

Ordinary Council Meeting Business Paper

30 March 2021



Agenda

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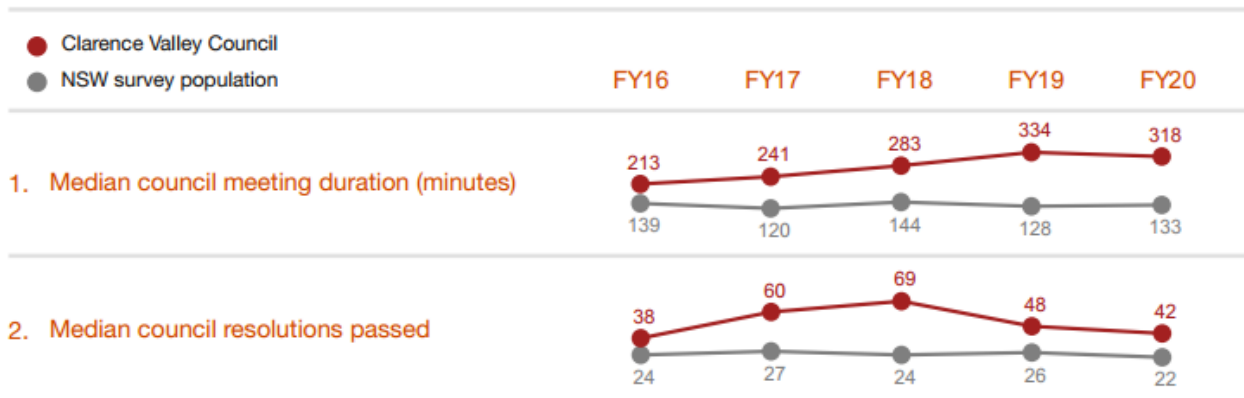
5. MAYORAL MINUTES

ITEM	05.21.003	CODE OF MEETING PRACTICE
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Meeting	Council	23 March 2021
Directorate	Mayoral Minute	
Submitted by	Cr Jim Simmons	
Attachment	Yes	

SUMMARY

Councillors, as indicated in the Local Government Performance Excellence Program Report 2020 tabled at the February Corporate, Governance and Works Committee, over recent years the duration of meetings has increased exponentially so that it is now double the average (median) duration of other councils, this is despite a decrease in the number of matters considered and resolved.



It is my observation that it is the questioning from the floor before items that can on occasions take upwards of 30 minutes prior to debate even commencing. This results in matters before Council being given disparate consideration, with some being questioned at length and debated robustly and others cursory consideration.

In an effort to ensure all items before Council are duly considered and there is opportunity for robust debate on all matters the following changes to the Code of Meeting Practice to take effect immediately.

Inclusion of 9.5.7 (local policy) as follows, which limits question time:

- 9.5.7 Councillors are limited to ask no more than three verbal questions per item at each meeting but are not restricted to submitting any number of questions by email by 11 am of the day preceding the meeting (see Clause 3.7)

Noting that Questions with Notice asked in writing, and their responses, can be included in the Minutes of the Ordinary Meeting if the Councillor indicates this is required see 3.7.4.

Amendment of 10.7.3 and 10.7.4 to provide each Councillor speaking to matters from five (5) minutes to three (3) minutes.

The Code of Meeting Practice is attached to this Mayoral Minute and sections 9.5.7, 10.7.3 and 10.7.4 are highlighted for ease of location.

PROPOSED MOTION

That:

- Section 9.5.7 be included in the Code of Meeting Practice as follows: *Councillors are limited to ask no more than three verbal questions per motion at each meeting (including amendments to motions) but are not restricted to submitting any number of questions by email by 11 am of the day preceding the meeting (see Clause 3.7) (Local Policy).*
- Section 10.7.3 and 10.7.4 be amended from five (5) minutes to three (3) minutes.
- The new Code of Meeting Practice be adopted as the changes listed in points 1 and 2 above are not material, do not impact on the community and therefore does not require public consultation.

ITEM 05.21.004 GENERAL MANAGER'S CONTRACT OF EMPLOYMENT

Meeting	Council	23 March 2021
Directorate	Mayoral Minute	
Submitted by	Cr Jim Simmons	
Attachment	Confidential	

SUMMARY

This Mayoral Minute is tabled in accordance with the Office of Local Government's Guidelines for the Appointment and Oversight of General Managers, which are issued under section 23A of the Local Government Act 1993.

PROPOSED MOTION

That Council:

1. Approve in accordance with Clause 8.3 of the General Manager's contract a revised Total Remuneration Package increase to \$297,852.00, effective 23 March 2021.
2. Revise the General Manager's existing three (3) year Standard Contract of Employment, which took effect on 31 August 2020, to incorporate the increased Total Remuneration Package.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

In August 2020, the Council resolved to execute a Standard Contract of Employment retaining the existing annual Total Remuneration Package (TRP) (\$283,668.75), excluding provisions of the Statutory and Other Offices Remuneration Act post 1 July 2020.

Following the six monthly Performance Assessment, held Tuesday 16 March, at which it was agreed the General Manager had exceeded performance expectations in managing the organisation through the difficult and extraordinary times of 2020 with the challenges that Bushfires and COVID related disasters in particular created, whilst steadily maintaining business as usual service delivery to meet the increasingly diverse needs and demands of the community, the Panel and Councillor feedback received for consideration at the performance assessment, supports a 5% increase, taking the TRP to \$297,852 (rounded up to the nearest dollar). The effect of this, is from the date of the resolution.

Clause 8.3 of the General Manager's contract provides as follows:

Council may, on only one occasion during each year of this contract, approve an increase in the total remuneration package where the employee's performance has been assessed in accordance with a performance review as being of a better than satisfactory standard.

Attached to the report is comparative TRP data provided by LGNSW.

ITEM	05.21.005	GENERAL MANAGER'S ANNUAL PERFORMANCE ASSESSMENT 2020/2021
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Meeting	Council	23 March 2021
Directorate	Mayoral Minute	
Submitted by	Cr Jim Simmons	
Attachment	Confidential	

SUMMARY

This Mayoral Minute is tabled in accordance with the Office of Local Government's Guidelines for the appointment and oversight of General Manager's, which states:

"The panel should report back to the governing body of council in a closed session the findings and recommendations of its performance review as soon as practicable following any performance review. This should not be an opportunity to debate the results or re-enact the performance review of the general manager."

PROPOSED MOTION

That the General Manager's 2020/2021 six monthly Performance Assessment 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 General Manager's six-monthly performance assessment for 2020/21 was conducted in accordance with the General Manager's Contract of Employment and the Performance Management – General Manager Policy, adopted by Council in October 2018. The assessment was facilitated by LG Management Solutions, Council's contract supplier of this service.

The General Manager's Performance Review Panel comprises the Mayor Cr Simmons, Deputy Mayor Cr Kingsley, Cr Williamson and Cr Ellem. Councillors who are not on the panel were invited to provide feedback on the General Manager's performance prior to the assessment. Feedback was received and discussed by the panel as part of the review, the feedback was positive and acknowledged the General Manager's increased workload over the past six months. The six monthly Performance Assessment was facilitated by Christian Morris from LGNSW - Management Solutions and was conducted on Tuesday, 16 March 2021.

Overall, the Panel is more than satisfied with the performance of the General Manager, acknowledging performance above expectations in many areas. Following the difficult year that 2020 was, the General Manager has demonstrated leadership in ensuring the organisation continues to deliver against its Operational Plan while also delivering significantly more capital outcomes relating to the additional funding received throughout 2020, than was projected in the original budget.

The General Manager's Performance Review Panel is satisfied the six monthly Performance Assessment is complete. A confidential copy of the Annual Performance Assessment with aggregated ranking is attached.

7. REPORTS

a. GENERAL MANAGER

ITEM	6a.21.008	OLG CIRCULAR 21-01 REMOTE ATTENDANCE BY COUNCILLORS AT COUNCIL MEETINGS CONSULTATION PAPER
Meeting	Council	23 March 2021
Directorate	General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	To be tabled	

SUMMARY

On 9 March 2021, the Office of Local Government issued a Circular to councils requesting response. The Circular relates to the Remote Attendance by Councillors at Council Meetings consultation paper.

OFFICER RECOMMENDATION

That Council advise the Office of Local Government of Clarence Valley Council's support for remote attendance at Council meetings by elected members to encourage and increase diversity of representation.

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 OLG Circular advises: "the 'prescribed period' for the purposes of section 747A of the Local Government Act 1993 (the Act) during which the requirement for councillors and members of the public to attend meetings is satisfied if the meeting is held in whole or in part remotely using audio visual links, expires on 25 March 2021" and that some councils have called for greater flexibility in continuing some form of remote attendance to encourage greater diversity in representation. In response, the OLG has issued a consultation paper titled remote Attendance by Councillors at Council Meetings, which seeks the views of councils to inclusion of a remote access option in the Model Code of Meeting Practice.

KEY ISSUES

The consultation paper (attached) is made available on the OLG website and submissions are due by close of business on 3 May 2021.

The consultation paper considers providing councils with the ability to consider and permit councillor attendance at meetings remotely on occasions. It is considered appropriate that the Model Code of Conduct be amended in such a way to increase accessibility to elected membership for those who because of ill health, disability, carer responsibilities or natural disaster, or away on 'other' council business and are unable to attend in person. The consultation paper addresses the issues of consideration of such a request, and rules and standards that should apply to approval.

While the OLG is consulting on the proposed amendment to the Model Code of Meeting Practice, amendments are proposed to the Local Government (General) Regulation 2005 to allow councils to permit individual (but not all) councillors to attend meeting remotely by audio-video link until 31 December 2021.

It should also be noted that with the 'prescribed period' for the purposes of section 747A expiring on 25 March, members of the public will be invited back to Council's April committee and ordinary meetings. It is intended that access will be provide through a booking system and managed in accordance with the [Public Health \(COVID19 Restrictions on Gathering and Movement\) Order 2021](#) in which councils **are not specifically listed** under Schedule 2 'Exempted gatherings'. As such, the max of 1 person per 2 square metres or 25 persons applies.

Legislative change and expiration of s.747A on 25 March, also automatically invalidates Council's resolution of 23 February 2021 (6c.21.005) having any application post 25 March 2021.

COUNCIL RESOLUTION – 6a.21.005

Lysaught/Baker

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.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Williamson, Lysaught

Against: Clancy, Ellem, Toms, Novak

CARRIED

COUNCIL IMPLICATIONS

Budget/Financial

There will be a minor cost to Council of implementing a public gallery, including the cost of retractable barriers, additional cleaning of seating and administering ticketing. The cost is expected to be negligible and will be covered in existing budgets for meeting expenditure.

Asset Management

N/A

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

Public access will be managed in accordance with the Public Health (Covid19 Restrictions on Gathering and Movement) Order 2021.

Climate Change

N/A

Prepared by	Laura Black, Director Corporate & Governance
To be tabled	Remote attendance by councillors at council meetings Consultation Paper March 2021

ITEM	6a.21.009	PHASE 2B GRANT FUNDING – MACLEAN SHOWGROUND ON CROWN LAND
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Meeting	Council	23 March 2021
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Yes	

SUMMARY

This report seeks Council's endorsement as Crown Land Manager of Reserve 88428 to accept a further offer of \$277,395 (Incl. GST) from the NSW Government's Phase 2B Showgrounds Stimulus Program to replace existing arena lighting with improved lighting equipment and to refurbish the grandstand retaining walls, seating and walkway within the Maclean Showground, Maclean.

OFFICER RECOMMENDATION

That Council:

1. As Crown Land Manager of Reserve 88428, accept an offer of an additional \$277,395.00 (incl. GST) to replace existing arena lighting with improved lighting equipment and to refurbish the grandstand retaining walls, seating and walkway within the Maclean Showground, Maclean from the NSW Government's Phase 2B Showgrounds Stimulus Program.
2. Allocate \$200,000.00 from the Sustainability Reserve (RA 10818) in the 2021/22 capital works program.

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

Strategy 2.1.4 Manage and enhance our parks, open spaces and facilities

BACKGROUND

The Maclean Showground is situated on Reserve 88428 for Showground and Public Recreation, notified 10 December 1971. The showground was placed under the care, control and management of Council on the 24 November 2000.

The NSW Government's Showgrounds Stimulus Program was initially announced in two phases. Phase 1 was for works that could commence immediately being completed within 3 months from date of award and Phase 2 within 12 months from date of award.

NSW Government's Showgrounds Stimulus Program - Phase 1 & Phase 1a

Council applied for and the NSW Government funded 4 packages of work in Phase 1 / 1a totalling \$217,732.57. The works being:

- to strengthen the arena fence posts;
- to erect an awning over the existing veranda and relocate a gas bottle on the Jim Thompson building;
- to apply bitumen seal and construct kerb and guttering to the showground access road; and
- to install roof anchor and ladder access points to various buildings within the Maclean Showground, Maclean.

In line with the conditions of the grant the above works are now complete; please refer attachment for construction images.

NSW Government's Showgrounds Stimulus Program - Phase 2 & Phase 2b

On 29 May 2020 an application was submitted for a further 5 packages of work for Phase 2 totalling \$665,995.70 consisting of \$417,995.70 grant funding and \$238,000.00 from other sources of funding (Council and Community contributions). The 5 packages of work for Phase 2 being:

- Showground Arena lighting replacement;
- Clydesdale building extension;
- Refurbishment of fine arts and tea rooms buildings;

- Refurbishment of public amenities and change rooms to service new main pavilion;
- Refurbishment of grandstand retaining walls, seating and walkways.

The NSW Government awarded \$107,960.00 on 14 October 2020 for the Clydesdale building extension. Planning work (stakeholder engagement and design documentation) is in progress with a target to complete the work prior to October 2021.

The NSW Government subsequently awarded \$277,395.00 on 8 March 2021 to replace existing arena lighting with improved lighting equipment (\$232,895.00 incl. GST) and to refurbish the grandstand retaining walls, seating and walkway (\$44,500.00 incl. GST).

KEY ISSUES

NSW Government's Showgrounds Stimulus Program - Phase 2b

The works are to be completed within 12 months of the date of receipt, with a focus on local trades and suppliers, these requirements are in line with Council's Sustainable Procurement policy and will, to the greatest extent possible, be adhered to.

The works will improve use and access to this important community asset and are supported by the users of the facility.

COUNCIL IMPLICATIONS

Budget/Financial

The grant funding of \$232,895.00 (incl. GST) from the NSW Government's Phase 2b Showgrounds Stimulus Program will partially fund the works to replace the existing arena lighting with improved lighting equipment within the Maclean Showground, Maclean. To facilitate project completion the balance of \$200,000 is to be funded from the Sustainability Reserve (RA 10818) in the 2021/22 capital works program.

The grant funding of \$44,500.00 (incl. GST) from the NSW Government's Phase 2b Showgrounds Stimulus Program will fully fund stage 1 works to refurbish the grandstand retaining walls, seating and walkway within the Maclean Showground, Maclean.

Asset Management

The arena lighting is an existing asset that is reaching the end of its useful life and requires renewal, the equipment is superseded, poor performing technology and the poles and cross arms are failing. The renewal will bring this asset back to new, the renewal will reduce operating and maintenance costs.

The grandstand retaining walls, seating and walkway are existing assets with varying useful life. Some sections require renewal due to reaching end of useful life, other sections are in fair condition, however, require upgrade to improve accessibility. The renewal will bring this asset back to new.

Policy or Regulation

Quotations and tenders will be sought consistent with the requirements of the Local Government Act and Regulation and Council's Sustainable Procurement Policy – Supporting Local Business.

Consultation

Preparation and submission of Phase 2 grant was completed within a 4 week period, the timeline enabled Council officers to engage with representatives from the Maclean Show Society, the Highland Gathering, Pony Club and Lawrence Rodeo. The groups volunteered funding for the Clydesdale building extension and general support for the application.

Legal and Risk Management

Council has care, control and management of the Maclean Showground (R88428) as the Crown Land Manager under the *Crown Land Management Act 2016*. The proposed works will be undertaken on buildings within Lot 7301 DP1133705. Native Title has been determined to have been extinguished by the Federal Court on this area of land (*Yaegl People #2 v Attorney-General of New South Wales*, Schedule 5, Area ID # 485). Consequently, there is no requirement to notify as a Future Act under s24JB of the *Native Title Act 1993* (Cth).

Climate Change

The provision of any new asset results in resource consumption and emission production factors that contribute to climate change, and to minimise the impact the materials used will contain a high content of material that can be recycled at the end of its useful life. New LED showground lighting will be more energy efficient than the aging current array of various halogen lamps.

Prepared by	David Sutton, Open Spaces Coordinator
Attachment	Construction Photos Completion Report Phase 1 and 1a, and funding offer

ITEM	6a.21.010	NAMING OF MAIN PAVILION AT MACLEAN SHOWGROUND – ON CROWN LAND
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Meeting	Council	23 March 2021
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Nil	

SUMMARY

This report provides information on the community engagement process and naming proposals for the recently constructed Main Pavilion (which was damaged in a storm in January 2018) at Maclean Showground. At the time of writing of the report, and with the business paper closing, submissions on the naming had not closed and it is intended to have Council endorse the naming so that it can be officially named and opened at the 20 April 2021 Maclean Show. Progress on the substantive process undertaken to date is provided in this report and a supplementary report will be provided prior to the Council meeting.

OFFICER RECOMMENDATION

That Council as Crown Land Manager of the Maclean Showground receive and note the progress report on the naming of the Maclean Showground Main Pavilion.

LINKAGE TO OUR COMMUNITY PLAN

Theme 1 Society

Objective 1.1 We will have proud and inviting communities

Strategy 1.1.2 Respect the heritage of the region by highlighting and enhancing our unique characteristics

BACKGROUND

Naming of Parks, Reserves and Facilities Policy

The purpose of the Naming of Parks, Reserves and Facilities Policy is to provide guidelines for the naming of parks, reserves and facilities under Council control as Crown Land Manager or as freehold owner.

The policy recommends names for parks and reserves including:

- Aboriginal names of significance to the area, subject to the prior approval of the relevant local Aboriginal Land Council and Council's Aboriginal Consultative Committee;
- Native flora and fauna, generally using the common name and excluding lengthy or complex scientific names;
- Commemorative names are those that commemorate a person, event or place;
- War casualty lists; and
- Names of early river pilots and historical river boats.

In Maclean, the policy states that preference will be given to the following names, in no particular order:

- Scottish themes;
- Ferry or shipping names;
- Thematic history of the area; and
- Yaegl language names as approved by the Aboriginal Land Council and/or Council's Aboriginal Consultative Committee.

KEY ISSUES

Submission of Naming Proposals

The community were engaged to propose names for the recently constructed main pavilion at Maclean Showground. Submissions opened on Friday, 12 February and closed 5:00pm Friday, 5 March 2021, after which time the submissions were collated. A total of 46 submissions were received during this period.

The names proposed by the community are provided in Table 1.

Table 1: Community proposed names for the Main Pavilion

Proposed Name	Theme
Highland Pavilion	Scottish
Pioneers Pavilion	Thematic History
Rocky Mouth Pavilion	Thematic History
Rocky Mouth Pavilion <i>Bilwaali-gu Umaaga</i>	Thematic History / Yaegl Language
Alistair Wallace Pavilion	Commemorative Names
Bruce Green Memorial Pavilion	Commemorative Names
Davis & Green Pavilion	Commemorative Names
Irene Nowell Pavilion	Commemorative Names
Joyce Watson Pavilion	Commemorative Names
Happy Green Pavilion	Commemorative Names

Commemorative Names

The Naming of Parks, Reserves and Facilities Policy states that commemorative names are those that commemorate a person, event or place. The person commemorated should have contributed significantly to the area around the geographic feature or locality. When such a name is applied, it shall be given posthumously, at least one year after the decease of a person.

Geographical Names Board Commemorative naming fact sheet identifies that the most vexing naming decisions arise when features are named after people, especially those still living. The GNB's experience is that proposals of this kind invariably lead to division in the community.

This perceived issue around the use of commemorative names was raised in several submissions received by Council and suggested that a commemorative names board be erected in the pavilion as an alternative. The Geographical Names Board also identifies the use of commemorative plaques as an alternative to commemorative names.

Polling of Naming Proposals

Council staff reviewed and considered all submissions against the relevant policy, the feedback from the community around the use of commemorative names, and the Geographical Names Board's primary directive to give precedence in using names of Aboriginal origin associated with the feature or a name with an historical background in the area of the feature, and recommended a list of naming proposals that were then polled by the community (refer to Table 2).

Table 2: Recommended naming proposals for the Main Pavilion

Proposed Name	Theme
Highland Pavilion	Scottish
Pioneers Pavilion	Thematic History
Rocky Mouth Pavilion	Thematic History
Rocky Mouth Pavilion <i>Bilwaali-gu Umaaga</i> *	Thematic History / Yaegl Language

* the translation for "Bilwaali-gu Umaaga" provided by the Berrigan Gargle Local Aboriginal Land Council is "Home to All / Many".

Polling of the recommended naming proposals concludes on 19 March 2021. The new name is expected to be announced, and signage installed, for the Maclean Show to be held on the Tuesday, 20 April 2021 – Wednesday, 21 April 2021.

It is recognised that significant support remains in the community to acknowledge and celebrate significant contribution by members of the community relating to the Showground. In line with the Geographical Names Board advice to use commemorative plaques as an alternative to commemorative names, in addition to selecting a name for the pavilion it is recommended that Council engage with stakeholders to establish a commemorative names board to be erected in the pavilion to acknowledge and celebrate significant contribution by members of the community relating to the showground.

COUNCIL IMPLICATIONS**Budget/Financial**

The expenditure associated with the implementation of the signage will be charged against FN: 570123 - Buildings in Other Services - Signage Renewals.

Asset Management

The on-going maintenance, operation and renewal of the signage will be planned for in the Open Spaces Asset Management Plan.

Policy or Regulation

The following references are applicable to this report:

- Geographical Names Act, 1966
- Naming of parks, reserves and facilities Policy V3.0

Consultation

The community were provided the opportunity to make submissions and learn more about naming of the main pavilion on a dedicated Clarence Conversations webpage. Identified stakeholders were directly emailed to be engaged in the consultation process.

Initial submissions opened on Friday, 12 February and closed 5:00pm Friday, 5 March 2021. The further on line poll closes on 19 March 2021.

The new name is expected to be announced at the Maclean Show to be held on the Tuesday, 20 April 2021 – Wednesday, 21 April 2021.

Legal and Risk Management

The Geographical Names Act, 1966, empowers the Geographical Names Board (GNB) to assign names to places, to investigate and determine the form, spelling, meaning, pronunciation, origin and history of any historical name, and the application of such names to a position, extent or otherwise.

Climate Change

N/A

Prepared by	Gavin Beveridge, Parks & Recreation Officer
Attachment	Nil

ITEM 6a.21.011 TOWNSEND PARK UPGRADE – ADDITIONAL FUNDING

Meeting	Council	23 March 2021
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Yes	

SUMMARY

This report seeks Council's endorsement to accept a further offer of \$175,000 (incl. GST) from the NSW Government's 2020-21 Everyone Can Play grant program to complement the funding and project delivery model endorsed at the 23 June 2020 ordinary meeting of Council [Item 6c.20.092].

OFFICER RECOMMENDATION

That Council accept an offer of \$175,000.00 (incl. GST) from the NSW Government's 2020-21 Everyone Can Play grant program to deliver a new inclusive play space in Townsend Park.

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

Strategy 2.1.4 Manage and enhance our parks, open spaces and facilities

BACKGROUND

Council considered a report at the 23 June ordinary meeting of Council [Item 6c.20.092] at which it resolved:

That Council;

1. *Receive and note this report regarding Townsend Park.*
2. *Endorse Council officers and the Lions Club of Maclean collaborating to achieve an improved outcome for the community at Townsend Park.*
3. *Endorse altering the Playground Asset Management Plan priority list bringing forward the Townsend Park playground renewal from 2022 to 2020 and to allocate \$140,000 from PJ550166 (Playground Equipment) 2020/21 budget.*
4. *Endorse the expenditure of the \$140,000 from the NSW Government SCCF Round 3 granted to the Lions Club of Maclean to construct a half sized multipurpose court and other park facilities at Townsend Park.*
5. *Include an all-abilities carousel similar to the one in Jacaranda Park.*

KEY ISSUESEveryone Can Play Guideline

The NSW Government has developed The Everyone Can Play Guideline which provides design principles and sets best practice recommendations for play spaces of all sizes, types and budgets. The guideline aims to play a key role in ensuring inclusive play becomes the norm in NSW. When it comes to determining if a play space is truly inclusive, it is important to consider the wider context, around and through the project concept and ask: Can I get there? Can I play? Can I stay?

Open Spaces staff have gained knowledge of the guideline through attendance at PLA Conference – Tamworth and Coffs Harbour information sessions. The guideline is currently being utilised to inform design briefs, address existing play spaces, and determine improvements to increase inclusivity, influence budget setting for play spaces and to educate staff.

Design

In response to item 5 of Council Minute 6c.20.092 'Include an all-abilities carousel similar to the one in Jacaranda Park' and The Everyone Can Play Guideline Council officers reviewed the proposed design against Can I get there? Can I play? Can I stay?, the outcome of this review identified the need to alter the design to include additional pedestrian links (between Gulmarrad/Maclean shared path); picnic facilities;

architectural shade; wet pour rubber softfall; additional all-abilities equipment to complement the all-abilities carousel.

The implications of these changes being a need to reallocate funding from elements already proposed or to seek additional funding. As the NSW Government's 2020-21 Everyone Can Play grant program became available the decision was made to apply for additional funding.

COUNCIL IMPLICATIONS

Budget/Financial

The total project budget available is \$400,000 being derived from:

- \$207,430 FinProj 945051 Townsend Park Playground Equipment Renewals
- \$140,000 from the NSW Government SCCF Round 3 granted to the Lions Club of Maclean
- \$50,000 from the Federal Government's Local Roads and Community Infrastructure Program [Item 6c.20.180]

Should Council resolve to accept an offer of \$175,000 (incl. GST) from the NSW Government's 2020-21 Everyone Can Play grant program, the total project budget available to deliver this program of works will be \$572,430.00.

A detailed construction estimate using quotes received and provisional sums (\$200,000.00 for playground equipment) has been prepared for the works, the current estimate to deliver the works being \$568,700.00.

Asset Management

Townsend Park is a 1.32 hectare local level park, embellished with a children's playground, 2 pan toilet block, timber picnic table and shelter, bubbler and litter bin. The assets are serviced and maintained by Council officers in line with established service levels. The park is connected to sewer and potable water, there is currently no electrical service to the park.

Playground

The playground equipment, edging and impact attenuation material was installed in the year 2000 being in poor condition and requiring renewal. The Playground Asset Management Plan identifies the asset for renewal in 2022.

Toilets

The toilet block is in fair condition, however, would benefit from renewal and upgrade to better service the community.

Picnic Facilities

The picnic facilities (1 table / shelter, drinking fountain, litter bin) are in fair condition, however, would benefit from renewal and upgrade to better service the community.

Competition sized multi-purpose court

The proposed multi-purpose court complete with fencing and LED lighting would be a new asset and would need to be added to Council's Asset Register, and operations and maintenance works list. Should the court be constructed as proposed inclusive of removable tennis court net, and lighting there would be a need to form a management contract with a third party as the operations would be beyond Council's current capacity.

Policy or Regulation

- Local Government Act and Regulation
- Sustainable Procurement Policy – Supporting Local Business
- Playgrounds Asset Management Plan S3V1
- Playground Policy V1.0
- Clarence Valley Council Disability Inclusion Action Plan 2017 – 2021
- Clarence Valley Open Space Strategic Plan 2012-2021
- NSW Government Everyone Can Play (ECP) Guideline

Consultation

Council officers have met with representatives of the Maclean Lions Club to discuss the opportunity to alter the grant funding scope to achieve an improved outcome for the project and community. Council officers have maintained an open dialogue with the Maclean Lions Club informing with the intention to apply for additional funding and sharing ideas on the project.

Council officers together with representatives of the Maclean Lions Club undertook community engagement via Council's 'Clarence Conversations' between 15 August and 1 September 2020, and on site on Saturday 29 August 2020 from 12 pm till 2 pm. The Clarence Conversation page recorded 331 visits with 104 people engaged and received more than 100 submissions (refer attachment for summary of results).

Legal and Risk Management

Council works directly with industry to ensure all new playgrounds are constructed to comply with the relevant Australian Standards, with this compliance being documented through independent engineering certification.

Dedicated Open Spaces & Facilities staff maintain Council's network of playgrounds in line with the associated manufacturers handbooks and have also established and implemented playground inspection procedures based on the relevant Australian Standards and the defined service levels. Routine visual and operational inspections are completed by suitability competent staff, with the comprehensive inspections being completed by independent Level 3 accredited inspectors.

Climate Change

The provision of any new asset results in resource consumption and emission production factors that contribute to climate change, to minimise the impact the materials used will contain a high content of material that can be recycled at the end of its useful life.

Prepared by	David Sutton, Open Spaces Coordinator
Attachment	A. Townsend Park - Daily Examiner Article B. Townsend Park - Clarence Conversations C. Townsend Park - Everyone Can Play Successful Offer

ITEM	6a.21.012	UNAUTHORISED FREEDOM CAMPING PROGRAM - EXTENSION AND CONCLUSION OF WORKING GROUP
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Meeting	Council	23 March 2021
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment, Planning & Community (Des Schroder)	
Attachment	Yes	

SUMMARY

Council's Working Group on Campers met on 16 February 2021 and resolved recommending to Council consideration of additional permanent and temporary signage and concluding the group after the planned May 2021 meeting.

OFFICER RECOMMENDATION

That:

- Council allocate budget of \$3,000 for two Variable Messaging Signs (VMS) for use over Easter holidays to be funded from Ranger Operations – contractors (PJ 994190-7353-2201).
- Council approve the installation of "No Parking Midnight-5am" signage along Clarence Street near Flinders Park to be funded from Parks Signage Renewals (PJ 550203).
- Council consider "No Parking Midnight-5.00am" signage along The Crescent at Angourie as part of a future parking study.
- The Working Group on Campers group conclude following the proposed May 2021 meeting.

