

Ordinary Council Meeting Minutes

23 February 2021



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01. OPENING OF ORDINARY MEETING

MINUTES of the ORDINARY MEETING of the CLARENCE VALLEY COUNCIL at Council Chambers, Maclean, 23 February 2021 commencing at 2.00 pm and closing at 6.23 pm.

OPENING PRAYER – The opening prayer was said by the Mayor.

ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THE LAND

I acknowledge the traditional custodians of these lands on which this meeting is taking place and pay tribute and respect to the Elders both past and present of the Bundjalung, Gumbaynggirr and Yaegl nations which lie within the Council boundaries.

ANNOUNCEMENT

All present are advised that this meeting is being broadcast and audio recorded. The recordings of the non-confidential parts of the meeting will be made available on Council's website once the Minutes have been finalised. Speakers are asked not to make insulting or defamatory statements and to take care when discussing other people's personal information. No other persons are permitted to record the meeting unless specifically authorised by Council to do so.

ATTENDEES

Cr Jim Simmons (Mayor), Cr Jason Kingsley (Deputy Mayor), Cr Andrew Baker, Cr Peter Ellem, Cr Arthur Lysaught, Cr Karen Toms, Cr Debrah Novak, Cr Greg Clancy, Cr Richie Williamson

PRESENT

General Manager (Ashley Lindsay), Director Environment, Planning & Community (Des Schroder), Director Works & Civil (Jamie Fleeting), Director Corporate & Governance (Laura Black) and Minutes Secretary (Lesley McBay).

02. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE - Nil**03. DISCLOSURES AND DECLARATIONS OF INTEREST****Declarations received at the commencement of and during the Ordinary Meeting**

<i>Name</i>	<i>Item</i>	<i>Interest/Action</i>
Cr Novak	6a.21.007	Pecuniary - Leave the meeting Applicant on a DA
Cr Toms	6a.21.006	Significant Non-Pecuniary - Leave the meeting Director of contract manager of Iluka Riverside Holiday Park
Cr Toms	08.21.002	Non-Significant Non-Pecuniary - Remain in the meeting Director of contract manager of Iluka Riverside Holiday Park
Cr Kingsley	6b.21.001	Significant Non-Pecuniary - Leave the meeting Friends with one of the objectors
Cr Clancy	6a.21.006	Non-Significant Non-Pecuniary - Leave the meeting Friend of submitters

Declarations received at the Committee meetings

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

04. CONFIRMATION OF MINUTES**COUNCIL RESOLUTION**

Williamson/Ellem

That the Minutes of the Ordinary Meeting of Council dated 15 December 2020, copies of which have been circulated, be taken as read and be confirmed.

Voting recorded as follows:

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

Against: Nil

5. MAYORAL MINUTES

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

SUMMARY

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

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

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

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

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

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

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

PROPOSED MOTION

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

COUNCIL RESOLUTION – 05.21.001

Mayor Simmons

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

Voting recorded as follows:

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

Against: Nil

CARRIED

ITEM 05.21.002 REX AIRLINES CEASING SERVICES TO GRAFTON

Meeting	Council	23 February 2021
Directorate	Mayoral Minute	
Submitted by	Cr Jim Simmons	
Attachment	Yes	

SUMMARY

Councillors, attached is a media release issued by REX Airlines (REX), which announces that *“it will embark on a major revamp of its regional route network in response to aggressive predatory moves by Qantas into thin regional routes by Rex”*.

Based on the release it would appear that there is contention between REX Airlines and Qantas, with Qantas moving into a number of regional routes in direct competition with REX. The media release states that *“these routes have only supported one regional carrier in the past and the current monthly passenger numbers are laughable. Even when passenger numbers return to pre-COVID levels, these routes would still be unable to viably support 2 carriers.”*

The REX Board has indicated it intends to stand its ground on these routes, which may lead to both carriers making significant losses.

Unfortunately, what this means is that REX is unable to continue subsidising the marginal routes (5 routes identified) that they have supported in the past. When the government support to REX through the RANS program is discontinued at the end of March, the airlines services provided from Sydney into Grafton and Lismore and return, will cease.

My understanding is that the final flight from Grafton will be Friday 26 March 2020.

Councillors as I understand from the attached media release REX intend to commence in April new services to ports where Virgin Australia has retreated and left Qantas as the sole or dominant operator. These new services are from Sydney/return to Coffs Harbour and Port Macquarie. This message leaves me with little hope of REX returning to Grafton even if the Federal Government were to extend their subsidy of the RANS program from the end of March.

Councillors I am seeking your support that Council write to the Deputy Prime Minister, the Hon Michael McCormack and the Member for Page, the Hon Kevin Hogan to reinforce to them the significant impact the COVID-19 pandemic has had on regional aviation and regional communities and how important it is for the Federal Government to extend their support to regional airline services via the RANS program to enable Council to attract another airline provider to service our community with flights from Grafton airport to Sydney and return. Having access to flights from Grafton airport into Sydney and return is very important for our local community, particularly the business community. Let’s not forget the jobs that will be lost at the airport (likely to be 3 positions) if the flights into Grafton are no longer provided.

Passenger numbers into Grafton airport (18,000, pre-COVID) were growing and when combined with Lismore (12,000, pre-COVID) made the triangulated service Sydney/Grafton/Lismore and return a viable service. In order to attract an alternate provider to replace REX the opportunity exists for Council to partner with Lismore City Council if they are willing to join us in our quest to find a replacement for REX.

PROPOSED MOTION

That

1. Council write to the Deputy Prime Minister the Hon Michael McCormack and the Member for Page Kevin Hogan seeking their support and requesting the Federal Government extend their financial support for regional airline services via the RANS program for another 12 months to 31 March 2022.
2. The General Manager commence negotiations with Lismore City Council to develop a proposal to find a replacement airline service for the Sydney/Grafton/Lismore and return route.

COUNCIL RESOLUTION – 05.21.002

Mayor Simmons

That

- 1. Council write to the Deputy Prime Minister the Hon Michael McCormack and the Member for Page Kevin Hogan seeking their support and requesting the Federal Government extend their financial support for regional airline services via the RANS program for another 12 months to 31 March 2022.**
- 2. The General Manager commence negotiations urgently with Lismore City Council to develop a proposal to find a replacement airline service for the Sydney/Grafton/Lismore and return route.**

Voting recorded as follows:

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

Against: Nil

CARRIED

6. REPORTS**a. GENERAL MANAGER**

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

SUMMARY

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

OFFICER RECOMMENDATION

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

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

MOTION

Toms/Ellem

That Council

1. Reaffirm its organisation structure of 3 Directors: Corporate & Governance; Environment, Planning & Community; Works & Civil.
2. Not approve funds for additional staff during the remainder of this term.

Voting recorded as follows:

For: Toms, Ellem, Clancy, Novak

Against: Baker, Simmons, Williamson, Lysaught, Kingsley

The Motion was put and declared LOST.

A blackout occurred during this item at 4.14pm causing a disruption to the meeting and the online broadcast.

COUNCIL RESOLUTION – 6a.21.001

Lysaught/Baker

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

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

Voting recorded as follows:

For: Lysaught, Baker, Simmons, Williamson, Kingsley

Against: Ellem, Toms, Novak, Clancy

Cr Baker, moved that the motion be put, seconded by Kingsley. CARRIED.

AMENDMENT TO FORESHADOWED MOTION

Simmons/Williamson

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

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

That the General Manager bring a report to the March Council meeting on ways of achieving the cost saving of \$400,000.

Voting recorded as follows:

For: Simmons, Toms, Ellem, Clancy

Against: Baker, Novak, Williamson, Lysaught, Kingsley

The Amendment to Motion was put and declared LOST.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.2 Council is a preferred employer

BACKGROUND

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

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

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

KEY ISSUES

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

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

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

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

The recommended structure also aims to achieve the following goals:

- A better balance of workload and responsibility across Directorates,

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

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

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

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

Note:

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

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

The proposed restructure involves the creation of 35 new positions. This is achieved following the removal of 27 positions from the structure of which 15 are currently vacant. The overall cost of the proposed restructure results in an increase in Council's Salary & Wages of \$398,600 of which \$352,000 relates to the two (2) additional Manager positions.

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

Under the Local Government Award consultation with staff on workplace change affecting the organisation structure below the Senior Executive Salary level is required prior to change being determined and

implemented. Consultation on the draft structure below Directors has commenced and is anticipated to be finalised in April allowing for the cost to be reflected in the draft 2021/2022 budget.

COUNCIL IMPLICATIONS

Budget/Financial

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

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

Asset Management

N/A

Policy or Regulation

Sections 332 & 333 of the Local Government Act 1993

Consultation

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

Legal and Risk Management

N/A

Climate Change

N/A

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

MOTION

Kingsley/Lysaught.

That Council adjourn for 10 mins at 4.21 pm. CARRIED.

The meeting resumed at 4.33 pm.

ITEM 6a.21.002 DISPOSAL OF PART LOT 2 DP 238219 GOLDING STREET, YAMBA

Meeting	Council	23 February 2021
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Confidential	

SUMMARY

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

OFFICER RECOMMENDATION

That

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

COUNCIL RESOLUTION – 6a.21.002

Kingsley/Baker

That

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

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

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

BACKGROUND

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

That Council:

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

KEY ISSUES

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

COUNCIL IMPLICATIONS**Budget/Financial**

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

Asset Management

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

Policy or Regulation

Local Government Act 1993

Conveyancing Act 1919

Disposal of Surplus land & Buildings Policy

Consultation

Not Applicable

Legal and Risk Management

Not Applicable

Climate Change

Not Applicable

Prepared by	Kylee Baker, Property Coordinator
Confidential	Disposal details

ITEM	6a.21.003	PROPOSED SALE OF NUMBERS 2 AND 4 SHORT STREET, MACLEAN
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Meeting	Council	23 February 2021
Directorate	Corporate & Governance	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Nil	

SUMMARY

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

OFFICER RECOMMENDATION

That Council:

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

COUNCIL RESOLUTION – 6a.21.003**Simmons/Lysaught**

That Council:

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

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

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

That Council

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

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

KEY ISSUES

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

The real estate agent has advised that the greatest demand in the current property market is for residential. Whilst the current commercial market is slowly growing it is not at the same level of the current residential market. The agent has been engaged to get the best value for the properties for Council and the public, and therefore they recommend seeking the necessary consent or local planning arrangement to enable the properties to be either sold as, or used as, residences.

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

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

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

COUNCIL IMPLICATIONS**Budget/Financial**

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

an appropriate sale price will be achieved in a timely manner and these benefits further justify the expenses associated with the recommended planning processes.

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

Asset Management

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

Policy or Regulation

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

Clarence Valley Local Environmental Plan 2011

Consultation

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

Legal and Risk Management

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

Climate Change

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

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

SUMMARY

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

OFFICER RECOMMENDATION

That Council:

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

COUNCIL RESOLUTION – 6a.21.004

Novak/Lysaught

That Council:

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

Voting recorded as follows:

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

Against: **Nil**

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 3 Economy

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

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

BACKGROUND

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

At its November 2020 meeting Council resolved:

COUNCIL RESOLUTION – 6a.20.048

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

KEY ISSUES

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

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

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

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

COUNCIL IMPLICATIONS**Budget/Financial**

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

Asset Management

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

Policy or Regulation

N/A

Consultation

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

Legal and Risk Management

N/A

Climate Change

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

Prepared by	Julie Schipp, Holiday Parks and Saleyards Officer
Attachment	1. DCP Commonwealth Grant Agreement - executed 10 February 2021 2. Saleyard Advisory Committee meeting minutes held 3 December 2020 3. Grafton Regional Livestock Selling Centre Service Plan 2021/25

ITEM 6a.21.005 PUBLIC ACCESS TO COUNCIL MEETINGS

Meeting	Council	23 February 2021
Directorate	General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

SUMMARY

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

OFFICER RECOMMENDATION

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

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

AMENDMENT TO MOTION

Clancy/Toms

That Council continue to exclude the public from attending Council and Committee meetings until such time as Councillors are offered the opportunity to be vaccinated against COVID-19.

Voting recorded as follows:

For: Ellem, Clancy, Toms

Against: Lysaught, Williamson, Novak, Baker, Kingsley, Simmons,

The Amendment to Motion was put and declared LOST.

FORESHADOWED MOTION

Novak

That Council include the public from today to attend Council and Committee meetings.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

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

BACKGROUND

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

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

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

KEY ISSUES

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

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

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

If the meeting was to be made open to the public, a QR code could be set up to enable people to check in and out when attending. A limit to the number of seats available in the gallery for the public would also be recommended with the public being required to reserve seats via Eventbrite. The Eventbrite ticket reservation would also enable Council to obtain permission from those members of the public attending the meeting to be "on camera" and part of the live streaming webcast. It is also recommended that the current public gallery seating be replaced with non-upholstered chairs that would enable them to be wiped down after each use. Masks could also be requested to be worn.



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

By continuing to restrict the public access to the Council meetings it is not considered that the public is disadvantaged and the safety and welfare of Councillors and Council staff is being maintained. Accordingly,

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

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation

Local Government Act 1993

Local Government (General) Regulation 2005

Consultation

Councillors

Legal and Risk Management

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

Climate Change

N/A

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

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

SUMMARY

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

OFFICER RECOMMENDATION

That Council as Crown Land Manager:

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

Having declared an interest in this item, Cr Toms left the Council meeting at 4.58pm and returned at 5.03pm. Cr Clancy declared an interest in this item during discussion and left the Council meeting at 5.00pm and returned at 5.03pm.

MOTION – WITHDRAWN

Novak/

That the Officer Recommendation be adopted.

COUNCIL RESOLUTION – 6a.21.006

Baker/Ellem

That Council as Crown Land Manager:

1. **Allocate \$700,000 from RA79000 (HPk Bank Account) for the upgrade of the Brooms Head Holiday Park on-site sewage management system (FP560101) and allocate an upper limit fee (as detailed in the confidential attachment) to RA79000 (HPk Bank Account) Reserve for the extinguishment of Native Title.**
2. **Allocate \$25,000 from RA79000 (HPk Bank Account) to fund current financial year expenses to complete survey, design and investigation works.**
3. **Defer the Minnie Water (FP560428 - \$500,000) and Iluka Riverside Holiday Parks (FP560570 – \$500,000) amenities upgrades and reallocate \$1,000,000 of funding to FP560101 – Brooms Head Holiday Park Septic System Upgrade.**
4. **Following the completion of the investigations and OSMS designs for the Brooms Head Holiday Park OSM system upgrade, further information and consultation with adjoining property holders and community be undertaken before works proceed to tender and/or construction.**

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme	3 Economy
Objective	3.1 We will have an attractive and diverse environment for business, tourism and industry
Strategy	3.1.2 Grow the Clarence Valley economy through supporting local business and industry

BACKGROUND

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

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

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

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

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

The package treatment plant is a rotating biological reactor located below ground level similar to the system that is in place at Wooli Holiday Park. The only visible parts of the system would comprise a number of circular manhole lids visible just above natural ground level. The treatment system is proposed to be located near the eastern most road entrance that leads to the lookout behind sites 71-73.

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

Minnie Water and Iluka Riverside Holiday Parks Amenities Upgrades

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

COUNCIL IMPLICATIONS**Budget/Financial**

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

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

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

Asset Management

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

Policy or Regulation

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

Consultation

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

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

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

Legal and Risk Management

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

Climate Change

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

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

ITEM 6a.21.007 DEVELOPMENT APPLICATIONS

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

SUMMARY

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

OFFICER RECOMMENDATION

That the update on Development Applications be noted.

Having declared an interest in this item, Cr Novak left the Council meeting at 5.04pm and returned at 5.04pm.

COUNCIL RESOLUTION – 6a.21.007

Kingsley/Lysaught

That the update on Development Applications be noted.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

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

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

KEY ISSUES

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

No. of Applications Received	No of Applications Approved	Value of Approved Works	No of Lots Approved	Processing Times (including stop-the-clock days)
414	503	\$71,040,798.90	78	Average : 58 days Median: 40 days

Of the 503 approved Development Applications between 1 July 2020 and 31 January 2021, 252 (50%) were determined within 40 days or less.

Exceptions to Development Standards under Clause 4.6 of the LEP

There was nil use of Clause 4.6 for Development Applications determined during the months of December 2020 and January 2021.

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

NSW Department of Planning Development Assessment Best Practice Guide – to assist Council to improve delivery timeframes

Consultation

Applicants with DAs exceeding 40 days would generally be aware of the reason/s why their DA has not been determined. Staff processing DAs are encouraged to maintain regular contact with Applicants and there remains room to improve this communication. Improvements such as this form one of the outcomes from Council's DA Review Project currently underway.

Correspondence acknowledging receipt of DAs or requesting additional information contains details of the staff member (including direct phone number) responsible for assessment of the DA. Hence, Applicants can easily make contact with the relevant officer if they require assistance or have any questions.

Legal and Risk Management

DAs that have not been determined within a period of 40 days (not including any 'stop-the-clock' days) can be considered by the Applicant to be deemed refusal. This factor is unlikely to apply to most of the DAs listed in the earlier table as the calculation of 40 days used for this report does not exclude 'stop-the-clock' days. However, when the appropriate circumstances apply to a DA then the *Environmental Planning and Assessment Act 1979* provides that an Applicant can lodge an appeal to the Land and Environment Court against the deemed refusal and request the Court to determine the DA. It is rare that Applicants pursue this course of action as the cost and time associated with pursuing Court action does not generally justify such action, especially if Applicants are confident that their DA will be approved when determined. DAs where a recommendation for refusal is possible are more likely to be subject to such appeal.

Climate Change

The matters discussed in this report have no direct impact on climate change or the effects thereof. Development or works proposed in individual DAs can have implications and these can be considered in assessment of DAs as relevant, eg development on land subject to long term sea level rise and/or coastal erosion.

