever is greater. This is required in each stage of the development
- All work is subject to a maintenance period of six (6) months from the date of 'On Maintenance' or Practical Completion as certified by Council or accredited private certifier. The maintenance period may be extended by Council due to material or construction work compliance reasons or if a Subdivision Certificate approval is delayed beyond the maintenance period. The maintenance period and bond amounts for **WSUD** systems must be in accordance with the Council or accredited private certifier approved stormwater management plan
- At the end of the Maintenance Period an 'Off Maintenance' inspection must be held with Council or accredited private certifier to confirm the compliance and performance of the constructed works, in accordance with **NRDC**.
- Where constructed works to become public infrastructure have been controlled by private certifier Council must attend the 'Off Maintenance' inspection. The documentation, compliance and performance of the constructed works must be in accordance with **NRDC** for Council to accept responsibility for the infrastructure.
34. Prior to the release of any Subdivision Certificate, which dedicates infrastructure to Council, a completed asset register works return must be submitted to Council. The return is to be in the format approved by Council.
35. In accordance with **NRDC** and prior to the release of the Subdivision Certificate, the applicant must provide Work as Executed Plans (WAE) for all works and certification from the supervising professional engineer or registered surveyor, that the works have been constructed in accordance with the approved plans and specifications.
Where sewer works are involved the **WAE** must include sewer junction sheet records in accordance with the requirements of Clarence Valley Council.
For the construction of **WSUD** systems the **WAE** shall include detailed records of the materials used, inspection and testing.
36. A Works-As-Executed plan prepared by a registered surveyor, showing both original levels and finished surface levels after filling material has been placed on the site and compacted, is to be submitted to and approved by Council or accredited private certifier prior to the issue of the Subdivision Certificate.
37. Erosion and Sediment Control is to be implemented in accordance with the relevant parts of the applicable Council Development Control Plans, 'NSW Managing Urban Stormwater - Soils and Construction (Blue Book)' and **NRDC**.
38. During the course of the works, the applicant must ensure that vehicles and plant associated with the works do not adversely impact on the roadways to such an extent that cause them to become hazardous for other road users particularly during wet weather. Any such damage is to be rectified by the contractor immediately.
39. During dry weather, standard dust suppressions methods are to be used as often as is necessary to ensure that adjoining properties are not adversely affected by undue dust.

ITEM	6b.20.084	YUGILBAR FOUNDATION DONATION TO THE GRAFTON REGIONAL GALLERY
Meeting	Environment, Planning & Community Committee	20 October 2020
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment, Planning & Community (Des Schroder)	
Attachment	Yes	

SUMMARY

The Grafton Regional Gallery has been successful in securing \$100,000 of support each year for three years from the Yulgilbar Foundation commencing March 2021. The Yulgilbar Foundation has stipulated that the funding go towards exhibitions, activities, cultural programs and education outreach associated with exhibitions. The Gallery is planning to utilise the funding to support existing programs previously funded through the Yulgilbar Foundation as well as supporting new programs developed in response to audience development research undertaken in 2020.

OFFICER RECOMMENDATION

That Council:

1. Accept the generous support of the Yulgilbar Foundation and writes a letter to thank the Yulgilbar Foundation for their on-going support of arts and cultural activities that enrich the lives of the community of the Clarence Valley.
2. Acknowledge the significant long term support of the Yulgilbar Foundation by installing a plaque in the new Gallery in line with the new Gifting & Donor Wall Policy.
3. Note the proposed program of activity funded by this support in the attached confidential document.
4. Note that the support does not replace Create NSW grant or Council operational funding.

COMMITTEE RECOMMENDATION

Novak/Clancy

That the Officer Recommendation be adopted.

Voting recorded as follows:

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

COUNCIL RESOLUTION – 6b.20.084

Kingsley/Baker

That Council:

1. **Accept the generous support of the Yulgilbar Foundation and writes a letter to thank the Yulgilbar Foundation for their on-going support of arts and cultural activities that enrich the lives of the community of the Clarence Valley.**
2. **Acknowledge the significant long term support of the Yulgilbar Foundation by installing a plaque in the new Gallery in line with the new Gifting & Donor Wall Policy.**
3. **Note the proposed program of activity funded by this support in the attached confidential document.**
4. **Note that the support does not replace Create NSW grant or Council operational funding.**

Voting recorded as follows:

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

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 1 Society

Objective 1.3 We will have a diverse and creative culture

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

BACKGROUND

Over the past 10 years the Yulgilbar Foundation has generously supported a diverse range of Gallery activities including:

- The biennial Clarence Valley Indigenous Award which supports artists from the Bundjalung, Gumbaynggirr and Yaegl nations to create and present new work.
- Supported 5 Yulgilbar Travelling Scholarships.
- The development and presentation of the Art at Large billboard project.
- The development and presentation of the Light up the Valley ephemeral public art exhibition.
- The design and production of the *Photographs are never still: JW. Lindt* catalogue.
- Supporting the presentation of the Jacaranda Acquisitive Drawing Award symposium.
- The design and production of the Jacaranda Acquisitive Drawing Award catalogues.
- Grant writing support for the Gallery extension.

Including this new pledge, the Yulgilbar Foundation will have contributed over \$600,000 to supporting arts and culture in the Clarence Valley.

KEY ISSUES

- This support is not designed to replace the Create NSW program funding, instead, the support aims to allow the Gallery to reach its potential, facilitated by the new development.
- The Gallery team will continue to pursue Create NSW program funding and other sources of grant and philanthropic support to ensure the delivery of ongoing arts and cultural programs

COUNCIL IMPLICATIONS

Budget/Financial

This support will have a positive impact on the Gallery budget and will provide the resources to address programing gaps identified in the Audience Development Research project.

The support will allow the Gallery to self fund ambitious projects aimed at expanding the Gallery's audience reach at no risk to Council.

The support does not replace Create NSW grant funding or Council operational budget funding.

Asset Management

N/A

Policy or Regulation

N/A

Consultation

The Gallery Foundation has been consulted on the suggested acknowledgement and a formal meeting to approve the acknowledgement plaque will be conducted in November as per the Gifting & Donor Wall Policy requirements.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Niomi Sands, Gallery Director
To be tabled	A. Grafton Regional Gallery - Yulgilbar Foundation Report
Confidential	B. Draft Program of Events & Exhibitions

c. CORPORATE GOVERNANCE AND WORKS COMMITTEE

MINUTES of a meeting of the **CORPORATE, GOVERNANCE & WORKS COMMITTEE** of Clarence Valley Council held in the Council Chambers, Grafton on Tuesday, 20 October 2020, commencing at 2.00 pm, adjourned at 3.31 pm, reconvened at 4.12 pm and closed at 4.25 pm.

PRESENT

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

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

APOLOGIES - Nil

DISCLOSURE AND DECLARATIONS OF INTEREST - Nil

ITEM 6c.20.152 REQUEST FOR CONCESSION ON WATER USAGE CHARGES – PN 107758

Meeting	Corporate, Governance & Works Committee	20 October 2020
Directorate	Corporate & Governance	
Reviewed by	Manager - Finance & Supply (Kate Maginness)	
Attachment	Nil	

SUMMARY

Council received a request from the owner of Water Account 2054229, seeking a reduction on the water charges for the Water Consumption Notice due 29 July 2016.

OFFICER RECOMMENDATION

That Council amend the water consumption account issued for the period 24 February 2016 to 31 May 2016 to \$53.48 based on the average daily consumption for the same two periods in 2017 and 2018 and reverse legal costs totalling \$739.00 and interest of \$1,628.67 associated with the non payment of this account.

COMMITTEE RECOMMENDATION

Lysaught/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.20.152

Kingsley/Baker

That Council amend the water consumption account issued for the period 24 February 2016 to 31 May 2016 to \$53.48 based on the average daily consumption for the same two periods in 2017 and 2018 and reverse legal costs totalling \$739.00 and interest of \$1,628.67 associated with the non payment of this account.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

The water usage for the period 24 February 2016 to 31 May 2016 was 1,744 kilolitres and the usage charge amounted to \$4,890.44 as this is a residential property and the stepped usage charge applied to consumption in excess of 1.233 kilolitres per day.

The fourth quarter water consumption notice for 2015/2016 for the owner of Water Account 2054229 was issued 29 June 2016 for consumption charges of \$4,890.44 for the period 24 February 2016 to 31 May 2016 and for arrears of \$993.40 totalling \$5,883.84.

On 17 June 2016 Council staff contacted the owner to advise there was a high consumption for the period 24 February 2016 to 31 May 2016 and requested that they check for water leaks. The customer advised there

were no leaks. It was recommended to the owner that the next step for a review of the account was to conduct a meter test which the owner did not wish to do.

On 11 July 2017 Council received an email from the property owner requesting a concession on the water consumption notice issued 29 June 2016. The customer advised in their email that there have been no water leaks on the property.

Water consumption notices issued after the Water Consumption Notice issued on 29 June 2016 have had normal consumption. Consumption prior to the high consumption period and subsequent periods are as follows:

<u>Reading Period</u>	<u>Consumption (K/L)</u>	<u>Charge</u>
26/08/2015 – 24/11/2015	14	\$26.74
24/11/2015 – 24/02/2016	21	\$40.11
24/02/2016 – 31/05/2016	1744	\$4,890.44
31/05/2016 – 20/08/2016	16	\$15.28
20/08/2016 – 22/11/2016	22	\$37.92

This is a residential property and the stepped usage charge applies on consumption in excess of 1.233 kilolitres per day. The average daily usage during the high consumption period was 17.979kl per day.

Council conducted a meter test on the 28 July 2017 at no cost to the owner due to the readings returning to relatively normal consumption. Under clause 1658 Testing of meters of the NSW Local Government (General) Regulation, 2005:

“(5) A water meter that registers less than 4 per cent more or less than the correct quantity is taken to correctly measure the water passing through it”

The meter tested at 3.7% to the actual consumption and is therefore considered not to be faulty.

As the increased water consumption has not been the result of a water leak or a faulty meter, Council staff are unable to grant a reduction on the water account as it is outside the delegation of staff to be able to apply for a concession under the Concealed Water Leak Allowance Policy or an adjustment of the account under Clause 158 of the Local Government (General) Regulation 2005.

This item then went to Council on the 12 September 2017 where it was resolved that:

- 1. The water usage amount of \$4,890.44 remain payable as the request does not meet the criteria for a concealed water leak and the water meter has been tested and no fault was detected.*
- 2. The property owner be advised that additional time of up to twelve (12) months is available to clear the outstanding amount on this account and legal action will be suspended when a suitable payment arrangement plan is made with Council.*

KEY ISSUES

The owner contacted Council and advised that the only explanation for the excessive water consumption during the period 24 February 2016 and 31 May 2016 (\$4,890.44) is that it was stolen. There was no water leak found at the time and the owner has not had any problems since. The owner is the only occupant of the property and is a pensioner. After meeting recently with the General Manager, the owner has again requested that the account for the period 24 February 2016 to 31 May 2016 be recalculated based on the average for the same period in 2017 and 2018 and also to write off any legal costs associated with this account.

The current balance on the account is \$5,745.68 which takes into account payments made since 31/10/2017 totalling \$3,096.18 and all water consumption accounts issued since September 2017.

ITEM	6c.20.153	DISPOSAL OF COUNCIL PROPERTY – LOT 1 DP 1154607 KNOWN AS FLOOD LEVEE GRAFTON
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Meeting	Corporate, Governance & Works Committee	20 October 2020
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Confidential	

SUMMARY

To consider subdivision and disposal of Lot 1 DP 1154607, Flood Levee, Grafton.

OFFICER RECOMMENDATION

That Council

1. Subdivide Lot 1 DP 1154607 into lots matching the current lot layout and register on title an appropriate easement for access and protection of flood infrastructure,
2. Approach adjoining landowners to purchase the adjacent lot as per the terms set out in the confidential attachment A.
3. Delegate authority to the General Manager to execute documents associated with the subdivision and transfers.

COMMITTEE RECOMMENDATION

Ellem/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.20.153

Kingsley/Baker

That Council

1. Subdivide Lot 1 DP 1154607 into lots matching the current lot layout and register on title an appropriate easement for access and protection of flood infrastructure,
2. Approach adjoining landowners to purchase the adjacent lot as per the terms set out in the confidential attachment A.
3. Delegate authority to the General Manager to execute documents associated with the subdivision and transfers.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

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

BACKGROUND

Council owns Lot 1 DP 1154607 freehold. Lot 1 is classified as operational land. The land was resumed on 5 July 1929 for the purpose of constructing a flood embankment. An earthen levee is constructed on Lot 1.

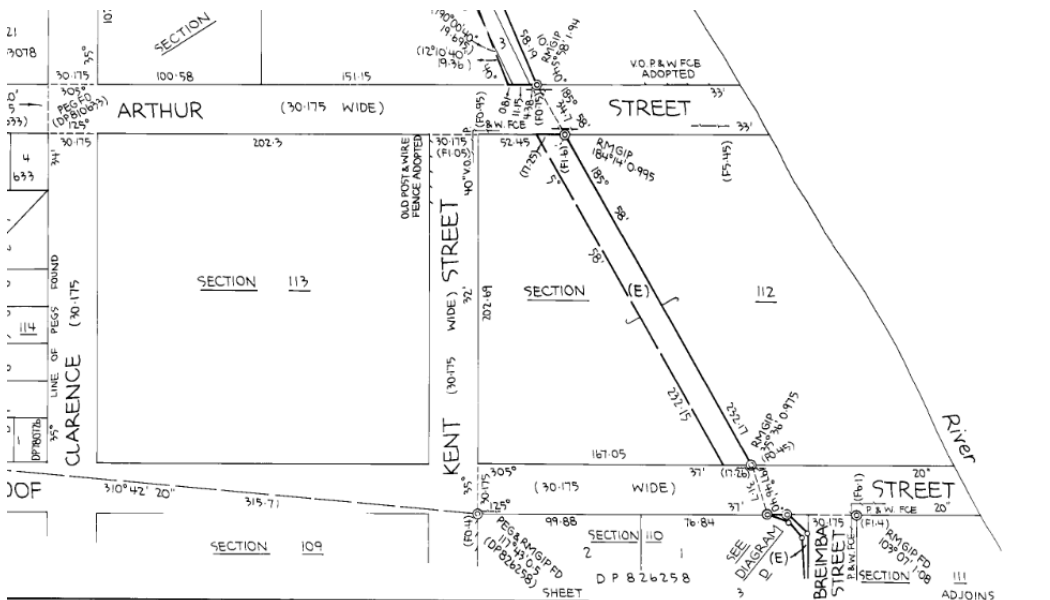


Figure 2 – Extract from DP 265293 showing the location of the easement

If each landowner proceeds with purchasing the part or Council land adjoining their freehold land, this would allow the landowners to traverse the whole of their property, as they would now own the part that divides their property in two. While the landowners generally maintain the land as part of their properties, they are under no obligation to do so. Creating an easement over the levee and transferring the land to the property owners would clarify maintenance responsibility for the land. The levee would be protected by the terms of the easement.

If landowners do not agree to purchase the part adjoining their land then Council would retain ownership however, the landowners will not be permitted to occupy or traverse it without suitable access via a lease or appropriate easement from Council. The preference is for disposal of all lots as having a mixture of freehold and either leases or easements can be confusing and will impact Council's maintenance of any lots retained. Any lots retained by Council can be accessed by staff via the easement. Council will also have the option of restricting access to the land if required, but this is not the recommended path at this stage.

Affected adjoining landowners have been advised of the intent of this report. They have not been formally consulted on purchasing the section of Council land. If Council approves this recommendation, then they will be approached accordingly outlining costs. The sections of land can be sold at varying times as Council will have the easement in place to access the parcels of land.

In accordance with Council's *Acquisition and Disposal of Council Owned Property*, the land is considered non-marketable as it is not suitable for development as a stand-alone parcel under Council's current planning controls and a sale can therefore be negotiated with each adjoining landowner. There is no requirement for each landowner to consolidate the purchased lot with their own lot as this would be an unnecessary financial burden.

COUNCIL IMPLICATIONS

Budget/Financial

Costs associated with the subdivision, easement and disposal are outlined in the confidential attachment and will be costed to Council's Strategic Property Reserve.

Asset Management

The land when sold will be removed from Council's Asset Register.

Policy or Regulation

Local Government Act 1993

Conveyancing Act 1919

Acquisition and Disposal of Council Owned Property

Consultation

Consultation has been undertaken with Council's Water Cycle (Floodplain) and Planning Sections and the proposal is supported.

Legal and Risk Management

If a property owner was injured while traversing Council's property, legal liability is currently uncertain. Creating an easement over the levee and transferring the land to property owners removes this risk.

Climate Change

N/A

Prepared by	Kylee Baker, Property Coordinator
Confidential	Terms of Acquisition

ITEM	6c.20.154	POLICY REVIEWS – NAMING OF PARK, RESERVE AND FACILITIES, ROADSIDE MEMORIALS, STOCK ON ROADS AND COMMUNITY ENGAGEMENT
Meeting	Corporate, Governance & Works Committee	20 October 2020
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	To be tabled	

SUMMARY

The report recommends adoption of policies which have been reviewed.

OFFICER RECOMMENDATION

That the following policies, having been reviewed with no substantial changes, be adopted:

1. Naming of Parks, Reserve and Facilities Policy
2. Roadside Memorials Policy
3. Stock on Roads Policy
4. Community Engagement Policy

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.20.154

Kingsley/Baker

That the following policies, having been reviewed with no substantial changes, be adopted:

- 1. Naming of Parks, Reserve and Facilities Policy**
- 2. Roadside Memorials Policy**
- 3. Stock on Roads Policy**
- 4. Community Engagement Policy**

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

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

KEY ISSUES**Naming of Parks and Reserves Policy**

This Policy was adopted in 2018 and not due for review until 2023. However due to legislative changes the policy has been reviewed with the following updates:

- The name has been changed to Naming of Parks, Reserves and Facilities Policy to include facilities
- Updated Crown Land Management Act
- Updated Geographical Names Board process
- Updated Geographical Names Board Policy
- Updated Geographical Names Board fact sheets (attachments A & B)
- The attachments to the existing policy have been superseded with a new process through the Geographical Names Board and have also been updated with the policy.

Roadside Memorials Policy

This policy was reviewed and no changes have been made.

Stock on Roads Policy

This policy was reviewed and no changes have been made.

Community Engagement Policy

This policy was reviewed and no changes have been made.

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation

As noted above.

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Lesley McBay, Coordinator Executive Support
To be tabled	Policies as listed above

ITEM	6c.20.155	COUNCIL MEETING CHECKLIST – UPDATE ON ACTIONS TAKEN
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Meeting	Corporate, Governance & Works Committee	20 October 2020
Directorate	Office of General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

SUMMARY

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

OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.20.155

Kingsley/Baker

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, Lysaught, Toms

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

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

KEY ISSUES

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

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

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation

Local Government Act 1993 S355 (1)

Consultation

Staff and Managers

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Lesley McBay, Coordinator Executive Support
Attachment	Checklist

ITEM 6c.20.156 RECOVERY AND RESILIENCE PLANNING

Meeting	Corporate, Governance & Works Committee	20 October 2020
Directorate	Corporate & Governance	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	To be tabled	

SUMMARY

In February and March 2020, Council received Bushfire Community Resilience and Economic Recovery (\$250,000) and Recovery and Resilience Building Activities (\$1,416,667) funds, in response to the 2019 Bushfires. This report provides an update of progress with expenditure; seeks to vary the General Fund accordingly (to be funded from Reserves) and reports allocation of Phase 2 Stream 1 of the Bushfire Community Recovery and Resilience Fund (\$250,000).