LINKAGE TO OUR COMMUNITY PLAN

Theme 3 Economy

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

Strategy 3.1.1 Promote the Clarence region as a wonderful place to invest, live, work and visit

BACKGROUND

Unauthorised freedom camping in mobile vans/campervans remains a key issue in the Clarence Valley. Camping at locations across the Clarence Valley, including new areas endorsed by Council as part of resolution 6b.20.099, are being regulated by Council Rangers.

As anticipated, the 2020/21 Christmas and New Year holiday period saw a significant influx of freedom camping into the Clarence Valley with issues being predominantly experienced at Yamba, Angourie, Wooli, Iluka and Minnie Water.

KEY ISSUES

Council Rangers undertook successful early morning patrols over the Christmas/New Year period which received positive feedback from community members at the Working Group on Campers meeting held on 16 February 2021.

A summary of these compliance activities is below:

- 12 early morning patrols.
- Daily patrols of key areas.
- 227 infringements for illegal camping.
- Around 350 parking fines issued valley-wide.

A copy of the Minutes of the Working Group on Campers meeting held on 16 February is included in the attachments. At the meeting Council staff also outlined the proposed compliance activities over Easter.

To support future compliance activities including those proposed over Easter, the Working Group resolved to seek Council's approval to:

- Allocate two Variable Messaging Signs at Yamba for use over Easter.

- Install “No Parking Midnight-5am” signage along Clarence Street near Flinders Park.
- Consider “No Parking Midnight-5.00am” signage along The Crescent at Angourie as part of a future parking study.

It was also proposed to hold an additional meeting of the working group around May 2021 after the holiday period. The group resolved to recommend that Council conclude the Working Group on Campers following the proposed May 2021 meeting.

COUNCIL IMPLICATIONS

Budget/Financial

The cost of new signage will be met from existing budgets. The estimated cost of two Variable Message Signs (VMS) over the Easter holiday period is approximately \$3,000.

Asset Management

The ongoing maintenance, operation and renewal of the No Parking 12AM-5AM areas signage will be planned for in the Open Spaces Asset Management Plan.

Policy or Regulation

Local Government Act 1993

Road Transport Act 2013

AS 1742.11-1999 Manual of uniform traffic control devices – parking controls

Roads and Maritime Traffic Signs Register

Consultation

The Working Group on Campers is chaired by Cr Peter Ellem with input from community stakeholders and Council Staff.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Adam Cameron, Manager Environment, Development and Strategic Planning
Attachment	Working Group on Campers meeting Minutes – 16 February 2021

ITEM 6a.21.013 DEVELOPMENT APPLICATIONS

Meeting	Council	23 March 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 28 February 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)
634	575	\$84,475,007.10	82	Average : 59 days Median: 41 days

Of the 575 approved Development Applications between 1 July 2020 and 28 February 2021, 274 (48%) 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 February 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

ITEM	6a.21.014	ACQUISITION OF PART RESERVE 95853 GRAFTON – PART FRANK MCGUREN PARK
Meeting	Council	23 March 2021
Directorate	General Manager	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Yes	

SUMMARY

To further consider the value of the land to be acquired from the State of NSW to resolve the existing encroachment of a Council owned building on Crown Reserve 95853. The purpose of the acquisition is to transfer ownership to Police Citizen Youth Club for an agreed sum of \$1.

OFFICER RECOMMENDATION

That Council:

1. Proceed with the compulsory acquisition of the land described as Lots 1 and 2 DP 1270948 being part of Lots 197 & 202 DP 751371 for the purpose of resolving the existing encroachment of a Council owned building on Crown Land in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*.
2. Agree to the acquisition by agreement in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* for an agreed value of \$78,300.00 (including GST).
3. Council make an application to the Minister and the Governor for approval to acquire Lots 1 and 2 DP 1270948 being part of Lots 197 & 202 DP 751371 by compulsory process under section 186(1) of the *Local Government Act 1993*.
4. That the land is to be classified as operational land.

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

Strategy 2.1.3 Provide strategic asset management planning

BACKGROUND

Council resolved at its meeting on 28 July 2020 to:

That Council:

1. *Proceed with the compulsory acquisition of the land described as proposed Lot 1 being part of Lots 197 & 202 DP 751371 for the purpose of resolving the existing encroachment of a Council owned building on Crown Land in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991.*
2. *Apply to the State of NSW to complete the acquisition by agreement under Section 29 and 30 of the Land Acquisition (Just Terms Compensation) Act 1991 for an agreed value no more than that identified in the confidential Valuation report attached.*
3. *Council make an application to the Minister and the Governor for approval to acquire proposed Lot 1 being part of Lots 197 & 202 DP 751371 by compulsory process under section 186(1) of the Local Government Act 1993.*
4. *That the land is to be classified as operational land.*

A Valuation report was obtained from Acumentis, which was included as a confidential attachment and set out the value for the land on 19 June 2020 at \$63,888.

Upon application to Crown Lands they advised that this valuation was outdated and requested an updated value. An updated valuation report was obtained which set the value on 22 December 2020 at \$62,840.

The acquisition plan has been finalised and registered and the land to be acquired is now Lots 1 and 2 DP 1270948.

KEY ISSUES

Crown Lands have considered the valuation and have provided the following response.

1. *Some of the provided sales are dated. However, this is expected given the zoning and lack of comparable sales over the past few years. Sales range from \$7.50/sqm up to \$40/sqm. The Valuer has adopted \$20/sqm and considering the regular shape of the parent lot, very easy access and location in the middle of Grafton City, we consider this rate comparatively low.*
2. *The Valuer has incorrectly omitted reference to GST for the analysed value of the site. Any liability for the GST is a factor in the market for property and is therefore embedded in the land's market value as defined in section 56 of the Land Acquisition (Just Terms Compensation) Act 1991, and also in allowances for certain other costs, consequently this determination should be GST inclusive where applicable.*
3. *Based on the above and limited other Recreation zoned sales on the north coast, we consider the market value for the subject acquired land is representative of \$25/sqm inclusive of GST. The valuation calculation are as follows:*

3,092 sqm @ \$25/sqm = \$77,300

This is applicable for section 55(a) market value of the Act. To this we can add the determination of compensation made by the Valuer for section 55(f) which was assessed at \$1,000. Our determination of compensation is \$78,300 including GST (Seventy Eight Thousand Three Hundred Dollars).

The figure proposed by Crown Land is \$71,118.10 (excluding GST), which is an increase of \$7,230.10 from the value approved by Council at its meeting on 28 July 2020.

If Council proceeds with the acquisition via compulsory acquisition and not by agreement, the costs incurred by the Valuer Generals department could potentially be in excess of \$10,000. Considerable staff time has now been allocated to resolving this matter and it is recommended to accept the value requested by the Crown Lands department to expedite conclusion of the transfer.

COUNCIL IMPLICATIONS**Budget/Financial**

The acquisition is being costed to FP 995005 – Property Management which is funded from RA10520 Strategic Building Reserve. There is adequate funds available to support the increase in the compensation value.

Asset Management

Acquisition of the land subject to the encroachment will allow Council to properly manage the asset and complete the transfer of the asset to the PCYC.

Policy or Regulation

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Consultation

Not Applicable

Legal and Risk Management

As reported previously, as the land to be acquired is Crown Land, native title is assumed to exist until determined otherwise. Council's principal Native Title Manager has previously assessed this land and has provided advice that native title may have been extinguished by a previous exclusive possession act under s24B(2) of the *Native Title Act 1993* (Cth) (refer Council meeting 11 December 2018, item 15.215/18). Nonetheless, native title considerations will form part of the acquisition process.

Climate Change

Not Applicable

Prepared by	Kylee Baker, Property Coordinator
Attachment	Correspondence received from Crown Lands dated 17 March 2021

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 March 2021 commencing at 3.30pm and closing at 5.16pm.

MEMBERS

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

PRESENT

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

APOLOGY – Nil

DISCLOSURE AND DECLARATIONS OF INTEREST - Nil

SUBMISSIONS RECEIVED

6b.21.008 - Four Lot Subdivision Lot 260 DP751388 and Lot 368 DP751388 Micalo Road, Micalo Island	
Against the Officer Recommendation	<ul style="list-style-type: none"> • A Fletcher & Associates Pty Ltd (Applicant) • Lee-Anne Boothby • Linda Wright & Santiago Acera • Clarence Environment Centre (John Edwards)
For the Officer Recommendation	<ul style="list-style-type: none"> • Allan & Jan Armstrong
6b.21.009 - DA2019/0152 – Temporary Use of Land (Function Centre) – Micalo Road, Micalo Island	
Against the Officer Recommendation	<ul style="list-style-type: none"> • Les Vance (Applicant)
6b.21.010 - DA2020/0658 Proposed Carport - 3 Gumnut Road, Yamba	
Against the Officer Recommendation	<ul style="list-style-type: none"> • Gary Stibbard (Applicant)

ITEM	6b.21.008	SUB2019/0044 FOUR LOT SUBDIVISION LOT 260 DP751388 AND LOT 368 DP751388 MICALO ROAD, MICALO ISLAND
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Meeting	Environment, Planning & Community Committee	16 March 2021
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	A. Fletcher & Associates Pty Ltd
<i>Owner</i>	Axseven Pty Ltd
<i>Address</i>	Lot 260 DP751388 and Lot 368 DP751388
<i>Submissions</i>	Three (3)

Development Application SUB2019/0044 for a proposed 4 lot subdivision was submitted to Council on 9 December 2019. A number of issues were identified under the proposal, namely lack of Aboriginal heritage assessment and establishment of legal and practical access over private land and Crown road reserves.

There were 3 letters of objection received during the notification process.

This report provides an assessment of the application, a summary of the submissions received and a recommendation for Council's consideration. This report should be read in conjunction with DA2019/0152 which is also reported to the March Council meeting which is for a temporary approval of a Function Centre on Micalo Island known as 'The Shack'.

OFFICER RECOMMENDATION

That Council:

1. Approve SUB2019/0044 subject to the conditions contained in Schedule 1; including the transfer of the road lengths to Council, and
2. Accept the inclusion of the additional lengths of road in the Roads Asset Register of Council's Roads Policy once the road is constructed to the required standards.

MOTION

Clancy/Novak

That Council refuse development application SUB2019/0044 on the following grounds:

1. The ecological assessment does not meet the requirements of the Environmental Planning and Assessment Act and contains significant errors and omissions;
2. The transfer of the right of carriageway to Council is in doubt resulting in there being no compliant access to the site;
3. The environmental impact of four dwellings on the site has not been adequately addressed.

Voting recorded as follows:

For: Clancy, Novak

Against: Baker, Simmons, Williamson

The Motion was put and declared LOST.

COMMITTEE RECOMMENDATION

Williamson/Baker

That Council:

1. Approve SUB2019/0044 subject to the conditions contained in Schedule 1 including the transfer of the road lengths to Council, and
2. Accept the inclusion of the additional lengths of road in the Roads Asset Register of Council's Roads Policy once the road is constructed to the required standards.
3. Amend Advices 4-d and 5-c to require a bond for 50% for the cost of the road works.

Voting recorded as follows:

For: Williamson, Simmons, Baker

Against: Clancy, Novak

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

Council received the abovementioned application on 9 December 2019 for a 4 lot subdivision over Lot 260 DP751388 and Lot 368 DP751388. The land has been used in the past as a prawn farm and the aquaculture ponds remain unused on the land. A number of issues were identified under the proposal, namely lack of Aboriginal heritage assessment and establishment of legal and practical access.

The proposal was referred the Natural Resource Access Regulator on 23 December 2019 who have advised that a controlled activity approval for the application is not required.

An ecological assessment was undertaken for the development which found that there are no listed threatened critically endangered ecological communities, threatened flora or fauna species or migratory species listed under the EPBC Act found on the site and that:

- *Only a very small area of native vegetation (0.04 ha) and small area of the constructed water bodies (0.9 ha) will be removed as part of the proposal.*
- *The vegetation being removed is in low condition.*
- *The vegetation to be removed does not include any habitat critical for the survival of these species.*
- *The habitat to be removed comprises only a small proportion considering the larger area of better quality habitat being retained in the study area.*

The proposal has aimed to avoid impacts on native vegetation and habitat values by focusing development in areas of exotic grasslands, degraded vegetation and open water associated with the constructed water bodies.

The proposal includes a 4 lot subdivision and construction of four (4) dwelling 'pads' that would result in impacts to 0.04 ha of native vegetation and 0.9 ha of the constructed water bodies

Lot 260 (121.4ha) and Lot 368 (54.13ha) comprise a total area of 175.53ha. The total area of 0.94 ha to be developed is only a small portion of the overall area that will remain untouched by the development. The applicant will be required to provide an offset to the vegetation removal in accordance with Council's Biodiversity Offset Policy.

The proposed access to the lots will require an extension and construction of Micalo Road up to the last property access. Currently the access is not in accordance with Council's requirements for practical and legal access. Approving the development and transferring additional lengths of road to Council will provide practical and legal access to the site and allow the land to be subdivided and dwellings constructed on the future lots. The existing 1.1 km section of Micalo Road from the intersection with Yamba Road is in poor condition and will need to be upgraded to accommodate the increased traffic on the road and improve the safety of road users.

At the end of the maintained section of Micalo Road, the access becomes a private road over a right of carriageway (ROC) on private property (Lot 5 DP1032387) for a length of approximately 770m. At the end of the ROC the road then becomes a Crown public road for a length of approximately 1.3km. The land to be subdivided is not benefited by the ROC.

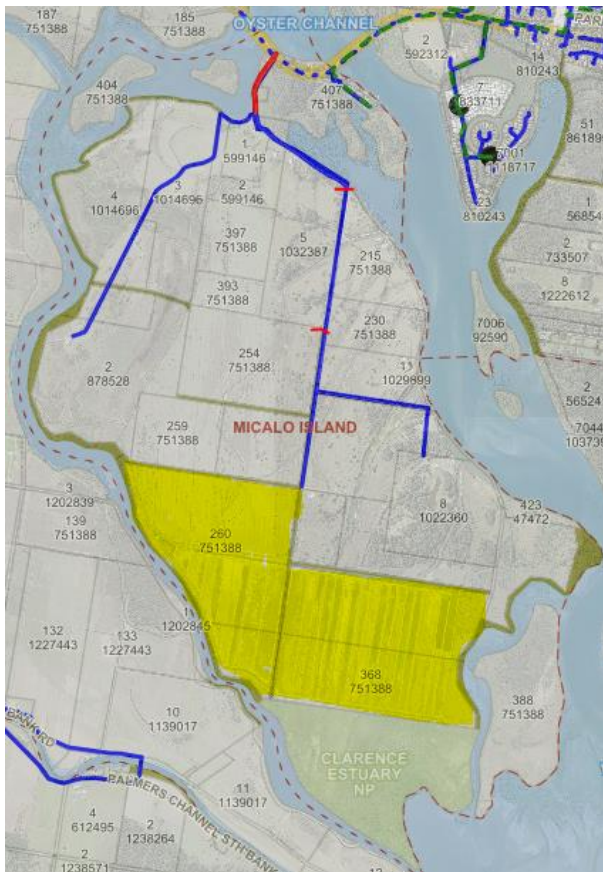


Figure 1 Micalo Island access, water main location, land highlighted

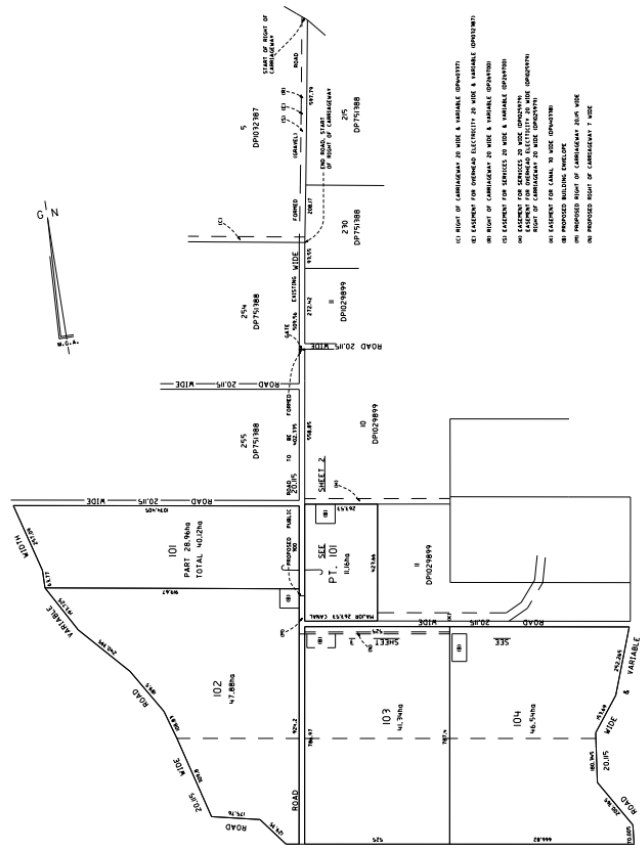


Figure 2 Proposed four lot subdivision Micalo Island

Additional information was requested on 19 December 2019, 5 March 2020 and 8 January 2021 regarding legal and practical access to the proposed lots and further liaison with Yaegl Local Aboriginal Land Council. The applicant was granted a number of extensions to provide the information and to allow for negotiations with the land owner of Lot 5 DP1032387. The application has now been with Council for over 450 days.

On 14 January 2021 the applicant asked Council for a further extension of time to complete the Aboriginal archaeological assessment for a period of 3 months. The applicant also advised that:

- Their clients have recently signed a Consent Deed with the owner of Lot 5 (DP1032387) whereby he agrees to allow the dedication of a Council public road 20m wide over the current ROC and various easements for access, services and power over the strip of land.
- Their clients have also been in contact with the five current beneficiaries of the existing ROW/easements to obtain their written agreement to create the public road and extinguish their existing easement rights.
- It is now intended to proceed with the road dedication survey, marking and plan preparation. Once completed and current beneficiary's consent is obtained, the applicant will forward to Council for signature and lodge with the NSW LRS office for registration.
- In regard to dot points 2 and 3 (above), the applicant is of the opinion that these requirements (particularly 3) are too onerous at DA stage given that there will be approximately 3 additional lots/users(27AADT) on this road/intersection. However, their clients are willing to proceed with these studies now (given that they would be a condition of consent anyway) but submit that 21 days is a totally inadequate time frame in which to respond. The applicant states that 8-10 weeks is a more reasonable time frame. The applicant does not wish to withdraw the current DA.

The options for Council are to:

1. Refuse the application on the basis that it has been with Council for over 450 days and it is unreasonable for Council to defer the assessment of the proposal further.
2. Approve the proposed subdivision and require that further liaisons with Yaegl Local Aboriginal Land Council, road surveys, acquisition of land and road design be completed prior to the issue of a Subdivision Certificate.

In the circumstances it is recommended that the outstanding matters be addressed as conditions of consent. Option 2 will allow the unresolved issues to be dealt with, which may take considerable time to be sorted, and is the preferred option.

KEY ISSUES

Issue 1 - Micalo Road, access over Lot 5 DP1032387 and access over Crown roads

There are a number of issues with the access that Council must consider in regard to the proposed subdivision.

- Currently there is no certainty that Council (CVC) would have legal access to the sections of Crown road reserve proposed to be transferred to Council. If transferred to Council control this could be problematic where Council is required to gain access to the road over private land. The transfer of the 20m wide strip of land that has the current ROC and easements to Council is crucial for future access to Council and to future owners of the lots proposed under this application.
- Council's water main extends through Lot 5 and the Crown road reserve up to Lot 260. Transfer of the roads will guarantee Council access to this asset. All lots will require frontage to a water main in accordance with Council's adopted Sewer and Water Connection Policy.
- Part C8.5 of the Rural Zones Development Control Plan (DCP) states '*For the purposes of clause 7.8(e) of the CVLEP 2011 "suitable road access" for the purposes of development in rural zones is deemed to be satisfied when the lot being developed has frontage to a sealed public road or a Category 1 unsealed road listed in Council's adopted Roads Policy.* The transfer of the road will result in the lots having suitable road access.
- Under the Roads Policy, Council is able to accept of additional lengths of roads for inclusion in Council's Roads Asset Register (Crown roads or extension of Council roads) if they meet all the following criteria:
 1. *The subject road will be the sole means of access to at least one lawful continuously occupied residence(s) or property with a lawful dwelling consent. Council will also give consideration to the length of road to be maintained, gradients, construction impacts, the cost of maintaining the additional length of road and the number of residences on the road and distances between residences in determining whether the road should be accepted.*

Comment: The subject road is not the sole access to the property though is the most practical road for the purpose of the development to give the proposed lots frontage to a Council maintained road. If accepted there will be 5 current uses/residences gaining access from the road. The current legal access is via an unformed ROC and the access is not suitable for the proposed development.

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

Comment: The road will allow up to the access point of the furthest property.

3. *Where Council accepts the transfer of a Crown road it shall approach the State Government to have the road reclassified as a public road over the nominated length. If the road is accepted for inclusion to the Roads Asset Register, all costs for reclassification are to be met by the applicant.*

Comment: It will be required that the applicant apply to reclassify the road and all costs are to be met by the applicant.

4. *The constructed road shall be wholly located within the designated road reserve. Where this is not practical and the access is otherwise acceptable realignment of the road reserve can be approved, with all costs to be met by the applicant.*

Comment: It will be required that the existing access track is located wholly within the existing road reserve.

5. *The road shall be constructed at no cost to Council to the required standard. Category 1 roads shall be constructed as specified in the Northern Rivers Development and Design Manual – Version 2 and the Northern Rivers Construction Manual. An exception may be made for existing unmaintained unsealed public roads which may be accepted as Category 2 roads subject to the roads meeting a specified standard of a minimum 6 metre wide constructed carriageway or 4 metre wide constructed carriage way with passing bays at a maximum of 200 metre intervals. The minimal gravel depth of the road shall be 100 mm of appropriately specified gravel for unsealed roads. Additional*

requirements to address design, environment, drainage and safety issues may also be required as assessed by Council. The decision on whether Council will accept a road as either Category 1 or Category 2 is at the discretion of Council and will be based on the access, development and maintenance implications of the access.

Comment: It is proposed that the road will be upgraded to a sealed road consistent with Council's road standards and specifications.

6. *There shall be no timber bridges located on the subject road.*

Comment: There are no timber bridges located on the sections of road to be transferred.

- The 3.37km (approx.) sections of road proposed for access are currently gravel roads with a variable width between 4.5m to 6m and are in poor to average condition. Council's standard AUS-Spec requires a minor no through rural road to have a 6m wide seal and 0.5m shoulders. The construction of the road may require realignment of the road reserve in sections and is to be confirmed by survey.
- A road safety audit and traffic impact assessment will need to be provided to Council in regard to the current condition of Micalo Road, including the intersection with Yamba Road. Improvements that are recommended by these assessments will be required to be implemented to ensure the safety of the road.
- Micalo Island is flood prone land and the sealing of the road will result in less maintenance if the road is transferred to Council in the long term.

Comment

Council's Civil Services section has provided that there appear to be 3 options to the applicant:

1. Transfer the Crown roads to Council but leave the ROC alone – though there is no legal access for Council to get to the roads; not having legal access could create huge issues for Council.
2. Purchase the Crown roads and extend the existing ROC to include them – though there is the DCP issue of too many lots accessing via ROW and may be problematic limiting subdivision potential.
3. Dedicate the ROC to Council and transfer the Crown roads to Council including upgrading to modern standards.

Only options 2 and 3 appear to be viable. The third option is the recommended option to Council.

It is considered reasonable in the circumstances of this development proposal that the requirements under the Roads Policy and Council's Sewer and Water Connection Policy be met as conditions of consent. If the road is adopted to Council's Road Maintenance Register, the applicant will be able to meet the criteria for 'suitable road access', and as such, dwellings could be approved on the newly created lots.

The proposed ROC over Lot 103 to service Lot 104 is not in accordance with Council's Sewer and Water Connection Policy and will be required to be provided as a battle axe type configuration for access and for services.

Issue 2 – Matters raised in submissions

Three submissions from adjoining land owners/road users were received regarding the proposal.

Concern was raised that there is no agreement in place for the current land owner to use the road for access to the lots. The road has a 'private property' sign in place and the proposal would result in a dramatic traffic increase, would heavily encroach upon our privacy and add additional stress to an already poorly maintained road. Also the transfer of Crown roads is to benefit the developer only. The best outcome would be for the developer to build a public road to join the Council maintained road.

Comment

A consent deed for the purchase of the ROC between the land owner and developer and eventual transfer (if agreed by Council) has now been entered into for the section of road/ROC on private land. Council also has the ability to transfer the sections of Crown road reserve as part of this application. Once constructed the road will be added to the Road Maintenance Register. The transfer and upgrading of the road will provide a better outcome to all road users, improve the current road network and allow for the land to be subdivided

and dwellings approved on the lots. Constructing a sealed road network to the required standards will result in less future maintenance requirements of Council. As proposed, the road will be upgraded at the full expense of the developer and at no cost to Council.

COUNCIL IMPLICATIONS

Budget/Financial

Before the road is transferred and dedicated to Council, the road will be required to be upgraded to Council's standards and services extended at no expense to Council. Any decision to extend the Council maintained length of road will impact on Council's budget in the future. Upgrading the road to the required standard will result in less routine maintenance costs by Council in the long term.

Asset Management

If the road is transferred to Council an additional 2,200m (approximate) of road will be included in Council's Roads Asset Register. Before the road is transferred and dedicated to Council, the road will be required to be upgraded to Council's standards.

Policy or Regulation

Environmental Planning and Assessment Act, 1979
 State Environmental Planning Policy No. 55 – Remediation of Land
 State Environmental Planning Policy (Rural Lands) 2008
 Clarence Valley Local Environmental Plan 2011
 Rural Zones Development Control Plan
 Council's Roads Policy
 Council's Biodiversity Offset Policy

Consultation

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Civil services	Supported with conditions
Development Services Development Engineer	Supported with conditions

Legal and Risk Management

Council already carries a certain level of risk in regards to the use of the road by those benefited by the ROC and use of sections of Crown road reserve for access to their approved dwellings. Transfer of the road allows for administrative arrangements to formally rest with the appropriate roads authority for management as part of their road network.

Council has adopted policies that set out required access and servicing arrangements and adherence to the policy requirements ensures that Council's requirements are met by the developer.

If the applicant is dissatisfied with Council's decision they may have a right of appeal to the Land and Environment Court, which will incur financial cost to Council.

Climate Change

Provision of new lots that allow residential housing in rural areas generates greenhouse gases compared to less dispersed and fragmented forms of development. Further, future dwellings will need to be compliant with the NSW Government's building sustainability index in terms of thermal comfort, water efficiency and energy efficiency and achieving this certification makes new residential development more sustainable and less of a contributor to climate change compared to older forms of housing. Through the offset of vegetation removal in accordance with Council's Biodiversity Offset Policy, the development will have a negligible impact on the environment and minimise its contribution towards climate change.

Prepared by	Pat Ridgway, Senior Development Planner
Attachment	A. Subdivision Plans B. Submissions C. Section 4.15 assessment report D. Extract of Statement of Environmental Effects

Schedule 1 – Draft advices and conditions of consent

DEFINITIONS

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

- a Northern Rivers Local Government Development and Design Manual (AUS-SPEC)
- b Northern Rivers Local Government Construction Manual (AUS-SPEC)
- c Northern Rivers Local Government Handbook of Stormwater Drainage Design (AUS-SPEC)
- d Northern Rivers Local Government Handbook for Driveway Access To Property (AUS-SPEC)
- e Water Supply Code of Australia (WSA 03 - 2002)

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

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

Civil Works may include -

- a Earthworks
- b Roadworks (including driveways)
- c Drainage works
- d Water Reticulation
- e Provision of Utility Services

SWC means Subdivision Works Certificate

NATA means National Association of Testing Authorities

TfNSW means Transport for New South Wales

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

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

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

VENM means Virgin Excavated Natural Material. **ENM** means Extracted Natural Material.

ASS means Acid Sulfate Soils

ADVICES:

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

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

2. A private certifier accredited for Civil Construction under the NSW Building Professionals Act 2005 (Categories B and/or C), may be engaged for all or part of civil works (subdivision and/or on private property) other than public infrastructure water and sewer reticulation works. Accreditation of private certifiers for public sewer and water reticulation works is not offered under the Building Professionals Act 2005.

Connection to Council drainage, water and sewer systems require the approval of Council under the NSW Local Government Act.

Works within public road reserves require the approval of the Road Authority as defined in the NSW Roads Act.

3. Where a Road Safety Audit (RSA) is required it is to consider safety deficiencies of the road including, but not limited to:
- What is potentially dangerous about the road or what could lead to crashes occurring or injury resulting,
 - Roadside Hazards (large trees and non-frangible power poles within the clearway – 1- 2m of the edge of formation),
 - Approach signs and Line Marking for Intersection with Yamba Road,
 - Sight distance at intersection with Yamba Road,
 - Road narrowing at the culvert,
 - Blind/tight corners,
 - Sight distances obstructed by vegetation and buildings,
 - Poor road definition at night, and
 - Overall condition of Micalo Road pavement.

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

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

- a) A cheque for the application fee made out to the relevant government department.
 - b) Council's administration fee in accordance with the fees and charges at the time of the application.
 - c) A plan showing the extent of the road to be transferred.
 - d) A bond to the value of 130% of the cost of the road works.
5. Council will not grant permission for roadworks to be undertaken on private property with easement for access until the road reserve has been transferred to Council. The applicant will be required to lodge a bond with Council for the cost of the roadworks to ensure that the road is upgraded within an acceptable time frame after the transfer of the road to Council.
- Prior to an application being made for the dedication of the private road to Council the applicant will be required to provide to Council:
- a) Council's administration fee in accordance with the fees and charges at the time of the application.
 - b) A plan showing the extent of the road to be transferred with adequate design detail of required works to determine estimated cost of the road works.
 - c) A bond to the value of 130% of the cost of the road works.
6. A completed 'Design Certification Report' with supporting documentation, in accordance with the requirements of **NRDC** must be submitted to Council and/or accredited private certifier with the submission of the **SWC** application.

