

Ordinary Council Meeting Business Paper

23 February 2021



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5. MAYORAL MINUTES

ITEM	05.21.001	REGIONAL DEVELOPMENT AUSTRALIA – NORTHERN RIVERS
Meeting	Council	23 February 2021
Directorate	Mayoral Minute	
Submitted by	Cr Jim Simmons	
Attachment	Yes	

SUMMARY

Councillors, attached is correspondence from The Hon. Donald Page – Chair of Regional Development Australia (RDA) Northern Rivers advising that his appointment as Chair of the RDA – Northern Rivers Committee has been extended until July 2025 and that a revised Charter for the RDA Committees has been established which is also attached.

The RDA Committees are funded by the Federal Government as the lead agency to increase employment opportunities in their respective regions and the attached correspondence states: *They have an active and facilitative role in their communities with a clear focus on growing strong and confident regional economies that harness their competitive advantages, seize economic opportunities and attract investment.*

I have been requested to provide RDA Northern Rivers with the Clarence Valley's economic priorities, major projects and any key initiatives for 2021. It is my intention to provide RDA Northern Rivers with a copy of the [Clarence Valley Regional Economic Development Strategy](#) which identifies the Clarence's "Engines of Growth" as being tourism, agriculture (beef cattle, blueberries, macadamias and sugar cane), aquaculture, forestry, logging, sawmilling, marine manufacturing and logistics.

I see our focus being on growing these "Engines of Growth" along with improving our digital connectivity within the area to capitalise on the State Government's recent decision to decentralise the public sector workforce to regional areas. Marine engineering and in particular the Harwood Marine Precinct are opportunities for employment growth along with developing the region's tourist attractions and precincts. Our growing age care sector along with health services, retail and public administration particularly in Grafton I see as priorities.

Our goal is also to reinstate Grafton as a Regional City and in turn establish Grafton as a tourism destination and of particular importance is the need to support the identified strategies for growth in Council's Local Strategic Planning Statement - of importance is the audit of employment land, a new Local Growth Management Strategy, the Integrated Freight Strategy and Transport Strategy. I also see the need for us to strengthen our support of the agriculture sector which forms a significant part of the Clarence Valley's economy and I know the development of a Rural Lands Management Strategy has already been commissioned by Council.

We are also developing a Resilience Plan to respond better to Natural Disasters and this will have a number of initiatives that will need funding. Of immediate importance is to improve mobile phone coverage in the upper Clarence catchment blackspot areas.

The upgrade of the Grafton Waterfront Precinct, the development of the Grafton CBD Masterplan and the implementation of the riverside precinct plans for Ulmarra, Harwood and Maclean (stage 4) are all priority projects for Council in 2021 as well as the upgrade and sealing of the unsealed section of Clarence Way which will improve our freight connections in the Upper Clarence and beyond into South East Queensland.

PROPOSED MOTION

That the economic priorities, major projects and key initiatives for 2021 as identified in this Mayoral Minute be provided to the Regional Development Australia – Northern Rivers committee so that they can pursue support from the Federal Government on Council's behalf.

6. REPORTS**a. GENERAL MANAGER**

ITEM	6a.21.001	SENIOR STAFF ORGANISATION STRUCTURE
Meeting	Council	23 February 2021
Directorate	General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

SUMMARY

This report presents to Council an update of Council's senior staff Organisation Structure which Council is required to determine in accordance with Section 332 of the Local Government Act 1993.

OFFICER RECOMMENDATION

That Council adopt the organisation structure as detailed in Attachment B and in accordance with Section 332 of the Local Government Act determine the following positions as senior staff:

- Director Corporate & Governance
- Director Environment & Planning
- Director Works & Civil.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.2 Council is a preferred employer

BACKGROUND

Section 333 of the Local Government Act 1993 states: "*The organisation structure may be re-determined under this Part from time to time. The council must review, and may re-determine, the organisation structure within 12 months after any ordinary election of the council*".

Council at its August 2017 Meeting (refer Item 13.045/17) adopted changes to Council's three (3) directorate structure (refer Attachment A) which was originally adopted 18 December 2012 (refer Item 07.036/12).

This report now presents to Council an Organisation Structure which is still based on the three (3) directorate structure but contains recommended changes to the senior staff positions and service responsibilities.

KEY ISSUES

At Council's April 2020 meeting (refer Item 08.20.004) Council accepted the tender from Wesley Community Services Ltd for the transfer of Clarence Care + Support services to Wesley. The transfer to Wesley of the Community Care services and staff were completed primarily by 30 June 2020 which has left a large gap in the Environment Planning and Community Directorate.

The current Director Environment Planning and Community - Des Schroder has advised that he does not intend to seek renewal of his contract when it concludes in May 2021 and this along with Clarence Care + Support no longer being a service operated by Council has provided the need to review Council's organisation structure and the role of this Directorate prior to commencing the recruitment for this vacancy.

Elsewhere on this agenda are the results of Council's recent bi-annual Customer Satisfaction Survey (refer Item 6c.21.014) and the recommended organisation structure aims to place a greater focus on the services which were deemed of high importance but low satisfaction for the community. These being:

- Maintenance of unsealed roads
- Footpaths and cycleways

- Maintenance of sealed roads
- Economic development
- Maintenance of public toilets
- Protection of the natural environment and biodiversity.

The recommended structure also aims to achieve the following goals:

- A better balance of workload and responsibility across Directorates,
- Better alignment of like services with similar goals and service delivery models,
- Greater rigour in our project planning, management and oversight with a focus on preconstruction due diligence activities including environmental assessment, cultural heritage and accurate costing,
- Establishing a robust management level and reduced operational burden on staff whose role is more strategic,
- Improving our corporate system capability and reducing inefficiencies in administrative overhead,
- Putting a greater focus on planning outcomes and development services which the community expects,
- Establishing a greater focus to Council's response to climate change, biodiversity, the environment and renewable energy initiatives which are all a high priority for our community,
- Reducing span of control in civil service delivery areas to increase attention to outcomes,
- Better co-ordination of active transport planning i.e. Road Safety (Officer), Bicycle Plan and PAMP,
- Establishing a robust legislative audit and risk management function, and over the longer term
- Establishing a focus on disaster management through employment of a full time LEMO dedicated to pre/post disaster planning of all CVC emergency activities, implementing resilience based asset upgrades, co-ordinating natural disaster works and claims.

The current structure comprises seven (7) middle management positions and to achieve the abovementioned goals and objectives the new structure contains an additional two (2) middle management roles which will increase Council's Salary and Wages budget by \$352,000.

Attachment B details the three (3) Directorates and the Manager positions within each Directorate which are as follows:

- Director Corporate & Governance
 - Manager Organisational Development
 - Manager Finance & Systems ⁽¹⁾
 - Manager Cultural, Community & Industry ⁽²⁾
- Director Environment & Planning
 - Manager Environment & Regulatory Services ⁽³⁾
 - Manager Development & Land Use Planning (position title change only)
- Director Works & Civil
 - Manager Civil Services
 - Manager Strategic Infrastructure ⁽⁴⁾
 - Manager Water Cycle
 - Manager Open Spaces & Facilities

Note:

- (1) Created following merger of current positions Manager Finance & Supply and Manager Information & Corporate Systems
- (2) Created following transfer of Library services, Community Development and Regional Gallery from previous Environment Planning & Community Directorate combined with Community & Industry Engagement.
- (3) Created following transfer of Environment & Regulatory Services from previous Environment, Development & Strategic Planning section plus transfer of Natural Resource Management and Waste & Sustainability Services from the Open Spaces & Facilities section.
- (4) Created following transfer of Infrastructure Design Services from Civil Services section plus establishment of new Project Management Office including Infrastructure Planning, RMCC contract, Cultural Heritage, Road Safety, LEMO/RFS/SES support.

Following the transfer of Clarence Care + Support staff to Wesley Council's Full Time Equivalent (FTE) staff numbers as at 31 December 2020 was 473.07. The proposed restructure increases the FTE by 8.31 to 481.38.

The proposed restructure involves the creation of 35 new positions. This is achieved following the removal of 27 positions from the structure of which 17 are currently vacant. The overall cost of the proposed restructure

results in an increase in Council's Salary & Wages of \$398,600 of which \$352,000 relates to the two (2) additional Manager positions.

This increase is an investment in delivering better outcomes to our community and over time as we achieve our planned system and process improvements our "back office" manual workloads and costs should reduce.

Under the Local Government Award consultation with staff on workplace change affecting the organisation structure below the Senior Executive Salary level is required prior to change being determined and implemented. Consultation on the draft structure below Directors has commenced and is anticipated to be finalised in April allowing for the cost to be reflected in the draft 2021/2022 budget.

COUNCIL IMPLICATIONS

Budget/Financial

The proposed new staff structure increases Council's FTE by 8.31 which results in an additional \$398,600 in salary and wages including overheads.

The cost of the new structure will be incorporated into Council's Draft 2021/22 Budget and when the full impact of Activity Based Costing, grant funding and reserve funding is identified the impact on Council's General Fund will be less than \$398,600.

Asset Management

N/A

Policy or Regulation

Sections 332 & 333 of the Local Government Act 1993

Consultation

This updated senior staff structure was discussed with Councillors at a Council workshop held Tuesday 8 December 2020.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Ashley Lindsay – General Manager
Attachment	A – Staff Structure adopted August 2017 B – Proposed new Staff Structure

ITEM	6a.21.002	DISPOSAL OF PART LOT 2 DP 238219 GOLDING STREET, YAMBA
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Meeting	Council	23 February 2021
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Confidential	

SUMMARY

Consideration is required to an offer for the purchase of part Lot 2 DP 238219 located at Golding Street, Yamba.

OFFICER RECOMMENDATION

That

1. Council accept the counteroffer received from the adjoining landowner of Lot 3 DP238219 as detailed in the Confidential Attachment A.
2. The conditions outlined in Council's resolution of Item 6c.20.110, 28 July 2020, remain applicable.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

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

BACKGROUND

Council own Lot 2 DP 238219 located at the corner of Golding Street and Coonawarra Court, Yamba. The land is a drainage reserve. It is no longer required for drainage purposes and Council resolved at its meeting on 28 July 2020, Item 6c.20.110 as follows:

That Council:

1. *Enter into a contract with the adjoining landowner of Lot 3 DP 238219 for the purchase of part Lot 2 DP 238219 subject to terms in the confidential attachment A, and if successful and once contract exchanged then:-*
2. *Remove drainage reserve caveat from title of Lot 2 DP 238219,*
3. *Subdivide Lot 2 DP 238219 into two lots,*
4. *Dedicate part Lot 2 DP 238219 as public road as shown in Figure 1,*
5. *Dispose of part Lot 2 DP 238219 as shown in Figure 1,*
6. *Delegate authority to the General Manager to finalise the contract in accordance with the terms in confidential attachment A and execute documents associated with survey, gazettal as public road and disposal of the land.*

KEY ISSUES

The landowner of Lot 3 DP 238219 has declined Council's offer and has made a counteroffer for the purchase of the land. The details of the counteroffer are in the confidential attachment.

COUNCIL IMPLICATIONS**Budget/Financial**

Expenditure and Income received will be retained in FP 995350 to be expended on future road acquisitions.

Asset Management

Part of the land to be sold would be removed from Council's Assets register and the remaining part would be updated to show as a Council road asset.