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

VOTE BY EXCEPTION

Ellem/Kingsley

That the following Items be adopted as recommended:

- 6b.21.002
- 6b.21.003
- 6b.21.004
- 6b.21.006
- 6b.21.007
- 6c.21.001
- 6c.21.002
- 6c.21.003
- 6c.21.004
- 6c.21.005
- 6c.21.008
- 6c.21.012
- 6c.21.013
- 6c.21.014
- 6c.21.015
- 6c.21.016
- 6c.21.017
- 6c.21.018
- 6c.21.019
- 6c.21.020
- 6c.21.021
- 6c.21.022
- 6c.21.024
- 6d.21.001
- 6e.21.001

Voting recorded as follows:

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

Against: Nil

b. ENVIRONMENT, PLANNING & COMMUNITY REPORT

MINUTES of a meeting of the **ENVIRONMENT, PLANNING & COMMUNITY COMMITTEE** of Clarence Valley Council held in the Council Chambers, Maclean on Tuesday, 16 February 2021 commencing at 3.30 pm and closing at 4.59 pm.

MEMBERS

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

PRESENT

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

APOLOGY**MOTION**

Baker/Novak

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

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons

Against: Nil

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

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

ITEM	6b.21.001	DA2020/0573 – DUAL OCCUPANCY – 16-22 GRAFTON STREET, LAWRENCE
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Meeting	Environment, Planning & Community Committee	16 February 2021
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

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

Council is in receipt of Development Application DA2020/0573 which proposes a Dual Occupancy at 16-22 Grafton Street, Lawrence. In accordance with the Community Participation Plan the application was notified and 5 submissions were received. The application is forwarded to Council for a decision as a result of the public interest in the proposal, furthermore, the Applicant does not agree with conditions relating to the required road upgrade. The report provides an assessment of the application and a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That Council:

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

MOTION

Clancy/Novak

That Council:

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

Voting recorded as follows:

For: Clancy, Novak
Against: Simmons, Baker

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

COMMITTEE RECOMMENDATION

Baker/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Baker, Simmons
Against: Clancy, Novak

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

Having declared an interest in this item, Cr Kingsley left the Council Meeting at 5.09pm and returned at 5.14pm.

COUNCIL RESOLUTION – 6b.21.001**Baker/Lysaught****That Council:**

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

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

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

Development Application DA2020/0573 was lodged on 28 September 2020 to construct a second dwelling and extend the existing earthen mound at 16-22 Grafton Street, Lawrence. The subject land is zoned RU1 Primary Production under the *Clarence Valley Local Environmental Plan 2011* (the LEP), dual occupancies are permitted with consent in the zone with a minimum lot size for a dwelling being 40 hectares applying to the land. The proposal was notified from 1 to 16 October 2020, 5 submissions were received during the exhibition period.

Council has previously approved DA2019/0691 to construct a shed on an earthen mound at 24-26 Grafton Street, Lawrence to the north of the subject site. This proposal includes an extension to this mound to allow access into the shed. The mound as approved under DA2019/0691 has been constructed. A Construction Certificate (CC) has been issued by a private building certifier for the shed, however, the location of the shed is inconsistent with the approved DA plans. The plans endorsed by the certifier show the shed approximately 3m closer to both the northern and western boundary.

Council has previously issued advice regarding the dwelling eligibility status of the subject land in 2012. Lot 4 Section 4 DP566 has an existing dwelling located on it and the dwelling eligibility remains as a continuing use right, while Lots 5-9 Section 4 DP566 do not have the ability to construct a dwelling on them. It is proposed to consolidate Lot 4 to 9 Section 4 DP566 to create a single lot to enable the construction of the proposed dwelling as a dual occupancy due to the existing use rights of the existing dwelling. Furthermore, land to the east bound by Rutland, Grafton and Richmond Streets had a dwelling refused in 1985 by former Maclean Shire Council, with one of the reasons being the flood risk and was a known floodway.

KEY ISSUES**1. Variations to the Rural Zones Development Control Plan**Clause C5.6 - Setbacks

The Applicant has submitted a written request to vary Clause C5.6 of the DCP which requires the dwelling be located greater than 40m from a waterway. The proposed dwelling is 35m from the waterway, being the Clarence River. The Applicant has agreed to increase the front setback from 9.5m to comply with the required 10m front setback in the DCP. The Applicant has justified the location of the dwelling as follows:

1. The proposal is located as far away as possible from the river while still complying with the required 10m front setback,

2. Moving the dwelling closer to Grafton Street has the potential to impact on the streetscape as other dwellings on Grafton Street are setback approximately 18m from the front boundary, and
3. The proposed dwelling will be located further from the river than other dwellings to the south fronting Grafton Street.

The Applicant's request to reduce the setback to the river is considered reasonable given that the variation sought is minor and the setback to the river for dwellings south of the subject land are between 25m and 30m. As the proposed works are ancillary to a dwelling or dual occupancy, the proposed works are exempt from a controlled activity permit under the *Water Management Act 2000* as it does not propose works on the bed or bank of the river or below the high water mark. Further, the proposed dwelling is located as far away as practical while enabling the Applicant to locate the on-site sewerage management system in the front setback to maximise distance of the disposal area from the river. On this basis it is considered that there are suitable grounds to allow the proposal to proceed.

Clause C8 of the Rural Zones Development Control Plan

Grafton Street is not a Council maintained road but provides access for 4 other dwellings. In accordance with Clause 7.8 of the LEP the property is to have suitable access. Clause C8 of the DCP defines what is considered suitable access, this being road frontage to a Council maintained road being sealed or a Category 1 unsealed road.



Length of Grafton Street to be upgraded highlighted in red

Council staff have advised the Applicant of the requirement to seal the section of Grafton Street from the intersection of Richmond Street to the existing driveway, approximately 100m in length. In response to this matter, the Applicant has requested that Council consider the following:

1. The Applicant believes the current road is classified as a Category 2 Road under the CVC Roads Policy as it is not maintained but provides the minimum access standards.
2. The road has remained in good condition after being sustained to heavy vehicle traffic importing fill to the subject site.
3. Upgrading the road will require a significant capital outlay and burden as other dwellings using the road are not required to contribute.
4. Requiring the upgrade will change the heritage character of the area compared to the current unsealed road.
5. The proposal is not creating any additional driveways.

The scale of the development to create a dual occupancy may not appear to be significant in a general sense, however, it is the adverse cumulative impact that approving the development without sealing of the road would likely have in terms of the surrounding area that raises concern. Given the context of the site in relation to the adjoining R2 zoned lots, Council's adopted development controls should be adhered to in this

instance so that the development does not result in an increase to Council's road maintenance budget or further deterioration of Council's future road asset should Council resolve to take over maintenance of the road.

Clauses D1.14 and D1.27 of the NRDC refer to carriageway widths and characteristics for urban and rural roads. In accordance with the NRDC standards Grafton Street requires a minimum of 6m seal and 0.5m shoulders for roads with minor traffic volume. Subsection D1.27.2 of the NRDC states that carriageway widths to existing roads shall generally be in accordance with Table T1.27, however, may be reduced at the discretion of the Director of Engineering Services. As a result of discussions with Civil Services, in order to take over maintenance responsibilities of the road it is required that the road be sealed and the standards of NRDC are recommended to be reduced to a carriageway width of 4m with 0.5m shoulders.

Option 1

That Council support the variations to the DCP and NRDC and approve the development subject to the draft conditions of consent contained in Schedule 1. This requires the sealing of Grafton Street from the intersection with Richmond Street to the existing access for a 4m sealed carriageway with 0.5m shoulders. Option 1 is the preferred option.

Option 2

That Council not support a variation to the DCP and approve the development subject to requiring the upgrading of Grafton Street from the intersection with Richmond Street to the existing access on the subject land in accordance with the requirements of Clause C8.5 of the Residential Zones DCP and NRDC standards (6m seal with 0.5m shoulders). Option 2 is not the preferred option.

Option 3

Council may wish to vary the DCP requirement and permit the development to proceed without the need to seal the frontage of the development site. However, this option is not recommended because:

- The development could set a precedent and may result in an adverse cumulative impact if other land owners with development potential subsequently propose a second dwelling with the expectation to avoid the sealing upgrade of the road.
- An increase in traffic upon the unsealed road will increase the deterioration rate and therefore likely result in an increase to Council's road maintenance budget.

A resolution supporting the variation will necessitate a range of advices and conditions to be removed and/or amended from those recommended and provided at Schedule 1.

Issues Raised in Submissions

Council received 5 submissions against the proposed development. The main concerns raised in the submissions include impacts to flood events, amenity and loss of views to the river.

Flooding

Flood related issues raised in submissions are as follows:

- The increase in size of the mound will increase the height of flood water and velocity, particularly in times of major and moderate floods.
- The size of the pad will increase the time it takes for flood water to recede by restricting flows back to the river, which will result in surrounding street networks being closed for a longer duration of time.
- The land is declared as a flood way.
- Set a precedent for developing flood prone land.

The subject land is flood prone, however, Council's adopted flood modelling does not recognise the subject site as being within a flood way. The Applicant has submitted a Flood Report prepared by BMT. It is proposed to import a further 2,300m³ of material to the site under this application. The Applicant has reduced the size of the pad from approximately 1,500m² to 1,200m² and submitted a modified Flood Report to reduce the overall impacts of the development. The reduction is predominantly limited to removal of fill under the dwelling.

The placement of the fill will change the direction of flood flows in Grafton Street from an easterly flow to a split north and south flow around the fill increasing local velocities on the southern end of the fill mound. The flood report and model prepared by BMT has identified impacts to local flooding. The revised flood report states that the expected flood levels will increase by 10mm over the site which is insignificant if restricted to the site. If however, this increase goes beyond the site, it may impact on other dwellings and infrastructure, as a 10mm increase may flood the floor of a dwelling which is close to or at the current flood level.

The revised flood model suggests that the proposed increase in the flood mound area will result in a localised increase of flood velocity surrounding the fill pad. This will result in an increase in velocity of 0.1 to 1.0 m/s affecting the area surrounding the proposed dwelling and the neighbouring reserve. The increase in velocity has been modelled for the 20%, 5% and 1% Annual Exceedance Probability (AEP) flood events. The report model indicates that there will be no localised increase in the flood height surrounding the proposed mound for the 20%, 5% and 1% AEP events. It is noted, however, that the model has been limited to a variance in peak flood level of +/- 0.01 metres. Therefore, it is possible that the proposed mound could result in localised increases in flood heights up to 10mm in depth. This should be considered as a risk due to the limited accuracy of the flood modelling as a result of limited flood information at the site.

The draft conditions in Schedule 1 require the shed to be located in the position as approved under DA2019/0691, this will reduce the amount of fill to be imported by approximately 280m³. This would allow the water tanks to be located behind the shed and not require additional material to be imported to the northern section of the mound. The required batters as per the Geotechnical Report prepared by RGS are a lesser grade to what exists on-site, additional fill and increased batters in the northwest corner may compromise the land application area for the OSM area.

Impact on amenity and loss of views to river

Those with concerns over loss of views are located behind the dwelling and up hill from the proposed development. Photomontages have not been provided by the Applicant, however, as the proposed mound has commenced construction as approved under DA2019/0691 the impact on views can be visualised. Views to the river are currently obstructed by other buildings and established landscaping.

There are no specific view sharing controls in the DCP or for the Lawrence Village. In assessing these impacts Council will always be aware that no one can own a view across private property. After consideration of the four steps of view sharing outlined in the court case Tenacity Consulting v Waringah 2004 LEC 140, it is considered that the proposed development provides a minor to moderate impact to the standing views from the verandahs. A full assessment under the four steps of view sharing is contained within the Section 4.15 Assessment. Views to the river will be maintained from living spaces and verandahs.

Should Council not be satisfied that the impacts are minor to moderate, one option may be to reduce the separation between the dwelling and shed or reduce the overall size of the mound to only that necessary to gain suitable access for vehicles into the shed. This has the potential to reduce the overall bulk and reduce the loss of river views while enabling access to the shed.

Other issues

The overall size of the pad is excessive: The Applicant has reduced the size of the pad from the initial proposal and provided a Flood impact assessment that demonstrates that impacts will be limited to within the boundaries of the development site. The Applicant has justified the need for the pad to have a flood refuge area for animals and provide access to the house/shed for disabled persons.

Impact of additional stormwater and waste water generated by the dwelling on the river: Plans show a 25,000L water tank provided to collect and detain stormwater from the dwelling and shed roofs during peak rainfall events. An additional 50,000L storage capacity is also shown in 2 additional water tanks. The volumes would be sufficient to limit the stormwater leaving the site to the predevelopment flow. Direction of overflow outfall to the Clarence River would be supported provided approval from the Natural Resource Access Regulator is obtained. The Applicant has submitted an On-Site Wastewater Management System Application to install the new system and upgrade the system servicing the existing dwelling. Council's Environmental Health Officers have endorsed the proposed system.

COUNCIL IMPLICATIONS

Budget/Financial

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

Asset Management

The transfer and upgrade to Richmond Street to service the development will become a Council asset. Suitable conditions are included in the Draft Schedule to ensure that the works are constructed to an acceptable standard prior to it being accepted on maintenance and becoming a Council asset.

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 were consulted as part of the application assessment:

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Building Surveyor	Supported subject to conditions.
Environmental Health	Supported subject to conditions
Development Engineer	Variation to DCP and NRDC supported as per Option 1

Legal and Risk Management

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

Climate Change

Provision of a new housing within current urban areas with access to services and adjacent to existing settlements is more efficient and generates less greenhouse gases for the full life cycle of the development compared to more dispersed and fragmented forms of development. Further, the proposed dwelling is to comply with the NSW Government's building sustainability index in terms of thermal comfort, water efficiency and energy efficiency and achieving this certification makes new residential development more sustainable and less of a contributor to climate change compared to older forms of housing.

Prepared by	James Hamilton, Development Planner
Attachment	<ol style="list-style-type: none"> 1. Proposed Plans 2. Submissions 3. Section 4.15 Assessment Report

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

Definitions

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

- A Northern Rivers Local Government Development and Design Manual (AUS-SPEC)
- B Northern Rivers Local Government Construction Manual (AUS-SPEC)
- C Northern Rivers Local Government Handbook of Stormwater Drainage Design (AUS-SPEC)
- D Northern Rivers Local Government Handbook for Driveway Access To Property (AUS-SPEC)

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

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

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

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

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

Advices

1. No construction is to be commenced until a Construction Certificate has been lodged and approved.
2. Prior to work commencing on a development the applicant must give notice to Council of their intention to commence work. Such notice shall be in the form of a Notice of Commencement form and must be submitted to Council at least two (2) business days before work commences.
3. The dwelling floor shall be treated and maintained against termites in accordance with AS 3660.1.
 - a Upon installation of the method of treatment a Certificate shall be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with AS 3660.1.
 - b A durable notice must be permanently fixed to the building in the electricity meter box indicating:
 - i the method of protection;
 - ii the date of installation of the system;
 - iii where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label;
 - iv the need to maintain and inspect the system on a regular basis.
4. Metal building components installed in coastal locations shall have corrosion protection measures complying with the Building Code of Australia. This applies to brick wall ties, steel framing, fixings and metal sheet roofing in locations within 10km of breaking surf or 1km of salt water not subject to breaking surf. Higher standards apply the closer the location is to breaking surf.
5. The House Number 16-18 (existing dwelling) and 20-22 (proposed dwelling) has been allocated to the premises and shall be clearly displayed so it is visible from the road. Such action can reduce confusion and assist Australia Post, emergency services and the general community. Approval for the site and size of proposed householder mail boxes should be obtained from Australia Post.
6. All excavated or filled areas are to be battered to a slope of not greater than 45 degrees to the horizontal, or alternatively, be retained by a retaining wall. Where the height of the retaining wall exceeds 1m, a compliance certificate or other form of documentary evidence from a structural engineer stating the structural adequacy of the design is to be forwarded to the Principal Certifier. All excavated and filled areas are to be drained to prevent surface water affecting neighbouring properties.
7. The on site waste water management installation must be completed and ready for inspection at the same time as the frame inspection. All conditions of the on site waste water management approval shall be complied with prior to occupation of the dwelling.

8. The manufacturer's details of the roof trusses are to be submitted to Council prior to the frame inspection.
9. A safety balustrade shall be provided in accordance with Part 3.9.2 of the Building Code of Australia (BCA) to all landings, balconies and stairways with a height of one (1) metre above ground level. The balustrade must be constructed so that it does not permit a 125mm sphere to pass through it. Wire balustrade systems shall comply with the requirements of Clause 3.9.2.5 of the BCA. The height must not be less than-with Part 3.9.2 of
- a 1m above the floor of any deck, balcony, landing or the like; or
 - b 865mm above the nosing of stair treads or the floor of a ramp.
10. All glazing is to be selected and installed in accordance with the provisions of AS 1288 or AS 2047. Upon completion of the building and prior to its occupation, the glass suppliers/installers certificate is to be submitted to Council.
11. A smoke alarm system designed to ensure the occupants are given adequate warning so they can evacuate the building in an emergency, and complying with Part 3.7 of the Building Code of Australia shall be installed. Smoke alarms must be interconnected where there is more than one alarm, installed on each level and not located in dead air space. A licensed electrical contractor's installation certificate is to be submitted to Council prior to occupation
12. Stairs shall be constructed as per Part 3.9 of the Building Code of Australia. The maximum and minimum riser and tread sizes and slope relationship shall be met. The treads must have a slip resistance classification, or a nosing strip with a slip resistance classification not less than that listed in Part 3.9 (see below) when tested in accordance with AS 4586.
- Table 3.9.1.3 SLIP-RESISTANCE CLASSIFICATION**
- | Application | Surface conditions | |
|------------------------------|--------------------|---------------|
| | Dry (indoor) | Wet (outdoor) |
| Ramp not steeper than 1:8 | P4 or R10 | P5 or R12 |
| Tread surface | P3 or R10 | P4 or R11 |
| Nosing or landing edge strip | P3 | P4 |
13. A handrail shall be installed to at least one side of a stairway or ramp providing a change in elevation of 1m or more to meet Clause 3.9.2.4 of the BCA.
14. A bedroom window opening must be protected to prevent children falling out where the floor level of the room is 2m or more above the outside surface beneath. The openable portion of the window must be protected with:
- a a device to restrict the window from opening more than 125mm or,
 - b a screen with secure fittings.
- A window with its lowest openable section at least 1.7m above the floor is exempt from this requirement.
15. The deck/balcony shall be attached to the external wall of the building in accordance with Part 3.10.6 of the BCA. Decks more than 1.0m above the ground shall be diagonally braced in accordance with Clause 3.10.6.4. Details of the proposed method of attachment and bracing shall be detailed on plans submitted to Council for approval prior to issue of the construction certificate. If the deck/balcony will be attached to a brick veneer, double brick or concrete block wall that is not fully core filled the method of attachment shall be designed by a structural engineer.
16. The certificates and documentation requested in this approval (e.g. glazing certificate, smoke alarm certificate, etc.) should be emailed to council@clarence.nsw.gov.au quoting the development application number in conjunction with booking the final inspection.
17. The following approvals are required for this development and are to be issued by Council and/or accredited private certifier as applicable to the development.
- a Roads Act 1993 Sections 138 & 139 – approval for works on a road issued by Council and/or RMS
 - b Approval of Civil engineering works for development on private property. (Refer Environmental Planning and Assessment Act 1979 Section 6.5(2), Building Professionals Act Section 74A - Categories C1 to C6 inclusive and Building Professionals Regulation Section 20C.