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

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

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

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

8. The boundary of the existing lot currently has frontage to and is serviced by a 40mm water connection and meter. It will be required that the existing reticulated Council water network be extended to provide each proposed lot with frontage to a water main in accordance with the requirements of the adopted Sewer and Water Connection policy.

The existing 40mm water connection retains a 4.7 ET credit for water. If the existing connection is to remain, the lot in which it is servicing as part of the development will retain this water credit. Any additional lot over 2,000m² will attract a 1.2 ET contribution for water. If the meter is reduced to a standard meter (20mm), then the credits may be distributed throughout the proposed new lots. This is to be determined at the time of application for a certificate of compliance.

9. 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 3.6 ET demand on Council's water supply. This does not include credit for pre-existing connection. The headworks charges at 2020/21 financial year rates are:

Water Headworks \$4,979.00 x 3.6 additional ET = \$17,924.40

If the applicant wished to access the existing credit for offset of the proposed development, the existing connection to the Lot is to be reduced to provide a 20mm water connection and meter. This will be subject to separate application and fee in accordance with the adopted Schedule of Fees and Charges current at the time of payment.

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

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

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

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

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

The Earthworks Management Plan must:

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

The following information will be required for earthworks undertaken:

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

11. All building and construction work, which includes subdivision and civil works, which cost \$25,000 or more require the payment of the long service levy prior to a Construction Certificate being issued. The levy is required under the Building and Construction Industry Long Service Payments Act 1986. The total value of works must be included on the Construction Certificate Application form.
12. A Subdivision Certificate fee is charged for the endorsement of linen plans. Fees for the 2020/21 financial year are \$250.00 plus \$30.00 per additional lot (minimum \$250.00). An additional fee of \$113.55 is payable if the Subdivision Certificate requires the signing of an 88B instrument by Council.
13. The recommendations of the preliminary site investigation for contamination report by Practical Environmental Solutions are included as conditions of consent in this notice of determination.

14. The Natural Resource Access Regulator have advised by letter dated 5/5/2020 (REF IDAS1122020) that a controlled activity approval for the application is not required.
15. It is the developer's responsibility to make satisfactory arrangements with other property owners affected by the development to meet all costs associated therewith.
16. The proposed wastewater management systems must comply with the Effluent Disposal Report prepared by TRUEWATER Australia on the March 2019 (or other approved by Council).

CONDITIONS

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

Plan No	Drawn by	Plan Date	Sheet No	Revision
9377DET	A Fletcher & Associates	14.02.19	1	A
9377DET	A Fletcher & Associates	15.2.19	2	A
9377DET	A Fletcher & Associates	15.2.19	3	A

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 FacilitiesRate per Lot

Coastal \$3,834.85 x 2 = \$7,668.00 GL S94CVCOSCoastal

Clarence Valley Contributions Plan 2011 Community FacilitiesRate per Lot

Maclean surrounds \$3,834.85 x 2 = \$7,668.00 GL S94CVCCFMaclean

Clarence Valley Contributions Plan 2011 Plan of Management

Rate per Lot \$73.45 x 2 = \$146.90 GL S94CVCPoMDwell

Yamba Urban By-pass and Urban Intersections Contributions Plan 2000

Palmer's Island \$1,094.15 x 2.6 persons x 2 = \$5,689.58 GL S94YBPPalmer'sIs

Rural Roads Contributions Plan

Maclean Catchment: \$7,121.40 GL S94RdUpgdMacBhead

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 release of the Subdivision Certificate.

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

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

3. A Certificate of Compliance for Water and or Sewer works must be obtained from Council prior to release of the Subdivision Certificate for each and every stage of the development. This may require payment of a fee.
4. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.

5. An **ITP** must be submitted for approval with the application for a **SWC**. The supervising engineer or registered surveyor must arrange for the hold/witness point inspections, and accompany Council and/or accredited Private Certifier on the inspection unless alternative arrangements are made. Hold Point, Witness Point, On / Off Maintenance and/or Practical Completion inspections involving public infrastructure must be attended by Council officers.

Where Council is the Certifying Authority for civil engineering works the applicant must give Council one (1) business day's notice to attend inspections.

Hold Point, Witness Point and Audit inspections must be documented by the ITP and include the following works (but not limited to):

- A Pre-start Meeting (Attended by Council and/or Accredited Private Certifier, Principal Contractor & Supervising Engineer and/or Registered Surveyor)
- B Erosion & Sedimentation Controls
- C Earthworks
- D Roadworks
- E Stormwater Drainage
- F Sewer
- G Water
- H Other Services
- I 'On Maintenance' (Public Infrastructure)
- J Practical Completion (Works on Private Property)
- K 'Off Maintenance' (Acceptance of Public infrastructure by Council)

6. Prior to the issue of the Subdivision Certificate, Council will require satisfactory evidence that all requirements of the relevant telecommunications and power authorities have been complied with and all required contributions have been lodged.
7. The contractor engaged to undertake the construction works shall provide a Construction Management Plan (CMP) to Council, a minimum of seven days prior to commencing any works. The CMP shall be submitted to the Development Engineer at the following email address council@clarence.nsw.gov.au. The CMP shall be approved by Council prior to works commencing on site. The CMP shall set out the construction approach for the works and should seek to minimise disruption to the local community. As a minimum, the CMP must address the following areas:

Health and Safety

- A Public safety, amenity and site security;
- B Traffic Control and Management;
- C Pedestrian management;
- D Construction hours;
- E Noise control (All reasonable and feasible mitigation measures must be applied to reduce the potential noise and air quality impacts to sensitive receivers as a result of the construction of the proposal);
- F Contractor vehicle parking;
- G Locating existing utilities and services
- H Health and Safety requirements.

Environment

- A Air quality management;
- B Erosion and sediment control- base information, monitoring and management;
- C Waste management;
- D Material stockpiling;
- E Vegetation management;
- F No go zones;
- G Soil Contamination - an Unexpected Find Procedure/s in the unlikely event that Asbestos Containing Material or Contamination is discovered, disturbed or occurs during the works;
- H Heritage management including an Unexpected Find Procedure/s in the unlikely event that any items of Aboriginal or non-Aboriginal Heritage is discovered, disturbed or occurs during the works;

Quality

- A Submission of current insurance certificates;
- B Work method description;

- C Construction equipment to be used;
- D Inspection and testing requirements;
- E Earthworks methodologies;
- F Haulage routes;
- G Retaining structure construction methodologies;
- H Concrete jointing methodologies;
- I Subsoil drainage installation methodologies;
- J Stormwater drainage infrastructure installation methodologies;
- K Stormwater Quality Improvement Device installation methodologies
- L Road construction methodologies;
- M Access ways and footway construction methodologies;
- N Landscaping installation methodologies;
- O Utility and services installation methodologies
- P Construction and installation methodologies of other structures not otherwise covered above.

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

8. Associated **TCPs** must be prepared and submitted to Council showing how vehicle and pedestrian traffic will be safely managed within the work site and road reserve. **TCPs** must be prepared by a person authorised by **TfNSW** to prepare **TCPs** and must be endorsed by Council prior to the occupation of the road reserve and commencement of work.
9. The approval of Council under the Roads Act 1993 is required for construction works within and occupation of the road reserve. The road reserve is classed as the property boundary to opposite property boundary and includes roadway, nature strip and footpath.
10. For any part of the site that comes under the jurisdiction of another Government department, a Controlled Activity approval (or similar approval) may be required. Any such approval must be obtained and provided to Council prior to issue of the **SWC**.

Roadworks

11. Prior to issue of the **SWC**, a Traffic Impact Assessment must be undertaken by a suitably qualified person to determine the impact of the proposal on the intersection of Yamba Rd and Micalo Rd. The TIA must include SIDRA analysis of the of peak hour (AM and PM) traffic movements of the intersection for existing and combined traffic volumes generated by the proposal with 3.5% growth rate (cumulative) applied to Yamba Rd through traffic over a design horizon of 10 years. The report must assess the capacity of the existing intersection and identify, if required, any upgrade of the existing treatment in accordance with the requirements of Austroads Guide to Traffic Management Part 6: Intersections, Interchanges and Crossings. The report must also indicate the required level of intersection treatment in order to achieve an acceptable level of treatment based on the analysis outlined above for the worst case scenario.

If required, the Yamba Road – Micalo Road intersection upgrade must:

- A Designed and constructed in accordance with the requirements of Austroads and **NRDC**.
- B Provide asphaltic concrete wearing surface.
- C Minimum depth of suitable compacted pavement material.
- D Appropriate roadside drainage.

Where upgrade of the existing intersection treatment at Yamba Road and Micalo Road is required, an Intersection Design Plan must be submitted for approval with a **SWC** application, and works completed prior to the issue of the Subdivision Certificate.

12. The developer must conduct a Road Safety Audit over the access route to the development from Yamba Road and submit the report to Council. The Audit is to be carried out by a person or organisation that is accredited on the Register of Road Safety Auditors. All works resulting from the findings of the Audit are to be carried out by the applicant, unless agreed to in writing from Council. The detailed design and construction of all agreed works must be prepared as part of the **SWC** approval from Council

13. Prior to issue of the Subdivision Certificate, Micalo Road is to be upgraded and sealed from the intersection with Yamba Road to all lots of the proposed subdivision in accordance with the requirement of this condition. A Road Design Plan must be submitted for approval with a **SWC** application.

Micalo Road must be upgraded to provide:

- A Minimum 6.0 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 depth of suitable compacted pavement material.
- D Appropriate roadside drainage.

This standard of design and construction shall apply to the following sections of Micalo Rd:

- A Micalo Road under control of Council (~1.1km);
- B Right-of-carriageway section over Lot 5 DP1032387 (~0.77km) 20 metres wide to be dedicated to Council; and
- C Crown road reserve section (~1.5km) to provide access to proposed Lot 103 as part of the subdivision. The proposed right of carriageway (M) is not supported.
- D Sealed turnaround area to cater for refuse collection vehicle (this is to be demonstrated by submission of manoeuvring paths shown in accordance with AS2890).

This standard of design and construction may be varied in and surrounding the location of the existing Culvert crossings located within the road sections defined above where appropriate safety measures are provided to the satisfaction of Council.

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

14. The new road is on a part Crown road reserve currently under the control of the NSW State Government and part private property with easement for access. The transfer of the Crown road and section of private land to Council must be completed prior to issue of the **SWC**. Upon transfer of the Crown road and private road to Council, it will be necessary for the applicant to upgrade the road as detailed in this consent.
15. Benkelman beam testing of the constructed road pavement will be required, The testing is to be undertaken by a NATA registered authority with accreditation for using the Benkelman beam in accordance with RMS Test Method T160.

Water Reticulation

16. Prior to issue of the Subdivision Certificate, the applicant is to provide water supply infrastructure to service all lots in the subdivision, in accordance with the requirements and specifications of the Clarence Valley Council Sewer & Water Connection Policy and NRDC.
17. Water Reticulation Design Plan must be submitted for approval with the application for a **SWC**.
- Connection to the public water reticulation system requires the approval of Council under the NSW Local Government Act.
- Any upgrade to the existing water service to the property will be subject to the costs outlined in Council's list of fees and charges.

Subdivision Certificate

18. Prior to the release of any Subdivision Certificate, which dedicates additional 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.
19. In accordance with **NRDC** and prior to the release of the Subdivision Certificate, the applicant must provide Work as Executed Plans (WAE) for all works and certification from the supervising professional engineer or registered surveyor, that the works have been constructed in accordance with the approved plans and specifications.
20. Prior to the issue of any Subdivision Certificate, certification is to be provided to Council by a registered surveyor, confirming that all infrastructure (roads, including services, pipelines, road batters, access ways and drainage paths) are contained within the respective lots or easements for the lands to be subdivided.

21. Prior to release of the Subdivision, where the total value of works to become Council infrastructure is greater than \$10,000, a maintenance bond is required for 5% of the contract value for works that will become Council infrastructure or \$2,500 whichever is greater. This is required in each stage of the development.

All work is subject to a maintenance period of six (6) months from the date of 'On Maintenance' or Practical Completion as certified by Council or accredited private certifier. The maintenance period may be extended by Council due to material or construction work compliance reasons or if a Subdivision Certificate approval is delayed beyond the maintenance period.

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

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

22. The proposed right of carriageway (N) is not supported. A battle axe handle is required to service the Proposed Lot 104.

A detailed plan of the proposed driveway including longitudinal section, road levels, property boundaries and other site-specific considerations must be submitted for approval with the **SWC** to demonstrate that access to the development is provided in accordance with **NRDC**.

Plans must demonstrate how all underground services (power, telecommunications, drainage, water and sewer); landscaping and fencing can be accommodated within the proposed battle axe handle. Utility services within service trenches must comply with any statutory requirements for separation. A typical cross section of the access handle and driveway must be submitted for approval with the **SWC**.

Design plans and calculations for access culverts must be provided where culverts are required.

Earthworks

23. Detailed plans of earthworks including an Earthworks Management Plan must be submitted to Council or accredited private certifier for assessment and approval prior to the issue of a **SWC**.

The Earthworks Management Plan is to be prepared in accordance with Council's guidelines. The guidelines are listed in the Advices section of this Notice.

24. Any fill earthworks to be undertaken on the site must be carried out in accordance with the placement and compaction of fill described in AS 3798, Level 1 inspection and testing and NRDC.

25. A Works-As-Executed plan prepared by a registered surveyor, showing both original levels and finished surface levels after filling material has been placed on the site and compacted, is to be submitted to and approved by Council or accredited private certifier prior to the issue of the Subdivision Certificate.

Erosion & Sedimentation Control

26. Erosion and Sediment Control is to be implemented in accordance with the relevant parts of the applicable Council Development Control Plans, 'NSW Managing Urban Stormwater - Soils and Construction (Blue Book)' and NRDC. These controls are to be maintained and managed by the applicant and/or the appointed contractor until the development is accepted 'Off Maintenance'.

27. A detailed Erosion and Sediment Control Management Plan for each stage of the subdivision must be submitted for assessment and approval by Council or accredited private certifier, prior

to issue of a **SWC** for the relevant stage. This must include procedures for clean-up and restoration of public / private property and infrastructure. All such remedial works are to be completed to the satisfaction of Council or accredited private certifier.

28. 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.
29. 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.
30. All disturbed areas shall be stabilised and revegetated. Turf, seeding or other approved method shall be undertaken in conjunction with or immediately following completion of the civil works. Topsoil shall be preserved for site revegetation. All sediment and erosion control measures must be regularly inspected and maintained to ensure they operate to the design specifications and meet the requirements of the NSW Protection of the Environment Operations Act 1997. Weather patterns must be monitored and be coordinated in with the inspection and maintenance procedures. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion. Person/s responsible for managing sedimentation and erosion controls for the development must be nominated to Council or accredited private certifier in writing together with full 24 hour per day contact details.

Environmental

31. Any material generated by construction activity that is surplus and destined for offsite disposal shall be appropriately classified in accordance with the NSW Environmental Protection Authority (2014) Waste Classification Guidelines and resource recovery exemptions. Any site that receives transported material is to be an appropriately licenced site or have development consent or other such approval to accept the material.
32. Any material being imported to the site should be classified as VENM or ENM under the 'Resource Recovery Order' under part 9, Clause 93 of the POEO (Waste) Regulation 2014.
33. Council is to be provided with a clear and legible plan identifying the location of proposed building pads, effluent disposal area pads, excavation areas, the existing and additional testing locations and management plan prior to the issue of the Subdivision Certificate.
34. For material taken from the site to construct the pads; in-situ assessment of the material to be excavated is to be analysed for chemical contamination and ASS by a qualified environmental consultant. If the analysis triggers remediation or treatment a management plan is to be prepared and submitted to Council. A validation report prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to Council within one month from completion of any remediation work.
35. No existing trees are to be removed from the site during subdivision construction, with the exception of those necessary for road construction, site accesses, services laying, building envelopes other approved design features of the subdivision.
36. Offset planting at a 1:20 offset ratio is required for the removal of 0.04 hectares of vegetation as per the Clarence Valley Council Biodiversity Offset Policy.

A plan showing the proposed location and species of trees; and a maintenance management plan is to be submitted for approval prior to the vegetation being removed. The trees are to be planted prior to the issue of the Subdivision Certificate and maintained in accordance with the approved Maintenance Management Plan.

Alternatively, in lieu of imposed conditions to offset the removal of vegetation, the applicant may offer to enter into a voluntary planning agreement (VPA) with Council to pay a monetary contribution of \$2,000.00 in accordance with Council's Biodiversity Offsetting Policy.

Council must be advised of the method of offsetting the removal of vegetation prior to any trees being removed. If a Voluntary Planning Agreement is entered into, pursuant to section 7.4 of

the Environmental Planning and Assessment Act 1979 (EP&A Act), the applicant is to execute and deliver to the Council the Planning Agreement, in accordance with Subdivision 2, Division 7.1 Part 7 of the EP&A Act, which the applicant/developer has offered to enter into and pay the monetary contribution prior to the release of the Subdivision Certificate.

Please note that if a VPA is entered into, the applicant is required to pay Council's current costs of the VPA preparation fee in accordance with Council's fees and plus an advertising fee.

37. Prior to the commencement of any work in or adjoining areas of native vegetation, a survey shall be carried out to mark the construction impact boundary. The perimeter of this area will be fenced using high visibility fencing and clearly marked as the limits of clearing. All vegetation outside this fence line will be clearly delineated as an exclusion zone to avoid unnecessary vegetation and habitat removal. Fencing and signage must be maintained for the duration of the construction period. Fencing should be designed to allow fauna to exit the site during clearing activities.

Heritage

38. An AHIMS Search of the subject land revealed significant sites within the vicinity of the proposed development. Written confirmation from Yaegl Local Aboriginal Land Council (YALC) is to be provided to Council prior to issue of the **SWC** to confirm that adequate investigation and assessment has been undertaken regarding the impacts of the proposal on any Aboriginal places of significance and/or any disturbance of Aboriginal objects.
39. Prior to the commencement of construction, an Unexpected Heritage Finds Procedure for Aboriginal and non-Aboriginal Heritage must be prepared should actual or potential items or areas of Heritage be discovered during construction activities. This procedure must be tool boxed with all work crews and implemented during construction works. Should any Aboriginal or non-Aboriginal relics or artefacts be uncovered during works on the site, all work is to cease and Heritage NSW shall be contacted immediately and any directions or requirements of the Service complied with.

ITEM	6b.21.009	DA2019/0152 – TEMPORARY USE OF LAND (FUNCTION CENTRE) – MICALO ROAD, MICALO ISLAND
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Meeting	Environment, Planning & Community Committee	16 March 2021
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Leslie Vance
<i>Owner</i>	Leslie Vance & Robyn Vance
<i>Address</i>	Micalo Road, Micalo Island NSW 2464 being Lot 10 DP1029899
<i>Submissions</i>	Yes – 1 submission against

Council is in receipt of Development Application DA2019/0152 which proposes a Temporary Use of Land (Function Centre) at Micalo Road, Micalo Island (being Lot 10 DP1029899). The proposal is for up to 15 functions per year. In accordance with Part B of the Rural Zones Development Control Plan the application was advertised and notified, 1 submission was received. Council staff are recommending refusal of the application which is outside of Council staff delegations, therefore the application is forwarded to Council for a decision. The report provides an assessment of the application and a recommendation for Council's consideration. The road issue detailed in this report is to be read in conjunction with SUB2019/0044 for a 4 Lot Subdivision on Micalo Road (Item No. 6b.21.008).

OFFICER RECOMMENDATION

That Council refuse Development Application DA2019/0152 as the conditions contained in Schedule 1 relating to road upgrading are considered to be unreasonable and onerous in the circumstances and will place an unnecessary financial burden on the Applicant.

COMMITTEE RECOMMENDATION

Baker/Clancy

That Council give temporary approval for continued use as a function centre for two years subject to Advices and Conditions to be provided prior to the March Ordinary Council Meeting.

Voting recorded as follows:

For: Baker, Clancy, Williamson, Novak, Simmons

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

Development Application DA2019/0152 was lodged on 26 March 2019 for a proposed temporary use of land (function centre) for the purposes of holding wedding venues, corporate functions and other low impact events. The proposal is for the temporary use of land for up to 15 events per year. The subject land is zoned RU2 Rural Landscape under the *Clarence Valley Local Environmental Plan 2011* (the LEP), function centres were prohibited in the zone at the time of lodgement of the application as such, the application was lodged seeking use of the provisions of Clause 2.8 of the LEP which allow Council to consider temporary uses of land. The Applicant has indicated verbally to Council staff they no longer wish to proceed with the 25m x 12.34m building and is no longer part of this application.

The proposal was notified from 30 April to 23 May 2019, 1 submission was received during the exhibition period against the proposal. The main issues raised in the objection received include noise, access and if the

proposal can be considered a temporary use. It should be noted that the owners of the property have been using the land for the purposes of functions without development approval and noise complaints from this property have been received as early as 23 October 2017.

Since lodgement of the application, Council has successfully amended the LEP to include Function Centres as a permissible use on RU2 zoned land, however, the Applicant has advised the intention to continue with this temporary use application and not amend it to be a permanent use under the recently adopted controls.

KEY ISSUES

1. Suitable Access

The lot does not have suitable road access as it does not have frontage to a Council maintained road. Part C8.5 of the Rural Zones Development Control Plan (DCP) states '*For the purposes of clause 7.8(e) of the CVLEP 2011 "suitable road access" for the purposes of development in rural zones is deemed to be satisfied when the lot being developed has frontage to a sealed public road or a Category 1 unsealed road listed in Council's adopted Roads Policy.* The suitability of access to the site for the number of patrons was raised as an issue in the submission received.

Micalo Road is a gravel rural road which begins at the intersection with Yamba Road. It continues as a Council public road south and east for approximately 1.1km. An access road continues southwards over private property for a length of approximately 770m. Access over the private property is available via a right-of-carriageway (ROC) in favour of the subject property. Access to the subject land traverses a Crown road reserve to the access point which is approximately 1 kilometre. The ROC provides a 'link' from the Crown road reserve through to the public road that joins onto Yamba Road. Four other properties (residences) utilise the ROC and some also use parts of the Crown road reserve for access. The existing vehicle access has a gravel construction with a variable width between 4.5m to 6m and is in poor to average condition. No formal road audit or traffic impact assessment has been provided to Council in regard to the access.

The required upgrades and issuing of a development consent to increase traffic over the Crown road meet two of the criteria of [NSW Department of Planning, Industry and Environment](#) – Crown Lands to transfer the Crown roads to Council. Therefore, the Applicant is required to seek a transfer of the road reserve to Council prior to operating the function centre. Alternatively, the Applicant could seek to close and purchase the road reserve. Council's Civil Services have been consulted about the proposal and do not support the transfer of the Crown public road sections to Council unless the road is upgraded to a minimum standard, AUS-Spec requires a minor no through rural road to have a 6m wide seal and 0.5m shoulders. It will also be necessary for the Applicant to upgrade the road from the Yamba Road intersection to the ROC to this standard.

The proponent of SUB2019/0044 has successfully negotiated with the owner burdened by the ROC previously mentioned to purchase the land and seek to dedicate this portion of land to Council as public road following an upgrade to the road to a 6m wide seal with 0.5m shoulders. Should this not proceed, the Applicant will need to seek an agreement to purchase the required land to provide continual Council public road access.

As a roads authority Council has a level of responsibility for the maintenance of dedicated public roads. Council would not have a legal access over the ROC to be able to provide maintenance to the public road if the Crown road reserve sections were transferred to Council. If access was required Council would have to compensate the land owner for the use and or damage to the ROC. Furthermore, it is not clear who is legally responsible for the maintenance of the ROC to the required standard or who has the liability in the event of an accident on the ROC. This raises legal issues as to the access being used for the general public, emergency services, waste collection, postal services and other service providers.

The last 600m of Crown road have deep swales and drainage paths adjacent to the road reserves which are tidal and the surrounding land provides habitat for fauna which if required to comply with the conditions would result in unacceptable impacts to the surrounding environment. It is not clear if upgrading of Micalo Road, the ROC and the Crown road to the required standards can be achieved within the current road reserves, therefore construction of the road may require realignment of the road reserve and reticulated electricity in some sections.

Council's Civil Services section has provided 3 options regarding upgrading access to the subject property as follows; Option 2 and 3 are the most viable:

1. Transfer the Crown roads to Council but leave the ROC alone – though there is no legal access for Council to get to the roads; not having legal access could create huge issues for Council.
2. Purchase the Crown roads and extend the existing ROC to include them – though there is the DCP issue of too many lots accessing via ROW and may be problematic limiting subdivision potential.
3. Dedicate the ROC to Council and transfer the Crown roads to Council including upgrading to modern standards.

Under the Roads Policy, Council is able to accept additional lengths of roads for inclusion in Council's Roads Asset Register (Crown roads or extension of Council roads) if they meet all the following criteria:

1. *The subject road will be the sole means of access to at least one lawful continuously occupied residence(s) or property with a lawful dwelling consent. Council will also give consideration to the length of road to be maintained, gradients, construction impacts, the cost of maintaining the additional length of road and the number of residences on the road and distances between residences in determining whether the road should be accepted.*

Comment: The subject road is the sole access with the exception of a ROW that is not a formed road and is the most practical road to give frontage to a Council maintained road. If accepted there will be 5 current uses/residences gaining access from the road.

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

Comment: The road will allow up to the access point of the furthest property.

3. *Where Council accepts the transfer of a Crown road it shall approach the State Government to have the road reclassified as a public road over the nominated length. If the road is accepted for inclusion to the Roads Asset Register, all costs for reclassification are to be met by the Applicant.*

Comment: It will be required that the Applicant apply to reclassify the road and all costs are to be met by the Applicant.

4. *The constructed road shall be wholly located within the designated road reserve. Where this is not practical and the access is otherwise acceptable realignment of the road reserve can be approved, with all costs to be met by the Applicant.*

Comment: It will be required that the existing access track is located wholly within the existing road reserve.

5. *The road shall be constructed at no cost to Council to the required standard. Category 1 roads shall be constructed as specified in the Northern Rivers Development and Design Manual – Version 2 and the Northern Rivers Construction Manual. An exception may be made for existing unmaintained unsealed public roads which may be accepted as Category 2 roads subject to the roads meeting a specified standard of a minimum 6 metre wide constructed carriageway or 4 metre wide constructed carriage way with passing bays at a maximum of 200 metre intervals. The minimal gravel depth of the road shall be 100 mm of appropriately specified gravel for unsealed roads. Additional requirements to address design, environment, drainage and safety issues may also be required as assessed by Council. The decision on whether Council will accept a road as either Category 1 or Category 2 is at the discretion of Council and will be based on the access, development and maintenance implications of the access.*

Comment: It is proposed that the road will be upgraded to a sealed road consistent with Council's road standards and specifications.

6. *There shall be no timber bridges located on the subject road.*

Comment: There are no timber bridges located on the sections of road to be transferred.

In summary there are 3 options for Council to resolve the access issue to the property, the second option is the recommendation to Council.

Option 1

Council approve DA2019/0152 subject to the conditions contained in Schedule 1 requiring the Applicant upgrade Micalo Road from its intersection with Yamba Road to the property access, a total length of approximately 2.9km.

Option 2

It will be necessary that the Applicant upgrade Micalo Road from its intersection with Yamba Road to the property access, a total length of approximately 2.9km. It is considered that conditions contained in Schedule 1 relating to road upgrading are considered to be unreasonable and onerous in the circumstances, especially considering the application is for a temporary use of land for 2 years, for this reason it is recommended that the Application be refused due to the unnecessary financial burden on the Applicant. In the Land Environment Court Case PGH Environmental Planning v Wollongong City Council [2009] NSWLEC 1385, the following was concluded by the Senior Commissioner:

'129 I have also concluded, if I am wrong concerning inconsistency with the first of the zone objectives, that all six dwelling proposals should be refused because the range of conditions necessary to be imposed with respect to each dwelling (although varying from dwelling to dwelling) are so onerous and unreasonable that it is not reasonable to expect compliance with them and the consequence of non-compliance, on the expert evidence in the proceedings (including evidence from the company's own experts) would result in unacceptable environmental impacts.'

Option 3

In response to the issue of the suitability of the road, the Applicant has provided that 80% of patrons attending the venue will arrive at the site via a bus service which will reduce the number of vehicle movements over the road, therefore the road should not be required to be upgraded. Furthermore, upgrading the last 600m of Crown road would result in unreasonable environmental impacts and filling in of tidal waters. Should Council resolve to approve the Application it acknowledges that the Crown road be taken over as a result of intensifying the use of the Crown road. Should Council resolve to approve the application without the road upgrading the temporary use of land would allow the Applicant to wait for the proponents of SUB2019/0044 to complete the road upgrade and liaise with Crown Lands regarding the last 600m of road.

2. Temporary Use of Land

Council may grant development consent for a temporary use of land in any zone using the provisions of Clause 2.8 of the LEP. Clause 2.8 permits the temporary use of land for development which may ordinarily be prohibited in the zone for a maximum period of 28 days (whether consecutive or not) in any 12 month period provided Council is satisfied that:

- (a) *the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and*

Comment

The temporary use of land for the purposes of a function centre, will not prejudice the subsequent carrying out of development on the land under the LEP or any other applicable planning instrument.

- (b) *the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and*

Comment

Based on the nature of submissions received, the operation of the site as a function centre is having an adverse impact to some nearby residents. The Applicant has:

- Sought approval for a maximum number of events of 15 per year and not the full amount.
- Prohibit all amplified music outdoors and restricting all amplified music/live bands to inside the temporary music enclosure.
- Limit all music to a curfew of 10.30pm.