Policy or Regulation

Local Government Act 1993

Conveyancing Act 1919
Disposal of Surplus land & Buildings Policy

Consultation

Not Applicable

Legal and Risk Management

Not Applicable

Climate Change

Not Applicable

Prepared by	Kylee Baker, Property Coordinator
Confidential	Disposal details

ITEM 6a.21.003 PROPOSED SALE OF NO. 2 AND 4 SHORT STREET, MACLEAN

Meeting	Council	23 February 2021
Directorate	Corporate & Governance	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Nil	

SUMMARY

This report presents to Council a proposal for the necessary approvals to be obtained prior to sale to enable both 2 and 4 Short Street, Maclean to be either sold as, or used as, residences.

OFFICER RECOMMENDATION

That Council:

1. Authorise a planning proposal to be prepared and lodged to the Planning Gateway seeking an amendment to the Clarence Valley LEP 2011 to add an additional permitted use for the purpose of dwelling house to Lot 2 DP366148, 2 Short Street, Maclean;
2. Delegate authority to the General Manager to engage a consultant to prepare and lodge a development application on Council's behalf for the conversion of the premise on Lot 85 and 86 DP13075, being 4 Short Street, Maclean, to a dwelling house by utilising Clause 5.10(10) of the Clarence Valley LEP;
3. Allocate \$20,000 from the Strategic Building Reserve (RA 10520) to FP995005 Council Property Management to fund the DA and associated consultant costs; and
4. Delegate authority to the General Manager to execute documentation associated with the preparation and processing of the planning proposal and development application, including necessary reports from consultants.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

At its meeting on 15 December 2020, Item 6c.20.197, Council resolved as follows:

That Council

1. *Note the update on transition of Clarence Care and Support to Wesley Mission, provided in this report.*
2. *Delegate authority to the General Manager to engage an agent to sell of Lot 2 DP366148 and Lots 85-86 DP13075 at current market value.*
3. *Delegate authority to the General Manager to receive a report from staff on receipt of offers in accordance with the confidential attachment A.*
4. *Delegate authority to the General Manager to sign all documentation relating to the sale by public auction of Lot 2 DP366148 and Lots 85-86 DP13075.*

An EOI for an agent has been completed and LJ Hooker Maclean was successful and appointed as the agent.

KEY ISSUES

Both of these properties at 2 and 4 Short Street, Maclean were formerly occupied by residential dwelling houses and were later converted to office space which remains as the current use. Both are occupied by a tenant providing a community service function. The current leases expire on 30 June 2021.

The real estate agent has advised that the greatest demand in the current property market is for residential. Whilst the current commercial market is slowly growing it is not at the same level of the current residential market. The agent has been engaged to get the best value for the properties for Council and the public, and

therefore they recommend seeking the necessary consent or local planning arrangement to enable the properties to be either sold as, or used as, residences.

Both properties are zoned B2 Local Centre under the Clarence Valley Local Environmental Plan 2011 (CVLEP). Due to the current B2 zoning it is not possible to approve a dwelling house use under the zoning provisions. Notwithstanding that, the property at 4 Short Street is listed as a heritage item under Schedule 5 of the CVLEP and hence, there is potential to utilise the heritage incentives provisions, ie clause 5.10(10), of the CVLEP to seek development consent for a use that would otherwise not be permitted under the Plan. The property at 2 Short Street does not have the benefit of being heritage listed and having the opportunity to utilise clause 5.10(10), hence, it is therefore necessary to lodge a planning proposal seeking to amend the CVLEP to add an additional permitted use for the purpose of a dwelling house on the subject land via Schedule 1 of the CVLEP.

Any approval to a DA for 4 Short Street and amendment to the CVLEP for 2 Short Street as suggested would open the market to prospective commercial and residential buyers. Persons wanting to utilise 2 Short Street for residential purposes would need to lodge a DA to convert the premise back to a dwelling house post amendment to the CVLEP.

The timeframe to execute and finalise each planning process will vary. A development application (DA) to convert the use of premises at 4 Short Street would be expected to be relatively straight forward post-lodgement with a processing time of 1-2 months. In order to assess a DA using clause 5.10(10) it would be necessary for a conservation management document to be prepared and for the conditions of any development consent to require implementation of the management recommendations. This document would need to be prepared by a heritage consultant. The planning proposal would take in the order of 8-10 months to process post-lodgement. The proposal documentation would typically require supplementary assessment of the potential for land contamination, especially given the conversion to a more sensitive, residential use. The potential for land contamination also require assessment for any DA and, hence, it would be prudent and efficient to obtain a preliminary contamination assessment prepared by a suitably qualified consultant for both properties and have that documentation submitted with the applications.

COUNCIL IMPLICATIONS

Budget/Financial

Quotes are currently being sought for a consultant to prepare and lodge the development application (DA) for 4 Short Street. Preparation of the conservation management document by a planning consultant would be expected to cost in the order of \$4,000. The planning proposal for 2 Short Street will be administered internally by the Strategic Planning team using recurrent staff resources. A contamination assessment for both properties would be expected to cost in the order of \$8-10,000. The costs to prepare and process these applications is expected to be less than the expected return Council would gain if the properties were sold to a residential buyer. In addition, approval of the proposed planning applications offers greater confidence that an appropriate sale price will be achieved in a timely manner and these benefits further justify the expenses associated with the recommended planning processes.

It is recommended that Council allocate \$20,000 from the Strategic Building Reserve (RA 10520) to FP995005 Council Property Management to fund the DA and associated consultant costs for the planning consultant and the contamination assessment. These costs would be returned to the Strategic Building Reserve following the property sales.

Asset Management

The properties and improvements thereon are current Council assets and contribute to maintenance and depreciation costs. Sale of the properties will remove these from Council's asset management responsibilities.

Policy or Regulation

Environmental Planning and Assessment Act 1979
Environmental Planning and Assessment Regulation 2000
Clarence Valley Local Environmental Plan 2011

Consultation

Consultation has been undertaken with the real estate agent, Council's Planning staff and members of the Executive team.

Legal and Risk Management

Both properties are classified as operational land and therefore can be sold by Council. DAs and planning proposals can be subject to appeal through either the Land and Environment Court or the NSW Department of Planning, Industry and Environment. It is appropriate that the applications are supported by necessary professional reports in respect of heritage management and potential for land contamination affecting the proposed residential uses. These reports reduce the risk of legal challenge and delay in assessment of the applications.

Climate Change

No change to the existing built infrastructure is proposed other than a change of use. Such re-use of existing built assets, rather than demolition and rebuilding, is a more sustainable action and consistent with measures to reduce carbon emissions and climate change effects.

Prepared by	Kylee Baker, Property Coordinator
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ITEM	6a.21.004	GRAFTON REGIONAL LIVESTOCK SELLING CENTRE UPDATE
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Meeting	Council	23 February 2021
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Yes	

SUMMARY

This report provides an update on the Grafton Regional Livestock Selling Centre \$1M Drought Communities Programme – Extension grant application, Service Plan 2021/25 and the Saleyard Advisory Committee minutes of the meeting held 3 December 2020.

OFFICER RECOMMENDATION

That Council:

1. Note receipt of the commonwealth grant agreement from the Department of Industry, Science, Energy and Resources provided as part of the Drought Communities Programme – Extension for \$1M for the Saleyard Infrastructure Upgrade project.
2. Receive and note the Saleyard Advisory Committee meeting minutes held 3 December 2020.
3. Receive and adopt the draft Grafton Regional Livestock Selling Centre Service Plan 2021/25.
4. Consider an allocation of \$250,000 from the General Fund as part of the preparation of Council's draft 2021/22 budget for detailed designs, with indicative costings for projects identified in the Grafton Regional Livestock Selling Centre's service plan to enable these proposed works to be 'shovel ready' and capable of attracting future grant funding.

LINKAGE TO OUR COMMUNITY PLAN

Theme 3 Economy

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

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

BACKGROUND

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

At its November 2020 meeting Council resolved:

COUNCIL RESOLUTION – 6a.20.048

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

KEY ISSUES

Council was recently granted approval and the commonwealth grant agreement with Department of Industry, Science, Energy and Resources provided as part of the Drought Communities Programme – Extension has been executed – refer to *Attachment 1*. The agreement indicates that \$500,000 will be deposited within 2 weeks of execution and a further \$400,000 deposited before 30 June 2021 subject to satisfactory progress on the project. The final payment of \$100,000 will be paid in 2021/22 following completion of the project and submission of a satisfactory final report.

Detailed design works commenced and further discussions were held with key stakeholders; project manager, saleyard officer and operator and stock agents, to clarify necessary adjustments made to the original infrastructure upgrade proposal, to bring the works within the grant funding budget. These discussions were raised at the December Saleyard Advisory Committee meeting and were confirmed at the February meeting of that Committee where the adjustments were endorsed. Minutes of the February meeting will be submitted to Council once formally adopted by the committee.

The tender process commenced on 11 February 2021 and will close on 11 March 2021 with the preferred tenderer recommendation to be reported to the March Ordinary Council meeting.

The Saleyard Advisory Committee at its meeting on 3 December 2020 moved to submit the draft Grafton Regional Livestock Selling Centre Service Plan 2021/25 for adoption by Council – refer to *Attachment 2*. It also moved a motion to request that Council allocate \$250,000 to complete an overall master plan and detailed design with Quantity Survey identified projects, to enable most importantly the saleyard roof, to be ‘shovel ready’ and eligible to attract grant funding. This is in preparation of future grant funding that may become available in association with a possible 2021 spring federal election and grant funds to stimulate economic recovery following recent natural disasters and the COVID-19 pandemic – refer to *Attachment 3*.

COUNCIL IMPLICATIONS

Budget/Financial

The internal Saleyard Asset Replacement reserve RA10910 has a 2020/21 opening balance of \$370,202.11. \$29,754 is committed for internal road and carpark upgrade works and \$142,000 is contributed to the \$1m Drought Community Programme grant funded project resulting in \$198,448 remaining in the RA, which should be quarantined for emergency works at the saleyard. The Saleyard Advisory Committee requests that Council allocate \$250,000 from the General Fund for detailed design and QS in the draft 2021/22 budget.

Asset Management

Upgrade and renewal of saleyard infrastructure has been identified and will be maintained in accordance with the Saleyard Asset Management Plan. New works not previously identified will be incorporated into the Saleyard Asset Management Plan.

Policy or Regulation

N/A

Consultation

Consultation has occurred with the Saleyard Advisory Committee at the December 2020 meeting.

Legal and Risk Management

N/A

Climate Change

Implementation of some aspects of the service plan will result in beneficial environmental outcomes. For example roofing of the saleyard will harness stormwater for reuse at the saleyard and reduce the likelihood of dam overtopping and possible pollution of water ways.

Prepared by	Julie Schipp, Holiday Parks and Saleyards Officer
Attachment	<ol style="list-style-type: none"> 1. DCP Commonwealth Grant Agreement - executed 10 February 2021 2. Saleyard Advisory Committee meeting minutes held 3 December 2020 3. Grafton Regional Livestock Selling Centre Service Plan 2021/25

ITEM	6a.21.005	PUBLIC ACCESS TO COUNCIL MEETINGS
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Meeting	Council	23 February 2021
Directorate	General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

SUMMARY

Update on COVID-19 and compliance with social distancing requirements at Council and Committee meetings.

OFFICER RECOMMENDATION

That Council continue to exclude the public from attending Council and Committee meetings until such time as all Councillors have received the COVID-19 vaccination.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

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

BACKGROUND

In early March 2020, the Office of Local Government (OLG) alerted councils to the Novel Coronavirus (COVID-19) pandemic in New South Wales with instructions on how to address any disruptions to their operations and the provision of services to the community.