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

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

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

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

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

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

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

20. Any activity to be carried out on any part of the road reservation requires the prior approval of Council under the NSW Roads Act 1993.

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

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

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

The Earthworks Management Plan must :

- a Include details of how the works will comply with the Protection of the Environment Operations Act 1997.
- b Provide a concept for the full site as a minimum with details of the earthworks for a particular stage lodged with the construction certificate application for that stage.

- c Compatible with the report RGS32052.1 – AB, prepared by Regional Geotechnical Solutions dated 10 December 2019.

The following information will be required for earthworks undertaken:

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

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

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

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

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

Conditions

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

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

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

Clarence Valley Contribution Plan 2011 Open Space/Recreation Facilities
Coastal \$2,614.60 x 1 additional dwelling = \$ 2,614.60 GL S94CVCOSCoastal

Clarence Valley Contributions Plan 2011 Community Facilities
Macleans surrounds \$2,614.60 x 1 additional dwelling = \$ 2,614.60 GL S94CVCCFMacleans

Clarence Valley Contributions Plan 2011 Plan of Management

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

Rural Road Upgrading Contributions Plan

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

N.B.

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

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

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

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

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

Building

8. The development is not to be occupied or used until such time as an Occupation Certificate has been issued.
9. **Working/Construction Hours** Working hours on construction or demolition shall be limited to the following:

7.00 am to 6.00 pm Monday to Friday

8.00 am to 1.00 pm Saturdays

No work permitted on Sundays and public holidays

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

10. **Toilet Facilities** are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
 - a A standard flushing toilet, connected to a public sewer, or
 - b An approved temporary chemical closet.

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

11. **Adjoining Building Work** A person who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land shall, at their own expense and where necessary:
- Preserve and protect the building from damage; and
 - If necessary, underpin and support the building in an approved manner, details of which are to be submitted with the application for the Construction Certificate and certified by a professional engineer or an accredited certifier.

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

12. Prior to commencement of works, a sign must be erected in a prominent position on any work site on which work is being carried out:
- Stating that unauthorised entry to the work site is prohibited;
 - Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside of working hours; and
 - Showing the name, address and telephone number of the principal certifier for the work.

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

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

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

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

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

15. The building shall comply with the Australian Building Codes Board Standard for Construction of Buildings in Flood Hazard Areas. A Structural Engineers certificate shall be submitted prior to issue of the construction certificate to verify the building will withstand the likely forces imposed on it by a 1:100 year flood event including hydrostatic, hydrodynamic, debris, wave, erosion and scour actions.
16. All construction below 5.91m AHD shall be flood compatible building components
17. The wall cladding is to be of a colour which does not produce glare which adversely affects the amenity of adjoining properties. White colorbond, galvanised iron and zincalume are not permitted.

18. The subfloor area of the dwelling shall be enclosed on any street elevation and return to the first pier/post down both sides to screen the under floor area from the street. Horizontal slats, lattice or similar materials are acceptable.
19. Prior to the issue of an Occupation Certificate all requirements listed in the relevant Basix Certificate for this development shall be completed/installed.
20. A suitable enclosure shall be provided on site, during construction, for depositing waste materials that could become wind blown. Waste materials shall be disposed of to an approved recycling service or waste depot. No burning of waste materials shall occur.
21. All **new** hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding 50°C. A higher hot water temperature is acceptable at all other fixtures, eg. laundry tub and kitchen sink.
22. A fully dimensioned and notated work as executed sewer drainage and storm water plan is to be submitted to Council and the property owner upon completion of all drainage lines. A Certificate of Compliance for Plumbing and Drainage Work shall be submitted to Council upon completion of work.
23. At least 24 hours notice shall be provided to Council for the purpose of inspecting the following:
 - a plumbing work prior to covering/lining walls
 - b sewer work prior to back filling/lining
 - c final inspection of plumbing and drainage work.

Inspections can be booked on line at www.clarence.nsw.gov.au until midnight the day before the inspection or by phoning 6643 0200. Please quote the DA number when booking inspections.
24. A total of 45,000L of water storage capacity shall be provided to the dwelling for domestic purposes. It is recommended that a first flush device is fitted before the water tank. Where a catchment roof has lead flashings, tank water cannot be used for drinking water.
25. The waste management plan submitted with this application shall be complied with during demolition/construction work and all measures required for the ongoing use of waste management facilities in the development shall be in place prior to the issue of the Occupation Certificate.

Engineering

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

Grafton Street must be upgraded to provide:

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

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

28. An **ITP** must be submitted for approval with the application for a **Section 138**. The supervising engineer or registered surveyor must arrange for the hold/witness point inspections, and accompany Council and/or accredited Private Certifier on the inspection unless alternative arrangements are made. Hold Point, Witness Point, On / Off Maintenance and/or Practical Completion inspections involving public infrastructure must be attended by Council officers.

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

29. A **TCP** must be prepared and submitted to Council showing how vehicle and pedestrian traffic will be safely managed within the work site and road reserve. This plan must be prepared by a person authorised by the **RMS** to prepare **TCP's** and must be endorsed by Council prior to the occupation of the road reserve and commencement of work.
30. All stormwater falling on the property is to be collected within the property and discharged in accordance with the relevant parts of the applicable Clarence Valley Council Development Control Plans and NRDC. A Stormwater Management Plan must be prepared to reflect these standards and guidelines.
- The SWMP must consider any adjacent property or infrastructure affected by the development. Design details of the drainage system and point of discharge must be submitted with the Stormwater Management Plan for approval by Council and/or accredited private certifier prior to issue of the Subdivision Works Certificate. The Stormwater Management Plan must include a management plan for any **WSUD** systems. The management plan must consider construction and operational phases.
- On-site detention (OSD) and water quality control systems for the development need not be provided until a building is occupied on the lot, but the Development Application must demonstrate **NorBe** by calculation and details acceptable to Council.
31. The legal and practical point of stormwater discharge of the development is nominated as the Clarence River.
32. Prior to the release of any Occupation Certificate, which dedicates infrastructure to Council, a completed asset register works return must be submitted to Council. The return is to be in the format approved by Council.
33. In accordance with **NRDC** and prior to the release of the Occupation Certificate, the applicant must provide Work as Executed Plans (WAE) for all works and certification from the supervising professional engineer or registered surveyor, that the works have been constructed in accordance with the approved plans and specifications.
34. Prior to release of the Occupation Certificate, where the total value of works to become Council infrastructure is greater than \$10,000, a maintenance bond is required for 5% of the contract value for works that will become Council infrastructure or \$2,500 whichever is greater. This is required in each stage of the development
- All work is subject to a maintenance period of six (6) months from the date of 'On Maintenance' or Practical Completion as certified by Council or accredited private certifier. The maintenance period may be extended by Council due to material or construction work compliance reasons.
- At the end of the Maintenance Period an 'Off Maintenance' inspection must be held with Council or accredited private certifier to confirm the compliance and performance of the constructed works, in accordance with **NRDC**.
35. Detailed plans of earthworks including an Earthworks Management Plan must be submitted to Council for assessment and approval prior to the issue of a Building Construction Certificate.
- The detailed plans must include:
- Shed to be located in accordance with DA2019/0691.
 - Overall fill pad to be reduced with shed to be located as per existing approval (refer a. above).
 - Batters of mound to be no steeper than 2H:1V. This is to be achieved by reducing the area of the top of pad in order to reduce steepness of the proposed batters.
- Design and construction is to be in accordance with the applicable Clarence Valley Council Development Control Plans and **NRDC**.
36. Any fill earthworks to be undertaken on the site must be carried out in accordance with the placement and compaction of fill described in AS 3798, Level 1 inspection and testing, the report RGS32052.1 – AB prepared by Regional Geotechnical Solutions, and NRDC.

37. A Works-As-Executed plan prepared by a registered surveyor, showing both original levels and finished surface levels after filling material has been placed on the site and compacted, is to be submitted to and approved by Council or accredited private certifier prior to the issue of the Building Occupation Certificate.
38. During the course of the works, the applicant must ensure that vehicles and plant associated with the works do not adversely impact on the roadways to such an extent that cause them to become hazardous for other road users particularly during wet weather. Any such damage is to be rectified by the contractor immediately.
39. During dry weather, standard dust suppressions methods are to be used as often as is necessary to ensure that adjoining properties are not adversely affected by undue dust.
40. All disturbed areas shall be stabilised and revegetated. Turf, seeding or other approved method shall be undertaken in conjunction with or immediately following completion of earthworks. Topsoil shall be preserved for site revegetation. All sediment and erosion control measures must be regularly inspected and maintained to ensure they operate to the design specifications and meet the requirements of the NSW Protection of the Environment Operations Act 1997. Weather patterns must be monitored and be coordinated in with the inspection and maintenance procedures. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion. Person/s responsible for managing sedimentation and erosion controls for the development must be nominated to Council or accredited private certifier in writing together with full 24 hour per day contact details.
41. Erosion and Sediment Control is to be implemented in accordance with the relevant parts of the applicable Council Development Control Plans, 'NSW Managing Urban Stormwater - Soils and Construction (Blue Book)' and NRDC. These controls are to be maintained and managed by the applicant and/or the appointed contractor until an occupation certificate is issued.
42. A detailed Erosion and Sediment Control Management Plan for each stage of the subdivision must be submitted for assessment and approval by Council or accredited private certifier, prior to issue of a **Section 138** and Earthworks Management Plan, for the relevant stage. This shall be compatible with the Stormwater Management Plan and must include procedures for clean-up and restoration of public / private property and infrastructure. All such remedial works are to be completed to the satisfaction of Council.

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

SUMMARY

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

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

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

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

OFFICER RECOMMENDATION

That Council:

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

MOTION

Simmons/Novak

That Council:

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

Voting recorded as follows:

For: Simmons, Novak

Against: Clancy, Baker

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

COMMITTEE RECOMMENDATION

Baker/Clancy

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Clancy, Baker

Against: Simmons Novak

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

COUNCIL RESOLUTION – 6b.21.002**Ellem/Kingsley****That Council:**

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

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

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

Development Application DA2020/0388 for a dual occupancy upon 2A Petticoat Lane was approved under delegated authority of Council staff on 24 November 2020. The subject land is zoned R2 Residential Low Density under the *Clarence Valley Local Environmental Plan 2011* and the proposed development is permissible with consent within the zone. The Division 8.2 Application was notified between 19 January and 2 February 2021 and no submissions were received during the notification period.

Division 8.2 of the *Environmental Planning and Assessment Act 1979*, allows an applicant to request a review of their determination within 6 months of the date of approval if they are not satisfied with the imposition of certain conditions.

KEY ISSUES**1. Request to delete Condition 25 requiring road upgrading of Petticoat Lane**

The applicant has requested a review to remove the requirement of Condition 25 relating to the upgrade of Petticoat Lane, for the following reasons:

- The development is for one additional 2 bedroom dwelling only, not a subdivision.
- Petticoat Lane is used by 5 other residents for their car access because they do not have front driveways off River Street. Why should the applicant be burdened with the cost of the road upgrade?
- The Harwood Primary School also uses the lane for ground maintenance access, who shares entry of the lane.
- The requirement to upgrade should be for bigger developments and subdivisions, not an additional 2 bedroom modular home.
- There is an alternative entry available to the site under the existing Harwood Bridge. However, no formal response could be obtained from Transport for NSW to lodge with the application.

Condition 25 states:

25. *Prior to the issue of a Building Occupation Certificate, Petticoat Lane is to be upgraded to the specified standard for Category 2 road in accordance with Council's Road Policy and the following items:*
- Minimum 4 metre wide constructed carriage way with passing bays at a maximum of 200 metre intervals up unto the access point of the property.*
 - Minimum 6 metre wide constructed and sealed carriageway at the intersection of Morpeth St from the edge of the existing kerb and gutter to a point along Petticoat Lane, 3.0 metres past the first property boundary.*
 - The minimal gravel depth of the road shall be 100 mm of appropriately specified gravel for*

unsealed roads.

- d The constructed road shall be wholly located within the designated road reserve.
- e Additional requirements to address design, environment, drainage and safety issues may also be required as assessed by Council.

A road and pavement design plan is to be submitted to Council for approval as part of a Section 138 application prior to the issue of a Building Construction Certificate. The developer must design and construct all civil works, in accordance with NRDC and the approved Section 138. Works to and on public road reserve requires the approval of Council or other Roads Authority under the NSW Roads Act.



Petticoat Lane highlighted in red



Petticoat Lane and Morpeth Street Intersection

Comment

Clause 24.5 of the Residential Zones DCP requires new development to be serviced by a Council maintained road.

C24.5. Provision of suitable road access

- (a) Development (including dwelling houses/residential development) and subdivision must be serviced by a sealed constructed vehicular access that has direct frontage to a sealed public

road or a Category 1 unsealed road that is listed in Council's adopted Roads Policy, that is Council's Road Asset (Maintenance) List; the standard of road access is to comply with Part J of this DCP, the Northern Rivers Local Government Development and Design Manual, the Northern Rivers Local Government Construction Manual. A lesser standard may be considered having regard to the nature and scale of the proposed development, the context of the site and locality and the Northern Rivers Local Government Development and Design Manual, the Northern Rivers Local Government Construction Manual.

The section of Petticoat Lane (off Morpeth Street) is currently a Council unmaintained gravel road which provides means of access for 5 other properties and is not listed in Council's Road Asset Register.

As part of the original application and in line with the DCP requirement, Council's Civil Services section requested the laneway be upgraded to a 4m seal for the full length of the laneway with 100mm depth gravel. However, this was viewed as too onerous given that the existing laneway could be upgraded and accepted as a Category 2 unsealed road under Council's Road Policy. As such, Condition 25 was imposed to require, frontage of the development to a Category 2 maintained road in accordance with Council's Roads Policy with the addition of the intersection sealing. The upgrade is considered to be the minimum that would ordinarily be required.

Council's assessing Development Engineer and Civil Services section have reviewed the reasons provided by the applicant to delete the road upgrading requirement and do not support the removal of Condition 25 as it is against Council's DCP and Roads Policy and outside of staff delegation to accept a lesser standard of road. However, in order to progress the building construction process, Condition 25 is recommended to be modified so that a Section 138 approval is not required prior to issue of the Building Construction Certificate but prior to occupation in line with the first paragraph of condition as follows:

25. *Prior to the issue of a Building Occupation Certificate, Petticoat Lane is to be upgraded to the specified standard for Category 2 road in accordance with Council's Road Policy and the following items:*
- a *Minimum 4 metre wide constructed carriage way with passing bays at a maximum of 200 metre intervals up unto the access point of the property.*
 - b *Minimum 6 metre wide constructed and sealed carriageway at the intersection of Morpeth St from the edge of the existing kerb and gutter to a point along Petticoat Lane, 3.0 metres past the first property boundary.*
 - c *The minimal gravel depth of the road shall be 100 mm of appropriately specified gravel for unsealed roads.*
 - d *The constructed road shall be wholly located within the designated road reserve.*
 - e *Additional requirements to address design, environment, drainage and safety issues may also be required as assessed by Council.*

A road and pavement design plan is to be submitted to Council for approval as part of a Section 138 application ~~prior to the issue of a Building Construction Certificate~~. The developer must design and construct all civil works, in accordance with NRDC and the approved Section 138. Works to and on public road reserve requires the approval of Council or other Roads Authority under the NSW Roads Act.

Option 1

That Council refuse to remove Condition 25 and amend it as suggested above for the following reasons:

- Access would not be in accordance with Council's Road Policy and DCP requirement as the development would not have frontage to a Council maintained road.
- Acceptance of the road without the upgrade to the required standard for Category 2 road under the Roads Policy will likely result in further maintenance responsibilities to Council; costs should be at the developer's expense.
- The upgrade will ultimately reduce Council's long term maintenance costs of the existing unsealed road network and improve the overall road network in the residential area.

Option 2

That Council support removal of Condition 25 against the provisions of the DCP and Roads Policy. This option is not recommended because:

- The development could set a precedent and may result in an adverse cumulative impact if other land owners subsequently propose to redevelop with the expectation that no road upgrade will be required.
- The development will have no frontage to a Council maintained road.

- Council already has a level of responsibility as the road authority for the maintenance of dedicated public roads not currently on Council's Roads Asset Register for maintenance.
- The lane is the most practical road for access to the site.