OFFICER RECOMMENDATION

That Council

1. note and endorse the proposed variations identified in this report for inclusion in the September Quarterly Budget Review Statement, reported elsewhere on this agenda (refer Item 6c.20.157).
2. accept the Bushfire Community Recovery and Resilience Fund Phase 2 Stream 1 allocation of \$250,000 and endorse its expenditure on projects identified in the body of this report.
3. support investigation of opportunities to assist community led applications, which may require Council to act as Lead Agency, to the Bushfire Community Recovery and Resilience Fund Phase 2 Stream 2, noting that applications are due by 30 October 2020, in accordance with the funding guidelines.

COMMITTEE RECOMMENDATION

Simmons/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.20.156

Williamson/Lysaught

That Council

1. note and endorse the proposed variations identified in this report for inclusion in the September Quarterly Budget Review Statement, reported elsewhere on this agenda (refer Item 6c.20.157).
2. accept the Bushfire Community Recovery and Resilience Fund Phase 2 Stream 1 allocation of \$250,000 and in recognition of Premier Berejiklian's one off grants to Nymboida and Ewingar of \$41,000, endorse expenditure as follows:
 - a. Bushfire affected village and facility/open space signage renewal - \$100,000
 - b. Land management trial partnership - \$110,000
 - c. Improved capacity of the airport dam to support fire-fighting efforts - \$40,000
 - d. Upgrade of the bus shelter in Nymboida - \$11,000
 - e. Ewingar community hall air conditioning and solar panels - \$30,000
3. support investigation of opportunities to assist community led applications, which may require Council to act as Lead Agency, to the Bushfire Community Recovery and Resilience Fund Phase 2 Stream 2, noting that applications are due by 11 November 2020, in accordance with the funding guidelines.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

In February and March, Council allocated Bushfire Community Resilience and Economic Recovery funds received from the State government, and Recovery and Resilience Building Activities funds received from the Federal government to the following projects:

- Engaging a Bushfire Consultant
- Implementing Community Hall improvements
- Apron areas at Grafton Regional Airport
- Establishing a Recovery and Resilience Planning team
- Implementing Recovery and Resilience Planning outcomes
- A community grant scheme
- A business stimulus package
- Rural & Tourism Impact Assessment and Recovery Strategy

An update on expenditure follows in Key Issues.

Council has now been allocated an additional \$250,000 in Phase 2 Stream 1 of the Bushfire Community Recovery and Resilience Fund. Proposed expenditure is provided in Key Issues. The scheme is funded through the Commonwealth-State Disaster Recovery Funding Arrangements established following the unprecedented fires.

Also available is Phase 2 Stream 1 of the Bushfire Community Recovery and Resilience Fund for projects between \$20,000 and \$300,000. It is recommended that Council establish partnerships with community groups to make application to the scheme.

KEY ISSUESBushfire Community Resilience and Economic Recovery Fund

- \$50,000 Engaging a Bushfire Consultant – RFS has undertaken a review of halls at no cost. Reports have been completed and received for Dundurrabin, Coutts Crossing, Glenreagh and Nymboida halls. Ewingar and Coaldale hall inspections are complete and reports pending. Eatonville, Wooloweyah and Halfway Creek hall inspections are complete. Unspent funds to be allocated to implementing the plans.
- \$50,000 Bushfire Community Recovery Events – Complete. Allocation of \$50,000 per Min 6b.20.061, 28 July 2020

Recommendation – Vary the budget to transfer \$50,000 from RA 80221 to PJ996012 (Sub Service 201) to fund the recovery events.

- \$50,000 Small business stimulus package – Economic recovery coaching service for bushfire affected small business completed and ‘Localised’ website for local business to network, receive relevant information and advertise.

Recommendation – Vary the budget to transfer \$18,950 from RA 80224 to PJ996015 (Sub Service 205) for the first stage of the small business stimulus package.

- Rural & Tourism Impact Assessment and Recovery Strategy – Consultant engaged, draft report scheduled for December 2020.

Recommendation – Vary budget to transfer \$40,000 from RA 80223 to PJ996011 (Sub Service 201) for preparation of the strategy.

Recovery and Resilience Building Activities

- \$300,000 Community Hall Improvements for bushfire resilience - Schedule of works currently being prepared with upgrade implementation to commence prior to December 2020.
- \$300,000 Apron areas at Grafton Regional Airport – scoping and cost projection underway.
- \$400,000 Recovery and Resilience Planning team - Since resolving to establish the team, the State government advised it would fund a position to undertake direct recovery work as advised by the State. The impact of this increased the team to three. The team comprises a Coordinator responsible for team management and development of a resilience and preparedness strategy, a Project Officer responsible for delivering community projects that improve preparedness, informed by an independent survey, and a dedicated Community Recovery Officer, responsible for identifying and supporting immediate individual and community recovery needs.

Projects underway include simplification of development application lodgement for bushfire affected communities, independent survey to inform community education projects and provide benchmarking data for resilience activities, community visits, support to communities to deliver commemorative activities, preparation of a resilience and preparedness framework. Preparations are also underway to partner with the Live Music Office (LMO) to deliver a “Live and Local” program in the Clarence Valley for the benefit of bushfire impacted residents \$15,000.

Recommendation – Vary budget to transfer \$45,100 from RA80001 to PJ993028 (Sub Service 201) to correct employee costs.

- \$416,667 Recovery and Resilience Planning outcomes – \$7,838.00 allocated to Nymboida Community Group Inc per Min 6b.20.061 point 3. Appointment of a dedicated building surveyor to provide support services to DA lodgement for bushfire affected applicants (\$60,000).

Recommendation – Vary budget to transfer \$7,838.00 from RA 80001 to PJ996012 (Sub Service 201) and \$60,000 from RA 80001 to PJ994800 (Sub Service 441).

Phase 2 Stream 1 of the Bushfire Community Recovery and Resilience Fund

Proposed projects (\$250,000):

- Nymboida bus shelter asset upgrade in readiness for community mural application - \$11,000. The project is community driven.
- Ewingar Hall air conditioning and solar panel project - \$30,000. The project is community driven.
- Bushfire affected community village and facility/open space signage renewal - \$100,000. Prioritising signage in bushfire areas aims to give a boost to communities through asset betterment.
- Land Management trial partnership - \$109,000. Partner with a local land management organisation to deliver fire and weed control activities.

COUNCIL IMPLICATIONS**Budget/Financial**

Allocation of funds is supported by various bushfire funds received from the State and Federal governments.

Asset Management

Any asset renewal activities will be reflected in Council's asset registers.

Policy or Regulation

N/A

Consultation

The projects are either driven by community or delivered in consultation or partnership with community.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Laura Black, Director Corporate & Governance
To be tabled	A. Advise of receipt of BCRRF Funds B. BCRRF Stream 1 Flyer C. BCRRF Stream 2 Flyer

ITEM	6c.20.157	2020/21 QUARTERLY BUDGET REVIEW STATEMENT – SEPTEMBER 2020
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Meeting	Corporate, Governance & Works Committee	20 October 2020
Directorate	Corporate & Governance	
Reviewed by	Manager - Finance & Supply (Kate Maginnity)	
Attachment	To be tabled	

SUMMARY

This report presents to Council the September 2020 Quarterly Budget Review Statement (QBR) reports for the period 1 July 2020 to 30 September 2020.

Budget adjustments for the quarter ended 30 September 2020 (subject to council resolution) result in a net General Fund impact of \$361,486 increasing the current year projected budget result to a \$26,113 deficit.

The reserve funding variations identified in this report will decrease the reserve funds by a further \$17,467,713, resulting in a current year projected reserve funds movement of \$21,146,969.

OFFICER RECOMMENDATION

That Council:

1. Receive and note the information in the Quarterly Budget Review Statement to 30 September 2020.
2. Approve General Fund variations detailed in this report totalling \$361,486, which results in a projected General Fund budget Deficit of \$26,113 for the year.
3. Approve the proposed Carry Forward Projects of \$14,504,174 and associated funding (as detailed in Attachment E) for inclusion in Council's 2020/21 Budget.
4. Approve the variations for the Financial Reserves as detailed in this report totalling \$17,195,825, which results in a projected decrease in the External and Internal Reserves Funds of \$21,146,969.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

MOTION - WITHDRAWN

Toms/Novak

That Council:

1. Receive and note the information in the Quarterly Budget Review Statement to 30 September 2020.
2. Approve General Fund variations detailed in this report totalling \$361,486, which results in a projected General Fund budget Deficit of \$26,113 for the year.
3. Approve the proposed Carry Forward Projects of \$14,504,174 and associated funding (as detailed in Attachment E) for inclusion in Council's 2020/21 Budget.
4. Approve the variations for the Financial Reserves as detailed in this report totalling \$17,195,825, which results in a projected decrease in the External and Internal Reserves Funds of \$21,146,969.
5. Request the General Manager investigate and identify efficiency savings and improvement opportunities from the Uniqco Review of Light and Heavy Plant Fleet.
6. Receive a report of projected efficiency savings from the rationalisation of Council's 5 depots with estimated minimum annual savings from 2020/21 by the December 2020 meeting.

AMENDMENT TO MOTION - WITHDRAWN

Williamson/Lysaught

That Council:

1. Receive and note the information in the Quarterly Budget Review Statement to 30 September 2020.
2. Approve General Fund variations detailed in this report totalling \$361,486, which results in a projected General Fund budget Deficit of \$26,113 for the year.
3. Approve the proposed Carry Forward Projects of \$14,504,174 and associated funding (as detailed in Attachment E) for inclusion in Council's 2020/21 Budget.
4. Approve the variations for the Financial Reserves as detailed in this report totalling \$17,195,825, which results in a projected decrease in the External and Internal Reserves Funds of \$21,146,969.

Moved by Cr Williamson, seconded by Cr Ellem: That the Council meeting adjourn for 5 minutes to allow the Mayor to seek advice from the General Manager. CARRIED.

The meeting adjourned at 2.42 pm and resumed at 2.46 pm.

Cr Toms withdrew her original motion with consent of the seconder. Cr Williamson withdrew his amendment to the original motion with consent of the seconder.

COUNCIL RESOLUTION – 6c.20.157 - A

Toms/Novak

That Council:

1. **Receive and note the information in the Quarterly Budget Review Statement to 30 September 2020.**
2. **Approve General Fund variations detailed in this report totalling \$361,486, which results in a projected General Fund budget Deficit of \$26,113 for the year.**
3. **Approve the proposed Carry Forward Projects of \$14,504,174 and associated funding (as detailed in Attachment E) for inclusion in Council's 2020/21 Budget.**
4. **Approve the variations for the Financial Reserves as detailed in this report totalling \$17,195,825, which results in a projected decrease in the External and Internal Reserves Funds of \$21,146,969.**

Voting recorded as follows:

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

Against: Nil

The first Motion was put and declared CARRIED.

SUPPLEMENTARY MOTION

Toms/Novak

That Council

1. Request the General Manager investigate and identify efficiency savings and improvement opportunities from the Uniqco Review of Light and Heavy Plant Fleet.
2. Receive a report of projected efficiency savings from the rationalisation of Council's 5 depots with estimated minimum annual savings from 2020/21 by the December 2020 meeting.

AMENDMENT TO SUPPLEMENTARY MOTION

Baker/Kingsley

That Council receive at or before the December 2020 meeting reports on:

1. Reconciliation of the efficiency savings and improvement opportunities from the Uniqco Review of Light and Heavy Plant Fleet with a report to include any further savings available.
2. Projected efficiency savings from the rationalisation of Council's 5 depots with estimated minimum annual savings from 2020/21.
3. Any other efficiency savings that may be available to Council.

Voting recorded as follows:

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

Against: Lysaught

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

COUNCIL RESOLUTION – 6c.20.157 - B

Toms/Novak

That Council receive at or before the December 2020 meeting reports on:

1. Reconciliation of the efficiency savings and improvement opportunities from the Uniqco Review of Light and Heavy Plant Fleet with a report to include any further savings available.
2. Projected efficiency savings from the rationalisation of Council's 5 depots with estimated minimum annual savings from 2020/21.
3. Any other efficiency savings that may be available to Council.

Voting recorded as follows:

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

Against: Lysaught, Kingsley

The second Motion was put and declared CARRIED.

FORESHADOWED MOTION

Lysaught

That the Committee Recommendation be adopted.

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
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**).
5. Proposed Carry Forwards Projects – Provides a full list of the proposed carried forward projects from the 2019/20 financial year (**Attachment E**).

Other Matters:

6. Quarterly Budget Review – Provides the proposed variations for the month of September. Summarises the General Fund budget variations during the quarter and the impact on the overall projected result and reserves.
7. Capital Budget Review – References to the Works Report reported elsewhere in these Business Papers.
8. Improvement Strategies – Indicates a future report to be provided to Council on the status of the adopted Improvement Strategies in 2020/21.
9. Key Performance Indicators – Provides a projected result against the benchmark for Council's General Fund key performance.

KEY ISSUES

Major Budget Variations Proposed

Following is a list of the major proposed variations identified since the adoption of the Original Budget in June 2020, during month of September 2020.

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
201	Service – Corporate & Governance Sub-Service – Recovery & Resilience Planning <ul style="list-style-type: none"> • Fund Community Recovery Events from RA 80221 – NSW DPIndE – Bushfire Community Recovery Events (\$50,000) and RA 80001 – FedGovt - UG Disaster Recovery & Resilience (\$7,838) • Fund Preparation of the Rural & Tourism Impact Assessment & Recovery Strategy from RA 80223 – NSW DPIndE – Rural Tourism Impact Assess & Recovery • Fund Recovery & Resilience Team adjusted salaries and wages from RA 80001 – FedGovt - UG Disaster Recovery & Resilience 	\$Nil	\$57,838	
205	Service – Community & Industry Engagement Sub-Service – Industry & Community Economic Development <ul style="list-style-type: none"> • Fund Preparation of the Rural & Tourism Impact Assessment & Recovery Strategy from RA 80224– NSW DPIndE – Small Business Stimulus Package 	\$Nil	\$18,950	
213	Service – Finance & Supply Sub-Service – Procurement & Contractor Management <ul style="list-style-type: none"> • Fund purchase of shelving to expand current inventory system. 	\$29,243	\$Nil	N/A

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
215	Service – Finance & Supply Sub-Service – General Purpose Revenue Management <ul style="list-style-type: none"> Adjust Financial Assistance Grant Budget to reflect 2020/21 allocation as advised by Office of Local Government and recognise 2020/21 advance payment received 2019/20 transferred from 10030 - IR – FAG unspent Reserve. Resulting net increase \$198,884. 	\$Nil	\$4,066,958	N/A
311	Service – Roads Infrastructure Sub-Service – Local Roads <ul style="list-style-type: none"> Adjust Financial Assistance Grant Budget to reflect 2020/21 allocation as advised by Office of Local Government and to recognise 2020/21 advance payment received 2019/20 transferred from 10030 - IR – FAG unspent Reserve. Resulting net increase \$8,583. Fund Tallawudjah Creek Road Project from RA 91200 - S94 Roadworks Ulmarra. 	\$Nil	\$135,406	N/A
312	Service – Roads Infrastructure Sub-Service – Regional Roads <ul style="list-style-type: none"> Adjust Financial Assistance Grant Budget to reflect 2020/21 allocation as advised by Office of Local Government and to recognise 2020/21 advance payment received 2019/20 transferred from 10030 - IR – FAG unspent Reserve. Resulting net increase \$103,615. Allocate TFNSW (Fed) Safer Roads Funding to new Capital Projects \$6,479,520. 	\$Nil	\$1,634,606	N/A
343	Service – Building & Facilities Sub-Service – Building & Facilities <ul style="list-style-type: none"> Fund additional Community Hall Upgrades from RA 80222 – NSW DPIndE – Build Community resilience 	\$Nil	\$50,000	N/A
390	Service – Watercycle Sub-Service – Watercycle Management <ul style="list-style-type: none"> Fund 50% New Support Officer Position from 79010 - ER – Water Bank Account Reserve. 	\$Nil	\$21,651	N/A
391	Service – Watercycle Sub-Service – Watercycle Projects (operations) <ul style="list-style-type: none"> Allocate Department of Planning Infrastructure & Environment contribution towards Jubullum Community Water Quality Improvement Project \$554,062 with resulting Management Fee transferred to 79010 – ER – Water Bank Account Reserve. Fund additional Water Mains Maintenance expenditure based on 2019/20 expenditure and current year work to date from 79010 – 	\$Nil	(\$50,000)	6e.20.020
		\$Nil	\$518,500	N/A

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
	ER – Water Bank Account Reserve.			
393	Service – Sewer Services Sub-Service – Sewer Projects (operations) <ul style="list-style-type: none"> Fund 50% New Support Officer Position from 79025 - ER – Sewer Bank Account Reserve. 	\$Nil	\$21,651	N/A
410	Service – Community Development Sub-Service – Community Development <ul style="list-style-type: none"> Allocate Department of Planning Infrastructure & Environment - Stronger Country Communities Fund Grant to fund Bridges Public Art Project - Milestone 1 Payment and offsetting expenditure budget \$71,488. Allocate Department of Communities & Justice - Clarence Valley Youth Review Project Grant - Indexation increase and offsetting expenditure budget \$646. 	\$Nil	\$Nil	N/A
421	Service – Library Services Sub-Service – Public Library Services <ul style="list-style-type: none"> Allocate State Library Subsidy to align with 2020/21 allocation \$1,383. 	\$Nil	\$Nil	N/A
422	Service – Cultural Services Sub-Service – Regional Gallery <ul style="list-style-type: none"> Adjust Grant Budget and offsetting expenditure to reflect remaining NSW Gov-Regional Cultural Fund - Milestone 3 \$5,295,332. 	\$Nil	\$Nil	N/A
441	Service – Environment, Development & Strategic Planning Sub-Service – Building Services <ul style="list-style-type: none"> Fund additional Building Surveyor position from RA 80001 – FedGovt - UG Disaster Recovery & Resilience 	\$Nil	\$60,000	N/A
	TOTAL Proposed General Fund / Reserve Balance Impact	\$29,243	\$6,720,660	

Explanation of Attachment

Income and Expenditure Statements (**Attachment**) are included for the information of Councillors. It should be noted that the reports include actual monthly transactions with the exception of:

- Accruals for depreciation, staff entitlements and Reserve interest are estimated only based on adopted budget, with actual accruals calculated and adjusted end of year.

The Quarterly Budget Review Statements, and subsequently the monthly financial income and expenditure statements, are presented in a new structure following the review of the Financial Chart to meet the needs of the Enterprise Asset Management System and Works Program currently being implemented and to better meet the direction that the organisation is taking in relation to the delivery of the Integrated Planning and Reporting Framework, and specifically the Operational Plan from 2021/2022.

COUNCIL IMPLICATIONS

Budget/Financial

The table below summarises the General Fund budget variations endorsed during the quarter (Minutes 6c.20.128 July and 6c.20.144 August) and the impact on the overall projected result.