By late March, the Minister for Health and Medical Research had issued a Public Health Order restricting gatherings in indoor spaces. Amendments were also made to the Local Government Act 1993 (the Act) allowing councils to meet remotely to assist them to manage the risk of transmission of the COVID-19 virus at their meetings.

This amendment to the Act also met the requirement for members of the public to be permitted to attend meetings by livestreaming the meeting using an audio-visual link enabling Council to exclude the public from the chamber. By excluding the public from the Council chamber, the safety and welfare of Councillors and Council staff have been taken into account without the need to cancel Council meetings.

KEY ISSUES

In September 2020, the OLG advised (refer attached Circular 20-37) that members of the public would be permitted to attend meetings if there was sufficient area to ensure a space of 4 square metres per person (not including Councillors and Council staff).

During 2020, it was resolved to hold the majority of Council meetings at the chambers in the Maclean office due to the refurbishment of the Prince Street Council building. The Maclean chambers are much smaller than the Grafton chambers.

Using the 4 square metre per person rule and based on the size of the Maclean chambers 26 people could theoretically attend the meeting (not including nine Councillors and six staff). However, maintaining any distance between the members of the public would be difficult because the furniture is fixed and reconfiguration to create more gallery floorspace is not possible. This would likely limit gallery seating further (refer picture of chambers).

If the meeting was to be made open to the public, a QR code could be set up to enable people to check in and out when attending. A limit to the number of seats available in the gallery for the public would also be recommended with the public being required to reserve seats via Eventbrite. The Eventbrite ticket reservation would also enable Council to obtain permission from those members of the public attending the

meeting to be “on camera” and part of the live streaming webcast. It is also recommended that the current public gallery seating be replaced with non-upholstered chairs that would enable them to be wiped down after each use. Masks could also be requested to be worn.



Council continues to live stream the meetings, which seems to be working well and has enabled more members of the public to access the Council meetings on line compared to when the meetings were open to the public to attend in person.

By continuing to restrict the public access to the Council meetings it is not considered that the public is disadvantaged and the safety and welfare of Councillors and Council staff is being maintained. Accordingly, it is recommended that Council continue to exclude the public from attending Council and Committee meetings until such time as all Councillors have received the COVID-19 vaccination.

COUNCIL IMPLICATIONS

Budget/Financial

N/A

Asset Management

N/A

Policy or Regulation

Local Government Act 1993

Local Government (General) Regulation 2005

Consultation

Councillors

Legal and Risk Management

There is a possibility that some Councillors or staff will be more susceptible to the COVID-19 virus and as such, any change to the current arrangements may put their health at risk.

Climate Change

N/A

Prepared by	Ashley Lindsay, General Manager
Attachment	OLG Circular 20-37

ITEM	6a.21.006	CLARENCE COAST HOLIDAY PARKS CAPITAL PROJECTS REVIEW
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Meeting	Council	23 February 2021
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Yes plus Confidential Attachment	

SUMMARY

A review of the Holiday Parks capital works projects for 2020/21 has been undertaken based on updated costs and the near finalisation of the on-site sewage management system (OSMS) upgrade to the Brooms Head Holiday Park. This report contains a recommendation to Council (as Crown Land Manager) to allocate an increase in budget to the project and defer two amenities upgrade projects including Minnie Water and Iluka Riverside Holiday Parks.

OFFICER RECOMMENDATION

That Council as Crown Land Manager:

1. Allocate \$700,000 from RA79000 (HPk Bank Account) for the upgrade of the Brooms Head Holiday Park on-site sewage management system (FP560101) and allocate an upper limit fee (as detailed in the confidential attachment) to RA79000 (HPk Bank Account) Reserve for the extinguishment of Native Title.
2. Allocate \$25,000 from RA79000 (HPk Bank Account) to fund current financial year expenses to complete survey, design and investigation works.
3. Defer the Minnie Water (FP560428 - \$500,000) and Iluka Riverside Holiday Parks (FP560570 – \$500,000) amenities upgrades and reallocate \$1,000,000 of funding to FP560101 – Brooms Head Holiday Park Septic System Upgrade.

LINKAGE TO OUR COMMUNITY PLAN

Theme 3 Economy

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

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

BACKGROUND

The existing Brooms Head Holiday Park on-site sewage management system (OSMS) includes a treatment plant located next to the upper amenities with effluent currently pumped to anaerobic ponds to the Crown reserve to the west of the village. The existing OSMS has reached the end of its useful operating life.

The continued use of this reserve to receive effluent is not sustainable in the medium to long term and there is currently no legal easement in place to facilitate access. Native Title has been determined and there is an Aboriginal land claim yet to be determined. At this stage the current effluent land application area will be retained for a short time once the system is upgraded (as contingency) for an estimated period of 12 months. A subsequent project allocation will be sought to rehabilitate that location after that time.

Council had allocated funding to upgrade the OSMS that has been used to date to engage specialist consultants to undertake design options that would consider size and the preferred location of the sub-surface treatment plant while various areas within the park were investigated to locate sub-surface effluent application areas. The soils and hydrology investigation and analysis for the effluent application areas is also nearing completion, at the time of drafting this report.

Additionally, costs to upgrade the treatment system have been prepared that includes a significant increase in previous estimates to undertake this work.

KEY ISSUES**Brooms Head Holiday Park Proposed OSMS**

The package treatment plant is a rotating biological reactor located below ground level similar to the system that is in place at Wooli Holiday Park. The only visible parts of the system would comprise a number of

circular manhole lids visible just above natural ground level. The treatment system is proposed to be located near the eastern most road entrance that leads to the lookout behind sites 71-73.

The effluent land application areas will be below ground level and located across the park (final locations yet to be determined and subject to soils and hydrology test results).

Minnie Water and Iluka Riverside Holiday Parks Amenities Upgrades

Concurrently the two projects at Minnie Water and Iluka Riverside Holiday Parks that include significant upgrade works are recommended to be deferred with ongoing maintenance to be undertaken for the foreseeable future on these facilities to an acceptable standard. Deferring these two projects will assist with funding the required upgrade of the Brooms Head OSMS.

COUNCIL IMPLICATIONS

Budget/Financial

Reserve Funding to the value of \$352,319 is available for this project (RA70010) with only \$25,000 required to be allocated to complete survey, design and investigation costs.

The overall project cost is within a range that includes a 20% contingency across most items at approximately \$1,700,000 (ex GST) inclusive of project management costs of 5%. A conservative (upper limit) fee for Native Title compensation has been calculated and provided in the confidential attachment. The compensation value will be confirmed following completion of the soils and hydrology assessment and the area more accurately quantified.

Deferment of work and a budget reallocation on project budgets (FP560428 - \$500,000 and FP560570 – \$500,000) to RA79000 HPk Bank Account to fund budget on FP560101 is recommended. An additional \$700,000 is to be then allocated from RA79000 HPk Bank Account to FP560101 Brooms Head Holiday Park OSMS Upgrade.

Asset Management

The current OSMS is in poor condition (Condition 5) and continued maintenance is required to the treatment plant. A replacement of the asset is required.

Policy or Regulation

- S68 Local Government Act
- Local Government General Regulation
- Crown Land Management Act 2016

Consultation

Discussions have been held with park residents and the Yaegl Native Title traditional owners who support the upgrade.

Discussions have been held with some adjoining residents to the park concerned over the investigation work that has been undertaken within the reserve and what impact it may have on their properties. As all upgrade works will be at or below ground level (only manholes visible at ground level) the impact is expected to be very low to negligible. Further communications to those residents is being provided including the overall proposed upgrade works.

Council staff including Native Title Manager and Finance staff have also been consulted.

Legal and Risk Management

There will be an impact on Native Title from the project and as such will be subject to compensation (refer to the Confidential Attachment). Compensation can be financial or non-financial.

Climate Change

The upgrade to the plant will include improved technology and mitigation measures to reduce carbon emissions impact. As part of the overall project solar power can be considered once the upgraded amenities and roof space is available.

Prepared by	Peter Birch, Manager Open Spaces and Facilities
Attachment	QS Costs for Upgrade of Brooms Head OSMS
Confidential	Native Title Assessment

ITEM 6a.21.007 DEVELOPMENT APPLICATIONS

Meeting	Council	23 February 2021
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	To be tabled	

SUMMARY

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

OFFICER RECOMMENDATION

That the update on Development Applications be noted.

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 January 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)
414	503	\$71,040,798.90	78	Average : 58 days Median: 40 days

Of the 503 approved Development Applications between 1 July 2020 and 31 January 2021, 252 (50%) 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 the months of December 2020 and January 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, 16 February 2021 commencing at 3.30 pm and closing at 4.59 pm.

MEMBERS

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

PRESENT

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

APOLOGY**MOTION**

Baker/Novak

That a leave of absence be granted to Cr Richie Williamson.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons

Against: Nil

DISCLOSURE AND DECLARATIONS OF INTEREST - Nil**SUBMISSIONS RECEIVED**

<i>Items for Decision</i>	
6b.21.001 - DA2020/0573 – Dual Occupancy – 16-22 Grafton Street, Lawrence	
For the Officer Recommendation	<ul style="list-style-type: none"> Brad Doyle & Teegan Snow
Against the Officer Recommendation	<ul style="list-style-type: none"> Glennys & Trevor Seery Graham Wilson
6b.21.003 - MOD2020/0039 Application to Modify DA2014/0098 – Sheridans Hard Rock Quarry, Hernani	
For the Officer Recommendation	<ul style="list-style-type: none"> Gary Peacock – Outline Planning Consultants
6b.21.004 - DA2020/0663 – Alterations and Additions to Existing Dwelling House – No. 11 Beach Street, Yamba being Lot 2 DP546518	
For the Officer Recommendation	<ul style="list-style-type: none"> Tim Berry Building Design (for and on behalf of Kane & Natasha Hancock)
Against the Officer Recommendation	<ul style="list-style-type: none"> Peter & Deborah White
6b.21.005 - REV2020/0004 – Division 8.2 Review of SUB2019/0002 in Relation to Reduced Road Pavement Width and use of Sloped Headwalls within the Cleared Zone – 208 Gardiners Road, James Creek	
Against the Officer Recommendation	<ul style="list-style-type: none"> Andrew Fletcher & Associates

ITEM 6b.21.001 DA2020/0573 – DUAL OCCUPANCY – 16-22 GRAFTON STREET, LAWRENCE

Meeting	Environment, Planning & Community Committee	16 February 2021
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Bradley Doyle
<i>Owner</i>	Bradley Doyle and Teegan Snow
<i>Address</i>	16-22 Grafton Street, Lawrence
<i>Submissions</i>	Yes –5 submissions against

Council is in receipt of Development Application DA2020/0573 which proposes a Dual Occupancy at 16-22 Grafton Street, Lawrence. In accordance with the Community Participation Plan the application was notified and 5 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:

1. Support a variation to Clause C5 of the Residential Zones Development Control Plan to reduce the setback to a waterway.
2. Upon completion of road upgrading accept the transfer of approximately 100m of Grafton Street to be included in Council's Roads Asset Register as a maintained sealed road.
3. Approve Development Application DA2020/0573 subject to the conditions and advices contained with Schedule 1.