2. Variation to Clause 16.1 of the Residential Zones DCP - Setbacks

Clause C16.5 of the Residential Zones DCP requires the secondary frontage for development on corner sites, to have a minimum setback from the property boundary of 3.5 metres.

As part of the original assessment, the applicant was required to amend their plans to comply with the 3.5m side setback requirement for dwellings with dual street frontage.

The applicant has provided the following reasons for the reduction:

- There will be no impact on the street scape of Petticoat Lane as the residence is going to be built well back from Petticoat Lane.
- Petticoat Lane is not a high use road so there would be no impact on any surrounding residences.
- A reduced setback does not result in any safety issues for people walking along Petticoat Lane as there are only five other dwelling houses that use it.
- The school maintenance driveway is rarely used for vehicles. No student drop offs or pick ups occur from Petticoat Lane or the maintenance driveway and only a few students use the laneway to access the school by foot.
- Petticoat Lane and the school maintenance driveway have no visibility problems as there are no vegetation restricting vision to make it unsafe and the new build will not impede any vision.
- The new dwelling will be fenced and grassed with a gravelled driveway.

Comment

Council may consider variations to setback under the provisions of Clause C17.1 of the Residential Zones DCP. Any request to vary the front setback should meet the setback objectives and address the following:

- (a) *the position of adjacent buildings and their residential character.*
- (b) *location of existing vegetation.*
- (c) *the effect on sightlines and visibility for pedestrians and vehicles.*
- (d) *size, shape and grade of the lot.*
- (e) *the facade of the proposed building or buildings which will face the street and the proposed landscaping which is visible from the street.*
- (f) *the proposed location of any private open space, courtyard or landscaped areas.*
- (g) *the orientation of the allotment and the proposed siting of the dwelling with regard to the sun and prevailing winds.*

Due to the irregular shape of the allotment, the front setback is taken from the access driveway that services the lot. The secondary frontage in this instance is taken as the unformed laneway as shown below. In consideration of items (a-g) above, staff support a reduction to the side setback from 3.5m to 2m as the laneway is a low use road, there will be no adverse impacts on sightlines or visibility for pedestrians or vehicles and a reduced setback is not likely to have any impact on the residential character in this location.

A reduced side setback to 2m still achieves the objectives set out in the Setbacks clause of the DCP in that there will be no impact to the privacy or sunlight access to any adjoining dwellings, the buildings are setback to provide adequate space for landscaping, privacy and the character of the streetscape will not be adversely impacted.

If reduced setback is supported, amended plans showing a reduced setback to 2m can be submitted with the Construction Certificate Application.



Photographs of laneway to rear of school

COUNCIL IMPLICATIONS

Budget/Financial

Council already has a level of responsibility as the road authority for the maintenance of dedicated public roads not currently on Council's Roads Asset Register for maintenance. If Council resolves to remove Condition 25, this will ultimately result in additional costs being required for maintenance works of the laneway. Through retention of the condition, Council will reduce the short term cost of upgrading the road and long term maintenance cost of the laneway.

The application was accompanied by all fees required to be paid by Council's Fees and Charges. Assessment of the application has been completed by staff utilising recurrent staffing budgets.

Asset Management

Council staff recommend that Petticoat Lane be upgraded to a Category 2 maintained road in accordance with Condition 25 because this will improve the longevity of the road asset at no cost to Council.

Policy or Regulation

Environmental Planning & Assessment Act 1979
 Environmental Planning & Assessment Regulations 2000
 Roads Act 1993
 Clarence Valley Local Environmental Plan 2011
 Residential Zones Development Control Plan (DCP)
 Clarence Valley Council Roads Policy

Consultation

The following internal sections of Council were consulted as part of the application assessment:

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Development Engineer	Variation to DCP and NRDC not supported
Civil Services	Variation to DCP and NRDC not supported

Legal and Risk Management

The applicant may appeal Council's determination of the development application in the NSW Land and Environment Court for which there would be a financial cost to Council.

Climate Change

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

Prepared by	Carmen Landers, Acting Development Services Coordinator
Attachment	A. Request for variation B. Plans C. Notice of Determination – DA2020/0388 D. Section 4.15 Assessment

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

SUMMARY

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

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

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

OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Novak/Baker

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Clancy, Baker, Novak, Simmons

Against: Nil

COUNCIL RESOLUTION – 6b.21.003

Ellem/Kingsley

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

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 3 Economy

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

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

BACKGROUND

The quarry was approved under to DA2014/0098 subject to conditions of consent limiting the annual extraction rate to 73,600m³ and a maximum of 20 daily laden vehicles. The application was determined by the Joint Regional Planning Panel – Northern (JRPP) on 10 September 2014. The consent required the surrender of the previous approval for an extractive industry on the land, DA2010/0358, prior to consent taking effect. DA2010/0358 was surrendered by letter dated 15 September 2016.

A modification to the quarry was approved under MOD2016/0035 to allow up to a maximum 66 laden vehicles on a weekday and 36 on a Saturday (between 7am–1pm). The maximum annual extraction rate was not changed from 73,600m³. Additionally, at its meeting on 8 May 2018 Item 14.048/18 Council agreed to enter into a Voluntary Planning Agreement (VPA) in regard to road maintenance of the haul route of the quarry from the property entrance to the intersection of Waterfall Way.

This modification application has been advertised and notified in accordance with the statutory requirements and referred to the NSW Environmental Protection Authority (NSW EPA), Transport for NSW (TfNSW), persons who had formally made a submission and adjoining land owners.

Two submissions were received, one from the Dorrigo Plateau Aboriginal Land Council and Bellingen Shire Council. Comments to the submissions are provided in the Key Issues section below.

Responses were received from the NSW EPA and TfNSW. The NSW EPA did not object to the proposal and noted that the Quarry's Environmental Protection Licence will need to be varied if the modification is approved. Comments in regard to the NSW TfNSW response are provided in the Key Issues section below.

KEY ISSUES**ISSUE 1 – Modification of the Total Extraction Rate for the Quarry**

Under Section 4.55 of the *Environmental Planning and Assessment Act 1979* Council has the power to approve the modification application as long as it is satisfied that the development is substantially the same development as the development for which consent was originally granted and before that consent as was originally granted was modified.

Comment

As proposed modification:

- no change is sought to the current limits on the maximum number of loaded quarry trucks allowed per day (up to maximum 66 laden vehicles on a weekday and 36 on a Saturday (between 7am–1pm));
- no change is sought in the maximum number of blasts permitted at the quarry (larger volumes of rock are proposed from any single blast);
- no change is sought to the method of quarrying or the processing of hard rock resource; and
- no change is sought to the maintenance requirements of the quarry operator on the haul route that are subject to a Voluntary Planning Agreement that has been entered into between Council and Sheridans Hard Rock Quarry.

Logically it will be necessary for the extraction and processing of product to occur over a longer period and the increased annual extraction will generate substantially more truck movements in and out of the quarry site, however, these will still be within the limits imposed by the consent. In the assessment of the application Council is required to make a decision whether the quantitative and qualitative differences between the development as proposed to be modified and the development that was originally approved is substantially the same.

The options available to Council are:

1. On the basis that the only change to the development is the amount of annual extraction and that the quarry will operate within the limits imposed by the current conditions of consent Council can be satisfied that the development will be substantially the same and the application to modify the consent be approved.
2. Alternatively, if Council is of the opinion that the development as proposed to be modified is not substantially the same it would not have the power to approve it and the proposed modification application should be refused.

Option 1 is the recommended option by staff.

ISSUE 2 – Recommendation from Transport for NSW

The application was referred to TfNSW in accordance with Clause 16 *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*. Under the policy a consent authority must not determine the application until it has taken into consideration any submissions that it receives in response from any roads authority within 21 days after they were provided with a copy of the application.

Comment

TfNSW have recommended that:

An updated Traffic Impact Assessment (TIA) be provided to consider the impacts on the safe and efficient operations of the haul route and key intersections to assess what mitigation measures are required. The TIA is to consider the cumulative impact of the existing approved use and the changes proposed as part of the modification.

The TIA is to be supported by a targeted Road Safety Audit undertaken by a suitably qualified person in accordance with the Austroads Guidelines, and

The existing Traffic Management Plan (TMP) and Code of Conduct are to be reviewed and updated as required. This should include consideration of existing school bus routes along the haulage route.

In response the applicant has submitted:

The modification application now before Council does not seek to modify the existing condition of consent that limits quarry truck numbers to 66 loaded trucks per weekday. Instead, it seeks to increase quarry production within the confines of this limitation on daily truck traffic.

In addition to the above, it is relevant that the Courts have held that a S.4.55 application is not an opportunity to re-visit the original assessment of the application. Instead, Council has a statutory obligation to consider the modification proposed and determine whether the proposed modification meets the relevant s.4.55 tests, and in particular whether the proposed modification is substantially the same as that originally approved...

In short, the capacity of this Waterfall Way intersection to accommodate up a maximum of 66 loaded quarry trucks per day has been previously assessed and a determination (ie. approval) already made. This modification application is not an opportunity to re-visit the original assessment of the earlier application.

The Streetwise response to the four issues raised by the Grafton office of TfNSW, contained in Appendix A, may be summarised as follows:

- *Traffic volumes will be limited to 66 loaded trucks per weekday. Clarence Valley Council has already limited the maximum number of daily trips allowed (ie. up to 66 loaded trucks per weekday).*
- *There is minimal traffic on Waterfall Way and the intersection has the capacity to absorb the traffic volumes predicted. Assuming that the proposed modification is approved, it is expected quarry truck drivers on the haulage route would continue to experience good levels of service, as the daily traffic volumes with the modification would remain within the available capacity (ie. a maximum of 66 loaded trucks per weekday).*
- *The impact of 66 loaded trucks per weekday on the Waterfall Way intersection have been previously assessed.[NOTE: The intersection was built to RMS specifications, to a higher standard than that required by Council]*
- *The road safety concerns around the amount of available sight distance was addressed at the time of the intersection with the installation of advanced warning truck symbols signs erected on each approach to the intersection of The Waterfall Way. This measure was approved and accepted by the then Roads and Maritime Services and Clarence Valley Council who provide development consent for the operation.*
- *In the interests of further approving the Driver Code of Conduct- a document that has been previously approved by the RMS- Streetwise have considered the comments made by TfNSW and further revised the existing Driver Code of Conduct.*

The above satisfactorily clarifies and resolves the issues raised by TfNSW in their submission.

Council staff support the applicant's statement in that the modification application is not an opportunity to re-visit the original assessment of the earlier application. To modify the consent Council must be satisfied that the consent when modified will be substantially the same development as the original development. While this limits what applicants can seek via a modification application, it also prevents the consent authority (Council) from making fundamental changes to a consent. The limits of a consent authority's discretion is defined by the proposed modifications changes to the consent i.e. to the increase in annual extraction rates.

No change is sought to the current limits on the maximum number of loaded quarry trucks allowed per day. To impose new conditions on the existing allowable traffic movements and on the existing approved operation of the quarry would likely be outside of Council's discretion and contrary to an opinion that it is substantially the same development.

ISSUE 3 – Issues Raised in the Submissions

Dorrigo Plateau Aboriginal Land Council (DPALC)

The DPALC raised concern that the cultural assessment which formed part of the documentation for the 2014 development application did not include an appropriate cultural assessment as it did not appear to have included any indigenous consultation.

Other concerns raised by DPALC included whether the application could be considered as substantially the same development which are addressed under Issue 1.

Comment

The original development application included an Aboriginal Objects Due Diligence Assessment of Lot 62 & 63 in DP752807 Faheys and Bulgins Roads, Hernani, in accord with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW, 2010a) and the National Parks and Wildlife Regulation 2009. The report comments that the Dorrigo Plateau Local Aboriginal Land Council was invited to participate in the site inspection, to date they have been unable to attend the development site.

Following the receipt of the submission a request for information was sent to the applicant to address the concerns that were raised.

In response the applicant provided the following comment:

Both the consent DA 2014/0098 granted by Council and the Northern JRPP on 21 August 2014 and the modification granted in October 2018 apply to the subject quarry. Neither of the two decisions are now appealable, the time for appealing those decision having long gone.

Additionally, the modification application now before Council is one that seeks to retain the existing quarry footprint and current limits on quarry trucks using the haul route. No lateral expansion of the quarry is involved, nor does it in any way have the potential to affect any other land other than that which is the subject of the current consent. Put simply, the modification does not trigger the need for any further cultural assessment. The claim that "there are culturally significant sites within the surrounding area of the development which could be impacted by this increased activity" is, having regard to the above, not relevant to this modification application.

It is noted that Condition 16 of the consent outlines the quarry's obligations in regard to due diligence and cultural impacts 'Should any Aboriginal relics or artefacts be uncovered during works on the site, all work is to cease and the Director-General of the NSW Department of Environment and Conservation shall be contacted immediately and any directions or requirements of that Department complied with.'

Bellingen Shire Council Submission

Bellingen Shire Council made a submission to the proposal and noted the range of conditions that have been imposed under the current and requested that no change occur to the conditions that address the traffic movements and consultation in regard to major events held in the shire and traffic management. It also requested that the assessment be made in consultation with TfNSW.

Comment

The proposed modification seeks to significantly increase the annual extraction rate of the quarry specified in Condition 7 of the approval and does not seek to modify any other changes proposed to the conditions of consent. The quarry will operate in the same way to that currently approved. Comments in regard to consultation with TfNSW are provided above.

COUNCIL IMPLICATIONS**Budget/Financial**

There are no additional financial implications for Council should the consent be modified. Council will continue to receive a quarry maintenance payment in addition to the maintenance agreement under the VPA.

The application was accompanied by all fees required to be paid by Council's Fees and Charges. Assessment of the application has been completed by staff utilising recurrent staffing budgets.

Asset Management

The applicant is responsible for the on-going future maintenance of the haul route in accordance with the existing conditions of consent and VPA.

Policy or Regulation

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulations 2000

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Rural Lands) 2008

Clarence Valley Local Environmental Plan 2011

Rural Zones Development Control Plan 2011

Consultation

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

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Development Engineer	Supported with conditions
Civil Services	Supported with conditions requiring road upgrade
Environment	Supported with conditions

Legal and Risk Management

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

Climate Change

Consistent with Council's Climate Change Policy the proposal has been assessed and benchmarked against industry best practice and relevant standards. Appropriate sustainable development controls are to be adopted in regard to the potential impacts on climate change.

Prepared by	Pat Ridgway, Senior Development Planner
Attachment	A. Modified Notice of Determination DA2104/0098 B. Applicant's response to request for information C. Submissions D. NSW EPA & TfNSW comments E. Section 4.55 Assessment Report
To be tabled	F. Statement of Environmental Effects

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

SUMMARY

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

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

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

OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Baker/Novak

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Clancy, Baker, Novak, Simmons

Against: Nil

COUNCIL RESOLUTION – 6b.21.004

Ellem/Kingsley

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

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

Development Application DA2020/0663 was received on 9 November 2020. The application was notified and 1 submission was received as part of the notification period. The objections raised concerns regarding adverse impacts on adjacent properties and loss of Clarence River, Clarence Valley and Yamba City Centre views due to the new first floor addition.

No additional information was requested regarding the concerns raised in the single submission received.

The subject land is zoned R3 Medium Density Residential under the provisions of the Clarence Valley Local Environmental Plan 2011 (herein referred to as "the LEP"). The proposed alterations and additions to an existing dwelling house is permissible with consent and complies with the following objectives of the zone. The proposed development is not inconsistent with the character of the surrounding area.

The proposed development complies with height controls within Clarence Valley DCP having a total maximum height of 7.34m in lieu of the permissible 12m.

KEY ISSUES

1. Loss of Views: Clarence River, Clarence Valley and Yamba City Centre

The main objection received in relation to the proposed development is the potential loss of views from the units located at No. 9 Beach Street. This property is located uphill of the subject land and is the most impacted by the proposed development. The units located at No. 9 Beach Street were approved under DA84/518.

Comment

The submission from No. 9 Beach Street is concerned about the proposed development interfering with their current views. In assessing these impacts Council would be aware that no one can own a view across private property. The principle of view sharing is normally applied in respect to views. The photos below were taken from the first floor deck of No. 9 to give an indication of the extent of the proposed view loss from the premises.