September 2020 Quarter Budget Variations	Council Minutes Actioned	Budget Review Variations	Total Quarterly Variations	Net Impact	Council Minute Reference
July	\$277,588	(\$87,838)	\$189,750	Deficit	6c.20.128
August	\$87,000	\$55,493	\$142,493	Deficit	6c.20.144
September Proposed	\$0	\$29,243	\$29,243	Deficit	
Carry Forwards Proposed	\$0	\$0	\$0	Deficit	
Total	\$364,588	(\$3,102)	\$361,486	Deficit	

Original Adopted Budget		(\$335,373)	Surplus
September Quarter Proposed Variations	\$364,588	(\$3,102)	\$361,486
Revised Budget as at 30 September 2020		\$26,113	Deficit

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

September 2020 Quarter Reserve Funds Variations	Council Minutes Actioned	Budget Review Variations	Total Quarterly Variations	Net Impact	Council Minute Reference
July	\$0	(\$42,047)	(\$42,047)	Increase	6c.20.128
August	\$0	\$250,315	\$250,315	Decrease	6c.20.144
September Proposed	(\$50,000)	\$6,770,660	\$6,720,660	Decrease	
Carry Forwards Proposed	\$0	\$10,538,785	\$10,538,785	Decrease	
Total	(\$50,000)	\$17,517,713	\$17,467,713	Decrease	

Original Adopted Budget Reserve Funds Movement		\$3,679,256	Decrease
September Quarter Proposed Variations	(\$50,000)	\$17,517,713	\$17,467,713
Revised Reserve Movement Budget as at 30 September 2020		\$21,146,969	Decrease

Proposed Carry Forward Projects

Attached (refer Attachment E) is a full list of the proposed carried forward projects totalling \$14,504,174 which is further dissected on a funds basis and funding source as follows:

Fund	Amount	Reserve Funds	Grant Funds
General	\$13,446,684	\$9,481,295	\$3,965,389
Water	\$313,548	\$313,548	\$Nil
Sewer	\$419,140	\$419,140	\$Nil
Holiday Parks	\$255,179	\$255,179	\$Nil
Clarence Regional Library	\$69,623	\$69,623	\$Nil
Total Carry Forward Projects	\$14,504,174	\$10,538,785	\$3,965,389

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

Improvement Strategies are currently being investigated and reconciled. A future report to be provided to Council on the status of the adopted Improvement Strategies later in 2020/21.

KEY PERFORMANCE INDICATORS

The indicators adopted in the Long Term Financial Plan 2020/21 – 2029/2030 measure Council's financial position and its financial performance. These indicators are aligned with the Fit For the Future Ratios and focus on long term sustainability.

The forecasts are derived from Council's adopted Long Term Financial Plan and the Asset Management Strategy unless a material variation in the indicator has occurred during the period. The variations proposed in this QBRS do not materially affect Council's end of year position against KPI's.

GENERAL FUND	Forecast Indicator	Benchmark
Operating Performance Ratio	(1.20%)	Min > 0%
Own Source Revenue Ratio	59.89%	Min > 60%
Building & Infrastructure Asset Renewal Ratio	91.44%	Min > 100%
Infrastructure Backlog Ratio	4.00%	Max < 2%
Asset Maintenance Ratio	84%	Min > 100%
Debt Service Ratio	3.98%	< 12%
Real Operating Expenditure per Capita	\$1,728.41	Declining Trend

COUNCIL IMPLICATIONS**Budget/Financial**

The proposed General Fund budget variations for the September 2020 Quarter will result in a Revised 2020/21 Budget as at 30 September 2020 of a \$26,113 Deficit. The approved Reserve Funds variations for the September 2020 Quarter has resulted in a Revised 2020/21 Budget Reserve Funds movement as at 30 September 2020 of a \$21,146,969 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
To be tabled	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 E. Carry Forwards

Appendix 1**Report by Responsible Accounting Officer – 2020/21 September 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 30 September 2020 indicates that Council's projected short term financial position at 30 June 2021 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 2020 was \$6.711m.

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 2020	\$6,711
Adopted original budget for 2020/21 – Surplus	(\$335)
Variations for September 2019 Quarterly Review – Deficit	\$361
Estimated Balance of Working Capital at 30 June 2021	\$6,685

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 2021 of \$6.685M is above Council's benchmark and can be considered a satisfactory result as at 30 June 2021. However, Council must continue to maximise its revenue and contain expenditure to budget expectations to ensure the forecast Working Capital for 2020/21 does not deteriorate to unsatisfactory level.

Signed Kate Maginnity, Responsible Accounting Officer, Clarence Valley Council
Date 9/10/20

ITEM 6c.20.158 WATER EFFICIENCY STRATEGIC PLAN - UPDATED

Meeting	Corporate, Governance & Works Committee	20 October 2020
Directorate	Works & Civil	
Reviewed by	Manager - Water Cycle (Greg Mashiah)	
Attachment	To be tabled	

SUMMARY

This report was put to the September 2020 Council meeting and it was resolved to return to the October Committee for further consideration pending a rescission motion if necessary.

OFFICER RECOMMENDATION

That the Water Efficiency Strategic Plan (WESP) 2020 be adopted.

COMMITTEE RECOMMENDATION

Lysaught/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.20.158

Kingsley/Baker

That the Water Efficiency Strategic Plan (WESP) 2020 be adopted.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 4 Environment

Objective 4.1 We will preserve and enhance our natural environment

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

BACKGROUND

This report was put to the September 2020 Council meeting and it was resolved that:

COUNCIL RESOLUTION – 6c.20.140

That this item be deferred to be returned to the October Committee meeting pending a rescission motion if necessary.

The report is now re-submitted to Council for consideration. The WESP needs to be adopted by both Clarence Valley Council and Coffs Harbour City Council (CHCC) in order for the WEIP to become operational. An equivalent report is being put forward to CHCC for adoption.

The purpose of the WESP (and WEIP) is to implement ongoing water efficiency measures in both Clarence Valley and Coffs Harbour City Councils in order to minimise the impacts of urban water extraction on the ecology of the river system. This is a requirement of the water licence for Shannon Creek Dam.

The WESP provides an overall framework and identifies a range of possible water efficiency actions. The WEIP sets out specific tasks in more detail and provides direction on the allocation of responsibilities, time and resources to manage and complete the actions in the plans. The WEIP is a working/operational document that may be reviewed and updated on an annual basis by the Water Efficiency Working Group (as directed in the documents), and so is not adopted by Council resolution.

The WESP was first developed in 1997 with extensive community consultation and adopted in 1998. In 2007 and 2013 the WESP was revised and adopted by both Clarence Valley and Coffs Harbour City Councils, and the same process is being followed for the 2020 WESP.

KEY ISSUES

There are no foreseeable issues with the strategy or its implementation.

Although two submissions were received, no amendments to the WESP were required. The submissions included support for the WESP and WEIP, various queries and a number of concerns regarding issues not relevant to the WESP. Both submissions have been carefully considered and comprehensive responses prepared.

COUNCIL IMPLICATIONS

Budget/Financial

The update of the WESP and WEIP was included in the 2019/20 water efficiency budget. WESP implementation will be included in the annual budget allocation for the water efficiency program.

Asset Management

One of the benefits of an effective water efficiency program is a delay in the need for new infrastructure and enlargement of Shannon Creek Dam due to reduced water demand.

Policy or Regulation

The Water Efficiency Rebate Policy will be subject to review upon adoption of the new WESP.

Consultation

A draft Water Efficiency Strategic Plan (WESP) and Water Efficiency Implementation Plan (WEIP) was placed on public exhibition from Wednesday June 24 2020 to Wednesday July 22 2020. Two submissions were received during the exhibition period and all of the issues raised were addressed. One of the submissions raised concerns over threats to water quality and supply, however this WESP document is specific to water efficiency with the primary goal of reducing water demands on the reticulated water supply.

Exhibition of the draft WESP and WEIP were advertised in the Council notices and water newsletter and copies were available at Council's Maclean and Grafton offices. Information and links to document were also provided via Council's website, Clarence Conversations and on social media.

Legal and Risk Management

The WESP and WEIP (and their periodic review) are required in order to satisfy the licence conditions for the operation of Shannon Creek Dam.

Climate Change

Maximising water efficiency will help secure our water supply and ensure our preparedness for increasingly variable rainfall in the face of climate change.

Prepared by	Christopher Hellyer, Education Officer (Water Efficiency)
To be tabled	A: Water Efficiency Strategic Plan B: WESP 2020 Submissions and Responses

ITEM	6c.20.159	FUNDING OFFER AND GRANT APPLICATIONS– BRIDGE AND HEAVY VEHICLE PROJECTS	
Meeting	Corporate, Governance & Works Committee	20 October 2020	
Directorate	Works & Civil		
Reviewed by	Director - Works & Civil (Jamie Fleeting)		
Attachment	Yes		

SUMMARY

Council has received notification of funding from the Federal Government for several bridge replacement and freight projects. These projects have been funded under the Bridges Renewal Program (BRP), round five and Heavy Vehicle Safety and Productivity Program (HVSPP), round seven.

Council staff have also recently submitted several applications for timber bridge replacements under the NSW Fixing Country Bridges program.

OFFICER RECOMMENDATION

That Council note the grant announcement and endorse further grant applications be submitted for the co-contribution values as detail in this report.

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.20.159

Kingsley/Baker

That Council note the grant announcement and endorse further grant applications be submitted for the co-contribution values as detail in this report.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

Bridges Renewal Program Funding Offer

The Bridges Renewal Program (BRP) is an Australian Government initiative to fund the upgrade and replacement of bridges to enhance access for local communities and facilitate higher productivity vehicle access.

This program offers up to a 50% contribution for the replacement of eligible structures. Over previous years Council has been relatively successful with applications for grants under this program to facilitate and expedite the timber bridge replacement program.

Under round five Council staff submitted applications for the five bridges at the top of our bridge replacement program. As staff anticipated a successful outcome with the applications, the 20/21 co-contribution value for these projects was included in this year's adopted budget. A summary of the projects and the co-contribution values is provided in Table 1 below.

In order to ensure that Council was positioned to deliver these projects within the proposed timeframes staff have already commenced preconstruction (detailed investigation and design work) on the Jackybulbin Tullymorgan and McPhillips Road bridges. Staff are also planning the commencement of detailed design work on Dignans Bridge before December 2020.

As this expenditure will have occurred prior to acceptance of the grants, this expenditure will not be recoverable but will be counted as co-contribution towards the project. This expenditure has already been funded under the adopted 20/21 Capital Works Budget and will have no additional impact.

There remains an opportunity to have the remainder of the co-contribution value funded through the NSW Government Fixing Country Bridges Program. In consideration of this staff have submitted applications for the co-contribution amounts under this program. Council anticipate the announcement of this program to be made before February 2021, which would allow our contribution towards the construction cost to be swapped for Fixing Country Bridges allocation.

Table 1 - Bridges Renewal Program Projects

Project	Total Estimated Cost	BRP Contribution	20/21 Council Contribution	21/22 Council Contribution or Fixing Country Bridges
Jackybulbin Tullymorgan Road 3 x Timber Bridge Replacements (Mangrove Creek, Bridge No.2 and Bridge No. 3)	\$1,594,330	\$797,165	\$63,000	\$734,165
McPhillips Road Timber Bridge Replacement, Halfway Creek	\$595,134	\$297,567	\$32,373	\$265,194
Dignans Timber Bridge replacement, Coongbar Rd	\$738,034	\$343,002	\$60,000	\$335,032

Heavy Vehicle Safety and Productivity Funding Offer

The Heavy Vehicle Safety and Productivity Program (HVSP) is an Australian Government initiative to fund infrastructure projects that improve the productivity and safety outcomes of heavy vehicle operations across Australia. This program offers up to 50% contribution towards approved projects.

Under round seven staff submitted grant applications that were directed on industrial areas and freight route corridors where road upgrades would allow improved access for heavy vehicles to better support the businesses in our communities. The projects are listed in Table 2 along with the funding sources. The co-contribution for these projects will be included in the 21/22 Operational Plan.

Table 2 – Heavy Vehicle Safety and Productivity Program

Project	Total Estimated Cost	HVSP Contribution	NSW Safer Roads Contribution	21/22 Council Contribution
Townsend Industrial Estate Upgrade	\$1,961,080	\$980,540	Nil	\$980,540
Armidale Road Safety and Access Improvements	\$2,560,000	\$1,280,000	\$640,000	\$640,000

These projects have been specifically selected to address asset management priorities whilst meeting the requirements of the grant and community needs. Specifically, the Townsend project will include pavement strengthening, widening and drainage upgrades along the existing B-Double route. Upon completion of the project there is the potential to approve more productive vehicles to use this route, which will provide better productivity to the businesses within our shire.

The Armidale Road project will address the tightest two corners on Armidale Road between Hortons Creek and Clouds Creek, provide a slow vehicle turnout and allow replacement of the causeway at Ward Creek. These are not only safety issues identified with our Corridor Assessments, but also include assets that have

significant maintenance burden. This project, combined with the other safer roads projects will allow us to seriously consider access for more commercial vehicles on Armidale Road between Clouds Creek and Hortons Creek. The actual vehicles that can be approved will be assessed during detailed design.

There remains an opportunity to apply for the funding for the co-contribution value of Townsend Industrial Estate project through round two of the Fixing Local Roads grant program. The Armidale Road project could be co-funded through the Regional Road Block grant or Repair program, this would be available for consideration in the 21/22 budget process. Both projects could also be funded from the Strategic Road Upgrade Reserve.

Fixing Country Bridges

The aim of the Fixing Country Bridges Program is to enable councils to replace timber bridges in poor condition and better connect regional and rural communities. The program aims to reduce the maintenance and renewal burden on councils and improve accessibility for local and regional communities.

This program is a \$500M program only open to regional councils that have eligible timber bridges. The program estimates that there are approximately 1800 timber bridges in the state of NSW, of which Clarence Valley Council has approximately 114 remaining. This is a significant proportion of the States total tally and suggests that Council is well positioned to receive a proportion of the projects under this program.

In consideration of this, staff have submitted applications for 32 timber bridge replacements, which equate to approximately \$34M dollars worth of projects, the full list and values are attached to this report. Staff have included the bridges that have been funded under the BRP program and have shown co-contribution from Council funds as shown in table 1 of this report. A small co-contribution has also been included on some additional projects as the intention would be to commence investigation and design work immediately using the bridge replacement program funds already allocated in the 20/21 budget. The remaining projects have been submitted as 100% funded.

Staff intend to commence design and investigation for a number of reasons, but the key points include:

- The grant guidelines strongly encourage co-contribution.
- To progress our highest priority projects in preparation for award of the grants. This also considers the expected resource constraints that will be created from \$500M worth of bridge projects being delivered within two years.

To put the potential resource constraints in context, historically Council has replaced around 2 timber bridges per year, so this would equate to approximately 15 years worth of projects compressed into two years. Even with some design work completed, we would likely need external resources to support the delivery of this program.

KEY ISSUES

The BRP and HVSP projects have been announced as being funded, however the formal letter of offer has not yet been received and the grants have not yet been accepted. In addition, the grants are conditional on co-contribution. Council can choose to accept or reject any of the projects, however the funding allows Council to accelerate improvements to the condition of the local road network at half the cost.

In addition, the grant applications have been targeted at areas that are either a maintenance burden now, or, in the forthcoming years that will likely involve significant expenditure from Council to repair or renew. In consideration of this, it is recommended that these grants be accepted.

The FCB projects have only recently been submitted with project announcements expected in December.

COUNCIL IMPLICATIONS

Budget/Financial

The financial impact is detailed in the provided tables.

Asset Management

All of the projects involve the renewal of assets that are already on our asset register. The HVSP projects also involve some asset upgrades.

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Alex Dalrymple, Manager Civil Services
Attachment	HVSPP Treatment Diagrams FCB Project List

ITEM	6c.20.160	UPDATE - CYCLIST SAFETY AND IMPROVEMENTS TO CYCLEWAY NETWORK IN GRAFTON
Meeting	Corporate, Governance & Works Committee	20 October 2020
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	To be tabled	

SUMMARY

Council considered a notice of motion at the September 2020 meeting regarding cycling facilities. This report provides an update on this issue.

OFFICER RECOMMENDATION

That:

1. Council endorse establishing a Road Safety Officer (RSO), with 50% of the salary co funded from Transport for NSW (TfNSW).
2. Council endorse inclusion of its contribution of up to \$64,600 to FP 995300, for inclusion in the Q2 QBRS to be reported in February 2021.
3. A further report be provided with details and estimates of any additional resources that are required and in consideration of endorsement of item 1.
4. A new Active Transport Plan be developed that incorporates and updates the existing (2015) Pedestrian Access and Mobility Plan (PAMP) and Bike Plan and is placed on public exhibition prior to adoption.

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.20.160

Clancy/Williamson

That:

1. Council endorse establishing a Road Safety Officer (RSO), with 50% of the salary co funded from Transport for NSW (TfNSW).
2. Council endorse inclusion of its contribution of up to \$64,600 to FP 995300, for inclusion in the Q2 QBRS to be reported in February 2021.
3. A further report be provided with details and estimates of any additional resources that are required and in consideration of endorsement of item 1.
4. A new Active Transport Plan be developed that incorporates and updates the existing (2015) Pedestrian Access and Mobility Plan (PAMP) and Bike Plan and is placed on public exhibition prior to adoption.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

At the September 2020 meeting, the following (item 07.20.011) was resolved:

That Council:

- 1. Work with Transport for NSW to complete a cycling connectivity and safety analysis of the cycleway / shared-use path network in the Clarence Valley including paths associated with the new Grafton Bridge, the Big River Way gateways and the new Pacific Highway interchanges at Ferry Park, Harwood and Yamba Road.*
- 2. As a priority, prepare and publish updated maps on its website (Lifestyle & Recreation >> Walks & cycling) to promote safe cycling routes in its towns. ORDINARY COUNCIL MEETING 22 SEPTEMBER 2020 This is page 123 of the Minutes of the Ordinary Meeting of Clarence Valley Council held 22 September 2020*
- 3. Make the Local Traffic Committee aware of concerns relating to incidents impacting cyclist safety due to poor motorist behaviour (either actions or inaction).*
- 4. Review the 2015 Bicycle Plan, incorporating changes to the road and cycleway network and making further recommendations where necessary so that cyclists can safely and conveniently access the facilities of the towns in the Clarence Valley.*
- 5. Place a draft of the Bicycle Plan on public exhibition to seek public feedback before being submitted to Council for adoption.*
- 6. Receive a report back to Council on this issue in May 2021.*
- 7. Report to the October Council meeting on any requirement for funds to implement this motion.*

Items 1, 2 and 3 are currently being reviewed by staff and are in progress. Item 4, 5, 6 and 7 are addressed within this report. It is acknowledged that the intent of this resolution is to improve the safety, connectivity and accessibility of cycling facilities across the LGA. The proposed resolution will achieve that intent and provide alignment with the NSW Government Planning framework. It is envisaged that this will also provide the best avenue to access grant opportunities into the future.

KEY ISSUES

Active Transport Planning

Council currently has two plans that guide active transport planning within the LGA, a Pedestrian Access and Mobility Plan (PAMP) and a Bike Plan. These plans were both developed in 2015 using the NSW Government framework at that time.

Since 2015 there have been significant changes in the LGA, but potentially more significantly, the State Government have changed their approach to active transport planning. Under the Future Transport 2056 plan the emphasis has evolved from looking at footpath and cycle way's in isolation, to a 'movement and place' approach that considers active transport as part of the full range of transport modes.

This change has also lead to a change in how grants are assessed for footpath and cycleway projects and this trend is likely to continue. It is anticipated that having a plan that presents local priorities in a way that reflects the priorities of the State Government is likely to result in greater success with grant applications and future funding opportunities.

It is recommended that a new Active Transport Plan be developed that incorporates the PAMP and Bicycle plan and applies the 'movement and place' context. This builds on actions of the recently adopted Local Strategic Planning Statement and other initiatives that staff have broadly been exploring and discussing with TfNSW.

Promoting Safety

Whilst it is understood that the intent of this resolution is to promote the safety of cyclists it is important to note that staff are conscious of promoting the safety of pedestrians, bicycle riders and motorists in general across the LGA. One way to address this on a permanent basis would be to add a dedicated Road Safety Officer (RSO) to the organisation chart. This role has historically been supported and co funded by TfNSW for up to 50% of the salary for this position (currently capped at \$64,600 per annum). The joint funding arrangement for the RSO encourages greater connectivity and collaboration between council and TfNSW and is therefore well positioned to oversee all safety related programs and grant opportunities on behalf of council. This role also performs a primary liaison role within the Local Traffic Committee.

An expression of interest was recently submitted to TfNSW seeking support for the role and TfNSW has, this week provided in principle agreement that would allow council to further consider this additional role. Further information and details of the TfNSW safety program are attached to this report.