The Applicant has submitted a plan showing noise mitigation measures inside the music enclosure and a concept design of what the development may look like for consideration. This is provided in the attachments. The elevation closest to the river and to impacted residence will be enclosed with soundproofing materials resulting in all amplified music directed away from sensitive receivers. Further to this, conditions restricting noise from the premises will also be conditioned to ensure that there is no adverse impact as follows, refer to Schedule 1. Appropriate conditions can sufficiently mitigate the impacts so that the development is not likely to have an adverse impact on any adjoining land or the amenity of the neighbourhood.

- (c) *the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and*

Comment

The temporary use of the land for a wedding venue is not likely to adversely impact on the environmental attributes or features of the land or increase the risk of natural hazards that may affect the land. Most if not all functions will be carried out in the existing barn which will be soundproofed and shall not exceed more than 5dB above background in any Octave Band Frequency (31.5 Hz- 8 kHz inclusive) at the boundary of any affected residence.

- (d) *at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.*

Comment

If Council approves the temporary use, the consent period shall be for a maximum of 2 years. Other than the temporary music enclosure there is no change to the existing condition of the land and therefore the land will remain in the same condition as it currently exists. An appropriate condition has been included in Schedule 1 to either decommission the music enclosure at the end of the two years or alternatively lodge a separate Development Application to change the use of the building to a shed or the like.

3. Noise

The main issue raised in the submission relates to adverse impacts on the amenity of the neighbourhood from noise generated from the premises during events. As stated earlier the site land has been operating without consent from Council.

Council staff acknowledge that from the nature of the submission and complaints received, the impacts experienced by some of the residents located in the locality from the venue are unacceptable. For this reason, an acoustic noise assessment by a suitably qualified consultant was submitted for consideration. The Noise Impact Assessment (NIA) Report was undertaken by Ambience Audio Services dated 20 March 2019. As part of that report it was recommended that:

- Any amplified music is to be located within the designated music enclosure.
- A calibrated noise limiter to interrupt power supply to speakers if noise levels are escalated continuously for more than 15 seconds.
- Music levels no louder than XdBA and XdBC when measured 5 metres in front of speakers, this will require on-site calibration during a test event.
- No music after 10:30pm.

The music enclosure will be acoustically soundproofed in accordance with the recommendations of a suitably qualified acoustic consultant and approved by Council. The location of any amplified music to within the enclosure will improve the impacts being experienced by affected receivers. However, to ensure that there is no impact to the amenity of the neighbourhood or adjoining land, it is recommended that, if approved, the development be conditioned to:

- Prohibit any amplified music outdoors.
- Require all music to cease by 10.30pm.
- Require any outdoor acoustic music to cease by 8pm.
- Require all guests must depart the venue by 11pm.

As part of consideration of this application, Council are directed to the Land and Environment Court Case in the matter of Marshall Rural Pty Limited v Hawkesbury City Council and Ors [2015]. The court decision explained:

“Simply hearing or seeing activity does not necessarily constitute an “adverse impact”.... impacts that are over and above what would be considered by a “reasonable person” would not be permitted”.

Through the above measures and appropriate conditions, it is likely that the development will not have an adverse impact on the amenity of the adjoining land or surrounding neighbourhood in accordance with Clause 2.8 of the LEP.

4. Loss of value of property value

The impact of the proposed development on the value of surrounding properties is difficult to quantify. Increase or loss of property value is not a matter that can be directly related to development proposals such as this. There are other factors that affect such values, and as such this is not considered a valid point of objection.

COUNCIL IMPLICATIONS

Budget/Financial

There may be financial costs to Council should the Applicant appeal Council's decision. The application was accompanied by all fees required to be paid by Council's Fees and Charges. Assessment of the application has been completed by staff utilising recurrent staffing budgets. Upgrading the road to the required standard will result in less routine maintenance costs by Council in the long term.

Asset Management

If the road is transferred to Council an additional 2,200m (approximate) of road will be included in Council's Roads Asset Register. Before the road is transferred and dedicated to Council, the road will be required to be upgraded to Council's standards.

Policy or Regulation

Environmental Planning & Assessment Act 1979
 Environmental Planning & Assessment Regulations 2000
 Roads Act 1993
 State Environmental Planning Policy No. 55 – Remediation of Land
 Clarence Valley Local Environmental Plan 2011
 Rural Zones Development Control Plan (DCP)
 Clarence Valley Council Roads Policy

Consultation

The following internal sections of Council have been consulted during the assessment process:

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Health and Building	Supported – conditions provided
Environmental Health	Supported – conditions provided
Development Engineer	Supported – conditions provided
Civil Services	Supports transfer of road subject to upgrading.

Legal and Risk Management

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

Climate Change

N/A

Prepared by	James Hamilton, Development Planner
Attachment	A. Proposed Plans B. Submission C. Section 4.15 Assessment Report

Schedule 1
Draft Advices and Conditions of Consent for DA2019/0152

Definitions

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

- a Northern Rivers Local Government Development and Design Manual (AUS-SPEC)
- b Northern Rivers Local Government Construction Manual (AUS-SPEC)
- c Northern Rivers Local Government Handbook of Stormwater Drainage Design (AUS-SPEC)
- d Northern Rivers Local Government Handbook for Driveway Access To Property (AUS-SPEC)
- e Water Supply Code of Australia (WSA 03 - 2002)

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

Civil Works may include:

- a Roadworks (including car parking and/or driveways).
- b Drainage works
- c Water & Sewerage Reticulation

NATA means National Association of Testing Authorities

TfNSW means Transport for New South Wales

PWC means Public Works Certificate.

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

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

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

Advices

1. This development does not approve the use of the site for Tourist and Visitor Accommodation or any structures on the land.

Building

2. No construction is to be commenced until a Construction Certificate has been issued.
3. Prior to work commencing on a development the applicant must give notice to Council of their intention to commence work. Such notice shall be in the form of a Notice of Commencement form and must be submitted to Council at least two (2) business days before work commences.
4. The following information shall be submitted to the Council or Principal Certifying Authority prior to issue of a Construction Certificate:
 - A Architectural plans shall clearly detail the proposed structures located outside of the easements and the offsets from Essential Energy infrastructure
 - B Engineering details
5. 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.

6. 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 building.
7. All glazing is to be selected and installed in accordance with the provisions of AS 1288 or AS 2047. Upon completion of the building and prior to its occupation, the glass suppliers/installers certificate is to be submitted to Council.
8. New structures near power lines shall comply with the minimum clearances of Essential Energy. See www.essentialenergy.com.au <<http://www.essentialenergy.com.au>> . Where necessary service lines shall be relocated at the property owners cost.
9. The certificates and documentation requested in this approval (eg glazing certificate) should be emailed to council@clarence.nsw.gov.au quoting the development application number in conjunction with booking the final inspection.
10. The buildings 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.
11. All materials used in the building (in particular floor linings and floor coverings) must comply with the fire hazard properties specified in Specification C1.10 of the Building Code of Australia. Manufacturers specifications and standard fire test reports confirming compliance will need to be provided prior to the issue of an Occupation Certificate.
12. Portable fire extinguishers must be provided and must be selected, located and distributed in accordance with AS 2444.
13. The Construction Certificate plans shall detail dimensional compliance with the requirements of AS 1428.1-2009 for access and facilities.
14. Access for people with disabilities must be provided to and within the buildings by means of an access way in accordance with AS 1428.1-2009:
 - A from the required accessible carparking space on the allotment;
 - B from another accessible building connected by a pedestrian link.

Engineering

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

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

17. A private certifier accredited for Civil Construction under the NSW Building Professionals Act 2005 (Categories B and/or C), may be engaged for all or part of civil works (subdivision and/or on private property) other than public infrastructure water and sewer reticulation works. Accreditation of private certifiers for public sewer and water reticulation works is not offered under the Building Professionals Act 2005.

Connection to Council drainage, water and sewer systems require the approval of Council under the NSW Local Government Act.

Works within public road reserves require the approval of the Road Authority as defined in the NSW Roads Act.

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

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

- A A cheque for the application fee made out to the relevant government department.
- B Council's administration fee in accordance with the fees and charges at the time of the application.
- C A plan showing the extent of the road to be transferred.
- D A bond to the value of 130% of the cost of the road works.

19. Council will not grant permission for roadworks to be undertaken on private property with easement for access until the road reserve has been transferred to Council. The applicant will be required to lodge a bond with Council for the cost of the roadworks to ensure that the road is upgraded within an acceptable timeframe after the transfer of the road to Council.

Prior to an application being made for the dedication of the private road to Council the applicant will be required to provide to Council:

- A Council's administration fee in accordance with the fees and charges at the time of the application.
- B A plan showing the extent of the road to be transferred with adequate design detail of required works to determine estimated cost of the road works.
- C A bond to the value of 130% of the cost of the road works.

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

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

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

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.

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

The proposed development has been assessed as contributing an additional 0.4 ET demand on Council's water supply. This does not include credit for pre-existing connection. The headworks charges at 2020/21 financial year rates are:

Water Headworks \$4,979.00 x 0.4 additional ET = \$ 1,991.60

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

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

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	Sheet No
Site Plan	Coastal Building Design	26/2/2019	TDA-01
Floor Plan	Coastal Building Design	26/2/2019	DA-02
Sections	Coastal Building Design	26/2/2019	DA-03
Elevations	Coastal Building Design	26/2/2019	DA-04

2. This development is approved under Clause 2.8 Temporary Use of Land provisions of the Clarence Valley Local Environmental Plan 2011. A maximum two (2) year operational period applies from the consent validation date
3. A maximum of 15 events are to be held in any 12 month period. A log book must be kept of all events undertaken on the property and shall be made available to Council upon request at any time.
4. A maximum of 150 guests are permitted on the site during any given event.
5. No functions are to occur on Sundays or Public Holidays.
6. An AHIMS Search of the subject land revealed significant sites within the vicinity of the proposed development. Written confirmation from Yaegl Local Aboriginal Land Council (YALC) is to be provided to Council prior to issue of the **PWC** to confirm that adequate investigation and assessment has been undertaken regarding the impacts of the proposal on any Aboriginal places of significance and/or any disturbance of Aboriginal objects.
7. Prior to the commencement of construction, an Unexpected Heritage Finds Procedure for Aboriginal and non-Aboriginal Heritage must be prepared should actual or potential items or areas of Heritage be discovered during construction activities. This procedure must be tool boxed with all work crews and implemented during construction works. Should any Aboriginal or non-Aboriginal relics or artefacts be uncovered during works on the site, all work is to cease and Heritage NSW shall be contacted immediately and any directions or requirements of the Service complied with.

Environmental Health

8. All erosion and sediment control measures are to be installed and maintained in accordance with the Statement for Sediment and Erosion Control that was submitted with the Development Application.

9. The event organisers shall provide sufficient amenities for patrons in accordance with the BCA and Table below:

Maximum 150 Patrons	Closet Fixture(s)	Urinal(s)
Males	1	2 (Or 2 Male Closets total)
Females	3	

10. All collections of liquid waste from portable toilets or other temporary facilities must be undertaken by Council approved contractors only and disposed at appropriately licensed waste management facilities.

The property owner or authorised representative of the property is to maintain a log book of all liquid trade waste management activity on the premises. The log shall be available for Council Officers to inspect on site at all times.

The log book shall include the following items: The day, date and time of collection of waste; type and volume of waste collected; the name and signature of the driver and company that collected the waste; and vehicle registration number for each entry into the log book.

11. Guests must not use the toilets, sinks, showers, kitchen or laundry facilities in the dwelling. Guests must only use the temporary facilities (i.e. portable toilets).

12. The noise emitted from the development shall not exceed more than 5dB above background in any Octave Band Frequency (31.5 Hz- 8 kHz inclusive) at the boundary of any affected residence.

No noise after 10.30 pm shall be emitted from the premises.

13. All amplified sound is prohibited outdoors and must be contained within the music enclosure. The following must also be complied with:

- A Amplified sound equipment shall be installed, operated and maintained so as to be directed away from nearest private residence.
- B No amplified music after 10.30pm inside the music enclosure.

14. All outdoor acoustic music must cease by 8.00pm. All guests must depart the venue by 11.15pm.

15. Independent noise monitoring must be undertaken by a suitably qualified person as follows:

- A Within the first 12 months no less than 4 times at regular intervals to assess compliance with the requirements of the conditions of consent at the expense of the applicant.
- B Subsequent testing must occur on no less than two occasions at regular intervals.
- C A certificate of compliance must be submitted to Council's Environmental Health Section along with recommendations for any observed non-compliance following year 1 and year 2 testing. Following Council endorsing these recommendations, any changes are to be implemented prior to the next function.
- D Independent noise testing will no longer be required once the above testing has been completed and the noise levels have been shown to comply with the conditions of consent.
- E In the event that compliance cannot be achieved, the development will not be permitted to extend beyond a two year approval period.
- F A certificate of compliance must be submitted to Council's Environmental Health Section along with recommendations for any observed non-compliance following year 1 and year 2 testing. Following Council endorsing these recommendations, any changes are to be implemented prior to the next function.

- G Independent noise testing will no longer be required once the above testing has been completed and the noise levels have been shown to comply with the conditions of consent.
 - H In the event that compliance cannot be achieved, the development will not be permitted to extend beyond a two year approval period
16. Mechanical plant must not exceed a noise level of 5 dBA above the background measured at the boundary of the residential receiver during the permitted hours of operation.
17. Food preparation for functions is not permitted to be undertaken on site without prior approval from Council. All catering provided on site must be provided by Clarence Valley Council registered mobile catering services or food catering businesses licensed by the NSW Food Authority. The facilities on site are not to be used for catering purposes.
- Food is otherwise permitted to be prepared offsite and delivered to functions ready to serve. All food catering services are to comply with the Food Act 2003, Food Regulation 2015 and the Food Safety Standards 3.2.2 / 3.2.3.
18. The lighting from the development is to be directed away from surrounding properties, at an angle of 45° towards the ground and shielded if needed to prevent any light spill onto adjoining properties.

Engineering

19. A Certificate of Compliance for Water works must be obtained from Council prior to issue of the Building Occupation Certificate. This may require payment of a fee.
20. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
21. An **ITP** must be submitted for approval with the application for a **PWC**. The supervising engineer or registered surveyor must arrange for the hold/witness point inspections, and accompany Council and/or accredited Private Certifier on the inspection unless alternative arrangements are made. Hold Point, Witness Point, On / Off Maintenance and/or Practical Completion inspections involving public infrastructure must be attended by Council officers.

Where Council is the Certifying Authority for civil engineering works the applicant must give Council one (1) business day's notice to attend inspections.

Hold Point, Witness Point and Audit inspections must be documented by the ITP and include the following works (but not limited to):

- A Pre-start Meeting (Attended by Council and/or Accredited Private Certifier, Principal Contractor & Supervising Engineer and/or Registered Surveyor)
- B Erosion & Sedimentation Controls
- C Earthworks
- D Roadworks
- E Stormwater Drainage
- F Water
- G Other Services
- H 'On Maintenance' (Public Infrastructure)
- I Practical Completion (Works on Private Property)
- J 'Off Maintenance' (Acceptance of Public infrastructure by Council)

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

Health and Safety

- A Public safety, amenity and site security;
- B Traffic Control and Management;
- C Pedestrian management;
- D Construction hours;
- E Noise control (All reasonable and feasible mitigation measures must be applied to reduce the potential noise and air quality impacts to sensitive receivers as a result of the construction of the proposal);
- F Contractor vehicle parking;
- G Locating existing utilities and services;
- H Health and Safety requirements.

Environment

- A Air quality management;
- B Erosion and sediment control- base information, monitoring and management;
- C Waste management;
- D Material stockpiling;
- E Vegetation management;
- F No go zones;
- G Soil Contamination - an Unexpected Find Procedure/s in the unlikely event that Asbestos Containing Material or Contamination is discovered, disturbed or occurs during the works;
- H Heritage management including an Unexpected Find Procedure/s in the unlikely event that any items of Aboriginal or non-Aboriginal Heritage is discovered, disturbed or occurs during the works;

Quality

- A Submission of current insurance certificates;
- B Work method description;
- C Construction equipment to be used;
- D Inspection and testing requirements;
- E Earthworks methodologies;
- F Haulage routes;
- G Retaining structure construction methodologies;
- H Concrete jointing methodologies;
- I Subsoil drainage installation methodologies;
- J Stormwater drainage infrastructure installation methodologies;
- K Stormwater Quality Improvement Device installation methodologies;
- L Road construction methodologies;
- M Access ways and footway construction methodologies;
- N Landscaping installation methodologies;
- O Utility and services installation methodologies;
- P Construction and installation methodologies of other structures not otherwise covered above.

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

Associated **TCPs** must be prepared and submitted to Council showing how vehicle and pedestrian traffic will be safely managed within the work site and road reserve. **TCPs** must be prepared by a person authorised by **TfNSW** to prepare **TCPs** and must be endorsed by Council prior to the occupation of the road reserve and commencement of work.

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

23. For any part of the site that comes under the jurisdiction of another Government department, a Controlled Activity approval (or similar approval) may be required. Any such approval must be obtained and provided to Council prior to issue of the **PWC**.
24. Prior to issue of the **PWC**, a Traffic Impact Assessment must be undertaken by a suitably qualified person to determine the impact of the proposal on the intersection of Yamba Rd and Micalo Rd. The TIA must include SIDRA analysis of the of peak hour (AM and PM) traffic movements of the intersection for existing and combined traffic volumes generated by the proposal with 3.5% growth rate (cumulative) applied to Yamba Rd through traffic over a design horizon of 10 years. The report must assess the capacity of the existing intersection and identify, if required, any upgrade of the existing treatment in accordance with the requirements of Austroads Guide to Traffic Management Part 6: Intersections, Interchanges and Crossings. The report must also indicate the required level of intersection treatment in order to achieve an acceptable level of treatment based on the analysis outlined above for the worst case scenario.

If required, the Yamba Road – Micalo Road intersection upgrade must:

- A Designed and constructed in accordance with the requirements of Austroads and **NRDC**.
- B Provide asphaltic concrete wearing surface.
- C Minimum depth of suitable compacted pavement material.
- D Appropriate roadside drainage.

Where upgrade of the existing intersection treatment at Yamba Road and Micalo Road is required, an Intersection Design Plan must be submitted for approval with a **PWC** application, and works completed prior to the issue of the Building Occupation Certificate.

25. The developer must conduct a Road Safety Audit over the access route to the development from Yamba Road and submit the report to Council. The Audit is to be carried out by a person or organisation that is accredited on the Register of Road Safety Auditors. All works resulting from the findings of the Audit are to be carried out by the Applicant, unless agreed to in writing from Council. The detailed design and construction of all agreed works must be prepared as part of a **PWC** approval from Council under Section 138 of the Roads Act.
26. Prior to issue of the Occupation Certificate, Micalo Road is to be upgraded and sealed from the intersection with Yamba Road to all lots of the proposed subdivision in accordance with the requirement of this condition. A Road Design Plan must be submitted for approval with a **PWC** application. A **PWC** application is to be submitted to Council prior to issue of a Building Construction Certificate.

Micalo Road must be upgraded to provide:

- A Minimum 6.0 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 depth of suitable compacted pavement material.
- D Appropriate roadside drainage.

This standard of design and construction shall apply to the following sections of Micalo Rd;

- A Micalo Road under control of Council (~1.1km);
- B Right-of-carriageway section over Lot 5 DP 1032387 (~0.77km) 20 metres wide to be dedicated to Council; and
- C Crown road reserve section (~1.0km) to provide access to Lot 10 DP 1029899.
- D Sealed turnaround area to cater for refuse collection vehicle (this is to be demonstrated by submission of manoeuvring paths shown in accordance with AS2890).

This standard of design and construction may be varied in and surrounding the location of the existing Culvert crossings located within the road sections defined above where appropriate safety measures are provided to the satisfaction of Council.

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

27. The new road is on part Crown road reserve currently under the control of the NSW State Government and part private property with easement for access. The transfer of the Crown road and section of private land to Council must be completed prior to issue of the **PWC** and any approval to operate the venue. Upon transfer of the Crown road and private road to Council, it will be necessary for the applicant to upgrade the road as detailed in this consent.
28. Benkelman beam testing of the constructed road pavement will be required. The testing is to be undertaken by a NATA registered authority with accreditation for using the Benkelman beam in accordance with RMS Test Method T160.
29. 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.
30. 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.
31. 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 or if a Subdivision Certificate approval is delayed beyond the maintenance period.

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

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

Building

32. The development is not to be occupied or used until such time as an Occupation Certificate has been issued.
33. **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.
34. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
35. Prior to commencement of works, a sign must be erected in a prominent position on any work site on which work is being carried out:
- A Stating that unauthorised entry to the work site is prohibited;
 - B Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside of working hours, and

- C Showing the name, address and telephone number of the principal certifier for the work.

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

36. **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.

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

- A **Pier holes** (if any), before concrete is poured,
B After reinforcement is in positions and before pouring of any **in-situ reinforced concrete** building element,
C Before internal covering/lining of the **framework** for any floor, wall, roof, or other building element,
D **Plumbing work** prior to covering/lining walls,
E **Sewer drainage** work prior to back filling/lining,
F Before covering **waterproofing in any wet areas**,
G Before covering any **stormwater drainage** connections,
H After the **building work has been completed** and prior to occupation.

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

38. 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.
39. 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.
40. All excavated materials must be treated in general accordance with the Management Guidelines detailed within the "Acid Sulfate Soil Manual, Acid Sulfate Soil Management Advisory Committee, August 1998". Agricultural Lime must be applied (and incorporated into the soil) at a rate of 50kg/m³ of soil.
41. All construction below 2.59m AHD shall be flood compatible building components.
42. 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:
- A 43.5°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
B 50°C in all other classes of buildings.
C A higher hot water temperature is acceptable at all other fixtures, eg. laundry tub and kitchen sink.
43. 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.

44. 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.
45. Roof water, including overflow from a tank, shall be discharged a minimum of 3m clear of buildings, boundaries and downhill or clear of any effluent disposal area so as not to cause a nuisance.
46. The proposed structures shall be located to ensure compliance with the aim and objectives of Planning for Bush Fire Protection 2019. This may require amended locations for the buildings or clearing of native vegetation which therefore would require additional approvals prior to the issuance of a construction certificate.
47. One accessible car space for people with disabilities shall be provided in accordance with AS/NZS2890.6:2009.

Erosion and Sediment Control

48. Erosion and Sediment Control is to be implemented in accordance with the relevant parts of the applicable Council Development Control Plans, 'NSW Managing Urban Stormwater - Soils and Construction (Blue Book)' and NRDC. These controls are to be maintained and managed by the applicant and/or the appointed contractor until the development is accepted 'Off Maintenance'.
49. 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 **PWC** for the relevant stage. This must include procedures for clean-up and restoration of public / private property and infrastructure. All such remedial works are to be completed to the satisfaction of Council or accredited private certifier.
50. 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.
51. 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.
52. 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 the civil works. Topsoil shall be preserved for site revegetation. All sediment and erosion control measures must be regularly inspected and maintained to ensure they operate to the design specifications and meet the requirements of the NSW Protection of the Environment Operations Act 1997. Weather patterns must be monitored and be coordinated in with the inspection and maintenance procedures. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion. Person/s responsible for managing sedimentation and erosion controls for the development must be nominated to Council or accredited private certifier in writing together with full 24 hour per day contact details.

ITEM	6b.21.010	DA2020/0658 PROPOSED CARPORT – 3 GUMNUT ROAD, YAMBA
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Meeting	Environment, Planning & Community Committee	16 March 2021
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Nil	

SUMMARY

<i>Applicant</i>	Gary Stibbard
<i>Owner</i>	Gary & Wendy Stibbard
<i>Address</i>	3 Gumnut Road, Yamba
<i>Submissions</i>	Nil

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

OFFICER RECOMMENDATION

That DA2020/0658 for a proposed carport is refused as it would be inconsistent with the local character of the area and result in increased safety risks for pedestrians and motorists.

COMMITTEE RECOMMENDATION

Williamson/Clancy

That DA2020/0658 for a proposed carport be approved as per Schedule 1 of the draft Advices and Conditions contained within this report.

Voting recorded as follows:

For: Williamson, Clancy, Simmons, Novak, Baker

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

DA2020/0658 was received by Council on 23 October 2020 for the proposed construction of a skillion roofed carport with a 2 metre front setback. The application was notified, however, no submissions were received.

Discussions with the applicant regarding the reduced front setback resulted in the submission of amended plans detailing a 2.5 metre front setback and a reduced carport length of 5.5 metres which were received on 1 February 2021.

The majority of structures located in Gumnut Road, Yamba generally comply with the 6m front setback control of the Residential Zones Development Control Plan (the DCP).

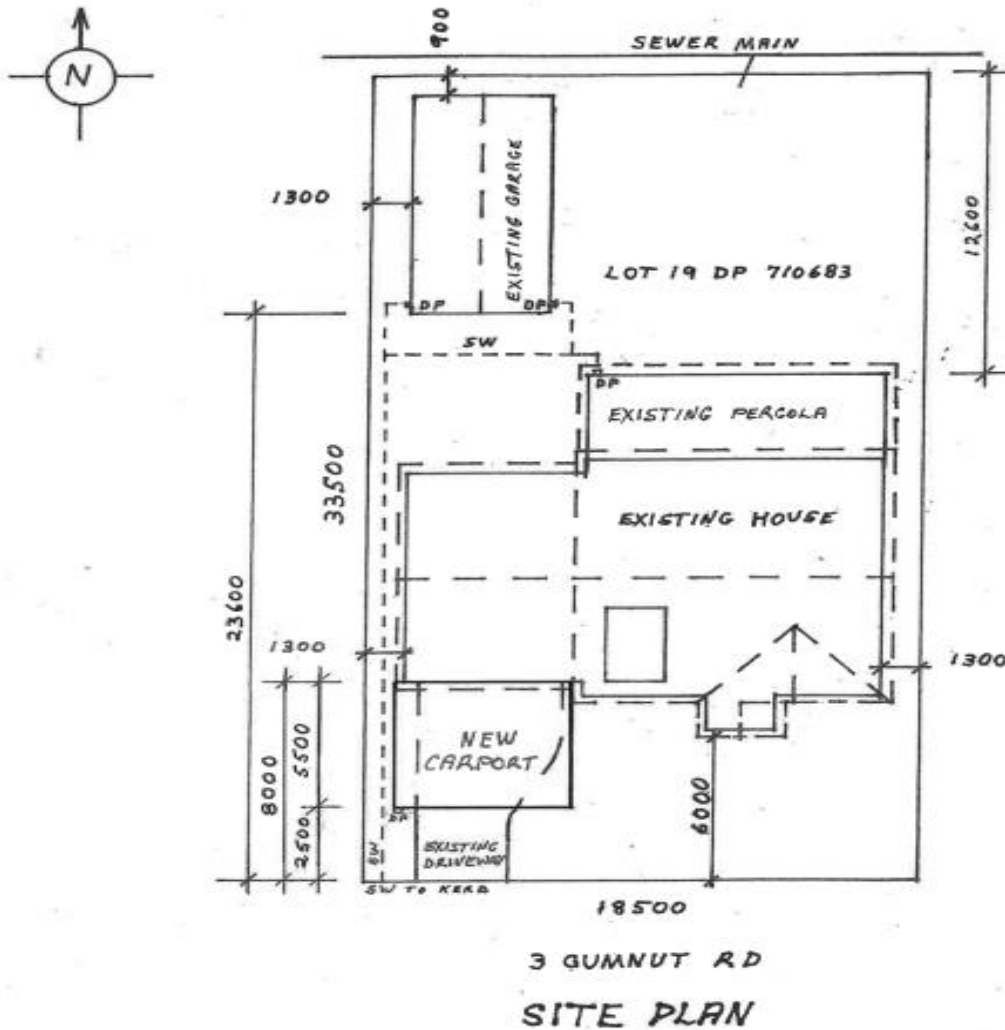
The proposed reduction in setback is inconsistent with the requirements of the DCP as described in Key Issues below.

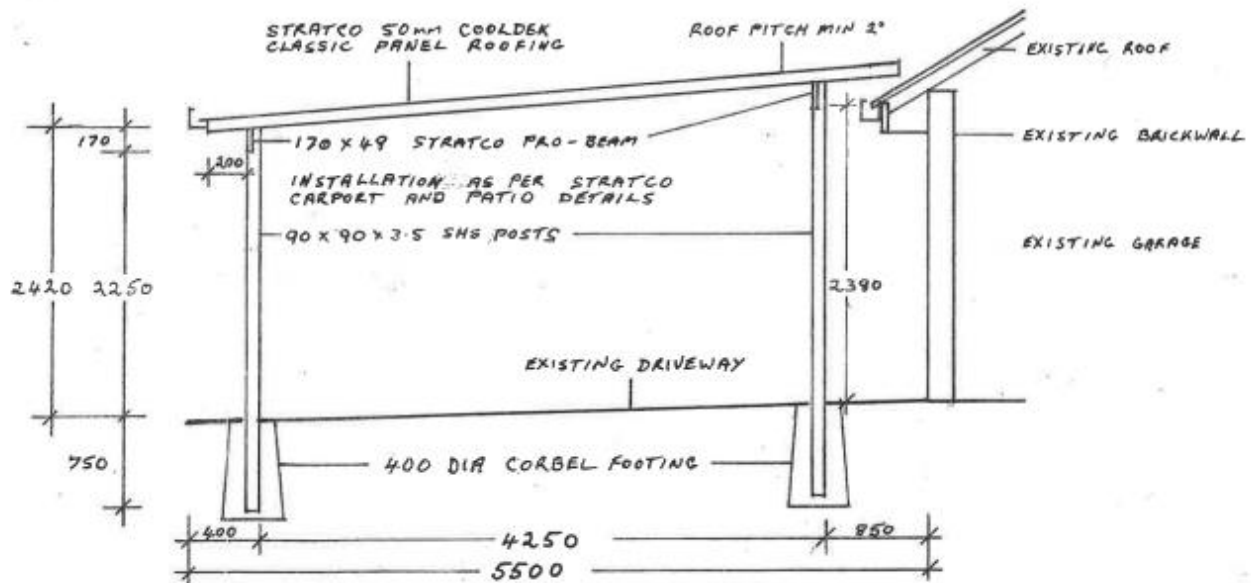
KEY ISSUES

1. Non-compliance with the Residential Zones DCP

There are 3 non-compliance issues with the controls of the Residential Zones DCP described in Clause C1 *What are the objectives for development in residential zones.* These non-compliances are:

- (b) Local Character and Identity – The proposed carport is inconsistent with the local character of the area.
- (c) Streetscapes – The proposed carport does not enhance the existing amenity of the area and is inconsistent with the established character.
- (d) Building height and setbacks – The proposed setback of 2.5m is significantly different to the 6m setback prescribed in the DCP and does not maintain the established 6m front setback along Gumnut Road.





