

Ordinary Council Meeting Business Paper

22 June 2021



Agenda

01	OPENING OF ORDINARY MEETING		
	<ul style="list-style-type: none"> • Opening Prayer • Acknowledgement of Country • Announcement – Recording of Meeting 		
02	APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE		
03	DISCLOSURES AND DECLARATION OF INTERESTS		
04	CONFIRMATION OF MINUTES OF ORDINARY COUNCIL MEETING 25 MAY 2021		
05	MAYORAL MINUTES		
06	REPORTS		
a	GENERAL MANAGER		
	6a.21.027 2021-2022 Rates & Charges	1	Y
	6a.21.028 Integrated Planning & Reporting Framework 2021/2022	13	TBT
	6a.21.029 Yamba Road Roundabouts Update	18	N
	6a.21.030 CiAnywhere Upgrade Progress Update	24	N
	6a.21.031 Development Application Process Review - Update	26	Y
	6a.21.032 Development Applications	28	TBT
b	ENVIRONMENT, PLANNING AND COMMUNITY COMMITTEE		
	6b.21.029 DA2021/0057 – Deck on River Side of Levee Wall at 72 McHugh Street, Grafton	31	Y
	6b.21.030 SUB2020/0039 – Three Lot Subdivision – Red Hill Road, South Arm	32	Y
	6b.21.031 DA2019/0423 – 250 Site Manufactured Home Estate – Lot 2 DP 1199142 Brooms Head Road, Gulmarrad	39	Y + TBT
	6b.21.032 DA2020/0288 – Construction of Roof Over Existing Deck and Carport – 6 Pilot Street, Yamba	59	Y
	6b.21.033 REZ2020/0005 – Reclassification of Council Land 2020 for 5 Allotments, being Canals, in Yamba	68	Y
	6b.21.034 REZ2021/0003 – Rural Supplies Zoning - Lot 11 DP 1259162, 4 River Road, Palmers Island	70	Y
	6b.21.035 REZ2021/0002 – Rezoning from RU2 to R5 - Lot 10 DP 1259162, 4 River Road, Palmers Island	71	Y
	6b.21.036 REZ2020/0006 – Lot 231, Hampton Road, Waterview Heights	73	Y
	6b.21.037 REZ2020/0004 – South Maclean Highway Service Centre	74	Y
	6b.21.038 Draft Fisher Park Plan of Management	75	TBT
	6b.21.039 2021/2022 Community Initiatives Program – Round 1	76	Y
	6b.21.040 Proposed Road Name – Road Reserve Off Black Mountain Road, Nymboida	77	N
c	CORPORATE, GOVERNANCE AND WORKS COMMITTEE		
	6c.21.072 Lot 81 DP 1052936 – Approved Water Structures	79	N
	6c.21.073 Rates Bad and Doubtful Debts Review and Write-Off	80	Conf
	6c.21.074 Policies – Draft Affordable Housing, Communications	81	TBT
	6c.21.075 Remuneration for Councillors, Mayor and Deputy Mayor for 2021/2022	82	Y
	6c.21.076 Council Meeting Checklist – Update on Actions Taken	83	Y
	6c.21.077 Local Traffic Committee	84	TBT
	6c.21.078 Lifeguard Service, Patrolled Beach Summary 2020-2021 on Crown Land	85	TBT
	6c.21.079 2 Prince St Administration Building Upgrade – Progress Update	86	N
	6c.21.080 Rotary Club of Yamba Storage Update	87	N
	6c.21.081 Mid Scale Solar Farm	88	TBT
	6c.21.082 Works Report	89	TBT
	6c.21.083 Monthly Investment Report – May 2021	90	Y
d	INFORMATION ITEMS		
	6d.21.005 1. Clarence Valley Transport Committee	91	TBT
	2. Clarence Regional Library Committee		
	3. Clarence Valley Cultural Committee		
	4. Ilarwill Hall Management Committee		

e	TENDERS			
	6e.21.010	RFT 10039681 - Design and Construction of Lawrence Reservoir	92	Conf
	6e.21.011	RFT21/10 - Aboriginal Communities Water and Sewer Program – Operation and Maintenance Contract for Baryulgil, Malabugilmah and Jubullum	95	Conf
	6e.21.012	Option to Renew Agreement for Management and Operation of Calypso Yamba and Brooms Head Holiday Park – on Crown Land	98	Conf
07	NOTICE OF MOTIONS			
	07.21.010	Cr Kingsley - Funding for New Lawrence Bridge	100	N
	07.21.011	Cr Novak – Rescission Motion	102	N
08	CONFIDENTIAL BUSINESS			
09	QUESTIONS WITH NOTICE			
10	LATE ITEMS OF BUSINESS AND MATTERS ARISING			
11	CLOSE OF ORDINARY MEETING			

6. REPORTS

a. GENERAL MANAGER

ITEM	6a.21.027	2021-2022 RATES AND CHARGES
Meeting	Council	22 June 2021
Directorate	Corporate & Governance	
Reviewed by	A/Manager - Finance & Supply (Michael Salvestro)	
Attachment	Yes	

SUMMARY

This report contains recommendations regarding the making and levying of the Rates and Charges for 2021/2022.

OFFICER RECOMMENDATION

That Council in accordance with the provisions of Sections 493, 494, 496, 501, 502, 503, 542, 552 and 553 of the Local Government Act of 1993 (NSW) make and levy the following Rates and Charges for the year commencing 1 July 2021 and ending 30 June 2022.

1. Ordinary Rates (Section 494)

- (i) A Residential Rate of point five seven seven three cents (0.5773c) in the dollar on the Rateable Land Value of all rateable land categorised as Residential with a minimum rate of Six Hundred and Sixty Dollars (\$660.00), in respect of any separate parcel of rateable land. Land that has been identified as "Residential-Flood Prone Land" the minimum rate/base amount will not apply. The Rate to be known as the "Residential Rate".
- (ii) A Residential Rate of point three seven three seven cents (0.3737c) in the dollar on the Rateable Land Value of all rateable land in the coastal villages of Angourie, Brooms Head, Diggers Camp, Iluka, Minnie Water, Sandon River, Wooli and Wooloweyah categorised as Residential, sub category "A", with a minimum rate of Six Hundred and Sixty Dollars (\$660.00). The rate to be known as the Residential Rate "A".
- (iii) A Residential Rate of point four five one two cents (0.4512c) in the dollar on the Rateable Land Value of all rateable land within the towns of Maclean and Townsend categorised as Residential, sub-category "B", with a Base Amount of Five Hundred Dollars (\$500.00). The revenue from the base amount to be approximately 43.50% of the revenue from this rate. The rate to be known as the "Residential Rate B".
- (iv) A Residential Rate of point three two seven seven cents (0.3277c) in the dollar on the Rateable Land Value of all rateable land in the town of Yamba categorised as Residential, sub category "C", with a Base Amount of Five Hundred Dollars (\$500.00). The revenue from the base amount to be approximately 32.36% of the revenue from this rate. The rate to be known as the "Residential Rate C".
- (v) A Residential Rate of point eight one zero six cents (0.8106c) in the dollar on the Rateable Land Value of rateable land in the city of Grafton and village of Junction Hill categorised as Residential, sub-category "E" with a Base Amount of Five Hundred Dollars (\$500.00). The revenue from the base amount to be approximately 36.47% of the revenue from this rate. The rate to be known as the "Residential Rate E".
- (vi) A Business Rate of point six zero one five cents (0.6015c) in the dollar on the Rateable Land Value of all rateable land with a Base Amount of Five Hundred Dollars (\$500.00) for all land categorised as Business. The revenue from the base amount to be approximately 27.77% of the revenue from this rate. The rate to be known as the "Business Rate".
- (vii) A Business Rate of point seven three six four cents (0.7364c) in the dollar on the Rateable Land Value of all rateable land in the Maclean CBD categorised as Business, sub category "B" with a Base Amount of Five Hundred Dollars (\$500.00). The revenue from the base amount to

- be approximately 18.61% of the revenue from this rate. The Rate to be known as the "Business B–Maclean CBD". A map showing this CBD boundary is found in Attachment A.
- (viii) A Business Rate of point seven three six four cents (0.7364c) in the dollar on the Rateable Land Value of all rateable land in the Maclean/Townsend area other than the Maclean CBD area, categorised as Business, sub category "B" with a Base Amount of Five Hundred Dollars (\$500.00). The revenue from the base amount to be approximately 18.61% of the revenue from this rate. The Rate to be known as the "Business B – Maclean/Townsend Other Business". A map showing this CBD boundary is found in Attachment A.
- (ix) A Business Rate of point six zero seven eight cents (0.6078c) in the dollar on the Rateable Land Value of all rateable land in the Iluka Industrial area categorised as Business, sub category "C" with a Base Amount of Five Hundred Dollars (\$500.00). The revenue from the base amount to be approximately 16.77% of the revenue from this rate. The rate to be known as the "Business Rate C – Iluka Industrial". A map showing this CBD boundary is found in Attachment A.
- (x) A Business Rate of point six zero seven eight cents (0.6078c) in the dollar on the Rateable Land Value of all rateable land in the town of Iluka other than the Iluka Industrial area, categorised as Business, sub category "C" with a Base Amount of Five Hundred Dollars (\$500.00).The revenue from the base amount to be approximately 16.77% of the revenue from this rate. The rate to be known as the "Business Rate C – Iluka Other Business". A map showing this CBD boundary is found in Attachment A.
- (xi) A Business Rate of point five seven nine eight cents (0.5798c) in the dollar on the Rateable Land Value of all rateable land in the Yamba CBD (including the Treelands Drive business area) categorised as Business, sub-category "D" with a Base Amount of Five Hundred Dollars (\$500.00). The revenue from this base amount to be approximately 16.52% of the revenue from this rate. This rate to be known as "Business Rate D – Yamba CBD". A map showing this CBD boundary is found in Attachment A.
- (xii) A Business Rate of point five seven nine eight cents (0.5798c) in the dollar on the Rateable Land Value of all rateable land in the town of Yamba other than the Yamba CBD categorised as Business, sub-category "D" with a Base Amount of Five Hundred Dollars (\$500.00). The revenue from this base amount to be approximately 16.52% of the revenue from this rate. This rate to be known as "Business Rate D – Yamba Other Business". A map showing this CBD boundary is found in Attachment A.
- (xiii) A Business Rate of two point zero six seven four cents (2.0674c) in the dollar on the Rateable Land Value of all rateable land in the Grafton and South Grafton CBD, categorised as Business, sub category "E" with a Base Amount of Five Hundred Dollars (\$500.00). The revenue from the base amount to be approximately 8.46% of the revenue from this rate. The rate to be known as "Business Rate E – Grafton & South Grafton CBD". A map showing this CBD boundary is found in Attachment A.
- (xiv) A Business Rate of one point two eight seven seven cents (1.2877c) in the dollar on the Rateable Land Value of all rateable land in the areas of Junction Hill, Trenayr and Koolkhan and the city of Grafton other than the Grafton and South Grafton CBD, categorised as Business, sub category "F" with a Base Amount of Five Hundred Dollars (\$500.00). The revenue from the base amount to be approximately 18.45% of the revenue from this rate. The rate to be known as "Business Rate F – Grafton & South Grafton Other Business". A map showing the Junction Hill, Trenayr and Koolkhan boundary found in Attachment A
- (xv) A Business Rate of point four nine five seven cents (0.4957c) in the dollar on the Rateable Land Value of all rateable land categorised as Business where the parcel of rateable land is rated separately and determined as a jetty or pontoon. The minimum/base amount will not apply to this category. The rate is to be known as "Business-Jetties".
- (xvi) A Farmland Rate of point two eight eight zero cents (0.2880) in the dollar on the Rateable Land Value of all rateable land categorised as Farmland with a Base amount of Three Hundred and Thirty Dollars (\$330.00). The revenue from the base amount to be approximately 19.65% of the revenue from this rate. The rate to be known as Farmland.

2. Sewer Availability Charges (Section 501)

- (i) A Special Charge for all land categorised “Residential” and rateable to a sewerage system, the charge being One Thousand One Hundred and Eighty Eight Dollars (\$1,188.00) per land parcel excepting any parcel in respect of land not built upon and not connected to the Council sewerage system in which case the charge shall be Six Hundred and Eighty Seven Dollars (\$687.00) to be known as the “Clarence Valley Council Sewerage Charge”.
- (ii) A Special Charge for all land parcels categorised “Residential” which have additional connections to a premise that can be subject to separate and permanent occupation. The charge to be calculated by multiplying the occupied charge in Item 2(i) (\$1,188.00) by the number of additional premises in excess of one (1) which can be occupied separately and on a permanent basis.
- (iii) A Special Charge for all land categorised “Residential” and connected to a pressure sewerage system, the charge being One Thousand One hundred and Sixty Three Dollars (\$1,163.00) per land parcel excepting any parcel in respect of land not built upon and not connected to the Council sewerage system in which case the charge shall be Six Hundred and Eighty Seven Dollars (\$687.00) to be known as the “Clarence Valley Council Sewerage Charge”.
- (iv) A Special Sewer access charge based on water meter size for all land parcels categorised “Business” (i.e. Non-Residential) and connected to a sewerage system. The charges to be as follows:
 - a. A charge of \$1,188 for a 20mm service.
 - b. A charge of \$1,188.00 for a 25mm service.
 - c. A charge of \$1,759.00 for a 32mm service.
 - d. A charge of \$2,748.00 for a 40mm service.
 - e. A charge of \$4,294.00 for a 50mm service.
 - f. A charge of \$10,992.00 for an 80mm service.
 - g. A charge of \$17,175.00 for a 100mm service.
 - h. A charge of \$38,644.00 for a 150mm service.

excepting any parcel in respect of land not built upon and not connected to the Council sewerage system in which case the charge shall be Six Hundred and Seventy Dollars (\$687.00) to be known as the “Clarence Valley Council Sewerage Charge”.

- (v) A Special Sewer access charge based on water meter size for all land parcels categorised “Business” (i.e. Non-Residential) that are connected to a pressure sewerage system. The charges to be as follows:
 - a. A charge of \$1,163.00 for a 20mm service.
 - b. A charge of \$1,163.00 for a 25mm service.
 - c. A charge of \$1,734.00 for a 32mm service.
 - d. A charge of \$2,723.00 for a 40mm service.
 - e. A charge of \$4,269.00 for a 50mm service.
 - f. A charge of \$10,967.00 for an 80mm service.
 - g. A charge of \$17,150.00 for a 100mm service.
 - h. A charge of \$38,619.00 for a 150mm service.

excepting any parcel in respect of land not built upon and not connected to the Council sewerage system in which case the charge shall be Six Hundred and Eighty Seven Dollars (\$687.00) to be known as the “Clarence Valley Council Sewerage Charge”.

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

(viii) Onsite Sewage Management Charge

A Special Charge for all occupied land parcels not receiving a Sewerage service. The charge to be Forty Two Dollars (\$42.00) for each rateable parcel. The charge to be known as "Residential Onsite Wastewater Management Charge".

3. Sewer Consumption Charges (Section 502)

- (i) A Consumption Charge of Three Dollars and Sixty Cents (\$3.60) per kilolitre will be charged on all Residential and Non-Residential properties. The charge for Non-Residential properties will be based on water consumption of the previous trimester and affected by a Sewerage Discharge Apportionment Factor. The non-residential sewer charge is the sum of the access charge and the generation charge, with a minimum charge of the residential charge (\$1,188.00 in 2021/22). This charge to be known as the "Sewerage Consumption Charge".
- (ii) A Non-Residential High Consumption Sewerage Generation Charge (for development approved after 1 July 2021) for sewage generation above 0.74kl/day per billing period for Grafton, Junction Hill and Coutts Crossing be charged the Non-Residential High Consumption Sewerage Charge of Five Dollars and Fifty Eight Cents (\$5.58) per kilolitre.
- (iii) A Non-Residential High Consumption Sewerage Generation Charge (for development approved after 1 July 2021) for sewage generation above 0.74kl/day per billing period for Maclean, Townsend, Ilarwill, Lawrence, Iluka, Yamba be charged the Non-Residential High Consumption Sewerage Charge of Seven Dollars and Fourteen Cents (\$7.14) per kilolitre.

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

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

An annual charge of Two Hundred and Eighty Seven Dollars (\$287.00) per service, for the collection, disposal, recycling and management of Domestic Waste generated on all residential properties including premises which can be subject to separate occupation, receiving or situated in a location where the collection service is available. This charge to be known as "Domestic Waste 2 Bin"

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

An annual charge of Three Hundred and Fifty Dollars (\$350.00) per service, for the collection, disposal, recycling and management of waste generated on all residential properties, including premises which can be subject to separate occupation, receiving or situated in a location where the collection service is available. This charge to be known as "Domestic Waste 3 Bin".

(iii) Non-Residential Waste Charge (Excluding Green Waste – 2 Bin Service)

An annual Charge of Two Hundred and Eighty Seven Dollars (\$287.00) per service, for the collection, disposal, recycling and management of waste generated on property categorised "Business" receiving a service similar to that provided in (4.i).

(iv) Non-Residential Waste Charge (Including Green Waste – 3 Bin Service)

An annual Charge of Three Hundred and Fifty Dollars (\$350.00) per service, for the collection, disposal, recycling and management of waste generated on property categorised "Business" receiving a service similar to that provided in (4.ii).

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

An annual charge of One Hundred and Thirty Eight Dollars (\$138.00) per additional red bin supplied to a property receiving a 2 Bin or 3 Bin Service but requiring an additional red bin. This charge to be known as "Domestic Waste Additional Red Bin".

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

An annual charge of One Hundred and Eight Dollars (\$108.00) per additional yellow bin supplied to a property receiving a 2 Bin or 3 Bin Service but requiring an additional yellow bin. This charge to be known as "Domestic Waste Additional Yellow Bin".

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

An annual charge of One Hundred and Thirty Three Dollars (\$133.00) per additional green bin supplied to a property receiving a 3 Bin Service but requiring an additional green bin. This charge to be known as "Domestic Waste Additional Green Bin".

- (viii) Domestic Waste Charge – Vacant

An annual charge of Thirty Dollars (\$30.00) for all parcels of rateable vacant property which would receive a collection service when becoming occupied or located where the service is available. This charge to be known as "Domestic Waste Vacant".

- (ix) Waste Management levy

An annual charge of Sixty Five Dollars (\$65.00) for all rateable properties in the Clarence Valley Council area. This charge to be known as "Waste Management Levy".

5. Water Availability Charges (Section 501)

- (i) An annual charge of \$173.00 for all unconnected land which is situated within 225 metres of a Council water main and can be connected to the water main.
- (ii) An annual charge of \$127.00 for all land which has a 20mm connection to the water main.
- (iii) An annual charge of \$198.00 for all land which has a 25mm connection to the water main.
- (iv) An annual charge of \$325.00 for all land which has a 32mm connection to the water main.
- (v) An annual charge of \$508.00 for all land which has a 40mm connection to the water main.
- (vi) An annual charge of \$794.00 for all land which has a 50mm connection to the water main.
- (vii) An annual charge of \$2,032.00 for all land which has an 80mm connection to the water main.
- (viii) An annual charge of \$3,175.00 for all land which has a 100mm connection to the water main.
- (ix) An annual charge of \$7,144.00 for all land which has a 150mm connection to the water main
- (x) An annual charge of \$63.50 for all land provided with Untreated (Raw) Water with a 20mm connection to the water main.
- (xi) An annual charge of \$99.00 for all land provided with Untreated (Raw) Water with a 25mm connection to the water main.

6. Water Consumption Charges (Section 502)

- (i) A Water Consumption charge of Two Dollars and Fifty Nine Cents (\$2.59) per kilolitre for all residential properties, applying to the daily average water consumption below 1.233kL/day per billing period.
- (ii) A Water Consumption charge of Three Dollars and Eighty Six Cents (\$3.86) for all residential properties with a water consumption category of residential applying to any daily average water consumption exceeding 1.233 kl per day, per billing period.
- (iii) A Water Consumption charge of Two Dollars and Fifty Nine Cents (\$2.59) per kilolitre for all non-residential properties. This charge to be known as the "Water Usage Non-Residential".
- (iv) A Water Consumption charge of Ten Dollars and Thirty Three Cents (\$10.33) per kilolitre for all water usage registered on a meter installed as a fire service to the property where the

consumption has been for purposes other than for fire service purposes as a disincentive for using the service for incorrect purposes. This charge to be known as the “Water Usage Fire Service”.

- (v) A Water Consumption charge of One Dollar and Twenty Eight Cents (\$1.28) per kilolitre for all properties connected to Untreated (Raw) Water. This charge to be known as the “Water Usage Untreated (Raw) Water”.
- (vi) A Non-Residential High Consumption charge (for Development approved after 1 July 2021) for average daily water consumption above 1.233kl/day per billing period of Three Dollars and Forty Six Cents (\$3.46) per kilolitre. This charge to be known as the “Non-Residential High Consumption”.
- (vii) That the interest rate on overdue amounts applicable to outstanding rates and charges for 2020/2021 be the maximum rate of 6% for the period 1 July 2021 – 30 June 2022 as set by the Minister for Local Government accruing on a daily basis.

7. Interest on overdue rates

That the interest rate on overdue amounts applicable to outstanding rates and charges for 2021/2022 be the maximum rate of 6% for the period 1 July 2021 – 30 June 22 as set by the Minister for Local Government accruing on a daily basis.

8. Small Balance Rates & Charges write off

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

LINKAGE TO OUR COMMUNITY PLAN

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

BACKGROUND

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

KEY ISSUES

The recommended rate structure for 2021/2022 was included in Council's draft 2021/2022 Operational Plan for community consultation.

This report recommends the proposed rate structure for 2021/2022 be based on Council's existing rate structure as levied for 2020/2021 but indexed by the Rate Peg of 2% approved by the Independent Pricing and Regulatory Tribunal (IPART) on 8 September 2020 for 2021/2022 rating year.

The proposed structure includes changes to the following Base Amounts and Minimums:

- Yamba, Maclean & Townsend Residential Categories Base Amount increases from \$490 to \$500.
- All Business Rating Categories Base Amount increases from \$490 to \$500.
- Residential “Outside Town Areas” and Residential A – “Coastal Villages” minimum rate increases from \$647 to \$660.
- There are no changes proposed to any of the other rating categories.

Land Valuations

Council applies property land valuations from the NSW Valuer General. These values are available for rating as at 1 July 2019 and Council will use them to levy the rates for the 2021/2022 financial year.

Proposed 2021/22 Rate Levy

The Rate Levy tabled below is a summary of the recommended Rate Structure for 2021/2022 which includes the Rate Peg of 2% as advised by IPART.