Additional Resources

At the time of drafting this report staff have been unable to appropriately to quantify or estimate the time and resources required to update (and consolidate) the current reports into Active Transport Plan. However, staff consider that many of the existing or identified plans could be combined or reused.

The issue of resourcing (and cost) would become clearer if Council endorsed the recommended resource of a Road Safety Officer (RSO) that would manage the develop of the Active Transport Plan in consideration of any internal and external assistance required.

Acknowledging that more work needs to be done to identify the full scope of resources required to develop an Active Transport Plan, it is recommended that a further report be provided should additional resources be required.

COUNCIL IMPLICATIONS

Budget/Financial

In order to develop an Active Transport Plan, it is anticipated that this work should be delivered internally. This would allow the best use our existing resources and platforms to engage the community, update the projects and integrate with our other strategic plans.

In order to execute this it is recommended that approval be provided to add a Road Safety Officer to the organisation chart with 50% of the salary paid for from Transport for NSW (TfNSW) and a recurrent budget variation of up to \$64,000 to FP 995300 for the remaining 50% being Council's contribution.

If Council wish to only update the bike plan in its current form, it is anticipated that this could be undertaken with \$50,000 allocated to FP 995300.

Asset Management

Any additional footpath, shared path or cycleway assets would become Council assets.

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

Creating an appropriate and accessible active transport network will help to encourage fossil fuel free transport modes.

Prepared by	Alex Dalrymple
To be tabled	RSO LGRPS Guidelines

ITEM 6c.20.161 DRAFT STREET LIGHT SHIELDING POLICY

Meeting	Corporate, Governance & Works Committee	20 October 2020
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Yes	

SUMMARY

Council staff have been receiving an unusual number of requests for the installation of light shields, or shades to street lights. To provide a consistent, equitable and appropriate approach to this, it is proposed that the attached draft Street Light Shielding Policy be placed on public exhibition.

OFFICER RECOMMENDATION

That Council endorse the draft Street Light Shielding Policy for public consultation for 28 days and if there are no objections or submissions adopt the policy as attached.

COMMITTEE RECOMMENDATION

Simmons/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.20.161

Kingsley/Baker

That Council endorse the draft Street Light Shielding Policy for public consultation for 28 days and if there are no objections or submissions adopt the policy as attached.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

In the 2019/20 financial year, our street light assets on local roads were converted from traditional globes to LED globes.

As a result of the changes to the globes there have been a number of issues including:

- it is no longer possible to retrofit shields to existing lights; instead, the entire luminaire needs to be replaced with a special louvered option.
- traditional globes faded over time and the new LED globes appear to be brighter by comparison.
- the light colour of the LED globe is different to that of some traditional globes and appears brighter even if the light intensity has not increased.

In consideration of the above, there has been an increase in the number of requests that we are receiving for retrofitting street light shields. There has also been a cost increase in having shields fitted. Prior to the

introduction of LED globes requests were infrequent and as there was no policy in place, the costs of retrofitting shields were borne by Council.

This draft policy aims to provide a clear process around street light shield installation and clarify who should bear the cost of the installation.

KEY ISSUES

Responsibility for costs

Council has historically covered the cost of the installation of street light shields regardless of the source of the request. Upon review, in most circumstances, a street light shield provides very little community benefit but provides significant benefit to the applicant. There are of course exceptions and the draft policy seeks to clarify this responsibility.

The requirement to meet Australian Standards

New street lighting installations are designed to comply with *Australian Standard AS1158 – Lighting for roads and public spaces*. The design of lighting to this standard takes into consideration many factors, but the key aims are to provide lighting levels that:

- are sufficiently uniform to avoid motorists' eyes from having to adjust to frequent changes
- be within the maximum and minimum values for the appropriate lighting category
- minimise light spill and glare

Retrofitting shades or changing the luminaire to a louvered version changes the light (throw) characteristics and risks making the installation non-compliant with the Australian Standard. The policy seeks to clarify our risk management approach, but in general, it is recommended that shades not be approved where the lighting has been designed or installed for road safety.

COUNCIL IMPLICATIONS

Budget/Financial

The draft policy seeks to have the applicant bare the cost of the modification to the street lighting.

Asset Management

Street lights, shades and louvered luminaires are Council assets.

Policy or Regulation

Australian Standard AS1158 'Lighting for roads and public spaces'
NSW Public Lighting Code

Consultation

It is recommended that the policy be placed on exhibition for 28 days for community consultation.

Legal and Risk Management

Modifications to street lights can lead to a liability risk for Council.

Climate Change

N/A

Prepared by	Alex Dalrymple
Attachment	Draft Street Light Shielding Policy

ITEM 6c.20.162 UPDATE - TRUCK DRIVERS' MEMORIAL PARK, SOUTH GRAFTON

Meeting	Corporate, Governance & Works Committee	20 October 2020
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Yes	

SUMMARY

At the Council meeting of 17 February 2015 (Item 14.024/15) Council resolved to retain this item on the Council checklist so that it could be considered should grant funding become available. This report is provided in light of the recent completion of the new Grafton Bridge and the impacts of this change.

OFFICER RECOMMENDATION

That:

1. The update on Truck Drivers' Memorial Park, South Grafton be received and noted.
2. This item be removed from the Council checklist and no further action be taken due to feasibility issues as stated in this report.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.20.162

Kingsley/Baker

That:

1. The update on Truck Drivers' Memorial Park, South Grafton be received and noted.
2. This item be removed from the Council checklist and no further action be taken due to feasibility issues as stated in this report.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

At the Council meeting of 18 November 2014 (Item 15.028/14) Council resolved to investigate the suitability of providing a hard stand area for short term truck parking in the Truck Drivers Memorial Park behind the truck drivers' memorial wall at South Grafton, with a report to be presented to the February 2015 Council meeting.

A report was provided to the February 2015 meeting detailing the anticipated costs and design options at that time. Specifically Council resolved:

That:

- 1. The report on truck parking at South Grafton be received and noted.*
- 2. Council pursue Roads and Maritime Services, state and federal Members of Parliament for relevant funding sources.*
- 3. This item stay on the Council checklist so as to be considered an option if relevant grant funding becomes available.*

Since the 2015 report there have been significant changes to the area around the Truck Drivers' Memorial Park as a result of the new Grafton Bridge project and the Pacific Highway Upgrade Project. These two projects have altered the traffic volumes and traffic arrangement in general around this area. Whilst traffic counts have not recently been taken the volumes are considered to be significantly lower with the Pacific Highway bypass and upgrade now operational.

KEY ISSUES

In light of the changes, a new investigation of this site was undertaken to determine whether the access identified in the original report is still available and to provide an update on those findings.

Site Access

Access to the site is problematic for heavy vehicles. Historically there was an informal track constructed adjacent, and to the east of the service station however this has been removed as a result of the construction works undertaken. It would be possible to construct a new formal access to the east of the service station, however, vehicles heading north would need to undertake a U turn at the new roundabout on Iolanthe Street and head south to the new service road. This detour is likely to discourage heavy vehicle operators from using this area, and on inspection, staff observed that few heavy vehicles seem to be using the adjacent service station.

The only viable long-term access option is considered to be the construction of a new access from the intersection of Schwinghammer Street with Big River Way along the western boundary of the former Council depot.

Previously we sought comment from Transport for NSW (TfNSW) about the suitability of this access point. The response stated that any parking facility of this nature would require turning lanes off Big River Way in both directions. Construction of turning lanes for heavy vehicles would involve significant expenditure.

Estimated Cost

The cost estimate for the construction of a hardstand in the 2015 report was \$690,000. Allowing for a 3% pa increase in cost, the current day construction cost is estimated at \$799,899.

This estimate is based on conceptual level information only and does not include any allowance for the upgrade of the intersection with Big River Way, or a suitable access to the new service road. Any intersection upgrade will need to be constructed to highway standards at significant cost.

Traffic Volumes and Utilisation

Since the Pacific Highway Upgrade has been completed, the number of heavy vehicles traversing this area has decreased significantly. Combined with the access issues with this site, it is considered unlikely that it would be used by heavy vehicles and deliver value for money for the community. In light of this it is recommended that this item be removed from the Council checklist and no further action taken.

COUNCIL IMPLICATIONS

Budget/Financial

There is currently no budget for these works.

Asset Management

This project is not contained in any of Council's current asset management plans.

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

This project would involve the removal of a large number of trees on a reserve under the care and control of Council.

Prepared by	Alex Dalrymple
Attachment	Locality map and access options

ITEM	6c.20.163	2019/20 ANNUAL WASTE MANAGEMENT REPORT
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Meeting	Corporate, Governance & Works Committee	20 October 2020
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Nil	

SUMMARY

Council provides a comprehensive waste management service to all sectors of the Clarence community. The following report provides an overview of waste services during 2019/20.

OFFICER RECOMMENDATION

That the 2019/20 waste activity report be received and noted.

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.20.163

Kingsley/Baker

That the 2019/20 waste activity report be received and noted.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 4 Environment

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

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

BACKGROUND

Clarence Valley Council provides a wide range of waste management services with the primary aim of resource recovery and minimising waste going to landfill.

The service includes:

- Kerbside residual waste, recycling and organics collection to over 22,000 households
- Commercial waste management services to approx. 850 businesses
- Processing of organics and recyclables at processing facilities located at the Grafton Regional Landfill
- Management of public place waste bins
- Operation of Grafton Regional Landfill
- Operation of a network of eight Waste Transfer Stations across the valley
- Waste and environmental education including the Environmental Learning Facility (ELF) located at the Grafton Regional Landfill
- Host Council and member of North East Waste who deliver waste projects across the north east region

KEY ISSUES

The following table presents data on key waste activities during 2019/20.

Activity	Result
Kerbside Residual Waste to Landfill	8,648 tonnes an increase of 4% on 18/19
Kerbside Bulky Waste to Landfill (Annual Clean-up)	Cancelled
Kerbside Recycling	5,200 tonnes a decrease of 4.4% on 18/19
Food & Garden Organics	7,596 tonnes an increase of 7.3% on 18/19
Kerbside Service Diversion Rate	60%
Recycling Service Contamination Rate	4%
Organics Service Contamination Rate	0.7%
Other Recycling from Landfill and Transfer Stations	1,925 tonnes
Other Garden Waste Recycling at Transfer Stations	1,384 tonnes
Total Waste to Landfill	55,400 tonnes an increase of 28% on 18/19
Landfill Airspace consumed including cover material	56,932m3
Concrete/masonry crushed at landfill	3,545 tonnes
Scrap metal recovered at landfill	1,816 tonnes
Illegal Dumping Reports	229

Compliance

EPA Licence – Council met its licence conditions under the Protection of the Environment Operation Act for the Grafton Regional landfill except for one incident during the 2 February 2020 flood event. Leading up to and during the event the Regional Landfill received over 850mm of rainfall which exceeded the water management capacity of the landfill. As a result there was a discharge of diluted leachate from the landfill leachate dam. The discharge was reported to the EPA as required.

Carbon Abatement Contract - Council met its obligations under the Emissions Reduction Fund contract by delivering 6,850 Australian Carbon Credit Units to the Clean Energy regulator by the due date.

Solid Waste Management Strategy 2020 – 2027

At its May 2020 meeting, Council adopted a new waste management strategy. The strategy documents Council's waste management direction to at least 2027 during which a new domestic waste collection contract will be due to go to market. The strategy has a strong emphasis on resource recovery and includes an action plan containing 59 actions across a wide spectrum of waste issues.

COVID 19 Responses

Protecting highly skilled landfill staff from COVID-19 to ensure business continuity presented significant challenges for waste services. Hygiene and social distancing practices were improved and rosters amended to segregate key staff. To reduce exposure and to address potential staff shortages the Grafton Regional Landfill was also closed on Sundays and the annual 2020 kerbside bulky waste collection service was cancelled.

In the early stages of the March community shut down many householders took the opportunity to clean-up around the house resulting in a substantial increase in the number of people attending our waste transfer station. At the Maclean WTS security staff were engaged to control the number of vehicles entering and leaving the site to ensure social distancing could be maintained.

Bushfire and Flood Impacted Waste

The major 2019 bushfires followed by the February 2020 flood were devastating for many Clarence Valley residents. The clean-up following these events generated a major quantity of waste. The Grafton Regional Landfill was one of only a few landfills on the northern rivers capable of accepting the quantity of waste involved. As a result bushfire waste was received from a number of LGA's including Bellingen, Coffs Harbour, Kyogle, Lismore, Nambucca, Richmond Valley and Tenterfield.

As at 30 June 2020 a total of 19,600 tonnes of disaster waste was received at the Grafton Regional Landfill, this included 2,532 tonnes of asbestos. There was 1,140 tonnes of scrap metal and 1,731 tonnes of concrete recovered at the landfill for reuse and recycling. At the peak there was an average of 20 vehicles entering the landfill per hour which certainly stretched the capacity of the facility.

Most clean-up and disposal costs were funded by the state government however as part of Council's response to the bushfires the disposal cost for the state government was reduced by \$29/ tonne. This involved 4,895.5 tonnes at a cost to Council of \$141,970. Council also waived disposal cost for bushfire waste not covered by the state government or insurance. This involved 360 tonnes at a cost of \$20,361.

Most bushfire clean-up was completed by 30 June however some bushfire waste is expected to be received up to September 2020.

Education

Face to face waste and environmental education programs basically ceased during the second half of the financial year due to COVID-19.

Prior to the COVID-19 shutdown the Environmental Learning Facility hosted 38 events involving 752 participants for a range of learning activities, including school excursions, community meetings and training days, upcycled workshops and other presentations.

Kerbside Recycling

The on-going challenges facing kerbside recycling from China's National Sword Policy, Australian Government bans on the export of recyclable material and the diversion of containers to the successful return and earn system has resulted in the collapse of long term markets creating major financial issues for the recycling industry. State and Federal Governments are directing significant funding to the sector with the aim of creating on-shore processing and more viable markets. Unfortunately positive outcomes are some years away and there is likely to be pressure to further increase processing costs in the mean time.

New Landfill Cell 4B

The second stage of Landfill Cell 4 was constructed during 2019 on time and under budget. The timely completion of Cell 4B enabled Council to efficiently dispose of bushfire and flood impacted waste. The increased quantity of waste being received will bring forward the development of Cell 4C to 2021/22.

Community Recycling Centres

There are three community recycling centres at Grafton and Maclean Transfer Stations and the Grafton Regional Landfill where residents can drop off household problem waste items for safe disposal at no cost. Problem waste items include paint (oil and water based), gas bottles and fire extinguishers, fluoro globes and tubes, household batteries, car batteries, motor and other oils, smoke detectors and E-waste.

Mattress Recycling

Mattress recycling continued with a total of 1950 mattresses diverted from landfill.

Illegal Dumping

Council's regulatory staff continue to use surveillance cameras at targeted hot spots throughout the valley. During 2019/20 regulatory staff issued penalty notices, clean up notices and cautions relating to illegal dumping. Council has continued to monitor illegal dumping through the EPA's RID online tool (Report Illegal Dumping).

Second Hand Saturday

In September 2019 a total of 105 Clarence Valley households conducted a garage sale as part of Second Hand Saturday which aims to re-use and recycle unwanted household items, saving valuable landfill space. Second Hand Saturday is an annual event facilitated by North East Waste and is scheduled for September each year.

Love Food, Hate Waste

This on-going program facilitated by North East Waste encourages householders to reduce food waste through practical workshops and cooking demonstrations. There is also a social media campaign with a film, cookbook and advertising promoting Love Food, Hate Waste.

Upgrading Baryulgil Waste Transfer Station

Baryulgil Waste Transfer Station was upgraded in 2019/20 partly with a grant from the NSW EPA and assistance from Baryulgil Local Aboriginal Land Council. The upgrade works included gating and staffing the site (previously open 24/7) and providing additional recycling opportunities for residents.

The upgrade has been successful with around 60% less waste being received at the site (much of which was believed to be coming from outside the Local Government Area) and the site being well maintained significantly reducing health and safety risks. There is also an economic saving to Council with no special

clean-ups required since the site was staffed and no bulk loads of tyres and other problem wastes illegally dumped at the site.

COUNCIL IMPLICATIONS

Budget/Financial

Waste management activities during 2019/20 were fully self funded by way of the annual domestic waste charge, user fees, annual waste levy and state government grants.

As the annual 2020 bulky waste clean-up was not undertaken due to COVID-19, the 2020/21 annual domestic waste charge was reduced to take into account this saving.

Asset Management

Council maintains the waste assets as per Council's Waste Asset Management Plan.

Policy or Regulation

Council's Landfill and network of waste transfer stations are operated in accordance with the *Protection of the Environment Operations Act and the POEO (Waste) Regulation*.

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

Waste management services make up over half of Council's carbon footprint. Many waste management activities are aimed at reducing waste to landfill and minimising emission generation. This report details the quantity of waste involved and some of the measures undertaken to reduce emissions.

Prepared by	Ken Wilson, Waste & Sustainability Co-ordinator
Attachment	Nil

ITEM	6c.20.164	IPART DOMESTIC WASTE MANAGEMENT CHARGES SUBMISSION
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Meeting	Corporate, Governance & Works Committee	20 October 2020
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	To be tabled	

SUMMARY

This report details the submission made to the IPART review on local Council domestic waste management charges.

OFFICER RECOMMENDATION

That the submission to the IPART domestic waste management charges review be noted.

COMMITTEE RECOMMENDATION

Lysaught/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.20.164

Kingsley/Baker

That the submission to the IPART domestic waste management charges review be noted.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 4 Environment

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

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

BACKGROUND

The Independent Pricing and Regulatory Tribunal of NSW (IPART) are currently reviewing domestic waste management (DWM) charges levied by NSW local Councils. A discussion paper based on preliminary analysis (refer to Attachment) has been released for community consultation. The discussion paper poses a number of questions and invites comments on the questions raised. Council has made a submission as detailed below.

KEY ISSUES

Council's submission to the discussion paper questions are as follows:

- 1. Question: Is it a concern that DWM charges appear to be rising faster than the rate peg? Are there particular cost-drivers that may be contributing to this?**

Submission: Domestic Waste Management (DWM) charges rising faster than rate pegging is no concern at this time. With the State Government encouraging/requiring the provision of additional

services to recover more resources from the waste stream as well as higher environmental standards for landfill management and waste processing it is quite logical that there will be increases in DWM charges above rate pegging as these services are implemented. Also contributing to the increased costs is the global market situation for dry recycling which is partly due to Government policy - export bans. The NSW Waste Levy makes up a significant component of DWM charges and this is adjusted annually by CPI and most waste management contracts also include a CPI price index. CPI movements have for the most been higher than rate pegging.

2. Question: To what extent does the variation in services and charges reflect differing service levels, and community expectations and preferences across different Councils?

Submission: The variation in service levels has a major impact on charges. It was not that long ago that the only DWM service provided by Councils was a weekly residual bin collection service. Over a number of years service levels increased to include kerbside recycling and more recently there has been the move towards kerbside organics and Food Organics and Garden Organics (FOGO) services to meet landfill diversion targets. If Councils with community support are increasing service levels it will be reflected in DWM charges.

3. Question: Is there effective competition in the market for outsourcing DWM services? Are there barriers to effective procurement?

Submission: Yes there does appear to be a reduction in competition in the DWM market. There has been in some regions a trend to go to market with regional contracts to create economies of scale. With more services, longer contract periods and much higher contract values it appears that the market is now too difficult for new and smaller contractors to enter the domestic waste market. This is more evident in the dry recycling market.

4. Question: Are overhead expenses for DWM services appropriately ring-fenced from general residential rates overhead expenses?

Submission: Overhead expenses at our Council are appropriately ring-fenced from other general fund works on an activities based costing method.

5. Question: If IPART was to regulate or provide greater oversight of DWM charges, what approach is the most appropriate? Why?

Submission: IPART should not regulate DWM charges. If IPART was to try and regulate DWM charges, the regulation should be minimal and must provide flexibility to ensure Councils are not burdened by costly red tape, recognises local variability's and is not prevented from adopting innovative new or improved services and infrastructure.