MOTION

Clancy/Novak

That Council:

1. Not support a variation to Clause C5 of the Residential Zones Development Control Plan to reduce the setback to a waterway.
2. Refuse Development Application DA2020/0573 on the grounds that it is on a floodway and will potentially have adverse impacts on adjacent properties in the event of a flood and that the partial sealing of Grafton Street would have an adverse impact on the amenity of local people who use the road as a safe walkway.

Voting recorded as follows:

For: Clancy, Novak
Against: Simmons, Baker

Motion declared LOST on casting vote of the Chair (Cr Baker).

COMMITTEE RECOMMENDATION

Baker/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Baker, Simmons
Against: Clancy, Novak

Declared CARRIED on the casting vote of the Chair (Cr Baker).

Schedule 1
Draft Advices and Conditions of Consent for DA2020/0573

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.

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

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

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

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

Advices

1. No construction is to be commenced until a Construction Certificate has been lodged and approved.
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 dwelling floor shall be treated and maintained against termites in accordance with AS 3660.1.
 - a Upon installation of the method of treatment a Certificate shall be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with AS 3660.1.
 - b A durable notice must be permanently fixed to the building in the electricity meter box indicating:
 - i the method of protection;
 - ii the date of installation of the system;
 - iii where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label;
 - iv the need to maintain and inspect the system on a regular basis.
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. The House Number 16-18 (existing dwelling) and 20-22 (proposed dwelling) has been allocated to the premises and shall be clearly displayed so it is visible from the road. Such action can reduce confusion and assist Australia Post, emergency services and the general community. Approval for the site and size of proposed householder mail boxes should be obtained from Australia Post.
6. All excavated or filled areas are to be battered to a slope of not greater than 45 degrees to the horizontal, or alternatively, be retained by a retaining wall. Where the height of the retaining wall exceeds 1m, a compliance certificate or other form of documentary evidence from a structural engineer stating the structural adequacy of the design is to be forwarded to the Principal Certifier. All excavated and filled areas are to be drained to prevent surface water affecting neighbouring properties.
7. The on site waste water management installation must be completed and ready for inspection at the same time as the frame inspection. All conditions of the on site waste water management approval shall be complied with prior to occupation of the dwelling.

8. The manufacturer's details of the roof trusses are to be submitted to Council prior to the frame inspection.
9. A safety balustrade shall be provided in accordance with Part 3.9.2 of the Building Code of Australia (BCA) to all landings, balconies and stairways with a height of one (1) metre above ground level. The balustrade must be constructed so that it does not permit a 125mm sphere to pass through it. Wire balustrade systems shall comply with the requirements of Clause 3.9.2.5 of the BCA. The height must not be less than-with Part 3.9.2 of
- a 1m above the floor of any deck, balcony, landing or the like; or
 - b 865mm above the nosing of stair treads or the floor of a ramp.
10. All glazing is to be selected and installed in accordance with the provisions of AS 1288 or AS 2047. Upon completion of the building and prior to its occupation, the glass suppliers/installers certificate is to be submitted to Council.
11. A smoke alarm system designed to ensure the occupants are given adequate warning so they can evacuate the building in an emergency, and complying with Part 3.7 of the Building Code of Australia shall be installed. Smoke alarms must be interconnected where there is more than one alarm, installed on each level and not located in dead air space. A licensed electrical contractor's installation certificate is to be submitted to Council prior to occupation
12. Stairs shall be constructed as per Part 3.9 of the Building Code of Australia. The maximum and minimum riser and tread sizes and slope relationship shall be met. The treads must have a slip resistance classification, or a nosing strip with a slip resistance classification not less than that listed in Part 3.9 (see below) when tested in accordance with AS 4586.
- Table 3.9.1.3 SLIP-RESISTANCE CLASSIFICATION**
- | Application | Surface conditions | |
|------------------------------|--------------------|---------------|
| | Dry (indoor) | Wet (outdoor) |
| Ramp not steeper than 1:8 | P4 or R10 | P5 or R12 |
| Tread surface | P3 or R10 | P4 or R11 |
| Nosing or landing edge strip | P3 | P4 |
13. A handrail shall be installed to at least one side of a stairway or ramp providing a change in elevation of 1m or more to meet Clause 3.9.2.4 of the BCA.
14. A bedroom window opening must be protected to prevent children falling out where the floor level of the room is 2m or more above the outside surface beneath. The openable portion of the window must be protected with:
- a a device to restrict the window from opening more than 125mm or,
 - b a screen with secure fittings.
- A window with its lowest openable section at least 1.7m above the floor is exempt from this requirement.
15. The deck/balcony shall be attached to the external wall of the building in accordance with Part 3.10.6 of the BCA. Decks more than 1.0m above the ground shall be diagonally braced in accordance with Clause 3.10.6.4. Details of the proposed method of attachment and bracing shall be detailed on plans submitted to Council for approval prior to issue of the construction certificate. If the deck/balcony will be attached to a brick veneer, double brick or concrete block wall that is not fully core filled the method of attachment shall be designed by a structural engineer.
16. The certificates and documentation requested in this approval (e.g. glazing certificate, smoke alarm certificate, etc.) should be emailed to council@clarence.nsw.gov.au quoting the development application number in conjunction with booking the final inspection.
17. 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 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

18. No construction works, including the removal of vegetation or topsoil, shall be commenced until a **Section 138** has been issued by Council and/or accredited private certifier.

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.

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

The proposed development has been assessed as contributing an additional 1.0 ET demand on Council's water supply. This includes an applicable credit for pre-existing uses. The headworks charges at 2020/21 financial year rates are:

Water Headworks \$4,979.00 x 1.0 additional ET = \$ 4,979.00

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.

20. 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.

21. 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 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.
- 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 report RGS32052.1 – AB, prepared by Regional Geotechnical Solutions dated 10 December 2019.

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.

22. The property is affected by flooding of the Clarence River. The 'Lower Clarence Flood Model Update 2013' was adopted by Council Resolution 13.043/14 on 18 March 2014. The 1% Annual Exceedance Probability (AEP) water level in the vicinity of the site is RL 5.91m AHD and the Extreme Flood Level is RL 7.66m AHD. Development on the site must be undertaken in compliance with the flood plain management controls listed in the Council **DCP** for the relevant land use zone.

All works are to minimise the adverse effects of flooding in accordance with the relevant parts of the Clarence Valley Council Development Control Plans and **NRDC**.

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

Conditions

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

Plan No	Drawn by	Plan Date	Revision
A3.600		29/11/20	
A3.600	BD-BDTS	14/01/21	F
A3.602	BD-BDTS	23/09/30	A
A3.603	BD-BDTS	14/01/21	C
A3.609	BD-BDTS	13/01/21	C

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 \$2,614.60 x 1 additional dwelling = \$ 2,614.60 GL S94CVCOSCoastal

Clarence Valley Contributions Plan 2011 Community Facilities

Maclean surrounds \$2,614.60 x 1 additional dwelling = \$ 2,614.60 GL S94CVCCFMaclean

Clarence Valley Contributions Plan 2011 Plan of Management

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

Rural Road Upgrading Contributions Plan

\$2,795.28 x 1 additional dwelling = \$ 2,795.28 GL S94RdUpgradeLawr

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 Building Construction 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. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
4. Imported fill shall not come from a contaminated source. Any imported fill shall be free of building and other demolition waste and only contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 of the *Protection of the Environment Operations Act 1997*, excavated natural material or the relevant waste resource recovery exemption from the NSW Environment Protection Authority (EPA). Written details of the source of fill shall be submitted to Council prior to fill being imported to the site.
5. The filling of the site is not to adversely affect adjacent properties or local drainage patterns. Provision is to be made for the free passage of surface stormwater away from affected sites.
6. Prior to issue of the Occupation Certificate Lots 4 to 9 Section 4 DP 566 are to be consolidated.
7. Prior to issue of the Building Construction Certificate amended plans are to be submitted showing a 10m front setback for the proposed dwelling and relocation of the shed to that as approved under DA2019/0691.

Building

8. The development is not to be occupied or used until such time as an Occupation Certificate has been issued.
9. **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.

10. **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.

11. **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).

12. 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.

13. **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,
 - Plumbing work** prior to covering/lining walls,
 - Sewer drainage** work prior to back filling/lining,
 - Before covering **waterproofing in any wet areas**,
 - 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.

14. To meet Council's Floodplain Management Controls the floor level of the primary habitable floor level is to be a minimum of 5.91 metres Australian Height Datum (AHD). A certificate indicating the height of habitable floors on the ground floor (related to AHD) is to be forwarded to the Principal Certifying Authority:
- In the case of timber floors, on completion of the floor framing;
 - In the case of concrete slabs when formwork is in place but prior to pouring concrete.

This certificate is to be provided by a Registered Surveyor. No further work is to be carried out on the building until such certificate is provided to the Principal Certifier.

15. The building shall comply with the Australian Building Codes Board Standard for Construction of Buildings in Flood Hazard Areas. A Structural Engineers certificate shall be submitted prior to issue of the construction certificate to verify the building will withstand the likely forces imposed on it by a 1:100 year flood event including hydrostatic, hydrodynamic, debris, wave, erosion and scour actions.
16. All construction below 5.91m AHD shall be flood compatible building components
17. The wall cladding 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.

18. The subfloor area of the dwelling shall be enclosed on any street elevation and return to the first pier/post down both sides to screen the under floor area from the street. Horizontal slats, lattice or similar materials are acceptable.
19. Prior to the issue of an Occupation Certificate all requirements listed in the relevant Basix Certificate for this development shall be completed/installed.
20. 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.
21. All **new** hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding 50°C. A higher hot water temperature is acceptable at all other fixtures, eg. laundry tub and kitchen sink.
22. A fully dimensioned and notated work as executed sewer drainage and storm water plan is to be submitted to Council and the property owner upon completion of all drainage lines. A Certificate of Compliance for Plumbing and Drainage Work shall be submitted to Council upon completion of work.
23. At least 24 hours notice shall be provided to Council for the purpose of inspecting the following:
 - a plumbing work prior to covering/lining walls
 - b sewer work prior to back filling/lining
 - c final inspection of plumbing and drainage work.

Inspections can be booked on line at www.clarence.nsw.gov.au until midnight the day before the inspection or by phoning 6643 0200. Please quote the DA number when booking inspections.
24. A total of 45,000L of water storage capacity shall be provided to the dwelling for domestic purposes. It is recommended that a first flush device is fitted before the water tank. Where a catchment roof has lead flashings, tank water cannot be used for drinking water.
25. 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.

Engineering

26. A Certificate of Compliance for Water works must be obtained from Council prior to or issue of the Building Occupation Certificate. This may require payment of a fee.
27. Prior to issue of the Occupation Certificate, Grafton Street is to be upgraded from the intersection with Bridge Street to the access of the proposed development in accordance with the requirement of this condition. A Road Design Plan must be submitted for approval with a **Section 138** application.

Grafton Street must be upgraded to provide:

- a Minimum 4.0 metre wide sealed carriageway with 0.5 metre shoulders.
- b Bitumen spray-seal surfacing must be a 2 coat seal 14 mm / 7 mm with prime.
- c Minimum 150 mm of suitable compacted pavement material.

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

28. An **ITP** must be submitted for approval with the application for a **Section 138**. 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.