Rate Structure 2021/2022**2% Rate Peg – General Rates**

	Category	Number of Properties	Rate in \$	Minimum	Base Amount	% from Base	Income from Base	Ad Valorem Rate Yield	Total Yield
1	Farmland	2272	0.2880	\$ -	\$330.00	19.65%	\$ 749,760	\$ 3,065,337	\$ 3,815,097
2	Residential – Ashby, Chatsworth, Copmanhurst, Brushgrove, Gulmarrad, Harwood, Illarwill, Lawrence, Palmers Island, Courtts Crossing, Woombah, Cowper, Glenreagh, Swan Creek, Tucabia, Ulmarra, Waterview, Seelands, Eatonsville, Illarwill, Tyndale plus rural residential areas. This includes residential flood prone land (15 properties)	7974	0.5773	\$ 660.00				\$ 8,164,595	\$ 8,164,595
2(i)	Residential A – Angourie, Brooms Head, Diggers Camp, Iluka, Sandon River, Minnie Water, Wooloweyah, Wooli	2249	0.3737	\$ 660.00				\$ 2,739,392	\$ 2,739,392
2(ii)	Residential B – Maclean, Townsend	1594	0.4512	\$ -	\$500.00	43.50%	\$ 797,000	\$ 1,035,244	\$ 1,832,244
2(iii)	Residential C – Yamba	3419	0.3277	\$ -	\$500.00	32.36%	\$ 1,709,500	\$ 3,572,455	\$ 5,281,955
2(iv)	Residential E – Grafton, Junction Hill	7756	0.8106	\$ -	\$500.00	36.47%	\$ 3,878,000	\$ 6,755,710	\$ 10,633,710
3	Business	220	0.6015	\$ -	\$500.00	27.77%	\$ 110,000	\$ 286,169	\$ 396,169
3(i)	Business B – Maclean	165	0.7364	\$ -	\$500.00	18.61%	\$ 82,500	\$ 360,741	\$ 443,241
	Business B – Maclean, Townsend Other Business								
3(ii)	Business C – Iluka Industrial	58	0.6078	\$ -	\$500.00	16.77%	\$ 29,000	\$ 143,959	\$ 172,959
	Business C – Iluka Other Business								
3(iii)	Business D – Yamba CBD (Includes Treelands Drive)	279	0.5798	\$ -	\$500.00	16.52%	\$ 139,500	\$ 705,140	\$ 844,640
	Business D – Yamba Other Business								
3(iv)	Business E – Grafton & South Grafton CBD	368	2.0674	\$ -	\$500.00	8.46%	\$ 184,000	\$ 1,989,977	\$ 2,173,977
3(v)	Business F – Grafton & South Grafton Other	297	1.2877	\$ -	\$500.00	18.45%	\$ 148,500	\$ 656,468	\$ 804,968
3(vi)	Jetties	77	0.4957	\$ -	\$ -	0.00%	\$ -	\$ 1,255	\$ 1,255
	Total Ordinary Rates	26728					\$ 7,827,760	\$ 29,476,443	\$ 37,304,203

Water Charges

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

Where a property has multiple meters, the property is only charged for the single largest meter until the end of the phase-in period. While the 5 year phase-in period concluded in 2009/2010, it is proposed to commence charging the access charge per meter effective 01 July 2022 with property owners being notified of Councils intention during the 2021/2022 rating year so that property owners have been given adequate time to assess the need for each meter and reduce the number of meters where necessary noting that the fixed charge per water meter will be introduced in the 2022/2023 rating year.

Water Charges 2021/2022

At the 24 November 2015 Extraordinary Council meeting (Item 12.060/15) Council resolved that water fund increases be capped to a maximum of 1.5% per year for five (5) years from 2016/2017. The current 30 year financial model indicated that from 2016/2017 water charges were to increase by 1.5% per year until 2020/2021 with the budgeted increase for 2021/2022 being 2.5%.

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

To calculate Residential Water charges for 2021/2022, the 2020/2021 access and consumption charges were indexed by 2.5%.

A Non-Residential High Consumption Charge will apply to non-residential properties with development approval issued after 1 July 2021. The Non-Residential High Consumption Charge is calculated by amortising the Section 64 Developer Charge for water over 40 years with a cost of capital of 5% and a forecast escalation of developer charges of 2.5% and then divided by 230kl/year (the NSW Water Directorate's adopted value of the annual water consumption per ET). Adding this result to the Consumption Charge gives the High Consumption Charge as shown in Table 1.

The charges for 2021/2022 are shown in Tables 1 and 2:

Table 1: 2021/22 Water Consumption Charges

	2020/21 Charge	2021/22 Charge	Estimated 2021/22 Yield
Consumption	\$2.53	\$2.59	\$11.83M
Residential inclining block for average daily water consumption above 1.233kl/day per unit or residence per billing period	\$3.77	\$3.86	
Fire Service meter Consumption	\$10.08	\$10.33	
Consumption Untreated (Raw) Water	\$1.26	\$1.28	\$73,350
Non-Residential High Consumption Charge (for development approved after 1 July 2021) for average daily water consumption above 1.233kl/day per billing period	\$3.46		

Table 2: Fixed (Access) Water Charges for 2021/22

Water Meter Size*	2020/21 Fixed Charge	2021/22 Fixed Charge	Estimated Yield 2021/22
Unconnected	\$169	\$173	\$3.03M
20mm	\$124	\$127	
25mm	\$194	\$198	
32mm	\$317	\$325	
40mm	\$496	\$508	
50mm	\$775	\$794	
80mm	\$1,984	\$2,032	
100mm	\$3,100	\$3,175	
150mm		\$7,144.00	

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

Water consumption that is registered through a Fire Service meter and used for purposes other than fire service purposes will be charged \$10.33 per kilolitre. The fire service connected to a property is to be used for fire purposes only and this charge will be a disincentive for consumers to use this meter for incorrect purposes.

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

As previously mentioned, best practice pricing requires a single charge for both residential and non-residential consumers and based on the adopted phase-in path, charges for 2021/2022 are likely to be in accordance with Table 3.

Table 3: Proposed future consumption charges

Consumption Charge	2019/20	2020/21	2021/22
Consumption \$/kl	\$2.49	\$2.53	\$2.59

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

Sewerage Charges

In May 2004, the then Department of Energy, Utilities and Sustainability (DEUS) released guidelines for the Best Practice Management of Water Supply and Sewerage. The guidelines require Council to charge a uniform sewerage bill for residential properties, a two part tariff comprising an annual access charge and a uniform sewer usage charge per kilolitre (kL) for non-residential properties and appropriate liquid trade waste fees and charges. In April 2005, Council resolved to adopt best practice pricing for sewerage with common sewerage charges across the Council area, and best practice pricing was implemented in the 2005/2006 financial year.

At the 24 November 2015 Extraordinary Council meeting (Item 12.060/15) Council resolved that sewer fund increases be capped to a maximum of 1.5% per year for five (5) years from 2016/2017. The current 30 year financial model indicates that from 2016/2017 sewer charges will increase by 1.5% per year until 2020/2021 with the budgeted increase for 2021/2022 being 2.5%.

A Non-Residential High Consumption Charge will apply to non-residential properties with development approval issued after 1 July 2021. The Non-Residential High Consumption Charge is calculated by amortising the Section 64 Developer Charge for sewer over 40 years with a cost of capital of 5% and a forecast escalation of developer charges of 2.5% and then divided by 138kl/year (the NSW Water Directorate's adopted value of the annual water consumption per ET multiplied by a sewage discharge factor of 60%). Adding this result to the Consumption Charge gives the High Consumption Charges as shown in Table 1.

Table 1 below shows the sewerage charges for 2021/2022 and Table 2 shows the access charge for non-residential properties:

Table 1: Charges for 2021/22

Property	Adopted 2020/21 Charge	Proposed 2021/22 Charge	Estimated Yield 2021/22
Residential Property (per connection)	\$1,159	\$1,188	\$15.15M
Residential Property Pressure Sewer zone	\$1,134 ¹	\$1,163 ¹	\$1.37M
Residential Property Unconnected Availability Charge	\$670	\$687	\$495,000
Non-residential Access Charge (per water meter)	As per Table 2 ²	As per Table 2 ²	See Table 2
Non-residential Sewerage Generation Charge	\$3.46/kL	\$3.51/kL	
Non-rateable properties	\$3.46/kL (no access charge)	\$3.51/kL (no access charge)	
Non-Residential High Consumption Sewerage Generation Charge (for development approved after 1 July 2021) for sewerage generation above 0.74kl/day per billing period – Grafton, Junction Hill & Coutts Crossing		\$5.58/kl	

Property	Adopted 2020/21 Charge	Proposed 2021/22 Charge	Estimated Yield 2021/22
Non-Residential High Consumption Sewerage Generation Charge (for development approved after 1 July 2021) for sewerage generation above 0.74kl/day per billing period – Maclean, Townsend, Ilarwill, Lawrence, Iluka, Yamba		\$7.14/kl	

1. Properties within a pressure sewer zone are charged \$25 less than properties in a gravity sewer zone to reflect the average cost of pressure pump electricity consumption which is paid for by the property
2. The non-residential sewer charge is the sum of the access charge and the generation charge, with a minimum charge of the residential charge (\$1,188 for 2021/2022. As meters are read tri-annually, the minimum non-residential charge will be calculated on an equivalent charge of \$3.25 per day.

Table 2: Fixed (Access) Sewer Charges Proposed for 2021/22

Water Meter Size*	2020/21 Fixed Charge	2021/22 Fixed Charge	Estimated Yield 2021/22
Unconnected	\$670	\$687	} \$1.28M
20mm	\$670	\$1,188	
25mm	\$1,047	\$1,188	
32mm	\$1,715	\$1,759	
40mm	\$2,680	\$2,748	
50mm	\$4,187	\$4,294	
80mm	\$10,720	\$10,992	
100mm	\$16,750	\$17,175	
150mm		\$38,644	

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

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

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

- fixed (access) charge plus sewer generation charge, or
- daily charge of \$3.25

Waste Management Charges

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

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

Council also levies a waste management charge pursuant to Section 501 of the Act on all rateable properties. The levy contributes to the cost of developing waste management infrastructure such as waste transfer stations, landfills, composting facilities, recycling centres and other services such as litter collection. The 2021/2022 levy has increased from \$63 to \$65. The increase recognises the additional cost of providing

waste management services, especially waste transfer stations. The waste management charges for 2021/2022 are detailed below:

Domestic Waste Charge Section 496	2019/20 Charge	2019/20 Yield	2020/21 Charge	2020/21 Yield	2021/22 Charge	Estimated 2021/22 Yield
3 Bin Service	\$353	\$6,224,096	\$344.50	\$6,436,353	\$350	\$6,591,660
2 Bin Service	\$288	\$1,089,792	\$278.50	\$1,186,989	\$287	\$1,147,598
Vacant land	\$29	\$15,080	\$29	\$60,784	\$30	\$39,540
Additional red bin	\$135	\$23,220	\$135	\$23,500	\$138	\$32,430
Additional yellow bin	\$100	\$4,100	\$105	\$4,500	\$108	\$5,724
Additional green bin	\$130	\$3,380	\$130	\$3,500	\$133	\$4,655
Waste Management Charge Section 501						
Waste Management Levy	\$52	\$1,357,357	\$59	\$1,569,990	\$63	\$1,734,850

On-Site Effluent Disposal Systems

The annual fee to fund the required level of auditing of the 9,026 on-site sewerage management systems has been indexed by 5% to \$42.00 for 2021/2022 (\$40.00 2020/2021). The fee is levied on all properties with on-site effluent disposal systems.

Backflow Prevention Device Annual Charge

An annual charge of \$59 for 2021/2022 is to fund the administration of the backflow prevention device programme. The charge is levied on properties that have containment backflow prevention devices that are required to be annually tested and certified in accordance with Council's Backflow prevention and cross connection control policy. The charge is per annum per containment device.

COUNCIL IMPLICATIONS

Budget/Financial

The Rate Structure for 2021/22 is based on the rate peg of 2% as determined by IPART. This will be an increase of \$731,347 on that levied for the 2020/2021 rating year.

Set out below is a summary of Council's total permissible rate income for 2021/2022:

TOTAL PERMISSIBLE INCOME FOR 2021/22	
2020/21 Notional General Income	\$36,567,365
Plus 2% IPART approved Rate Peg 2021/22	\$731,347
Plus Total Available (catch-up) for 2021/22 (Schedule 3)	\$5,491
Total Draft Permissible Income 2021/22	\$37,304,203

The estimated yield by rate category will be:

Business	\$ 4,837,209
Farmland	\$ 3,815,098
Residential	\$28,651,896
Total 2021/22	\$37,304,203

Asset Management

N/A

Policy or Regulation

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

Interest on overdue rates

The interest rate on overdue amounts applicable to outstanding rates and charges for 2021/2022 is recommended to be the maximum rate of 6% for the period 1 July 2021 – 30 June 22 as set by the Minister for Local Government accruing on a daily basis – refer to Office of Local Government Circular at Attachment B.

Consultation

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

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Paula Krahe, Revenue Co-Ordinator
Attachment	A – Business Rating Maps B – Office of Local Government Interest Rate Declaration C – Rate Peg – IPART – 2%

ITEM	6a.21.028	INTEGRATED PLANNING AND REPORTING FRAMEWORK 2021/2022
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Meeting	Council	22 June 2021
Directorate	Corporate & Governance	
Reviewed by	A/General Manager - (Laura Black)	
Attachment	To be tabled	

SUMMARY

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

The documentation underpins the activities of the Council, achieves the direction set by the elected members in the Delivery Program and the aspirations identified by the community in the Community Plan, Clarence 2027. The accompanying documentation also includes an annual budget and the resourcing strategy and revenue policy including fees and charges. Public exhibition of the draft documentation has now been completed and post exhibition period adjustments are presented for adoption.

OFFICER RECOMMENDATION

That Council

1. note the public exhibition period submissions contained within the report in summary and attached to the report in full.
2. adopt the following:
 - i. 2017 – 2022 Delivery Program (Attachment A)
 - ii. 2021/22 Operational Plan (Attachment B)
 - iii. Resourcing Strategy (Attachment C) incorporating the
 - Long Term Financial Plan (2021/22 to 2030/31)
 - Workforce Management Strategy (2021/22 – 2023/24)
 - Asset Management Strategy (2021/22 – 2030/31)
 - iv. 2021/22 Fees and Charges (Attachment D).
3. reallocate remaining S94A funds (approximately \$856,000) previously allocated to the upgrade of Bailey Park Ulmarra to the upgrade of the Small Park amenities and connecting footpaths in Ulmarra to complement the recent announcement of \$2.3M Public Spaces Legacy funds to Bailey Park and road infrastructure upgrades in Ulmarra.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

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

BACKGROUND

Preparation of the IP&R documentation is the responsibility of Council's senior management team in consultation with Councillors and staff. This year's IP&R documentation has been reformatted to increase transparency of activity. The documentation incorporates the following four key documents:

- Community Strategic Plan – "The Clarence 2027"
- Delivery Program 2017/18 – 2021/22
- Operation Plan 2021/22
- Resourcing Strategy comprising
 - 2021/22 – 2030/31 Long Term Financial Plan
 - Workforce Management Strategy
 - Asset Management Strategy

Preparation of the 2021/2022 documents considers Council's financial position, resourcing and the continuing journey toward a sustainable future.

The Community Strategic Plan – “The Clarence 2027” as previously adopted remains unchanged and is currently available on Council’s website.

Council’s Delivery Program 2017/18 – 2021/22 has been extended to cover a fifth year. This change has been made in line with the Office of Local Government recommendations due to the delay of Council Elections from 2020/21 to 2021/22. Only minor changes have been made to ensure currency of the program.

The Operational Plan 2021/22 has been reviewed to include:

- Service Statements identifying service objectives, performance measures and cost
- Revenue Policy identifying own source revenue
- Annual Budget identifying income and expenditure by service and a consolidated income and expenditure statement.

The Service Statements are a significant change to past reporting and aim to improve transparency of service provision by providing additional information about the key Services we provide, how we plan to resource them, the cost of delivery, the intended actions visible to the Community through the delivery of the service and performance measures. Reports of progress against scheduled actions and achievement against performance measures will be delivered to Council following each quarter.

Clause 201 of the Local Government (General) Regulation 2005 provides that Council’s draft Revenue Policy must include a statement of the types of fees proposed to be charged by the Council, the amount of each fee, estimated yield and the proposed pricing methodology for each fee. Generally, where permissible, the majority of Council’s fees and charges have been increased by an estimated CPI amount of 2.0% (rounded). A separate document titled ‘Fees and Charges’, provides the detail of fees charged by Council for individual services.

The 2021/22 Fees and Charges contains a total of 1,400 fees, including 127 new fees. Of the 127 new fees, 88 relate the Grafton Regional Gallery, 28 relate to Holiday Parks, 5 to building and development certificates and services, 2 to Libraries, 2 to Signs and 1 each for Civil Engineering Works & Inspections and Cemeteries.

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

- Inspection / Registration Fees for Commercial / Residential Buildings changed to a flat upfront fee that better reflect the cost of the service.
- Purchasing Enquiry Report fee changed to a flat upfront fee that better represents the cost of preparing a report for prospective buyers of commercial premises.

Other significant variations include:

- A new fee structure, incorporating 88 new fees has been included for the Grafton Regional Gallery following its recent redevelopment.
- Holiday Park fees have been restructured to list a range of fee amounts rather than individual fee amount for each accommodation type so as to protect the parks commercial information. This has resulted in 23 current fees being displayed in the schedule of fees & charges rather than 292 individual fees.

The 2021/22 budget proposes a net result surplus of \$103,608, after loan repayments, transfers from Reserves and a capital works program totalling \$108.1 million.

Renewal works represent 68% of the program and it is noted that the program is heavily reliant on grant funding with grants representing 40% of the funding sources allocated to the works.

2021/22 Rates income has been indexed at the IPART Rate Peg value of 2%. 2020/21 was the last year of the 3 year Special Rate Variation granted by IPART in 2018. However, additional funds raised through the increased yield are still identified separately and allocated to roads and infrastructure asset renewals in line with our IPART SRV Application. In 2021/22 this yield amounted to \$5.426M.

The draft budget is included in the Operational Plan 2021/22 and presented as follows:

- a) A Summary Income Statement by Fund and Consolidated
- b) An Income and Expenditure by Service

The Resourcing Strategy is a holistic document that details the provision of resources required to implement the Community Strategic Plan. It covers three key areas Long Term Financial Planning, Workforce Management Planning and Asset Management Planning.

The Long Term Financial Plan (LTFP) presents the path Council is currently on to meet sustainability obligations with a Net Operating General Fund surplus returned in 2021/2022. 2020/21 was the last year of the SRV granted by IPART in 2018 however, additional funds raised through the increased yield are still identified separately and allocated to improved management of assets, through increased expenditure on renewal and maintenance programs as identified in the Capital Works Program. The LTFP indicates that Clarence Valley Council is meeting its sustainability obligations in 2021/22 and remains sustainable over the long term. Two LTFP scenarios have been prepared to examine the impacts of population growth as applied to Rates & Annual Charges Income on the operating result. Scenario 1 – Average Population Growth – 0.50% and Scenario 2 – Optimistic Population Growth – 1%.

The Workforce Management Strategy 2021/22 – 2023/24, focusses on retaining existing staff as well as attracting new employees to ensure an organisation as the right number of people with the right skills in the right jobs at the right time.

The revised Asset Management Strategy 2021/2022 – 2030/2031 provides a framework to guide planning, construction, maintenance and operation of Council's physical assets. The current draft estimates the replacement value of Council's assets at over \$2.1 billion, the most significant asset type is the road network. The Asset Management Strategy states that the majority of Council's assets are in good to fair condition.

KEY ISSUES

The post exhibition period 2021/22 Net Budget Result (after capital works, loan repayments and transfers from Reserves) remains as a surplus of \$103,608.

The post exhibition period Capital Works Program has however increased by \$25M from \$83.1M to \$108.1M. Historically, Council's resourced capacity to deliver is approximately \$60M. The substantial 2021/22 Capital Works Program results from a significant increase in receipt of grant funding in the second half of 2019/20 and 2020/21 due to the simultaneous disaster stimulus packages allocated by the State and Federal governments, of which currently have expenditure deadlines in 2021/22. While it is recommended Council adopt the Capital Works Program, it should do so recognising that variations to funding agreements yet to be negotiated will result in budget variations throughout the 2021/22 financial year to postpone completion and realign deliverables into future years.

Variations to be negotiated relate primarily to limited availability of contractors and/or specialist staff to deliver projects due to the excess of government funding available for infrastructure outcomes across local government. The provision of such large amounts of funding with little notice, has inhibited contractors and local government to scale up to deliver and as such, these variations will ultimately reduce the 2021/22 program bringing it back in line with our resourcing capacity.

The updated Capital Works Program for 2021/22 has been included in the Operational Plan commencing page 72.

Exhibition Period Submissions

Nine submissions were received and four (shaded) have been included in the post exhibition period adjustments for completion in 2021/22.

Sender	Submission Summary	Response
Ratepayers Association of Iluka	Construction of amenities in Charles Street Iluka.	Iluka is considered to have comparable access to amenities as other towns across the LGA. See attached briefing note (Attachment F). A staged approach is to be applied. <ol style="list-style-type: none"> 1. Construction of an all weather footpath to existing amenities in Ken Leeson Oval to be constructed in 2021/22 2. Investigation of feasibility including land acquisition to be considered by the new Council as a 2022/23 activity.

Sender	Submission Summary	Response
Maclean Football Club	Increase in sports committee funding from \$35k for each committee to \$40k per annum	Include in the 2021/22 budget for adoption.
Nareen Clark	Footpath along Queen St to existing path at Crown St.	All footpath improvements to be considered in the context of 2021/22 Pedestrian Access Mobility Plan (PAMP) review to be completed on recruitment of the Road Safety Officer.
Dave Schwarz	Local law banning Air BNB and Short Term Letting.	There is no ability for Council to address as State Policy applies to Short Term Rental Accommodation.
Jennifer Bishop	Fish cleaning table and pontoon for Wooli.	Masterplan for the area to be considered by the new Council as a 2022/23 activity as capacity is exhausted in 2021/22.
Felicity Pearce – Iluka Skate Park Working Group	New or upgrade to Iluka Skatepark.	Skatepark considered in good conditioning and provides appropriate level of service for local community. Any upgrade requires plans for area integration with other facilities in the area. Possibly a future years project.
Sue Bowling – Brushgrove Hotel Fishing Club	Dish cleaning station at Cowper boat ramp – partnership project with Fishing Club proposed.	Co-funded project included in 2021/22 budget for adoption.
Doug Mackenzie	Clearing of noxious weeds from Yamba Hill near lighthouse, construct a walkway from Pilot Hill to Main Beach.	Environmental weed management has and will continue. Walkway is not a priority as the terrain is steep and construction would not be low cost.
Angela Berry	Disabled access to beaches at Yamba.	The terrain, practicality and costs to provide a compliant accessible access to many of the beaches in Yamba is challenging. The access to Turners Beach from the breakwall changed during the works done to upgrade the breakwall by DPI Crown Lands and the dynamic sand shift complicates access from the breakwall in this location. A MLAK key lock is available to Pippi Beach to enable persons with accessible needs to access the beach.

Post Exhibition Period Adjustments

The post exhibition adjustments are included at Attachment G. In summary they include

- Inclusion of the Bridge replacement program - \$4,294,767.
- Inclusion of deferred projects identified in the Deferred Projects report adopted at the May Ordinary meeting.
- Inclusion of budget to complete Causley's Quarry Rehabilitation, included in the draft Operational Plan.
- Inclusion of budget to complete Environmental Control Upgrades at Quarries in accordance with the current Plan of Management – this project has also been added to page 34 of the Operational Plan.
- Inclusion of an annual contribution to Harwood Cricket Grounds of \$7,500.
- Inclusion of construction of an all weather footpath from the Iluka town centre to existing amenities – this has also been included in the Capital Works Program on page 70 of the Operational Plan.
- Inclusion of an additional \$5,000 in annual funding to the Lower and Upper Clarence Sports Committees.
- Reallocation of funds for an existing 2021/22 project – the Employment lands strategy now grant funded.
- Deferment of Wherrett Park masterplan, Barnier Park Masterplan and Harwood Community Economic Plan detailed design to 2022/23 due to limited capacity to deliver. These projects have been removed from page 15 of the Operational Plan and will be included in the draft 2022/23 Operational Plan to be considered by the new Council in early 2022.
- Deferment of the Developer Contributions Plan Review to 2022/23 to allow completion of all pre-requisite activities prior to commencement. This project has been removed from page 27 of the

Operational Plan and will be included in the draft 2022/23 Operational Plan to be considered by the new Council in early 2022.

- Inclusion of a fish cleaning station at Cowper Boat Ramp - \$4,000. This project has been added to page 15 of the Operational Plan.

It is also noted that Council previously allocated \$1M in S94A funds to the Bailey Park Ulmarra upgrade, a recent announcement by the State Government to allocate \$2.3M to this same project requires Council's reconsideration of fund allocation. Funds remaining from the \$1M are approximately \$780,000 after survey, detailed design and project management costs relating to the current status of the overall Ulmarra project.

This report recommends Council maintain its commitment to its previous allocation to implementation of the Ulmarra Riverside Precinct Plan and reallocate funds to upgrade of Small Park amenities to reduce risk associated with increased overnight stays by RVs and to the construction of connecting pedestrian access of Small Park with other areas of the town. There are economies of scale in completing this project alongside the current Bailey Park upgrade and road reconstruction in Ulmarra.

The origin of funds limit the way in which they can be expended. However, an alternative project that Council could consider is South Grafton Skatepark and community hub, which was unsuccessful for Public Spaces Legacy funds. This project is not detailed design ready and would likely be completed over two financial years. The estimated cost is \$700,000.