Clause 16.1 of the Residential Zones Development Control Plan (the DCP) states that setbacks are required to meet the following objectives:

- Sufficient separation of buildings to provide privacy and sunlight access for neighbouring dwellings.
- Buildings setback from the street to provide adequate space for landscaping, privacy and an attractive streetscape.
- A design that reduces the apparent bulk of the new buildings.

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

Clause C17.3 of the DCP notes that any request to vary the front setback should meet the setback objectives and address the following. Relevant objectives include:

- The position of adjacent buildings and their residential character.
- The effect on sightlines and visibility for pedestrians and vehicles.
- The façade of the proposed building or buildings which will face the street and the proposed landscaping which is visible from the street.

Carports should be adequately set back from the front boundary to create and maintain attractive streetscapes.

The proposed carport would dominate the streetscape and be one of the few structures located within the 6 metre front setback of the primary street frontage. It would result in increased safety risks for pedestrians and motorists caused by reversing vehicles impacting on sightlines and visibility, particularly in the vicinity of the intersection of Witonga Drive and Gumnut Road and the adjoining 1.8m high boundary fence.



The approval of a carport at this location would be detrimental and out of character with the area. It may potentially provide precedent for major variations from the Residential Zones DCP in regards to front setback requirements in Gumnut Road, Yamba. This would also result in increased delays in development application processing timeframes due to the additional assessment required for what is a very basic structure.

If the proposed carport is determined to be suitable and Council chooses to approve the development application, draft advices and conditions are in schedule one attached.

COUNCIL IMPLICATIONS

Budget/Financial

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

Asset Management

N/A

Policy or Regulation

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

Consultation

N/A

Legal and Risk Management

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

Climate Change

N/A

Prepared by	Scott Whitehouse, Senior Building Surveyor
Attachment	Nil

**Schedule 1
Draft Advices and Conditions**

Advices

1. No construction is to be commenced until a Construction Certificate has been issued.
2. Prior to work commencing on a development the applicant must give notice to Council of their intention to commence work. Such notice shall be 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. Lodgement of a Construction Certificate application.

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 No. A & B, Drawn by Gary Stibbard, Drawing Date 1/2/202, Sheets 2 of 2*
2. The development is not to be occupied or used until such time as an Occupation Certificate has been issued.
3. **Working/Construction Hours** Working hours on construction or demolition shall be limited to the following:
7.00 am to 6.00 pm Monday to Friday
8.00 am to 1.00 pm Saturdays
No work permitted on Sundays and public holidays

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

4. Prior to commencement of works, a sign must be erected in a prominent position on any work site on which work is being carried out:
 - a. Stating that unauthorised entry to the work site is prohibited, and
 - b. Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside of working hours, and
 - c. Showing the name, address and telephone number of the principal certifier for the work, and
 - d. Any such sign is to be removed when the work has been completed.
5. The roof covering is to be of a colour which does not produce glare which adversely affects the amenity of adjoining properties. White colorbond, galvanised iron and zincalume are not permitted.
6. **Mandatory Inspections** The head contractor or owner-builder must give Council as the certifying authority at least 24 hours notice to enable the following inspections to be performed at the appropriate time:
 - a. **Pier holes** (if any), before concrete is poured,
 - b. After reinforcement is in positions and before pouring of any **in-situ reinforced concrete** building element,
 - c. Before internal covering/lining of the **framework** for any floor, wall, roof, or other building element.
 - d. Before covering any stormwater drainage connections.
 - e. 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.

7. All excavated materials must be treated in general accordance with the Management Guidelines detailed within the "Acid Sulfate Soil Manual, Acid Sulfate Soil Management Advisory Committee, August 1998". Agricultural Lime must be applied (and incorporated into the soil) at a rate of 50kg/m³ of soil.
8. All erosion and sediment control measures are to be installed and maintained in accordance with the Statement for Sediment and Erosion Control that was submitted with the development application.
9. No portion of the carport is to be enclosed without prior written approval being obtained from Council.
10. A suitable enclosure shall be provided onsite, 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.
11. Roof water, including overflow from a tank, is to be discharged into the most appropriate street gutter. Provide non breakable fittings where the stormwater pipe meets the kerb. Where the gutter is unformed, concrete protection is to be provided to the end of the pipe.

ITEM	6b.21.011	CULTURAL AND SPORTS TRUST FUND
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Meeting	Environment, Planning & Community Committee	16 March 2021
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment, Planning & Community (Des Schroder)	
Attachment	Nil	

SUMMARY

This report summarises requests for assistance from the Clarence Valley Cultural and Sports Trust fund on behalf of Ashleigh Ensbey, Mackenna Ensbey, Rhys Cropper, Tyler Gaddes and Martina Williams.

OFFICER RECOMMENDATION

That Council approve the following donations from the Clarence Valley Cultural and Sports Trust Fund:

1. \$300 to assist Ashleigh Ensbey who has been selected to represent NSW at the 2021 Australian National U18 Hockey Championships from 8-16 April in Launceston.
2. \$300 to assist Mackenna Ensbey who has been selected to represent NSW at the 2021 Australian National U18 Hockey Championships from 8-16 April in Launceston.
3. \$300 to assist Rhys Cropper who has been selected to represent NSW at the Australian National U18 Hockey Championships from 8-16 April in Launceston.
4. \$300 to assist Tyler Gaddes who has been selected to represent NSW at the Australian National U18 Hockey Championships from 8-16 April in Launceston.
5. \$300 to assist Martina Williams who has been selected to represent NSW at the Australian National U15 Hockey Championships from 9-15 April in Bathurst.

COMMITTEE RECOMMENDATION

Novak/Baker

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 1 Society

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

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

BACKGROUND

Ashleigh Ensbey of Lower Southgate has been selected to represent NSW in the Under 18 Women's Field State Team at the Australian National Hockey Championships from 8-16 April 2021 in Launceston. This funding will assist with player levy, travel, accommodation and competition costs.

Mackenna Ensbey of Lower Southgate has been selected to represent NSW in the Under 18 Women's Field Blues Team at the Australian National Hockey Championships from 8-16 April 2021 in Launceston. This funding will assist with player levy, travel, accommodation and competition costs.

Rhys Cropper of Grafton has been selected to represent NSW in the U18s Men's Field State Team at the Australian National Hockey Championships from 8-16 April 2021 in Launceston. This funding will assist with player levy, travel, accommodation and competition costs.

Tyler Gaddes of Grafton has been selected to represent NSW in the U18s Men's Field State Team at the Australian National Hockey Championships from 8-16 April 2021 in Launceston. This funding will assist with player levy, travel, accommodation and competition costs.

Martina Williams of Grafton has been selected to represent NSW in the U15 Girls Field State Team at the Australian National Hockey Championships from 9-15 April 2021 in Bathurst. This funding will assist with player levy, travel, accommodation and competition costs.

KEY ISSUES

The Trust provides financial support, in any calendar year, to a maximum of \$300 for individuals to attend one event at National level and \$550 per individual for one event at International level. The applications as submitted meet the criteria for financial assistance from the Fund.

COUNCIL IMPLICATIONS**Budget/Financial**

The annual budget allocation for donations held in Sub Service 410 Community Development, Financial Project 997113 Community Donations Programs is \$100,000. From this, \$5,000 has been reserved for Sport & Cultural Trust fund donations during 2021/2022.

This recommendation for support totals \$1,500.00. Funds available as at 29/02/21 are \$5,000 (PJ 997113-7012-2534).

Asset Management

N/A

Policy or Regulation

Cultural and Sports Trust Fund

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

Nil

Prepared by	Sammy Lovejoy, Community Projects Officer - Community Grants
Attachment	Nil

CLOSE OF COMMITTEE MEETING

There being no further business the meeting closed at 5.16 pm.

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 March 2021, commencing at 2.00pm and closing at 3.12pm.

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

APOLOGIES – Nil

DISCLOSURE AND DECLARATIONS OF INTEREST

<i>Name</i>	<i>Item</i>	<i>Interest/Action</i>
Cr Kingsley	6c.21.025	Significant Non-Pecuniary - Leave the meeting Close personal relationship with the owners of Gallaghers Solicitors who are acting on behalf of the applicant

SUBMISSIONS RECEIVED

6c.21.025 - Permanent Road Closures – Unused Roads off Boormans Lane Southgate	
Against the Officer Recommendation	<ul style="list-style-type: none"> • Cathy Chapman • Peter & Kim Connor • Bryan & Maria Felton • Stephen Grimes • Aurey Marsh & Aimee Chaffey • Alex McLeay • Andrew Wilson • Louise Wilson • Pamela & Nicholas Wilson • Andrew & Karen Zylstra

ITEM	6c.21.025	PERMANENT ROAD CLOSURES – UNUSED ROADS OFF BOORMANS LANE SOUTHGATE
Meeting	Corporate, Governance & Works Committee	16 March 2021
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Yes plus Confidential Attachment	

SUMMARY

This report requests Council consider a further request regarding the closure of a section of unused public road off Boormans Lane Southgate adjoining Lot 1 DP 1223609 and Lot 78 DP 751386.

OFFICER RECOMMENDATION

That Council:

1. Approve the closure of the sections of unused road off Boormans Lane Southgate adjoining Lot 1 DP 1223609 and Lot 78 DP 751386, marked A and B as indicated in Figure 1 of the report subject to the following.
 - a) Easement/s being granted to Forestry Corporation NSW for access,
 - b) The owner of Lot 1 DP 1223609 and Lot 78 DP 751386 purchasing the newly created lots (closed road) as per the terms in Confidential Attachment 1,
 - c) The owner of Lot 1 DP 1223609 and Lot 78 DP 751386 meeting all costs (including Council's and Forestry Corporation NSW) associated with the closure and transfer of the lots.
2. Classify the newly created lots as operational land.
3. Delegate authority to the General Manager to execute all documents associated with the closures, survey and transfers.
4. Decline the application for closure of the section of road marked C in Figure 1. of the report and retain it as Council unmaintained public road.

Having declared an interest in this item, Cr Kingsley left the CG&W Committee meeting at 2.03 pm and returned at 2.04 pm.

COMMITTEE RECOMMENDATION

Ellem/Lysaught

That the matter be deferred until the Ordinary Council Meeting next week.

Voting recorded as follows

For: Lysaught, Ellem, Toms, Simmons

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

Council considered the closure of unused sections of road reserve off Boormans Lane, Southgate at the 25 August Ordinary meeting (Item 6c.20.124) and resolved not to approve closure of the section of road adjoining Lots 1 DP1223609 and 78 DP 751386.

The owner of Lot 1 DP 1223609 and Lot 78 DP 751386 applied to close and purchase a section of unused Council public road reserve adjoining their property. The proposal was advertised, and several submissions were received from landowners in the vicinity who do not support the closure as it was used as a secondary access for them. Forestry Corporation NSW were reviewing the matter and at the time of Council's

consideration had not provided consent to the closure. As such, Council did not approve the closure of the road reserve.

KEY ISSUES

The applicant subsequently sought legal advice and the solicitor representing them has lodged a request for the matter to be reconsidered. The request is attached.

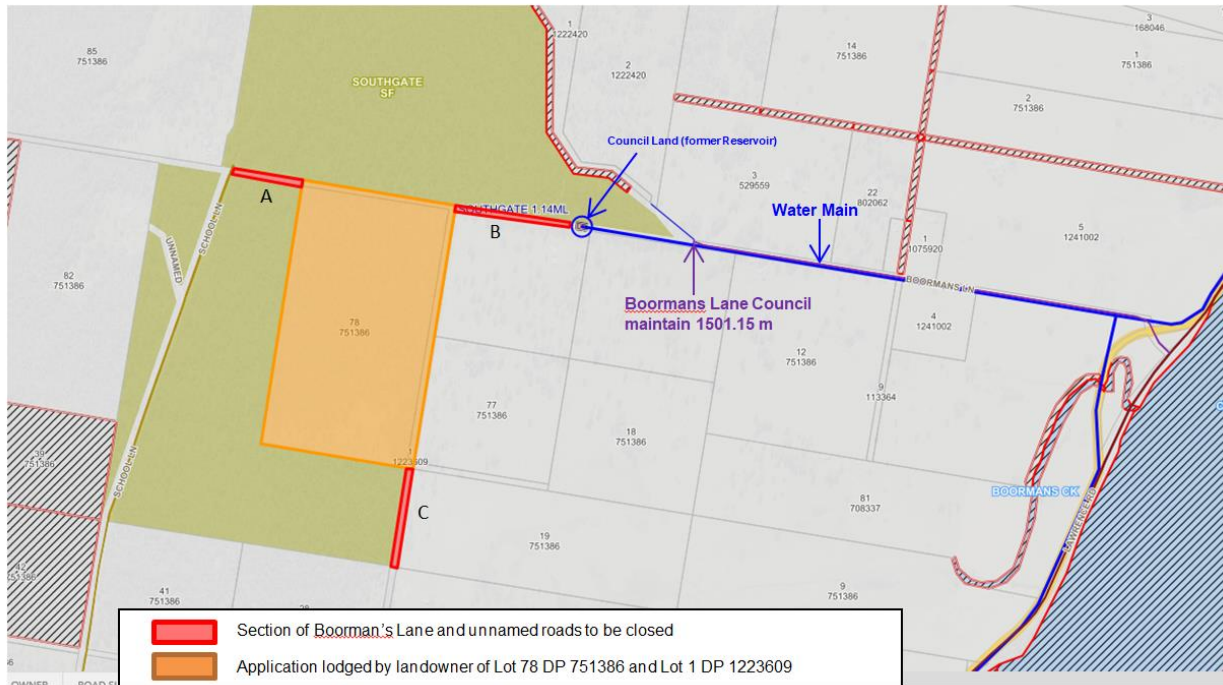


Figure 1.

The applicant applied for dwelling eligibility advice from Council (SCH2020/0038). Lot 78 has dwelling eligibility, which expires on 23 December 2021 and subsequently requires a development application for a dwelling to be lodged and approved prior to this date. In order for Council's Planning Department to approve a dwelling, Lot 78 requires frontage to a Council maintained road. The closest Council maintained road is School Lane.

The applicant could upgrade the section of road reserve marked A to a suitable standard to achieve a maintained road, but as the section of road only services one property (the applicant) the cost of upgrade adds no value to public access. It is considered more appropriate to close the section of road reserve and transfer it to the adjoining landowner (lot 78 DP751386). This would negate ongoing maintenance resource required by Council as the applicant would own the land to establish a driveway with access to a Council maintained road, being School Lane. Transfer of ownership of the land would enable the applicant to proceed with lodging a development application for a dwelling, before the expiry of dwelling entitlement.

As advised in the previous report, in accordance with provisions of the *Roads Act 1993*, the proposed closure was advertised. Nine (9) objections were received and these were considered by Council at the previous meeting. The submissions are attached again for information. The main concern in the submissions was that the road was used as a secondary access in times of wet weather and extreme events (flood and bushfire) as Lawrence Road often becomes impassable.

The existing track is unformed and unmaintained. An unmaintained road does not provide reliable secondary access or reliable access for emergency purposes. Furthermore, Council is not required to provide secondary access to properties.

The majority of the unformed road (or access track) does not follow the public road reserve alignment. As such the public are traversing what could be considered a private road or forestry road as it runs through Forestry Corporation NSW land. A small part (section B) adjoining Lot 76 follows the road reserve but, does not join with Council public road at either end.

Section A – Whilst the main access track is out of alignment there are small tracks branching off it which would meet the 'constructed' requirements. The land has dwelling eligibility and to meet the requirements of

the LEP the landowner will be required to have access to a Council maintained public road. It is therefore recommended to close section A shown in Figure 1 and transfer it to the applicant as this will allow them access to School Lane, which is a Council maintained road. Forestry Corporation NSW has consented to the closure subject to an easement for access (a Right of Carriage Way, 'ROCW') being granted to benefit their organisation.

Section B - is occupied by part of the access track that joins the private/forest road. It does not join Council public road at either end. (The western end joins/abuts Lot 1 DP 1223609 and the eastern end joins/abuts Council owned freehold land Lot 1 DP 623796 being the site of the former reservoir). It is understood that the water meter for the applicant's land is located within this section. It is therefore recommended to close section B shown in Figure 1 and transfer it to the applicant. Forestry Corporation NSW has consented to the closure subject to an easement for access (ROCW) being granted which benefits their organisation. The owner of Lots 17, 18, 19 and 76 DP751386, two of which also adjoin Section B has indicated verbally that the closure of Section B has no impact on access to his lots, which is maintained directly from another section of Boormans Lane unaffected by the closure, and further that he has no interest in purchasing Section B. Written response had not been received at the time of writing this report.

Section C - appears to be heavily vegetated and aerial photography shows access tracks throughout. The adjoining landowner of Lot 19 DP 751386 has objected advising that access is required to the rear of their property. Access appears to be able to be gained via School Lane and then along unnamed unmaintained road reserve. Due to the shape and location it is considered that this road if closed would be best suited as an addition to the State Forest subject to the approval of the Forestry Corporation NSW with an appropriate easement for access or right of way being granted to the adjoining land (Lot 19 DP 751386) if required. Forestry Corporation have not commented on the addition of this land to the Forest. It is therefore, recommended to retain this section of road reserve to further investigate that option.

COUNCIL IMPLICATIONS

Budget/Financial

All costs associated with the road closure process are paid by the applicant.

Asset Management

If the closure is supported, then the section of closed road would be removed from Council's Asset Register.

Policy or Regulation

Roads Act 1993
Local Government Act 1993
Conveyancing Act 1919

Consultation

Consultation has been undertaken with notifiable authorities, adjoining landowners and relevant sections of Council. Councils Civil Services and Planning Sections support the closure and sale of Sections A and B.

Forestry Corporation NSW has advised that they consent to the closures subject to a Right of Carriageway being created which benefits them.

Landowners in the vicinity of the proposed road closures have objected and their submissions are attached.

Legal and Risk Management

Closure and sale of the road reserves will eliminate any liability for Council.

Climate Change

N/A

Prepared by	Kylee Baker, Property Coordinator
Attachment	Submissions Solicitor application
Confidential	Disposal details

ITEM	6c.21.026	CLASSIFICATION OF LOT 34 DP 1270278 AT GULMARRAD AS OPERATIONAL LAND
Meeting	Corporate, Governance & Works Committee	16 March 2021
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Nil	

SUMMARY

To classify recently acquired land, Lot 34 DP 1270278, located at Frogmouth Drive, Gulmarrad, as operational land.

OFFICER RECOMMENDATION

That Council classify Lot 34 DP 1270278 located at Frogmouth Drive, Gulmarrad, as operational land.

COMMITTEE RECOMMENDATION

Simmons/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

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

BACKGROUND

In 2006, Council approved Development Application SUB2006/0031 for an 80 lot subdivision upon No. 209 Sheehans Lane, Gulmarrad. A total of 32 residential lots have been released in stages to date.

As part of the subdivision design, a stormwater detention basin was required to provide adequate stormwater disposal and treatment for the development. This was provided as part of the subdivision works certificate issued under CC2012/0259. The land containing the detention basin was registered as Lot 34 DP1270278 on 24 December 2020, and was transferred to the ownership of Council.



KEY ISSUES

Section 31 of the *Local Government Act 1993* provides that land is automatically classified as community land, unless Council resolves prior to acquiring it, or within 3 months of acquisition, that it is operational.

As the lot is used for drainage it is recommended to classify it as operational as it has an operational purpose. Other Council land used for similar purposes is classified as operational land.

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

COUNCIL IMPLICATIONS

Budget/Financial

The classification requires public notice to be given. This has been undertaken on Council’s website and noticeboard therefore there are no external expenses.

Asset Management

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

Policy or Regulation

Local Government Act 1993

Consultation

In accordance with Section 34 of the *Local Government Act 1993*, 28 days public notice has been given advising of the proposal to classify the land as operational. Submissions closed on 22 February 2021. One submission was received requesting the treatment capabilities to be reviewed and upgraded. The infrastructure located on Lot 34 was subject to a Subdivision Works Certificate from Council’s Development Services Section and is considered adequate for the proposal. As this submission does not relate to the classification of the land, it has been referred to Council’s Development Engineer to respond accordingly. Council’s Civil Services and Planning sections have been consulted and there is no objection to the classification of Lot 34 DP1270278 as operational land.

Legal and Risk Management

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

Climate Change

N/A

Prepared by	Kylee Baker, Property Coordinator
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ITEM	6c.21.027	POLICIES – NEW AND REVIEWED – COMMUNICATIONS POLICY AND SOCIAL MEDIA POLICY
Meeting	Corporate, Governance & Works Committee	16 March 2021
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Yes	

SUMMARY

The report recommends adoption of policies which have been reviewed and the exhibition of new policies.

OFFICER RECOMMENDATION

That Council place the following draft policies on public exhibition for a period of 28 days and if there are no submissions made, that they be adopted as per attached:

- i. Communications Policy
- ii. Social Media Policy

COMMITTEE RECOMMENDATION

Ellem/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

All Council policies are scheduled for review at least once during the term of the elected body.

KEY ISSUES

Communications Policy

At the Ordinary Meeting of Council held 23 February 2021, it was resolved:

“That Council recommend the General Manager, Ashley Lyndsay [sic] 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.”*

At the time of the resolution of Council, the Communications Policy was in draft form and is presented to address the resolution of Council. The policy provides governance to the various ways in which the activities of Council are communicated externally.

The Communications Policy is new, and it is proposed it be placed on public exhibition.

Social Media Policy

The Social Media Policy has been reviewed and updated:

- a. in the new template format for Council policies
- b. makes explicit the scope of its application
- c. includes a policy statement and
- d. includes a section on dealing with offensive behaviour by members of the public commenting on Council's social media platforms.

New sections are included in the attachment, printed in red text. It is proposed the policy be placed on public exhibition.

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation

As noted above.

Consultation

Community feedback is sought through the public exhibition period.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Alex Moar, Manager Organisational Development
Attachments	Draft Communications Policy Social Media Policy V3

ITEM	6c.21.028	REQUEST FROM ACCOUNT 2153377 FOR CONSIDERATION FOR REDUCTION IN WATER ACCOUNT
Meeting	Corporate, Governance & Works Committee	16 March 2021
Directorate	Corporate & Governance	
Reviewed by	A/Manager - Finance & Supply (Michael Salvestro)	
Attachment	Confidential	

SUMMARY

The commercial property owner of Water Account 2153377 submitted a request on 24 November 2020, seeking a reduction on the sewer usage charge raised due to a previously undetected leak.

OFFICER RECOMMENDATION

That Council grant a concession of \$660.16 on Account 2153377 in respect of sewer usage charges on the commercial property where a water leak was detected in a hot water system and there was no discharge into the sewer network.

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

The commercial property owner of Water Account 2153377 submitted an Application for Concealed Leak Allowance on 12 October 2020, seeking a reduction under the Concealed Leak Allowance Policy (refer Attachment A). The owner was advised, on 14 October 2020, that it was unable to be granted a reduction in the water account as the leak was from a hot water system (refer Attachment B).

The Definition of “A Concealed Leak” within the terms of Council’s Concealed Water Leak Allowance Policy states:

“A Concealed Leak – is water escaping from a private water service that is hidden from view and defined as occurring within pipeline breaks or connections in the ground, under slabs or within walls and is not clearly visible to the owner. (It does not involve leakage from an appliance, fixture, water pump, hot water or the like. Lush grass or damp soil does not constitute being concealed from view.)”

Further correspondence dated 24 November 2020 was received from the commercial property owner who sought a reduction on the account based on the sewer usage charge (refer Attachment C). The owner requested that an adjustment be made to the sewer usage charge based on the fact that there was no discharge into Council’s sewer network but rather to the sand under the owner’s building where the hot water system was located.

As the sewer usage amount made up \$703.76 of the total \$1,547.87 bill, the owner raised a valid point that was outside the realms of the Concealed Water Leak Allowance Policy, even though the leak was due to their hot water system being faulty.

Each non-residential user that discharges into Council’s sewer network has a sewer discharge factor applied, which is determined by the type of business activity. In this case it was deemed that 60% of the water used was discharged into the sewer system when in fact the owner claimed it wasn’t discharged into the sewer network at all.

Details of the last three water usage accounts including sewer usage are listed below:

Meter Read Date	Meter Read	Usage/ Kl	Sewer Discharge Factor	Usage Amount	Sewer Usage Amount	Total Amount
03/02/2020	287	14	0.60	\$34.86	\$29.06	\$63.92
07/07/2020	626	339	0.60	\$844.11	\$703.76	\$1,547.87
02/11/2020	643	17	0.60	\$43.01	\$35.80	\$78.81

The daily average calculation and the amended sewer usage calculation is provided below if a reduction was to apply.

Meter ID	Reading Date	Reading	Consumption	Reading Days	Daily Average	Amount
14X004728	7/07/2020	626	339	155	2.187	1,547.87
14X004728	3/02/2020	287	14	91	0.154	63.92
14X004728	4/11/2019	273	11	89	0.124	50.23
14X004728	7/08/2019	262	12	92	0.130	53.95
14X004728	7/05/2019	250	12	90	0.133	53.95
			49	362	0.13535912	

The calculation of the sewer usage based on the daily average consumption is:

Average Daily Usage	0.13535912
Multiplied by No of days	<u>155</u>
Average Consumption/Period	20.9806636
Average Consumption/Period	21
Multiplied x Sewer Discharge Factor (60%)	0.60
Multiplied by Sewer Usage Rate/kl	<u>\$3.46</u>
	\$43.60
Amount of Sewer Usage	\$703.76
Less Amended Account	<u>-\$43.60</u>
Amendment on SDF	<u>\$660.16</u>

The Concealed Water Leak Allowance Policy states:

“4.7 A sewer usage charge is levied on Commercial/Industrial properties that have a water meter and are liable for a percentage discharge factor of water discharged into the sewerage system. The allowance given for sewer usage is in addition to any allowance given for water usage. Where sewer usage is involved, no maximum allowance will apply and the calculation will be based on the revised daily average calculation for the amendment period. The allowance will be granted for the period of the leak i.e. granted on the current quarter if the leak was detected in that quarter or for the previous quarter (if it can be determined a leak had occurred) and the current quarter up to the date of repair”

KEY ISSUES

The Concealed Water Leak Allowance Policy automatically denies the applicant a reduction if it involves a leak from an appliance, fixture, water pump, hot water or the like. In this case the commercial owner does not seek a reduction in the amount of water used due to the fact that the leak was from an appliance but rather a reduction in the sewer usage charge component of the account as there was no discharge to the sewer network from the leak.

COUNCIL IMPLICATIONS**Budget/Financial**

If no adjustment is granted there will be no impact on the income for the 2020/2021 financial year, however if a concession is granted to this account as per the calculations listed above, income for the 2020/2021 financial year on PJ 906115-6219-1247 (Sewer – Usage Non Residential Income) will be reduced by \$660.16.

Asset Management

N/A

Policy or Regulation

Concealed Water Leak Allowance Policy

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Paula Krahe, Revenue Co-Ordinator
Confidential	A – Application for Concealed Leak B – Letter seeking further consideration due to no discharge into sewer

ITEM	6c.21.029	2020/21 MONTHLY FINANCIAL REPORT – FEBRUARY 2021
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Meeting	Corporate, Governance & Works Committee	16 March 2021
Directorate	Corporate & Governance	
Reviewed by	A/Manager - Finance & Supply (Michael Salvestro)	
Attachment	Yes	

SUMMARY

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

Budget variations identified in this report impact the General Fund end of year result by (\$291,098). The reserve fund variations identified in this report will decrease the reserve funds by \$2,225,889.

OFFICER RECOMMENDATION

That Council:

1. Receive and note the monthly financial information report for February 2021, attached to this report.
2. Endorse the proposed General Fund variations as set out in this report totalling (\$291,098) for inclusion in the March Quarterly Budget Review Statement to be reported in April 2021.
3. Endorse the proposed variations, which decrease Financial Reserves by \$2,225,889 for inclusion in the March Quarterly Budget Review Statement to be reported in April 2021.

COMMITTEE RECOMMENDATION

Simmons/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

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

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

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

The report table below highlights any proposed budget variations that staff have become aware of during the past month that may affect the 2020/21 budget. The mechanism for revising the adopted budget is the

Quarterly Budget Review Statement (QBRs) in compliance with Clause 203 of the Local Government (General) Regulation 2005.

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

KEY ISSUES

Major Budget Variations Proposed

Following is a list of the major proposed variations identified during the month of February 2021.