29. A **TCP** must be prepared and submitted to Council showing how vehicle and pedestrian traffic will be safely managed within the work site and road reserve. This plan must be prepared by a person authorised by the **RMS** to prepare **TCP's** and must be endorsed by Council prior to the occupation of the road reserve and commencement of work.
30. All stormwater falling on the property is to be collected within the property and discharged in accordance with the relevant parts of the applicable Clarence Valley Council Development Control Plans and NRDC. A Stormwater Management Plan must be prepared to reflect these standards and guidelines.
- 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 Subdivision Works Certificate. The Stormwater Management Plan must include a management plan for any **WSUD** systems. The management plan must consider construction and operational phases.
- On-site detention (OSD) and water quality control systems for the development need not be provided until a building is occupied on the lot, but the Development Application must demonstrate **NorBe** by calculation and details acceptable to Council.
31. The legal and practical point of stormwater discharge of the development is nominated as the Clarence River.
32. Prior to the release of any Occupation Certificate, which dedicates infrastructure to Council, a completed asset register works return must be submitted to Council. The return is to be in the format approved by Council.
33. In accordance with **NRDC** and prior to the release of the Occupation Certificate, the applicant must provide Work as Executed Plans (WAE) for all works and certification from the supervising professional engineer or registered surveyor, that the works have been constructed in accordance with the approved plans and specifications.
34. Prior to release of the Occupation Certificate, where the total value of works to become Council infrastructure is greater than \$10,000, a maintenance bond is required for 5% of the contract value for works that will become Council infrastructure or \$2,500 whichever is greater. This is required in each stage of the development
- All work is subject to a maintenance period of six (6) months from the date of 'On Maintenance' or Practical Completion as certified by Council or accredited private certifier. The maintenance period may be extended by Council due to material or construction work compliance reasons.
- 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**.
35. Detailed plans of earthworks including an Earthworks Management Plan must be submitted to Council for assessment and approval prior to the issue of a Building Construction Certificate.
- The detailed plans must include:
- a Shed to be located in accordance with DA2019/0691.
 - b Overall fill pad to be reduced with shed to be located as per existing approval (refer a. above).
 - c Batters of mound to be no steeper than 2H:1V. This is to be achieved by reducing the area of the top of pad in order to reduce steepness of the proposed batters.
- Design and construction is to be in accordance with the applicable Clarence Valley Council Development Control Plans and **NRDC**.
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, the report RGS32052.1 – AB prepared by Regional Geotechnical Solutions, and NRDC.

37. 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 Building Occupation Certificate.
38. During the course of the works, the applicant must ensure that vehicles and plant associated with the works do not adversely impact on the roadways to such an extent that cause them to become hazardous for other road users particularly during wet weather. Any such damage is to be rectified by the contractor immediately.
39. During dry weather, standard dust suppressions methods are to be used as often as is necessary to ensure that adjoining properties are not adversely affected by undue dust.
40. 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.
41. 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.
42. 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 **Section 138** and Earthworks Management Plan, 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.

ITEM	6b.21.002	REV2021/0001 – REVIEW OF ROAD WORKS CONDITION 25 AND REDUCTION TO 3.5M SECONDARY FRONTAGE SETBACK - 2A PETTICOAT LANE, HARWOOD
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Meeting	Environment, Planning & Community Committee	16 February 2021
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Mr Jonathan Galletly
<i>Owner</i>	Mr Jonathan Galletly & Mrs Amanda Elizabeth Galletly
<i>Address</i>	2A Petticoat Lane, HARWOOD NSW 2465
<i>Submissions</i>	Nil

Development Application DA2020/0388 was determined on 24 November 2020 for a dual occupancy at 2A Petticoat Lane, Harwood with a condition requiring the upgrade of Petticoat Lane and a side setback of 3.5m from the new dwelling to the laneway.

The applicant has now submitted a Division 8.2 Application (REV2021/0001) requesting a review of the road upgrading condition and a reduced setback from 3.5m to 2m.

As the request to remove the road upgrading condition is not supported by Council's Development Engineer or Civil Services section the review is being referred to Council for consideration and determination.

OFFICER RECOMMENDATION

That Council:

- Refuse the removal of Condition 25 relating to the road upgrade; and
- Approve a reduction to the side setback of the dwelling to laneway from 3.5m to 2m.

MOTION

Simmons/Novak

That Council:

- Approve the removal of Condition 25 relating to the road upgrade and replace it with
 - (i) other residents backing onto Petticoat Lane voluntarily accepting plus the applicant accept the cost proportionately of bitumen seal
 - failing acceptance of (i)
 - (ii) Council request the applicant to bitumen seal that section in front of his property and Council seal the rest of the road when it sees fit.
- Approve a reduction to the side setback of the dwelling to laneway from 3.5m to 2m.

Voting recorded as follows:

For: Simmons, Novak

Against: Clancy, Baker

Motion declared LOST on casting vote of the Chair (Cr Baker).

COMMITTEE RECOMMENDATION

Baker/Clancy

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Clancy, Baker

Against: Simmons Novak

Motion declared CARRIED on casting vote of the Chair (Cr Baker).

ITEM	6b.21.003	MOD2020/0039 APPLICATION TO MODIFY DA2014/0098 – SHERIDANS HARD ROCK QUARRY, HERNANI
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Meeting	Environment, Planning & Community Committee	16 February 2021
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes plus To be tabled Attachment	

SUMMARY

<i>Applicant</i>	Outline Planning Consultants Pty Ltd
<i>Owner</i>	Matsid Pty Ltd
<i>Address</i>	242 Faheys & Bulgins Road, Hernani NSW 2453 Lot 62 DP752807 & Lot 63 DP752807
<i>Submissions</i>	Yes (2)

Council is in receipt of a second Section 4.55(2) modification application (MOD2020/0039), received on 8 September 2020, to increase the maximum annual extraction rate from 73,600m³ to 148,000m³ per annum. There are no other proposed changes to the consent.

This report provides an assessment of the application and a recommendation for Council consideration.

OFFICER RECOMMENDATION

That Council approve MOD2020/0039 by amending the permitted annual maximum extraction amount in Condition 7 of the Notice of Determination of DA2014/0098 from 73,600 cubic metres to 148,000 cubic metres.

COMMITTEE RECOMMENDATION

Novak/Baker

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Clancy, Baker, Novak, Simmons

Against: Nil

ITEM	6b.21.004	DA2020/0663 – ALTERATIONS AND ADDITIONS TO EXISTING DWELLING HOUSE – NO. 11 BEACH STREET, YAMBA BEING LOT 2 DP546518
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Meeting	Environment, Planning & Community Committee	16 February 2021
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Tim Berry Building Design & Drafting
<i>Owner</i>	Kane Byron Hancock & Natasha Hancock
<i>Address</i>	11 Beach Street, YAMBA NSW 2464
<i>Submissions</i>	Yes – One (1)

Development Application DA2020/0663 seeks approval for the construction of alterations and additions to an existing dwelling house at 11 Beach Street, Yamba. The proposed development was notified and 1 submission was received.

The main issue raised in the submission was the potential loss of views. The report provides an assessment of the application, a summary of the submission and a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That DA2020/0663 be approved subject to the Conditions contained in Schedule 1.

COMMITTEE RECOMMENDATION

Baker/Novak

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Clancy, Baker, Novak, Simmons

Against: Nil

Draft Schedule of Advices and Conditions

Advices

1. No construction is to be commenced until a Construction Certificate has been issued.
2. Prior to work commencing on a development the applicant must give notice to Council of their intention to commence work. Such notice shall be submitted to Council at least two (2) days before work commences.
3. The following information shall be submitted to the Council or Principal Certifying Authority prior to issue of a Construction Certificate:
 - a. Home Building Compensation Fund (HBCF) Insurance Certificate or copy of the Owner Builder permit.
 - b. Engineering details.
 - c. The name and licence number of the builder (if not carrying out the work as an owner builder).
4. All construction and components must comply with the wind rating for the site which has been assessed at N3.
5. All plumbing and drainage work must be in accordance with AS 3500 and the Plumbing Code of Australia. The main drain shall be located external to the building unless exceptional site conditions or unusual circumstances exist (Section 4.10 AS/NZS 3500.5.2012).
6. Protective timber crossings shall be used at all positions where construction vehicles cross a footpath. Any damage to the kerb, gutter or footpath is to be rectified to the satisfaction of Council's Operations Section before the building is occupied.
7. Demolition work is to be carried out in accordance with AS2601.
8. The plumber is to provide certification (at the final inspection) stating the solid fuel burning appliance has been installed in accordance with the manufacturer's specifications, AS 2918.
9. Non recirculation exhaust fans over stoves or hotplates are to be ducted directly to outside air so as to prevent possible fire hazards within the dwelling and roof cavity.

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 title	Drawing Number	Revision	Drawn By	Dated
Existing Detail Survey	M20066-1A	-	Abbot & Macro Land and Engineering Surveyors	04-09-2020
Site plan	A01	DA-D	Tim Berry Building Design & Drafting	19-10-2020
Lower Floor Plan	A02	DA-D	Tim Berry Building Design & Drafting	19-10-2020
Upper Floor Plan	A03	DA-D	Tim Berry Building Design & Drafting	19-10-2020
3d Views - 1	A04	DA-D	Tim Berry Building Design & Drafting	19-10-2020
Schedule	A05	DA-D	Tim Berry Building Design & Drafting	19-10-2020
Elevations 1	A06	DA-D	Tim Berry Building Design & Drafting	19-10-2020
Elevations 2	A07	DA-D	Tim Berry Building Design & Drafting	19-10-2020
Section A-A	A08	DA-D	Tim Berry Building Design & Drafting	19-10-2020
Section B-B	A09	DA-D	Tim Berry Building Design & Drafting	19-10-2020
Section C-C	A10	DA-D	Tim Berry Building Design & Drafting	19-10-2020
Shadow Diagrams Winter Solstice	A11	DA-D	Tim Berry Building Design & Drafting	19-10-2020
Shadow Diagrams Winter Solstice	A12	DA-D	Tim Berry Building Design & Drafting	19-10-2020
Shadow Diagrams Winter Solstice	A13	DA-D	Tim Berry Building Design & Drafting	19-10-2020
Landscape Plan	A14	DA-D	Tim Berry Building Design & Drafting	19-10-2020

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. 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 standard flushing toilet, connected to a public sewer, or
 - An approved temporary chemical closet.

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

7. 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).

8. Retaining Walls - If the soil conditions require it:-
- Retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement to the soil must be provided; and
 - Adequate provision must be made for drainage.
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, and
 - 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, and

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

10. 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 Certifier for the development to which the work relates:
 - a. has been informed in writing of the licensee's name and contract licence number; and
 - b. is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
 - c. 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.

11. Prior to the issue of an Occupation Certificate the principal contractor responsible for the construction work shall provide Council with a certificate which states that all commitments listed within the current Basix Certificate (quoting number and date) have been installed in accordance with the requirements of that Basix Certificate.
12. 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.
13. Effective measures are to be undertaken to prevent the obstruction of surface drainage, the disruption of amenity, damage or deterioration of any other property.
14. All erosion and sediment control measures are to be installed prior to the commencement of any work, including cutting and filling and are to be constructed and maintained to prevent sediment from leaving the site or entering downstream properties, drainage lines or watercourses.
15. 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.
16. Vehicular access is to be restricted to one stabilised access point during construction works.
17. On completion of the roof cladding of a building, guttering and downpipes are to be connected to the stormwater system. Inspection of the frame will not be carried out until this is completed.
18. All erosion and sediment control measures are to be regularly maintained in good working order at all times and inspected for adequacy following any rainfall event.
19. The proposed sleep out at the rear of the property shall not be used as flats or adapted for separate occupation.
20. No portion of the decks are to be enclosed without prior written approval being obtained from Council.
21. A grated drain, or similar, shall be installed at the entrance to the garage/shed to collect surface water.
22. 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.
23. 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.
24. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding 50°C. A higher hot water temperature is acceptable at all other fixtures, eg laundry tub and kitchen sink.
25. The existing sewer overflow gully shall be located to a position clear of the proposed extensions.