COUNCIL IMPLICATIONS

Budget/Financial

Adoption of this report puts into effect the budget and proposed activity to be completed in 2021/22. The Long Term Financial Plan details the effect of this budget on Council's long term financial sustainability.

Funds remaining available for the Ulmarra Riverside Precinct Plan implementation and specifically Small Park and connecting footpaths.

Job Number	Description	Budget Remaining
540105	Ulmarra Precinct Construction	\$780,098.82
550350	Bailey Park Playground equipment	\$76,600.00
	Total	\$856,698.82

Asset Management

Adoption of the recommendation of this report relates to Council's future funding and management of assets.

Policy or Regulation

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

Consultation

Submissions received during public exhibition are detailed in the body of report and provided in detail as Attachment E.

Legal and Risk Management

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

Climate Change

Consideration of the effect of climate change is given at the individual project level.

Prepared by	Kate Maginnity, Manager Finance & Supply
To be tabled	A. Delivery Program 2017/22 B. Operational Plan 2021/22 C. Draft Resourcing Strategy (2021/22 – 2030/31) D. Draft 2021/22 Fees and Charges E. Submissions F. Charles Street amenities briefing note G. Post exhibition period adjustments

ITEM	6a.21.029	YAMBA ROAD ROUNDABOUTS UPDATE
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Meeting	Council	22 June 2021
Directorate	General Manager	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Nil	

SUMMARY

This report provides Council and community with an update on progress with construction of three roundabouts on Yamba Road, Yamba.

OFFICER RECOMMENDATION

That Council note the Yamba Road roundabouts progress report.

LINKAGE TO OUR COMMUNITY PLAN

Theme	2 Infrastructure
Objective	2.1 We will have communities that are well serviced with appropriate infrastructure
Strategy	2.1.5 Provide safe and effective vehicular and pedestrian networks that balance asset conditions with available resources

BACKGROUND

Council commenced construction of three roundabouts on Yamba Road between Treelands Drive and Shores Drive in 2020 utilising grant funds received from Restart NSW at

1. Treelands Drive
2. Carrs Drive
3. Shores Drive

KEY ISSUES**Treelands Drive****Construction:**

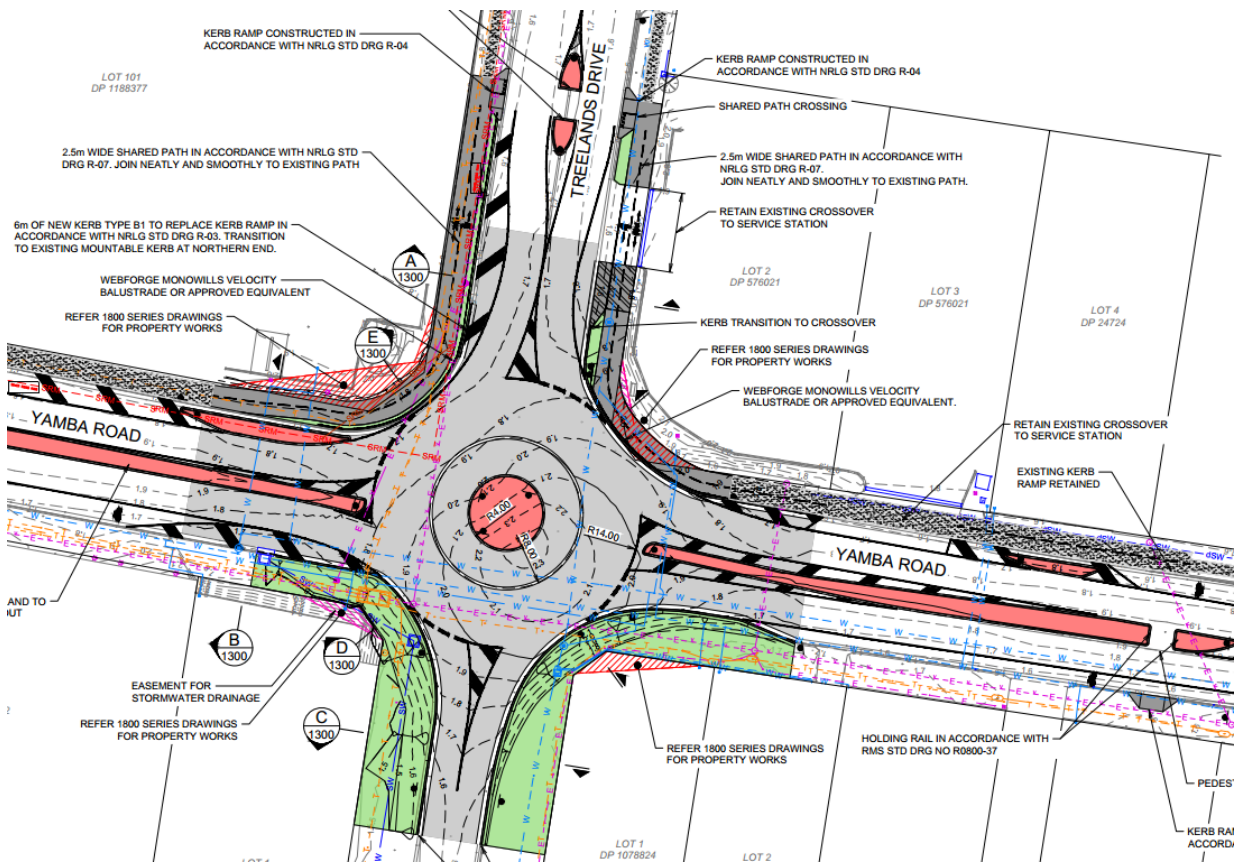
- Achieved Completion Milestone on the 24th February 2021.

Land Acquisition & Property Works:

1. RSL Life Care – property works complete, finalising legal and plan registration.
2. Service Station – property works complete, finalising negotiations, legal and plan registration.
3. Yamba Fair – property works complete, finalising negotiations, legal and plan registration.
4. Hulland Property – property works complete, legal and plan registration complete.

Program and Budget:

The works have been undertaken within time and budget, with no issues or additional risk identified to date.



Treelands Drive - 9/11/2020

Carrs Drive

Construction:

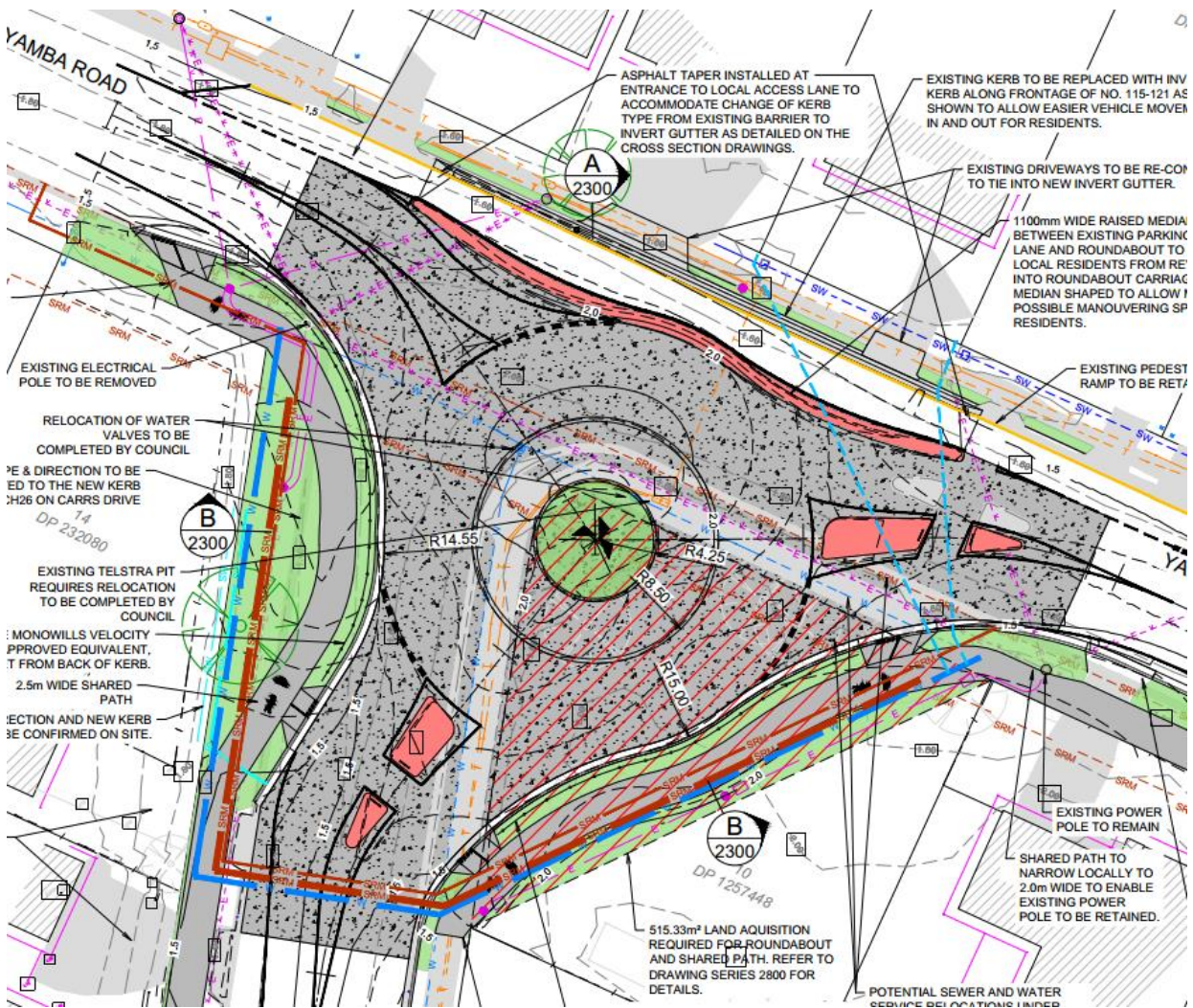
- The residents service road is complete.
- Street lighting energised.
- Adjoining property wall complete.

Land Acquisition:

- Adjoining Private Property – plan registration complete. SEE Civil to complete the block wall including additional height, render and painting.

Program

- The Contractor achieved the completion milestone on the 26th April 2021. The works have been undertaken within budget, with no issues or additional risk identified to date.





Carrs Drive - 9/4/2021

Shores Drive

Design and Constructability Considerations (southern stub):

The southern 'stub' of the Shores Drive roundabout was designed to accommodate (only) a future bypass road connection. If Council in the future determines that the road is viable then consultation would occur at that time including the associated design plans and environmental assessments. Those works are not part of the current scope of works. The stub is located within the existing public road reserve and was considered during the design phase to provide the most cost-effective way of facilitating a possible connection into the future whilst the current works were underway. Some of the constructability related benefits of the stub include the following:

- The concrete stub facilitates the 'future' construction and connection of a flexible pavement and allows an appropriate separation of live traffic with plant intersections. The offset naturally mitigates safety concerns with future works and facilitates pedestrian movements through the stub without a construction/traffic interface.
- The stub enables a ready site access for the future bypass works without temporary works adjacent to live traffic or an alternative temporary access in a less safe location.
- The stub allows construction of the circulating carriageway pavement, plus additional slabs to support the splitter island and transverse terminal anchor as per the TfNSW (RMS) concrete roundabout pavements technical guide. Without this construction the quality of the joint between the current and future pavements will be severely compromised.

Construction:

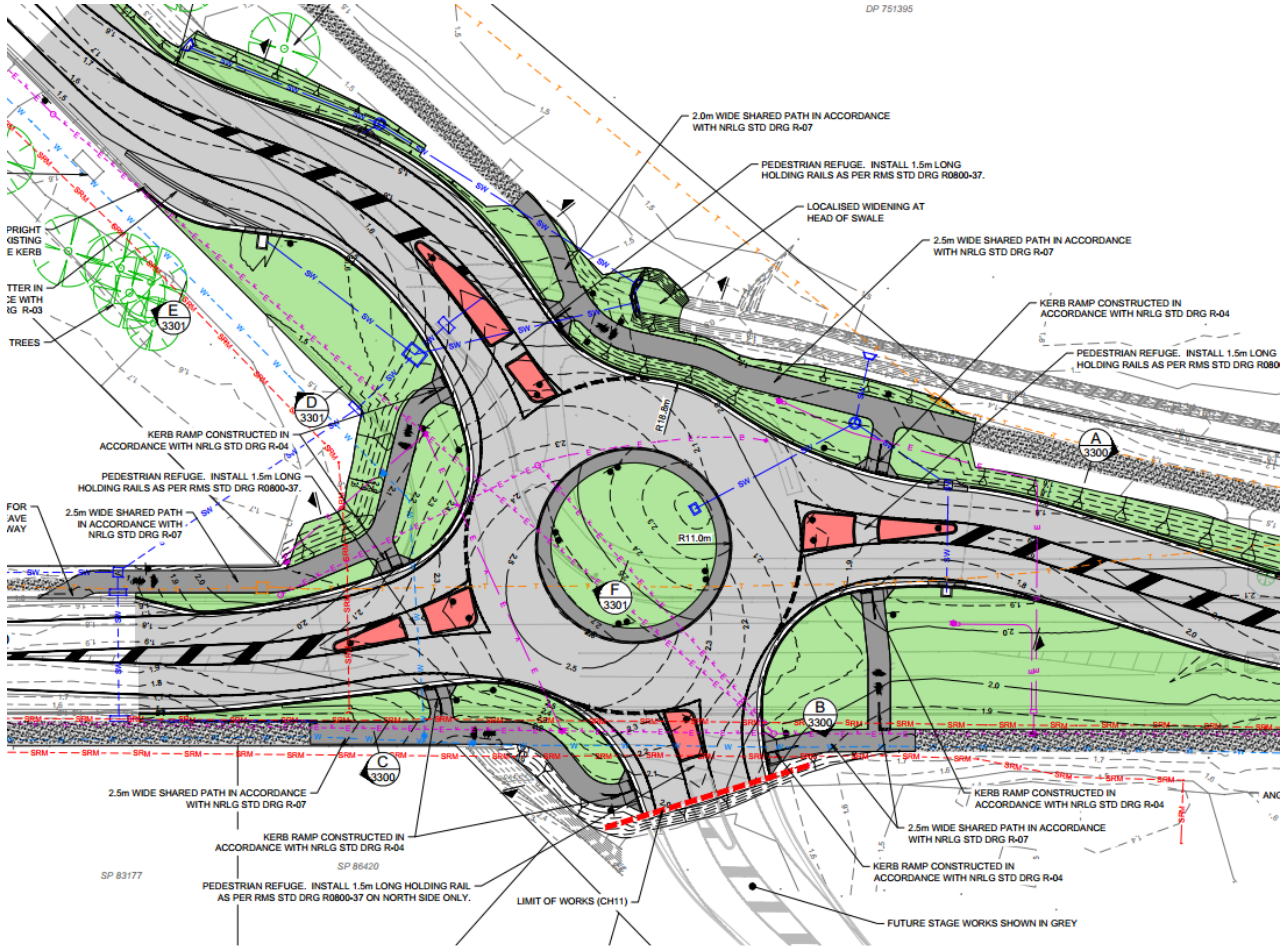
- Stage 1 and 2 works are complete including the opening of Shores Drive on the 17th May.
- Stage 3 works underway with the construction of the southern 'stub'. Clearing complete and foundation treatment in progress.

Program

- Due to the wet weather milestone has been extending to the mid November 2021.
- SEE Civil forecast the works to be completed ahead of the Milestone date in August 2021.

Budget

- Second milestone report and invoice submitted and waiting payment.
- The works are currently tracking within budget, with low risk identified with high water table and poor foundation.





Shores Drive - May 2021

COUNCIL IMPLICATIONS

Budget/Financial

Expenditure is within grant funding budget allocation.

Asset Management

The three roundabouts are incorporated in Council's Asset Management Register.

Policy or Regulation

N/A

Consultation

N/A relating to the recommendation of this report.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Alan Dunne, Senior Projects Engineer
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ITEM	6a.21.030	CIANYWHERE UPGRADE PROGRESS UPDATE
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Meeting	Council	22 June 2021
Directorate	Corporate & Governance	
Reviewed by	A/General Manager - (Laura Black)	
Attachment	Nil	

SUMMARY

The CiAnywhere Upgrade Project aims to move all of our systems to a new web based platform enabling mobility and reducing manual workarounds. Integrating multiple corporate modules and systems into one solution to reduce manual administration, this platform creates a central source of truth for asset data whilst streamlining processes and improving the overall end user experience.

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

Phase 2 of the project is set to be implemented on 1 July 2021 and will deliver asset management centric outcomes through the introduction of a central asset register and works systems, mobility in the field, electronic timesheets, reduced manual transactional workloads and streamlined workflows.

OFFICER RECOMMENDATION

That Council note the CiAnywhere Upgrade progress report.

LINKAGE TO OUR COMMUNITY PLAN

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

BACKGROUND

A report was presented to the 15 October 2019 Council meeting (Item 6c.19.065) providing a brief outline of the Enterprise Asset Management (EAM) project status, including transferring to the CiAnywhere (CiA) operating platform. A further report (Item 6c.20.101) was provided in June 2020 providing a status of the project and the impacts of operational restrictions imposed for COVID-19.

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

In December 2020 a further status report (Item 6c.20.191) was submitted to Council detailing the critical implementation pathway to ensure key modules and asset management centric outcomes could be implemented on 1 July 2021.

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

KEY ISSUES

The CiAnywhere Upgrade process will take a number of years to fully upgrade the remaining TechnologyOne modules including those in Finance One and Property & Rating to the new CiAnywhere platform and provide further efficiencies and automation within Council's corporate systems. Over the past six months, the dedicated CiA Project Team has been working with technology consultants and staff, to customise the CiAnywhere solution to deliver the next phase of the project ensuring asset management centric outcomes are achieved by 1 July 2021.

The asset management elements of the project involve the upgrade of numerous modules or functions within modules, but ultimately achieve the following outcomes:

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

This phase of the project has been faced with various challenges including scope realignment with the key technology provider, lack of technical consultant availability resulting in compressed timeframes and finally internal resource challenges due to the vast amount of concurrent projects currently being delivered by Council Staff. Despite this, the CiA Project Team has collaborated with staff across the organisation to create a central source of truth for asset data and streamline asset data capture processes through the introduction of mobility in the field. Testing of these new functions is complete and training is well on the way with the Team planning to deliver the newly created asset management software solution on 1 July 2021.

Post implementation, the CiA Project Team will continue to work with staff to bed down these new technologies and processes realising efficiencies through electronic timesheets and removal of manual transactional processing.

Future system upgrade phases are required to continue the CiAnywhere upgrade journey. Subsequent scoping work will begin early in 21/22 to determine the inclusions for the next phase of the project.

COUNCIL IMPLICATIONS

Budget/Financial

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

Asset Management

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

Policy or Regulation

N/A

Consultation

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

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Kate Maginnity, CIA Project Manager
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ITEM 6a.21.031 DEVELOPMENT APPLICATION PROCESS REVIEW – UPDATE

Meeting	Council	22 June 2021
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment & Planning (Adam Cameron)	
Attachment	Yes	

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

OFFICER RECOMMENDATION

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

LINKAGE TO OUR COMMUNITY PLAN

Theme	5 Leadership
Objective	5.1 We will have a strong, accountable and representative Government
Strategy	5.1.3 Engage with the community to inform decision making

BACKGROUND

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

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

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

Clarence Valley Council implemented the DA, CDC, Section 4.55 and Division 8.2 Reviews component of the ePlanning Portal on 1 July 2019. On 1 August 2020, Council introduced the Construction Certificate (CC), Subdivision Certificate, Subdivision Works Certificate, Occupation Certificate and Principal Certifier component of the Planning Portal so now all types of development related applications are accepted electronically.

As of 1 July 2021, all DA related applications and certificates are required to be lodged via the NSW Planning Portal as per the mandate issued by the NSW Government. To assist with conveying that information to the community, the DA Review Team have recently held a community information session to relevant stakeholders with the assistance of the Department of Planning, Industry and Environment to demonstrate how to lodge an application online via the Portal.

Council is now receiving over 70% of all Development Applications via the Portal which will increase to 100% after 1 July 2021. To assist in a "one stop shop" approach, Council will also be "going live" with Section 68 Applications (under Local Government Act 1993) and Section 138 Applications (under the Roads Act 1993) through the Portal as of 1 July 2021. This will allow customers to lodge all of their DA related applications online which will meet one of the key objectives of the DA Review Process objectives to streamline the DA process.

KEY ISSUES**1. DA Progress Report**

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

The DA Infographic also contained in the attachments provides a snap shot of how many DA's and CC's were lodged electronically, determination processing times, requests for additional information and DA Tracking Register online views.

COUNCIL IMPLICATIONS

Budget/Financial

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

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

Asset Management

N/A

Policy or Regulation

Environmental Planning and Assessment Act 1979

Consultation

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

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

Legal and Risk Management

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

Climate Change

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

Prepared by	Carmen Landers, Acting Development Services Coordinator
Attachment	1. Project Status Report – June 2021 2. DA Infographic Report – Quarter 3 2020/21

ITEM	6a.21.032	DEVELOPMENT APPLICATIONS
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Meeting	Council	22 June 2021
Directorate	Environment, Planning & Community	
Reviewed by	Director – Environment & Planning (Adam Cameron)	
Attachment	To be tabled	

SUMMARY

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

OFFICER RECOMMENDATION

That the update on Development Applications be noted.

LINKAGE TO OUR COMMUNITY PLAN

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

BACKGROUND

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

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

KEY ISSUES

The figures from 1 July 2020 to 31 May 2021 are:

No. of Applications Received	No of Applications Approved	Value of Approved Works	No of Lots Approved	Processing Times (including stop-the-clock days)
904	819	\$132,012,076.99	109	Average: 61 days Median: 41 days

Of the 819 approved Development Applications between 1 July 2020 and 31 May 2021, 401 (49%) 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 Development Applications determined during May 2021.

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

b. ENVIRONMENT, PLANNING & COMMUNITY REPORT

MINUTES of a meeting of the **ENVIRONMENT, PLANNING & COMMUNITY COMMITTEE** of Clarence Valley Council held in the Council Chambers, Maclean on Tuesday, 15 June 2021 commencing at 3.30pm and closing at 4.49pm.

MEMBERS

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

PRESENT

Cr Karen Toms, Cr Peter Ellem, Cr Jason Kingsley, Cr Arthur Lysaught, Ms Laura Black (Acting General Manager and Director – Corporate & Governance), Mr Adam Cameron (Director – Environment & Planning) and Mr Jamie Fleeting until 4.38pm (Director – Works & Civil) were in attendance.

APOLOGIES – Mr Ashley Lindsay (General Manager)

DISCLOSURE AND DECLARATIONS OF INTEREST

<i>Name</i>	<i>Item</i>	<i>Interest/Action</i>
Cr Novak	6b.21.029	Pecuniary - Leave the meeting Client of the business
Cr Novak	6b.21.037	Significant Non-Pecuniary - Leave the meeting Children own property in vicinity

ITEM	6b.21.029	DA2021/0057 – DECK ON RIVER SIDE OF LEVEE WALL AT 72 MCHUGH STREET, GRAFTON
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Meeting	Environment, Planning & Community Committee	15 June 2021
Directorate	Environment, Planning & Community	
Reviewed by	Director – Environment & Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Paul & Jenny Hyland
<i>Owner</i>	P Hyland
<i>Address</i>	72 McHugh Street, Grafton
<i>Submissions</i>	Nil

DA2021/0057 was submitted to retain a deck that has been erected in a floodway without prior development approval. The application is not supported by Council staff and the applicant has requested the application be referred to a Council meeting. This matter was reported to the May 2021 Council meeting (Item 6b.21.020) but was deferred at the applicant's request.

OFFICER RECOMMENDATION

That Council refuse DA2021/0057 as the deck is located in a floodway and sets an undesirable precedent for other structures in the floodway in Grafton.

Having declared an interest in this item, Cr Novak left the Committee meeting at 3.34pm and returned at 3.44pm.

COMMITTEE RECOMMENDATION

Williamson/Baker

That Council approve DA2021/0057 subject to the draft conditions attached to the report.