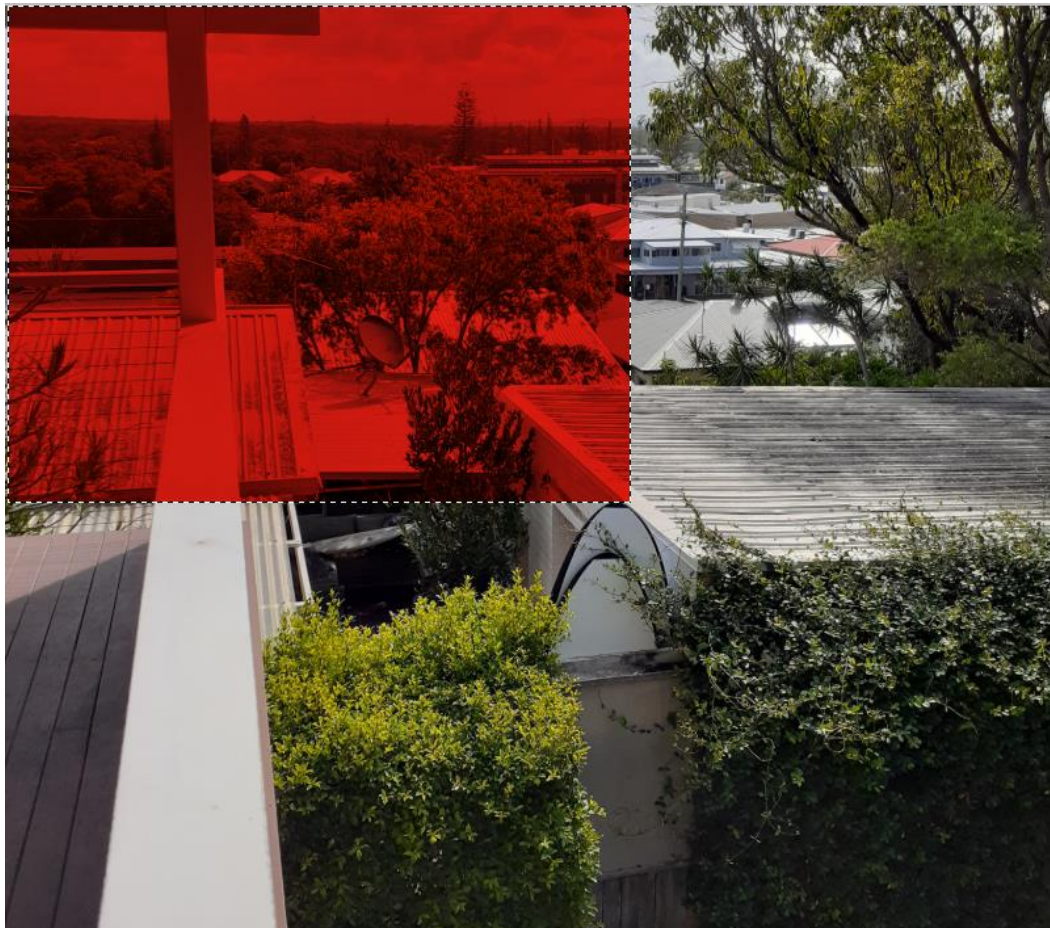
View of Yamba CBD from No. 9 across No. 11 existing single storey roof via the side boundary



View from No. 9 across No. 11 to the rear, but still across the side boundary



View from No. 9 across No. 11 via the side boundary with approximate extent of proposed extension shown in red



View from No. 9 across No. 11 via the side boundary with approximate extent of proposed extension shown in red

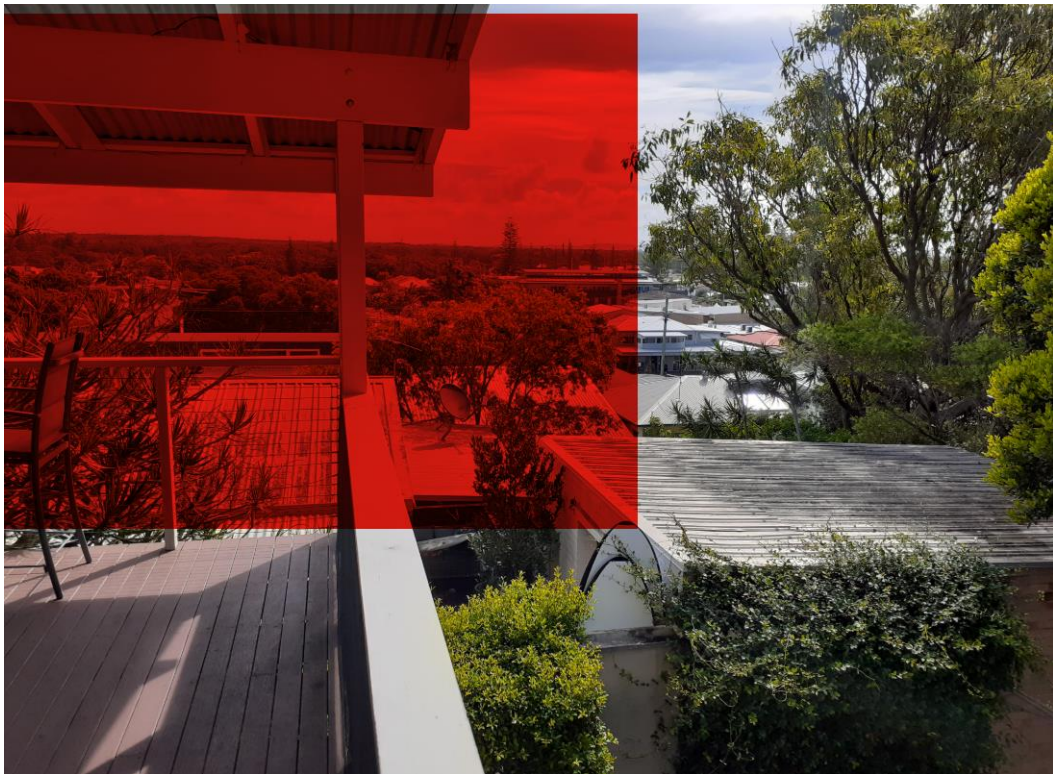


Photo of 11 Beach Street



After consideration of the four steps of view sharing outlined in the court case *Tenacity Consulting v Warringah* 2004 LEC 140, it is considered that the proposed development provides a minor impact to the standing views from the upper level balconies at No. 9 Beach Street. A full assessment under the four steps of view sharing is contained within the Section 4.15 Evaluation.

2. DCP Variation – Side Setbacks

The existing garage to the rear of the site is proposed to be converted to a bedroom, existing reduced setbacks to remain, as approved by previous Council approvals.

New garage proposed to have zero side setback

The existing Council approved driveway and carport have a zero side setback, this is also in keeping with other developments within the area.

Due to the sloping nature of the site, there are difficulties in achieving vehicle access from the roadway – the zero setback helps provide vehicle access to the property.

The proposed zero setback of the garage is consistent with the existing setbacks throughout the street and therefore compatible with the streetscape.

Front setback for garage

The garage is not proposed to be stepped back 1m behind the building line. This is primarily due to the constrained site size.

The architect has provided other articulation within the front façade as shown in the 3D render below.

The lack of 1m step back for the garage has minimal impact of the area as it is consistent with the existing setbacks throughout the street and therefore compatible with the streetscape.

Architects 3D Render of the proposed development



See attached Section 4.15 Evaluation and Schedule of proposed conditions.

COUNCIL IMPLICATIONS**Budget/Financial**

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

Asset Management

N/A

Policy or Regulation

Environmental Planning and Assessment Act, 1979

Environmental Planning and Assessment Regulation, 2000

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy (Coastal Management) 2018

Clarence Valley Local Environmental Plan 2011

Clarence Valley Council Development Control Plan for Development in Residential Zones

Consultation

N/A

Legal and Risk Management

The applicant may appeal Council's determination of the development application in the NSW Land and Environment Court for which there would be a financial cost to Council.

Climate Change

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

Prepared by	BJ Cilia, Building Surveyor
Attachment	A. Plans B. Submission C. Section 4.15 Evaluation

Draft Schedule of Advices and Conditions

Advices

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

Conditions

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

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

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

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

7.00 am to 6.00 pm Monday to Friday
8.00 am to 1.00 pm Saturdays
No work permitted on Sundays and public holidays

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

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

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

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

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

6. Toilet Facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a. 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.

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

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

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

8. Retaining Walls - If the soil conditions require it:-

- a. Retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement to the soil must be provided; and
- b. Adequate provision must be made for drainage.

9. Prior to commencement of works, a sign must be erected in a prominent position on any work site on which work is being carried out:

- a. Stating that unauthorised entry to the work site is prohibited, and
- b. Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside of working hours, and
- c. Showing the name, address and telephone number of the principal certifier for the work, and

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

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

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

11. Prior to the issue of an Occupation Certificate the principal contractor responsible for the construction work shall provide Council with a certificate which states that all commitments listed within the current Basix Certificate (quoting number and date) have been installed in accordance with the requirements of that Basix Certificate.
12. The roof covering is to be of a colour which does not produce glare which adversely affects the amenity of adjoining properties. White colorbond, galvanised iron and zincalume are not permitted.
13. Effective measures are to be undertaken to prevent the obstruction of surface drainage, the disruption of amenity, damage or deterioration of any other property.
14. All erosion and sediment control measures are to be installed prior to the commencement of any work, including cutting and filling and are to be constructed and maintained to prevent sediment from leaving the site or entering downstream properties, drainage lines or watercourses.
15. All erosion and sediment control measures are to be installed and maintained in accordance with the Statement for Sediment and Erosion Control that was submitted with the development application.
16. Vehicular access is to be restricted to one stabilised access point during construction works.
17. On completion of the roof cladding of a building, guttering and downpipes are to be connected to the stormwater system. Inspection of the frame will not be carried out until this is completed.
18. All erosion and sediment control measures are to be regularly maintained in good working order at all times and inspected for adequacy following any rainfall event.
19. The proposed sleep out at the rear of the property shall not be used as flats or adapted for separate occupation.
20. No portion of the decks are to be enclosed without prior written approval being obtained from Council.
21. A grated drain, or similar, shall be installed at the entrance to the garage/shed to collect surface water.
22. All building work shall be constructed wholly within the boundaries of the property. The location of the boundary shall be verified by a registered surveyor prior to construction commencing. A copy of this survey shall be submitted to Council at the footing/slab inspection.
23. A vehicular crossing to provide access to the allotment as detailed on the approved plans is to be constructed in accordance with the requirements of Council's Operations Section and be fully completed prior to requesting a final inspection and the issue of an Occupation Certificate. An application for driveway access crossing is to be submitted and approved by Council prior to any work commencing.
24. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding 50°C. A higher hot water temperature is acceptable at all other fixtures, eg laundry tub and kitchen sink.
25. The existing sewer overflow gully shall be located to a position clear of the proposed extensions.

26. A fully dimensioned and notated work as executed sewer drainage and storm water plan is to be submitted to Council and the property owner upon completion of all drainage lines.
27. A minimum height of 150mm shall be maintained between the top of the sewer overflow gully riser and the lowest fixture connected to the drain. The overflow gully shall also be 75mm above surrounding ground level, except if located in a path where it shall finish at a level so as to prevent the ponding and ingress of water.
28. At least 24 hours notice shall be provided to Council for the purpose of inspecting the following:
 - a. Plumbing work prior to covering/lining walls.
 - b. Sewer work prior to back filling/lining.
 - c. Final inspection of plumbing and drainage work.

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

29. Roof water, including overflow from a tank, is to be discharged into the most appropriate street gutter. Provide non breakable fittings where the stormwater pipe meets the kerb. Where the gutter is unformed, concrete protection is to be provided to the end of the pipe.
30. Prior to any work commencing involving the disturbance or removal of any asbestos materials the principal contractor shall give two days written notice to the owner or occupier of any dwelling within 20m of the development site of his intention to carry out the work.
31. The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Clarence Valley Council's Asbestos Policy, the relevant requirements of SafeWork:
 - a. Work Health and Safety Act 2011 and associated regulations
 - b. SafeWork NSW Code of Practice - How to Safely remove Asbestos
 - c. Australian Standard 2601 (2001) – Demolition of Structures
 - d. The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996

A copy of Council's Asbestos Policy is available on Council's web site at www.clarence.nsw.gov.au or a copy can be obtained from Council's Customer Service Centres.

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

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

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

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

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

33. Only a WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
34. On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
35. Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996. Asbestos waste must be disposed of at an approved waste disposal depot. Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.
36. An Asbestos Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the asbestos related works (prior to an Occupation Certificate being issued), which confirms that the relevant requirements contained in the conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied

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

SUMMARY

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

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

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

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

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

OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Clancy/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Clancy, Baker, Novak, Simmons

Against: Nil

COUNCIL RESOLUTION – 6b.21.005

Baker/Lysaught

That Council approve the Division 8.2 Application REV2020/0004 by amending Development Application SUB2019/0002 as per Schedule 1 - Draft Amended Conditions after amendment of the Draft Schedule 1 Conditions numbered 16, 23, 37 and 47 to read:

- 16. The roads constructed with the proposed subdivision should have a pavement width of 7 metres consisting of a 6 metre seal with 0.5 metre shoulders. Details of the location of existing trees and proposed tree removal within the proposed road reserve is to be detailed and considered as part of the Subdivision Works Certificate. Where trees along the boundary of Lot 3 and the subject land are not in conflict with the proposed swale and associated earthworks, they will be required to be retained.**
- 23. Access from Lots 9, 10, 11 and 12 to the right of carriageway registered under DP 1038213 and DP 1262923 is prohibited. The right of carriageway benefitting these must be extinguished prior to the release of the Subdivision Certificate for those lots.**
- 37. Driveway culverts or concrete lined table drain crossings are required to be constructed as part of the subdivision works.**

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

47. Compliance with the conditions and advice of the NSW Rural Fire Service, as contained in their letter dated 3rd February, 2021, consisting of four (4) pages, and as attached to this Notice of Determination.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

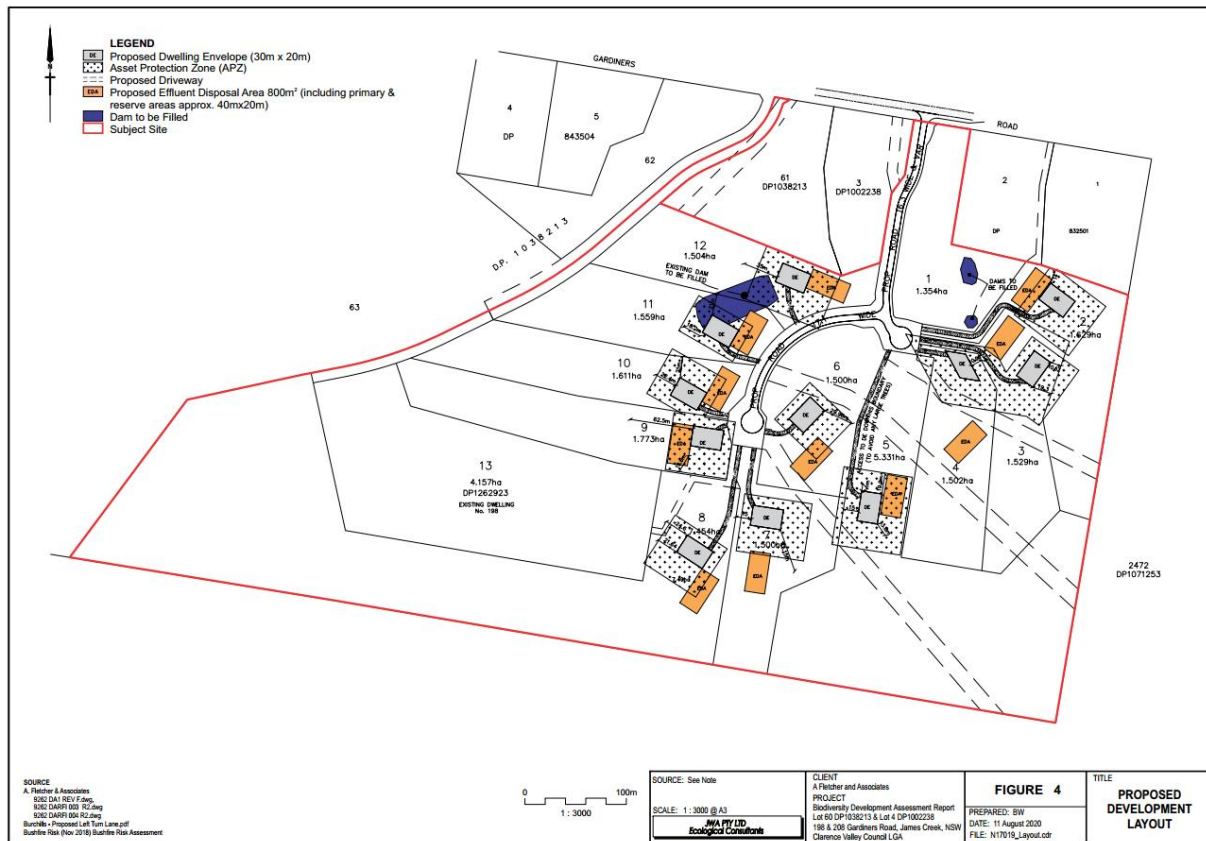
BACKGROUND

Development Application SUB2019/0002 for a 12 Large Lot Residential subdivision upon Lot 14 DP1262923, 208 Gardiners Road, James Creek was approved by Council at their meeting of 25 August 2020 (Item 6b.20.068). The matter was originally reported to Council due to contamination and biodiversity issues and a Clause 4.6 variation to vary the minimum lot size.

The subject land is zoned R5 Large Lot Residential under the provisions of the LEP and has an area of 29.17ha. The development approved clearing of 5.74 hectares of native vegetation which required the preparation of a Biodiversity Development Assessment Report (BDAR) to consider the impacts of the development under the Biodiversity Conservation Act 2016. Consideration of the impacts under the BDAR triggered entry into the biodiversity offset scheme (BOS). An appropriate condition of consent requiring the offset was applied to the approval.

An extract of the approved subdivision plan is provided over page for information purposes.

Division 8.2 of the *Environmental Planning and Assessment Act 1979*, allows an applicant to request a review of their determination within 6 months of the date of approval if they are not satisfied with the imposition of certain conditions.



KEY ISSUES

1. Amendment to Conditions

The applicant has applied for a Division 8.2 Review of SUB2019/0002 to delete/modify Conditions 16, 23, 37 and 47. Each condition is discussed below:

- a. Deletion of 4k) of NSW Rural Fire Service General Terms of Approval as reflected in Condition 47

Condition 47 requires compliance with the NSW RFS Bush Fire Safety Authority, dated 10 April 2019. The applicant is seeking deletion of Condition 4k) of the Integrated General Terms of Approval:

“Public roads between 6.5 metres and 8 metres wide are “No Parking” on one side with services (hydrants) located on this side to ensure accessibility to reticulated water for fire suppression.”

As part of the review application the applicant submitted an amended Bushfire report prepared by Bushfire Risk Pty Ltd dated 16 September 2020 addressing this issued which concluded “.....the removal of No Parking (Stopping) signage is appropriate under such circumstances and the recommended bushfire protection measures that relate to the proposed development including access roads can be met.”

Comment

The application for review and amended Bushfire Report seeking removal of 4k) of the General Terms of Approval was referred to the NSW Rural Fire Service (NSW RFS) for their concurrence to remove the need for “No Parking” areas within the road reserve. The NSW RFS gave their concurrence and Condition 47 has been amended to reflect the amended Integrated General Terms of Approval as follows:

- 47. Compliance with the conditions and advice of the NSW Rural Fire Service, as contained in their letter dated **10 April 2019 3 February 2021**, consisting of four (4) pages, and as attached to this Notice of Determination.