26. A fully dimensioned and notated work as executed sewer drainage and storm water plan is to be submitted to Council and the property owner upon completion of all drainage lines.
27. 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.
28. At least 24 hours notice shall be provided to Council for the purpose of inspecting the following:
 - a. Plumbing work prior to covering/lining walls.
 - b. Sewer work prior to back filling/lining.
 - c. Final inspection of plumbing and drainage work.

Inspections can be booked online at www.clarence.nsw.gov.au until midnight the day before the inspection or by phoning 6643 0200. Please quote the DA number when booking inspections.

29. Roof water, including overflow from a tank, is to be discharged into the most appropriate street gutter. Provide non breakable fittings where the stormwater pipe meets the kerb. Where the gutter is unformed, concrete protection is to be provided to the end of the pipe.
30. 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.
31. 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 Safely 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.

32. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures.

The Work Plan must include the following information (as applicable):

- a. The name, address, contact details and licence number of the Demolisher/Asbestos Removal Contractor.
- b. Details of hazardous materials, including asbestos.
- c. Method/s of demolition and removal of asbestos.
- d. Measures and processes to be implemented to ensure the health & safety of workers and community.
- e. Measures to be implemented to minimise any airborne asbestos and dust.
- f. Methods and location of disposal of any asbestos or other hazardous materials.
- g. Other relevant details, measures and requirements to be implemented as identified in the Asbestos Survey.
- h. Date the demolition and removal of asbestos will commence.

The Demolition Work Plan must be submitted to Council and the Principal Certifier (PC) if the Council is not the PC, not less than two (2) working days before commencing any demolition works involving asbestos products or materials. A copy of the Demolition Work Plan must also be maintained on site and be made available to Council officers upon request.

Note: it is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.

33. Only a WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
34. 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.
35. 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.
36. 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 conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied

ITEM	6b.21.005	REV2020/0004 – DIVISION 8.2 REVIEW OF SUB2019/0002 IN RELATION TO REDUCED ROAD PAVEMENT WIDTH AND USE OF SLOPED HEADWALLS WITHIN THE CLEARED ZONE – 208 GARDINERS ROAD, JAMES CREEK
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Meeting	Environment, Planning & Community Committee	16 February 2021
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	A Fletcher & Associates
<i>Owner</i>	Dobell Ave Pty Ltd
<i>Address</i>	208 Gardiners Road, James Creek
<i>Submissions</i>	Yes - 1

Development Application SUB2019/0002 for a 12 large lot residential subdivision upon Lot 14 DP1262923, 208 Gardiners Road, James Creek was approved by Council at their meeting of 25 August 2020 (Item 6b.20.068).

The applicant has now submitted a Division 8.2 Application (REV2020/0004) requesting a review of Conditions 16, 23, 37 and 47 relating to the road pavement width and use of sloping culvert headwalls associated with driveways located within the clear zone.

The application was placed on exhibition and one submission was received during the exhibition period.

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

OFFICER RECOMMENDATION

That Division 8.2 Application REV2020/0004 be approved by amending Development Application SUB2019/0002 as per Schedule 1 - Draft Amended Conditions.

COMMITTEE RECOMMENDATION

Clancy/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Clancy, Baker, Novak, Simmons

Against: Nil

Schedule 1
Draft Amended Conditions

16. The roads constructed within the proposed subdivision ~~are to~~ shall have a minimum pavement width of ~~8~~ 7 metres, consisting of a ~~7~~ 6 metre seal with 0.5 metre shoulders. ~~The width of proposed roads within the subdivision shall allow for the turning and maneuvering of a 12.5m rigid truck and a 19m semitrailer without the swept vehicle paths encroaching onto the shoulder of the road or onto opposing traffic lanes. The width of the full depth pavement and sealed surface shall be increased to ensure that the wheel paths remain 300mm inside the edge of the sealed pavement. The road reserve widths are required to be increased to make allowance for increased pavement widths required to accommodate the turning movements of the specified large vehicle.~~

Details of the location of existing trees and proposed tree removal, within the proposed road reserve is to be detailed and considered as part of the Subdivision Works Certificate. Where trees along the boundary of Lot 3 and the subject land are not in conflict with the proposed swale and associated earthworks, they will be required to be retained.

23. Access from Lots ~~8~~, 9, 10, 11 and 12 to the right of carriageway registered under DP1038213 and DP1262923 is prohibited. The right of carriageway benefitting these must be extinguished prior to the release of the Subdivision Certificate for those lots.
47. Compliance with the conditions and advice of the NSW Rural Fire Service, as contained in their letter dated ~~10 April 2019~~ 3 February 2021, consisting of four (4) pages, and as attached to this Notice of Determination.

ITEM	6b.21.006	GRAFTON WATERFRONT PRECINCT PLAN OF MANAGEMENT
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Meeting	Environment, Planning & Community Committee	16 February 2021
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes plus To be tabled Attachment	

SUMMARY

This report seeks Council's adoption of the draft Grafton Waterfront Precinct Plan of Management as amended.

OFFICER RECOMMENDATION

That Council:

1. Note the submissions made in regards to the exhibited draft Grafton Waterfront Precinct Plan of Management and the subsequent changes made to the draft plan.
2. Note the consultant's report in regards to the public hearing held as to the proposed categorisation by the draft plan of the foreshore land acquired as part of the Grafton Waterfront Precinct redevelopment project (Lot 1 DP1233312, Lot 4 DP1253626, Lot 18 DP1260163; Lot 122 DP1266076, Lot 15 DP1267116 and Lot 1 DP1268816) as 'Park' and the re-categorisation of the Grafton Water Brigade building within the Grafton Memorial Park (Lot 9 Sec 4 DP758470) from 'Park' to 'General Community Use'.
3. Adopt the draft Grafton Waterfront Precinct Plan of Management as amended.
4. Provide public notice of the adoption and of the terms of the amended plan of management, as soon as practicable after the adoption.

COMMITTEE RECOMMENDATION

Novak/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Clancy, Baker, Novak, Simmons

Against: Nil

ITEM	6b.21.007	COSTS FOR PROCESSING PLANNING PROPOSAL REZ2016/0001
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Meeting	Environment, Planning & Community Committee	16 February 2021
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

This report summarises the range of additional costs to Council associated with processing and managing Palmers Island Marine Industrial Planning Proposal (REZ2016/0001). It recommends that Council accept the offer from the proponent to pay \$7,000.00 to Council to cover Council's reasonable Post Gateway Costs.

OFFICER RECOMMENDATION

That Council accept the offer of \$7,000.00 from Yamba Welding & Engineering as payment for Council's additional Post Gateway Costs and that the remaining balance of the invoice being \$15,319.00 be written off.

COMMITTEE RECOMMENDATION

Simmons/Baker

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Clancy, Baker, Novak, Simmons

Against: 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, 16 February 2021, commencing at 2.00 pm and closing at 3.26 pm.

MEMBERS

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

PRESENT

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

APOLOGIES – Nil

DISCLOSURE AND DECLARATIONS OF INTEREST - Nil

<i>Name</i>	<i>Item</i>	<i>Interest/Action</i>
Cr Ellem	6c.21.002	Non-Significant Non-Pecuniary - Remain in the meeting Resident of Woolloveyah

ITEM 6c.21.001 LOCAL TRAFFIC COMMITTEE

Meeting	Corporate, Governance & Works Committee	16 February 2021
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Yes	

SUMMARY

This report lists the recommendations made at 3 February 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 3 February 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

ITEM	6c.21.002	DRAFT WOLOWEYAH FORESHORE RESERVE VEGETATION MANAGEMENT PLAN – CROWN LAND
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Meeting	Corporate, Governance & Works Committee	16 February 2021
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Yes	

SUMMARY

The draft Wooloweyah Foreshore Reserve Vegetation Management Plan emphasises the importance and purpose of vegetation management programs and actions relating to the protection of natural and cultural heritage in the reserve, whilst providing public access to Lake Wooloweyah.

OFFICER RECOMMENDATION

That Council place the Draft Vegetation Management Plan for Wooloweyah Foreshore Reserve on public exhibition for a minimum period of 30 days and if there are no submissions or comment received that the Plan be adopted.

COMMITTEE RECOMMENDATION

Lysaught/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

ITEM 6c.21.003 KEN LEESON OVAL AMENITIES ON CROWN LAND

Meeting	Corporate, Governance & Works Committee	16 February 2021
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Nil	

SUMMARY

This report follows the open tender for the Ken Leeson Oval sports amenities that was endorsed at the December 2020 Ordinary meeting that included a qualification that the current design for the Ken Leeson Amenities should include the provision of disabled access and associated fixtures to the new change rooms and report back to Council if the amendments could not be undertaken within the tender contract value.

The consultant designer was requested to review the design to include full disabled access and associated fittings to both change rooms. The builder was also requested to consider any related costs resulting from the design change. It was concluded that the required changes could not be accommodated within the tendered contract sum.

OFFICER RECOMMENDATION

That Council:

1. Adopt the revised design (Option 1) to include the provision of full disabled access and associated fixtures to both change rooms at the Ken Leeson Oval Amenities.
2. Allocate \$41,544.81 (ex GST) from the Sportsfield Income Reserve (RA11035) to fund the design and construction changes.

COMMITTEE RECOMMENDATION

Lysaught/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

ITEM	6c.21.004	CROWN RESERVE IMPROVEMENT FUND, FOOTBRIDGE REPLACEMENT, CORCORAN PARK, GRAFTON
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Meeting	Corporate, Governance & Works Committee	16 February 2021
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Yes	

SUMMARY

Council submitted an application for funding through the Crown Reserve Improvement Fund (CRIF) for the replacement of the deteriorated footbridge at Corcoran Park, Grafton.

OFFICER RECOMMENDATION

That Council as Land Manager accept an offer of \$43,904 from the New South Wales Government through the 2020/21 Crown Reserve Improvement Fund for the replacement of a footbridge at Corcoran Park, Grafton.

COMMITTEE RECOMMENDATION

Ellem/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

ITEM	6c.21.005	DRAFT CLARENCE VALLEY COMMUNITY ENERGY AND EMISSIONS REDUCTION STRATEGY
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Meeting	Corporate, Governance & Works Committee	16 February 2021
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	To be tabled	

SUMMARY

Council has received funding from the NSW Department of Planning, Industry & Environment (DPIE) to develop a Clarence Valley community wide emission reduction strategy. This follows Council's adoption of emission reduction and renewable energy targets for Councils operations, and Councils recognition of a Climate Emergency. A draft strategy has been developed by consultants 100% Renewables. The attached strategy is presented to Council for consideration and approval to place on community exhibition.

OFFICER RECOMMENDATION

That the draft Clarence Valley Community Energy and Emissions Reduction Strategy be placed on public exhibition for a minimum period of 42 days.

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

ITEM 6c.21.006 2021/22 EVENT SPONSORSHIP ROUND 2 DELEGATION

Meeting	Corporate, Governance & Works Committee	16 February 2021
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Nil	

SUMMARY

This report gives consideration to providing the General Manager with the authority to make decisions about event sponsorship funding in light of Covid-19 regulations.