Voting recorded as follows:

For: Williamson, Baker, Clancy, Simmons

Against: Nil

Prepared by	Greg McCarthy, Senior Building Surveyor
Attachment	<ol style="list-style-type: none"> 1. Plans submitted with DA2021/0057 2. Engineer's report submitted with DA2021/0057 3. Engineers report dated 30 March 2021 4. Schedule of draft conditions (if the application is approved)

ITEM	6b.21.030	SUB2020/0039 – THREE LOT SUBDIVISION – RED HILL ROAD, SOUTH ARM
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Meeting	Environment, Planning & Community Committee	15 June 2021
Directorate	Environment, Planning & Community	
Reviewed by	Director – Environment & Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Melissah Osland – Hopkins Consultants
<i>Owner</i>	Angela Chapman
<i>Address</i>	Red Hill Road, South Arm
<i>Submissions</i>	4 Submissions – 1 for and 3 against

Council is in receipt of Development Application SUB2020/0039, which proposes a 3 Lot Subdivision of a property at Red Hill Road, South Arm. In accordance with the Community Participation Plan the application was notified and 4 submissions were received. The application is forwarded to Council for a decision as a result of the public interest in the proposal, furthermore, the Applicant does not agree with conditions relating to the required road upgrade. The report provides an assessment of the application and a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That Council Approve Development Application SUB2020/0039 subject to the conditions and advices contained with Schedule 1.

MOTION

Novak/Clancy

That this item be deferred until July 2021.

Voting recorded as follows:

For: Novak, Clancy

Against: Simmons, Williamson, Baker

The Motion was put and declared LOST.

COMMITTEE RECOMMENDATION

Williamson/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Novak, Simmons, Williamson, Baker

Against: Clancy

Prepared by	James Hamilton, Development Planner
Attachment	1. Proposed Plan 2. Submissions 3. Section 4.15 Report

Schedule 1
Draft Advices and Conditions of Consent for SUB2020/0039

Definitions

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

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

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

SWC means Subdivision Works Certificate

TfNSW means Transport for New South Wales

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

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

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. 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.

3. 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 2.4 ET demand on Council's water supply. This includes an applicable credit of 1.2 ETs for pre-existing uses. The headworks charges at 2020/21 financial year rates are:

Water Headworks \$4,979.00 x 2.4 additional ET = \$ 11,949.60

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 indexed in accordance with Consumer Price Index (CPI) 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.

4. 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.
5. 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.
6. 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
Proposed Development Layout	McNamara Cooksley & Associates	3/03/2021

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

Clarence Valley Contribution Plan 2011 Open Space/Recreation Facilities

Coastal \$3,834.85 x 2 additional lots = \$ 7,669.70 GL S94CVCOSCoastal

Clarence Valley Contributions Plan 2011 Community Facilities

Maclean surrounds \$3,834.85 x 2 additional lots = \$ 7,669.70
GL S94CVCCFMaclean

Clarence Valley Contributions Plan 2011 Plan of Management

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

Rural Road Upgrading Contributions Plan

Maclean Catchment: \$11,838.25 x 2 additional lots = \$ 23,676.50
GL S94RdUpgdMacBhead

N.B.

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

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

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

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

3. This approval has also been granted under Section 4.47 of the Environmental Planning and Assessment Act 1979. Compliance with the conditions and advice of the NSW Rural Fire Service, as contained in their letter dated 22 March 2021, consisting of four (4) pages, and as attached to this Notice of Determination. Compliance is to be demonstrated prior to release of the **SWC** and/or Subdivision Certificate, where relevant.
4. 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.
5. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
6. The submission of the 88B Instrument, and one copy thereof, to Council prior to the release of the Subdivision Certificate.

Environment

7. In accordance with Part Y of Council's Residential Zones Development Control Plan, Council's BIFA (section 4) and Section 6 of the *Revised Ecological Assessment for Lot 42 on DP1154358 Red Hill Road, Woodford* (prepared by JWA Pty Ltd, May 2021) a Habitat Restoration Plan shall be prepared by a person/s suitably qualified and/or experienced in biodiversity management and environmental rehabilitation.

The Restoration Plan must include the revegetation of the 0.498 ha of cleared native vegetation in suitable locations onsite not in conflict with any required asset protection zones or on-site effluent disposal areas. These locations are to be protected by the Habitat Restoration Plan, in perpetuity through a restriction-as-to-user over all lots.

The Restoration Plan must nominate the species, quantity and indicative location of vegetation to be planted and specify any maintenance requirements. Plants used in the restoration are to reflect the surrounding plant community type existing within the site. The proposed planting locations must be outside the areas required for Asset Protection Zones and greater than three metres from the property boundaries.

Any trees containing hollows are to be offset at a 1 to 1 offset ratio. The type, location and orientation of the nest box and/or artificial hollows is to be determined and the installation supervised by a suitably-qualified Ecologist.

The approved Restoration Plan must be implemented in accordance with the terms of the Plan. This includes site management, works, monitoring and reporting requirements. Any variation must be approved by Council in writing prior to variations to implementation being conducted.

No clearing or site disturbance is to occur prior to the approval of the Habitat Restoration Plan. Council is to be notified seven days prior to commencement of clearing of any vegetation.

8. Retained vegetation shall be managed under a Habitat Restoration Plan in accordance with Clarence Valley Council's 'Biodiversity and Habitat Protection Requirements Information for Applicants' (BIFA section 4). The Plan is to be submitted to Council for approval prior to commencement of any site works.
9. The vegetation removal requirements are limited to the areas described in section 4.3 and shown on Figure 10 of the *Revised Ecological Assessment for Lot 42 on DP1154358 Red Hill Road, Woodford* (prepared by JWA Pty Ltd, May 2021). This refers to clearing of 0.498 ha of native vegetation for the proposed building footprint, effluent management area, asset protection zone, fenceline and driveway access only. Care is to be taken when clearing to minimise damage to surrounding vegetation, by using appropriately sized equipment.

10. A Flora and Fauna Management Plan (FFMP) must be prepared for the proposed development prior to commencement of clearing operations. The FFMP must provide guidelines for controlling activities during the pre-clearing and clearing phases of the development and detail how all retained vegetation should be clearly marked and protected.

Prior to vegetation clearing, mature trees must be inspected by a suitably qualified ecologist to determine that no fauna or fauna habitat features (nests, dreys) are present or active and the ecologist shall be present during the removal of any hollow-bearing trees to ensure the potential for fauna injury or mortality is reduced. In the event that fauna are present and require care, the ecologist shall arrange transport of any animals to local wildlife carers or a local veterinary hospital.

A post-clearing report is to be provided to Council providing confirmation of the area of clearing with details of any fauna rescues.
11. A restriction-as-to-user is to be placed on **all** allotments requiring that all dogs, and other domestic animals hazardous to native ground moving animals including Koalas, be contained within a secure compound no greater than 25% of the allotment area.
12. 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.
13. A restriction-as-to-user is to be placed on all allotments prohibiting the development on or clearing of any vegetation within the retained habitat areas outside of Asset Protection Zones and beyond 3m of each new lot boundary.
14. Where possible, any felled trees should be placed on the ground as habitat features and not removed.
15. During construction activities, temporary high visibility fencing must be erected to assist in the protection of the retained vegetation from all construction activities by restricting access from machinery and contractors. This fencing will be erected in accordance with Australian Standard 4970-2009 Protection of Trees. Temporary signage will be provided along all temporary fencing during the construction phase stating "Environmental Protection Zone – No Unauthorised Entry.
16. Biosecurity risk weeds (refer to Appendix 1 of *Revised Ecological Assessment for Lot 42 on DP1154358 Red Hill Road, Woodford* (prepared by JWA Pty Ltd, May 2021) are to be managed according to requirements under the *Biosecurity Act 2015*. This also includes ensuring machinery and plant do not introduce weed seed or propagules to the site. This may include adopting and implementing the 'Arrive Clean, Leave Clean' guidelines (DoE 2015).
17. Biosecurity protocols are to be implemented in accordance with current best practice and prior to construction to ensure the introduction and spread of Myrtle Rust is minimised during construction.
18. Vegetation cleared during construction should be mulched for use on the subject site for use in erosion and sediment control. No burning of cleared vegetation is permitted, all mulched vegetation not used on-site is to be disposed of at a suitable location.

Engineering

19. A Certificate of Compliance for Water and or Sewer 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.
20. An **ITP** must be submitted for approval with the application for a **SWC**. 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.

21. Prior to the issue of any Subdivision Certificate, certification is to be provided to Council by a registered surveyor, confirming that all infrastructure (including services, access ways and drainage paths) are contained within the respective lots or easements for the lands to be subdivided.
22. Prior to the issue of the Subdivision Certificate telecommunications (including provision for NBN services where applicable) and low voltage electricity 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**.
23. Prior to the issue of the Subdivision Certificate, Council will require satisfactory evidence that all requirements of the relevant telecommunications and power authorities have been complied with and all required contributions have been lodged.
24. 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.
25. 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**.
26. Prior to the issue of the Subdivision Certificate, Red Hill Road is to be upgraded and sealed from the intersection with South Arm Road to all lots of the proposed subdivision in accordance with the requirements of this condition. A Road Design Plan must be submitted for approval with a **SWC** application.

Red Hill Road must be upgraded to provide:

- a Minimum 4.0 metre wide sealed carriageway.
- b Passing bays at maximum 200 metres spacing that are a minimum of 20 metres long by 2.0 metres wide (provide a minimum trafficable width of 6.0 metres at the passing bay location).
- c Turning head is to comply with Table 5.3b and Figure A3.3 of Planning for Bush Fire Protection 2019 at the end of Red Hill Road.
- d Bitumen spray-seal surfacing must be a 2 coat seal 14 mm / 7 mm with prime.
- e Minimum depth of suitable compacted pavement material.
- f Adequate roadside drainage.

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

27. 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.
28. 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.
29. 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.

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

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

30. Erosion and Sediment Control is to be implemented in accordance with the relevant parts of the applicable Council Development Control Plans, 'NSW Managing Urban Stormwater - Soils and Construction (Blue Book)' and NRDC. These controls are to be maintained and managed by the applicant and/or the appointed contractor until the development is accepted 'Off Maintenance'.
31. A detailed Erosion and Sediment Control Management Plan for each stage of the subdivision must be submitted for assessment and approval by Council or accredited private certifier, prior to issue of a **SWC** for the relevant stage. This must include procedures for clean-up and restoration of public / private property and infrastructure. All such remedial works are to be completed to the satisfaction of Council or accredited private certifier. This shall include WSUD components of the proposed drainage system.
32. 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.
33. All disturbed areas shall be stabilised and revegetated. Turf, seeding or other approved method shall be undertaken in conjunction with or immediately following completion of works. Topsoil shall be preserved for site revegetation. All sediment and erosion control measures must be regularly inspected and maintained to ensure they operate to the design specifications and meet the requirements of the NSW Protection of the Environment Operations Act 1997. Weather patterns must be monitored and be coordinated in with the inspection and maintenance procedures. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion. Person/s responsible for managing sedimentation and erosion controls for the development must be nominated to Council or accredited private certifier in writing together with full 24 hour per day contact details.

ITEM	6b.21.031	DA2019/0423 – 250 SITE MANUFACTURED HOME ESTATE – LOT 2 DP 1199142, BROOMS HEAD ROAD, GULMARRAD
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Meeting	Environment, Planning & Community Committee	15 June 2021
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment & Planning (Adam Cameron)	
Attachment	Yes plus To be tabled Attachment	

SUMMARY

<i>Applicant</i>	Land Dynamics Australia
<i>Owner</i>	Jim Bricknell Chiropractor Pty Ltd
<i>Address</i>	Lot 2 DP 1199142 Brooms Head Road, Gulmarrad
<i>Submissions</i>	Yes 77 for original exhibited application and 14 for the revised exhibited application

Council has received Development Application DA2019/0423 for a Manufactured Home Estate (MHE) on Lot 2 DP 1199142, Brooms Head Road, Gulmarrad, which is to be known as 'Glencoe Lifestyle Resort'.

250 MHE sites are proposed with facilities including a clubhouse and pool, tennis court, bowling green, men's shed and workshop, and washdown bay. The proposal will retain managed woodland areas with areas set aside for stormwater bioretention and drainage basins. An area of 1,100m² that adjoins the northern development lot is to be dedicated to Council as public open space with the remainder of the estate for private residential use.

This development is the first for the Gulmarrad Urban Release Area (GURA) on land that was rezoned from large lot residential to R1 General Residential which allows higher density development including caravan parks and Manufactured Home Estates.

The development has triggered entry into the Biodiversity Offset Scheme (BOS) and a Biodiversity Development Assessment Report (BDAR), as revised, has been submitted with the application. The Biodiversity and Conservation Division of the Department of Planning, Industry and Environment (BCD) has reviewed the BDAR and provided recommendations to Council.

This report is submitted to Council to consider the recommendations of BCD, issues raised in submissions and provides an assessment of the application for Council's consideration.

OFFICER RECOMMENDATION

That Development Application DA2019/0423 be approved subject to the draft Advices and Conditions attached to Schedule 1 of this report.

COMMITTEE RECOMMENDATION

Baker/Williamson

That Council

1. Approve DA2019/0423 subject to the draft Advices and Conditions attached at Schedule 1 of this report after deletion of the text of Condition 83 and replacement with the word "Deleted".
2. Advise the applicant that Council supports the concept of onsite manufacture of the proposed homes in a single facility to be used solely for that purpose and subject to:
 - a. Approval of a separate application for such facility
 - b. Removal of such facility at the completion of the homes approved by DA2019/0423.

Voting recorded as follows:

For: Baker, Williamson, Simmons, Novak

Against: Clancy

Prepared by	Patrick Ridgway, Senior Development Planner
Attachment	A. Site layout Plan, Community Facilities, Maintenance Shed, Staging Plan and indicative buildings B. Statement of Environmental Effects C. Section 4.15 assessment report D. BCD correspondence and recommendation E. Stormwater Management Plan F. Vegetation Management Plan
To be tabled	G. Submissions H. BDAR

Schedule 1
Draft Advices and Conditions for DA2019/0423

Definitions:

Applicant means Land Dynamics Australia Ltd or any party acting upon this consent.

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.

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

NATA means National Association of Testing Authorities

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**.

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

- a Northern Rivers Local Government Development and Design Manual (AUS-SPEC)
- b Northern Rivers Local Government Construction Manual (AUS-SPEC)
- c Northern Rivers Local Government Handbook of Stormwater Drainage Design (AUS-SPEC)
- d Northern Rivers Local Government Handbook for Driveway Access to Property (AUS-SPEC)
- e Sewerage Code of Australia (WSA 02 - 2002)
- f Water Supply Code of Australia (WSA 03 - 2002)
- g Pressure Sewerage Code of Australia (WSA 07-2007)
- h Clarence Valley Council 'MUSIC' Guidelines (Draft)
- i Clarence Valley Council Street Lighting Strategy

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

WSA documents are subject to copyright and may be obtained from the 'Water Services Association of Australia'.

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

PWC means Public Works Certificate and includes Section 138 approval under the *Roads Act 1993* and Section 68 approval under the *Local Government Act 1993*.

TfNSW means Transport for New South Wales

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

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.

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 Roads Act 1993 Sections 138 & 139 – approval for works on a road issued by Council and/or RMS;
- b Local Government Act Section 68 - drainage, water & sewer approval;
- c 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 **PWC** application.
- 3. No civil construction works, including the removal of vegetation or topsoil, shall be commenced until a **PWC** has been issued by Council and/or accredited private certifier.
- 4. 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.
- 5. 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.
- 6. The proposed development has been assessed as contributing an additional demand on Council's water supply, and on Council's sewerage system, as shown below:
 - Water: 0.6 ET per 2 bedroom unit and 0.8 ET per 3 bedroom unit;
 - Sewer: 0.75 ET per 2 bedroom unit and 1.0 ET per 3 bedroom unit.

The headworks charges at 2020/21 financial year rates are:

Water Headworks \$4,979.00 per additional ET

Sewer Headworks \$12,175.00 per additional ET

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. The payment of the contributions must be made for each relevant stage prior to issue of the Section 68 Local Government Act 1993 Approval to Operate a Manufactured Home Estate (which is to specify the type and number of dwellings).

- 7. 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.
- 8. 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.

9. 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.
10. 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.
11. The Earthworks Management Plan must include an initial site inspection report. This report should include:
 - a Inspection and verification of an appropriate preparation of the foundation for placement of fill, including the provision of surface drainage arrangements and a geotechnical assessment of factors that can influence the site. This is to be provided by a competent Geotechnical Authority.
 - b Certification that the land created by the development will be suitable for its intended purpose (e.g. residential, commercial or industrial buildings) including any parts of the land that will be left in its natural state or modified by the development.
 - c Identify any problem areas on or adjacent to the development land (e.g. potential land slip areas, hanging swamps, very high water tables, salt affected land, highly eroded sites etc) and advise if engineering solutions, acceptable to Council, are available to enable structures to be built on the affected parts of the land.

Where relevant to the project, the following will also be required

- a Details on the selection of fill type(s), the source/s of the fill, including suitability for the intended use, its appropriate handling, placement and compaction, and the area of the development to be filled including depth to be filled. Fill imported to the site must be free of building and other demolition waste, and only contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, or as per a relevant waste resource recovery exemption/order from the NSW Environment Protection Authority (EPA).
- b Any conditions on the use of the material and a report from a registered NATA laboratory on the key geotechnical properties used in the assessment of each fill type.
- c Measures proposed to prevent adverse impact to adjoining properties and to local drainage. Provision is to be made for the mitigation of and free passage of surface stormwater away from affected sites. These measures are to be acceptable to Council.
- d The acid sulfate status of the development land. Where the development is subject to acid sulfate soils, the appropriate treatment of the works shall be detailed in accordance with Council and the NSW Acid Sulfate Soil Management Advisory Committee requirements

The Earthworks Management Plan must:

- a Include details of how the works will comply with the Protection of the Environment Operations Act 1997.
- b Provide a concept for the full site as a minimum with details of the earthworks for a particular stage lodged with the Construction Certificate application for that stage.
- c Compatible with the works plans and the approved Stormwater Management Plan.

The following information will be required for earthworks undertaken:

- a Details of geotechnical laboratory and in situ (principally dry density assessment) testing for each fill type and specified volume of placed fill including records of the date and time of all testing, the source of material tested in the laboratory, and the spatial distribution and reduced level of in situ tests. The latter must be correlated with results from the laboratory testing of similar material.
- b Recorded dates of placement and survey data recording the aerial extent of fill and the reduced level prior to construction and at completion.
- c Certification of the completed earthworks (including cut, fill, earth retaining structures

- d as far as the geotechnical aspects) that the work is suitable for the intended use. Certification that excavated materials have been reused or disposed of in accordance with the Protection of the Environment Operations Act 1997 and copies of receipts for disposal where relevant.

Should there be any change in the source of fill material from that previously approved for the development, the Principal Certifying Authority must be notified and approval obtained to the new source prior to the import of any of the material. A report from a practicing geotechnical engineer certifying that the new source material is suitable for the intended purpose must be provided. The report to include any conditions on the use of the material and a report from a registered NATA laboratory on the key geotechnical properties used in the assessment of fill type. The Earthworks Management Plan to be amended accordingly.

12. Sewerage facilities to serve the development will be required. There is considered to be sufficient capacity at Woodford Island STP for 400 to 500 lots at Gulmarrad provided the lots are serviced by a pressure sewer system.

Development of the Manufactured Housing Estate will require construction of a rising main to the Council's existing sewer manhole in Diamond Street, Townsend which is approximately 1.8km from the site. The rising main between the site and the Diamond Street discharge point is to be designed to cater for all anticipated flows from the R1 zoned precinct. The sewer main is to extend from Brooms Head Road to service Lot 29 DP1242738.

Other infrastructure such as energy/electricity and telecommunication services/NBN will also need to be planned and provided for the developed Urban Release Area. Satisfactory arrangements will need to be made with designated State and Local Authorities to determine availability, timing and cost arrangements, including the payment of contributions where required.

13. If an 'uncompleted works' bond is required, payment of the bond is the responsibility of the developer and in accordance with Council's 'Fees & Charges'.
14. No construction is to be commenced on the clubhouse, swimming pool, men's shed or maintenance shed until a Construction Certificate has been issued.
15. The following information shall be submitted to the Council or Principal Certifying Authority prior to issue of a Construction Certificate:
- a Lodgement of a Construction Certificate application.
16. 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.
17. All plumbing and drainage work must be in accordance with AS 3500 and the Plumbing Code of Australia. The main drain shall be located external to the building unless exceptional site conditions or unusual circumstances exist (Section 4.10 AS/NZS 3500.5.2012).
18. The door to the sanitary compartment must open outwards, or slide or be readily removable from the outside of the compartment unless there is a clear space of at least 1.2m between the closet pan and the doorway.
19. The manufacturer's details of the roof trusses are to be submitted to Council prior to the frame inspection.
- 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.
20. The certificates and documentation requested in this approval should be emailed to council@clarence.nsw.gov.au quoting the development application number in conjunction with booking the final inspection.

21. The floor shall be treated and maintained against termites in accordance with AS 3660.1.
 - a Upon installation of the method of treatment a Certificate shall be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with AS 3660.1.
 - b A durable notice must be permanently fixed to the building in the electricity meter box indicating:
 - i the method of protection
 - ii the date of installation of the system
 - iii where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label
 - iv the need to maintain and inspect the system on a regular basis.
22. All materials used in the community buildings (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.
23. A fire hose reel system complying with AS 2441 must be provided to service the whole clubhouse building so that no point on the floor is beyond the reach of the nozzle end of a fully extended hose.
24. A fire hydrant system must be installed in accordance with AS 2419.1 and Part E1.3 of the Building Code of Australia.
25. Portable fire extinguishers must be provided and must be selected, located and distributed in accordance with AS 2444.
26. An exit and emergency lighting system shall be provided throughout the clubhouse 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.
27. 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.
28. Access for people with disabilities must be provided to and within the community buildings 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.
29. The Construction Certificate plans shall detail dimensional compliance with the requirements of AS 1428.1-2009 for access and facilities.
30. Accessible facilities for the use of the disabled shall be provided as specified in Clause F2.4 of the Building Code of Australia and shall be constructed to the requirements of AS 1428.1-2009.
31. Car parking spaces for people with disabilities are to be provided as required by Part D3.5 of Building Code of Australia.
32. 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.
33. All building and construction work of \$25,000 or more require the payment of the long service levy prior to the issuance of a Section 68 Approval. 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 Section 68 Approval Application form.

34. All dwelling sites and community buildings shall be located within 90 metres of a fully functioning double headed pillar type fire hydrant.
35. 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 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 6.4 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.

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.

Drawing	Drawn by	Drawing No/s.	Dated	Rev.
Lot Layout	Land Dynamics Australia	0003	2.12.20	B
Staging Plan	Land Dynamics Australia	0007	2.12.20	B
Community Facility site plan, ground floor plan and elevations	O'Connell Architecture and Design	04, 05, 06	6.07.19	A
Sports Pavilion and Shed	O'Connell Architecture and Design	07	6.07.19	A
Vegetation Management Plan	Narla Environmental Pty Ltd	-	December 2020	-

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

Clarence Valley Contributions Plan 2011 Open Space/Recreation Facilities

Rate per MHE dwelling site

Coastal \$2,302.15 per MHE dwelling site x 250 = \$575,537.50 GL S94CVCOSCoastal

Clarence Valley Contributions Plan 2011 Community FacilitiesRate per MHE dwelling site

Maclean surrounds \$2,302.15 per MHE dwelling site x 250 = \$575,537.50

GL S94CVCCFMaclean

Clarence Valley Contributions Plan 2011 Plan of ManagementRate per MHE dwelling site

\$43.90 per MHE dwelling site x 250 = \$10,975.00

GL S94CVCPoMDwell

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 a Section 68 Local Government Act 1993 Approval to Operate a Manufactured Home Estate.

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. A Certificate of Compliance for Water and or Sewer works must be obtained from Council prior to the Section 68 Local Government Act 1993 Approval to Operate a Manufactured Home Estate (which is to specify the type and number of dwellings) for each and every stage of the development. This may require payment of a fee.
4. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
5. The developer must design and construct all civil works, in accordance with **NRDC** and the approved **PWC**. 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 Approval to Operate. The Council will hold 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'.