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
102	Service – Office of General Manager Sub-Service – Finance & Asset Planning <ul style="list-style-type: none"> Fund additional cost of CCTV inspections of sewer mains to obtain strategic asset management data and existing adopted budget from RA 79025 \$183,998. 	(\$35,675)	\$183,998	N/A
	<ul style="list-style-type: none"> Fund Water and Sewer asset revaluations RA 79010 \$18,625 and RA 79025 \$18,625 	(\$37,250)	\$37,250	N/A
199	Service – Office of the General Manager Sub-Service – Care & Support Contracted Services <ul style="list-style-type: none"> Fund the STRC Payment to Wesley from RA 10240 	\$Nil	\$151,000	N/A
	<ul style="list-style-type: none"> Fund the CHSP Payment to Wesley from RA 83185 	\$Nil	\$308,143	N/A
203	Service – Communication & Industry Engagement Sub-Service – Communications & Sponsorship <ul style="list-style-type: none"> Allocate the EPA contribution towards the FOGO Deep Dive Education Intervention (\$14,274) 	\$Nil	\$Nil	N/A
205	Service – Communication & Industry Engagement Sub-Service – Industry & Community Economic Development <ul style="list-style-type: none"> Fund North Coast Maritime Recycling Waste to Wages from RA 14100 	\$Nil	\$79,091	N/A
211	Service – Finance & Supply Sub-Service – Financial Accounting & Compliance <ul style="list-style-type: none"> Increase Temp Agency Staff cost \$31,257 to be offset against vacancy saving Position #4313400 (\$67,853) 	(\$36,596)	\$Nil	N/A
	<ul style="list-style-type: none"> Increase Temp Agency Staff cost \$29,000 to be offset against vacancy saving Position #4311240 Payroll Officer (\$28,337) 	\$663	\$Nil	N/A
214	Service – Finance & Supply Sub-Service – Revenue Management <ul style="list-style-type: none"> Printing and stationery cost reduced due to Debt Recovery Amnesty as a result of COVID impacts 	(\$70,000)	\$Nil	N/A

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
221	Service – Information & Corporate Systems Sub-Service – Information Technology			
	<ul style="list-style-type: none"> Fund the New Communications Tower Financial Project from Sewer RA 79025 Reallocate 50% of funds from Road Surveillance project Sub-Service 311, as project delayed, to fund CiAnywhere upgrade. 	\$Nil	\$125,000	N/A
311	Service – Roads Infrastructure Sub-Service – Local Roads			
	<ul style="list-style-type: none"> Reallocate 50% of funds to CiAnywhere upgrade Sub-Service 221 from Road Surveillance project, as project delayed. 	(\$100,000)	\$Nil	N/A
315	Service – Roads Infrastructure Sub-Service – Traffic Facilities			
	<ul style="list-style-type: none"> Allocate Transport NSW Safety Grant for Safety Improvements to Gulmarrad Primary School access (\$215,000) 	\$Nil	\$Nil	N/A
	<ul style="list-style-type: none"> Allocate the Transport NSW Safety Grant for Safety Improvements to South Grafton High School access (\$151,000) Allocate the Transport NSW Safety Grant for Safety Improvements to Westlawn Public School access (\$43,829) 	\$Nil	\$Nil	N/A
321	Service – Regional Airport Sub-Service – Regional Airport			
	<ul style="list-style-type: none"> Reduce the LIRS loan to align with the 2020/21 subsidy Reduce landing fee income as a result of the COVID-19 impact on flights and uncertainty around airline replacement as at 31 March, 2021 	\$5,804	\$Nil	N/A
341	Service – Parks & Open Spaces Sub-Service – Parks and Reserves			
	<ul style="list-style-type: none"> Remove Maclean Showground - Main Arena Lighting Upgrade as grant application unsuccessful (\$300,000) 	\$Nil	\$Nil	N/A
	<ul style="list-style-type: none"> Remove Memorial Park Grafton - Pontoon/Jetty as grant application unsuccessful (\$250,000) 	\$Nil	\$Nil	N/A
	<ul style="list-style-type: none"> Fund 2020/21 Maclean Pool Equitable Amenities works 	\$200,000	\$Nil	6e.20.011
	<ul style="list-style-type: none"> Fund the Light Fitting Replacements in Jabour Park from Crown Reserves Improvement Fund (CRIF) Grant (\$81,973) 	\$Nil	\$Nil	N/A
342	Service – Natural Resource Management Sub-Service – Natural Resource Management			
	<ul style="list-style-type: none"> Fund Mitigating flying-foxes impacts - Maclean & Greater Clarence Valley project from RA 89194 	\$Nil	\$25,000	N/A

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
343	<p>Service – Buildings & Facilities Sub-Service – Buildings & Facilities</p> <ul style="list-style-type: none"> Fund design and relocation of staff to 42 Victoria Street from: <ul style="list-style-type: none"> ➤ RA 10125 \$151,256 ➤ RA 10520 \$150,749 ➤ RA 10010 \$277,068 Increase funding for Fit Out and Refurbishment to 2 Prince Street from: <ul style="list-style-type: none"> ➤ RA 10010 \$245,960 ➤ RA 10815 \$300,000 	\$Nil	\$579,073	CM 6e.20.029
391	<p>Service – Watercycle Sub-Service – Water Operations</p> <ul style="list-style-type: none"> Remove Clarence River Grafton Main Investigation funded from RA 79010 to be deferred to 2021/22 	\$Nil	(\$50,000)	N/A
393	<p>Service – Sewer Services Sub-Service – Sewer Operations</p> <ul style="list-style-type: none"> Fund additional cost of STP Renewals from RA 79025 Fund Iluka Sewer Treatment Plant Biosolids Hardstand Area from Sewer RA 79025 	\$Nil	\$62,997	N/A
395	<p>Service – Floodplain & Estuary Management Sub-Service – Floodplain Infrastructure & Operation</p> <ul style="list-style-type: none"> Fund Ecological Sustainable Development - Floodplain Farming from RA 89142 	\$Nil	\$13,179	N/A
410	<p>Service – Community Development Sub-Service – Community Development</p> <ul style="list-style-type: none"> Allocate the Summer Break Activities Grant to Out of the Box Financial Project (\$8,923) 	\$Nil	\$Nil	N/A
420	<p>Service – Library Services Sub-Service – Clarence Regional Library</p> <ul style="list-style-type: none"> Remove Library Services Review 50% funded from RA 41125 Fund Get Connected Program from RA 41127 	\$Nil	(\$35,000)	N/A
421	<p>Service – Library Services Sub-Service – Public Libraries</p> <ul style="list-style-type: none"> Remove Library Services Review 50% matching funds Allocate Tech Savvy Seniors Grant to Tech Savvy Seniors Training Project (\$8,750) 	(\$35,000)	\$Nil	N/A
422	<p>Service – Cultural Services Sub-Service – Regional Gallery</p> <ul style="list-style-type: none"> Allocate Create NSW Restart Grant to fund get Creative in the Clarence (\$10,000) 	\$Nil	\$Nil	N/A
441	<p>Service – Environment, Development & Strategic Planning Sub-Service – Building Services</p> <ul style="list-style-type: none"> Increase Building Surveyors income to align to forecast. 	(\$190,275)	\$Nil	N/A

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
443	Service – Environment, Development & Strategic Planning Sub-Service – Strategic Planning <ul style="list-style-type: none"> Fund Yamba Bypass Feasibility Assessment 50% from RA 91520 	\$75,000	\$75,000	6a.19.027
444	Service – Environment, Development & Strategic Planning Sub-Service – Development Services <ul style="list-style-type: none"> Increase Development Application income to align to forecast. 	(\$247,418)	\$Nil	N/A
445	Service – Regulatory Services Sub-Service – Regulatory Services <ul style="list-style-type: none"> Reduce parking fine income due to delayed commencement of Parking Officer \$80,000, to be offset against vacancy saving Position# 4415001 Parking Officer (\$37,602) 	\$42,649	\$Nil	N/A
	TOTAL Proposed General Fund / Reserve Balance Impact	(\$291,098)	\$2,225,889	

Explanation of Attachment

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

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

COUNCIL IMPLICATIONS

Budget/Financial

General Fund Budget (Surplus)/Deficit

Original Budget Adopted by Council June 2020	(\$335,373)	Surplus
Q1 Revised Budget – September	\$361,486	Deficit
Q2 Revised Budget – December	\$18,178	Deficit
Q3 Proposed Budget Variations - February	(\$291,098)	Surplus
Proposed Movement of General Fund 2020/21 Budget Result February 2021	(\$246,807)	Surplus

Proposed Impact on External and Internal Financial Reserve Funds Result

Reserve Movements

Original Budget Adopted by Council June 2020	\$3,679,256	Decrease
2019/20 Carry Forwards	\$10,538,785	Decrease
Q1 Revised Budget – September	\$6,928,928	Decrease
Q2 Revised Budget – December	\$3,585,988	Decrease
Q3 Proposed Budget Variations – February	\$2,225,889	Decrease
Proposed Movement of Reserve Funds 2020/21 Budget Result February 2021	\$26,958,846	Decrease

Asset Management

N/A

Policy or RegulationSection 202 of the *Local Government (General) Regulation***Consultation**

This report has been prepared in consultation with the Management Accounting Team and relevant Budget Managers.

Legal and Risk Management

N/A

Climate Change

N/A

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

ITEM	6c.21.030	COUNCIL MEETING CHECKLIST – UPDATE ON ACTIONS TAKEN
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Meeting	Corporate, Governance & Works Committee	16 March 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/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

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

KEY ISSUES

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

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

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation

Local Government Act 1993 S355 (1)

Consultation

Staff and Managers

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Lesley McBay, Coordinator Executive Support
Attachment	Checklist

ITEM	6c.21.031	FUNDING OFFER AND GRANT APPLICATIONS– FIXING COUNTRY BRIDGES
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Meeting	Corporate, Governance & Works Committee	16 March 2021
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Nil	

SUMMARY

The NSW Government have announced that Council's applications have been successful in securing funding under the Fixing Country Bridges program for the replacement of 31 timber bridges.

OFFICER RECOMMENDATION

That:

1. Council note the Fixing Country Bridges funding announcement.
2. Council delegate authority to the General Manager to execute documentation associated with funding.
3. The Council's common seal be affixed to the Fixing Country Bridges funding deeds if required.

COMMITTEE RECOMMENDATION

Ellem/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

Council submitted applications for funding under the Fixing Country Bridges (FCB) program for 32 bridges as per the list provided in the attachment to report 6c.20.159 to the October 2020 Council meeting. Thirty one applications were successful, resulting in an unprecedented amount of funding for timber bridge replacements in the Clarence Valley over the next two years. One application was unsuccessful and this is expected to be due to a land ownership issue at the bridge site which needs to be resolved.

The FCB funding contributions are listed in below, along with the other funding sources for each project.

Six of the projects which have secured FCB funding are also funded by the Australian Government's Bridges Renewal Program (BRP) Round 5 and 1 project (Chevalleys Bridge) has received approval for funding under the Natural Disaster (ND) guidelines due to the fire damage to the bridge in late 2019.

There is also \$611,873 of Council funding to be contributed across 16 of the projects. As stated in report 6c.20.159 to the October Council meeting this contribution is to be redistributed from the bridge replacement program funding that was already allocated in the 20/21 budget.

Table 1 - Bridges Renewal Program Projects

Project	Total Estimated Cost	Fixing Country Bridges Contribution	BRP / ND funding Contribution	Council Contribution
Mangrove Bridge No 2, Jackybulbin Tullymorgan Road	\$531,443	\$244,722	\$265,722	\$21,000
Bridge No 4, Jackybulbin Tullymorgan Road	\$531,443	\$244,722	\$265,722	\$21,000
Bridge No 3, Jackybulbin Tullymorgan Road	\$531,443	\$244,722	\$265,722	\$21,000
McPhillips Road Timber Bridge Replacement, Halfway Creek	\$595,134	\$265,194	\$297,567	\$32,373
Chevalleys Bridge, Coaldale Road	\$1,762,372	\$847,875	\$914,497	-
Rhodes Bridge, Old Glen Innes Road	\$726,754	\$684,254	-	\$42,500
Dignans Timber Bridge replacement, Coongbar Rd	\$738,034	\$355,032	\$343,002	\$40,000
Middle Creek Bridge, Montrose Loop Road (East)	\$535,854	\$495,854	-	\$40,000
Sweeneys Creek Bridge	\$504,229	\$464,229	-	\$40,000
Minnie Water Bridge No 2, Sandon Road	\$571,320	\$531,320	-	\$40,000
White Swamp Bridge, Stockyard Creek Road	\$641,562	\$601,562	-	\$40,000
Fortis Creek Bridge, Greberts Road	\$641,562	\$601,562	-	\$40,000
Dundoo Floodway Bridge, Kungala Road	\$1,695,169	\$1,638,169	-	\$57,000
Fifteen Mile Swamp Bridge, Lower Kangaroo Creek Road	\$518,604	\$478,604	-	\$40,000
Winters Bridge, Jackadgery-Lillydale Road	\$726,478	\$686,478	-	\$40,000
Barretts Creek Bridge, Coaldale Road	\$1,672,169	\$1,615,169	-	\$57,000
McIntosh Creek Bridge, Black Swan Drive	\$512,854	\$472,854	-	\$40,000
Minne Water Bridge No 1, Sandon Road	\$533,945	\$533,945	-	-
Bridge 3, Marengo Road	\$504,229	\$504,229	-	-
Wintervale Creek Bridge, Old Glen Innes Road	\$1,222,036	\$1,222,036	-	-
Coutts No 2 Bridge over Orara Floodway, Armidale Road	\$4,212,358	\$4,212,358	-	-
Brennans Road Bridge No 2	\$461,771	\$461,771	-	-
Bostock Road Bridge	\$492,729	\$492,729	-	-
Coldstream River Bridge, Franklins Road	\$492,729	\$492,729	-	-
Mitchell Road Bridge No 1	\$477,871	\$477,871	-	-
Mitchell Road Bridge No 2	\$377,246	\$377,246	-	-
Mitchell Road Bridge No 3	\$377,246	\$377,246	-	-
Billys Creek Bridge, Armidale Road	\$2,666,252	\$2,666,252	-	-
Skinners Swamp Bridge, Armidale Road	\$3,196,126	\$3,196,126	-	-
Koukandowie No 2 Bridge, Armidale Road	\$1,141,904	\$1,141,904	-	-
Coutts No 1 Bridge over Orara Floodway, Armidale Road	\$4,212,358	\$4,212,358	-	-
TOTALS	\$33,738,604	\$30,841,122	\$2,352,232	\$611,873

KEY ISSUES

The total value of the FCB program is \$500M and of this approximately \$290M has been allocated in the first round. We anticipate that there will be at least a second round of funding and the NSW Government has indicated that it will be open for applications in late 2021.

Council currently has 125 timber bridges. Over the next two years Council has now secured funding for the replacement of 32 bridges, including the 31 funded by FCB round 1 and BRP round 5, and 1 fully funded under the Natural Disaster guidelines, which leaves a total of 93 timber bridges. Although Council is now committed to a very challenging delivery program over the next two years Council has an opportunity to consider making applications for further funding under FCB round 2.

One significant bridge replacement project which is yet to be funded is Bluff Bridge over the Orara River on the Orara Way. This bridge is deteriorating and difficult to maintain and is frequently overtopped by flood waters. While it is highly desirable to secure funding for this project, there are significant constraints to be investigated to be able to define the extent of the project and determine the associated cost. To date no budget has been available for the geotechnical investigations, survey, engineering of the alignment and hydrological study to develop a concept design for the bridge including some approximate geometry. It is not known whether a project as significant as Bluff Bridge would be suitable for FCB round 2, as the guidelines for round 1 of the program state that *'the scope of replacement works will be generally limited to a replacement of a similar scale to the existing bridge. Approach works will be limited to 100 metres from each bridge abutment and utility relocation requirements are to be limited'*. In any case, this project is going to require some early investment to allow an appropriate level of funding to be sought at some time in the future.

Project Resourcing

It is acknowledged that Council will not have the capacity to deliver these works with our current project management resources. Within the grant submissions staff made an estimated allowance for project management costs of \$1,280,750, being 3.5% of the total project value. Staff have identified that the resources would be fixed term appointments for the duration of the program and it is anticipated that the resourcing as identified below would manage the delivery and support the development and administration of the commercial aspects of the project.

- Project Coordinator/Manager (1.0 x FTE)
- Commercial/contracts officer (0.6 FTE)
- Project Engineers (3x FTE)

As the project gets underway and design work is progressing, the resourcing requirements may need to be reassessed to assist with the physical delivery and programming of construction work. It is anticipated that during the delivery phase there will be up to four projects being constructed concurrently and as such it is anticipated that at least two Project Engineers will be required to support the delivery of the project, however, three have been allowed for pricing purposes. Staff are currently in the process of reviewing appropriate position descriptions to suit those roles.

COUNCIL IMPLICATIONS

Budget/Financial

The financial impact is detailed in the provided tables.

Asset Management

All of the projects involve the renewal of assets that are already on our asset register.

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Adele McGeary, Bridges Engineer
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ITEM	6c.21.032	UNSEALED ROADS MATERIAL TRIALS - UPDATE
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Meeting	Corporate, Governance & Works Committee	16 March 2021
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Nil	

SUMMARY

In July 2018 Council commenced a formal trial of various treatments for unsealed roads to determine whether the treatments would reduce Council maintenance costs and increase the life of the asset. This report provides an update (close out) on the original formal trial at Tullymorgan and also discusses some informal trials conducted on other roads carried out across Clarence Valley Council during 2020.

OFFICER RECOMMENDATION

That Council:

1. Receive and note this report on unsealed roads material trials.
2. Receive a further report to the April 2021 meeting that would consider the prioritisation of the unsealed road maintenance program in preparation for the 2021/22 Operational Plan.

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

At the May 2018 Council meeting Council adopted a proposed gravel road maintenance trial to be undertaken (Item 15.081/18). The trial commenced in July 2018 with two sections on Lawrence-Tullymorgan Road selected to simulate similar conditions experienced around the valley. Since the trial commenced the sites have been monitored (visual inspection) monthly.

The first series of results were reported to Council's February 2019 meeting (Item 15.024/19) and a second series of results were reported to Council's September 2019 meeting (Item 6c.19.055). The trial concluded in January 2020 following a heavy rain event that required all trial sections to be reworked.

Lessons learned - Lawrence-Tullymorgan Road Trial:

At the completion of the trial it was clear that the performance of the conforming gravel material (as sourced from a hard rock quarry) was superior to the other trial sections that included other local gravel sources, stabilised sections and sections incorporating costly additives including Polycom and bitumen emulsion.

The use of locally available materials (lower river) was shown to be of a lower quality material due to the material (sandstone-based product) rapidly breaking down, by comparison with other treatments. This was evident with onsite inspections and the need for grading intervention at much shorter time periods, for example 6 months (approx.) as compared to almost 18 months. Importantly the grading intervention also required more pavement material to be imported.

A preliminary assessment on the associated costs indicates that the cost of haulage for the high specification material (sourced from a hard rock quarry) was offset by the extension time between the required intervention. It is also important to note that the intervention works in this instance does not require as much additional pavement material to be imported as much more existing high-quality material could be reused as part of the grading works.

Whilst the use of the high specification material is preferred it is clearly not feasible to provide this quality of material across the entire unsealed road network, however it is recommended that this material could be more strategically utilised in more highly trafficked areas on a progressive basis.

KEY ISSUES

Gravel roads resheet program for 2020/21 financial year:

Staff have actively used the lessons learned from the Lawrence – Tullymorgan Road trial in ongoing works associated with the 2020/21 Gravel Roads Resheet Program to ensure value for money outcomes for Council are achieved.

The following roads were resheeted between July and November 2020 with 100mm of quality CVC specified hard rock gravel material and are to date, performing well. Staff have also received positive feedback from the community where these improvements have been realised. Roads including Dinjerra and the Florida Roads have or are about to be regraded following the recent storm events.

- Diggers Camp Road, Diggers Camp.
- Dinjerra Road, Glenugie
- Tanglewood Road, Lawrence
- Florida Red Drive, Wells Crossing
- Florida Prince Drive, Wells Crossing
- Florida Gold Drive, Wells Crossing

Additional trials conducted throughout 2020:

Haulpac (Downer)

In October 2020 Council was approached by Downer in relation to a new bitumen emulsion additive which is incorporated into the gravel road pavement to reduce dust and prolong the pavement life of unsealed roads. The product was developed for use on the mines in Western Australia where dust is a constant problem.

Downer provided a sample of this product that allowed the treatment of a 300m section on Florida Gold Drive. The product was slow to incorporate within the gravel onsite taking approximately 6 hours to complete 300m of road. Unfortunately, with little pavement improvement in addition to the time and cost associated with this product the inclusion of this into Council's maintenance program at this stage is not considered value for money.

Dinjerra Road (Glenugie) – Gatt Seal:

In May 2019 Council resolved (Item 15.085/19) to conduct a Gatt seal product (Boral Road Services) on a 800m section of Dinjerra Road. Staff were satisfied with the placement and finishing works associated with this trial.

The process involved the reuse and grading of existing pavement material followed by an application of the Gatt seal treatment which consisted of a mixture of bitumen and stone. As this treatment does not require additional gravel or two coat bitumen seal there were initial cost savings associated with this treatment methodology.

The initial inspections indicated that the seal had bedded in well and provided a good riding surface. However after approximately 6 months staff noticed the emergence of a few potholes and now 18 months after sealing, the surface is showing signs of longitudinal cracking and seal deterioration. Following the last inspection, it is anticipated there will be a need to apply a polymer rubber reseal over the Gatt in the next 12-24 months to protect the pavement.

Staff are of the opinion that this treatment should only be used on extremely light traffic roads which have an adequate depth of good quality gravel to ensure the road base can support the traffic loading. Obviously the

cost of an additional seal on top of the Gatt seal and the repairs to the potholing and cracking of the sealed surface comprises the cost savings of this treatment and if pavement deterioration continues then a premature intervention or rehabilitation may be required.

Further trials with better quarry products:

In the original Lawrence –Tullymorgan Road trial there was only one quarry which was able to provide a product compliant with the unsealed road specification and this quarry was up-river located west of Grafton. This made the use of this product down river extremely expensive for haulage. However given the prolonged grading intervention there are broader savings that need to be considered.

In November 2020, a much smaller trial commenced again on Lawrence –Tullymorgan Road to look at 3 different materials and compare these to the McLennan's high specification material. The products used are listed below:

- Locally sourced gravel from Council's own Causley's quarry on Woodford Island
- Locally sourced gravel from Lewis's quarry ay Tullymorgan.
- McLennan's resheet blend of gravel (same material used in the original trial)
- Locally sourced blended gravel from Newman's quarry on Jackybulbin Road, Mororo.

Staff are proposing to inspect this site approximately every 3 months to assess the rates of deterioration of the various products.

Council staff will use the information and results of these trials to better inform our intervention strategies into the near future.

COUNCIL IMPLICATIONS

Budget/Financial

When considering works required on the unsealed road network staff need to consider a broad range of issues including supply and haulage, product longevity and the impact on our agreed levels of service to the community. It is clear that as higher quality material is used across the unsealed network a reduction in the regrading frequency will ultimately provide the community with an improved, safer ride across the unsealed road network.

Council will continue to explore the strategic use of gravel materials available across the Clarence valley for resheeting the unsealed road network. Staff will also proactively consider new technologies as they become available to achieve the most cost-effective outcome for Council.

Asset Management

The aim of the trials (both formal and informal) is to minimise maintenance costs and extend the life of the gravel pavements for the unsealed road network. A combination of treatments for the various road categories is likely to provide the most cost effective approach to ongoing unsealed road maintenance.

Policy or Regulation

Roads Policy

Consultation

Staff have received positive feedback from various residents on the roads which were resheeted during late 2020.

Legal and Risk Management

With the improvement of the overall condition of our unsealed road network through gravel resheeting it should reduce accidents and the need for ongoing maintenance to vehicles due to poor road conditions.

Climate Change

With an improvement and reduction to intervention levels for unsealed roads a reduction in carbon emissions would be realised through a reduction in the volume and use of materials, reduced haulage and associated plant running costs and emissions

ITEM 6c.21.033 LOCAL TRAFFIC COMMITTEE

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

SUMMARY

This report lists the recommendation made at 1 March 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 1 March 2021 meeting be adopted by Council.

COMMITTEE RECOMMENDATION

Lysaught/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

The following items were discussed at the Local Traffic Committee held on 1 March 2021.

Item: 005/21 GRAFTON TO INVERELL CYCLE CLASSIC 2021

That Council approve the Special Events Management Plan for the Grafton to Inverell Cycle Race to be held on 8 May 2021, subject to the following conditions:

1. Conformance with NSW Police approval and conditions
2. Conformance with approved Traffic Management Plan and associated Traffic Control Plans which shall be implemented and controlled by Roads & Maritime Services accredited persons
3. The event organiser notifies residents of the impact of the event/s by advertising in the local paper, at their expense, a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints
4. That prior to the event consultation will be carried out with the Community and affected businesses and concerns raised shall be addressed,
5. Consultation will be carried out with affected bus and transport operators and arrangements made for provision of services during conduct of the event
6. Consultation will be carried out with emergency services and any identified issues addressed
7. Arrangements made for private property access and egress affected by the event
8. Adequate public liability insurance being held by the event organiser
9. Endorsement of the event by Bicycle NSW
10. The event be conducted and signposted in accordance with the NSW Guidelines for Bicycle Road Races

11. All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event
12. That the applicant organise for the events to be listed on council's web page
13. The submission and approval of Community Event applications and compliance with any conditions imposed therein
14. Temporary Speed Zone Authorisation is obtained from the roads authority for any reduced speed limit/s required as part of the traffic control for the event.

Approval of Roads and Maritime Services is obtained by way of a Road Occupancy License where event is on a state road or where the event may impact the state road network.

Item: 006/21 ANZAC DAY ROAD CLOSURES

That this event be approved subject to the compliance to the relevant conditions below.

1. Valid public liability insurance being held by the event organiser (minimum \$20,000,000).
2. NSW Police approval is obtained, if required.
3. The submission and approval of relevant council event application/s and compliance with any conditions imposed therein.
4. Local Traffic Committee advice is sought for the event Traffic Management Plan prior to approval of traffic control devices. This includes a Risk Management Plan and Traffic Control Plan/s. The following traffic control conditions shall also be observed;
 - a. Traffic Control Plans to include a map indicating any alternative routes required for traffic detours.
 - b. Traffic Control Plans to be drawn to scale and indicate the provision of passageways and clearances for pedestrian and emergency access. Plans should be prepared in accordance with Roads & Maritime Services Guide to Traffic Control at Worksites.
 - c. All signage erected for the event should not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event.
 - d. Conformance with approved Traffic Management Plan and associated Traffic Control Plans which, shall be implemented and controlled by Roads & Maritime Services accredited persons.
5. Consultation with emergency services (Fire & Ambulance) and any identified issues addressed in a timely manner.
6. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.
7. Community and affected business consultation including adequate response/action to any raised concerns.
8. Arrangements made for private property access and egress affected by the event.
9. The event organiser notifies local community of the impact of the event/s by advertising in the *local paper/s* a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.
10. That the applicant organise for the events to be listed on Council's web page.

Item: 007/21 SUB2020/0006 – RELOCATION OF SCHOOL ZONE ‘40’ AHEAD SIGNAGE – CENTENARY DRIVE, CLARENZA

That approval for the relocation of the G6-332 (SCHOOL ZONE ‘40’ AHEAD) signs to 140 metres north of the existing school zone signs (R4-230).

KEY ISSUES

Agenda, minutes and attachments are attached.

COUNCIL IMPLICATIONS

Budget/Financial

N/A

Asset Management

N/A

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Jamie Fleeting – Director Works & Civil
Attachment	Traffic Committee Minutes

ITEM	6c.21.034	COASTAL MANAGEMENT PROGRAM - STAGE 1 SCOPING STUDY
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Meeting	Corporate, Governance & Works Committee	16 March 2021
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Yes plus To be tabled Attachment	

SUMMARY

Council currently manages its coastline via eleven management plans which are of varying legal status. Under the *Coastal Management Act 2016*, existing plans (post 2021) are required to be replaced by a certified Coastal Management Program (CMP) if Council wishes to seek financial assistance under the State Government's Coast and Estuary Program for implementing works. Once certified, CMPs remain valid for 10 years.

OFFICER RECOMMENDATION

That Council:

1. Adopt the Clarence Valley Coastline and Estuaries Coastal Management Program Stage 1: Scoping Study (Coastline) and proceed with Stages 2, 3 and 4 (subject to grant funding).
2. Proceed with Stage 1 (Scoping Study) of the Estuary Coastal Management Program (subject to grant funding).