Regulation inevitably results in less innovation, less competition and increased costs. Regulating price increases by establishing maximum percentage increase would make it unreasonably difficult to adjust to market changes and to introduce new services etc.

6. Question: Are there any other approaches that IPART should consider?

Submission: IPART could facilitate the development of a detailed guideline that establishes what constitutes a reasonable cost when determining DWM charges.

7. Question: If a reporting and benchmarking approach was adopted, how could differences in service levels, as well as drivers of different levels of efficient cost, be accounted for?

Submission: It would be extremely difficult to introduce a benchmarking system that addresses the wide range of variability's both within the LGA and between Councils and still provide meaningful and relevant information for consumers. In every LGA there will be a wide range of social, economic and environmental issues that will impact on DWM costs and it is not just the difference in service levels and population, there are just so many variables to take into account including:

- a. The date waste contracts were awarded and the length of the contract is a variable that impacts on cost.

- b. The geographic area being serviced is a major variable, our Council covers almost 11,000sq km with a population density of 4.94 people per km². There are 3 major towns and 60 villages.
- c. Service levels within Council can vary between an urban service and a rural service.
- d. Conditions of rural roads impacting on collection vehicle life is a cost variable.
- e. The housing density of the service area is a cost variable.
- f. Service standards specified in contracts is a cost variable.
- g. Distance to and cost of landfilling is a significant cost variable.
- h. Distance to & cost processing facilities for dry recyclables and organics is a cost variable.
- i. Distance to markets for dry recyclables is a cost variable, in our LGA it is between 400km and 1000km (depending on the produce) to transport sorted recyclable for further processing.

8. Question: Is there merit in IPART's proposed approach to developing a reporting, monitoring and benchmarking approach and pricing principles for setting DWM charges? Is it likely to be an effective approach?

Submission: Benchmarking even for perceived similar Councils will be difficult for the reasons touched on in question 7. Pricing principles and detailed guidelines for establishing DWM charges would be more effective.

9. Question: Would IPART's proposed approach be preferable to audits of local Council's DWM charges by Office of Local Government?

Submission: Audits by OLG would be an unnecessary and costly burden for both OLG and Councils; therefore a pricing principle/guideline approach is preferred. Including a DWM reasonable cost review once during the 4 year term of Council could be an approach. However, it would be more appropriate for the review to be undertaken by Councils independent financial auditors as occurred in the past.

10. Question: Are there any issues that should be considered with regards to developing an online centralised database for all NSW Councils' DWM charges to allow Councils and ratepayers to benchmark Council performance against their peers?

Submission: As outlined earlier there is considerable difficulty in developing a meaningful benchmarking database; consumers will just take on board the difference in costs between Councils without drilling down into the reasons why there is a difference in cost. This can generate simplistic and uninformed community debate.

11. Question: Do you agree with IPART's proposed pricing principles?

Submission: There is general agreement with the pricing principles; however Council does not agree with components of principle 1. – User pays.

- a. We understand and support the user pays approach however we do not support the proposed incremental cost allocation method. Domestic waste management is considered a core function of Council. Using Human Resources (HR) as an example in a Council that contracts out some services, for such Councils if domestic waste services were no longer provided it is unlikely that Councils overall HR cost would decrease, therefore under the incremental cost allocation method no HR cost could be apportioned to the DWM charge. This is not a true cost reflection as there are HR costs. If DWM procured HR services external to Council the cost impact on the DWM charge would be much higher. An average or similar cost per DWM employee for HR services is considered a fair and reasonable method of allocating these costs to DWM. The same would apply to most corporate costs; finance, IT, office accommodation, executive services etc.
- b. Agree that social programs such as reduced costs to charities should not be funded from DWM. Councils do have the option of supporting or not supporting such programs. However with the legislated pensioner subsidies Councils do not have the option of not funding the subsidy. If the pensioner subsidy was funded from general rates it would result in many ratepayers who don't have access to the DWM services e.g. remote rural ratepayers

contributing to the costs of householders that receive a domestic waste service. It would be fairer for a legislated DWS subsidy to pensioners to be funded by those that benefit from the service through the DWM charge.

It would also appear in conflict with the Local Government Act which prevents income from an ordinary rate to be applied to domestic waste services

12. Question: Are there any other pricing principles or issues that should be considered?

Submission: It is recommended that the following additional pricing principle be included. "DWM charges should reflect local sustainable procurement policies." Many LGA's have sustainable procurement policies that aim to ensure procurement takes into account sustainability principles and provides support for local participation.

13. Question: Could a centralised database and display of key elements of all successful DWM service contracts (eg. Name of tenderer, service provided and contract amount) assist Councils in procuring efficient services?

Submission: A centralised database as proposed would have no benefit to Council in procuring efficient domestic waste services. Procurement practices are regulated and well established and the EPA has clearly established what is considered to be best practice domestic waste services. Market forces at the time of tendering will determine what an efficient service locally is. Commercial in confidence restrictions would be difficult to overcome meaning the data base would be of little value to local Councils and would most likely inhibit competitive tendering outcomes.

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

Prepared by	Ken Wilson, Waste and Sustainability Coordinator
To be tabled	Submission Cover Sheet IPART Domestic Waste Management Charges Discussion Paper

ITEM 6c.20.165 INTERIM DROUGHT MANAGEMENT PLAN

Meeting	Corporate, Governance & Works Committee	20 October 2020
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	To be tabled	

SUMMARY

One of the six elements of DPIE Water's Best Practice Management framework requirements are that Local Water Utilities prepare a Drought Management Plan. An interim Drought Management Plan has been prepared and is reported to Council for information.

OFFICER RECOMMENDATION

That Council note the interim Clarence Valley Drought Management Plan.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.20.165

Kingsley/Baker

That Council note the interim Clarence Valley Drought Management Plan.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

Strategy 2.1.1 Maintain and renew water and sewer networks

BACKGROUND

In order to pay a dividend from its sewer and/or water funds Council is required to meet the six elements of the Best Practice Management framework. An external audit of Council's compliance with the Best Practice Management Framework undertaken by Forsythe's was reported to Council's 20 March 2018 meeting (Report 15.047/18). The audit comments regarding the requirement for a Drought Management Plan were:

The Drought Management Plan has been incorporated into the IWCM and the system operation plan for the Clarence Valley and Coffs Harbour regional water supply scheme. However, the Guidelines require a separate Drought Management Plan.

Given the feedback from DI-CLAW and our interpretation of the Guidelines, Council's current approach to the drought management is not considered fully compliant. DI- CLAW agreed in an email response that Council has "substantially" achieved the outcomes of the drought management guideline requirements.

Therefore, although the current drought management documents do not presently strictly comply with the guidelines, Council has mitigated the risk given the email response from DI-CLAW.

The DPIE Water Best Practice Management guidelines indicate regarding Drought Management Plans:

A comprehensive Drought Management Plan details the demand and supply issues to be addressed during drought conditions and includes adoption of a schedule of trigger points for the timely implementation of appropriate water restrictions.

KEY ISSUES

Usually the first element of a Drought Management Plan would be undertaking a “secure yield” analysis to determine the “secure yield” of the catchment. DPIE Water is currently developing a North Coast Regional Water Strategy which includes developing a secure yield assessment; however, the secure yield analysis is not scheduled to be available until late 2020.

In 2020/21 Council is also updating its Integrated Water Cycle Management (IWCM) strategy, which is another of the six Best Practice Management elements. Both the secure yield analysis and Drought Management Plans are key elements in the development of an IWCM strategy.

Given the linkages to the Water Efficiency Strategic Plan (WESP) and water restrictions, consultants Hydrosphere (who prepared the WESP) were engaged to develop an interim Drought Management Plan. The interim Drought Management Plan will mean development of Council’s IWCM strategy is not delayed.

Following completion of the North Coast Regional Water Strategy secure yield analysis, the Drought Management Plan will need to be updated to incorporate that data.

COUNCIL IMPLICATIONS

Budget/Financial

The interim Drought Management Plan is considered to address the best management framework auditor recommendations which will enable payment of a dividend from the sewer and/or water funds from the 2019/20 Financial Year.

Asset Management

N/A

Policy or Regulation

Best Practice Management of Water Supply and Sewerage Guidelines

Consultation

Coffs Harbour City Council

Legal and Risk Management

N/A

Climate Change

The secure yield analysis being undertaken as part of the North Coast Regional Water Strategy will account for forecast changes in catchment yield resulting from climate change.

Prepared by	Greg Mashiah, Manager Water Cycle
To be tabled	Clarence Valley Drought Management Plan

ITEM 6c.20.166 WORKS REPORT

Meeting	Corporate, Governance & Works Committee	20 October 2020
Directorate	Works & Civil	
Reviewed by	Manager - Civil Services (Alex Dalrymple)	
Attachment	Yes	

SUMMARY

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

OFFICER RECOMMENDATION

That the Works Report be received and noted.

COMMITTEE RECOMMENDATION

Ellem/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.20.166

Toms/Ellem

That the Works Report be received and noted.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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



BACKGROUND


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


KEY ISSUES


The projects below highlight capital projects that were undertaken during September.

Project:	Rushforth Park Sports Amenities Building	
Project Description:	Construction of the Rushforth Park Sports Amenities Building	
Budget:	\$1,634,135.00	

Expenditure:	\$1,595,622.00	 
Status:	Completed. Opening held on 29 September. Will be utilised for the semi and grand finals.	

Project:	Treelands Drive Roundabout Upgrade	
Project Description:	Part of the Access Yamba Intersection Upgrade Project which involves the construction of a roundabout at the intersection of Treelands Drive and Yamba Road and the intersection of Carrs Drive and Yamba Road.	
Budget:	\$5,727,805	
Expenditure:	\$643,000	
Status:	The Treelands Drive Roundabout construction is well underway and is due for completion in the coming months.	

Project:	Arthur Street Sewer Main collapse repairs	 <p>6m deep Sewer excavation</p>
Project Description:	<p>On 24 February a large diameter, 6m deep sewer main collapsed in Arthur St Grafton. The collapsed section was next to the road carriageway. A vast amount of ground material was “sucked” into the sewer collapse and a bypass pumping system was required to keep the sewerage flowing in this part of Grafton.</p> <p>Two days later a 200mm water main burst in the same location as the ground was still moving causing the water main break. Urgent repairs were undertaken to repair the water main and restore service to hundreds of customers.</p> <p>Due to the depth of the sewer main and the high ground water table a ground water dewatering system along with shoring boxes was set up to attempt lowering of the ground water to enable sewer mains repairs. The traditional method of dewatering was implemented but was not successful in lowering the water table enough to</p>	

	<p>allow repairs to be undertaken.</p> <p>Geologists were consulted and advised that the substrate had shifted and allowed an under ground stream to break through causing the sewer main collapse.</p> <p>Deep wells had to be sunk and large pumps brought in to pump 24/7 to lower the ground water table; this was done over several weeks and enabled the crew to excavate the pipe and assess the damage and undertake the repair. A total of 20 meters of sewer man was replaced at a depth of 6 meters using 9 shoring boxes and many steel plates.</p> <p>Once the repair was completed an internal liner was installed to provide strength and integrity to the full length of sewer main.</p>	 <p>CCTV footage of new liner</p>
Budget:	Sewer Mains Maintenance (Operational)	
Expenditure:	\$456,551.63 in 2019/20 \$355,821.52 in 2020/21	
Status:	<ul style="list-style-type: none"> • Pipe repair completed in July 2020 • Internal liner installation completed in September 2020 	

COUNCIL IMPLICATIONS

Budget/Financial

N/A

Asset Management

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

Policy or Regulation

There are no policy or regulation implications.

Consultation

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

Legal and Risk Management

There are no legal or risk management implications.

Climate Change

There are no climate change implications.

Prepared by	Alex Dalrymple – Manager Civil Services Peter Birch – Manager Open Spaces Greg Mashiah – Manager Water Cycle
Attachment	Works program

ITEM	6c.20.167	INFORMATION AND PRIVACY COMMISSIONER AUDIT REPORT
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Meeting	Corporate, Governance & Works Committee	20 October 2020
Directorate	Corporate & Governance	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	To be tabled	

SUMMARY

In September 2020, the Information and Privacy Commissioner released a compliance audit of Clarence Valley Council with requirements of the Government Information Public Access (GIPA) Act 2009. The audit report and Council's responses to recommended improvements are tabled for noting.

OFFICER RECOMMENDATION

That the Information and Privacy Commissioner's audit report, responses provided and progress against recommendations, be noted.

COMMITTEE RECOMMENDATION

Lysaught/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.20.167

Clancy/Lysaught

That the Information and Privacy Commissioner's audit report, responses provided and progress against recommendations, be noted.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

The audit examines Council's compliance with Open Access requirements of the *Government Information Public Access Act 2009*. The decision to undertake the audit was informed by publicly available information that Council did not comply with the requirements of Guidelines 1 to publish the returns of pecuniary interests of Councillors and designated persons. Council was invited to provide feedback and is required to report progress against the recommendations by 9 November 2020.

KEY ISSUES

The audit report presents recommendations for improvement as follows, accompanied by Council's response.

Information Privacy Commissioner recommendation	Council response – August 2020	Progress October 2020
4.1 Documented Policy and Procedures		
Recommendation 1 The CVC to finalise and publish the Disclosure of Interests – Reporting Responsibilities procedure document by 14 September 2020.	The Privacy Commissions observation is dated January 2020, the Disclosure of Interests – Reporting Responsibilities procedure was finalised in February 2020.	Complete
Recommendation 2 The CVC should ensure the public interest test is conducted in relation to information that is claimed to attract an OPIAD prior to redacting information contained within the returns.	Noted and agreed. The Privacy Commissioners observation is dated January 2020, the Disclosures of Interests – Reporting Responsibilities procedure was finalised in February 2020.	Complete
Recommendation 3 The CVC is encouraged to actively promote the location and circulate copies of the Procedures document and return forms within the Council on commencement of employment, quarterly and annually.	Noted and agreed. Undertaken every 3 months, on induction and exit for designated persons, in accordance with the agreed Procedure.	Complete
Recommendation 4 The CVC is encouraged to include within its Procedures document the categories of information the returns should contain in accordance with Part 2 of Schedule 1 of the Model Code including defining the pecuniary interests of a designated person.	Noted, will now review procedure.	Procedure under review.

4.2 Open Access		
Recommendation 5 CVC to update Live Chat operating hours information for consistency.	Noted and completed.	Complete
Recommendation 6 CVC to promote consistency and accessibility in relation to returns of interest by establishing a single readily identifiable open access pathway for access available under 'Returns of the interests of councillors, designated persons and delegates' section of the 'Council reports and documents' page so as to improve consistency with accessibility of this information.	Noted, but limitations with the current website, which we are upgrading this financial year which will address access.	Website upgrade expected by June 2021.
Recommendation 7 CVC to consider the addition of descriptive identifiers to meeting attachment documents to improve their usability as open access information.	Noted, currently reviewing how the Council minutes are presented on Council's website.	In progress
Recommendation 8 The CVC to implement procedures to comply with section 20 of the GIPA Act and publicly identify the kinds of information for which a charge is (or will be)	Noted, the access to information page on Council's website has	Complete

imposed including instructions on how this information may be accessed.	been updated.	
<p>Recommendation 9</p> <p>The CVC to keep a record of the open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure in compliance with s18(f). The record is to indicate only the general nature of the information redacted in accordance with section 6(5) of the GIPA Act.</p>	Noted and completed.	Complete

4.3 Form of Return		
<p>Recommendation 10</p> <p>The CVC should review its prescribed form for consistency with the requirements of the model Code.</p>	Noted and completed.	Complete
<p>Recommendation 11</p> <p>The CVC to ensure the application of the public interest test prior to redaction or omission as opposed to apply routine redactions to personal information to ensure that it is able to demonstrate the application of the public interest test to the different types of returns and information provided by the designated persons.</p>	<p>Noted and agreed.</p> <p>The Privacy Commissioners observation is dated January 2020, the Disclosures of Interests – Reporting Responsibilities procedure was finalised in February 2020.</p>	Complete
<p>Recommendation 12</p> <p>CVC should review its Procedures to ensure that the assessment of personal information accords with the definition of personal information under the GIPA Act.</p>	<p>Noted.</p> <p>The Privacy Commissioners observation is dated January 2020, the Disclosures of Interests – Reporting Responsibilities procedure was finalised in February 2020.</p>	Complete

4.4 Governance		
<p>Recommendation 13</p> <p>The CVC to finalise the Procedures document by 14 October 2020 and include:</p> <ul style="list-style-type: none"> • A model for escalation in cases of non-disclosure • An express statement that only the General Manager or an officer duly authorised by the General Manager who is independent of the complaint may exercise functions under an Information Act (as defined by the GIPA Act) and in doing so provide an assessment of and take any action in relation to the complaint. 	<p>Noted.</p> <ol style="list-style-type: none"> 1. Procedural document updated and approved by General Manager September 2020, providing a model for escalation and attention to non-disclosure by staff designated persons. 2. Complaints Management Policy under review, but currently provides for consideration of alleged breach of Code of Conduct to be considered by the General Manager. This will be made more explicit in review. 	In progress
<p>Recommendation 14</p> <p>The CVC maintain a register of all designated persons required to submit an interest return including the date of making the return publicly available.</p>	Noted.	Complete

<p>Recommendation 15</p> <p>The General Manager, CVC as principal officer to approve all final Procedures and all of other CVC policies and procedures to reflect recommendations made in this report and achieve compliance with the open access requirements of the GIPA Act and ensure distribution and promotion of the Procedures to staff and Councillors by 2 November 2020.</p>	<p>Noted.</p> <p>Procedures approved in February 2020 and made available to staff and Councillors quarterly.</p>	<p>Complete</p>
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COUNCIL IMPLICATIONS

Budget/Financial

N/A

Asset Management

N/A

Policy or Regulation

GIPA ACT 2009

Consultation

N/A

Legal and Risk Management

Recommended improvements aim to reduce risk.

Climate Change

N/A

Prepared by	Laura Black, Director Corporate & Governance
To be tabled	Information & Privacy Commissioner Compliance with the Open Access requirements of the GIPA Act – September 2020

ITEM 6c.20.168 MONTHLY INVESTMENT REPORT – SEPTEMBER 2020

Meeting	Corporate, Governance & Works Committee	20 October 2020
Directorate	Corporate & Governance	
Reviewed by	Manager - Finance & Supply (Kate Maginness)	
Attachment	Yes	

SUMMARY

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

OFFICER RECOMMENDATION

That the report indicating Council's funds investment position as at 30 September 2020 be received and noted.

COMMITTEE RECOMMENDATION

Lysaught/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Toms, Simmons

Against: Ellem

COUNCIL RESOLUTION – 6c.20.168

Toms/Williamson

That the report indicating Council's funds investment position as at 30 September 2020 be received and noted.