Prior to commencement of works or issue of a **PWC**, a practising qualified engineer experienced in structural design and soil mechanics is required to verify the civil engineering works:

- a including earthwork batters and retaining walls, have been designed to be structurally adequate.
 - b will not be affected by landslip either above or below the works.
 - c will not be affected by subsidence either above or below the works
 - d includes adequate drainage to ensure the stability of the development
6. An **ITP** must be submitted for approval with the application for a **PWC**. 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 Earthworks
- d Roadworks
- e Stormwater Drainage
- f Sewer
- g Water
- h Other Services
- i 'On Maintenance' (Public Infrastructure)
- j Practical Completion (Works on Private Property)
- k 'Off Maintenance' (Acceptance of Public infrastructure by Council)

7. Prior to the issue of the Approval to Operate for any 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.

8. The contractor engaged to undertake the construction works shall provide a Construction Management Plan (CMP) to Council, a minimum of seven days prior to commencing any works. The CMP shall be submitted to the Development Engineer at the following email address council@clarence.nsw.gov.au. The CMP shall be approved by Council prior to works commencing on site. The CMP shall set out the construction approach for the works and should seek to minimise disruption to the local community. As a minimum, the CMP must address the following areas:

Health and Safety

- a Public safety, amenity and site security;
- b Traffic Control and Management;
- c Pedestrian management;
- d Construction hours;
- e Noise control (All reasonable and feasible mitigation measures must be applied to reduce the potential noise and air quality impacts to sensitive receivers as a result of the construction of the proposal);
- f Contractor vehicle parking;
- g Locating existing utilities and services
- h Health and Safety requirements.

Environment

- a Air quality management;
- b Erosion and sediment control-base information, monitoring and management;
- c Waste management;
- d Material stockpiling;
- e Vegetation management;
- f No go zones;
- g Soil Contamination - an Unexpected Find Procedure/s in the unlikely event that Asbestos Containing Material or Contamination is discovered, disturbed or occurs during the works;
- h Heritage management including an Unexpected Find Procedure/s in the unlikely event that any items of Aboriginal or non-Aboriginal Heritage is discovered, disturbed or occurs during the works;

Quality

- a Submission of current insurance certificates;
- b Work method description;
- c Construction equipment to be used;
- d Inspection and testing requirements;
- e Earthworks methodologies;
- f Haulage routes;
- g Retaining structure construction methodologies;
- h Concrete jointing methodologies;
- i Subsoil drainage installation methodologies;
- j Stormwater drainage infrastructure installation methodologies;
- k Stormwater Quality Improvement Device installation methodologies
- l Road construction methodologies;
- m Access ways and footway construction methodologies;
- n Landscaping installation methodologies;
- o Utility and services installation methodologies

- p Construction and installation methodologies of other structures not otherwise covered above.

All works on site shall be undertaken in accordance with the approved CMP. The Unexpected Finds Procedure/s must be implemented during ground disturbance and earthworks activities. All site personnel must be tool boxed on the Unexpected Finds Procedure/s.

Associated **TCPs** must be prepared by a person authorised by **TfNSW** to prepare **TCPs**.

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

9. 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 certifying authority for the work.

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

10. For any part of the site that comes under the jurisdiction of another Government department, a Controlled Activity approval (or similar approval) may be required. Any such approval must be obtained and provided to Council prior to issue of the Construction Certificate.
11. Prior to issue of the Approval to Operate, the applicant is to provide water supply infrastructure to service the development, in accordance with the requirements and specifications of the Clarence Valley Council Sewer & Water Connection Policy and **NRDC**.
12. Water Reticulation Design Plan must be submitted for approval with the application for a **PWC**. The proposed location of the water service and meter must be shown on the drawings.

Connection to the public water reticulation system requires the approval of Council under the NSW Local Government Act.

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

13. A single property service with a single meter servicing the whole property shall be installed. Council recommends individual isolation valves be installed on each dwelling unit. Privately owned water meters may be installed within the property, but such private meters will be the responsibility of the property and will not be read or maintained by Council. The single Council water meter shall be supplied and installed by Council upon payment of the applicable water connection fee in the fees and charges and shall be located in an accessible location at the property boundary for maintenance and reading purposes.
14. Prior to release of the Approval to Operate, sewerage reticulation infrastructure is to be provided to service the development, in accordance with the requirements and specifications of Clarence Valley Council's Sewer & Water Connection Policy and **NRDC**.
15. A Sewerage Reticulation Design plan must be submitted for approval with the application for a **PWC**.

Connection to the public sewerage reticulation system requires the approval of Council under the NSW Local Government Act.

16. The sewer main is to extend from Brooms Head Road to benefit and service Lot 29 DP1242738 generally in accordance with the services concept plan Drawing 0004 Rev. B 2.12.20. An easement for sewerage purposes must be created over any sewer mains within the development that are to be dedicated to Council.

The width of the easement must be:

- Where the sewer is less than 1.5 metres depth, the easement width shall be 3.0 metres,

- except that for sewers which are less than 0.75 metres depth and serving only one residential lot, the easement width may be reduced to 1.5 metres,
- b) Where the sewer is between 1.5 metres and 3.0 metres depth, the easement width shall be 5.0 metres,
 - c) Where the sewer is greater than 3.0 metres depth, the easement width shall be determined by Council following an assessment of maintenance access requirements;

Unless specific approval or direction is given by Council to an alternative easement width having regard to the particular circumstances of the development and the sewer infrastructure.

The easement shall be located centrally about a line drawn between manholes to an accuracy of 0.15 metres by a registered surveyor and supported by an engineering survey plan showing the dimensions between the sewer line and the extremity of the easement at each point where the easement dissects the boundary of the subdivided lot or lots or any change of direction.

17. A Road Network Design Plan, including the future public road within Lot 2 DP 1199142 that is required to be dedicated to Council to link the future residential developments to the north and south of the development of the site, must be submitted for approval with the application for a **PWC**. Design and construction is to be in accordance with the applicable Clarence Valley Council Development Control Plans and NRDC.
18. The future public road within Lot 2 DP 1199142 that links the future residential developments to the north and south of the development site is to be dedicated to Council prior to release of the Approval to Operate under Section 68 of the Local Government Act 1993. The applicant is required to construct the road or lodge a bond with Council for the cost of the roadworks to ensure that the road is constructed within an acceptable timeframe after the dedication of the road reserve to Council.

Prior to the road reserve being dedicated to Council the applicant will be required to provide to Council:

- a) A plan showing the extent of the road to be dedicated.
- b) Council's bond administration fee in accordance with the fees and charges at the time of the application.
- c) A bond to the value of 130% of the cost of the road works.

Works to and on public road reserve requires the approval of Council or other Roads Authority under the NSW Roads Act.

19. All road Intersections must satisfy safe intersection sight distance requirements for the speed zone of the road servicing the development in accordance with NRDC. Sight distance diagrams must be provided with the **PWC** plans.

Additional traffic analysis is required to be submitted with the **PWC** to determine the type of intersection to be constructed on Sheehans Lane with the proposed road, taking into consideration the traffic generated by the Urban Release Area at full development potential.

The intersection of Brooms Head Road and Sheehans Lane shall be upgraded to a CHR / AUL(s) intersection in accordance with the Austroads warrants for turn treatments.

The design of all intersections shall be suitable for the turning of a 12.5m rigid truck and a 19m semitrailer without the swept vehicle paths encroaching onto opposing traffic lanes.

The design standard of intersections shall be compliant with **NRDC** and Austroads. This design is subject to verification and approval by Clarence Valley Council prior to the approval of the **PWC**.

The engineering design plans submitted with the **PWC** application shall show full details of the intersections including associated road pavement, road shoulders including drainage and adjustment to existing constructions in accordance with the provisions of the publications and standards identified in this consent.

The pavement design for the intersections shall include a geotechnical investigation to assess the capability of the existing pavement to accommodate new traffic volumes. Any costs associated with the reconstruction and sealing of the existing pavement to meet the road design ESA's shall be borne by the developer. The design speed for the intersections on Sheehans Lane is 90 km/h.

20. Benkelman beam testing of the constructed road pavement will be required. The testing is to be undertaken by a NATA registered authority with accreditation for using the Benkelman beam in accordance with RMS Test Method T160.
21. Where proposed, **WSUD** systems are to be included in a detailed Design, Construction, Inspection, Testing, Establishment and Staging Management Plan and submitted with the **PWC** 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.
22. Preliminary road pavement designs, in accordance with **NRDC**, must be submitted to Council as part of the **PWC** approval. The asphaltic concrete wearing surface must be a minimum 30mm (residential light to medium traffic and 40mm collector roads) compacted depth. Final pavement design will be subject to in-situ CBR tests.

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.

23. Prior to the issue of any **PWC** 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. 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 an all road frontages where there is no water main.

24. The engineering design plans submitted with the **PWC** application shall include details of linemarking and sign posting. All regulatory linemarking and sign posting on public roads shall be submitted to the Local Traffic Committee (LTC) for approval. The works shall not commence until approved by the Committee.
25. The applicant is required to prepare a detailed design of Bike and Pedestrian facilities along the Brooms Head frontage to the site and within the development site and connecting onto the existing network as part of the **PWC** application. The minimum width of all shared bicycle/footpaths shall be 2.5m. Any proposed pedestrian refuge shall be in accordance with Technical Direction TDT 2011/1a issued by the (then) NSW Roads & Traffic Authority.
26. A pavement condition report is to be provided for Sheehans Lane and Brooms Head Road intersection and also Sheehans Lane adjacent to the site access for a distance of 75 metres in both directions from that access. The report must be completed by a suitably qualified engineer and/or Geotechnical Testing Authority, and is to be submitted to Council prior to the issue of the **PWC**. The analysis in the report is to consider the impact of heavy vehicle and construction traffic and recommend measures to be taken to maintain the existing pavement condition during the construction and operational phase of the development.

Payment of a bond is required to ensure maintenance of Sheehans Lane, with the bond value to be determined in the pavement condition report, prior to commencement of works. Should the pavement condition become unsafe Council may provide maintenance without notice to the applicant. Note: Council will endeavour to contact the applicant whenever Council considers maintenance is required.

27. 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 (SWMP) that demonstrates **NorBe** must be prepared in accordance with **NRDC** and approved by Council prior to commencement of works.

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

The Stormwater Management Plan must include maintenance manuals for any **WSUD** systems and Stormwater Management Devices to be incorporated into the MHE's Maintenance Schedule. The maintenance manuals must consider construction and operational phases.

The Stormwater Drainage and Bioretention Basins are to remain in the ownership of the MHE. Council will not accept the Western Drainage Basin as Drainage Reserve. Headwalls of the outlet pipes from the Basins are required to be located in the development site and not within the road reserve.

On-site detention (OSD) is to be provided for each manufactured home site/dwelling. A Section 88E easement, 88B easement, Positive Covenant or Restriction-as-to-User encumbrance for stormwater management on the land title is required to ensure future building development compliance.

Prior to the issue of an Approval to Operate for the Manufactured Home Estate a Section 88B restriction under the Conveyancing Act 1919 is to be placed on the title requiring that:

A minimum of 2000 litres of on-site stormwater detention shall be provided at each site/dwelling prior to occupation of the manufactured home/dwelling and maintained in working order for the life of the building. This can be provided via a rain water tank. A small orifice outlet (usually 50mm) and pipe shall drain the detained stormwater to the stormwater system/street after each rain fall event. All downpipes shall be connected to the detention tank.

28. An easement is to be created to provide for conveyance of drainage through the subject land, where there is water draining off roads, Council land or Council drainage infrastructure in the upstream drainage system then the easement must benefit Council.

The right to release vary or modify the easement is to be assigned to Clarence Valley Council where Council has a benefit.

29. Prior to the release of the Approval to Operate or acceptance of works, 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.

30. In accordance with **NRDC** and prior to the release of the Approval to Operate under Section 68 of the Local Government Act 1993, 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.

31. Prior to issue of an Approval to Operate a Manufactured Home Estate under the Local Government Act 1993, the pedestrian pathway / cycleway / development shall be lit to the minimum standard of Australian Standard AS 1158 (Public Lighting Code) and Council's Streetlighting Strategy. Details of how this will be achieved, including location, types and energy efficiency of lighting devices, must be approved by Council prior to issue of the **PWC**.
32. Prior to release of the Approval to Operate under Section 68 of the Local Government Act 1993, 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. 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.
33. 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.
34. Prior to the release of the Approval to Operate, a s88B Instrument to create any necessary easements or restrictions required by the conditions of this consent is to be submitted to Council for approval.
35. Detailed plans of earthworks including an Earthworks Management Plan must be submitted to Council or accredited private certifier for assessment and approval prior to commencement of works.
- The Earthworks Management Plan is to be prepared in accordance with Council's guidelines. The guidelines are listed in the Advices section of this Notice.
36. Any fill earthworks to be undertaken on the site must be carried out in accordance with the placement and compaction of fill described in AS 3798, Level 1 inspection and testing and **NRDC**.
37. Prior to issue of an Approval to Operate a Manufactured Home Estate under the Local Government Act 1993 for any stage, certification from the Geotechnical Inspection and Testing Authority who undertook Level 1 inspection and testing, in accordance with AS3798, will be required confirming that each stage is suitable for the intended purpose. All testing as required in AS3798 and **NRDC** must be submitted.
38. 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 Approval to Operate under Section 68 of the Local Government Act 1993.
39. Any excavation resulting in disturbance of more than one tonne of soil at a depth of greater than 2m below natural ground surface, or work that is likely to lower the watertable beyond 2m below natural surface shall comply with Council's Acid Sulfate Soil management provisions.

40. Erosion and Sediment Control is to be implemented in accordance with the relevant parts of the applicable Council Development Control Plans, 'NSW Managing Urban Stormwater - Soils and Construction (Blue Book)' and NRDC. These controls are to be maintained and managed by the applicant and/or the appointed contractor until the development is accepted 'Off Maintenance'.
41. A detailed Erosion and Sediment Control Management Plan for each stage of the development must be submitted for assessment and approval by Council or accredited private certifier, prior to commencement of works for the relevant stage. This shall be compatible with the Stormwater Management Plan and must include procedures for clean-up and restoration of public / private property and infrastructure. All such remedial works are to be completed to the satisfaction of Council or accredited private certifier. This shall include WSUD components of the proposed drainage system.
42. 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.
43. During dry weather, standard dust suppressions methods are to be used as often as it necessary to ensure that adjoining properties are not adversely affected by undue dust.
44. All disturbed areas shall be stabilised and revegetated. Turf, seeding or other approved method shall be undertaken in conjunction with or immediately following completion of earthworks. Topsoil shall be preserved for site revegetation. All sediment and erosion control measures must be regularly inspected and maintained to ensure they operate to the design specifications and meet the requirements of the NSW Protection of the Environment Operations Act 1997. Weather patterns must be monitored and be coordinated in with the inspection and maintenance procedures. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion. Person/s responsible for managing sedimentation and erosion controls for the development must be nominated to Council or accredited private certifier in writing together with full 24 hour per day contact details.
45. The boom gate at the entry to the site must be located to ensure adequate storage for vehicles waiting to enter is available, without any vehicles waiting in any part of the Council's road carriageway. Details of the placement of the boom gate are to be provided with the **PWC** design.
46. Prior to the commencement of construction, a Construction Environmental Management Plan (CEMP) must be prepared in accordance with the "*Guideline for the Preparation of Environmental Management Plans*", NSW Department of Infrastructure, Planning and Natural Resources, 2004. As a minimum, the CEMP must include all Conditions, Mitigation Measures, Environmental Safeguards and general environmental requirements as detailed in the following documents:
 - (a) Statement of Environmental Effects, Proposed Manufactured Housing Estate (MHE), "Glencoe Lifestyle Resort", Lot 2 DP1199142, Dated August 2019.
 - (b) Environmentally relevant consent conditions as detailed in the Development Consent provided by Clarence Valley Council.

The CEMP must be implemented during construction.

47. In addition to the above, the CEMP must include an Unexpected Find Procedure/s in the event that any of the following is discovered during the works; items of Aboriginal or non-Aboriginal Heritage or contamination (incl. Asbestos Containing Material).

All works crew must be toolboxed on the Unexpected Find Procedure/s.

48. The CEMP must include all reasonable and feasible mitigation measures to reduce the potential noise and air quality impacts to sensitive receivers associated with the construction of the proposal. At Council's request, noise and air quality assessment and additional mitigation may be required. This assessment and mitigation works must be undertaken by a suitably qualified person.

49. Prior to the commencement of construction, a detailed Erosion and Sediment Control Plan (ESCP) must be developed by a IECA Certified Professional in Erosion and Sediment Control (CPESC), prepared in accordance with *Landcom / Department of Housing Managing Urban Stormwater: Soils and Construction Guidelines* [the Blue Book].

All erosion and sediment control measures are to be installed in accordance with the certified Erosion and Sediment Control Plan prior to the commencement of construction works.

All erosion and sediment control measures are to be maintained in accordance with the certified Erosion and Sediment Control Plan.

50. The proposed development must comply with Part 2 Division 3 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*. This must be demonstrated prior to issue of the Approval to Operate under Section 68 of the Local Government Act 1993.

51. An approval to operate under Section 68 of the Local Government Act 1993 must be issued prior to use of the site as a manufactured homes estate for each and every stage.

52. Community buildings and amenities are to be provided in accordance with the Staging Plan by Zoran Architecture as submitted with the application.

53. The development is not to be occupied or used until such time as an Occupation Certificate has been issued.

54. 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.

55. 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, and

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

56. **Mandatory Inspections** The head contractor or owner-builder must give Council as the certifying authority at least 24 hours notice to enable the following inspections to be performed at the appropriate time:

- a **Pier holes** (if any), before concrete is poured,
- b After reinforcement is in positions and before pouring of any **in-situ reinforced concrete** building element,
- c Before internal covering/lining of the **framework** for any floor, wall, roof, or other building element,
- d **Plumbing work** prior to covering/lining walls,
- e **Sewer drainage** work prior to back filling/lining,
- f Before covering **waterproofing in any wet areas**,
- g Before covering any **stormwater drainage** connections,
- h After the **building work has been completed** and prior to occupation.

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

57. Imported fill shall not come from a contaminated source. Any imported fill shall be free of building and other demolition waste and only contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 of the *Protection of the Environment Operations Act 1999*, excavated natural material or the relevant waste resource recovery exemption from the NSW Environment Protection Authority (EPA). Written details of the source of fill shall be submitted to Council prior to fill being imported to the site.
58. All erosion and sediment control measures are to be installed and maintained in accordance with the Statement for Sediment and Erosion Control that was submitted with the development application.
59. 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.
60. All **new** hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:
 - 43.5°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - 50°C in all other classes of buildings.A higher hot water temperature is acceptable at all other fixtures, eg. laundry tub and kitchen sink.
61. A fully dimensioned and notated work as executed sewer drainage and stormwater 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.
62. A minimum height of 150mm shall be maintained between the top of the sewer overflow gully riser and the lowest fixture connected to the drain. The overflow gully shall also be 75mm above surrounding ground level, except if located in a path where it shall finish at a level so as to prevent the ponding and ingress of water.
63. The waste management plan submitted with this application shall be complied with during demolition/construction work and all measures required for the ongoing use of waste management facilities in the development shall be in place prior to the issue of the Occupation Certificate.
64. The energy efficiency requirements in Section J of the Building Code of Australia (BCA) apply to this clubhouse building. Sufficient written documentation shall be submitted with the Construction Certificate application to indicate compliance with Section J.
65. The installation and maintenance of the swimming pool's child resistant barrier shall comply with the requirements of the Swimming Pools Act 1992 and AS1926.1 2012 and be fitted with a self-closing, self-latching, outward opening gate prior to filling the pool with water. No plantings or climbable items shall be positioned within the 900mm non-climb zone (NCZ) on the outside of the pool fence or within the 300mm NCZ on the inside of the pool fence.
66. The swimming pool/spa pool pump and filtration equipment must not be used in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
 - a) before 8.00 am or after 8.00 pm on any Sunday or public holiday, or
 - b) before 7.00 am or after 8.00 pm on any other day.
67. Temporary fencing that complies with AS 1926.1 shall be provided around the pool if the permanent fencing cannot be installed before the pool is filled.

68. The swimming pool water recirculation and filtration system must comply with AS 1926.3-2010. The installation contractor shall provide Council with an Installation Certificate attesting to the products being selected and installed in accordance with the requirements of that standard.
69. The Principal Certifier shall be notified for the purpose of a final inspection of the pool and fencing as soon as possible after installation and before use of the pool.
70. An approved CPR and pool safety sign is to be provided within the pool enclosure in accordance with the requirements of the Swimming Pools Act 1992 prior to the final inspection.
71. The pool shall be registered on the NSW Swimming Pool Register at www.swimmingpoolregister.nsw.gov.au before issue of an Occupation Certificate.
72. If the site is connected to Council's sewage system the swimming pool waste water is to be disposed of to the sewer via a surcharge gully with a minimum 100mm air gap between the waste outlet and the top of the gully surrounds.
73. If the site is serviced by an onsite wastewater disposal system then the swimming pool waste water is to be disposed of onsite clear of the sewage effluent disposal area and in a location that does not pollute a watercourse or create an erosion problem.
74. If the site is serviced by a pressure sewer system then pool backwash volumes and rates must be regulated so as not to exceed the capacity of the pressure sewer pumping unit and to avoid alarms being needlessly generated. The same provisions shall apply to draining swimming pools. The pump backwash/discharge rate must be less than 0.45L/sec. If this requirement cannot be met it will be necessary to provide additional storage (holding tank) with controlled discharge of less than 0.45L/sec.
75. The occupier of any premises in or on which a swimming pool (not including a spa pool) is being constructed must ensure that a sign is erected and maintained that:
 - a bears a notice containing the words "This swimming pool is not to be occupied or used", and
 - b is located in a prominent position in the immediate vicinity of that swimming pool, and
 - c continues to be erected and maintained until a relevant Occupation Certificate or a Certificate of Compliance has been issued for that swimming pool.
76. Toilet Facilities - are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
 - a) A standard flushing toilet, connected to a public sewer, or
 - b) An approved temporary chemical closet. The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.
77. Working/Construction Hours Working hours on construction or demolition shall be limited to the following:

Monday to Friday: 7:00am – 6:00pm
Saturday: 7:00am – 1:00pm
No works on Sundays or 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.
78. Prior to granting the approval to operate, an amended scaled site plan shall be provided which clearly details the location of each double headed pillar type fire hydrant; ten percent of the site that is reserved for recreation or other communal activities; the offsets between the lot boundaries and the new dwelling site boundaries and all the community buildings; vehicular access from all dwelling sites to an access road; width of all roads; and dimensions of car spaces including accessible car spaces

79. The manufactured home estate shall be designed, constructed, maintained and operated in accordance with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
80. Council must be given written notice of the installation of a manufactured home or associated structure within the site of within 7 days after its completion. The notice: (a) must indicate the site identifier of the dwelling site on which the manufactured home or associated structure has been installed, and (b) must include the particulars contained on each compliance plate relating to the manufactured home or associated structure. The notice must be accompanied by: (a) a copy of the engineer's certificate for the manufactured home or associated structure, and (b) a fully dimensioned diagram of the dwelling site on which the manufactured home or associated structure is installed, sufficient to indicate whether or not the setback, density, open space and site delineation requirements of this Part have been complied with.
81. Water, sewer and fire services shall be provided to service the dwelling sites and community buildings. Prior to work commencing approval under Section 68 of the *Local Government Act 1993* shall be obtained from Council for sewer work, water plumbing and stormwater work (Note: Application fees apply). Hydraulic plans prepared by a hydraulic engineer to AS/NZS 3500:2018, AS2419.1:2005 detailing the size and location of water, sewer, stormwater and fire services shall be submitted to Council for approval. The fire hydrant system shall be designed and installed in accordance with AS2419.1:2005. A design statement from an accredited Competent Fire Safety Practitioner shall be included with the documents provided to Council.
82. Asset protection zones shall be provided in accordance with Planning for Bush Fire Protection 2019 table A1.12.1
83. A manufactured home must not be installed on a dwelling site unless each major section of the home has been constructed and assembled at, and transported to the manufactured home estate from, a place of manufacture outside the manufactured home estate.
84. Prior to the issue of an Approval to Operate, a positive covenant must be created under Section 88E of the Conveyancing Act 1919, over the areas identified as Management Zone 2 in the Vegetation Management Plan prepared by Narla Environmental Pty Ltd dated December 2020 (the VMP) requiring that the areas are to be managed in accordance with VMP.
85. Prior to the issue of an Approval to Operate for the Manufactured Home Estate a Section 88B restriction under the Conveyancing Act 1919 is to be placed on the title requiring that any fencing bordering or in the Management Zone 2 areas of the lot are to have Emu friendly fencing structures to allow the free passage of Emus on and through the site. The design of the fence is to be submitted to and approved by Council prior to installation.
86. Prior to the issue of an Approval to Operate for the Manufactured Home Estate a Section 88B restriction under the Conveyancing Act 1919 is to be placed on the title requiring that:
- i. The keeping of dogs and other domestic animals hazardous to native fauna are prohibited within the Manufactured Home Estate unless contained within a non escapable secure compound, and
 - ii. That dogs must be kept on a leash at all times within the lot when outside of fenced premises.
87. Prior to any construction (including clearing and earthworks) commencing on the site, temporary fencing must be erected around the boundary of the Management Zone 2 areas. No machinery, rubbish or spoil are be stored within retained vegetation during the construction phase of the development.
88. Prior to any works commencing on site, evidence must be provided to the consent authority demonstrating the following:
- The Biodiversity Offset Payment Calculator has estimated that 142 ecosystems credits and 576 species credits requires the payment of **\$2,920,170.54 into the Biodiversity Conservation Trust (BCT)** and the applicable credits for the PCT's and species listed in

Table 1 below, based on the like-for-like basis have been retired. This shall be in the form of either:

- i. A credit retirement report issued by DPIE confirming credit transactions; or
- ii. The applicable payment in the form of a 6.33 *Statement Confirming Payment* into the Biodiversity Conservation Fund issued by the Biodiversity Conservation Trust. The statement will indicate the number and class of credits that the payment corresponds to and any related development application reference.