COMMITTEE RECOMMENDATION

Ellem/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 4 Environment

Objective 4.1 We will preserve and enhance our natural environment

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

BACKGROUND

Council currently manages its coastal zone through a variety of management plans including:

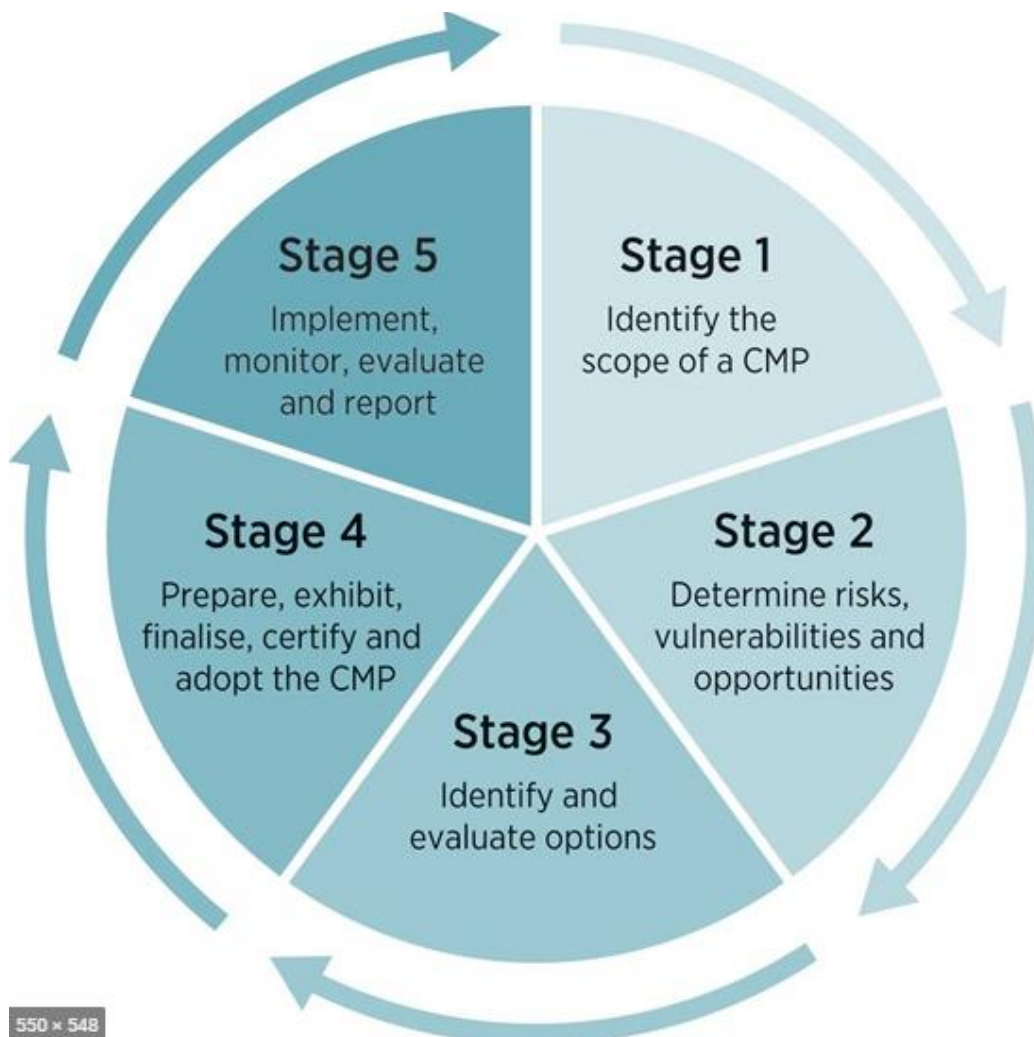
Name	Type	Date	Adopted/Endorsed	Certified
Wooli Beach Coastal Zone Management Plan	CZMP	2018	Yes	Yes
Wooli Wooli River Estuary Management Plan	EMP	2009	Yes	No
Draft Yamba Coastline Management Plan	Draft CMP	2003	Yes	No
Yamba Coastline Management Plan Implementation Strategy	CMP Implementation Strategy	2004	Yes	No
Coastal Hazard Study for Pippi Beach (Yamba)	CHDS	2016	N/A	N/A

Name	Type	Date	Adopted/Endorsed	Certified
Options to Manage Recession of Whiting Beach	Options Assessment Report	2015	N/A	N/A
Brooms Head Beach and Lake Cakora Coastal Zone Management Plan	CZMP	2017	Yes	Yes
Clarence Estuary Management Plan	EMP	2003	Yes	No
Wooloweyah Lagoon Coastal Zone Management Plan	CZMP	2009	Yes	Yes
Draft Coastal Zone Management Plan for the Sandon River Estuary	Draft CZMP	2012	Yes	No
Pilot Hill Risk Assessment and Stabilisation	Technical Report	2017	N/A	N/A

As noted in the summary, post 2021 existing coast and estuary plans are required to be replaced by a certified CMP to access state government financial assistance. The purpose of a CMP is to outline the long-term strategy for the coordinated management of the coastal zone, which is a dynamic, evolving and ambulatory landscape.

KEY ISSUES

The scoping study is the first stage of a five stage process under the CMP:



The scoping study review progress made in managing issues in coastal areas, develops a shared understanding of the current situation and identifies the focus of the new CMP. Due to the large area of National Park within the Clarence Valley Council coastal area, the scoping study was undertaken in partnership with NPWS.

Consultants Hydrosphere have prepared a scoping study which, following public exhibition, was considered by Council's Coast and Estuary Committee at its meeting of 5 March 2021. The Committee recommended:

Council adopt the Coastal Management Program scoping study and proceed with Stages 2, 3 and 4 (subject to grant funding), with appropriate consultation with Yaegl Traditional Land Owners and a review of the issues raised with Lake Wooloweyah and Angourie.

The scoping study has excluded consideration of the Clarence estuary due to the difference in management actions. A CMP needs to be prepared for the Clarence estuary so that access to financial assistance for implementing works, and the scoping study for the estuary CMP could be undertaken concurrently with Stages 2,3 and 4 of the Coastal CMP. The Coast and Estuary Committee meeting of 5 March 2021 further recommended:

Council proceed with Stage 1 (Scoping Study) of the Estuary Coastal Management Program (subject to grant funding).

COUNCIL IMPLICATIONS

Budget/Financial

The preparation of CMPs is eligible for 2:1 State Government financial assistance. The estimated cost in 2021/22 of proceeding with Stages 2-4 of the CMP (Coastline) and Stage 1 of the estuary CMP is \$450,000, and Council's contribution of \$150,000 is not included in the draft 2021/22 budget. Should Council be successful with any of the CMP grant applications a report will be provided to Council to determine where Council's contribution is to be funded from. As noted above, until CMPs are certified Council will not be eligible for financial assistance to implement coast or estuary works.

Asset Management

The scoping study did not specifically consider Council's assets in the coastal zone. The Stage 2 component of the CMP (hazard assessment) will specifically assess coastal hazards which potentially impact on Council's assets.

Policy or Regulation

Coastal Management Act, 2016

State Environmental Planning Policy (Coastal Management) 2017 (CM SEPP)

NSW Coastal Management Manual Parts A and B (the Manual).

Consultation

Consultation activities undertaken during preparation of the Stage 1 Scoping Study are outlined in Appendix C of the study. Consultation included a community survey which was open between 20 August and 11 September 2020, which received 151 on-line and 3 hard copy responses.

Legal and Risk Management

Council has a statutory exemption from liability under Section 733(2) of the Local Government Act for advice given or works undertaken in good faith in the coastal zone:

A council does not incur any liability in respect of—

- (a) any advice furnished in good faith by the council relating to the likelihood of any land in the coastal zone being affected by a coastline hazard (as described in the coastal management manual under the Coastal Management Act 2016) or the nature or extent of any such hazard, or*
- (b) anything done or omitted to be done in good faith by the council in so far as it relates to the likelihood of land being so affected.*

Under Section 733(4), Council is taken to have acted in good faith if something was done or omitted to be done "substantially in accordance with the principles and mandatory requirements set out in the current coastal management manual under the Coastal Management Act 2016."

The process followed in developing the Stage 1 scoping study was in accordance with the coastal management manual.

Climate Change

Section 4.10.2 of the CMP specifically considers potential impacts of climate change on the coastal zone.

Prepared by	Greg Mashiah (Manager Water Cycle) & Peter Wilson (Coast & Estuary Coordinator)
Attachment	Minutes of Meeting 5 March 2021
To be tabled	Clarence Valley Coastline and Estuaries Coastal Management Program Stage 1: Scoping Study (Hydrosphere)

ITEM	6c.21.035	ROAD CLOSURE OF OLD SIX MILE LANE – FINAL UPDATE
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Meeting	Corporate, Governance & Works Committee	16 March 2021
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Nil	

SUMMARY

To report an update on the progress of the consultation on the proposed closure of Old Six Mile Lane.

OFFICER RECOMMENDATION

That Council note the consultation process on the closure of Old Six Mile Lane has been concluded with no further action to be undertaken.

COMMITTEE RECOMMENDATION

Lysaught/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

At the September 2020 meeting a report was presented to Council (Item 6c.20.151) as an update to the consultation process for the closure of Old Six Mile Lane. This report provides the final outcome of the consultation.

KEY ISSUES

The consultation has included, written correspondence with the directly affected property owners and on site meetings to discuss the proposal and the location of any closure with adjacent land owners (a total of 9 properties).

Of those property owners that were consulted we received one response for the closure, three responses against. In light of this it is not recommended that the proposed closure proceed any further.

COUNCIL IMPLICATIONS

Budget/Financial

Nil

Asset Management

Nil

Policy or Regulation

Roads Act (1993)

Consultation

Consultation was undertaken by directly engaging the property owners in the direct vicinity of the proposed road closure.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Alex Dalrymple, Works Program Coordinator
Attachment	Nil

ITEM	6c.21.036	CLARENCE AND LOWER CLARENCE SPORTS COMMITTEES – MINUTES OF MEETINGS
Meeting	Corporate, Governance & Works Committee	16 March 2021
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Yes	

SUMMARY

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

OFFICER RECOMMENDATION

That Council receive and note the Minutes from Monday 15 February 2021 Clarence Sports Committee and Lower Clarence Sports Committee meetings.

COMMITTEE RECOMMENDATION

Ellem/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 1 Society

Objective 1.1 We will have proud and inviting communities

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

BACKGROUND

Two sports committees operate within the Clarence Valley, the Clarence Sports Committee and the Lower Clarence Sports Committee. The Clarence Sports Committee meet in Rushforth Park facility at 4:30pm and the Lower Clarence Sports Committee meet in Maclean Chambers at 7:00pm on the second Monday of the month, at three month intervals.

This report provides a copy of the minutes of the meetings and recommendations from the Sports Committees meetings that were held on Monday 15 February 2021.

KEY ISSUES

Summary of General Business

A summary of the matters discussed at each Committee is as follows –

Clarence Sports Committee

- Sports Awards 2021 – report from Sub-Committee
- Grant Funding – update from Council
- Sports Committee Funded Projects – update from delegates
- 2020/21 Sports Committee Funding – Round 2
- Regional Sport Facility Fund
- COVID-19 Safety Plans
- NSW Government, Infrastructure, Community Building Partnerships and Crown Reserve Improvement Fund Applications
- Change in Meeting location – 2021
- General Business and updates from sporting delegates

Lower Clarence Sports Committee

- Sports Awards 2021 – report from Sub-Committee
- Grant Funding – update from Council
- Sports Committee Funded Projects – update from delegates
- 2020/21 Sports Committee Funding – Round 2
- Regional Sport Facility Fund
- COVID-19 Safety Plans
- General Business and updates from sporting delegates

Sports Committee Funding

The Clarence and Lower Clarence Sports Committees make recommendations to Council for the annual allocation of funds (currently \$35,000.00 per committee) for projects of a capital nature that enable the participation in sport in the Clarence Valley. Received applications, after assessment by Council Officers against the Application Guidelines and Criteria for Sports Committee Funding Assistance, will be reported to, and considered at, the next available Sports Committees meetings. Recommendations made by the Sports Committees are then reported to Council for consideration and endorsement at the next available meeting of Council.

The 2020/21 Sports Committee Funding (Round 2) applications opened on Monday 15 February 2021 and will close on Sunday 2 May 2021.

COUNCIL IMPLICATIONS

Budget/Financial

Council has allocated an amount of \$35,000.00 grant funding to the Clarence Sports Committee and an amount of \$35,000.00 grant funding to the Lower Clarence Sports Committee to undertake capital works. Funding is on a dollar for dollar (1:1) basis with applicants.

At its December 2020 meeting Council endorsed (Item 6c.20.188) the Clarence Sports Committee recommendations for \$19,296.91 to be allocated to Round 1 projects, leaving a total of \$15,703.09 grant funding available for Round 2 projects.

Council endorsed (Item 6c.20.188) at its December 2020 meeting the Lower Clarence Sports Committee recommendations for \$16,178.80 to be allocated to Round 1 projects, leaving a total of \$ 18,821.20 grant funding available for Round 2 projects.

It is recommended that the any balance of remaining funds after Round 2 allocations be returned to Council's Sportsground Income Reserve Account (RA11035) in accordance with Council's adopted application guidelines.

Asset Management

Application Guidelines and Criteria for Sports Committee Funding Assistance specify that funded projects will at all times remain the property of Clarence Valley Council. Council sporting assets are managed in the Open Spaces Assessment Management Plan and Swimming Pool Asset Management Plan.

Funding applications that align with Councils strategic planning documents (Clarence Valley Open Space Strategic Plan; Clarence Valley Sports Facilities Plan; Clarence Valley Council's Disability Action Plan) will have a higher priority when considering projects for recommendation. Ongoing maintenance is required at many of Council's sporting facilities, however, applications for funding through the sports committee must be made by the individual sports.

Policy or Regulation

The following references are applicable to this report:

- Sports Committees (Clarence and Lower) are committees of Council being appointed under s.355 of the Local Government Act 1993
- Clarence Valley Council Handbook For s355 Committees
- Asset Management Policy V 3.0
- Clarence Valley Sports Facilities Plan – November 2011
- Clarence Sports Committee Constitution
- Lower Clarence Sports Committee Constitution
- Application Guidelines and Criteria for Sports Committee Funding Assistance

Consultation

Consultation occurred with delegates at the Clarence Sports Committee and Lower Clarence Sports Committee meetings on Monday 15 February 2021.

Legal and Risk Management

Sports Committees (Clarence and Lower) are committees of Council being appointed under s.355 of the Local Government Act 1993 and are appointed to make recommendations to Council on the sporting interests in the Clarence Valley area.

The Clarence Valley Council Handbook For s355 Committees (June 2014) states that:

“Your Committee is a Committee of Council. It is established under s.355 of the Local Government Act 1993, allowing Council to delegate under s.377 of the Act some of its functions to it. The delegations are set out in the Constitution adopted by Council for your Committee.

As such, Council is responsible for everything that your Committee does while it is acting within its Constitution. It is therefore important that your Committee only acts within the powers set out in its Constitution and keeps Council advised of what it is doing. Many of the guidelines in this Manual are there to ensure that Council is aware of your Committee’s activities.

From a legal perspective, it is important for you to be aware that your Committee is acting on behalf of Council. Legally your Committee is ‘Council’, and anything your Committee does while it is acting within its Constitution is Council’s responsibility. The actions of your Committee are actions of Council. Your Committee should not act independently of Council. If it does act independently and outside its Constitution, then its members may be liable for its actions.”

Climate Change

N/A

Prepared by	Gavin Beveridge, Parks & Recreation Officer
Attachment	A - Minutes – Clarence Sports Committee Meeting – 15 February 2021 B - Minutes – Lower Clarence Sports Committee Meeting – 15 February 2021

ITEM 6c.21.037 WORKS REPORT

Meeting	Corporate, Governance & Works Committee	16 March 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 Sections until late February 2021.

OFFICER RECOMMENDATION

That the Works report be received and noted.

COMMITTEE RECOMMENDATION

Lysaught/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows
 For: Kingsley, Lysaught, Ellem, Toms, Simmons
 Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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


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


BACKGROUND


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

KEY ISSUES

The projects below highlight capital projects being undertaken during February.

Project:	Lawrence Memorial Playground	
Project Description:	To upgrade the playground at Memorial Park Lawrence	
Budget:	\$108,405	
Expenditure :	\$110,968	
Status:	Completed, playground includes perimeter bike path and shade sails	

Project:	Two Sites at Hortons Creek, Armidale Road	
Project Description:	Federal Stimulus Road Safety Project – Upgrade alignment and widen formation	
Budget:	\$2,060,000	
Expenditure :	\$25,536	
Status:	Local contractor mobilised and clearing commenced	

Project:	Heber St levee penstock gate install	
Project Description:	Install penstock gate on existing drain at Heber St levee site	
Budget:	\$198,509	
Expenditure :	\$157,924.40	
Status:	Associated ground foundations and concrete works complete with gate and access platform install due in coming week	

COUNCIL IMPLICATIONS

Budget/Financial

N/A

Asset Management

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

Policy or Regulation

There are no policy or regulation implications.

Consultation

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

Legal and Risk Management

There are no legal or risk management implications.

Climate Change

There are no climate change implications.

Prepared by	Jamie Fleeting, Greg Mashiah, Peter Birch
Attachment	Works Program

ITEM	6c.21.038	MONTHLY INVESTMENT REPORT – FEBRUARY 2021
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Meeting	Corporate, Governance & Works Committee	16 March 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 28 February 2021 be received and noted.

COMMITTEE RECOMMENDATION

Simmons/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Toms, Simmons

Against: Ellem

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

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

KEY ISSUES**Source of Funds Invested**

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

Based on the audited 30 June 2020 figures, funds have been sourced from the following areas:

External Reserves		Internal Reserves	
Sewerage Funds	6.37%	Plant Equipment Reserve	7.47%
Water Supply Funds	29.31%	Regional Landfill Reserves	4.12%
Developer Contributions	18.52%	Fin. Assist Grants paid in advance	4.66%
Unexpended Grants	4.80%	Waste Mngmt / Commercial Waste	3.75%
Domestic Waste Management	1.28%	Infrastructure Assets Renewals	1.35%
Holiday Parks	1.79%	Employee Leave Entitlements	2.72%
Deposits, Retentions and Bonds	1.75%	Roads & Quarries Reserves	2.71%
Other External	1.58%	Strategic Building Reserve	1.22%
		Building Asset Renewals	0.87%

<u>65.40%</u>	Other (refer attachment for further detail)	<u>5.73%</u>
		<u>34.60%</u>
	Total External & Internal Reserves	<u>100.00%</u>

Portfolio Credit Limits

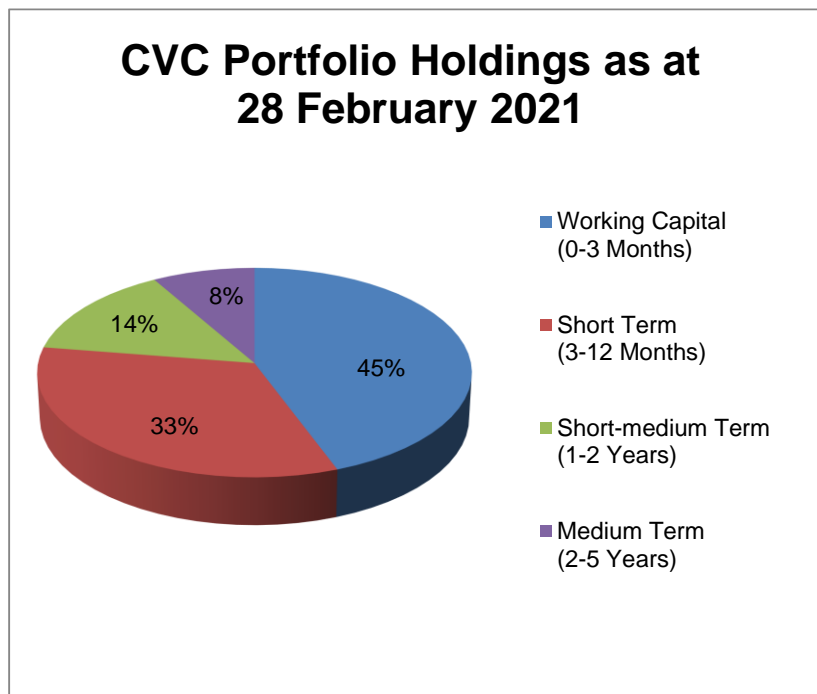
Tabled below is a summary of Council's investments as at 28 February 2021 which details compliance with Council's Investment Policy Portfolio Credit Limits.

Portfolio Credit Limits as at 28 February 2021				
Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
AAA	100.00%	4,990,168	3.98%	Yes
AA	100.00%	46,513,762	37.09%	Yes
A	60.00%	24,250,000	19.34%	Yes
BBB	50.00%	49,646,570	39.59%	Yes
TOTAL INVESTMENTS		125,400,500	100.00%	

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

Portfolio Holdings by Maturity

Illustrated and tabled below is a summary of Council's investments by maturity as at 28 February 2021. Excluding "at-call" working capital, 50.24% of Council's investments are maturing within the next twelve months.



Individual Institution or Counterparty Limits

Tabled below is a summary of Council's investments as at 28 February 2021 which details compliance with Council's Investment Policy Counterparty Limits.

Individual Institution or Counterparty Limits as at 28 February 2021					
Financial Institution	Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
TERM DEPOSITS & FRNs*					
AMP	BBB	15.00%	8,000,000	6.38%	Yes
BoQ	BBB+	15.00%	14,000,000	11.16%	Yes
Bendigo	BBB+	15.00%	3,000,000	2.39%	Yes
CBA	AA-	30.00%	3,000,000	2.39%	Yes
Credit Union Australia	BBB	15.00%	2,000,000	1.59%	Yes
Defence	BBB	15.00%	10,000,000	7.97%	Yes
ING Direct	A	15.00%	13,000,000	10.37%	Yes
Macquarie	A	15.00%	3,000,000	2.39%	Yes
ME Bank	BBB	15.00%	3,000,000	2.39%	Yes
NAB	AA-	30.00%	12,000,000	9.57%	Yes
P&N	BBB	15.00%	3,000,000	2.39%	Yes
RaboDirect	A+	15.00%	9,000,000	7.18%	Yes
Westpac	AA-	30.00%	7,000,000	5.58%	Yes
Westpac*	AA-		1,542,047	1.23%	
TOTAL TERM DEPOSITS & FRNs*			91,542,047	73.00%	
MANAGED FUNDS					
TCorp	AAA	40.00%	490,168	0.39%	Yes
TOTAL MANAGED FUNDS			490,168	0.39%	
FUNDS AT CALL					
AMP	BBB	15.00%	8,339,260	6.65%	Yes
AMP	BBB	15.00%	1,057,310	0.84%	Yes
ANZ	AA-	30.00%	6,787,392	5.41%	Yes
CBA	AA-	30.00%	10,123,076	8.07%	Yes
CBA	AA-	30.00%	7,061,247	5.63%	Yes
TOTAL FUNDS AT CALL			33,368,285	26.61%	
TOTAL INVESTMENTS			125,400,500	100.00%	

Register of Investments - Clarence Valley Council as at 28 February 2021					
Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
WORKING CAPITAL (0-3 MONTHS)					
T-CorpIM Cash Fund	490,168	0.39%	At-Call	0.00%	AAA
AMP Bank Ltd	8,339,260	6.65%	At-Call	0.80%	BBB
AMP Bank Ltd	1,057,310	0.84%	At-Call	0.50%	BBB
ANZ Banking Group Ltd	6,787,392	5.41%	At-Call	0.05%	AA-
Commonwealth Bank of Australia	10,123,076	8.07%	At-Call	0.00%	AA-
Commonwealth Bank of Australia	7,061,247	5.63%	At-Call	0.05%	AA-
AMP Bank Ltd	3,000,000	2.39%	05/03/2021	1.45%	BBB
AMP Bank Ltd	2,000,000	1.59%	17/05/2021	0.70%	BBB
Defence Bank	2,000,000	1.59%	04/03/2021	1.50%	BBB
Defence Bank	2,000,000	1.59%	09/03/2021	3.00%	BBB
ING	2,000,000	1.59%	02/03/2021	1.60%	A
Macquarie Bank Ltd	3,000,000	2.39%	11/05/2021	1.30%	A
ME Bank Ltd	2,000,000	1.59%	07/05/2021	1.35%	BBB
P&N Bank	3,000,000	2.39%	11/03/2021	3.82%	BBB
Westpac Bank	2,000,000	1.59%	05/03/2021	3.00%	AA-
TOTAL WORKING CAPITAL (0-3 MONTHS)	54,858,453	43.75%		0.91%	
SHORT TERM (3-12 MONTHS)					
AMP Bank Ltd	2,000,000	1.59%	02/12/2021	1.60%	BBB
AMP Bank Ltd	1,000,000	0.80%	31/08/2021	0.80%	BBB
Bank Of Queensland Ltd	2,000,000	1.59%	04/06/2021	1.15%	BBB+
Bank Of Queensland Ltd	1,000,000	0.80%	29/06/2021	3.45%	BBB+
Bank Of Queensland Ltd	1,000,000	0.80%	06/07/2021	0.95%	BBB+
Bank Of Queensland Ltd	2,000,000	1.59%	08/07/2021	0.95%	BBB+
Bank Of Queensland Ltd	1,000,000	0.80%	02/12/2021	3.80%	BBB+
Bank Of Queensland Ltd	1,000,000	0.80%	02/12/2021	0.54%	BBB+
Bendigo Bank	3,000,000	2.39%	15/10/2021	0.45%	BBB+
Commonwealth Bank of Australia	3,000,000	2.39%	12/11/2021	0.55%	AA-
Credit Union Australia	2,000,000	1.59%	07/07/2021	0.50%	BBB
Defence Bank	2,000,000	1.59%	17/12/2021	0.50%	BBB
ING	2,000,000	1.59%	29/11/2021	1.55%	A
ING	3,000,000	2.39%	11/02/2022	1.60%	A
ING	2,000,000	1.59%	21/02/2022	1.60%	A
ING	3,000,000	2.39%	21/02/2022	1.60%	A
ME Bank Ltd	1,000,000	0.80%	15/02/2022	0.45%	BBB
National Australia Bank	2,000,000	1.59%	11/08/2021	0.85%	AA-
National Australia Bank	2,000,000	1.59%	10/09/2021	0.75%	AA-
National Australia Bank	2,000,000	1.59%	02/12/2021	0.50%	AA-
RaboDirect (Australia) Ltd	2,000,000	1.59%	14/06/2021	3.02%	A+
RaboDirect (Australia) Ltd	1,000,000	0.80%	21/06/2021	3.07%	A+
Westpac Bank	1,000,000	0.80%	16/11/2021	1.21%	AA-
TOTAL SHORT TERM (3-12 MONTHS)	42,000,000	33.49%		1.26%	

Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
SHORT - MEDIUM TERM (1-2 YEARS)					
Bank Of Queensland Ltd	1,000,000	0.80%	09/05/2022	3.60%	BBB+
Bank Of Queensland Ltd	1,000,000	0.80%	03/08/2022	3.60%	BBB+
Bank Of Queensland Ltd	2,000,000	1.59%	08/02/2023	3.55%	BBB+
Defence Bank	2,000,000	1.59%	21/11/2022	0.62%	BBB
Defence Bank	2,000,000	1.59%	02/12/2022	0.64%	BBB
ING	1,000,000	0.80%	04/10/2022	3.66%	A
National Australia Bank	2,000,000	1.59%	18/11/2022	0.60%	AA-
National Australia Bank	2,000,000	1.59%	01/12/2022	0.60%	AA-
RaboDirect (Australia) Ltd	2,000,000	1.59%	13/09/2022	3.40%	A+
RaboDirect (Australia) Ltd	1,000,000	0.80%	05/12/2022	3.21%	A+
Westpac Bank	2,000,000	1.59%	18/07/2022	1.06%	AA-
TOTAL SHORT-MEDIUM TERM (1-2 YEARS)	18,000,000	14.35%		1.95%	
MEDIUM TERM (2-5 YEARS)					
Bank Of Queensland Ltd	2,000,000	1.59%	21/08/2023	3.60%	BBB+
National Australia Bank	2,000,000	1.59%	12/01/2026	1.00%	AA-
RaboDirect (Australia) Ltd	1,000,000	0.80%	17/08/2023	3.40%	A+
RaboDirect (Australia) Ltd	2,000,000	1.59%	19/09/2023	3.40%	A+
Westpac Bank	2,000,000	1.59%	13/03/2023	0.94%	AA-
Westpac Bank (3m BBSW +114bps) (Principal Value \$1,500,000) Market Value	1,542,047	1.23%	24/04/2024	1.24%	AA-
TOTAL MEDIUM TERM (2-5 YEARS)	10,542,047	8.41%		2.20%	
TOTAL INVESTMENTS	125,400,500	100.00%		1.28%	

COUNCIL IMPLICATIONS

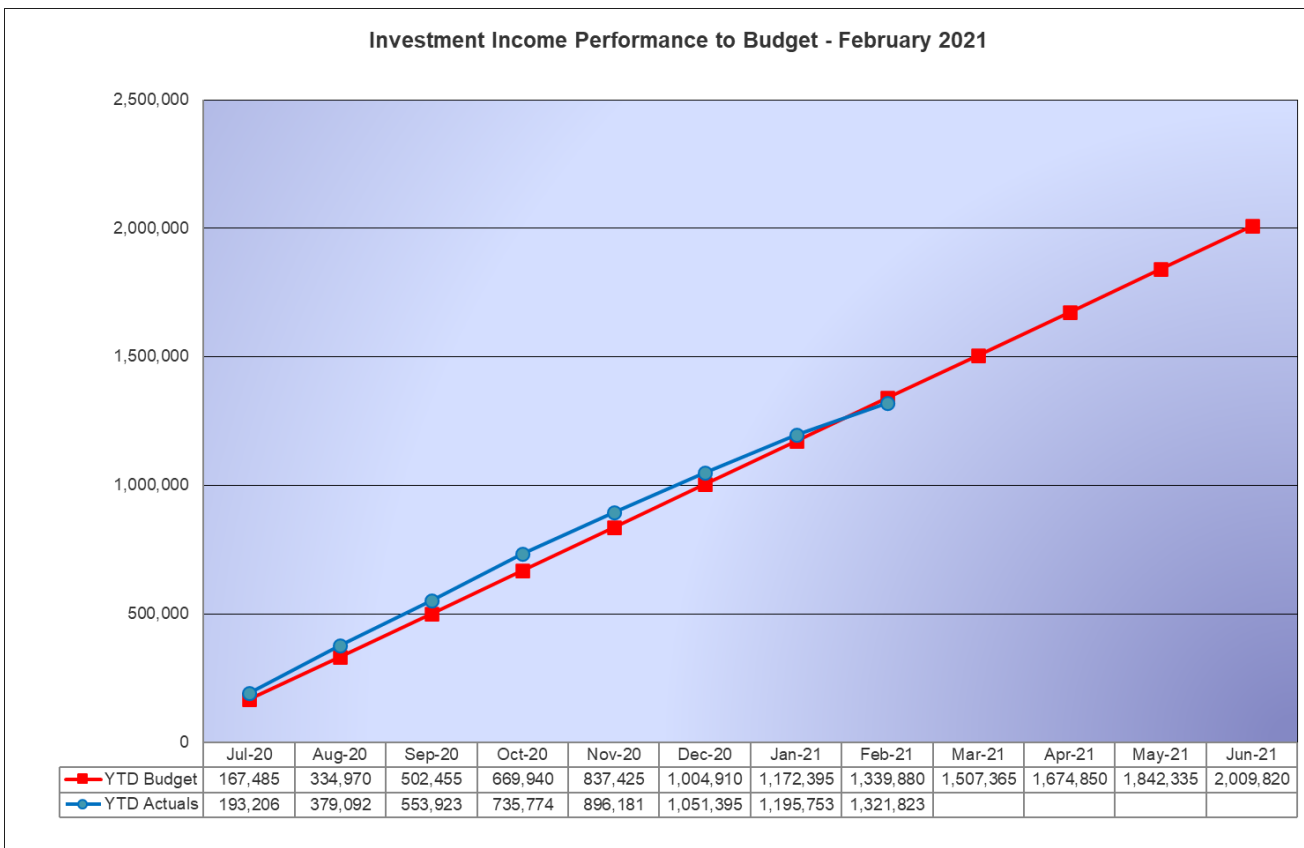
Budget/Financial

Portfolio Investment Returns to 28 February 2021			
	Actual	Budget 2020/21	Over/(Under)
This Month			
Cash Deposits & FRNs	\$126,078	\$167,235	(\$41,157)
Managed Funds	(\$8)	\$250	(\$258)
	\$126,070	\$167,485	(\$41,415)
Year to Date			
Cash Deposits & FRNs	\$1,320,369	\$1,337,880	(\$17,511)
Managed Funds	\$1,454	\$2,000	(\$546)
	\$1,321,823	\$1,339,880	(\$18,057)

- Actual results have shown that total interest income to 28 February 2021 is \$0.018M below the 2020-21 YTD budget of \$1.339M. A revised budgeted income will be reported to Council in the March QBRS report. The downwards revision will reflect the cumulative impact of declining interest rate returns.