Voting recorded as follows:

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

Against: Ellem, Clancy

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

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

KEY ISSUES**Source of Funds Invested**

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

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

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

Portfolio Credit Limits

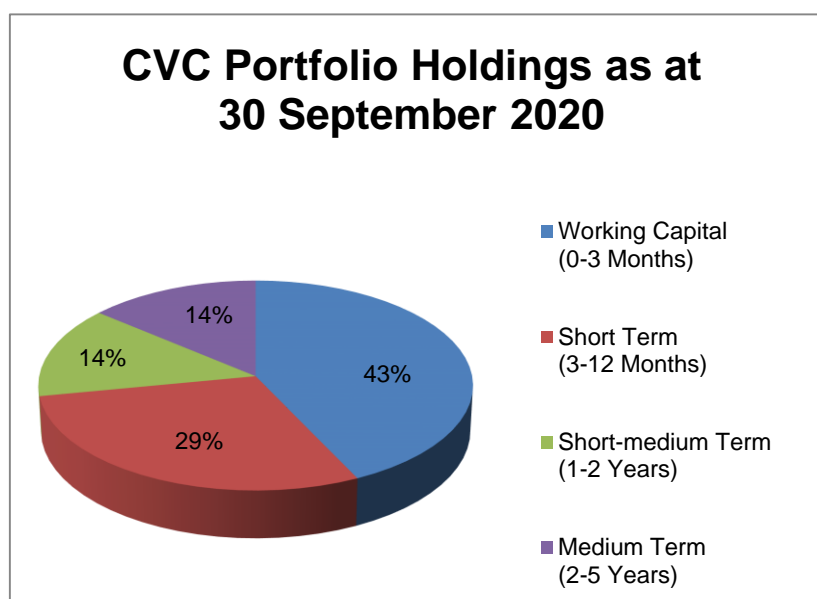
Tabled below is a summary of Council's investments as at 30 September 2020 which details compliance with Council's Investment Policy Portfolio Credit Limits.

Portfolio Credit Limits as at 30 September 2020				
Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
AAA	100.00%	4,989,484	3.96%	Yes
AA	100.00%	32,090,431	25.48%	Yes
A	60.00%	32,250,000	25.61%	Yes
BBB	50.00%	56,599,202	44.95%	Yes
TOTAL INVESTMENTS		125,929,117	100.00%	

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

Portfolio Holdings by Maturity

Illustrated and tabled below is a summary of Council's investments by maturity as at 30 September 2020. Excluding "at-call" working capital, 46.06% of Council's investments are maturing within the next twelve months.



Individual Institution or Counterparty Limits

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

Individual Institution or Counterparty Limits as at 30 September 2020					
Financial Institution	Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
TERM DEPOSITS & FRNs*					
AMP	BBB+	15.00%	8,000,000	6.35%	No
ANZ*	AA-	30.00%	2,052,600	1.63%	Yes
BoQ	BBB+	15.00%	18,000,000	14.29%	Yes
CBA*	AA-	30.00%	2,040,200	1.62%	Yes
Credit Union Australia	BBB	15.00%	2,000,000	1.59%	Yes
Defence	BBB	15.00%	8,000,000	6.35%	Yes
ING Direct	A	15.00%	18,000,000	14.29%	Yes
Macquarie	A	15.00%	6,000,000	4.76%	Yes
ME Bank	BBB	15.00%	4,000,000	3.18%	Yes
NAB	AA-	30.00%	4,000,000	3.18%	Yes
NAB*			1,012,800	0.80%	
P&N	BBB	15.00%	3,000,000	2.38%	Yes
RaboDirect	A+	15.00%	9,000,000	7.15%	Yes
Westpac	AA-	30.00%	7,000,000	5.56%	Yes
Westpac*	AA-		1,540,500	1.22%	
TOTAL TERM DEPOSITS & FRNs*			93,646,100	74.36%	
MANAGED FUNDS					
TCorp	AAA	40.00%	489,484	0.39%	Yes
TOTAL MANAGED FUNDS			489,484	0.39%	
FUNDS AT CALL					
AMP	BBB+	15.00%	15,294,142	12.15%	No
AMP	BBB+	15.00%	1,055,060	0.84%	No
ANZ	AA-	30.00%	3,784,244	3.01%	Yes
CBA	AA-	30.00%	11,598,899	9.21%	Yes
CBA	AA-	30.00%	61,188	0.05%	Yes
TOTAL FUNDS AT CALL			31,793,533	25.25%	
TOTAL INVESTMENTS			125,929,117	100.00%	

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

Register of Investments - Clarence Valley Council as at 30 September 2020					
Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
WORKING CAPITAL (0-3 MONTHS)					
T-CorpIM Cash Fund	489,484	0.39%	At-Call	0.48%	AAA
AMP Bank Ltd	15,294,142	12.15%	At-Call	1.05%	BBB
AMP Bank Ltd	1,055,060	0.84%	At-Call	0.55%	BBB
ANZ Banking Group Ltd	3,784,244	3.01%	At-Call	0.55%	AA-
Commonwealth Bank of Australia	11,598,899	9.21%	At-Call	0.10%	AA-
Commonwealth Bank of Australia	61,188	0.05%	At-Call	0.20%	AA-
AMP Bank Ltd	2,000,000	1.59%	16/11/2020	1.65%	BBB
AMP Bank Ltd	2,000,000	1.59%	30/11/2020	1.60%	BBB
Bank Of Queensland Ltd	1,000,000	0.79%	26/10/2020	3.20%	BBB+
Bank Of Queensland Ltd	1,000,000	0.79%	26/10/2020	3.20%	BBB+
Bank Of Queensland Ltd	1,000,000	0.79%	02/12/2020	3.60%	BBB+
Credit Union Australia	2,000,000	1.59%	04/11/2020	1.55%	BBB
Defence Bank	2,000,000	1.59%	20/11/2020	3.00%	BBB
Defence Bank	2,000,000	1.59%	17/12/2020	3.00%	BBB
ING	1,000,000	0.79%	10/11/2020	2.92%	A
ING	2,000,000	1.59%	13/11/2020	1.55%	A
Macquarie Bank Ltd	3,000,000	2.38%	16/12/2020	1.65%	A
ME Bank Ltd	2,000,000	1.59%	06/11/2020	1.35%	BBB
TOTAL WORKING CAPITAL (0-3 MONTHS)	53,283,017	42.31%		1.23%	
SHORT TERM (3-12 MONTHS)					
AMP Bank Ltd	3,000,000	2.38%	05/03/2021	1.45%	BBB
AMP Bank Ltd	1,000,000	0.79%	31/08/2021	0.80%	BBB
Bank Of Queensland Ltd	2,000,000	1.59%	12/01/2021	3.65%	BBB+
Bank Of Queensland Ltd	2,000,000	1.59%	04/06/2021	1.15%	BBB+
Bank Of Queensland Ltd	1,000,000	0.79%	29/06/2021	3.45%	BBB+
Bank Of Queensland Ltd	1,000,000	0.79%	06/07/2021	0.95%	BBB+
Bank Of Queensland Ltd	2,000,000	1.59%	08/07/2021	0.95%	BBB+
Defence Bank	2,000,000	1.59%	04/03/2021	1.50%	BBB
Defence Bank	2,000,000	1.59%	09/03/2021	3.00%	BBB
ING	2,000,000	1.59%	03/02/2021	1.65%	A
ING	2,000,000	1.59%	02/03/2021	1.60%	A
Macquarie Bank Ltd	3,000,000	2.38%	11/05/2021	1.30%	A
ME Bank Ltd	2,000,000	1.59%	07/05/2021	1.35%	BBB
National Australia Bank	2,000,000	1.59%	11/08/2021	0.85%	AA-
National Australia Bank	2,000,000	1.59%	10/09/2021	0.75%	AA-
P&N Bank	3,000,000	2.38%	11/03/2021	3.82%	BBB
RaboDirect (Australia) Ltd	2,000,000	1.59%	14/06/2021	3.02%	A+
RaboDirect (Australia) Ltd	1,000,000	0.79%	21/06/2021	3.07%	A+
Westpac Bank	2,000,000	1.59%	05/03/2021	3.00%	AA-
TOTAL SHORT TERM (3-12 MONTHS)	37,000,000	29.38%		1.97%	
SHORT - MEDIUM TERM (1-2 YEARS)					
Bank Of Queensland Ltd	1,000,000	0.79%	02/12/2021	3.80%	BBB+
Bank Of Queensland Ltd	1,000,000	0.79%	09/05/2022	3.60%	BBB+
Bank Of Queensland Ltd	1,000,000	0.79%	03/08/2022	3.60%	BBB+
ING	2,000,000	1.59%	29/11/2021	1.55%	A
ING	3,000,000	2.38%	11/02/2022	1.60%	A
ING	2,000,000	1.59%	21/02/2022	1.60%	A
ING	3,000,000	2.38%	21/02/2022	1.60%	A
RaboDirect (Australia) Ltd	2,000,000	1.59%	13/09/2022	3.40%	A+
Westpac Bank	1,000,000	0.79%	16/11/2021	1.30%	AA-
Westpac Bank	2,000,000	1.59%	18/07/2022	1.15%	AA-
TOTAL SHORT-MEDIUM TERM (1-2 YEARS)	18,000,000	14.29%		2.07%	

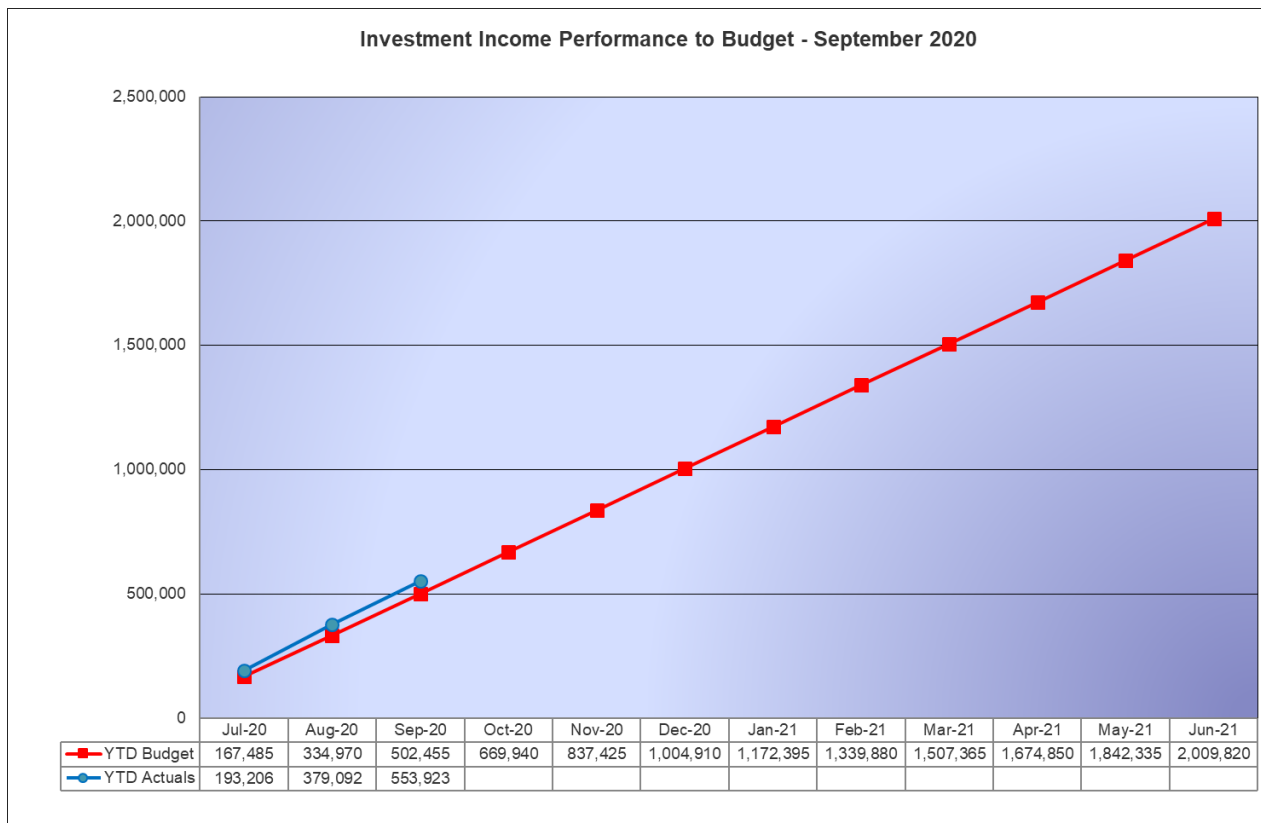
Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
MEDIUM TERM (2-5 YEARS)					
Bank Of Queensland Ltd	2,000,000	1.59%	08/02/2023	3.55%	BBB+
Bank Of Queensland Ltd	2,000,000	1.59%	21/08/2023	3.60%	BBB+
ING	1,000,000	0.79%	04/10/2022	3.66%	A
RaboDirect (Australia) Ltd	1,000,000	0.79%	05/12/2022	3.21%	A+
RaboDirect (Australia) Ltd	1,000,000	0.79%	17/08/2023	3.40%	A+
RaboDirect (Australia) Ltd	2,000,000	1.59%	19/09/2023	3.40%	A+
Westpac Bank	2,000,000	1.59%	13/03/2023	1.01%	AA-
ANZ Banking Group Ltd (3m BBSW +103bps) (Principal Value \$2,000,000) Market Value	2,052,600	1.63%	06/12/2023	1.12%	AA-
Commonwealth Bank (3m BBSW +80bps) (Principal Value \$1,000,000) Market Value	1,013,900	0.81%	25/04/2023	0.90%	AA-
Commonwealth Bank (3m BBSW +113bps) (Principal Value \$1,000,000) Market Value	1,026,300	0.81%	11/01/2024	1.24%	AA-
National Australia Bank (3m BBSW +80bps) (Principal Value \$1,000,000) Market Value	1,012,800	0.80%	10/02/2023	0.90%	AA-
Westpac Bank (3m BBSW +114bps) (Principal Value \$1,500,000) Market Value	1,540,500	1.22%	24/04/2024	1.24%	AA-
TOTAL MEDIUM TERM (2-5 YEARS)	17,646,100	14.01%		2.31%	
TOTAL INVESTMENTS	125,929,117	100.00%		1.72%	

COUNCIL IMPLICATIONS

Budget/Financial

Portfolio Investment Returns to 30 September 2020			
	Actual	Budget 2020/21	Over/(Under)
This Month			
Cash Deposits & FRNs	\$174,660	\$167,235	\$7,425
Managed Funds	\$171	\$250	(\$79)
	\$174,831	\$167,485	\$7,346
Year to Date			
Cash Deposits & FRNs	\$553,152	\$501,705	\$51,447
Managed Funds	\$771	\$750	\$21
	\$553,923	\$502,455	\$51,468

- Actual results have shown that total interest income to 30 September 2020 is \$0.051M above the 2020-21 YTD budget of \$0.502M.
- As at 30 September 2020 the Floating Rate Notes (FRNs) had an unrealised capital gain of \$125,000.

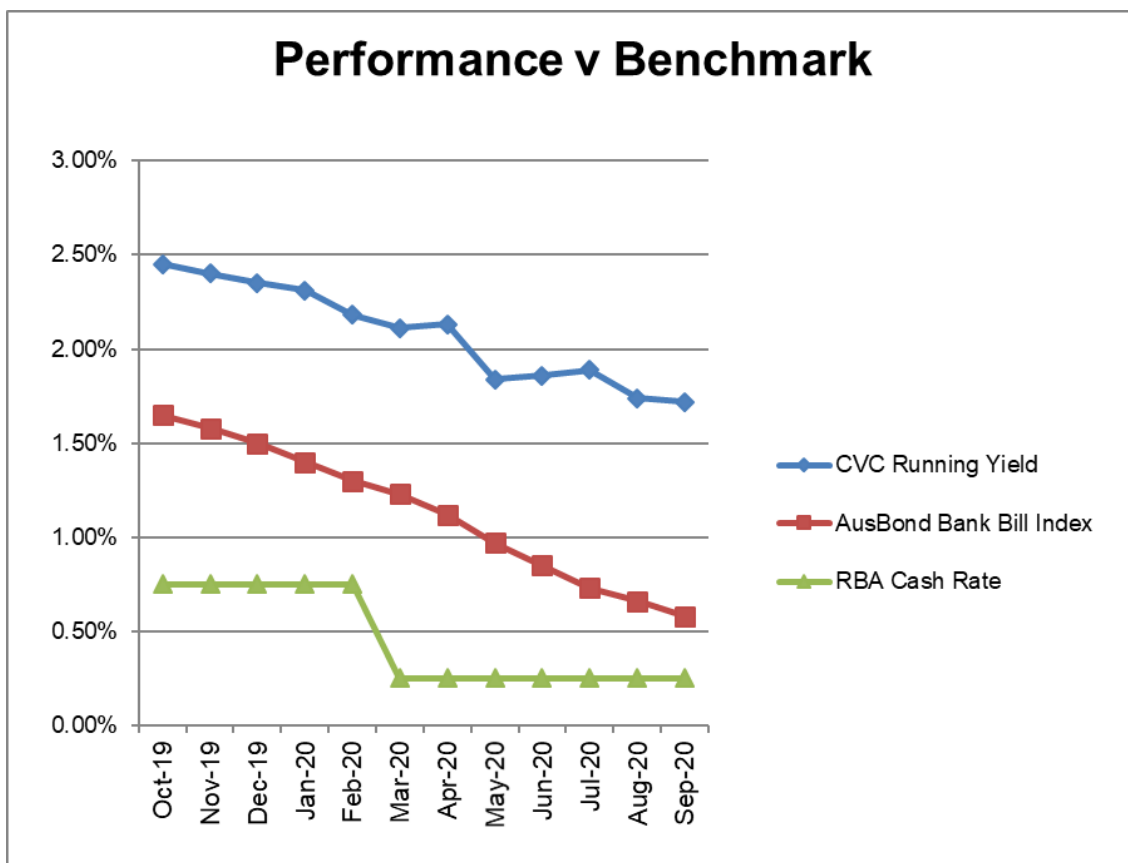


- Running yields* to 30 September 2020 have been:

AMP Business	0.55%
AMP 31 Day Notice	1.05%
ANZ Premium Business	0.55%
CBA General	0.10%
24hr Call Account	0.20%
T-CorpIM Cash Fund	0.48%
Floating Rate Notes	1.10%
Term Deposits	<u>2.17%</u>
Total	1.72%

*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 September was 0.25%. The benchmark AusBond Bank Bill Index was 0.58% for September.
- The current running yield of the total investment portfolio remains at elevated levels above the cash rate. At month-end, it remained at +1.72% (August 1.72%).



The following investments were transacted during September:

- Macquarie Bank \$5.0m TD matured 3/9/2020, redeemed
- NAB \$2.0m TD matured 10/9/2020, reinvested 365 days at 0.75% - matures 10/9/2021

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 – September 2020

ITEM 6c.20.169 PRE-AUDIT 30 JUNE 2020 BUDGET V ACTUAL RESULT

Meeting	Corporate, Governance & Works Committee	20 October 2020
Directorate	Corporate & Governance	
Reviewed by	Manager - Finance & Supply (Kate Maginnity)	
Attachment	To be tabled	

SUMMARY

This report presents to Council the unaudited budget result against the actual financial result for all Council funds for the financial year 2019/20.

OFFICER RECOMMENDATION

That Council receive and note the unaudited budget-v-actual financial result for the financial year 2019/20 for each fund and financial reserve as detailed in this report.

The Corporate, Governance & Works Committee Meeting adjourned at 3.31 pm, to be reconvened after the EP&C Committee meeting. The meeting reconvened at 4.12 pm.

COMMITTEE RECOMMENDATION

Lysaught/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.20.169

Kingsley/Baker

That Council receive and note the unaudited budget-v-actual financial result for the financial year 2019/20 for each fund and financial reserve as detailed in this report.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

Under the Integrated Planning and Reporting framework, Clause 203 of the Local Government (General) Regulation 2005 requires that Council prepares and considers a budget review statement within 8 weeks of the end of each quarter (except the June quarter), which provides that Council receive its Annual Financial Statements by 31 October.

This report is provided in addition to the requirements of Integrated Planning and Reporting to advise Council of the pre-audit financial result compared to the revised budget for the year to 30 June 2020.

KEY ISSUES

The following table is a summary of the adopted General Fund budget variations throughout the year.