TABLE 1: Credit requirements

Ecosystem credits for plant communities types (PCT), ecological communities & threatened species habitat

IBRA sub region	PCT common name	Threat status	Offset trading group	Risk premium	Administrative cost	Methodology adjustment factor	Price per credit	No. of ecosystem credits	Final credits price
Clarence Lowlands	1135 - Scribbly Gum - Needlebark Stringybark heathy open forest of coastal lowlands of the northern NSW North Coast Bioregion	No	Coastal Dune Dry Sclerophyll Forests <50%	20.69%	\$224.75	1.8823	\$7,006.02	142	\$994,855.17
Subtotal (excl. GST)									\$994,855.17
GST									\$99,485.52
Total ecosystem credits (incl. GST)									\$1,094,340.69

Species credits for threatened species

Species profile ID	Species	Threat status	Price per credit	Risk premium	Administrative cost	No. of species credits	Final credits price	
10033	<i>Aepyprymnus rufescens</i> (Rufous Bettong)	Vulnerable	\$495.24	20.6900%	\$80.00	188	\$127,408.57	
10250	<i>Dromaius novaehollandiae</i> - endangered population (Emu population in the New South Wales North Coast Bioregion and Port Stephens local government area)	Endangered Population	\$5,974.37	20.6900%	\$238.97	188	\$1,400,495.09	
10549	<i>Myotis macropus</i> (Southern Myotis)	Vulnerable	\$741.31	20.6900%	\$80.00	12	\$11,696.24	
10635	<i>Planigale maculata</i> (Common Planigale)	Vulnerable	\$463.67	20.6900%	\$80.00	188	\$120,245.42	
Subtotal (excl. GST)								\$1,659,845.32
GST								\$165,984.53
Total species credits (incl. GST)								\$1,825,829.85
Grand total								\$2,920,170.54

ITEM	6b.21.032	DA2020/0288 – CONSTRUCTION OF ROOF OVER EXISTING DECK AND CARPORT – 6 PILOT STREET, YAMBA
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Meeting	Environment, Planning & Community Committee	15 June 2021
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment & Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Kevin Lee C/- Kevin Lee Constructions
<i>Owner</i>	Paul William Lindstrom
<i>Address</i>	6 Pilot Street, Yamba
<i>Submissions</i>	Yes – 6 (3 with original application and 3 with amended application)

Council is in receipt of Development Application DA2020/0288, which proposes the construction of a roof over an existing rear deck area and new carport structure within the front setback at No. 6 Pilot Street, Yamba.

As part of the application, a Clause 4.6 variation to vary the 6.5m maximum building height set by Clause 4.3 of the Clarence Valley Local Environmental Plan 2011 (the LEP) was applied to enable use of the Building Height Controls set out in Part W Yamba Hill Controls of the Residential Zones Development Control Plan (the DCP). The proposed roof height is 9.47m, resulting in a variation of 68%. Council staff only have delegation to approved variations up to 10% under the LEP. The applicant has also sought a variation to the front and side setbacks set out in Clause C16.2 of the DCP for the proposed carport structure.

The DA was notified and 6 submissions were received during the notification period.

This report provides an assessment of the variations, issues raised within the submissions and a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That Council approve:

1. The Clause 4.6 LEP variation to the maximum height limit of 6.5m to 9.47m to be consistent with the Yamba Hill Controls set out in Clause W6.1 of the DCP;
2. A reduced front and side setback to the carport under Clause C17 and C18 of the DCP; and
3. DA2020/0288 subject to the Advices and Conditions contained in Schedule 1.

COMMITTEE RECOMMENDATION

Simmons/Novak

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

Prepared by	Carmen Landers, Acting Development Services Coordinator
Attachment	A. Plans B. Photographs showing streetscape C. Submissions D. Section 4.15 Assessment

Schedule 1
Draft Advices and Conditions of Consent for DA2020/0288

Definitions

NATA means National Association of Testing Authorities

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**.

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

- a Northern Rivers Local Government Handbook for Driveway Access to Property (AUS-SPEC)

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

Advices

1. No construction is to be commenced until a Construction Certificate has been issued.
2. Prior to work commencing on a development the applicant must give notice to Council of their intention to commence work. Such notice shall be in the form of a Notice of Commencement form and must be submitted to Council at least two (2) business days before work commences.
3. The following information shall be submitted to the Council or Principal Certifying Authority prior to issue of a Construction Certificate:
 - a Home Building Compensation Fund (HBCF) Insurance Certificate or copy of the Owner Builder permit
 - b Engineering details
4. 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.
5. Demolition work is to be carried out in accordance with AS 2601.
6. All structural timber exposed to the weather (i.e. posts, joists and bearers of decks or unprotected beams protruding from the house) shall be Class 1 or 2 durability or timber treated to H3 Hazard level. Documentation confirming the durability class/hazard protection level of the timber used shall be submitted to Council prior to the issue of the Occupation Certificate.
7. The certificates and documentation requested in this approval should be emailed to council@clarence.nsw.gov.au quoting the development application number in conjunction with booking the final inspection.
8. Prior to preparing a Management Plan for Stormwater, Sewerage or Water reticulation the applicant shall obtain advice from Clarence Valley Council to determine the requirements for connecting / discharging to any existing system.
9. The access track from Queen Street to Main Beach, the Yamba Surf Club and the eastern side of the Pacific Hotel site is known as Marine Parade. Marine Parade is situated on Crown reserve between Queen Street and the southern boundary of the Pacific Hotel site. Approval for any use of Marine Parade for the construction of the development must be obtained from Council and the NSW Land and Property Management Authority prior to any use of Marine Parade.

The land east of the property is Crown land and approval for any use of the land for the construction of the development must be obtained from the NSW Land and Property Management Authority prior to the use but preferably as part of the construction management plan.

Any use of Marine Parade for the development will be subject to specific conditions issued when any such approval is granted. These may include but are not limited to:

- a Geotechnical assessment and control
- b Restricted to winter months and outside school holidays
- c Developer to be responsible for maintenance of Marine Parade
- d Developer to bond maintenance of Marine Parade
- e Steel track vehicles to use timber protection strips if walked
- f Survey of the control pins
- g Agreement from other stakeholders
- h Use to cease if orange or red alert is triggered
- i Public liability insurance
- j Licence fees

The applicant should discuss the requirements and conditions for use of Marine Parade with Council prior to planning for such use. The requirements and conditions will be based on the magnitude of use.

10. Approval for any use of Marine Parade for the construction of the development must be obtained from Council and the NSW Crown Lands prior to any occupation of Marine Parade.

Please note that any use of Marine Parade for the development will be subject to specific conditions issued when any such approval is granted by Council. The applicant should discuss the requirements for use of Marine Parade with Council prior to planning for such use.

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	Title	Plan Date
A01	NFD Design & Drafting Services	Site Plan	13/12/2020
A02	NFD Design & Drafting Services	Roof Plan	13/12/2020
A03	NFD Design & Drafting Services	Elevations	13/12/2020
A04	NFD Design & Drafting Services	Elevations	13/12/2020
A05	NFD Design & Drafting Services	Section	13/12/2020
A11	NFD Design & Drafting Services	Carport Pergola	13/12/2020

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

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

5. Where the work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves enclosure of a public place, the following must be provided:
- A hoarding or fence must be erected between the work site and the public place.
 - 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.
 - The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
 - Any such hoarding, fence or awning is to be removed when the work has been completed.

6. **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:
- Preserve and protect the building from damage; and
 - 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).

7. 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.

8. **Home Building Act** Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
- has been informed in writing of the licensee's name and contract licence number; and
 - is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
 - has been informed in writing of the person's name and owner builder permit number, or has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of **owner-builder work** in Section 29 of that Act.

A Certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that part is sufficient evidence the person has complied with a and b.

9. 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.

10. **Mandatory Inspections** The head contractor or owner-builder must give Council as the certifying authority at least 24 hours notice to enable the following inspections to be performed at the appropriate time:
- Pier holes** (if any), before concrete is poured,
 - After reinforcement is in positions and before pouring of any **in-situ reinforced concrete** building element,
 - Before internal covering/lining of the **framework** for any floor, wall, roof, or other building element,
 - Before covering any **stormwater drainage** connections,
 - After the **building work has been completed** and prior to occupation.

If any of these inspections are not performed an Occupation Certificate cannot be issued for the

building. Inspection bookings can be made online at www.clarence.nsw.gov.au until midnight on the day before the inspection. The Construction Certificate or Complying Development Certificate number must be provided when booking an inspection.

11. 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.
12. The waste management plan submitted with this application shall be complied with during demolition/construction work and all measures required for the ongoing use of waste management facilities in the development shall be in place prior to the issue of the Occupation Certificate.
13. No portion of the carport is to be enclosed without prior written approval being obtained from Council.
14. A vehicular crossing to provide access to the allotment as detailed on the approved plans is to be constructed in accordance with the requirements of Council's Operations Section and be fully completed prior to requesting a final inspection and the issue of an Occupation Certificate. An application for driveway access crossing is to be submitted and approved by Council prior to any work commencing.
15. 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.
16. 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.
17. 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.

18. 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.
19. 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.
20. An Asbestos Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the asbestos related works (prior to an Occupation Certificate being issued), which confirms that the relevant requirements contained in the Asbestos Survey and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.

Engineering Conditions

21. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
22. Professional details of the Geotechnical Inspection and Testing Authority involved in the project are to be submitted to Council or accredited private certifier for approval. Details of the Geotechnical Engineer involved in the design must be submitted prior to the issue of the Building Construction Certificate whilst details of the Geotechnical Inspection and Testing Authority involved in the construction must be submitted prior to the commencement of works. The details are to include **NATA** accreditation, qualifications and accreditations of the principal geotechnical professionals who will be certifying the design and construction, insurances held and any other relevant material.
23. Any fill earthworks to be undertaken on the site must be carried out in accordance with the placement and compaction of fill described in AS 3798, Level 1 inspection and testing and NRDC.
24. Prior to release of the Occupation Certificate for any stage, certification from the Geotechnical Inspection and Testing Authority who undertook Level 1 inspection and testing, in accordance with AS3798, will be required confirming the completed works are suitable for the intended purpose. All testing as required in AS3798 and NRDC must be submitted.
25. An Earthworks Management Plan must be submitted to Council or accredited private certifier for assessment and approval prior to the issue of a Building Construction Certificate.

The Earthworks Management Plan to be completed and the works certified in accordance with Council's draft Geotechnical Risk Management policy.

The Earthworks Management Plan must include:

- a The site is in a known geotechnical hazard zone and a detailed site assessment will be required examining both the proposed construction works and access to the site. This is to be provided by a competent specialist Geotechnical Authority.
- b Inspection and verification of an appropriate preparation of the foundation for placement of fill, including the provision of surface drainage arrangements and a geotechnical assessment of factors that can influence the site. This is to be provided by a competent Geotechnical Authority.
- c Certification that the land created by the development will be suitable for its intended purpose (e.g. residential buildings) including any parts of the land that will be left in its natural state or modified by the development.
- d Identify any problem areas on or adjacent to the development land (e.g. potential land slip areas, hanging swamps, very high water tables, salt affected land, highly eroded sites etc) and advise if engineering solutions, acceptable to Council, are available to enable structures to be built on the affected parts of the land.
- e A program for attendance at the site of a suitably qualified and experienced specialist geotechnical engineer setting out the activities/events that require the specialist geotechnical engineer to be on site.
- f A list of the geotechnical hold points and details of the inspections required.

Where relevant to the project, the following will also be required:

- a Details on the selection of fill type(s), the source/s of the fill, including suitability for the intended use, its appropriate handling, placement and compaction, and the area of the development to be filled including depth to be filled. Fill imported to the site must be free of building and other demolition waste, and only contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997.
- b Any conditions on the use of the material and a report from a registered NATA laboratory on the key geotechnical properties used in the assessment of each fill type.
- c Measures proposed to prevent adverse impact to adjoining properties and to local drainage. Provision is to be made for the mitigation of and free passage of surface stormwater away from affected sites. These measures are to be acceptable to Council.

The Earthworks Management Plan must:

- a Include details of how the works will comply with the Protection of the Environment Operations Act 1997.

- b Provide a concept for the full site as a minimum with details of the earthworks for a particular stage lodged with the Construction Certificate application for that stage.
- c Compatible with the works plans and the approved Stormwater Management Plan.

The following information will be required for earthworks undertaken:

- a Details of geotechnical laboratory and in situ (principally dry density assessment) testing for each fill type and specified volume of placed fill including records of the date and time of all testing, the source of material tested in the laboratory, and the spatial distribution and reduced level of in situ tests. The latter must be correlated with results from the laboratory testing of similar material.
- b Recorded dates of placement and survey data recording the aerial extent of fill and the reduced level prior to construction and at completion.
- c Certification of the completed earthworks (including cut, fill, earth retaining structures as far as the geotechnical aspects) that the work is suitable for the intended use.
- d Certification that excavated materials have been reused or disposed of in accordance with the Protection of the Environment Operations Act 1997 and copies of receipts for disposal where relevant.

Should there be any change in the source of fill material from that previously approved for the development, the Principal Certifying Authority must be notified and approval obtained to the new source prior to the import of any of the material. A report from a practicing geotechnical engineer certifying that the new source material is suitable for the intended purpose must be provided. The report to include any conditions on the use of the material and a report from a registered NATA laboratory on the key geotechnical properties used in the assessment of fill type. The Earthworks Management Plan to be amended accordingly.

- 26. A detailed Erosion and Sediment Control Management Plan must be submitted for assessment and approval by Council or accredited private certifier, prior to issue of a Building Construction Certificate. This shall be compatible with the Stormwater Management Plan and must include procedures for clean-up and restoration of public / private property and infrastructure. All such remedial works are to be completed to the satisfaction of Council or accredited private certifier.
- 27. Erosion and Sediment Control is to be implemented in accordance with the relevant parts of the applicable Council Development Control Plans, 'NSW Managing Urban Stormwater - Soils and Construction (Blue Book)' and NRDC. These controls are to be maintained and managed by the applicant and/or the appointed contractor until an Occupation Certificate is issued.
- 28. Civil construction works must be supervised by a suitably qualified and experienced engineer or registered surveyor who must certify the completed works prior to the release of the Occupation Certificate.

Prior to commencement of works, a practising qualified engineer experienced in structural design and soil mechanics is required to verify the civil engineering works:

- a including earthwork batters and retaining walls, have been designed to be structurally adequate.
 - b will not be affected by landslip either above or below the works.
 - c will not be affected by subsidence either above or below the works
 - d includes adequate drainage to ensure the stability of the development
- 29. 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).

30. All disturbed areas shall be stabilised and revegetated. Turf, seeding or other approved method shall be undertaken in conjunction with or immediately following completion of earthworks. Topsoil shall be preserved for site revegetation. All sediment and erosion control measures must be regularly inspected and maintained to ensure they operate to the design specifications and meet the requirements of the NSW Protection of the Environment Operations Act 1997. Weather patterns must be monitored and be coordinated in with the inspection and maintenance procedures. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion. Person/s responsible for managing sedimentation and erosion controls for the development must be nominated to Council or accredited private certifier in writing together with full 24 hour per day contact details.
31. 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.
32. All stormwater falling on the property is to be collected within the property and discharged in accordance with the relevant parts of the applicable Clarence Valley Council Development Control Plans and **NRDC**. A Stormwater Management Plan must be prepared to reflect these standards and guidelines. The Stormwater Management Plan (SWMP) that demonstrates **NorBe** must be prepared in accordance with **NRDC**
- The SWMP must consider any adjacent property or infrastructure affected by the development. Design details of the drainage system and point of discharge must be submitted with the Stormwater Management Plan for approval by Council and/or accredited private certifier prior to issue of the Building Construction Certificate. Connection to the public drainage system requires the approval of Council under the NSW Local Government Act.
33. The legal and practical point of stormwater discharge of the development is nominated as the stormwater discharge system located at the rear of the property. All stormwater runoff from existing and proposed roof areas of the dwelling is to be discharged to this point and connected into the existing system.
34. A Construction Management Plan, documenting the proposed method of work within the construction site boundaries with regard to the health and safety of the public and affect on the road reserve and public land, must be submitted to and approved by Council prior to the issue of the building Construction Certificate.
- If any part of the road reserve or public land is proposed for long term (exceeding 24 hours) inclusion in the construction site boundaries, this area must be identified in the Construction Management Plan. The road reserve is classed as the property boundary to opposite property boundary and includes roadway, nature strip and footpath.
- An estimate of the number of vehicles that will need to be accommodated at various stages of the construction and what arrangements have been made to accommodate that number of vehicles is to be included in the Construction Management Plan.
- The Construction Management Plan must provide details of how legal and practical access to, around and through the site for vehicles, personnel and plant will be managed as the project progresses. The Construction Management Plan may be varied with Council approval during the course of works.
- The Construction Management Plan should include approval from the NSW Land and Property Management Authority for any use of the land east of the development for the purposes of the development. Approval from the NSW Land and Property Management Authority must be obtained prior to the use of the land.
35. A Traffic Management Plan showing the proposals for reducing any impact of the construction site on the adjacent traffic network must be submitted with the Construction Management Plan, for approval by Council.
- This plan will also include traffic management of short term activities such as delivery of materials; accessing, exiting and parking in and near the work site by cranes, concrete agitator trucks, tradesmen work vehicles and the like. The Traffic Management Plan should include Traffic Control

Plans detailing proposed methods to ensure safe vehicle access into and out of the general traffic stream, pedestrian control and safe transfer of materials from road reserve to construction site.

The Traffic Management Plan should be, and any associated Traffic Control Plans must be, prepared by a person authorised by the RTA to prepare Traffic Control Plans. An estimate of the number of vehicles that will need to be accommodated at various stages of the construction and what arrangements have been made to accommodate that number of vehicles is to be included in the Traffic Management Plan.

Where long term (exceeding 24 hours) occupation of the road reserve or public land is proposed, a Construction Activity Application - Encroachment / Use of Council Land - must be approved by Council and appropriate fees paid prior to any occupation of the road reserve or public land by construction equipment.

During the course of work on the development should it become necessary to occupy the road reservation for any reason not included in the approved Traffic Management Plan, even short term, then a specific Traffic Control Plan for the event or events, prepared by a person authorised by the RTA to prepare Traffic Control Plans, must be submitted to and approved by Council prior to the occupation. The submission must include the reasons that the occupation is required and any revision of the Construction Management Plan and/or Traffic Management Plan to accommodate the change in the construction methodology.

ITEM	6b.21.033	PLANNING PROPOSAL REZ2020/0005 – RECLASSIFICATION OF COUNCIL LAND 2020 FOR 5 ALLOTMENTS, BEING CANALS, IN YAMBA
Meeting	Environment, Planning & Community Committee	15 June 2021
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment & Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

<i>Proponent</i>	Clarence Valley Council
<i>Date Received</i>	N/A - Submitted to Department of Planning Industry and Environment (DPIE) gateway on 10 September 2020
<i>Owner</i>	Clarence Valley Council
<i>Subject land</i>	<ul style="list-style-type: none"> • Lots 223 DP 260230 - immediately adjoins privately owned land addressed to parts of Acacia Circuit, Gumnut Road, Melaleuca Drive and Westringia Place • Lot 286 DP 262200 - immediately adjoins privately owned land addressed to part of Westringia Place • Lots 10 DP 866724 - immediately adjoins privately owned land addressed to parts of Witonga Drive and Nabilla Court • Lot 12 DP 881975 - immediately adjoins privately owned land addressed to parts of Nabilla Court and Witonga Drive • Lot 54 DP 1013843 - immediately adjoins privately owned land addressed to parts of Barellan Avenue and Witonga Drive <p>The location of the lots is shown on the maps located at Appendix 1 of the planning proposal document at Attachment 1</p>
<i>Current Zoning CVLEP 2011</i>	Multiple zones including W2 Recreational Waterway and R2 Low Density Residential. Refer to page 7 and Appendix 1 (mapping) of the planning proposal document at Attachment 1 for further detail.
<i>Proposal</i>	To reclassify from Community to Operational the 5 Council owned public lands referred to above; this will be achieved by amending Schedule 4 of Clarence Valley Local Environmental Plan 2011 (CVLEP 2011) so as to include the public lands (5 lots/parcels) referred to above in Part 1 Land classified, or reclassified, as operational land - no interests changed of Schedule 4 thereby confirming reclassification of such lands from Community to Operational.

Planning Proposal - Reclassification of Council Land 2020 (REZ2020/0005) for the reclassification of 5 public land parcels from Community to Operational was publicly exhibited from 11 December 2020 to 10 February 2021. The 5 lots covered by the planning proposal are Council owned waterway or canal lots located in the Crystal Waters/Yamba Quays part of Yamba.

Following the formal public exhibition period Council staff provided an Information Session at the Treelands Drive Community Centre on Friday, 12 March 2021 to talk to interested persons one-on-one. A public hearing into the proposed land reclassifications was held on 21 April 2021.

This report considers the submissions made to the exhibited planning proposal, the report on the public hearing as well as seeking a Council resolution to finalise the planning proposal.

OFFICER RECOMMENDATION

That Council:

1. Receive and note the public hearing report entitled *Public Hearing Report - Yamba Waterways* (11 May 2021), prepared by Emma Broomfield of Locale Consulting;
2. Support the proposed reclassification from Community to Operational land of all lots, being legally described as Lot 223 DP 260230, Lot 286 DP 262200, Lot 10 DP 866724, Lot 12 DP 881975 and Lot 54 DP 1013843, the subject of *Planning Proposal - Reclassification of Council Land 2020 (REZ2020/0005)* as publicly exhibited and without further amendment; and
3. Refer the planning proposal to the Minister for Planning and Public Spaces with a request to make the necessary amendment to the Clarence Valley Local Environmental Plan 2011.

COMMITTEE RECOMMENDATION

Baker/Williamson

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

Prepared by	Terry Dwyer, Strategic Planning Coordinator
Attachment	<ol style="list-style-type: none">1. <i>Planning Proposal - Reclassification of Council Land 2020 (REZ2020/0005)</i> as publicly exhibited2. Submissions to exhibited planning proposal3. <i>Public Hearing Report - Yamba Waterways (11 May 2021)</i>4. Table addressing issues raised by individual submissions5. Response to questions raised at the public hearing6. Section 88B Instrument (Restriction as to user) for DP 262200

ITEM	6b.21.034	PLANNING PROPOSAL REZ2021/0003 – LOT 11 DP 1259162, 4 RIVER ROAD, PALMERS ISLAND
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Meeting	Environment, Planning & Community Committee	15 June 2021
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment & Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

<i>Proponent</i>	A Fletcher & Associates Pty Ltd
<i>Date Received</i>	1 April 2021
<i>Owner</i>	Pridel Pty Ltd
<i>Subject land</i>	Part Lot 11 DP 1259162, 4 River Road, Palmers Island
<i>Current Zoning CVLEP 2011</i>	RU1 Primary Production
<i>Proposal</i>	To rezone part of the land from RU1 to RU2 Rural Landscape to enable a “rural supplies” to be established on part of the land; or alternatively to amend Schedule 1 Additional permitted uses of the LEP to permit a “rural supplies” business on part of the land.