OFFICER RECOMMENDATION

That Council authorise the General Manager to make decisions about funding for sponsorships for events on a case by case basis.

MOTION

Toms/Kingsley

That

1. Council approve the 8 sponsorship requests for community events sponsorship under 2020/21 Round 2 for the value of \$35,000.
2. Should these events not be able to proceed these sponsorship funds be held over to 2021/22.

Voting recorded as follows

For: Toms

Against: Kingsley, Lysaught, Ellem, Simmons

The Motion was put and declared LOST.

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That

1. Council authorise the General Manager to make decisions about funding for sponsorships for events on a case by case basis.
2. The financial effect of any of the General Manager's decisions be reported to Council in the quarterly budget report.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

AMENDMENT TO MOTION

Toms

That Council approve the sponsorships listed in this report and authorise the General Manager to make decisions about funding for these events on a case by case basis.

The Amendment to Motion LAPSED for want of a seconder.

ITEM 6c.21.007 HARWOOD RIVERSIDE AND VILLAGE PRECINCT (HRVP) PLAN

Meeting	Corporate, Governance & Works Committee	16 February 2021
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	To be tabled	

SUMMARY

The development of a Harwood Riverside and Village Precinct (HRVP) Plan is a significant step towards achieving many aspirations outlined in the Harwood Community Economic Development plan. Council resolved (6c.20.174) to place the HRVP Plan on public exhibition for a period of 28 days.

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

OFFICER RECOMMENDATION

That Council note the feedback received and adopt the Harwood Riverside & Village Precinct Plan.

COMMITTEE RECOMMENDATION

Simmons/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

ITEM 6c.21.008 2020/21 QUARTERLY BUDGET REVIEW STATEMENT – DECEMBER 2020

Meeting	Corporate, Governance & Works Committee	16 February 2021
Directorate	Corporate & Governance	
Reviewed by	A/Manager - Finance & Supply (Michael Salvestro)	
Attachment	Yes	

SUMMARY

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

Budget adjustments for the quarter ended 31 December 2020 (subject to Council resolution) result in a net General Fund impact of \$18,178 increasing the current year projected budget deficit result to \$44,291.

The reserve funding variations identified in this report will decrease the reserve funds by a further \$3,585,988 resulting in a current year projected reserve funds movement of \$24,731,041.

OFFICER RECOMMENDATION

That Council:

1. Receive and note the information in the Quarterly Budget Review Statement to 31 December 2020.
2. Approve General Fund variations identified in this report totalling \$18,187, which results in a projected General Fund budget deficit of \$44,291 for the year.
3. Approve the variations for the Financial Reserves as detailed in this report totalling \$3,585,988, which results in a projected decrease in the External and Internal Reserves Funds of \$24,731,041.

COMMITTEE RECOMMENDATION

Lysaught/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

ITEM 6c.21.009 MONTHLY INVESTMENT REPORT – NOVEMBER 2020

Meeting	Corporate, Governance & Works Committee	16 February 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. The November 2020 report is being re-tabled at the February 2021 Council meeting as there was no Council resolution to receive and note the report at the December 2020 Council meeting (Item 6c.20.194).

OFFICER RECOMMENDATION

That the report indicating Council's funds investment position as at 30 November 2020 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

ITEM 6c.21.010 MONTHLY INVESTMENT REPORT – DECEMBER 2020

Meeting	Corporate, Governance & Works Committee	16 February 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 December 2020 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

ITEM 6c.21.011 MONTHLY INVESTMENT REPORT – JANUARY 2021

Meeting	Corporate, Governance & Works Committee	16 February 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 January 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

ITEM	6c.21.012	2020/21 OPERATIONAL PLAN – QUARTERLY REVIEW AS AT 31 DECEMBER 2020
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Meeting	Corporate, Governance & Works Committee	16 February 2021
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Yes	

SUMMARY

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

OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

ITEM	6c.21.013	THE AUSTRALASIAN LOCAL GOVERNMENT PERFORMANCE EXCELLENCE PROGRAM FY20
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Meeting	Corporate, Governance & Works Committee	16 February 2021
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	To be tabled	

SUMMARY

The report presents the Australasian Local Government Performance Excellence Program FY20 outcomes for the information of Council and community.

OFFICER RECOMMENDATION

That Council note the Australasian Local Government Performance Excellence Program FY20 – Clarence Valley Council report.

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

ITEM 6c.21.014 CLARENCE VALLEY COUNCIL CUSTOMER SATISFACTION SURVEY

Meeting	Corporate, Governance & Works Committee	16 February 2021
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	To be tabled	

SUMMARY

The report introduces the results of an independent Customer Satisfaction Survey of 400 randomly selected residents of the Clarence Valley, undertaken by Jetty Research between 2 and 18 September 2020.

OFFICER RECOMMENDATION

That the Customer Satisfaction Survey be received and noted.

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

ITEM 6c.21.015 REPORTING OF GENERAL MANAGER'S EXPENSES

Meeting	Corporate, Governance & Works Committee	16 February 2021
Directorate	Corporate & Governance	
Reviewed by	A/Manager - Finance & Supply (Michael Salvestro)	
Attachment	Nil	

SUMMARY

The purpose of this report is to inform Council of the details of the General Manager's expenses for the period 1 July 2020 to 31 December 2020.

OFFICER RECOMMENDATION

That the report indicating the General Manager's expense summary for the period 1 July 2020 to 31 December 2020 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

ITEM 6c.21.016 GOVERNANCE REPORT

Meeting	Corporate, Governance & Works Committee	16 February 2021
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Nil	

SUMMARY

This report summarises the status of legal proceedings, complaints lodged, Government Information (Public Access) applications, new and/or updated Disclosure of Interest returns, declarations of interest and insurance claims in the period 1 July 2020 to 31 December 2020.

OFFICER RECOMMENDATION

That Council receive and note the Governance report for the period 1 July 2020 to 31 December 2020.

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

ITEM	6c.21.017	ASSET HANDOVER – ADDITIONAL CROSSING OF THE CLARENCE RIVER AT GRAFTON – NEWLY UPGRADED AND CONSTRUCTED LOCAL ROADS
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Meeting	Corporate, Governance & Works Committee	16 February 2021
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Nil	

SUMMARY

Work on the additional crossing of the Clarence River at Grafton has been completed. This work included the upgrade of some Council roads as well as the creation of some new Council roads and assets. This report notifies Council of these assets that are being transferred to Council.

OFFICER RECOMMENDATION

That the asset handover report be received and noted.

COMMITTEE RECOMMENDATION

Kingsley/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

ITEM 6c.21.018 LGNSW FLYING-FOX HABITAT RESTORATION PROGRAM FUNDING

Meeting	Corporate, Governance & Works Committee	16 February 2021
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Nil	

SUMMARY

This report provides information regarding Council being invited to participate in the LGNSW Flying-Fox Habitat Restoration Program Funding.

OFFICER RECOMMENDATION

That Council note and endorse:

1. The Expression of Interest to participate in the Local Government NSW Flying-Fox Habitat Restoration Program
2. That further communication with LGNSW about the specifics of the program, including the ongoing costs and inputs will take place.

COMMITTEE RECOMMENDATION

Kingsley/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

ITEM 6c.21.019 NORTH EAST WASTE 2019/20 ANNUAL REPORT

Meeting	Corporate, Governance & Works Committee	16 February 2021
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	To be tabled	

SUMMARY

The attached North East Waste 2019/20 Annual Report outlines the activities and outcomes achieved by North East Waste (NE Waste) and member councils during the report year.

OFFICER RECOMMENDATION

That the North East Waste 2019/20 Annual 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

ITEM 6c.21.020 UNIQCO RECOMMENDATIONS ACTION PLAN - UPDATE

Meeting	Corporate, Governance & Works Committee	16 February 2021
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Yes	

SUMMARY

This report reviews the status of the implementation of the recommended actions contained in the Uniqco (light and heavy plant operations review) report.

OFFICER RECOMMENDATION

That the current status of the implementation of the Uniqco recommendations and proposed future actions be noted.

COMMITTEE RECOMMENDATION

Lysaught/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

ITEM 6c.21.021 WORKS REPORT

Meeting	Corporate, Governance & Works Committee	16 February 2021
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Yes	

SUMMARY

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

OFFICER RECOMMENDATION

That the Works report be received and noted.

COMMITTEE RECOMMENDATION

Kingsley/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

ITEM	6c.21.022	DETAILS OF EXPOSURE DRAFT BILL ON LOCAL GOVERNMENT RATING REFORM
Meeting		Corporate, Governance & Works Committee
Directorate		Corporate & Governance
Reviewed by		Manager - Organisational Development (Alex Moar)
Attachment		To be tabled

SUMMARY

This Report details the proposed changes to the Local Government Act 1993 (30) in the [Local Government Amendment \(Rates\) Bill 2021](#) with reference to Council's submission to the IPART recommendations as detailed in Council Report 09.19.002. It includes the General Manager's feedback to the Bill submitted to the Office of Local Government 5 February 2021.

OFFICER RECOMMENDATION

That Council note the information contained in the body of the report on the draft Bill on Local Government Rating Reform.

COMMITTEE RECOMMENDATION

Lysaught/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

ITEM	6c.21.023	COUNCIL MEETING CHECKLIST – UPDATE ON ACTIONS TAKEN
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Meeting	Corporate, Governance & Works Committee	16 February 2021
Directorate	Office of General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

SUMMARY

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

OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Lysaught/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

ITEM 6c.21.024 BIOSECURITY POLICY

Meeting	Corporate, Governance & Works Committee	16 February 2021
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Yes	

SUMMARY

The draft Biosecurity Policy outlines Council's weed management responsibilities and obligations under the *NSW Biosecurity Act 2015* (hereafter referred to as The Act). It also gives Council's positions on community concerns and expectations around weed management and provides guidance for various Council programs.

OFFICER RECOMMENDATION

That the draft Biosecurity Policy be placed on exhibition for 28 days for public consultation and if no submissions are received that it be adopted.

COMMITTEE RECOMMENDATION

Lysaught/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

d. INFORMATION ITEMS

ITEM	6d.21.001	ITEMS FOR INFORMATION
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Meeting	Council	23 February 2021
Directorate	Office of General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

OFFICER RECOMMENDATION

That the Items for Information as listed below be noted:

1. Dundurrabin Community Centre Committee – Minutes 3 November and 17 November 2020
2. Nymboida Hall Management Committee – Minutes 23 January 2021

Prepared by	Lesley McBay, Coordinator Executive Support
Attachments	As listed above

e. TENDERS

ITEM	6e.21.001	RFT20/39 – DESIGN AND CONSTRUCTION OF ILUKA SEWAGE TREATMENT PLANT HARD STAND AREA
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Meeting	Council	23 February 2021
Directorate	Works & Civil	
Reviewed by	Manager - Water Cycle (Greg Mashiah)	
Attachment	Confidential	

SUMMARY

Council called open tenders, closing on 21 December 2020, for the design and construction of a biosolids hard stand area at Iluka Sewage Treatment Plant (STP). Two tenders were received. The Tender Evaluation Panel (TEP) considers, having regards to all the circumstances, that the tender from Ledonne Construction 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 would be required.