- b. Modification of Condition 16 to reflect deletion of 4k)

As a result of the deletion of Condition 4k), the applicant is seeking an amendment to Condition 16 to reduce the road construction requirement from an 8m pavement width consisting of a 7m seal and 0.5m shoulders to a 7m pavement width consisting of a 6 metre seal with 0.5 metre shoulders.

Condition 16 currently reads as follows:

16. *The roads constructed within the proposed subdivision are to have a minimum width of 8 metre, consisting of a 7 metre seal with 0.5 metre shoulders. The road reserve widths are required to be increased accordingly.*

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

Comment

The implications of the carriageway having a minimum sealed width of 6 metres with 0.5 metre shoulders are swept vehicle paths either encroaching onto opposing traffic lanes or onto the shoulder. This may require carriageway widths increased which in turn will require road reserve widths to be increased in order to fit drainage swales and services. As such the removal of the second sentence of Condition 16 is not supported.

Condition 15, which is not proposed to be amended as part of this review, states that the design of the intersection of the proposed subdivision road with Gardiners Road shall be suitable for the turning of a 12.5m rigid truck and a 19m semitrailer without the swept vehicle paths encroaching onto opposing traffic lanes. This needs to be demonstrated with the proposed carriageway of 6 metre seal with 0.5 metre shoulders.

Given the implications of swept vehicle paths and encroachments onto opposing traffic lanes from the reduced road construction width, Council staff support the applicant's request subject to the inclusion of the following sentence:

The width of proposed roads within the subdivision shall allow for the turning and maneuvering of a 12.5m rigid truck and a 19m semitrailer without the swept vehicle paths encroaching onto the shoulder of the road or onto opposing traffic lanes. The width of the full depth pavement and sealed surface shall be increased to ensure that the wheel paths remain 300mm inside the edge of the sealed pavement.

In consideration of the above, Council support an amendment to Condition 16 as follows:

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

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

Council staff do not support a reduction to the constructed road width unless the swept vehicle paths and encroachments are catered to reduce edge break and additional maintenance responsibilities to Council.

c. Modification of Condition 23 to remove reference to Lot 8

The Notice of Determination was issued with Condition 23 prohibiting access to the registered right of carriageway from Lot 8 which was not in accordance with Point 2 of Council's Resolution dated 25 August 2020 (Item 6b.20.068). Condition 23 currently reads as follows:

23. *Access from Lots 8, 9, 10, 11 and 12 to the right of carriageway registered under DP1038213 and DP1262923 is prohibited. The right of carriageway benefitting these must be extinguished prior to the release of the Subdivision Certificate for those lots.*

Comment

The inclusion of Lot 8 in Condition 23 in the final Notice of Determination was an error and should be deleted. An amendment to Condition 23 is recommended as follows:

23. *Access from Lots ~~8~~, 9, 10, 11 and 12 to the right of carriageway registered under DP1038213 and DP1262923 is prohibited. The right of carriageway benefitting these must be extinguished prior to the release of the Subdivision Certificate for those lots.*

d. Modification of Condition 37 to allow for sloping culvert headwalls within the clear zone

The Applicant has requested an amendment to Condition 37 to allow for sloping culvert headwalls associated with driveways located within the clear zone. Culverts with headwalls allows for the passage of stormwater under driveways. The Applicant is justifying this by referring to the recently upgraded road on Harwood Island where Council's Civil Services have installed sloping headwalls in the clear zone.

Condition 37 states:

37. *Driveway culverts or concrete lined table drain crossings are required to be constructed as part of the subdivision works. Culvert ends that face oncoming traffic are a traffic hazard and must not be located within the clear zone. The preferred solution is to provide concrete lined table drain crossings for property driveways. Design plans and calculations for access culverts must be provided where culverts are proposed.*

Comment

Civil Services staff were consulted regarding the use of sloping headwalls within the cleared zone and are not supportive of this condition being amended. The Harwood example used by the Applicant is a retrofit to an already existing road that services existing residences. As this subdivision is a greenfield site, all roadside features and infrastructure should be designed to support the safe systems approach by minimising the roadside risk for errant drivers and applying best practice in the design of roadsides.

Austrroads recommends that wherever practicable roadside furniture and features (eg landscaping, sign supports, culvert end treatments, etc) are designed to be outside the clear zone. It is Civil Services preference for concrete lined table drain crossings to be constructed. Concrete lined table drain crossings are preferred over culverts due to safety and maintenance requirements of driveway culverts and potential issues arising if culverts become blocked.

For the reasons above, Condition 37 is not supported for amendment.

Should Council support an amendment to this condition to allow sloping headwalls in the cleared zone, Council will be approving construction works not in accordance with Austrroads standards which may result in reduced road safety and increased risk to Council and may also set a precedent for future development.

2. Submission

One submission was received during the exhibition period for the review application. Issues raised in the submission included consideration of retention of trees along boundary with adjoining Lot 3, concerns regarding lack of area within the road reserve to cater for electrical services and consideration of overland flow in drainage design from existing dam in proposed Lot 11 and 12.

Comment

a. Retention of trees

The second paragraph of Condition 16 requires details of the location of existing trees and proposed tree removal, within the proposed road reserve as part of the Subdivision Works Certificate. It also states that where trees along the boundary of Lot 3 and the subject land are not in conflict with the proposed swale and associated earthworks, they will be required to be retained.

There is no change to this part of Condition 16.

b. Adequate area within the road reserve to cater for electrical services

The developer is required to demonstrate that adequate area exists within the road reserve to cater for electrical services as part of the Subdivision Works Certificate. Should it be found that there is insufficient area, the handle widths of Lots 2, 3 and 4 can be reduced to slightly alter lot boundaries to ensure that Lot 1 maintains a minimum area of 1.35 hectares.

c. Consideration of overland flow path in drainage design from existing dam located in Lots 11 and 12

Prior to issue of the Subdivision Works Certificate, Condition 25 requires the applicant to submit a Stormwater Management Plan in accordance with NRDC and Residential Zones DCP which will take into consideration existing overland flow paths and point sources.

COUNCIL IMPLICATIONS**Budget/Financial**

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

Asset Management

The inclusion of additional wording in Condition 16 to allow for increased pavement widths in required locations will reduce future road deterioration from edge break and ongoing maintenance costs to Council.

Policy or Regulation

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulations 2000

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

State Environmental Planning Policy (Coastal Management) 2018

Clarence Valley Local Environmental Plan 2011

Residential Zones Development Control Plan 2011

Austrroads Guide to Road Design 2010 –Part 6

Consultation

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

<i>Sections & External Agencies</i>	<i>Comment</i>
Development Engineer	Comments provided under each of the Conditions
Civil Services	Comments provided under each of the Conditions
NSW Rural Fire Service	Deletion of 4k) of General Terms of Approval supported

Legal and Risk Management

Should the applicant be dissatisfied with Council's determination of the modification, they may appeal to the Land and Environment Court. Further, any person may appeal the determination to the Land and Environment Court if they consider Council has not followed correct procedure in administration and assessment of the DA.

Climate Change

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

Prepared by	Kerry Harre, Building Services Coordinator
Attachment	A. Request for Review from Applicant B. NSW Rural Fire Service General Terms of Approval 10 April 2019 and 3 February 2021 C. Submission D. Notice of Determination SUB2019/0002 E. Section 4.15 Assessment

Schedule 1
Draft Amended Conditions

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

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

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

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

SUMMARY

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

OFFICER RECOMMENDATION

That Council:

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

COMMITTEE RECOMMENDATION

Novak/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Clancy, Baker, Novak, Simmons

Against: Nil

COUNCIL RESOLUTION – 6b.21.006

Ellem/Kingsley

That Council:

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

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme	2 Infrastructure
Objective	2.1 We will have communities that are well serviced with appropriate infrastructure
Strategy	2.1.4 Manage and enhance our parks, open spaces and facilities

BACKGROUND

Council resolved at its meeting of 28 July 2020 [ITEM 6b.20.060] to:

1. *Note the preparation of a draft plan of management for the Grafton Waterfront Precinct area.*
2. *Authorise the General Manager to refer the draft plan to the NSW Department of Planning, Industry and Environment (DPIE) as owner of the Grafton Memorial Park (Reserve 85477) for comment regarding this component of the plan using Form B (Notice of plan of management for Crown reserve—Alteration of categorisation or additional/new categorisation).*
3. *Place the draft plan on public exhibition (after it has been returned by DPIE and any corrections regarding Grafton Memorial Park are made) for a period not less than 28 days as required under the Local Government Act 1993.*
4. *Conduct a public hearing regarding the categorisation of the 'community' land recently acquired and for land currently under acquisition to be included under the plan.*
5. *Accept submissions on the draft plan for a period not less than 42 days from the date the plan is placed on public exhibition as required under the Local Government Act 1993.*
6. *Agree that after the submission period has closed a report be brought back for consideration for adoption or re-exhibition as per the requirements of section 40 of the Local Government Act 1993.*

Council officers received advice from the NSW Department of Planning, Industry and Environment's Community Crown Land division on 28 October 2020 that the draft Grafton Waterfront Precinct Plan of Management (PoM) could be placed on public exhibition. No amendments to the information or management actions concerning the Grafton Memorial Park (Reserve 85477) or amendment to the request to alter the categorisation of the Grafton Water Brigade building situated within the Grafton Memorial Park were required.

An electronic copy the draft PoM was placed on Council's public exhibition webpage on Friday, 4 December 2020. An electronic copy of the draft PoM was also placed on Council's 'Noticeboard' webpage on the same date. The submission period concluded on Monday, 1 February 2021 at 4.30pm.

Council received 13 submissions on the draft PoM. A synopsis of the submissions received is included later in this report. A summary of the submissions received and copy of each submission is included as Attachment 1 and 2 to this report, respectively.

A public hearing as per the requirements of section 40A of the *Local Government Act 1993* was conducted by an independent facilitator from *Northern Rivers Catchment Management* on Wednesday, 27 January 2021. The public hearing was conducted in the Grafton Regional Library. Eleven (11) people attended, the majority being neighbours adjoining the Grafton Waterfront Precinct area and 2 representatives from the Grafton Rowing Club. In addition, 2 staff attended the public hearing in their official capacity to provide information in regards to the land being categorised and re-categorised by the draft PoM.

The consultant's report of the public hearing was received by Council on the 8 February. This document is publicly available from Council's 'On Exhibition' webpage, as per the requirements of section 47G(3) of the Act. A copy of the consultant's report is attached to this report (Attachment 3).

KEY ISSUES

The matters raised at the public hearing and noted in the consultant's report, and those made within the submissions received has resulted in a number of minor amendments to the draft PoM that was exhibited for the Grafton Waterfront Precinct area.

Amendments have also been made to update riverfront property information recently acquired by Council between Villiers and Clarence Street as their acquisition by Council is now complete.

Public Hearing (conducted Wednesday, 27 January 2021)

Amendments made to the draft PoM as a result of the public hearing include:

- **Inclusion of information about, and management actions for the three toed snake-toothed skink (*Coeranoscincus reticulatus*)**

Council staff learnt during a presentation made by a riverfront landowner at the public hearing that the three toed snake-toothed skink (*Coeranoscincus reticulatus*) (TTSTS) was identified during flora and fauna assessments as part of the 'Additional Crossing of the Clarence River at Grafton' (Grafton Bridge) project. The presenter suggested that the category 'Natural Area (Foreshore)' may be more appropriate than the category of 'Park' to ensure the long-term survival of this species. While the majority of the sightings of the TTSTS were reported in the vicinity of the new Grafton Bridge, one sighting was recorded on the foreshore land acquired by Council. The TTSTS is listed as vulnerable under both New South Wales and Commonwealth legislation.

The 'Natural Area (Foreshore)' category under the *Local Government Act 1993* (LG Act) is designed to provide measures to protect and enhance the natural values and features of the foreshore area as a transition zone between the aquatic and terrestrial environmental. While the 'Foreshore' category does not exclude community use and access the emphasis is on minimising and mitigating any disturbance caused by human intrusion to this zone.

The foreshore land acquired by Council (ie Lot 1 DP1233312, Lot 4 DP1253626, Lot 18 DP1260163; Lot 122 DP1266076, Lot 15 DP1267116 and Lot 1 DP1268816) is a highly modified environment. It has been largely cleared down to the waters edge and maintained by previous landowners as open space. The open nature of this foreshore land also contributed to Council's flood mitigation efforts for the township of Grafton. Apart from a few isolated trees the only significant stand of riparian vegetation remaining is the strip of the native common reed (*Phragmites australis*) along the waters edge.

The category 'Park' does not preclude Council from implementing management actions to protect existing vegetation and provide landscaping to increase potential habitat for the TTSTS or mitigate use impacts to the foreshore area. Consequently, it is the opinion of the Council staff involved in the preparation of the draft plan that the 'Park' category is retained and specific management actions are added to the draft PoM to retain existing vegetation and enhance potential TTSTS habitat. Consequently, amendments were made to *Section 4.1: The Land* (p. 28) to include details of the existence of the TTSTS and its likelihood to exist in the Grafton Waterfront Precinct area and *Section 7.0: Management Objectives and Performance Targets* (p. 64) through the inclusion of specific management actions to ensure threats to potential TTSTS populations are mitigated through appropriate vegetation management and maintenance programs.

No further objections were made in regards of the proposed categorisation of the foreshore land acquired by Council as 'Park' at the public hearing or made in submissions in regards to the exhibited draft PoM.

No objection was raised over the re-categorisation of the Water Brigade building [Lot 9 Sec 4 DP758470] from 'Park' to 'General Community Use' at the Public Hearing or in the submissions made in regards to the exhibited draft PoM.

- **Completion of the Grafton Waterfront Precinct foreshore land acquisition project**

During the period in which the DPIE Council Crown Land Management team were reviewing the draft PoM and its subsequent public exhibition by Council 3 parcels of land that Council was still negotiating their acquisition were finalised – Lot 122 DP1266076, Lot 15 DP1267116 and Lot 1 DP1268816. The draft plan has been amended accordingly to indicate that Council now owns these land parcels.

Public exhibition of draft PoM (conducted Friday, 4 December 2020 – Monday, 1 February 2021)

A total of 13 submissions were received during the submission period. The majority of which were in regards to suggestions and support for the redevelopment of the Grafton Waterfront to provide improved family friendly recreational infrastructure and access to the waterfront, which did not warrant amendments to the exhibited draft PoM. However, 2 submissions were received from the Grafton Rowing Club concerning the Club's access to and continued use of riverfront land between Duke and Villiers Street now owned by Council. The Rowing Club were seeking assurances that their access to and use of this land during regattas would be acknowledged in the PoM. While Council cannot provide any particular group a perceived advantage over any other group in a statutory document, minor amendments have been made to *Section 5.1 Land Use History (European settlement)* and *Section 6.1 Authorisation of Leases, Licences and Other Estates (Table 6.1)* to identify this use of the land in general terms and to ensure that continued use by all groups is permitted under licence. Council's Open Spaces section has also been informed of this historical

use to ensure any development of this area incorporates provision for use by groups holding regattas and other events.

A synopsis of the submissions received, and the actions taken are provided in the following table:

Submission Theme	Relevant PoM Section	Staff Comment	Action Taken
Support for improved family friendly recreational facilities and access to the waterfront area of Grafton	Statements	Noted	Nil
Suggestions for inclusion in the Grafton Waterfront upgrade include: <ul style="list-style-type: none"> • Waterpark • Safe fenced swimming area within the river • Pontoons • Café/restaurants • Picnic and BBQ facilities • Extend pathways and boardwalk connectivity • Improve connectivity between Grafton and South Grafton • Boating - e-filling for blackwater and a filling station 	Statements	Noted	Suggestions forwarded to Open Spaces and Grafton Waterfront Precinct Project Manager to consider as part of the Grafton Waterfront detailed design
Memorial Park – tribute to Keep Australia Beautiful participants and recognition for Tidy Towns awards e.g. recommission / restore the old fountain as a water feature or suitable replacement	Statements	Noted	Suggestions forwarded to Open Spaces and Grafton Waterfront Precinct Project Manager to consider as part of the Grafton Waterfront detailed design
Grafton Rowing Club: <ul style="list-style-type: none"> • Supports categorisation of land as proposed in the draft PoM. • Would like to be consulted during design of Water Brigade building, Rowing Club building and foreshore area between Duke and Villiers Street to ensure access to waterfront is maintained for regattas • Would like the PoM amended to ensure continued access to waterfront between Duke and Villiers Street is maintained for major regattas / events as an essential requirement of their Club 	s. 2.2. Categorisation under the <i>Local Government Act 1993</i> s.5.1. Land Use History and s.6.1. Authorisation of Leases, Licences and Other Estates	Noted. The PoM cannot be written in a manner that provides a strategic and/or economic advantage to any particular individual, group or organisation over another, however the land categorised as 'Park' may be licenced for approved sporting events	Concerns regarding consultation forwarded to Open Spaces and Grafton Waterfront Precinct Project Manager PoM Amended: <u>Section 5.1.</u> - Use history updated to include the previous private riverbank property use for regattas and other water based events. <u>Section 6.1.</u> (Table 6.1) – License section updated to include - sporting events approved by Council, such as water skiing, wake-boarding, Rowing Club regattas, Dragon Boats and Bridge to Bridge

A summary of the submissions received is provided as Attachment 1. The submissions, as received, are included as Attachment 2.