- As at 28 February 2021 the Floating Rate Note (FRN) had an unrealised capital gain of \$40,392. The following four FRN's were sold during February with a realised capital gain of \$102,650. The details are as follows:

Issuer	Rating	Type	Purchase	Maturity	Sale	Cost	Current	Purchase	Sale	Realised
NAB	AA-	FRN	10/11/2017	10/02/2023	15/02/2021	1,000,000.00	1,013,040.00	100.0000	101.3040	13,040.00
Commonwealth Bank	AA-	FRN	25/01/2018	25/04/2023	15/02/2021	1,000,000.00	1,014,640.00	100.0000	101.4640	14,640.00
ANZ Bank	AA-	FRN	06/12/2018	06/12/2023	15/02/2021	2,000,000.00	2,047,520.00	100.0000	102.3760	47,520.00
Commonwealth Bank	AA-	FRN	11/01/2019	11/01/2024	15/02/2021	1,000,000.00	1,027,450.00	100.0000	102.7450	27,450.00
TOTALS						5,000,000.00	5,102,650.00			102,650.00

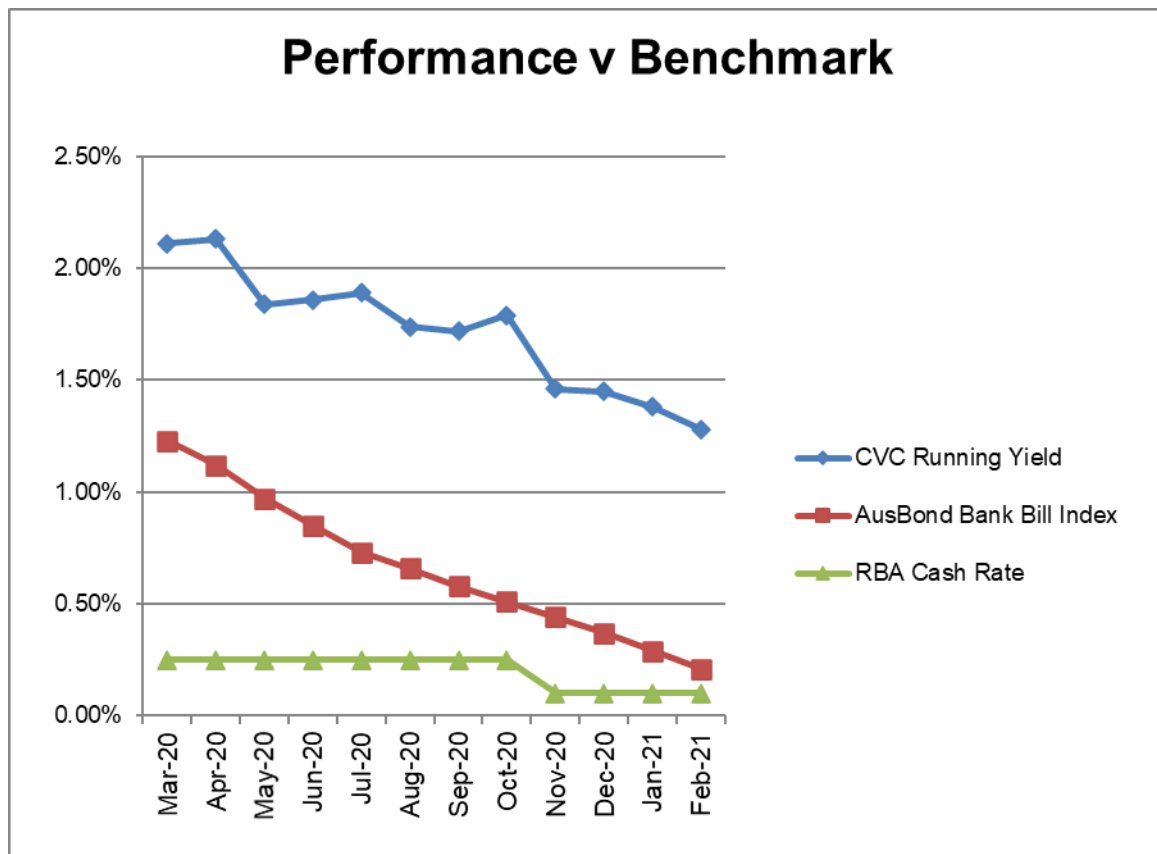


- Running yields* to 28 February 2021 have been:

AMP Business	0.50%
AMP 31 Day Notice	0.80%
ANZ Premium Business	0.05%
CBA General	0.00%
24hr Call Account	0.05%
T-CorpIM Cash Fund	0.00%
Floating Rate Notes	1.24%
Term Deposits	1.68%
Total	1.28%

*Running yield is a measure of the return (before costs) that would be earned from current positions if there were no trades and no fluctuation in market yields.

- The RBA cash rate at the end of February was 0.10%. The benchmark AusBond Bank Bill Index was 0.21% for February.
- The current running yield of the total investment portfolio remains at elevated levels above the cash rate. At month-end, it stood at +1.28% (January 1.38%).



The following investments were transacted during February:

- ING \$2.0m TD matured 03/02/2021, redeemed
- NAB FRN \$1.0m sold 15/02/2021
- CBA FRN \$1.0m sold 15/02/2021
- CBA FRN \$1.0m sold 15/02/2021
- ANZ FRN \$2.0m sold 15/02/2021
- New ME Bank \$1.0m TD – invested 15/02/2021 at 0.45% for 364 days – matures 15/02/2022

Asset Management

N/A

Policy or Regulation

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

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

Climate change impact of the current investment portfolio has not been undertaken. Investments are driven by the current Investment Policy.

Prepared by	Kirsty Gooley – Acting Financial Accountant
Attachment	Movement of Funds Between Months – February 2021

CLOSE OF MEETING

There being no further business the Corporate, Governance & Works Committee meeting closed at 3.12 pm.

d. INFORMATION ITEMS

ITEM	6d.21.002	ITEMS FOR INFORMATION
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Meeting	Council	23 March 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. Clarence Regional Library Committee – Minutes 17 February 2021
2. Clarence Valley Floodplain Risk Management Committee – Minutes 19 February 2021
3. Water Efficiency Working Group – Minutes 8 December 2020
4. Audit Committee – Minutes 9 March 2021
5. Wooloweyah Parks & Management Committee – Minutes 7 February 2021
6. The Hon. John Barilaro MP – Response letter to Mining in the Clarence Valley (Item 6a.20.049 – November 2020 Council Meeting)

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

e. TENDERS

ITEM	6e.21.002	SUPPLY & INSTALL OF ROAD SAFETY BARRIERS
Meeting	Council	23 March 2021
Directorate	Corporate & Governance	
Reviewed by	A/Manager - Finance & Supply (Michael Salvestro)	
Attachment	Confidential	

SUMMARY

This report recommends to Council the acceptance of a Tender for the panel source for the Supply & Install of Road Safety Barriers for the period 1 April 2021 to 31 March 2024. The Tender was called by Regional Procurement Initiative ® on behalf of Richmond Valley and Clarence Valley Councils.

OFFICER RECOMMENDATION

That:

1. Council accepts the tendered prices from GRI Road Services Pty Ltd, AJ & LJ Irwin Family Trust Trading as Irwin Fencing Pty Ltd, Guardrail Systems Pty Ltd, A1 Highways Pty Ltd & Schramm Group Pty Ltd (Regional Procurement Initiative ® Tender REGPRO362021) for the period 1 April 2021 to 31 March 2024.
2. A provision be allowed for a 12 month extension based on satisfactory supplier performance, which may take this contract through to 31 March 2025.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

Council is a member of Regional Procurement Initiative ®, a Division of Hunter Councils Inc, which was established in response to a need for a collaborative approach to regional tendering and contracting. There are currently 40 NSW councils that are members of the Regional Procurement Initiative ®.

On behalf of Richmond Valley and Clarence Valley Council's, Regional Procurement Initiative ® called a tender for the Supply & Install of Road Safety Barriers (REGPRO362021).

KEY ISSUES

Six (6) tenders were received from the following vendors:

- GRI Road Services Pty Ltd
- Ingal Civil Products
- AJ & LJ Irwin Family Trust Trading as Irwin Fencing Pty Ltd
- Guardrail Systems Pty Ltd
- A1 Highways Pty Ltd
- Schramm Group Pty Ltd

COUNCIL IMPLICATIONS**Budget/Financial**

It is anticipated that Council's spend on the Supply & Install of Road Safety Barriers for the duration of the period of the contract will exceed \$250,000 and as a result a Council resolution is required to accept the Tender.

The provision for the Supply & Install of Road Safety Barriers is funded from existing Council maintenance and capital budgets.

Asset Management

N/A

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.

Consultation

Peter Salafia (Facilitator) from Regional Procurement was the contact for the vendors prior to the tender closing.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Trevor Pate, Procurement Coordinator
Confidential	A: Tender Recommendation Report REGPRO362021 B: Tender Evaluation Matrix REGPRO362021

ITEM 6e.21.003 PROVISION OF TRAFFIC CONTROL SERVICES

Meeting	Council	23 March 2021
Directorate	Corporate & Governance	
Reviewed by	A/Manager - Finance & Supply (Michael Salvestro)	
Attachment	Confidential	

SUMMARY

This report recommends to Council the acceptance of a Tender for the panel source for Traffic Control Services for the period 1 April 2021 to 31 March 2024. The Tender was called by Regional Procurement Initiative ® on behalf of Richmond Valley and Clarence Valley Councils.

OFFICER RECOMMENDATION

That:

1. Council accepts the tendered prices from Altus Traffic, Lack Group, Workforce Road Services, Complete Staff Solutions and Ahoy Traffic Control. (Regional Procurement Initiative ® Tender REGPRO382021) for the period 1 April 2021 to 31 March 2024.
2. A provision be allowed for a 12 month extension based on satisfactory supplier performance, which may take this contract through to 31 March 2025.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

Council is a member of Regional Procurement Initiative ®, a Division of Hunter Councils Inc, which was established in response to a need for a collaborative approach to regional tendering and contracting. There are currently 40 NSW councils that are members of the Regional Procurement Initiative ®.

On behalf of Richmond Valley and Clarence Valley Councils, Regional Procurement Initiative ® called a tender for the provision of Traffic Control Services (REGPRO382021).

KEY ISSUES

Eleven (11) tenders were received from the following vendors:

- Ahoy Traffic Control & Labour Hire Services Pty Ltd
- Altus Traffic Pty Ltd
- Benson & Hans Construction Pty Ltd
- Chambers Construction Pty Ltd
- Coffs Coast Traffic Solutions
- Complete Staff Solutions Pty Ltd
- DOB Enterprises t/as Watchout Training & Traffic Control
- Evolution Traffic Management Pty Ltd
- Lack Group Traffic Pty Ltd
- Newada Pty Ltd t/as Men at Work
- Workforce Road services Pty Ltd

COUNCIL IMPLICATIONS**Budget/Financial**

It is anticipated that Council's spend on the provision of Traffic Control Services for the duration of the period of the contract will exceed \$250,000 and as a result a Council resolution is required to accept the Tender.

The provision of Traffic Control Services is funded from existing Council maintenance and capital budgets.

Asset Management

N/A

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.

Consultation

Peter Salafia (Facilitator) from Regional Procurement was the contact for the vendors prior to the tender closing.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Trevor Pate, Procurement Coordinator
Confidential	A: Tender Recommendation Report REGPRO382021 B: Tender Evaluation Matrix REGPRO382021

ITEM	6e.21.004	RFT20/51 – DETAILED DESIGN DEVELOPMENT FOR GRAFTON AQUATIC CENTRE REDEVELOPMENT, LOCATED ON CROWN LAND
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Meeting	Council	23 March 2021
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Confidential	

SUMMARY

Council called open tenders for the detailed design for the Grafton Aquatic Centre Redevelopment, closing on 9 March 2021. This report presents the outcome of the tender process and seeks Council's endorsement to accept the most advantageous tender enabling the commencement of the detailed design phase.

OFFICER RECOMMENDATION

That:

1. Council accept the tender from Facility Design Group Pty Ltd (ABN 75 083 999 624) for RFT 20/51 Detailed Design Development for Grafton Aquatic Centre Redevelopment of \$578,207 (GST inclusive), to be funded from PJ996766 (Grafton Pool Detailed Design).
2. The budget allocation for PJ996766 be increased by \$122,283 (ex GST) to be funded from the renewal and pool reserves RA11035.
3. The General Manager be authorised to approve variations up to 5% 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 2.1.4 Manage and enhance our parks, open spaces and facilities

BACKGROUND

Council called for tenders on 29 January 2021 for the detailed design of the Grafton Aquatic Centre Redevelopment, located on Cnr Turf and Pound Streets, Grafton.

A non-mandatory site meeting was held on Wednesday, 17 February 2021 with tenders set to close on Tuesday, 9 March 2021. The tender remained open for a period of 4.5 weeks.

Tenders were assessed by a Tender Evaluation Committee (TEC) consisting of 3 staff. Prior to the evaluation process the Tender Evaluation Committee (TEC) confirmed that the Tender Evaluation Plan (TEP) was appropriate and the Code of Conduct provisions were understood and signed off by the panel.

KEY ISSUES

Tenders were assessed by a TEC comprising works and civil staff using a weighting of 60% price and 40% non price. A detailed report from the TEC is included in the Confidential Attachments.

Seven tenders were received and 3 were passed over as nonconforming with the tendering requirements. Four tenders were then evaluated by the TEC.

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 Facility Design Group Pty Ltd and recommends that this tender be accepted.

There may be some variations, however, the key risks have been identified and managed in this design tender. Therefore, it is recommended that the General Manager be authorised to approve variations totalling only up to 5% of the contract sum.

The project design is being undertaken in 2 stages with the first stage as follows:

Stage 1 includes:

- New 50m 8 lane outdoor pool and grandstand
- New 25m heated pool to FINA standards
- New beach entry heated program pool
- Building over both the 25m and beach entry pools and
- Adult change facility

This will allow the key pool infrastructure to be put in place before consideration of Stage 2. Additionally, a funding application has recently been submitted under the Bushfire Local Economic Recovery Fund for Stage 1, to match the financial limits of the fund and to maximise potential for success of the application, and the outcome is expected to be known by the end of May 2021.

Stage 2 includes:

- 2 x waterslides
- All ability splash pad
- Dive pool
- Refurbishment of the existing building

Stage 2 may be able to be completed as a design and construct contract and could be delivered with minimal disruption to pool operations once Stage 1 is constructed.

COUNCIL IMPLICATIONS

Budget/Financial

The 2020/21 budget for PJ996766 (Grafton Pool Detailed Design) is \$600,000 with a total of \$429,642 remaining. Total expenditure to date includes:

Description	Budget \$(ex GST)	Actuals + Commitments \$(ex GST)
Original Budget	600,000	
Complete Urban Contract Tender, Requirements and Peer Review & QS		169,808
Beamer Tree Services		550
Available Budget	429,642	
Tendered Fee	525,643	
Plus Contingency (5%)	26,282	
Total	551,925	
Less Available Budget	429,642	
Requested additional Funds	122,283	
Revised Total Budget	722,283	

Complete Urban – development of requirements documentation, QS and peer review - \$169,808

Beamer Tree Services – tree inspections report - \$550

The recommended tender is \$525,643 (GST exclusive).

An analysis of tendered prices has indicated that the main reason for the difference between the budget estimate and tenders received is due to project resources required to develop project requirements documentation and independent peer review of detailed designs from appropriately qualified and experienced project team members to mitigate financial, social and environmental risks which could occur during the construction phase.

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 there is a current Bushfire Local Economic Recovery (BLER) funding application under assessment, and if successful, we would not be able to deliver the construction phase of the project on time. Furthermore, the*

declining state of the existing infrastructure has been reported on several Council reports and needs to be addressed.

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. The time taken to retender would, were the funding application be successful, also adversely impact on delivering the construction phase of the project.*
4. *Reject all tenders and retender the work using a revised (reduced) scope of work. Separable portions were already built into the tender, to allow for a smaller portion of work to be completed under this contract. This project includes only stage 1 of the detailed design project.*
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. Council's staff do not have the necessary specialist skills for this project.*

It is considered the best outcome for Council would be if the full scope of Stage 1 was undertaken at this time and it is therefore recommended the budget allocation for Financial Project 996766 be increased by \$122,283 (ex GST), funded from renewal and pool reserves RA11035 & RA10957.

Asset Management

N/A – this is the design phase only.

Policy or Regulation

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

In accordance with Council's Sustainable Procurement Policy the following processes were undertaken:

- Tender specifications were structured so local suppliers and/or contractors were not excluded from being the prime supplier/contractor.
- The tender specification requested tenderers to identify the local suppliers/contractors that would be involved in delivering/constructing the project and the tender assessment included a 15% weighting of the total tender score for local supplier content. The Tender Evaluation Plan contains details of the local supplier content for each tenderer.

Consultation

Extensive community and stakeholder consultation was completed to inform the inclusions in the concept design. This was reported to Council Item 15.152/16. Furthermore, the design elements were adopted by Council via resolution 15.257/17 and 15.099/18.

Legal and Risk Management

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

There were 7 tenders received, however, following the assessment process 3 submissions were nonconforming, were passed over and not considered further. Directors of the 4 conforming companies that submitted Tenders are:

Name of Company	Name of Partners and Directors
Cardno (Qld) Pty Ltd	1. Peter Anthony Barker 2. Jesus Javier Alonso Templado 3. Natalie Muir 4. Robert Marshall
Facility Design Group Pty Ltd	1. Stephen Johansson 2. Andrew Teodorowych
Lippmann Partnership Pty Ltd	1. Ed Lippmann
Mova Group Pty Ltd	1. Mike Movaffaghi 2. Reza Rasi 3. Titi Shakhkouei

Climate Change

There are several environmental considerations incorporated into the facility design which will contribute positively towards the environment and climate change.

Prepared by	Sisa Rasaku, Project Manager
Confidential	Tender Recommendation Report

ITEM	6e.21.005	RFT21-01 GRAFTON SALEYARDS INFRASTRUCTURE UPGRADE PROJECT
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Meeting	Council	23 March 2021
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Confidential	

SUMMARY

Tenders were called for the Grafton Saleyards Infrastructure Upgrade Project to develop the design, fabricate and build the project within the operating cattle yards. This report presents the outcome of the tender process and seeks Council's endorsement to accept the most advantageous tender to enable commencement of the upgrade.

OFFICER RECOMMENDATION

That:

1. Council accept the tender from Innovative Design & Manufacturing Pty Ltd trading as Thompson Longhorn (ABN 65 095 625 871) for RFT21-01 Grafton Saleyards Upgrade Project for a Lump Sum of \$1,148,719 (including GST), to be funded by \$1million Drought Communities Programme Extension and Saleyard Asset Replacement Reserve RA10910.
2. Council endorse the total project budget of \$1,241,048 (excluding GST) with the funding shortfall of \$241,048 (excluding GST) to be funded from the Saleyard Asset Replacement Reserve RA10910.
3. The General Manager be authorised to approve variations up to 5% 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 2.1.4 Manage and enhance our parks, open spaces and facilities

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 (Item 6a.20.048) as follows:

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.

Outcross Consultancy was engaged to develop the design of the improvements and upgrades so that a detailed tender could be released.

As the design developed, the budget estimates have moved from the initial concept report in October 2020 to the final design in February 2021 which then proceeded with the tender. This final design had a construction estimate \$1.24M pre-tender. The scope was split up into sub sections within the tender to allow splitting of the package with options to accommodate the budget availability.

Tenders were called on Thursday, 11 February 2021 for the RFT21-01 Grafton Saleyards Upgrade Project and closed Thursday, 11 March 2021 (4 weeks). A non-mandatory meeting was held on Friday, 19 February 2021 at the Grafton Saleyards. The meeting was attended by 2 tenderers.

KEY ISSUES

The Tender Evaluation Committee (TEC) scored the tender using 50:50 price/non-price including 15% for local content. As completion on time was a strong requirement of the grant funding agreement, a high emphasis was placed on experience and the delivery program.

One tender was received; the second potential tenderer could not meet the requirements of the program and withdrew.

The tender was split into the following fixed items and optional elements to allow flexibility with budget allocation.

The fixed lump sum portion includes:

- 6 way draft and new cattle process
- New grass paddock fencing
- New catwalk links

The optional elements include:

- Double deck loading ramp
- Additional pens
- Additional paddock fencing

Upon consideration of the tendered prices received the Tender Evaluation Panel (TEP) opted to remove the following scope:

- Double deck loading ramp
- Reduce the quantity of extra pens

This enabled the project to come within acceptable limits of the available budget and available reserve funding. The inclusion of the optional element of additional pens is critical to achieve the efficiencies of the new process.

COUNCIL IMPLICATIONS

Budget/Financial

Through the consultation with the key stakeholders and design development, the initial scope as outlined in the Council meeting Minutes, November 2020 Item 6a.20.048 has changed to suit the user requirements and the available budget.

Original Concept Design Scope	Concept Design Estimate (\$)	Accepted Tendered Amount (\$)	Comments
Install double deck unloading ramp	100,000	-	Deferred till funds are available
Improve scanning processes including:			
* Install 6 way air draft	330,000	818,410	More expensive than predicted - prelims & cat walks not included in original
* Install stack pens	10,000		
* Upgrade existing scanner & scales	100,000		
Install rubber flooring	140,000	-	Deferred until roof is installed
Upgrade grass paddock fencing	50,000	27,800	Part deferred
Upgrade pen fencing/gates	100,000	198,080	More expensive than predicted
Install CCTV cameras	20,000	12,308	Part deferred
Detailed design, drawings, specifications, QS	100,000	105,000	Includes \$50k contingency
Project management	50,000	32,400	Refined estimate
Extra non-tender items		47,050	Waste disposal + wifi, PA, hardware, hand scanners etc
TOTAL	1,000,000	1,241,048	

Acceptance of the tender and total project budget of \$1,241,048 is to be funded by: \$1,000,000 from the Drought Communities Programme Extension grant and \$241,048 from the Saleyards Asset Replacement Reserve RA10910.

The opening balance of RA10910 Saleyards Asset Replacement Reserve was \$370,202.11 less capital expenditure to date of \$29,754.54 results in a residual balance of \$340,447.57. There are sufficient balance funds within the Reserve allowing for this recommended reserve transfer.

Asset Management

Upon completion of the project the projects assets will be added to the Saleyard Asset Management Plan for ongoing maintenance.

Policy or Regulation

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

In accordance with Council's Sustainable Procurement Policy the following processes were undertaken:

- Local suppliers, contractors and/or consultants were notified through tender link.
- Tender specifications were structured so local suppliers and/or contractors were not excluded from being the prime supplier/contractor.
- The tender specification requested tenderers to identify the local suppliers/contractors that would be involved in delivering the services and the tender assessment included a 15% weighting of the total tender score for local supplier content.

Consultation

Consultation was undertaken by the design consultant and the key stakeholders including members of the Saleyard Advisory Committee to determine project objectives and scope of works.

Legal and Risk Management

One submission was received in response to the Request for Tender process, the Company Partners and Directors are as follows:

Tenderer	ABN	Name of Partners and Directors	Position
Innovative Design & Manufacturing Pty Ltd T/A Thompson Longhorn	65 095 625 871	Byron Wolff	Managing Director

Climate Change

The provision of any new asset results in resource consumption and emission production factors that contribute to climate change. To minimise the impact the materials used will contain a high content of material that can be recycled at the end of its useful life and all waste material able to be recycled such as steel fencing and barriers will be recycled.

Prepared by	Andy Seaman, Project Manager
Confidential	Confidential – Tender Recommendation Report

ITEM 6e.21.006 TENDER RFT 20/40 - MACLEAN 21ML ROOF REPLACEMENT

Meeting	Council	23 March 2021
Directorate	Works & Civil	
Reviewed by	Manager - Water Cycle (Greg Mashiah)	
Attachment	Confidential	

SUMMARY

Council called tenders for the replacement of the Maclean 21ML water reservoir roof which closed on 26 February 2021. Four complying tenders were received. The Tender Evaluation Committee (TEC) considers, having regards to all the circumstances, that the tender from Wicks & Parker Engineering Pty Ltd ("Wicks & Parker") is the most advantageous for Council and recommends that this tender be accepted.

OFFICER RECOMMENDATION

That:

1. Council accept the tender from Wicks & Parker Engineering Pty Ltd for RFT20/40 (Replacement of the Maclean 21ML water reservoir roof) at a cost of \$325,513.00 (GST inclusive) to be funded from FP950569 (Maclean 21ML Reservoir Roof Renewal).
2. 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

The Maclean 21ML reservoir is an essential water reservoir within Council's water network. All water to the lower river areas of Council passes through this reservoir after re-chlorination and the water is then distributed throughout the water supply network. The roof of the reservoir has reached the end of its useful life and has begun to degrade, with inspections showing small pinprick holes, rusting in the roof as well as degradation to the bird netting surrounding the reservoir. The roof and netting provide protection from pollution contaminates and animals that would affect the water quality.

KEY ISSUES

The TEC comprised water cycle staff and tenders were assessed using a weighting of 60% price and 40% non price. Four tenders were received by the closing date and time.

The TEC assessed 3 tenders as conforming and 1 tender (from Wicks & Parker) as non-conforming. The tender from Wicks & Parker was considered as non-conforming due to the tender schedules not being completed (non price criteria was submitted on an alternate document) and the lump sum tendered price not being itemised. As sufficient information was provided in Wicks & Parker's tender submission to assess their tender, the TEC decided to consider the tender with non-price scoring reflecting non-conformances. In accordance with Section 176(2)(a) of the *Local Government (General) Regulation*, as itemising the lump sum would not change the tender assessment, the TEC requested Wicks & Parker to submit an itemised tender price.

A detailed report from the TEC is included in the Confidential Attachments. The TEC 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 Wicks & Parker and recommends that this tender be accepted.

As with all construction projects it is likely that some contract variations will be required during the work and it is recommended that the General Manager be authorised to vary the tender by up to 15%

COUNCIL IMPLICATIONS**Budget/Financial**

The 2020/21 budget for FP950569 (Maclean 21ML Reservoir Roof Renewal) is \$430,000. Expenses to date are \$2,894, leaving an unexpended balance of just over \$427,000 to complete the project.

Asset Management

This project renews an asset which is nearing the end of its life.

Policy or Regulation

The tendering process followed is consistent with the requirement of the Local Government Act and Regulation and Council's Sustainable Procurement Policy – Supporting Local Business. In accordance with Council's Sustainable Procurement Policy the following processes were undertaken:

- Tender specifications were structured so local suppliers and/or contractors were not excluded from being the prime supplier/contractor.
- The tender specification requested tenderers to identify the local suppliers/contractors that would be involved in delivering/constructing the project and the tender assessment included a 15% weighting of the total tender score for local supplier content.

Consultation

N/A

Legal and Risk Management

Company Directors of the 4 tenderers are included in the TEC report.

Climate Change

N/A

Prepared by	Laurie Day, Water Cycle Project Coordinator
Confidential	Tender Evaluation Committee report

7. NOTICE OF MOTIONS

ITEM	07.21.003	AMENDMENT TO INVESTMENT POLICY
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Meeting	Council	23 March 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 at the time of investing.
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.

ITEM 07.21.004 RESCISSION MOTION COUNCIL RESOLUTION – 6a.21.005

Meeting	Council	23 March 2021
Directorate	Notice of Motion	
Submitted by	Cr Greg Clancy	
Attachment	Yes	

To the General Manager, Clarence Valley Council, I propose that the following rescission motion be submitted to Council.

SUMMARY

We the undersigned propose to move the following motion:

PROPOSED MOTION

That Council rescind resolution 6a.21.005 “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.”

BACKGROUND

Resolution 6a.21.005 was carried at Council’s meeting on 23 February 2021 with Crs Simmons, Kingsley, Baker, Williamson and Lysaught voting for it. Crs Toms, Novak, Ellem and Clancy voted against the motion.

KEY ISSUES

The motion that was carried is considered to place unacceptable pressure on individual councillors to have the Covid-19 vaccine when some may choose not to have it for medical or other reasons. The motion also conflicts with the provisions of 747A of the Local Government Act which allows the exclusion of the general public for health reasons but only up until 25 March 2021 when the special provisions end and Section 10(1)(a) of the Act, which states that councils must allow public access to meetings, will again apply. The motion is open ended and does not acknowledge the planned cessation of the special Covid provisions on 25 March.

Attachment:	OLG Circular 20-37/22 September 2020 A723972 Status of special COVID-19 measures
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Signed:

Gregory Clancy

Karen Toms

Debrah Novak

The image shows three handwritten signatures in black ink. The first signature is 'G. Clancy', the second is 'K. Toms', and the third is 'D. Novak'. Each signature is written over a horizontal line.

8. CONFIDENTIAL BUSINESS

9. QUESTIONS WITH NOTICE

10. LATE ITEMS OF BUSINESS AND MATTERS ARISING

11. CLOSE OF ORDINARY MEETING