This report considers a planning proposal which aims to rezone part of the land from RU1 to RU2 to enable a “rural supplies” to be established on part of the land or alternatively, to amend Schedule 1 Additional permitted uses of the LEP to permit a **rural supplies** business on part of the land.

The report provides details of the proposal, staff assessment and provides a recommendation for Council’s consideration.

OFFICER RECOMMENDATION

That Council not support planning proposal REZ2021/0003 to amend the Clarence Valley Local Environmental Plan 2011 to rezone part Lot 11 DP 1259162, 4 River Road, Palmers Island RU1 Primary Production to RU2 Rural Landscape to permit a “rural supplies” business for the following reasons:

1. The proposal lacks adequate strategic justification in the context of the North Coast Regional Plan 2036 (NCRP) and relevant Ministers Section 9.1 Planning Directions as further noted in 2 and 3, below.
2. The proposal is inconsistent with Actions 6.4, 11.1 and 11.4 of the NCRP.
3. The proposal is inconsistent with the following Ministers Section 9.1 Planning Directions –
 - (a) Direction 1.2 Rural Zones
 - (b) Direction 1.5 Rural Lands
 - (c) Direction 5.10 Implementation of Regional Plans
4. The proposed direct access of the future development has not been adequately assessed and justified.

COMMITTEE RECOMMENDATION

Clancy/Baker

That Council support the planning proposal REZ2021/0003 to amend the Clarence Valley Local Environmental Plan 2011 to rezone part Lot 11 DP 1259162, 4 River Road, Palmers Island RU1 Primary Production to RU2 Rural Landscape to permit a “rural supplies” business.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

ITEM	6b.21.035	PLANNING PROPOSAL REZ2021/0002 – LOT 10 DP 1259162, 4 RIVER ROAD, PALMERS ISLAND
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Meeting	Environment, Planning & Community Committee	15 June 2021
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment & Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

<i>Proponent</i>	A Fletcher & Associates Pty Ltd
<i>Date Received</i>	1 April 2021
<i>Owner</i>	Pridel Pty Ltd
<i>Subject land</i>	Part Lot 10 DP 1259162, 4 River Road, Palmers Island (Area = approximately 3.185 ha, whole lot)
<i>Current Zoning CVLEP 2011</i>	Part RU2 Rural Landscape and part E3 Environmental Management
<i>Proposal</i>	To rezone part of the land from RU2 to R5 Large Lot Residential (R5) to permit the subdivision of the land into a maximum of 7 lots of 4,000m ² (minimum).

This report considers a planning proposal which aims to rezone part of the land from RU2 Rural Landscape to R5 Large Lot Residential under the Clarence Valley Local Environmental Plan (CVLEP) to permit the subdivision of the land into a maximum of 7 lots of 4,000m² (minimum).

The report provides details of the proposal, staff assessment and provides a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That Council not support planning proposal REZ2021/0002 to amend the Clarence Valley Local Environmental Plan 2011 to rezone part Lot 10 DP 1259162, 4 River Road, Palmers Island from RU2 Rural Landscape to R5 Large Lot Residential to permit the subdivision of the land into a maximum of 7 lots of 4,000m² (minimum) for the following reasons:

1. The proposal lacks adequate strategic justification in the context of the North Coast Regional Plan 2036 (NCRP) and relevant Minister's section 9.1 Planning Directions as further noted in 2 and 3, below.
2. The proposal is inconsistent with Actions 11.1, 24.1 and 24.2 of the NCRP.
3. The proposal is inconsistent with the following Minister's section 9.1 Planning Directions:
 - (a) Direction 1.2 Rural Zones
 - (b) Direction 1.5 Rural Lands
 - (c) Direction 2.2 Coastal Management
 - (d) Direction 2.6 Remediation of Contaminated Land
 - (e) Direction 3.2 Caravan Parks and Manufactured Home Estates
 - (f) Direction 4.1 Acid Sulfate Soils
 - (g) Direction 4.3 Flood Prone Land
 - (h) Direction 5.10 Implementation of Regional Plans
4. The land is subject to an unacceptable level of flood risk and inundation. The proposal is contrary to the Grafton and Lower Clarence River Floodplain Risk Management Plan (updated 2014), NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.
5. The planning proposal does not adequately acknowledge or address key issues including:
 - (a) Flooding
 - (b) Aboriginal cultural heritage
 - (c) Land contamination (Preliminary investigation land contamination)
 - (d) Acid sulfate soils
 - (e) Potential land use conflict risks between the proposed development and the surrounding agricultural activities.
6. The proposal lacks the support of the Department of Primary Industries - Agriculture (DPI Agriculture).

COMMITTEE RECOMMENDATION

Baker/Novak

That Item 6b.21.035 be deferred until the July 2021 Council meeting to enable the applicant to supply the additional information requested by Council on 19 May 2021, and to provide further information supporting the stated intention behind the lodgement of this proposal.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

Prepared by	Terry Dwyer, Strategic Planning Coordinator
Attachment	<ol style="list-style-type: none">1. Planning Proposal - rezone part of Lot 10 DP 1259162, 4 River Road, Palmers Island from RU2 Rural Landscape to R5 Large Lot Residential2. Council's letter to the proponent dated 8/04/20213. DPI Agriculture letter

ITEM	6b.21.036	PLANNING PROPOSAL REZ2020/0006 – LOT 231, HAMPTON ROAD, WATERVIEW HEIGHTS
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Meeting	Environment, Planning & Community Committee	15 June 2021
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment & Planning (Adam Cameron)	
Attachment	Yes plus To be tabled Attachment	

SUMMARY

<i>Proponent</i>	O'Donohue Hanna & Associates Pty Ltd
<i>Date Received</i>	28 October 2020 – registered as REZ2020/0006
<i>Owner</i>	J McCabe, M McCabe, H McCabe, B McCabe & A McCabe
<i>Subject land</i>	Lot 231 DP 880455, Hampton Road, Waterview Heights (Area = approximately 40 ha)
<i>Current Zoning CVLEP 2011</i>	RU2 Rural Landscape (RU2)
<i>Proposal</i>	To rezone part of the land from RU2 to R5 Large Lot Residential (R5) to permit the subdivision of the land into 1 additional lot having an area of approximately 9,800m ²

This report considers a planning proposal, which aims to rezone part Lot 231 DP 880455, Hampton Road, Waterview Heights from RU2 to R5 to facilitate a subdivision to create 1 additional lot (zoned R5) having an area of approximately 9,800m² and a residue lot of approximately 39.2 ha (retaining the RU2 zone).

The report contains further explanation and strategic assessment of the proposal and provides a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That Council not support planning proposal REZ2020/0006 to amend the Clarence Valley Local Environmental Plan 2011 that seeks to rezone part Lot 231 DP 880455, Hampton Road, Waterview Heights from RU2 to R5 to facilitate the large lot residential subdivision of the land into 1 additional lot having an area of approximately 9,800m² and a residue lot of approximately 39.2 ha for the following reasons:

1. The proposal lacks adequate strategic justification in the context of the North Coast Regional Plan 2036 (NCRP) and relevant Minister's section 9.1 Planning Directions as further noted in 2 and 3, below.
2. The proposal is inconsistent with Actions 1.1, 18.2 and 24.1 of the NCRP.
3. The proposal is inconsistent with the following Minister's section 9.1 Planning Directions –
 - (a) Direction 1.2 Rural Zones
 - (b) Direction 1.5 Rural Lands
 - (c) Direction 5.10 Implementation of Regional Plans
4. The proposal as lodged has the potential to create a "higher development potential" than it states.

COMMITTEE RECOMMENDATION

Baker/Williamson

That this item be deferred to allow receipt of additional information.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

Prepared by	Terry Dwyer, Strategic Planning Coordinator
Attachment	1. DPI Agriculture letter
To be tabled	1. <i>Planning proposal Lot 231, DP 880455 - Hampton Road, Waterview Heights</i>

ITEM	6b.21.037	PLANNING PROPOSAL REZ2020/0004 – SOUTH MACLEAN HIGHWAY SERVICE CENTRE
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Meeting	Environment, Planning & Community Committee	15 June 2021
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment & Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

<i>Proponent</i>	Hargreaves Property Group
<i>Date Received</i>	14 July 2020; additional information requested 11 September 2020 and information provided 16 April 2021
<i>Owner</i>	Maclean Service Centre Pty Ltd
<i>Subject land</i>	Lot 2 DP 634170, Schwonberg Street, Townsend
<i>Current Zoning CVLEP 2011</i>	RU2 Rural Landscape (RU2)
<i>Proposal</i>	To enable an additional use of the subject land for the purposes of a highway service centre, subject to granting of development consent

A planning proposal has been submitted to Council seeking to enable an additional use of land under the Clarence Valley Local Environmental Plan 2011 (CVLEP) to allow, with development consent, the construction of a highway service centre on land east of the Pacific Motorway at Townsend. This report seeks endorsement from Council to refer the planning proposal to the NSW Department of Planning, Industry and Environment (DPIE) for Gateway determination.

The proposed siting of a Highway Service Centre in the Maclean locality has been the subject of regional planning since 1995. Ministerial Local Planning Direction 5.4 - *Commercial and Retail Development along the Pacific Highway, North Coast* provides direction to local councils and a table of suitable locations for new service centres where these are 'out of town' and not already zoned for urban uses. This list includes Maclean (southern interchange).

The proposed site is flood prone and will require up to 5 metres of fill (156,000 tonnes of soil) to be imported to the site to establish a pad above the required flood level. This is expected to have negligible impact on local flooding within the low-lying area to the east of the highway. Council's Engineers are satisfied the site can accommodate the proposed development.

OFFICER RECOMMENDATION

That Council support planning proposal REZ2020/0004 to amend the Clarence Valley Local Environmental Plan 2011 that seeks to enable an additional use of land, being Lot 2 DP 634170, Schwonberg Street, Townsend, for the purposes of a highway service centre, subject to development consent, and refer the planning proposal to the NSW Department of Planning, Industry and Environment for Gateway determination.

Having declared an interest in this item, Cr Novak left the Committee meeting at 4.46pm and returned at 4.47pm.

COMMITTEE RECOMMENDATION

Williamson/Baker

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Simmons, Williamson

Against: Nil

ITEM	6b.21.038	DRAFT FISHER PARK PLAN OF MANAGEMENT
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Meeting	Environment, Planning & Community Committee	15 June 2021
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment & Planning (Adam Cameron)	
Attachment	To be tabled	

SUMMARY

A draft plan of management (PoM) has been prepared for Fisher Park, Grafton. This draft PoM updates the existing plan of management adopted by the Grafton City Council on 28 August 2000. This report seeks endorsement to exhibit and finalise the PoM if the nature of submissions allows.

OFFICER RECOMMENDATION

That Council:

1. Note the preparation of the draft plan of management for Fisher Park, Grafton;
2. Place the draft plan of management on public exhibition for a period of not less than 28 days as required under the *Local Government Act 1993*;
3. Accept written submissions on the draft plan of management for a period of not less than 42 days from when the plan of management is placed on public exhibition as required under the *Local Government Act 1993*; and
4. Adopt the draft plan of management at the end of the exhibition period provided there is no submission received that requires a review of the intent and substantial changes to be made to the draft plan of management, as exhibited.

COMMITTEE RECOMMENDATION

Novak/Baker

That the Officer Recommendation be adopted.

Voting recorded as follows:

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

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

ITEM	6b.21.039	2021/2022 COMMUNITY INITIATIVES PROGRAM – ROUND 1
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Meeting	Environment, Planning & Community Committee	15 June 2021
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment & Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

This report summarises the assessment of applications received from community organisations for a donation from Council as part of the 2021/2022 Community Initiatives Program Round 1.

OFFICER RECOMMENDATION

That Council approve donations under the 2021/2022 Community Initiatives Program – Round 1 to the value of \$58,195.50 in accordance with the recommendations set out in the attached schedule.

COMMITTEE RECOMMENDATION

Williamson/Baker

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

Prepared by	Sammy Lovejoy, Community Projects Officer – Community Grants
Attachment	Schedule of Recommendations – 2021/2022 Community Initiatives Program – Round 1

ITEM	6b.21.040	PROPOSED ROAD NAME – ROAD RESERVE OFF BLACK MOUNTAIN ROAD, NYMBOIDA
Meeting	Environment, Planning & Community Committee	15 June 2021
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment & Planning (Adam Cameron)	
Attachment	Nil	

SUMMARY

This report is in response to Council's resolution from the May meeting (Item No. 6b.21.027) which resolved to defer the road naming matter to the June meeting to allow more extensive public consultation. In line with the requirements of the *Roads Act 1993*, notification and advertisement of the 2 road name proposals requires 28 days (4 weeks) for the exhibition period. As such, the item will be reported to the next available Council meeting following the end of the exhibition period. Exhibition commences 4 June 2021 closing 2 July 2021.

OFFICER RECOMMENDATION

That Council note that in order to allow time for the notification and exhibition of the 2 road name proposals, it will be necessary to report the outcomes of the submissions to the July Committee meeting.

COMMITTEE RECOMMENDATION

Williamson/Novak

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

Prepared by	Alex Clark, Trainee Planner
Attachment	Nil

c. CORPORATE GOVERNANCE AND WORKS COMMITTEE

MINUTES of a meeting of the **CORPORATE, GOVERNANCE & WORKS COMMITTEE** of Clarence Valley Council held in the Council Chambers, Maclean on Tuesday, 15 June 2021, commencing at 2.00pm and closing at 3.25pm.

MEMBERS

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

PRESENT

Cr Andrew Baker, Cr Greg Clancy, Cr Debrah Novak, Cr Richie Williamson, Ms Laura Black (Acting General Manager and Director – Corporate & Governance), Mr Adam Cameron (Director – Environment & Planning), Mr Jamie Fleeting (Director – Works & Civil) were in attendance.

APOLOGIES – Mr Ashley Lindsay (General Manager)

DISCLOSURE AND DECLARATIONS OF INTEREST - Nil

ITEM	6c.21.072	LOT 81 DP 1052936 - APPROVED WATER STRUCTURES
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Meeting	Corporate, Governance & Works Committee	15 June 2021
Directorate	Corporate & Governance	
Reviewed by	A/General Manager - (Laura Black)	
Attachment	Nil	

SUMMARY

While considered operational, all avenues have been exhausted to resolve this matter at an administrative level and given the involvement of Councillors, the report seeks a resolution of Council to finalise it.

OFFICER RECOMMENDATION

That Council

1. takes no further action to improve simultaneous use of two water structures at Lot 81 DP 1052936;
2. does not amend the Lease Agreement for use of a pontoon at Lot 82 DP1054947 to facilitate use of water structures at Lot 81 DP 1052936; and
3. advises the owner of Lot 81 DP 1052936 that as any arrangement to access water structures, agreed with the owner of Lot 82 DP 1054947 is one of a civil nature it should be dealt with in an agreement made under the relevant instrument, which can be facilitated either by one or other of the property owner's legal advisors or the Community Justice Centre.

MOTION

Toms/Simmons

That Council

1. Move the pontoon at Lot 82 DP 1054947 and amend the lease agreement to enable the use of the legal structure at boat ramp at Lot 81 DP 1052936.
2. Use the reserve funds from the lease agreements for water structures.

Voting recorded as follows:

For: Toms

Against: Ellem, Simmons, Lysaught, Kingsley

The Motion was put and declared LOST.

COMMITTEE RECOMMENDATION

Lysaught/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Simmons

Against: Toms

Prepared by	Laura Black, A/General Manager
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ITEM	6c.21.073	RATES BAD AND DOUBTFUL DEBTS REVIEW AND WRITE-OFF
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Meeting	Corporate, Governance & Works Committee	15 June 2021
Directorate	Corporate & Governance	
Reviewed by	A/Manager - Finance & Supply (Michael Salvestro)	
Attachment	Confidential	

SUMMARY

This report presents to Council a list of outstanding Rates billing accounts that are recommended to be written off.

OFFICER RECOMMENDATION

That the attached list of outstanding Rates billing debts, totalling \$8,268.33 be written off as bad debts unable to be recovered.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

Prepared by	Paula Krahe, Revenue Co-Ordinator
Confidential	Rates Bad and Doubtful Debts Write-Off List 2020-21

ITEM	6c.21.074	POLICIES – DRAFT AFFORDABLE HOUSING, COMMUNICATIONS POLICY
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Meeting	Corporate, Governance & Works Committee	15 June 2021
Directorate	Corporate & Governance	
Reviewed by	Manager - Organisational Development (Alex Moar)	
Attachment	To be tabled	

SUMMARY

The two policies to come before Council in June 2021 are the Draft Affordable Housing Policy V4.0 and the revised Communications Policy V1.0 post-public exhibition.

OFFICER RECOMMENDATION

That Council

1. Place the draft Affordable Housing Policy 4.0 on exhibition for a period of 28 days and subject to there being no feedback that changes the intent of the Policy it be adopted.
2. Adopt the Communications Policy 1.0.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

Prepared by	Bligh Grant, Governance Officer
To be tabled	Attachment A. Draft Affordable Housing Policy 4.0 Attachment B. Communications Policy 1.0 Attachment C. Communications Policy Submissions

ITEM	6c.21.075	REMUNERATION FOR COUNCILLORS, MAYOR AND DEPUTY MAYOR FOR 2021/2022
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Meeting	Corporate, Governance & Works Committee	15 June 2021
Directorate	Corporate & Governance	
Reviewed by	Manager - Organisational Development (Alex Moar)	
Attachment	Yes	

SUMMARY

The Local Government Remuneration Tribunal has determined an increase of 2% to mayoral and councillor fees for the 2021/22 financial year, with effect from 1 July 2021.

OFFICER RECOMMENDATION

That

1. Council note the determination of the Tribunal.
2. Fees payable to the elected members increase by 2% for the 2021/2022 financial year.
3. The Deputy Mayor allowance be 4/52 of the Mayoral allowance.

COMMITTEE RECOMMENDATION

Simmons/Lysaught

That

1. Council note the determination of the Tribunal.
2. Fees payable to the elected members increase by 2% for the 2021/2022 financial year.
3. The Deputy Mayor allowance be \$7,000 plus 2% to be funded from the Mayoral allowance.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Prepared by	Governance Officer, Bligh Grant
Attachments	A. OLG Circular 21-06 12 May 2021 B. Local Government Remuneration Tribunal - Annual report and determination 2021

ITEM	6c.21.076	COUNCIL MEETING CHECKLIST – UPDATE ON ACTIONS TAKEN
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Meeting	Corporate, Governance & Works Committee	15 June 2021
Directorate	Office of General Manager	
Reviewed by	A/General Manager - (Laura Black)	
Attachment	Yes	

SUMMARY

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

OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Simmons/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

Prepared by	Lesley McBay, Coordinator Executive Support
Attachment	Checklist

ITEM	6c.21.077	LOCAL TRAFFIC COMMITTEE
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Meeting	Corporate, Governance & Works Committee	15 June 2021
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	To be tabled	

SUMMARY

This report lists the recommendations made at 2 June 2021 meeting of the Clarence Valley Council Local Traffic Committee.

OFFICER RECOMMENDATION

That the recommendations of the Local Traffic Committee included in the Minutes of its 2 June 2021 meeting be adopted by Council.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

Prepared by	Tony Smith – Maintenance Engineer
To be tabled	Traffic Committee Minutes

ITEM	6c.21.078	LIFEGUARD SERVICE, PATROLLED BEACH SUMMARY 2020 - 2021 ON CROWN LAND
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Meeting	Corporate, Governance & Works Committee	15 June 2021
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	To be tabled	

SUMMARY

This report provides a summary of the 2020/2021 lifeguard service (excluding volunteer lifeguards) at the patrolled beaches in the Clarence Valley for information.

OFFICER RECOMMENDATION

That Council as Crown Land Manager receive and note this information report regarding the lifeguard service provided at Yamba Main Beach, Wooli Beach, Turners Beach (Yamba), Pippi Beach (Yamba), Minnie Water Main Beach, Iluka Bluff Beach and Brooms Head Beach.

COMMITTEE RECOMMENDATION

Simmons/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

Prepared by	Rachelle Passmore – Senior Parks & Recreation Officer
To be tabled	A – Surf Lifesaving Services, Season Report 2020/2021

ITEM 6c.21.079 2 PRINCE ST ADMINISTRATION BUILDING UPGRADE – PROGRESS UPDATE

Meeting	Corporate, Governance & Works Committee	15 June 2021
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Nil	

SUMMARY

This report provides a 2 monthly update on the status of the 2 Prince St administration upgrade project since approval was granted by Council to accept the tender from FDC Fitout & Refurbishment (NSW) Pty Ltd on the 24 November 2020.

OFFICER RECOMMENDATION

That Council receive and note this project status report on the status of the 2 Prince St Administration building upgrade project.

COMMITTEE RECOMMENDATION

Kingsley/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

Prepared by	Leah Munro, Project Manager
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ITEM 6c.21.080 ROTARY CLUB OF YAMBA STORAGE UPDATE

Meeting	Corporate, Governance & Works Committee	15 June 2021
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Nil	

SUMMARY

This report provides an update on the Rotary Club of Yamba (Yamba Rotary) storage and move to a permanent location in Yamba.

OFFICER RECOMMENDATION

That Council receive and note the report on the Rotary Club of Yamba storage facility.

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

Prepared by	Peter Birch, Manager Open Spaces and Facilities
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ITEM	6c.21.081	MID SCALE SOLAR FARM
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Meeting	Corporate, Governance & Works Committee	25 June 2021
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	To be tabled	

SUMMARY

A preliminary investigation has been undertaken into the opportunity to develop a mid scale solar farm on land at the Grafton Regional Landfill & Resource Recovery Facility. This report provides a status report on the preliminary investigation prior to proceeding with the next stage.

OFFICER RECOMMENDATION

That Council receive and note the report on the establishment of a Mid Scale Solar Farm at the Grafton Regional Landfill & Resource Recovery Facility.

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

Prepared by	Ken Wilson, Waste & Sustainability Coordinator
To be tabled	Preliminary Investigation of Mid Scale Solar Farm at Grafton.

ITEM	6c.21.082	WORKS REPORT
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Meeting	Corporate, Governance & Works Committee	15 June 2021
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	To be tabled	

SUMMARY

Reports on capital and major maintenance works carried out by the Works and Civil Group until late May 2021.

OFFICER RECOMMENDATION

That the Works report be received and noted.

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

Prepared by	Jamie Fleeting, Greg Mashiah, Peter Birch
To be tabled	Works Program

ITEM	6c.21.083	MONTHLY INVESTMENT REPORT – MAY 2021
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Meeting	Corporate, Governance & Works Committee	15 June 2021
Directorate	Corporate & Governance	
Reviewed by	A/Manager - Finance & Supply (Michael Salvestro)	
Attachment	Yes	

SUMMARY

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

OFFICER RECOMMENDATION

That the report indicating Council's funds investment position as at 31 May 2021 be received and noted.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Toms, Simmons

Against: Ellem

Prepared by	Kirsty Gooley – Acting Financial Accountant
Attachment	A: Movement of Funds Between Months – May 2021

d. INFORMATION ITEMS

ITEM	6d.21.005	ITEMS FOR INFORMATION
Meeting	Council	22 June 2021
Directorate	Office of General Manager	
Reviewed by	A/General Manager - (Laura Black)	
Attachment	Yes	

OFFICER RECOMMENDATION

That the Items for Information as listed below be noted:

1. Clarence Valley Transport Committee – Minutes for 19 November 2020.
2. Clarence Regional Library Committee – Minutes for 14 May 2021.
3. Clarence Valley Cultural Committee – Minutes for 3 May 2021.
4. Ilarwill Hall Management Committee – Minutes for 27 April and 11 May 2021

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

e. TENDERS

ITEM 6e.21.010 RFT 10039681 - DESIGN AND CONSTRUCTION OF LAWRENCE RESERVOIR

Meeting	Council	22 June 2021
Directorate	Works & Civil	
Reviewed by	Manager - Water Cycle (Greg Mashiah)	
Attachment	Confidential	

SUMMARY

In June 2017 the Lawrence reservoir was taken out of service due to its poor condition and was subsequently demolished in 2019/20. Public Works Advisory called open tenders, closing on 27th April 2021, for the design and construction of a replacement Lawrence reservoir. Three tenders were received. The Tender Evaluation Panel (TEP) considers, having regards to all the circumstances, that the tender from Hornick Constructions Pty Ltd is the most advantageous for Council and recommends that this tender be accepted. As the tendered price exceeds the available budget, a budget variation will be required.