Requirements of the LG Act in regards to plans of management

Council in its consideration of a plan of management for the Grafton Waterfront Precinct must comply with provisions of the LG Act in regards to its adoption by Council. Section 40 of the *Local Government Act 1993* states that:

40 Adoption of plans of management

- (1) After considering all submissions received by it concerning the draft plan of management, the council may decide to amend the draft plan or to adopt it without amendment as the plan of management for the community land concerned.*
- (2) If the council decides to amend the draft plan it must either—*
 - (a) publicly exhibit the amended draft plan in accordance with the provisions of this Division relating to the public exhibition of draft plans, or*
 - (b) if it is of the opinion that the amendments are not substantial, adopt the amended draft plan without public exhibition as the plan of management for the community land concerned.*
- (2A) If a council adopts an amended plan without public exhibition of the amended draft plan, it must give public notice of that adoption, and of the terms of the amended plan of management, as soon as practicable after the adoption.*
- (3) The council may not, however, proceed to adopt the plan until any public hearing required under section 40A has been held in accordance with section 40A.*

In addition, clause 114 of the *Local Government (General) Regulation 2005* states that:

114 Adoption of draft plan of management in relation to which certain submissions have been made

- (1) This clause applies if—*
 - (a) a council prepares a draft plan of management, and*
 - (b) the council receives any submission, made in accordance with the Act, concerning that draft plan that makes any objection to a categorisation of land under the draft plan, and*
 - (c) the council adopts the plan of management without amending the categorisation that gave rise to the objection.*
- (2) If this clause applies, the resolution by which the council adopts the plan of management must state the council's reasons for categorising the relevant land in the manner that gave rise to the objection.*

It is the opinion of Council staff involved in the preparation of the draft plan that the amendments to the draft PoM detailed in this report do not constitute a 'substantial' change to the intent of the exhibited draft or to the use and management of the reserve as per the requirements of section 36 of the Act. While a change in the category of the land (eg. Changing the foreshore area categorised as 'Park' to 'Natural Area (Foreshore)' as proposed during the public hearing) would be deemed as being substantial requiring the re-exhibition of the draft plan [refer *Seaton and Ors v Mosman Municipal Council and The Bathers Pavilion Pty Ltd Matter No Ca 40709/97 [1998] NSWSC 75*] the insertion of additional text to clarify or to provide context to prescriptions detailed in the plan are acceptable.

It is therefore on the recommendation of staff that prepared the draft PoM that Council adopt the plan under the requirements of section 40(2)(b) of the Act (detailed above).

Note: The amended draft plan is attached as a tabled document. For ease of reference, amendments to the draft PoM are shown in red. A final edit for consistency will be completed once the amended draft has been adopted or otherwise.

COUNCIL IMPLICATIONS**Budget/Financial**

The amended draft plan of management has been prepared in-house using the resources of Council. A cost will be associated with the public notice detailing the adoption of the amended draft plan. However, this cost will be largely absorbed by Council's existing arrangement with media outlets in the provision of weekly public notices and the use of Council resources to prepare documents for public exhibition.

Asset Management

The Grafton Waterfront Precinct is a combination of Council owned Community and Operational land, road reserve and Crown land (Grafton Memorial Park – managed by Council as Crown land manager). Existing fixed assets on the land are recorded in Appendix 1 to the draft PoM. Their maintenance is as per Council's Asset Maintenance Schedule for particular groups of assets. The draft PoM authorises new assets to be constructed as part of the Grafton Waterfront Precinct re-development project. All new assets constructed will also be entered onto Council's Asset Register as built and maintained accordingly.

Policy or Regulation

Local Government Act 1993 & Regulation
Crown Land Management Act 2016 & Regulation

Consultation

The draft plan of management was reviewed by the NSW Department of Planning, Industry and Environment's Community Crown Land division prior to its public exhibition. User groups and key stakeholders were informed of the placement of the draft PoM on public exhibition. The document was exhibited on Council's 'on exhibition' webpage and 'Noticeboard' e-publication. The exhibition period ran for approximately 7 weeks (4/12/2020 – 1/2/2021). Thirteen submissions were received.

A public hearing as per the requirements of s40A and s47G of the LG Act was conducted on 27 January 2021. Eleven members of the community attended, including 2 people representing the interests of the Grafton Rowing Club.

Internal consultation with Council's Strategic Planning, Property Section and Open Spaces & Facilities section and the Grafton Waterfront Precinct Project Manager was also conducted.

Legal and Risk Management

A plan of management is a statutory document that aims to satisfy the requirements of both the *Local Government Act 1993* and the *Local Government Amendment (Community Land Management) Act 1998*.

A plan of management for community Crown land adopted under the *Local Government Act 1993* is also a legislative requirement of the *Crown Land Management Act 2016*

The amended (draft) Grafton Waterfront Precinct Plan of Management details how Council will manage the Grafton Waterfront Precinct area, and in particular, how the land may be used and further developed.

Climate Change

N/A

Prepared by	Dr Danny Parkin, Senior Strategic Planner (Public Land/Native Title); Jasmine Oakes, Plans of Management Officer
Attachment	1. Submission Summary 2. Submissions 3. Public Hearing Report
To be tabled	4. Amended draft Grafton Waterfront Precinct Plan of Management

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

SUMMARY

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

OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Simmons/Baker

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Clancy, Baker, Novak, Simmons

Against: Nil

COUNCIL RESOLUTION – 6b.21.007

Ellem/Kingsley

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

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

As reported to Council on 26 May 2020 the Department of Planning Industry and Environment (DPIE) on 30 April 2020 refused the planning proposal to rezone part of Lot 2, DP598769, School Rd, Palmers Island for marine industrial purposes.

The reports to Council's 26 May 2020 and 22 October 2019 meetings provided advice in relation to staff time and costs associated with assessing and managing this complex planning proposal particularly following the post gateway phase. A copy of the reports to Council's 26 May 2020 and 22 October 2019 meetings is included as Attachment 1.

An invoice and letter was issued to the proponent Yamba Welding & Engineering (YWE) on 6 January 2021 for the payment to Council of an additional \$22,319.00 made up of the following:

1. \$5,432.00 - 2019/20 Post Gateway Assessment
2. \$16,887.00 - being the total of "Post Gateway Costs Incurred" as documented in the report to Council's 22 October 2019 meeting. The further detail of these costs is in the table below (from 22 October 2019 report).

Advertising x 2	\$336 x 2	\$772
Staff time for compilation of exhibition information for public consultation and setting up of a website page for the exhibition documentation	5 hours @ \$157.60	\$788
GIS Mapping, creation of spreadsheet of owners, preparation of letter and mail out of notification letters to residents	7 hours @ \$157.60	\$1,103
Postage costs	\$200	\$200
Compilation of the summary of submissions received with e mail and contacts for review	7 hours @ \$157.60	\$1,103
Planning Consultant Fees for the review and assessment of submissions and summary of issues raised		\$9,444
Council report preparation and liaison with planning consultant and applicant	8 hours @ \$157.60	\$1,260
Council's Legal Advice		\$2,217
Total		\$16,887

A copy of the letter to YWE is at Attachment 2. The proponent's response to the request to pay additional planning proposal costs is discussed in KEY ISSUES below.

KEY ISSUES

The proponent in their letter dated 20 January 2021 (see Attachment 3) has responded to the request and invoice to pay additional planning proposal costs. The proponent has difficulties with the request and has offered to pay \$7,000.00 if further information and detail in relation to a range of items is not supplied by Council.

Key issues raised by the proponent include:

1. The proponent is unable to see how Council has accounted for additional staff time costs incurred after the Post Gateway Assessment fee has been exhausted.
2. Concerns about the accuracy of the recording of professional time.
3. Concerns about being invoiced fees for a planning consultant and legal review, and notes that he as the proponent:
 - has not been provided with a copy of the account
 - has had no input into who the consultant was to be and how the task was to be undertaken
 - was not advised of the intention to obtain the report
 - was given no warning as to the cost of the report
 - was never made aware of the consultant's hourly rate.

The proponent notes that there was no planning consultant or associated charge for the Harwood Marine rezoning.

On review of the fees and charges for the 2015/16 to 2020/21 financial years, it would appear that a typographical error has been included and consequently adopted by Council in relation to when additional staff time is charged to the applicant. For the years 2015/16 and 2016/17 it is noted that the staff time was to be charged after the first 20 hours of work whereas from 2017/18 onwards it is noted that the charge applies after the first 20 minutes (see relevant pages extracted from 2015/16, 2016/17, 2017/18 and current 2020/21 Fees and Charges at Attachment 4).

It is understood that the intent of the fee for additional staff time was for this to be charged after the first 20 hours, not 20 minutes. It is proposed to review the 2021/22 fees and charges in light of this apparent error. In good faith Council staff issued the invoice to the proponent based on the current adopted fees and charges

meaning that additional hours were charged after the first 20 minutes, not 20 hours. This has effectively resulted in an excess charge of 20 hours staff time.

In addition to the apparent error with Council's fees and charges, it is acknowledged that the planning consultant and legal review was commissioned at the discretion of Council without advice to the proponent that they would be invoiced this additional charge. Hence, there is a case that these additional fees cannot reasonably be applied in the circumstances.

The following options are available to Council:

1. Reduce the current invoice by removing professional planning consultant fees (\$9,444.00), legal advice fees (\$2,217.00) and staff time fees for 20 hours of work (3,152.00). This would result in a revised invoice amount of \$7,506.00;
2. Accept the offer of \$7,000.00 provided by the proponent; or
3. Maintain the invoiced amount of \$22,319.00 without any reduction.

In the circumstances, it is recommended that Council accept the offer of \$7,000.00 (as per Option 2) and write off the balance of the invoice.

COUNCIL IMPLICATIONS

Budget/Financial

The budget income implications are outlined in the report.

Asset Management

N/A

Policy or Regulation

Environmental Planning and Assessment Act 1979
Local Government Act 1993

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Terry Dwyer, Strategic Planning Coordinator
Attachment	<ol style="list-style-type: none"> 1. Reports to Council's 26 May 2020 and 22 October 2019 meetings 2. Letter to YWE 3. Response from YWE 4. CVC fees & charges 2015/16, 16/17, 17/18 & 20/21

c. CORPORATE GOVERNANCE AND WORKS COMMITTEE

MINUTES of a meeting of the **CORPORATE, GOVERNANCE & WORKS COMMITTEE** of Clarence Valley Council held in the Council Chambers, Maclean on Tuesday, 16 February 2021, commencing at 2.00pm and closing at 3.26pm.

MEMBERS

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

PRESENT

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

APOLOGIES – Nil

DISCLOSURE AND DECLARATIONS OF INTEREST - Nil

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

ITEM	6c.21.001	LOCAL TRAFFIC COMMITTEE
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Meeting	Corporate, Governance & Works Committee	16 February 2021
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Yes	

SUMMARY

This report lists the recommendations made at 3 February 2021 meeting of the Clarence Valley Council Local Traffic Committee.

OFFICER RECOMMENDATION

That the recommendations of the Local Traffic Committee included in the Minutes of its 3 February 2021 meeting be adopted by Council.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.001

Ellem/Kingsley

That the recommendations of the Local Traffic Committee included in the Minutes of its 3 February 2021 meeting be adopted by Council.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

The following agenda items were considered at the Local Traffic Committee held on 3 February 2021.

Item: 001/21 MACLEAN HIGHLAND GATHERING – 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 ~~where event uses a Roads and Maritime asset such as a bridge, Motorway or viaduct~~).
2. NSW Police approval is obtained
3. ~~Roads and Maritime Services approval 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.~~

4. ~~National Heavy Vehicle Regulator approval is obtained as required where road closures of approved Restricted Access Vehicles routes require identification of new routes for traffic detours.~~
5. The submission and approval of relevant council event application/s and compliance with any conditions imposed therein
6. 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. ~~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. Where local council is the roads authority, notification of any reduced speed limit should be forwarded to Roads and Maritime Service and NSW Police~~
 - e. Conformance with approved Traffic Management Plan and associated Traffic Control Plans, which shall be implemented and controlled by a Roads & Maritime Services, accredited persons.
7. Consultation with emergency services (Fire & Ambulance) and any identified issues addressed in a timely manner.
8. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.
9. Community and affected business consultation including adequate response/action to any raised concerns.
10. Arrangements made for private property access and egress affected by the event.
11. 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.
12. That the applicant organise for the events to be listed on Council's web page.

Road Closures
<ul style="list-style-type: none"> • 2 April 2021 - 6:00pm to 9:30- River Street, Maclean from Argyle to Union Street • 3 April 2021 - 7:30am to 10:00am - River Street, Maclean from Union Street to Stanley Street

Item: 002/21 DRIVEWAY WARNING SIGNAGE - CAMERON STREET, MACLEAN

That approval for a caution driveway sign be provided at the northbound and southbound lane of Cameron Street, Maclean. With the exception of the northbound sign being erected within the boundary of a state road.

Item: 003/21 RELOCATION OF SCHOOL ZONE '40' AHEAD SIGNAGE – CENTENARY DRIVE, CLARENZA

That Council review the school zone signage locations considering current relevant standards, confirm if the signs in these locations impede the sight distance for the driveway and report back at a later date.

Item: 004/21 SUB2019/0034 – PROPOSED 41 RESIDENTIAL SUBDIVISION, OLD GLEN INNES ROAD, WATERVIEW HEIGHTS

That

1. An in principle speed zone review be undertaken on Hampton Road upon completion of SUB2019/0034.
2. An in principle speed zone review not be undertaken on Glen Innes Road and the subdivision will need to adhere to the existing 80km/h speed limit.

KEY ISSUES

Agenda, minutes and attachments are attached.

COUNCIL IMPLICATIONS**Budget/Financial**

The additional signage and line marking that will be installed will cost approximately \$2,000. This can be accommodated within existing operational budgets.

Asset Management

The new traffic facilities will become assets on the asset register.

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

SUMMARY

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

OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Lysaught/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.002

Ellem/Kingsley

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

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 4 Environment

Objective 4.1 We will preserve and enhance our natural environment

Strategy 4.1.2 Promote sustainable Natural Resource Management

BACKGROUND

The Wooloweyah Foreshore Reserve is Crown land managed by Council as the Crown land manager of Reserve 95841 for Public Recreation and Preservation of Native Flora, notified 5 March 1982. Council has managed this reserve since its date of gazettal.

There are conflicting land uses in some areas of the Reserve, which impact on native vegetation through introduced plantings from adjoining private properties, garden escapees, unauthorised clearing including mowing. This plan aims to unify non-conforming land uses and restore these areas.

The management and control of weeds and strengthening foreshore areas in the Wooloweyah Foreshore Reserve through strategic planting and maintaining vegetation buffers to prevent erosion and maintain the suite of vegetation communities, are objectives in this plan. The plan also emphasises the importance of maintaining liaison with the local community and reserve neighbours.

The plan identifies management zones and vegetation management actions necessary in each zone, particularly regarding weeds. The plan aims to improve native vegetation condition and management on the reserve.

This plan will become an Operational Plan authorised under the existing *Wooloweyah Foreshore Reserve Plan of Management* when adopted.

KEY ISSUES

In general, the Wooloweyah Foreshore Reserve is in relatively good health through consistent restoration works carried out by the local community and contractors over the last 10 years. Council recognises this effort as a positive outcome and will be supporting future volunteer groups and contractual works for the maintenance and restoration of the reserve. This plan will guide the restoration and rehabilitation actions on the reserve.

COUNCIL IMPLICATIONS

Budget/Financial

Council activities identified in the plan will be funded annually through the Sub Service Parks Reserve—project number 945111 – Bush Regeneration. Funding opportunities through external grants will be sought to compliment other operational activities linked to the plan.

Asset Management

The proposed *Wooloweyah Foreshore Reserve Vegetation Management Plan* provides management direction, actions and strategies to protect and enhance the natural assets growing on this reserve. It will be used to guide Council and community efforts in managing this ecologically important resource.

Policy or Regulation

Biodiversity Conservation Act 2016
Crown Land Management Act 2016
Biosecurity Act 2015
Local Government Act 1993

Consultation

The Draft Plan is to be placed on public exhibition for 30 days for comments. As native title exists on the reserve, Council will also refer the plan directly to NTSCorp and Yaegl Traditional Owners Aboriginal Corporation RNTBC for comment.

Legal and Risk Management

This vegetation management plan has been written to provide for the management of Crown land having regard to the principles of Crown land management and community expectations.

Climate Change

Maintaining and improving our natural environment assists in increasing ecosystem resilience to changes brought about by climate change.

Prepared by	Heather Mitchell, Biodiversity Officer
Attachment	Draft Wooloweyah Foreshore Reserve Vegetation Management Plan

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

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

SUMMARY

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

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

OFFICER RECOMMENDATION

That Council:

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

COMMITTEE RECOMMENDATION

Lysaught/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.003

Ellem/Kingsley

That Council:

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

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

At the 17 December 2019 [Item 6c.19.110] Council resolved to accept \$500,000 (ex GST) in grant funding to upgrade the facilities at Ken Leeson Oval Iluka from the Infrastructure, Transport and Regional Development under the Federal Government Community Development Grants Program.

The objective of the project is to upgrade the existing facilities and provide a compliant, serviceable building that meets the current needs of the sports user groups and community at Ken Leeson Oval. To achieve the objective it is proposed that the building will be extended to two (2) change rooms, an awning over the canteen to provide shade and protection from stray balls, a separate storage area for the rugby union and soccer teams, a secure canteen that satisfies food preparation requirements, a disabled public toilet and disabled access pathways between the facilities.

At the 15 December 2020 Ordinary Council meeting [Item 6e.20.034] it was resolved:

That Council:

1. Accept the tender from Greg Clark Building (GCB) for RFT20-27 Ken Lesson Oval Amenities for the construction of a new change room, public toilets, and the refurbishment of the existing amenities & canteen at a cost of \$472,416.00 (ex GST) to be funded from Ken Leeson Oval Amenities (PJ 540136 Cost Centre 341) and Sports Buildings – Renewals (PJ541198 Cost Centre 341).
2. Authorise the General Manager to approve variations up to 10% of the contract value.
3. Allocate funding to a reserve as a potential compensable act for the extinguishment of native title in accordance with the attached confidential report.
4. Review the current design to include the provision of disabled access and associated fixtures to the new change rooms and report back to Council if the amendments cannot be undertaken within the tender contract value.
5. Seek concurrence from the grant funding body for any proposed amendments to the current design layout.