General Fund Budget & Actual Result

Original 2019/20 Budget Deficit	\$140,398
September Budget Review Variations (increase in deficit)	\$256,829
December Budget Review Variations (reduction to deficit)	(\$631,474)
March Budget Review Variations (increase to surplus)	(\$266,431)
April Budget Review Variations (decrease to surplus)	\$42,894
May Budget Review Variations (increase to surplus)	(\$415,977)
Revised Projected Budget Surplus as at 30 June 2020	(\$873,761)
Add back Efficiency Savings not yet achieved	\$2,254,082
Revised Projected Budget Deficit as at 30 June 2020	\$1,380,321
Pre-Audit Actual Result as at 30 June 2020 - Deficit	\$2,314,869

A detailed summary of the variations by Service and Sub-Service that has resulted in the General Fund pre-audit deficit for the financial year 2020 of \$2,314,869 is included in **Attachment A**. This attachment also provides detail of the variances between the revised Budget and the Actual Result.

Pre-Audit Budget Result for 2019/20

1. General Fund financial result for the financial year to 30 June 2020 is a deficit of \$2,314,869. This result for 2019/20 when compared to the projected Revised Budget Deficit of \$1,380,321 (adjusted to exclude the Efficiency Savings not yet achieved) is \$934,548 above the projected Revised Budget deficit for the year. Further detail is provided in Attachment A, with the major variations which have contributed to this increased budget deficit is summarised below.
2. Council's restricted financial reserves have increased by \$11.1 million, which is an \$18.5 million variance to the projected reduction of \$7.4 million. A detailed list of specific reserve movements is provided as Attachment B.

The reasons for these variances include budgeted income not received or spent, adjustments in funding splits and over or under expenditure in the General Fund. CVC General Fund works and operations have been significantly impacted during 2019/20 by numerous natural disasters, particularly the unprecedented bushfires experienced across the country, and the Coronavirus Pandemic.

Tabled below is a summary of the major costs which have contributed to the increased budget deficit:

Cost Centre & Sub Service	Amount	Reason for Variance
831 – Bushfire response roads & bridges	\$431,559	Costs not covered by NDRA Grant
833 – Response to COVID-19	\$ 76,191	Additional costs to respond to COVID-19 in workplace including additional cleaning
834 – RFS Operations	\$437,190	Incorrect income budget for RFS capital works
855 – Urban Vegetation Management	\$299,388	Storm damage clean-up Grafton (January 2020) plus increased street tree maintenance.
920 – Planning & Assessment Services	\$198,699	Statutory & Regulatory Planning fees less than anticipated.
921 – Building & Environmental Services	\$91,609	Statutory & Regulatory Building fees less than anticipated.

Tax Equivalent Dividends from Water & Sewer Funds

Council's 2019/20 budget provided for tax equivalent dividends to be paid from the Water & Sewer Funds.

Tax equivalent dividends have been processed totalling \$140,805. The amounts from each fund being as follows:

- **Water Fund to General Fund \$67,749 (being 22,583 assessments @ \$3)**
- **Sewer Fund to General Fund \$73,056 (being 24,352 assessments @ \$3)**

ELE Reserve – Estimated Balance as at 30 June 2020

Council's Employee Leave Entitlement (ELE) liability balance as at 30 June 2020 is estimated to be \$3.476M (\$3.244M as at 30 June 2019). The estimated balance of the ELE Reserve as per the unaudited 2019/20 Annual Financial Statements is \$3.476M as at 30 June 2020, which represents 27.67% of the estimated total liability.

Council resolved in October 2009 for the ELE reserve to be held in the vicinity of 25%. The current estimated balance of \$3.475M is 2.67% more than this percentage, which is equivalent to \$336K.

A summary of the transfers to/from the ELE Reserve is tabled below:

Balance as at 1 July 19 \$'000	Transfers to Reserve \$'000	Transfers from Reserve \$'000	Balance as at 30 June 2020 (per unaudited 2019/20 Annual Financial Statements) \$'000
\$3,244	\$266	\$33	\$3,476

Restricted Funds and Financial Reserve Movements

Council's budget also includes internal and external financial reserve movements. The following table lists the types of reserves held and the variances between the revised budget and the actual movement in the reserves.

The pre-audit result indicates a net increase in restricted financial reserves of \$11.2 million, which is \$18.5 million variance to the projected reduction of \$7.4 million.

The following table is a summary of all reserves held by type or fund which shows the reserves opening and closing balance. This table also indicates the variation between the budgeted and the unaudited actual movements for the 2019/20 financial year.

Reserves	Opening Balance 1/7/20 \$000's	Actual Transfers (To)/From \$000's	Closing Balance 30/6/20 \$000's	Revised Budget Movement \$000's	Budget V Actual Variance \$000's
Unexpended Loans	(116)	42	(74)	78	(36)
Grants	(5,834)	(1,011)	(6,845)	3,304	(4,315)
S94	(9,325)	734	(8,591)	2,088	(1,354)
Deposits, Retentions & Bonds	(1,807)	(385)	(2,192)	0	(385)
Held as Custodian	(778)	20	(758)	20	0
Other External	(276)	34	(242)	3	31
General Purpose	(50,950)	(438)	(51,388)	3,533	(3,972)
Water Fund	(36,851)	(8,868)	(41,719)	1,939	(6,929)
Sewer Fund	(11,773)	(2,936)	(14,709)	124	(2,812)
Holiday Parks	(3,380)	(434)	(3,814)	2,048	(2,482)
Clarence Regional Library	(1,048)	223	(826)	268	(45)
Domestic Waste	(1,642)	(499)	(2,141)	(255)	(244)
Clarence Care & Support	(5,635)	2,406	(3,228)	(1,623)	4030
Total - All Funds	(129,415)	(11,114)	(140,529)	7,404	(18,519)

Attachment B provides a summary by reserve of the variances between the revised budget and the actual result. This report also indicates the pre-audit closing balance of each reserve. A large proportion of the variances between the budget movements and the actual movements can be attributed to works budgeted for but not completed due to the impact of the bushfires and Coronavirus pandemic impacts. This is reflected in the proposed carried forward projects reported in the 2020/21 Quarterly Budget Review Statement – September 2020, which forms part of these business papers.

Externally Restricted Funds

Council's restricted funds, annual expenditure is funded from each of the restricted funds own accumulated reserves. Following is an explanation by fund of the budget variations at 30 June 2020 as compared to the actual reserve movements.

Water Fund

Following is the pre-audit balance of the Water Fund financial reserves as at 30 June 2020.

Balance as at 1 July 2019 \$'000	Transfers to Reserve \$'000	Transfers from Reserve \$'000	Pre-Audit Balance as at 30 June 2020 \$'000
\$36,851	\$15,502	\$6,634	\$45,719

The revised budget at 30 June 2020 was an estimated increase in the reserves of \$1,938,540. The actual movement in reserves was an increase of \$8,867,837 which has resulted in a budget variation at year end of \$6,929,297. The reasons for these variances include budgeted income not received or spent, adjustments in funding splits and over or under expenditure in the Water Fund particularly some works stalled due to the impact of bushfire. Additionally, s64 contributions were higher than anticipated with a singular \$3million contribution received in relation to the new gaol development.

Sewer Fund

Following is the pre-audit balance of the Sewer Fund financial reserves as at 30 June 2020.

Balance as at 1 July 2019 \$'000	Transfers to Reserve \$'000	Transfers from Reserve \$'000	Pre-Audit Balance as at 30 June 2020 \$'000
\$11,773	\$8,107	\$5,170	\$14,709

The revised budget at 30 June 2020 was an estimated increase in the reserves of \$123,513. The actual movement in reserves was an increase of \$2,936,411, which has resulted in a budget variation at year end of \$2,812,898. The reasons for these variances include budgeted income not received or spent, adjustments in funding splits and over or under expenditure in the Sewer Fund operations. In particular some works stalled due to the impact of the bushfire events resulting in less expenditure in 2019/20.

Holiday Parks

Following is the pre-audit balance of the Holiday Parks Fund financial reserves as at 30 June 2020.

Balance as at 1 July 2019 \$'000	Transfers to Reserve \$'000	Transfers from Reserve \$'000	Pre-Audit Balance as at 30 June 2020 \$'000
\$3,380	\$2,263	\$1,829	\$3,814

The revised budget at 30 June 2020 was an estimated decrease in the reserves of \$2,048,011. The actual movement in reserves was an increase of \$433,606 which has resulted in a budget variation at year end of \$2,481,617. The reasons for these variances include budgeted income not received or spent, adjustments in funding splits and over or under expenditure. Holiday Parks operations were significantly impacted by the bushfire events and the mandatory 2 month closure due to the Coronavirus pandemic. This closure impacted and continued to impact holiday park revenue for a period of 2-4 months. The bushfire and pandemic events also deferred planned works within the parks resulting in less expenditure throughout 2019-20.

Clarence Regional Library

Following is the pre-audit balance of the Clarence Regional Library financial reserves as at 30 June 2020.

Balance as at 1 July 2019 \$'000	Transfers to Reserve \$'000	Transfers from Reserve \$'000	Pre-Audit Balance as at 30 June 2020 \$'000
\$1,048	\$289	\$512	\$826

The revised budget at 30 June 2020 was an estimated decrease in the reserves of \$267,509. The actual movement in reserves was a decrease of \$222,382, which has resulted in a budget variation at year end of \$45,127. The reasons for these variances include budgeted income not received or spent, adjustments in

funding splits and over or under expenditure. Library programs overall have been somewhat impacted by the Coronavirus pandemic resulting in decreased expenditure due to decreased activity.

Domestic Waste Management

Following is the pre-audit balance of the Domestic Waste Management financial reserves as at 30 June 2020.

Balance as at 1 July 2019 \$'000	Transfers to Reserve \$'000	Transfers from Reserve \$'000	Pre-Audit Balance as at 30 June 2020 \$'000
\$1,642	\$499	\$0	\$2,141

The revised budget at 30 June 2020 was an estimated increase in the reserves of \$254,707. The actual movement in reserves was an increase of \$499,097, which has resulted in a budget variation at year end of \$244,390. The reasons for these variances include budgeted income not received or spent, adjustments in funding splits and over or under expenditure. In addition, Council has undertaken an audit of Domestic Waste Collection Charges resulting in an increase in revenue.

Clarence Care & Support

Following is the pre-audit balance of the Clarence Care & Support financial reserves as at 30 June 2020.

Balance as at 1 July 2019 \$'000	Transfers to Reserve \$'000	Transfers from Reserve \$'000	Pre-Audit Balance as at 30 June 2020 \$'000
\$5,635	\$2,340	\$4,746	\$3,228

The revised budget at 30 June 2020 was an estimated increase in the reserves of \$1,623,309. The actual movement in reserves was a decrease of \$5,653,306, which has resulted in a budget variation at year end of \$4,029,997. The major reason for these variances is the transfer of business to Wesley Uniting effective 30 June 2020.

COUNCIL IMPLICATIONS

Budget/Financial

RESPONSIBLE ACCOUNTING OFFICER

Council's Financial Position – General Fund Unrestricted Available Working Funds Position

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. Council's adopted benchmark goal for the General Fund working funds position is for it to be maintained above \$4M.

The balance of the available working funds for General Fund at the 30 June 2020 is estimated to be \$6.711M (\$4.842 M 30 June 2019). This projected result is \$2.711M above Council's benchmark and can be considered a satisfactory result as at 30 June 2020.

A comprehensive review of Council's financial position will be included as part of a report direct to Council recommending Council's 2019/20 General Purpose Financial Statements to be referred to audit at the October Council meeting.

Asset Management

N/A

Policy or Regulation

Clause 203 of the Local Government (General) Regulation 2005

Consultation

The end of year processing required to produce the final results for the 2019/20 financial year was prepared in conjunction with budget managers and coordinators

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Christi Brown, Management Accountant Coordinator
To be tabled	A - Budget v Actual Sub Service Summary B - Budget Review Reserves Statement by Fund

d. INFORMATION ITEMS

ITEM	6d.20.009	ITEMS FOR INFORMATION
Meeting	Council	27 October 2020
Directorate	Office of General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

OFFICER RECOMMENDATION

That the Items for Information as listed below be noted:

1. QLD Chief Health Officer – Letter re inclusion in border zone 7 October 2020
2. Chris Gulaptis MP – Letter re Grafton Regional Gallery 30 September 2020
3. Chris Gulaptis MP - Letter re SES Incident Control Centre 20 September 2020
4. Dundurrabin Community Centre – Meeting Minutes 3 September 2020
5. Kevin Hogan MP – Extension of funding for Local Road and Community Infrastructure Program

COUNCIL RESOLUTION – 6d.20.009

Kingsley/Baker

That the Items for Information as listed below be noted:

1. QLD Chief Health Officer – Letter re inclusion in border zone 7 October 2020
2. Chris Gulaptis MP – Letter re Grafton Regional Gallery 30 September 2020
3. Chris Gulaptis MP - Letter re SES Incident Control Centre 20 September 2020
4. Dundurrabin Community Centre – Meeting Minutes 3 September 2020
5. Kevin Hogan MP – Extension of funding for Local Road and Community Infrastructure Program

Voting recorded as follows:

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

Against: Nil

CARRIED

Prepared by	Samantha Leonard, Executive Support Assistant
Attachments	As listed above

e. TENDERS

ITEM	6e.20.023	TENDER EXEMPTION FOR SUPPLY OF PROPRIETARY BRIDGE COMPONENTS
Meeting	Council	27 October 2020
Directorate	Works & Civil	
Reviewed by	Manager - Civil Services (Alex Dalrymple)	
Attachment	Confidential	

SUMMARY

It is proposed that the proprietary bridge system supplied by InQuik Pty Ltd is used for four of the bridge replacement projects in councils 20/21 and 21/22 capital works program. The proposed bridge system is only available from InQuik Pty Ltd and therefore competitive tenders cannot be obtained.

A comparison of the InQuik system and other types of bridge system used for bridge replacement projects in recent years has been undertaken and staff consider that the InQuik system will provide a cost and time effective solution for these projects.

OFFICER RECOMMENDATION

That:

1. Council procure the proprietary bridge components for the replacement of the McPhillips Road Bridge, Mangrove Bridge No 2 on Jackybulbin Tullymorgan Road, Bridge No 3 on Jackybulbin Tullymorgan Road and Bridge No 4 on Jackybulbin Tullymorgan Road be procured from InQuik Pty Ltd under the provisions of section 55(3) (i) of the Local Government Act 1993, without inviting tenders.
2. The procurement detailed in point 1 of this resolution is undertaken due to the unavailability of competitive tenderers for the proprietary components.

COUNCIL RESOLUTION – 6e.20.023

Baker/Williamson

That:

1. Council procure the proprietary bridge components for the replacement of the McPhillips Road Bridge, Mangrove Bridge No 2 on Jackybulbin Tullymorgan Road, Bridge No 3 on Jackybulbin Tullymorgan Road and Bridge No 4 on Jackybulbin Tullymorgan Road be procured from InQuik Pty Ltd under the provisions of section 55(3) (i) of the Local Government Act 1993, without inviting tenders.
2. The procurement detailed in point 1 of this resolution is undertaken due to the unavailability of competitive tenderers for the proprietary components.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

A desktop comparison of the estimated time and cost associated with the construction of replacement of McPhillips Road Bridge, Mangrove Bridge No 2 on Jackybulbin Tullymorgan Road, Bridge No 3 on Jackybulbin Tullymorgan Road and Bridge No 4 on Jackybulbin Tullymorgan Road has been undertaken to determine the most appropriate construction solution for these projects.

The InQuik bridge system is a proprietary system that has been introduced to the industry in recent years and has been successfully utilised for over 60 bridge replacement projects, including six bridges across the Clarence Valley LGA. The InQuik system has been designed to reduce project costs and accelerate construction by using prefabricated components which have two key elements including metal formwork tray to define the shape of the finished component, and the steel reinforcement cage inside the tray. The prefabricated components are assembled in a factory environment and are then delivered to site requiring minimal onsite resources to assemble the components. A day labour crew can be used to complete the necessary concrete infill works of the prefabricated structure. Information on the bridge system is available at www.inquik.com.au

KEY ISSUES

The desktop comparison of the estimated time and cost associated with the four bridge replacements included a comparison of two different replacement methods:

1. Reinforced concrete box culvert type structures, which has been used on a number of short span, low level bridge replacement projects in recent years; and
2. An InQuik type bridge

There are considerable differences with the way in which these two options are constructed, for example a box culvert would require the existing water course to be diverted to allow the base slab to be prepared and poured. The InQuik bridge system avoids this which significantly reduces the project risk, environmental impacts and construction timeframe.

In consideration of this, simply comparing the structure cost of each option is not an appropriate comparison without the inclusion of the broader project benefits. Table 1, however in the confidential attachment, provides a summary of the estimated total project cost for each option.

The InQuik system is anticipated to be more time and cost effective across both sites. The time savings are particularly important for each of these projects as staff have submitted applications for the Australian Government Bridges Renewal Program and the NSW Government Fixing Country Bridges Program and these programs have tight procurement and construction timeframes. The InQuik system also reduces the environmental project risk as there are less works directly within the watercourse, and therefore less impact from wet weather or flood inundation.

A bridge type structure is also preferable to the Department of Primary Industries (DPI) – Fisheries as they maintain a natural waterway surface below the structure compared to the concrete base slab required for a box culvert and therefore they are more suited to maintaining fish habitat.

COUNCIL IMPLICATIONS

Budget/Financial

A separate report is provided that details the mixture and timing of funding for these structures in light of the announcement of the Bridges Renewal Program. There is no cost impact of the recommendation provided as the projects values remain within the expected project expenditure.

Asset Management

Replacement of the McPhillips Road Bridge, Mangrove Bridge No 2 on Jackybulbin Tullymorgan Road, Bridge No 3 on Jackybulbin Tullymorgan Road and Bridge No 4 on Jackybulbin Tullymorgan Road will address the following specific level of service objectives stated in Council's Transport Asset Management Plan:

Community Level of Service Objectives

- Bridges meet transport requirements without restriction
- Bridge geometry meets current design requirements for current traffic

Technical Level of Service Objectives

- Bridges to be upgraded where the bridges do not meet current capacity requirements or where timber bridge structural defects are beyond economic repair and it is more cost-effective to replace the bridge with a concrete structure

Policy or Regulation

The Clause 55 (3) (i) of the Local Government Act 1993 allows councils to determine by resolution that a satisfactory result would not be achieved by inviting tenders due to extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers.

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

The prefabrication of the InQuik abutment components in a factory environment will require less plant and equipment than if the abutments were constructed on site. This is due to the use of electric powered gantry cranes, compared to diesel powered mobile cranes, more efficient transport costs associated with material deliveries to factory due to economies of scale.

The transport of the lighter InQuik deck panels will require approximately half the number of truck deliveries, compared to PSC planks and the size of the crane required to install the panels will be reduced.

These differences associated with using the InQuik bridge system will result in reduced fossil fuel consumption and reduced carbon emissions associated with the project.

Prepared by	Adele McGeary, Bridges Engineer
Confidential	Cost Comparison

ITEM	6e.20.024	T20/25 SUPPLY OF TWO TRUCKS & DOG TRAILERS
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Meeting	Council	27 October 2020
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Confidential	

SUMMARY

Tenders were called (T20/25) for the supply of two (2) new trucks and dog trailers in accordance with the adopted plant replacement program for 2020/21. This report assesses the conforming tenders received and makes a recommendation to Council for the purchase of the trucks and dog trailers.

OFFICER RECOMMENDATION

That Council

1. Accept the tender from Southside Truck Centre for T20/25 for two (2) new trucks and dog trailers being supplied at a cost of \$906,026.00 (GST inclusive) to be funded from PJ 558500 (Sub Service 302) - Plant Reserve (RA 10010) and the Council seal attached.
2. Dispose of the current trucks and dog trailers (fleet assets 1001.02/2002.02 & 1017.01/2004.02) at public auction and the Council seal be attached.