OFFICER RECOMMENDATION

That:

1. Council accept the tender from Hornick Construction Pty Ltd for RFT 10039681 Design and Construction of Lawrence reservoir replacement at Lawrence at a cost of \$1,775,000 (exc GST), to be funded from PJ902037.
2. The 2021/2022 budget allocation for Financial Project 902037 be increased by \$1.121 million, funded from the Water Fund, to cover the shortfall and provide for possible variations.
3. The General Manager be authorised to approve variations up to 15% of the contract sum.

LINKAGE TO OUR COMMUNITY PLAN

Theme	2 Infrastructure
Objective	2.1 We will have communities that are well serviced with appropriate infrastructure
Strategy	2.1.1 Maintain and renew water and sewer networks

BACKGROUND

In 2017 the 50 year old 1.1ML Lawrence reservoir was taken offline due to water quality concerns and replaced with small, temporary water tanks. Investigations found that the reservoir could no longer be used for the storage of potable drinking water and the tank was demolished in 2019/2020.

Hydraulic modelling reported to the May 2019 Council meeting when considering the reservoir demolition indicated a smaller (0.75ML) reservoir would provide sufficient capacity for the projected growth at Lawrence. However, subsequent water supply network modelling taking into account demand which occurred during the October/November 2019 bushfires for refilling water tankers suggested a minimum 1.7ML reservoir at Lawrence was required. The existing reservoir site was insufficient in size to provide for a 1.7ML reservoir, and at its meeting of 20 September 2020, Council resolved to compulsory acquire part of the adjoining Lawrence Primary School for the reservoir.

KEY ISSUES

Design and Construct tenders for the replacement 1.7ML reservoir were assessed by a TEP comprising water cycle staff and Public Works Advisory staff using a weighting of 70% price and 30% non price. Three tenders were received by the closing date and time.

The TEP assessed two tenders as conforming and one tender (from Precision Civil Infrastructure P/L) as non-conforming due to significant non-compliances for two key criteria of key personnel and concept design/methodology, based on the information supplied with the tender. The Tender non-conformances could not be addressed without provision of additional information and, as such, the TEP had no option but to pass over this Tender. A detailed report from the TEP is included in the Confidential Attachments.

The TEP considers that, in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation*, the Tender which having regard to all the circumstances (price and non-price) appears to be the most advantageous to Council is from Hornick Constructions Pty Ltd and recommends that this tender be accepted.

As with all construction projects it is likely that some contract variations will be required during the work. It is therefore 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 budget allocation for Financial Project 902037 (Reservoir renewals) was \$1.075 million, with an estimate of \$0.925 million for the 1.7ML reservoir and \$0.150 million for the property acquisition. The budget for the reservoir construction was based on the DPIE Water reference rates. At its meeting of 25 May 2021 Council resolved (Resolution 6a.21.022) to defer \$0.96 million of this allocation to 2021/2022 in recognition that there would be no expenditure on construction in the 2020/2021 financial year. The recommended Tenderer's price of \$1.775 million is approximately 92% above the budget estimate.

An analysis of tendered prices has indicated that the main reason for the difference between the budget estimate and tenders received is an increase in market price during the Covid-19 pandemic and constraints in moving materials, equipment and labour. As noted in report 6a.21.022 to the 25 May 2021 Council meeting:

Staff have recently observed long lead times with some products and material supplies that would ordinarily be available "off the shelf"... reinforcing steel used in concrete were also impacted. Due to the shortage of material supplies, the purchase costs have also increased. The delay in material supplies and increases in supply cost will in some instances adversely impact on project delivery timelines and project costs.

As the recommended tendered price exceeds the available budget, options open to Council under Section 178 of the Regulation are:

1. Increase the budget for this project. *This is the recommended approach for the reasons outlined below.*
2. Postpone or cancel the proposal for the contract. *This is not recommended as the Lawrence reservoir is an important water storage for the Lawrence Community and impacts such as no water at times could occur if there is a major water main break or water is used for firefighting.*
3. Retender the work using the same scope of work. *As this was an open tender it is not considered retendering will give any lower priced tenders. It is recognised that there are current material supply shortages across the building industry and this may have affected prices.*
4. Reject all tenders and retender the work using a revised (reduced) scope of work. *A smaller reservoir is an option, however, the price reduction would not be significant enough to warrant the building of an asset that will not be suitable for future growth in the Lawrence area.*
5. Reject all tenders and enter into negotiation with any person to undertake some or all of the work. *It is considered unlikely there would be any cost reduction if the work was directly negotiated.*

Under the Contract, public liability and works insurance are through the Principal and the cost of insurance is \$5,300. It is considered the best outcome for Council would be if the full scope of work was undertaken at this time and it is therefore recommended the 2021/2022 budget allocation for Financial Project 902037 be increased by \$1.121 million, funded from the water fund, to cover the budget shortfall plus the 15% variation allowance. Water fund modelling has indicated that the proposed budget increase will not adversely impact the water fund performance, and that following this variation Council will still have sufficient funds to pay the projected 2020/21 water fund dividend.

Asset Management

The Lawrence reservoir will be a new asset.

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

Public Works Advisory

Legal and Risk Management

The Tendering process has followed the requirements of the Local Government Act and Regulation.

Directors of the two companies that were assessed are:

Name of Company	Name of Partners and Directors
Hornick Constructions Pty Ltd	1- Lyn Hornick 2- Kirsteen Hornick 3- Adam Hornick 4- Reece Hornick
Quay Civil P/L	1- Christopher Kennedy

Climate Change

As outlined in the background section, a 1.7ML reservoir was specified in the tender in response to water demand from fire tankers experienced during the October/November 2019 fires. A predicted climate change impact is an increase in the severity and frequency of severe fire weather. Proceeding with the construction of a 1.7ML reservoir at Lawrence will provide greater resilience by enabling fire fighting demand to be met.

Prepared by	Laurie Day, Water Cycle Project Coordinator and Greg Mashiah, Manager Water Cycle.
Confidential	Tender Evaluation Panel Report

ITEM	6e.21.011	RFT21/10 - ABORIGINAL COMMUNITIES WATER AND SEWER PROGRAM – OPERATION AND MAINTENANCE CONTRACT FOR BARYULGIL, MALABUGILMAH AND JUBULLUM
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Meeting	Council	22 June 2021
Directorate	Works & Civil	
Reviewed by	Manager - Water Cycle (Greg Mashiah)	
Attachment	Confidential	

SUMMARY

Council currently has a contract with DPIE - Water to provide water and sewerage services to the discreet Aboriginal communities of Baryulgil, Malabugilmah and Jubullum under the Aboriginal Communities Water and Sewer Program (ACWSP). Jubullum is located in the Tenterfield Shire, however, due to geographical locations, it is more practical for service provision to contract services for all three Communities at once.

Council contracts out the service provision under the agreement and tenders have been called for a new contract for a period of two years with up to three one year extensions, beginning on 1st July 2021. Tenders were called by an open tender process on tenderlink and it is recommended that the tender be awarded to Ecotechnology Australia Pty Ltd T/a Ecoteam.

OFFICER RECOMMENDATION

That Council:

1. Award Tender RFT21/10 Operation and Maintenance of Baryulgil, Malabugilmah and Jubullum Water Supply and Sewerage Schemes to Ecotechnology Australia Pty Ltd in the amount of \$912,000 (including GST) for a period of two years, with up to three one year extensions, to be funded from Project Numbers 902081, 902082, 906071 and 906072.
2. The General Manager be authorised to exercise the contract extension options subject to satisfactory contractor performance.

LINKAGE TO OUR COMMUNITY PLAN

Theme	1 Society
Objective	1.3 We will have a diverse and creative culture
Strategy	1.3.2 Support a diverse and rich local Aboriginal and Torres Straight Islander Culture

BACKGROUND

In July 2008, the NSW State Government commenced a program to improve the standard of water supply and sewerage services in selected Aboriginal communities. The program is jointly funded by the State and the NSW Aboriginal Land Council, and the parties agreed to commit \$200 million over a 25 year period.

Under the program Clarence Valley Council has been providing sewer and water services to Malabugilmah and Baryulgil communities through a contractor since November 2010, as well as providing services to the Jubullum community since 2013. The current contract finishes at the end of June 2021.

Council called open Tenders for the purpose of providing sewer and water services to the three remote Aboriginal Communities. Tenders opened on 14 May 2021 and closed on 4 June 2021. Two conforming tenders were received.

KEY ISSUES

The Tender Evaluation Panel (TEP) comprised two water cycle staff and the Senior Project Officer from the ACWSP. The ACWSP fully funds the program and wished to use a 60/40 non price: price ratio for evaluation of tenders. The Land Council's of each Community were consulted to determine the non price criteria to ensure a suitable tenderer was chosen based on the specific needs of the three communities.

Two tenders were received and one other submission which consisted of a business card only, no other information. The business card submission was passed over. Initial evaluation by the TEP determined that the two other tenders were conforming.

After full evaluation of both tenders using the scoring matrix stated in the tender evaluation plan it was determined that the tender should be awarded to Ecotechnology Pty Ltd T/a Ecoteam.

Ecoteam is Council's current contractor providing sewer and water services to Baryulgil, Malabugilmah and Jubullum. The lump sum price tendered for two years is approximately 3% higher than the current tendered price. This increase is considered reasonable and is in line with anticipated CPI increases over the period.

In the tender, Ecoteam has acknowledged the significant amount of back log capital works improvements to the water and sewer infrastructure in the Communities that has been completed in the last two years, this will ultimately reduce the number of days that a contractor needs to visit the sites. When the number of visits reduces, the monthly operation and maintenance costs will also reduce.

A detailed tender assessment is included in the Confidential Attachment.

The TEP considers that the tender from Ecoteam, having regard to all the circumstances, appears to be advantageous to Council. The TEP therefore recommends that the Ecoteam tender in the amount of \$912,000.00 (including GST) for the 24 month period be accepted, and that the General Manager be authorised to exercise the contract extension options subject to satisfactory contractor performance.

The Directors of Ecoteam are Keith Bolton and Lise Bolton.

COUNCIL IMPLICATIONS

Budget/Financial

The Aboriginal Communities Sewer and Water program aims to be "cost neutral" for Council, with DPIE-Water reimbursing reasonable operational, management and emergency call out costs. If the contract extension options are proposed to be enacted the Contractor will be requested to submit a revised fee schedule for the 12 month extension and DPIE-Water concurrence (as the program's funding administrator) to the proposed fees obtained prior to extending the Contract.

Payment for regular operations and maintenance is in advance while payment for any emergency works is in arrears. The agreement includes a 10% management fee for Council on the Contractor's costs, and to date the management fee has more than covered Council's costs.

Asset Management

Nil. Ownership of sewer and water assets under the program remains with the Aboriginal communities.

Policy or Regulation

The tendering process followed is consistent with the requirement of the Local Government Act and Regulation and Council's Sustainable Procurement Policy – Supporting Local Business.

In accordance with Council's Sustainable Procurement Policy the following processes were undertaken: Local suppliers, contractors and/or consultants were notified through alerts via Tenderlink.

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

DPIE Water, Land Councils (via ACWSP Officers)

Legal and Risk Management

The Contract format of a two year contract with up to three one year extensions if contractor performance is assessed as satisfactory addresses Contractor performance risk and also possible program funding risk because, as payment for regular operations is in advance, were the funding to be withdrawn Council could manage the risk by not extending the operations contract.

Climate Change

N/A

Prepared by	Laurie Day, Water Cycle Project Coordinator
Confidential	Tender Evaluation Panel Report

ITEM	6e.21.012	OPTION TO RENEW AGREEMENT FOR MANAGEMENT AND OPERATION OF CALYPSO YAMBA AND BROOMS HEAD HOLIDAY PARK – ON CROWN LAND
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Meeting	Council	22 June 2021
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Confidential	

SUMMARY

This report is seeking Council as Crown Land Manager to endorse the option to renew the agreements awarded to CM & PA Easdown Pty Ltd for the management and operation of Calypso Yamba Holiday Park for a further term of 3 years and Brooms Head Holiday Park for a further term of 3 years.

OFFICER RECOMMENDATION

That Council as Crown Land Manager:

1. Endorse the continuation of the agreement with CM & PA Easdown Pty Ltd for the management and operation of Calypso Yamba Holiday Park on the same terms for a further term of 3 years from 29 August 2021 – 28 August 2024.
2. Annual retainer for the further term is \$268,585 (inc GST).
3. Amend the new contract in accordance with subclause 17.2 of the existing agreement.
4. Endorse the continuation of the agreement with CM & PA Easdown Pty Ltd for the management and operation of Brooms Head Holiday Park on the same terms for a further term of 3 years from 8 September 2021 – 7 September 2024.
5. Annual retainer for the further term is \$377,072.25 (inc GST).
6. Amend the new contract in accordance with subclause 17.2 of the existing agreement.

LINKAGE TO OUR COMMUNITY PLAN

Theme	3 Economy
Objective	3.1 We will have an attractive and diverse environment for business, tourism and industry
Strategy	3.1.1 Promote the Clarence region as a wonderful place to invest, live, work and visit

BACKGROUND

At its June 2016 meeting, council resolution 16.010/16 resolved:

That Council as corporate Trust Manager of the Clarence Coast Reserve Trust:

1. *accept the tender from CM & PA Easdown Pty Ltd for the management and operation of the Calypso Yamba Holiday Park under RFT16/014 with a retainer of \$200,165 (incl. GST) plus commissions to be funded from PJ996780 – Calypso Holiday Park*

At its June 2018 meeting, council resolution 16.015/18 resolved:

That Council as Corporate Trust Manager of the Clarence Coast Reserve Trust, having examined the value for money assessment provided in the confidential recommendations.

1. *accept the tender from CM & PA Easdown Pty Ltd for RFT18/010 for the management and operation of the Brooms Head Holiday Park at a cost for retainer of \$363,000 (incl. GST) plus commissions to be funded from Caravan Park – Administration /Management (PJ996780 Cost Centre 882)*

KEY ISSUES

In accordance with Clause 17.1 Option to Renew, CM & PA Easdown Pty Ltd (Easdown) have notified Council of their desire to exercise the options to renew and they have complied with the provisions of the agreement with the operations of the Holiday Parks.

Easdown and their teams are performing well in terms of revenue, occupancy and customer satisfaction. The teams complete many maintenance tasks with skilled in-house staff that contribute to reduced operating expenses.

Extension of the management contract will allow the current management teams to continue or Council as Crown Land Manager can choose to not offer an extension and re-tender the management contracts for Calypso Yamba and Brooms Head Holiday Parks.

COUNCIL IMPLICATIONS

Budget/Financial

Management remuneration costs are met from the park's operational budget PJ996780. The remuneration provision is incentive based consisting of a base retainer and provisional commission paid monthly and adjusted annually which is calculated as percentages of actual operating revenue.

- CYHP's current annual retainer for the period 2016 to 2021 was \$200,165 (including GST) per annum and will increase to \$268,585 including GST (\$262,365 excluding GST)
- BHHP's current annual retainer for the period 2018 to 2021 was \$363,000 (including GST) per annum retainer will be increased by CPI in accordance with Schedule 2 of the contract to \$377,072.25 including GST (\$342,796.38 excluding GST).

Asset Management

N/A

Policy or Regulation

The management contract extension process is compliant with the *Local Government (General) Regulation 2005*.

Consultation

N/A

Legal and Risk Management

Clause 17.2 Actions on Renewal of Agreement states:

Subject to 17.1(c) ((c) The Principal may in its sole discretion extend this Agreement for the further term or terms specified in Schedule 1). The Principal shall grant to the Contractor and the Contractor shall accept from the Principal a continuation of this Agreement on the same terms as this Agreement (including the obligations of the Guarantors who must sign the further Agreement as Guarantors as a condition of the grant of a further Agreement) except that:

- (a) the remuneration shall be in accordance with Schedule 2, and
- (b) this clause shall be deleted, and
- (c) the commencement date and the expiry date shall be adjusted so that the commencement date is the first day of the commencement of the option period and the expiry date is the last day of the option period.

As there is are 2 options associated with these agreements, Clause 17.2 (b) shall not enacted until the commencement of the final option.

Climate Change

N/A

Prepared by	Peter Birch Manager Open Spaces and Facilities
Confidential	Option to renew CM & PA Easdown – Calypso Yamba Holiday Park

7. NOTICE OF MOTIONS

ITEM	07.21.010	FUNDING FOR NEW LAWRENCE BRIDGE
Meeting	Corporate, Governance & Works	22 June 2021
Directorate	Notice of Motion	
Submitted by	Cr Jason Kingsley	

To the General Manager, Clarence Valley Council, I propose that the following report and notice of motion be submitted to Council.

SUMMARY

I propose that the following report and Notice of Motion be submitted to Council.

PROPOSED MOTION

That;

Council support the request from the Lawrence Bridge Action Group (LBAG) and write to The Hon. Gladys Berejiklian MP (NSW Premier), The Hon John Barilaro MP Deputy Premier (Minister for Regional New South Wales, Industry and Trade), The Hon Paul Toole MP (Minister for Regional Transport and Roads), The Hon [Andrew Constance](#) MP (Minister for Transport and Roads), The Hon Rob Stokes MP (Minister for Planning and Public Spaces), [The Hon Michael McCormack MP](#) Deputy Prime Minister (Minister for Infrastructure and Transport and Regional Development), The Hon Catherine King MP (Shadow Minister for Infrastructure, Transport and Regional Development), Chris Gulaptis MP (Member for Clarence and Parliamentary Secretary for Regional Roads and Infrastructure) and The Hon Kevin Hogan MP (Member for Page) to seek a funding commitment to build a new bridge at Lawrence to replace the Bluff Point Ferry.

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Our Infrastructure

Objective 2.1 We will have a safe and efficient network of arterial roads and supporting infrastructure

Strategy 2.2.5 Provide required public transport infrastructure and work with key partners to expand the provision of cost effective public transport

BACKGROUND

The Bluff Point Ferry (Lawrence Ferry) has been in operation since the late 1800's servicing the needs of Lawrence and surrounding communities.

Over the past 50 years the increase in population in the village of Lawrence and surrounds along with the increase in vehicular traffic passing through Lawrence has required the upgrade of the Lawrence ferry on 4 occasions. In 1971 the then ferry was upgraded to a 6 car ferry followed by a 12 car ferry in 1982. In the early 2000's, the 12 car ferry was replaced by an 18 car ferry and a few years later in 2012 the 18 car ferry was replaced with a 24 car ferry to keep up with the increasing demand.

In early 2019, recognising the increasing traffic volume and demand TfNSW (formally RMS) introduced the trial of a second 18 car ferry operating alongside of the existing ferry during peak periods (7.30am – 9.30am & 4.00pm – 6.00pm) Monday to Friday. Following a review of the second ferry trial, TfNSW concluded the need for an additional ferry was warranted and the second ferry continues to operate during peak periods Monday to Friday.

There have been no less than three bridge committee/bridge action groups formed since the 1970's, with the most recent, the Lawrence Bridge Action Group (LBAG) forming in 2018. LBAG met with TfNSW early in 2018 presenting three different locations for a new bridge to replace the existing ferries. Following this meeting, TfNSW requested the RMS to carry out a viability study. The RMS agreed to investigate the locations, prepare a viability study and provide indicative costs to construct a bridge by the end of 2019. The viability study and construction cost have now been completed and LBAG are seeking Council's support in lobbying the state and federal governments for funding to build a new bridge and replace the two ferries.

KEY ISSUES

The population of Lawrence and surrounding areas has more than doubled since the 1980's placing more demand on the Lawrence Ferry.

On average over the 4 years prior to the Pacific Highway Upgrade there was an approximate 8% annual increase in traffic using the Lawrence Ferry, requiring the need for an additional ferry to assist in servicing the peak morning and afternoon demand. Average wait times for the ferry on a normal operating day are approximately 10 minutes. However, wait times of 30 minutes or more can be experienced during school holidays and/or peak periods.

During cane season there are approximately 7500-8000 semi-trailer movements across the ferry carrying around 80 000 tonnes of harvested cane. This equates to 3700 (approx.) loaded semi-trailers (GVM capacity of 43 tonnes) and 4000 unloaded semi-trailers (GVM of 22 tonnes). Each semi-trailer reduces the ferries vehicle carrying capacity by 3-4 standard vehicles, which can further increase wait times.

Vehicles with long overhang or low-slung vehicles drag on the ferry flaps and concrete ramp often causing damage to the vehicle and/or the ferry and related infrastructure. In some cases, vehicles get stuck attempting to board the ferry and are diverted back through Grafton.

In addition, the road between Lawrence and Maclean is a designated regional bus route (385), which services the community as well as local schools.

At times of flood the ferry is out of commission indefinitely leaving the residents of Lawrence and traffic that rely on the ferry stranded. This is also the case with minor river rises of just 1 metre AHM. During these periods, alternate access to Maclean or the Lower River is available via Tullymorgan Road or through Grafton via the Summerland Way and along the Pacific Highway. However, both routes are substantially longer (Summerland Way approx. 80 kilometres one way/160 kilometres return) and the Tullymorgan Road route is an unsealed road. Increase in traffic on the Tullymorgan Road further deteriorates the road and increases the cost of maintenance to council.

The ferry is also closed during special events such as the Grafton Bridge to Bridge Ski Classic, sailing regattas etc.

Ferry wait times can also impact on the ability of emergency services such as ambulance, police, SES, RFS etc. to respond to critical incidents. And in the case of ferry outages, these impacts could result in life or death situations.

The capital cost to upgrade the current 24 car ferry in 2012 was \$5.3 million.

The cost of a new bridge is estimated at approximately \$110 million. The ferry is operated by a private contractor under a contract with TfNSW, therefore the actual annual running and maintenance cost of the ferry are not available. However, approximate annual running and maintenance costs of around 1 million dollars per year were previously verbally provided to LBAG at a meeting with TfNSW staff and to Councillors at a briefing from TfNSW in October 2020. It could be reasonably assumed that over time, funding a new bridge would on balance be a more cost effective solution than the current annual operating and maintenance costs of a ferry.

ITEM	07.21.011	RESCISSION MOTION FOR COUNCIL RESOLUTIONS – 6B.21.024 AND 6B.21.025 – 19 GUMNUT ROAD
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Meeting	Council	22 June 2021
Directorate	Notice of Motion	
Submitted by	Cr Debrah Novak	
Attachment	Nil	

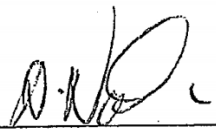
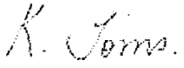
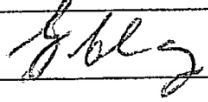
To the General Manager, Clarence Valley Council, we, the undersigned, give notice of intention to move at the next council Meeting, rescission of the resolutions taken at the 25 May 2021 council meeting in respect of the following items:

- 6b.21.024 MOD2021/0016 – Proposed Planter Boxes, as Built Additional Timber Decking Including Access Ramps, Increase in Studio Roof, Reduction of the Openings Within the External Walls, Increase in Floor Area, Use of Non-Flood Compatible Materials and Change in Location of Planter Box - 19 Gumnut Road, Yamba

and

- 6b.21.025 DA2021/0153 – Proposed Retractable Privacy Screen and Existing Retractable Awning and Rainwater Tank - 19 Gumnut Road, Yamba

If the rescission motions are successful we will move that the two items be not approved.

Signed:	
Cr Novak	
Cr Toms	
Cr Clancy	

8. CONFIDENTIAL BUSINESS

9. QUESTIONS WITH NOTICE

10. LATE ITEMS OF BUSINESS AND MATTERS ARISING

11. CLOSE OF ORDINARY MEETING