OFFICER RECOMMENDATION

That:

1. Council accept the tender from Ledonne Construction Pty Ltd for RFT 20/39 Design and Construction of Iluka sewage treatment plant hard stand area at a cost of \$425,305.00 (GST inclusive), to be funded from PJ910143 (Iluka STP Biosolids Hard Stand Area).
2. The budget allocation for Financial Project 910143 be increased by \$120,000, funded from the Sewer 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

Sewage treatment generates biosolids and Council is responsible for their ultimate reuse/disposal in accordance with State Government guidelines. Ideally the biosolids will be beneficially reused following resolution of approval issues related to PFAS, but currently the only option is landfill. Council has had interest from several potential reusers for options including agricultural reuse or cogeneration, but is unable to progress these until PFAS approval issues are resolved. The State Government has indicated that it is likely that the approval issues will be resolved some time in 2020/21.

There is currently insufficient area at Iluka STP to store biosolids when they are dewatered. The dewatering program currently has the mobile dewatering unit visiting Iluka about every 3 years. Facilitating storage of dewatered biosolids at the site will enable Council to efficiently program the ultimate biosolids reuse/disposal in accordance with the biosolids strategy.

KEY ISSUES

Tenders were assessed by a TEP comprising water cycle staff using a weighting of 60% price and 40% non price. 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 Ledonne Constructions Pty Ltd and recommends that this tender be accepted.

It is recommended that the General Manager be authorised to approve variations up to 15% of the contract sum.

COUNCIL IMPLICATIONS**Budget/Financial**

The 2020/21 budget for Financial Project 910143 (Iluka STP Biosolids Hard Stand Area) is \$325,000 and was based on costs previously tendered for Sewage Treatment Plant construction. The recommended tender is \$386,940.91 (GST exclusive). 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 resulting from the Covid-19 pandemic and associated issues with the movement of materials, equipment and labour.

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 biosolids management issues at Iluka will continue until the hard stand area is provided.*
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.*
4. Reject all tenders and retender the work using a revised (reduced) scope of work. *The biosolids storage area which was the subject of this tender is the minimum required for three years' storage.*
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.*
6. Reject all tenders and Council undertake the work. *With the current delivery program Council's building and structures day labour staff do not have any available capacity to undertake this work in 2020/21.*

It is considered the best outcome for Council for the full scope of works to be undertaken at this time and it is therefore recommended the budget allocation for Financial Project 910143 be increased by \$120,000, funded from the sewer fund, to cover the budget shortfall plus the 15% variation allowance. Sewer fund modelling has indicated that the proposed budget increase will not adversely impact the sewer fund performance, and that following this variation Council will still have sufficient funds to pay the projected 2020/21 sewer fund dividend.

Asset Management

The biosolids hard stand area 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

N/A

Legal and Risk Management

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

Directors of the two companies that submitted Tenders are:

Name of Company	Name of Partners and Directors
Michilis Pty Ltd	1- Mark Michilis 2- Tom Michilis
Ledonne Construction Pty Ltd	1- Tony Ledonne

Climate Change

Assessment of climate change is not considered relevant to this tender.

Prepared by	Tamer Abouamna, Senior Engineering Officer
Confidential	Tender Evaluation Panel Report

7. NOTICE OF MOTIONS

ITEM	07.21.001	AMENDMENT TO INVESTMENT POLICY
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Meeting	Council	23 February 2021
Directorate	Notice of Motion	
Submitted by	Cr Greg Clancy	
Attachment	Nil	

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

SUMMARY

Council at its meeting on 23 April 2019 resolved:

“That Council

1. *Recognise that there is a climate emergency which requires actions by all levels of Government.*
2. *Acknowledge Council’s efforts to lowering its emission.*
3. *Include a title of subheading “Climate Change” in all reports.*
4. *Continue carrying out the items “of action” in the “100% Renewables” report.*
5. *Note the minutes of the Climate Change Advisory Committee dated 22 June 2018; and thank the committee for their ongoing input. (Resolution 15.057/19).”*

One important action relating to the recognition of a climate emergency is to divest funds from financial institutions that fund the fossil-fuel industry. This can be achieved by investing with institutions that are known to not support the fossil-fuel industry with no financial loss to Council. The website MarketForces.org.au can be used as a reference to those institutions that do and don’t support the fossil-fuel industry and decisions can then be made to divest.

PROPOSED MOTION

That Council:

1. Amend the Investment Policy to allow the divestment of its term investment portfolio from all fossil fuel aligned financial institutions, as current investments mature, provided that the actions at point 2 can be achieved.
2. Reinvest with non-fossil fuel aligned financial institutions provided:
 - a) The investment is compliant with Council’s Investment Policy.
 - b) The investment rate of interest is comparable, or better, than those offered by fossil fuel aligned financial institutions.
 - c) The credit rating is the same or higher than the retired investment.
3. Receive a report on a monthly basis including a statement about the percentage of term deposits exposed to fossil fuel investing institutions (using the MarketForces.org.au evaluation of banks).

LINKAGE TO OUR COMMUNITY PLAN

Theme	4 Environment
Objective	4.2 We will foster a balance between development and the environment considering climate change impacts
Strategy	4.2.1 Promote, plan and implement strategies that reduce carbon emissions, improve energy efficiencies and increase the use of renewable energy

BACKGROUND

On 23 April 2019 Council recognised that there is a climate emergency which requires action of government at all levels. This motion seeks to take action in accordance with the aims of declaring or recognising a climate emergency and that is to divest council’s investments from financial institutions that support the fossil-fuel industry.

COUNCIL IMPLICATIONS**Budget/Financial**

Implementing the motion is unlikely to involve additional staff time as seeking new investments when existing ones mature would normally occur. Checking the Market Forces website could take a small amount of additional time.

Policy or Regulation

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

Consultation

The amendment to the Investment Policy would need to be publicly exhibited.

Legal and Risk Management

N/A

Climate Change

This action will contribute to the reduction in greenhouse gases as a result of less investment in fossil-fuel companies

STAFF COMMENT – Michael Salvestro (A/Manager Finance & Supply)

Proposed motion point 2 (a) – Council's Investment policy would need to be reviewed in its entirety (in particular, "Target Credit Quality Weightings" and "Individual Institution or Counterparty Limits") to allow more flexibility for point 1 ("divestment at maturity") to be achieved otherwise Council risks breaching its policy.

Proposed motion point 2 (b) – Suggest amending to read "The investment rate of interest is comparable, or better, than those offered by fossil fuel aligned financial institutions at the time of investing, and".

Proposed motion point 2 (c) – It is not possible to achieve this point as the major banks (CBA, NAB, ANZ, Westpac) are the only ADIs currently rated AA- and there are no alternative ADIs to invest in other than TCorp (AAA rated). I would suggest removing point 2 (c).

ITEM	07.21.002	CLARENCE VALLEY COUNCIL MEDIA POLICY
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Meeting	Council	23 February 2021
Directorate	Notice of Motion	
Submitted by	Cr Debrah Novak	
Attachment	Yes	

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

SUMMARY

Any organisation that has contact with any or multiple media platforms should have a media policy. A **Media Policy** is an official organisational document that sets out how the organisation communicates with the media and is consistent with the aims and position of the organisation.

A **Media Policy** sets out a standard set of operating procedures to provide a clear and concise pathway for Council staff and all media platforms to engage with each other.

A Media Policy ensures the interface between Council and traditional, social and digital media platforms is managed appropriately and efficiently so as to maximise the benefits for Council and to minimise the risk of adverse publicity, misunderstandings, inaccurate information or inappropriate sharing of information.

An effective **Media Policy** will alleviate any confusion as to who can speak with whom and at the same time enhance service delivery by informing members of the public of Council matters and recognise the important role all media platforms play in informing the public about Council's decisions, activities, programs, events, services and initiatives.

PROPOSED MOTION

That Council recommend the General Manager, Ashley Lyndsay develops a draft Media Policy for the Council and report back to the March Meeting with:

1. CVC Draft Media Policy.
2. The cost of implementing the CVC Media Policy.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.5 Manage and value our corporate information and knowledge

BACKGROUND

The Clarence Valley Council Media Advisor position was made redundant in August 2019 as a cost saving for the 'Fit for The Future'.

This decision created an unforeseen knowledge gap of how CVC staff, media and industry professionals and social media platforms should engage with each other.

There being no official documents to refer to (Media Policy, Communications Policy, Media Kit) and in the absence of a trained Media Advisor has led to a degree of unfiltered mixed messaging internally and externally of Council.

KEY ISSUES

There appears to be great confusion and frustration within the media and online community about accessing timely and relevant information from Council. The industry knowledge gap of the media having to work to deadlines and who the media can speak with has led to misunderstandings. Other issues relating to this matter are the rights and accreditation of professionally trained journalists, citizen journalists and online platform moderators (trained and untrained)

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Policy or Regulation

N/A

Consultation

Daily Examiner Editor, Clarence Independent Journalist, three Clarence Valley Facebook Moderators
Research: Parramatta City Council, Dubbo City Council, Coffs City Council, Armidale City Council, Ballina Council, Byron Council, Kyogle Council Media, Richmond Valley Council.

Legal and Risk Management

N/A

Attachments:	DRAFT Clarence Valley Council MEDIA POLICY prepared by Cr Debrah Novak Media Policies from Parramatta City Council, Dubbo City Council, Coffs City Council, Armidale City Council, Byron Council, Kyogle Council and Richmond Valley Council.
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STAFF COMMENT

The Background of the NOM incorrectly advises that “The Clarence Valley Council Media Advisor position was made redundant in August 2019 as a cost saving for the ‘Fit for The Future’”, and that a knowledge gap was created as a result.

In an organisational structural change in 2019, the Communications Coordinator position was removed from the structure to reduce duplication of activity. Council’s Community and Industry Engagement team has professional staff responsible for organisational communications. Within this team is a dedicated Communications Officer who is responsible for advice to media as well as other forms of formal communication.

The NOM also references there being “no official documents” to guide communications, which is also incorrect. Communications is an operational activity of Council and external communications is in accordance with our communications procedural framework and managed within delegations.

With regard to internal communications, which are referenced in the NOM as also being “unfiltered and mixed”, Councillors are advised a Council adopted Media Policy would have no regard to such operational activity.

8. CONFIDENTIAL BUSINESS

ITEM	08.21.001	REGIONAL WATER SUPPLY ESSENTIAL ENERGY AGREEMENT
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Meeting	Council	23 February 2021
Directorate	General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Confidential	

CONFIDENTIAL *The General Manager advises that the following matter be dealt with in Closed Session as the matter and information are confidential in accordance with the Local Government Act 1993 Section:
10A 2 (d) i - The report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it*

ITEM	08.21.002	CALYPSO YAMBA HOLIDAY PARK – NATIVE TITLE
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Meeting	Council	23 February 2021
Directorate	General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Confidential	

CONFIDENTIAL *The General Manager advises that the following matter be dealt with in Closed Session as the matter and information are confidential in accordance with the Local Government Act 1993 Section:
10A 2 (g) The report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege*

ITEM	08.21.003	2021 HOCKEY CHAMPIONSHIPS
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Meeting	Council	23 February 2021
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Nil	

CONFIDENTIAL *The General Manager advises that the following matter be dealt with in Closed Session as the matter and information are confidential in accordance with the Local Government Act 1993 Section:
10A 2 (d) i - The report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it*

9. QUESTIONS WITH NOTICE

10. LATE ITEMS OF BUSINESS AND MATTERS ARISING

11. CLOSE OF ORDINARY MEETING