COUNCIL RESOLUTION – 6e.20.024

Baker/Williamson

That Council

1. **Accept the tender from Southside Truck Centre for T20/25 for two (2) new trucks and dog trailers being supplied at a cost of \$906,026.00 (GST inclusive) to be funded from PJ 558500 (Sub Service 302) - Plant Reserve (RA 10010) and the Council seal attached.**
2. **Dispose of the current trucks and dog trailers (fleet assets 1001.02/2002.02 & 1017.01/2004.02) at public auction and the Council seal be attached.**

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

These truck and dog trailers operate primarily on Council's road maintenance and construction projects. The specifications required the suitable delivery of gravel products onsite to work teams across Council's road networks. The current trucks and dog trailers are due for replacement and as such tenders were called using the Local Government Procurement Vendor panel Site under contract NPN115 and NPN413 Specialised Trucks and Bodies.

KEY ISSUES

The evaluation team has undertaken an assessment of the conforming tenders taking into consideration the following factors:

- Operational requirements
- Tendered price offer (whole of life)

- Mechanical assessment
- Warranty offered, local service and parts backup

A Tender Evaluation Committee (TEC) evaluated the submissions against the criteria to ensure compliance with the Tender Evaluation Plan (TEP). The TEC recommendation is included in the tender evaluation report which is included as a confidential attachment.

The TEC recommends Council accept the tender from Southside Truck Centre.

COUNCIL IMPLICATIONS

Budget/Financial

Council's adopted Uniqco Plant and Fleet Asset Management Plan has listed the assets for replacement in the 2020/21 financial year. Funds are available from PJ558500 Plant Reserve (RA 10010) to fund the purchase.

The available budget for the tender is sub service 302 Fleet Services - PJ 558500 – Plant Reserve (RA 10010) and the GST exclusive tender price is \$823,660.00.

Asset Management

Replacement of these plant items is in accordance with the adopted plant replacement program. Council's asset records will be updated upon receipt of the plant items.

Policy or Regulation

The tendering process followed is consistent with the requirement of the Local Government Act and Regulation and Council's Sustainable Procurement Policy – Supporting Local Business.

In accordance with Council's Sustainable Procurement Policy the following processes were undertaken:

- The local supply provisions of the Policy were assessed by the Project Manager as not being relevant due to the specialist nature of the goods/services being sourced by the tender as all suppliers are multi national based for heavy plant

Consultation

Council Fleet Coordinator, Manager of Civil Services and senior Civil Services operational staff have been consulted during the tender development and evaluation process.

Legal and Risk Management

The tendering and evaluation process followed was consistent with the requirements of the local government Act and Regulations while the evaluation process was based on the evaluation criteria contained within the tender documentation. The confidential attachment provides details of the evaluation assessment.

Climate Change

N/A

Prepared by	Paul Gallagher Fleet Coordinator
Confidential	Tender Assessment

ITEM 6e.20.025 T20/26 SUPPLY OF MOTOR GRADER

Meeting	Council	27 October 2020
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Confidential	

SUMMARY

Tenders were called (Tender T20/26) for the supply of one new motor grader in accordance with the adopted plant replacement program for 2020/21. This report assesses the conforming tenders received and makes a recommendation to Council for the purchase of the grader.

OFFICER RECOMMENDATION

That Council

1. Accept the tender from Westrac Pty Ltd for T20/26 for one new motor grader being supplied at a cost of \$593,135.00 (GST inclusive) to be funded from PJ 558500 (Sub Service 302) - Plant Reserve (10010) and the Council seal be attached.
2. Dispose of the current motor grader (fleet asset 3002.02) at public auction and the Council seal be attached.

COUNCIL RESOLUTION – 6e.20.025

Baker/Williamson

That Council

1. **Accept the tender from Westrac Pty Ltd for T20/26 for one new motor grader being supplied at a cost of \$593,135.00 (GST inclusive) to be funded from PJ 558500 (Sub Service 302) - Plant Reserve (10010) and the Council seal be attached.**
2. **Dispose of the current motor grader (fleet asset 3002.02) at public auction and the Council seal be attached.**

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

Council currently operates the motor grader primarily on Council's road construction programs. The grader's specifications also include the installation of grade control technology. This system allows operators to utilise machine control technology and guidance systems to control the blade height and angle whilst undertaking final trim grading. The current motor grader is due for replacement and as such tenders were called through the Local Government Procurement Vendor Panel contract LGP419.

KEY ISSUES

The evaluation team has undertaken an assessment of the conforming tenders taking into consideration the following factors:

- Operational requirements
- Tendered price offer (whole of life)
- Mechanical assessment

- Warranty offered, local service and parts backup

A Tender Evaluation Committee (TEC) evaluated the submissions against the criteria to ensure compliance with the Tender Evaluation Plan (TEP). The TEC recommendation is included in the tender evaluation report which is included as a confidential attachment.

The TEC recommendation was that Council accept the tender from Westrac Pty Ltd

COUNCIL IMPLICATIONS

Budget/Financial

Council's adopted Uniqco Plant and Fleet Asset Management Plan has listed the motor grader for replacement in the 2020/21 financial year. Funds are available from PJ558500 Heavy Fleet Acquisitions for the purchase. The available budget for the tender is sub service 302 Fleet Services - PJ 558500 Fleet Reserve and the GST exclusive tender price is \$539,213.63.

Asset Management

Replacement of these plant items is in accordance with the adopted plant replacement program. Council's asset records will be updated upon receipt of the plant items.

Policy or Regulation

The tendering process followed is consistent with the requirement of the Local Government Act and Regulation and Council's Sustainable Procurement Policy – Supporting Local Business.

In accordance with Council's Sustainable Procurement Policy the following processes were undertaken:

- The local supply provisions of the Policy were assessed by the Project Manager as not being relevant in this instance due to the specialist nature of the goods/services being sourced by the tender as all suppliers for heavy plant are multinational based.

Consultation

Council Fleet Coordinator, Manager of Civil Services and senior Civil Services operational staff have been consulted during the tender development and evaluation process.

Legal and Risk Management

The tendering and evaluation process followed was consistent with the requirements of the local government Act and Regulations while the evaluation process was based on the evaluation criteria contained within the tender documentation. The confidential attachment provides details of the evaluation assessment.

Climate Change

N/A

Prepared by	Paul Gallagher, Fleet Coordinator
Confidential	Tender Assessment

ITEM	6e.20.026	T20/27 SUPPLY OF FOUR LOADERS
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Meeting	Council	27 October 2020
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Confidential	

SUMMARY

Tenders were called (Tender T20/27) for the supply of four new loaders in accordance with the adopted plant replacement program for 2020/21. This report assesses the conforming tenders received and makes a recommendation to council for the purchase of the loaders.

OFFICER RECOMMENDATION

That Council

1. Accept the tender from Komatsu Australia Pty Ltd for T20/27 for the supply of four loaders at a cost of \$985,600.00 (\$246,400 per loader GST inclusive) to be funded from PJ 558500 (Sub Service 302) – Plant Reserve (RA 10010) and the Council seal attached.
2. Dispose of the current loaders (fleet assets 3201.02, 320.02, 3205.02 and 3208.01) at public auction and the Council seal be attached.

COUNCIL RESOLUTION – 6e.20.026

Baker/Williamson

That Council

1. **Accept the tender from Komatsu Australia Pty Ltd for T20/27 for the supply of four loaders at a cost of \$985,600.00 (\$246,400 per loader GST inclusive) to be funded from PJ 558500 (Sub Service 302) – Plant Reserve (RA 10010) and the Council seal attached.**
2. **Dispose of the current loaders (fleet assets 3201.02, 320.02, 3205.02 and 3208.01) at public auction and the Council seal be attached.**

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

Council operate loaders in a variety of locations and work sites. These loaders are equipped with four in one buckets which allows them to pick up debris and trees from roads after storms, fires and floods as well as load gravel and other rock products and load into trucks. The specifications for the supply of the new loaders allow the continuation of these types of works within Council. The current loaders are due for replacement and as such tenders were called through the Local Government Procurement Vendor Panel contract LGP419.

KEY ISSUES

The evaluation team has undertaken an assessment of the conforming tenders taking into consideration the following factors:

- Operational requirements

- Tendered price offer (whole of life)
- Mechanical assessment
- Warranty offered, local service and parts backup

A Tender Evaluation Committee (TEC) evaluated the submissions against the criteria to ensure compliance with the Tender Evaluation Plan (TEP). The TEC recommendation is included in the tender evaluation report which is included as a confidential attachment. The TEC recommendation is that Council accept the tender from Komatsu Australia Pty Ltd.

COUNCIL IMPLICATIONS

Budget/Financial

Council's adopted Uniqco Plant and Fleet Asset Management Plan has listed the assets for replacement in the 2020/21 financial year. Funds are available from PJ558500 Plant Reserve (RA 10010) to fund the purchase. The available budget for the tender is sub service 302 Fleet Services - PJ 558500 Plant Reserve and the GST exclusive tender price is \$896,000.00.

Asset Management

Replacement of these plant items is in accordance with the adopted plant replacement program. Council's asset records will be updated upon receipt of the plant items.

Policy or Regulation

The tendering process followed is consistent with the requirement of the Local Government Act and Regulation and Council's Sustainable Procurement Policy – Supporting Local Business.

In accordance with Council's Sustainable Procurement Policy the following processes were undertaken:

- The local supply provisions of the Policy were assessed by the Project Manager as not being relevant due to the specialist nature of the goods/services being sourced by the tender as all suppliers are multi national based for heavy plant

Consultation

Council Fleet Coordinator, Manager of Civil Services and senior Civil Services operational staff have been consulted during the tender development and evaluation process.

Legal and Risk Management

The tendering and evaluation process followed was consistent with the requirements of the local government Act and Regulations while the evaluation process was based on the evaluation criteria contained within the tender documentation. The confidential attachment provides details of the evaluation assessment.

Climate Change

N/A

Prepared by	Paul Gallagher Fleet Coordinator
Confidential	Tender Assessment

ITEM	6e.20.027	T20/29 SEWER MAIN RELINING
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Meeting	Council	27 October 2020
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Confidential	

SUMMARY

Council called schedule of rates tenders for sewer main relining services which opened on 14 September and closed on 12 October 2020. Three complying tenders were received. The Tender Evaluation Panel considers, having regards to all the circumstances, that the tender from Interflow Pty Ltd is the most advantageous for Council and recommends that this tender be accepted.

OFFICER RECOMMENDATION

That:

1. Council accept the tender from Interflow Pty Ltd for RFT20/029 - Sewer Main Relining at a cost of \$646,447.59 (GST inclusive) to be funded from FP910016 (Sewer Rehabilitation Relining).
2. The General Manager be authorised to approve variations up to 15% of the contract sum.

COUNCIL RESOLUTION – 6e.20.027

Baker/Williamson

That:

1. Council accept the tender from Interflow Pty Ltd for RFT20/029 - Sewer Main Relining at a cost of \$646,447.59 (GST inclusive) to be funded from FP910016 (Sewer Rehabilitation Relining).
2. The General Manager be authorised to approve variations up to 15% of the contract sum.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

Strategy 2.1.1 Maintain and renew water and sewer networks

BACKGROUND

Council has an extensive sewer main infrastructure that is required to be maintained and renewed on a maintenance schedule based on the design life of the asset condition including associated products. Sewer main rehabilitation requires cleaning of sewer pipes, CCTV (investigations) to determine asset condition. Pipe relining is a trenchless technique where the pipes are relined in situ with specialist in pipe technology resulting in little to no disturbance above ground or customers.

KEY ISSUES

Tenders were assessed by a panel comprising water cycle staff using a weighting criteria of 70% price and 30% non price. A detailed report from the Tender Evaluation Panel (TEP) is included in the Confidential Attachments.

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

Company Directors for the three tendering firms are listed in the TEP.

It is recommended that the General Manager be authorised to approve variations totalling up to 15% of the contract sum.

COUNCIL IMPLICATIONS

Budget/Financial

The 2020-21 sewer relining budget is \$700,000 from FJ910016 (Sewer Rehabilitation Relining). The tender advertising costs were \$157. Costs (including commitments) related to the 2019/20 relining program (T19/038) which were unable to be costed to the 2019-20 budget were \$47,847.05. The available funding for the 2020-21 project is therefore \$651,995.95.

The recommended tenderer's price as per the quantities nominated in the tender is \$587,679.63 (ex GST); as this type of contract is based on a schedule of rates payment will be based on actual work and quantities completed including cleaning, CCTV investigation and relining. The available 2020-21 funding is sufficient for variations totalling 10.9% of the contract sum, however, in addition to the 2020-21 funding, the 2019-20 relining program budget was underspent by \$216,745. The unexpended 2019-20 funding was returned to the sewer fund reserve and is available as a future budget variation if the variations on this contract were to exceed 10.9%.

Council staff will undertake administration of this contract.

Asset Management

Relining of sewer mains renews the assets, and is identified in the Sewerage Asset Management Plan as renewal work. The relining is based on sewer mains identified as Condition 4 and 5.

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 local supply provisions of the Policy were assessed by the Project Manager as not being relevant due to the specialist nature of the goods/services being sourced by the tender.

Consultation

N/A

Legal and Risk Management

The tendering process has followed the requirements of the Local Government Act and Regulation.

Climate Change

Assessment of climate change is not considered relevant to this tender.

Prepared by	Rick Johnson, Acting Water & Sewer Operations Coordinator
Confidential	Tender Evaluation Panel Report

7. NOTICE OF MOTIONS

ITEM	07.20.014	INSTALLATION OF A KERB RAMP AT ILUKA SPENSER STREET BOAT RAMP PICNIC AREA
Meeting	Council	27 October 2020
Directorate	Notice of Motion	
Submitted by	Cr Karen Toms	
Attachment	Nil	

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

SUMMARY

The Spenser Street boat ramp and picnic area is well used by residents of the Clarence Valley and visitors alike. The facilities include a large sealed car park for cars and boat trailers. It also has waterfront barbeque facilities, picnic tables, public toilets and a community scout hall.

The picnic tables, barbeque, public toilets and scout hall are not accessible to people in wheelchairs or mobility scooters as there is no kerb ramp to enable access.

PROPOSED MOTION

That

1. Council install a kerb ramp to facilitate access from the kerb and gutter to the reserve at an estimated cost of \$1250 before the Christmas holiday period ensuring people with disabilities can access the reserve.
2. The location of the kerb ramp is to be determined by staff in consideration of a future designated disabled access car parking spot.
3. Consideration be given to the connection of footpaths to the open space facilities through a design process that considers Native Title with a budget and implementation schedule to be reported to Council for the 2021/22 capital works program.
4. Funding for the kerb ramp to be allocated from Sub-Service (311) Local Roads- K & G Maintenance (PJ 931125).
5. The Disability Action Plan be a standing item on Council's Access Committee Agenda to ensure regular discussions and consultation.

COUNCIL RESOLUTION – 07.20.014

Toms/Lysaught

That

1. **Council install a kerb ramp to facilitate access from the kerb and gutter to the reserve at an estimated cost of \$1,250 before the Christmas holiday period ensuring people with disabilities can access the reserve.**
2. **The location of the kerb ramp is to be determined by staff in consideration of a future designated disabled access car parking spot.**
3. **Consideration be given to the connection of footpaths to the open space facilities through a design process that considers Native Title with a budget and implementation schedule to be reported to Council for the 2021/22 capital works program.**
4. **Funding for the kerb ramp to be allocated from Sub-Service (311) Local Roads- K & G Maintenance (PJ 931125).**
5. **The Disability Action Plan be a standing item on Council's Access Committee Agenda to ensure regular discussions and consultation.**

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 1 Society
Objective 1.4 We will have access and equity of services
Strategy 1.4.3 Foster an inclusive and equitable community

BACKGROUND

On the 13th May 2020 Iluka Rate Payers Association wrote to Council asking that attention be given to the lack of accessibility at the Spenser Street boat ramp. A reply was received from Council and it is alleged a staff member agreed it needs to be addressed. To date no action has been undertaken.

KEY ISSUES

Council has an Access Committee to advise it on the major access barriers in the community and raise awareness of the needs of people living with a disability. Council's Access Committee comprises of community members, engineering, outdoor staff and two Councillor representatives: Cr Toms and Deputy Mayor Cr Kingsley. The Access Committee have not met for months due to COVID-19 restrictions.

Council also has a Disability Inclusion Action Plan that provides a guide to how Council meets its responsibilities in regard to people with disability and the NSW Disability Inclusion Act 2014.

Included in the Disability Inclusion Action Plan are objectives, strategies and actions that have been developed by staff across Council, based on what the community told us were important.

One of the objectives as part of the works program is, *kerb ramps and footpaths will be upgraded to provide continuous accessible paths of travel and deliver access outcomes, creating and improving accessible pedestrian paths of travel.* The performance indicator for this strategy is an increased number of continuous an accessible paths.



A further objective within Council's Disability Inclusion Action Plan that is relevant to this issue is improved access to Council's public toilets.

COUNCIL IMPLICATIONS**Budget/Financial**

Funding to be provided from Sub-Service (311) Local Roads-K & G Maintenance (PJ 931125).

Policy or Regulation

NSW Disability Inclusion Act 2014

Disability Discrimination Act 1992

Clarence Valley Council's Disability Inclusion Action Plan 2017-2021

Local Government Act 1993

Australian Standard (AS 1428) - Design for Access and Mobility

Consultation

Clarence Valley Council took a collaborative and region-wide approach to consultation for the Disability Inclusion Action Plan. We worked with six other local councils to ensure a coordinated approach was taken and to share resources.

The consultation process emphasised the importance of consultation for people with disability about their needs, aspirations, experiences and voices in all stages of information dissemination, maintenance and the creation of public infrastructure and services.

Legal and Risk Management

Disability Discrimination Act 1992

NSW Disability Inclusion Act 2014

Climate Change

Improving footpaths and access for pedestrians may reduce the use of cars in our community resulting in less emissions.

STAFF COMMENT – DIRECTOR WORKS & CIVIL

1. The assets (BBQ's, Picnic shelters, toilet facility are managed by Open Spaces) which are located on public reserve with Council acting as the Crown Land manager.
2. Native Title has been determined generally over the lot. Any works (beyond the road reserve) would trigger notification (35 days) to NTSCORP meaning that footpath works would not be possible prior to Christmas.
3. The Scout Hall is located on a separate parcel of land with the scouts managing the building and land through a lease with the Crown. Any works on the lot under the care and control of the scouts would require consultation and agreement around those works.
4. The hall itself is also raised by approx. 300-450mm above the footpath level and therefore any path or ramp to facilitate disabled access (and compliance) would require further design considerations.
5. A kerb ramp at the existing footpath/kerb is not recommended as this location would lead pedestrians onto a road and trailer parking area with no destination.
6. The existing toilet block and sheltered BBQ areas are not compliant with current disabled access standards.
7. The preferred location of kerb ramp is to the south of the existing toilet block where an appropriate disabled car parking spot can be located.

8. CONFIDENTIAL BUSINESS

ITEM	08.20.011	ESSENTIAL ENERGY AND NYMBOIDA WATER SUPPLY ASSETS
Meeting	Council	27 October 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 (d) ii - The report contains commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the council*

MOTION

Williamson/Ellem

That Council move into closed session to consider item 08.20.011 in accordance with the Local Government Act 1993 10A 2 (d) ii - *The report contains commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the council.*

Voting recorded as follows:

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

Against: Nil

CARRIED

Council moved into closed session at 4.07 pm. The meeting broadcast was turned off. Council moved into open forum at 4.46 pm. The broadcast was resumed.

MOTION

Toms/Kingsley

That Council move out of closed session at 4.46 pm.

Voting recorded as follows:

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

Against: Nil

CARRIED

MOTION

Williamson/Baker

That Council adopt but not make public the recommendation for Items 08.20.011 under the Local Government Act 1993 Section 10A 2 (d) ii as the resolution contains commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of Council.

Voting recorded as follows:

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

Against: Nil

CARRIED

CLOSE OF ORDINARY MEETING

There being no further business the Ordinary Council meeting closed at 4.48 pm.