In consideration of Item 4 the design has been amended to include the provision of full disabled access and associated fixtures to both the new and the existing change room with the recommended Option 1 increasing the project costs beyond the previous accepted tender value.

KEY ISSUES

Original Design

The original design included the demolition of the existing free standing public toilets and construction of new public toilets, a new change room, the refurbished existing change room (not fully accessible) and canteen and the provision of disabled parking space in the south eastern corner of the grounds (near tennis courts). Additionally, the project provided an additional toilet in the existing storage shed in the north western corner of the grounds.

The tender documents included architectural and structural design and specifications, an extract from the documents is provided.

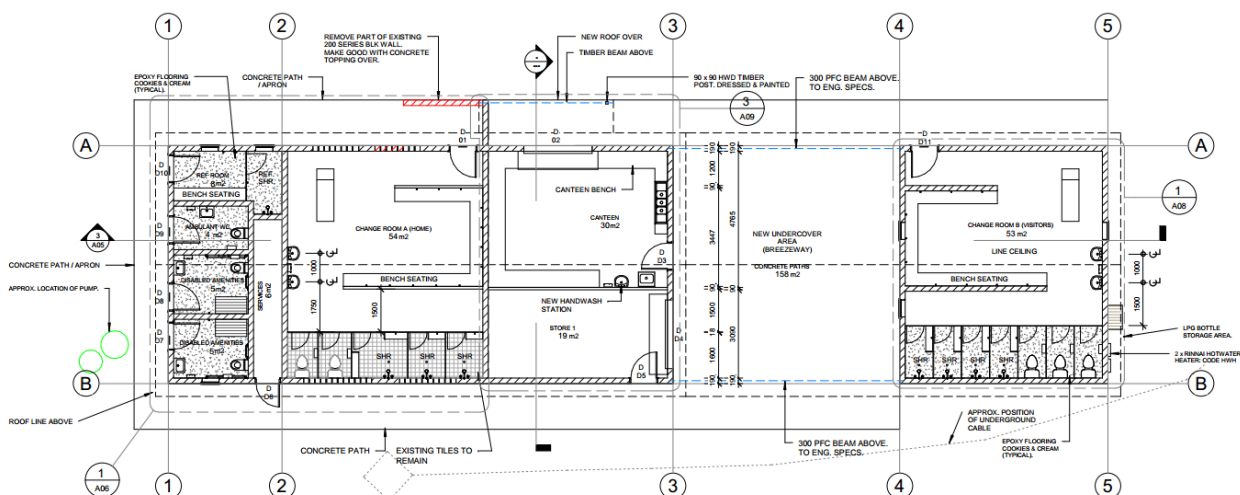


Figure 1 - Floor Plan – Original Design: New change room, public toilets and the refurbished existing amenities & canteen

Option 1 - Design as per Council resolution 15 December 2020 [ITEM 6e.20.034] Item 4

Scope of works to include the provision of full disabled access and associated fixtures to both the new and the existing change room. Additional cost for Option 1 is \$41,544.81 (ex GST). Works include -

1. Demolish and remove two x 1m of external footpath.
2. New ramp to entrance.
3. Demolish and remove existing floor and wall tiles including floor topping to Change Room A.
4. Supply and install 50mm topping slab, two pack epoxy binder, Epoxy Fleck Flooring system with 90 mm Coving.
5. Construct 2400mm high partition walls to Change Room A: - 70x35 MGP10 frames and structural supports posts and bench seating with 9mm Villaboard to both sides. Set and sanded. Paint finish.
6. Render to internal blockwork walls of change rooms.
7. Changes to hydraulic services including sanitary fixtures and fittings.
8. Changes to toilet partitions.
9. Additional sundry hardware.

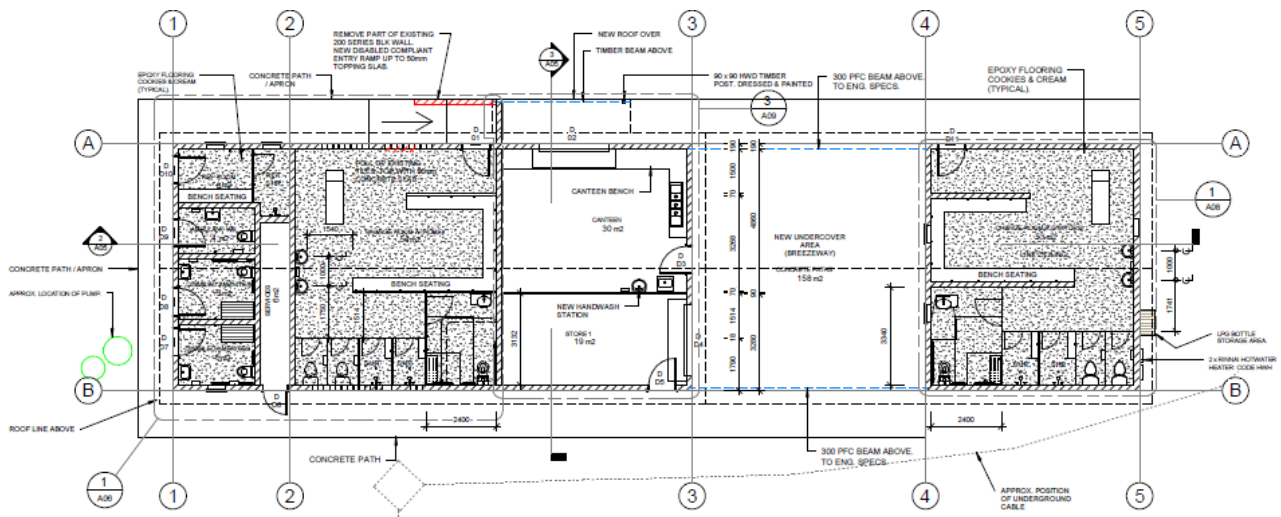


Figure 2 - Floor Plan Option 1: Accessibility facilities to new and existing change rooms

Option 2 - Provision of disabled access and associated fixtures to the new change room B only

Scope of works to include the provision of disabled access and associated fixtures to the new change room: Additional cost for Option 2 is \$3,005.93 (ex GST). Works include -

New change room: Change Room B

1. An additional basin and fixtures and fittings to new disabled toilet and shower.
2. Amendments to Laminex partitions.

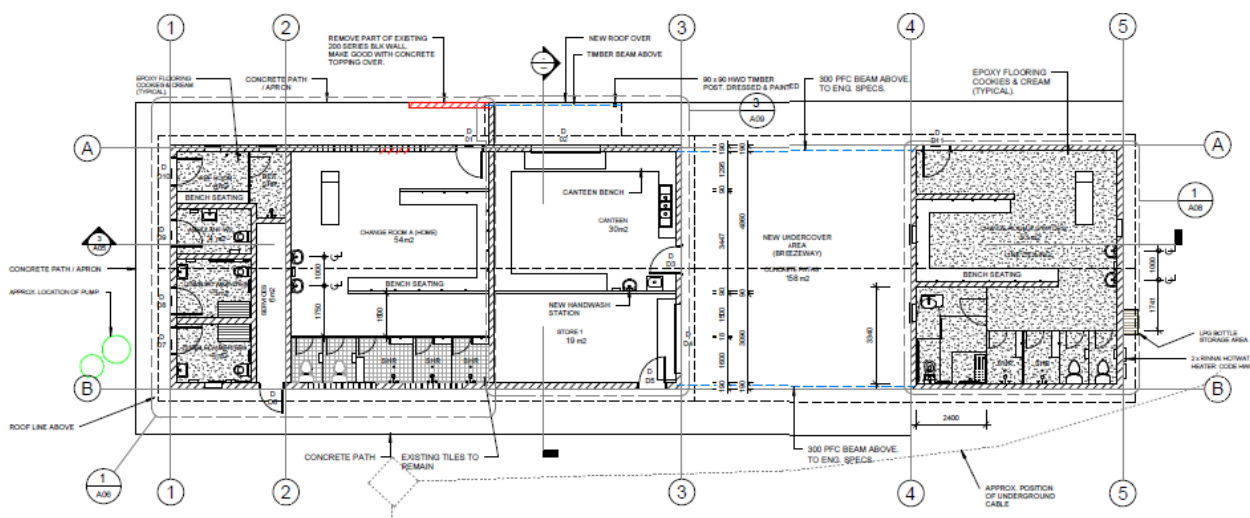


Figure 3 - Floor Plan Option 2: Accessibility facilities to new change room

Recommended Option

Option 1 is the recommended option to provide full accessible access to both the existing and new change rooms.

COUNCIL IMPLICATIONS

Budget/Financial

The funding for the change room section of the work is \$500,000 (ex GST) from grant funding from the Infrastructure, Transport and Regional Development under the Federal Government Community Development Grants Program.

The budget for recommended Option 1 is as follows –

Option 1 - New Design as per Council Resolution 15 December 2020 [ITEM 6e.20.034] Item 4

The commitments and expenditure (ex GST) to date on the project is \$43,042.00, comprising:

Survey	\$1,800.00
Design	\$16,025.00
Quantity Surveyor	\$1,500.00
Review of Environmental Factors	\$5,045.00
Structural Engineering	\$2,500.00
Financial Check	\$612.00
Project Management Fees	\$12,500.00
Design costs for re-design	<u>\$3,060.00</u>
Total	\$43,042.00

The tendered (ex GST) value of the change rooms and associated works to satisfy the Funding Deed of Agreement being \$425,698.00.

The total commitments, expenditure and tendered works (ex GST) being:

Commitments / Expenditure	\$ 43,042.00
Contract to meet funding agreement	<u>\$425,698.00</u>
Total	\$468,740.00

Budgeted Amount	<u>\$500,000.00</u>
Remaining Contingency	\$ 31,260.00

Additional Variation Works	\$ 41,544.81
Proposed allocation from Sportsfield Income Reserve fund	\$ 41,544.81

Sportsfield Income Reserve (RA11035)

The Sportsfield income reserve current balance	\$290,684.22
Proposed allocation from Sportsfield Income Reserve fund	<u>\$41,544.81</u>
Proposed new balance Sportsfield income reserve	\$249,139.41

The above budget is consistent with the Funding Deed work and can be delivered within the \$500,000 (ex GST) grant funding from the Infrastructure, Transport and Regional Development under the Federal Government Community Development Grants Program.

Asset Management

This contract includes the renovating the current facilities, demolition of the existing public toilets construction of new disabled public toilets, referee's room, an additional change room and disabled parking and access.

Policy or Regulation

N/A

Consultation

Consultation was undertaken with the relevant stakeholders from the local sporting groups in relation to the proposed change room, public toilets and refurbishment.

Legal and Risk Management

Native Title has been determined on Ken Leeson Oval, Native Title will be extinguished on the area where the new amenities and change room are located. The act of constructing the new facilities may be a compensable act.

Climate Change

The project will allow the removal of aging facilities while using energy efficient lighting and management systems which will have a positive net benefit on climate change impact.

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

SUMMARY

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

OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Ellem/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.004

Ellem/Kingsley

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

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

The footbridge has required significant maintenance (or bridge replacement) however repair works have not been possible due to internal budget allocations.

Council applied for funding through the 2020 /21 Crown Reserve Improvement Fund for the replacement of a footbridge at Corcoran Park, Grafton.

KEY ISSUESCrown Reserve Improvement Fund

The Crown Reserves Improvement Fund Program (CRIFP) supports Crown land managers (CLMs) by providing funding for repairs and maintenance projects, pest and weed control, new recreational infrastructure or environmental initiatives. The funding aims to benefit the community, boost the local economy and contribute to the cultural, sporting and recreational life of NSW.

Preliminary Design

The proposed design is a 14m long x 1.7m clear width truss pedestrian bridge, prefabricated to relevant standards.

Examples of similar structures are:



Image One – Village Resort Bridge, Port Macquarie



Image Two – Butler Street Bridge, Byron Bay

COUNCIL IMPLICATIONS**Budget/Financial**

An allocation of \$20,000 will be funded from Crown Reserves Building/Structures Renewals PJ 550193, taking the total project to a total of \$63,904.

Asset Management

This is a new open spaces asset which will be included on the asset management register. Ongoing maintenance will be undertaken by Council's open spaces team.

There is an expected 100 year design life and 25 years until the first major maintenance intervention on painted elements exposed to the sun.

Policy or Regulation

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

Consultation

Council Officers will engage with the Corcoran Park stakeholder groups and relevant community members.

Legal and Risk Management

The project is located on Council managed Crown Land. A Native Title assessment will be undertaken.

Climate Change

During construction, waste will be minimised or recycled where possible.

Prepared by	Rachelle Passmore, Senior Parks and Recreation Officer
Attachment	Letter of Offer - Footbridge Project, Corcoran Park

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

SUMMARY

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

OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.005

Ellem/Kingsley

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

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 4 Environment

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

Strategy 4.2.1 Promote, plan and implement strategies that reduce carbon emissions, improve energy efficiencies and increase the use of renewable energy

BACKGROUND







Following on from the Emissions Reduction & Renewable Energy Target Strategy developed by 100% Renewables for Council operations that was adopted by Council in 2018, the NSW DPIE has funded the development of a similar strategy that covers the whole of Clarence Valley.

The draft strategy has identified the carbon footprint for the Clarence Valley, recommended an emissions reduction target and looked at opportunities and possible actions to achieve the target. Prior to finalising the strategy the consultant is seeking community feedback and suggestions, particularly with regards to suggested actions.

KEY ISSUES

Clarence Valley Carbon Footprint:

Based on the 2018-19 Ironbark-BZE Snapshot Report, the Clarence Valley has a carbon footprint of 777,600 tonnes of CO₂-e as detailed in the following table and chart.

	Emission Sources	Ironbark - BZE t CO ₂ -e	%
	Stationary Energy	349,500	45%
	Transport	287,800	37%
	Waste	24,800	3%
	Agriculture	115,500	15%
	Land Use	(4,700)	
	Total	777,600	100%

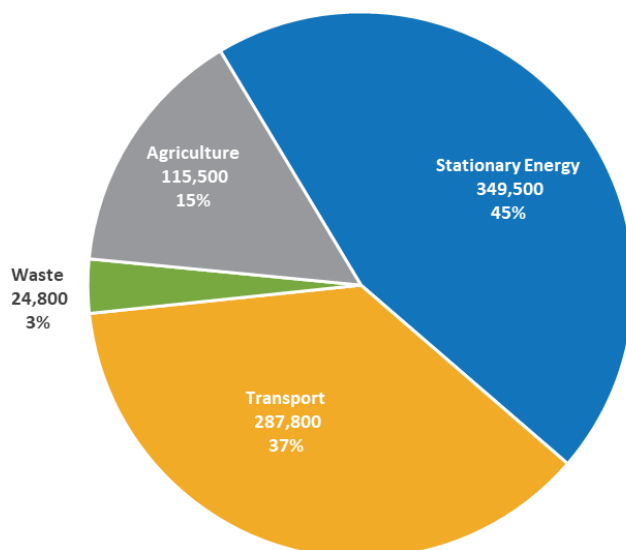


Table 1 and Figure 1 - Clarence Valley Carbon Footprint

Community Emissions Reduction Targets:

From the consultation undertaken to date the community has indicated that climate change is an important issue and impacts are being felt now and our aim should be to decarbonise in line with science or at least in line with NSW Government plans. The draft strategy is recommending the following emission reduction target:

- Net zero emissions by 2050, with emissions in 2030 to be aligned with NSW Government's 35% reduction goal compared with 2005 emission levels. This is an approximate 26% reduction in emissions by 2030 compared with 2019 emissions.
- An aspirational target of net zero emissions by 2040.

It is noted that the strategy has indicated that the decarbonisation of the electricity grid (more renewables) is the most significant and largest change that will occur in the context of achieving net zero emissions.

Measures Available to Reduce Clarence Valley's Emissions:

With 82% of the region's greenhouse gas emissions associated with the consumption of electricity for homes and businesses, and fuel for transport any significant efforts to decarbonise in the coming decades will need to focus on these areas.

Emissions reduction is the responsibility of all levels and sections of the community. Residents, businesses and all levels of government need to act themselves as well as work together if long-term successful outcomes are to be achieved.

COUNCIL IMPLICATIONS

Budget/Financial

The development of the strategy is fully funded by the NSW DPIE under the Sustainable Councils and Communities Program.

Any costs associated with community consultation will be met by the Sustainability Reserve PJ 994640. Any future actions from the strategy that may have a budget impact on Council will be subject to standard budget approval processes.

Asset Management

N/A

Policy or Regulation

N/A

Consultation

The development of the draft strategy involved consultation with a wide range of Council staff, community and business groups and the Climate Change Advisory Committee. COVID-19 did impact on the extent of community consultation.

Engagement through the Clarence Conversation portal included a survey that was completed by 91 people. Survey results indicated that 84% of participants considered climate change issues very important and 72% of participants supported a net zero emission target by 2050.

Legal and Risk Management

N/A

Climate Change

A Community Energy and Emissions Reduction Strategy will greatly assist the Clarence Valley play its part in reducing global emissions and the impacts of global warming.

Prepared by	Ken Wilson, Waste & Sustainability Coordinator
To be tabled	Draft Community Energy and Emission Reduction Strategy

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

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

SUMMARY

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

OFFICER RECOMMENDATION

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

MOTION

Toms/Kingsley

That

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

Voting recorded as follows

For: Toms

Against: Kingsley, Lysaught, Ellem, Simmons

The Motion was put and declared LOST.

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That

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

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

AMENDMENT TO MOTION

Toms

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

The Amendment to Motion LAPSED for want of a seconder.

COUNCIL RESOLUTION – 6c.21.006**Lysaught/Kingsley****That**

- 1. Council approve the sponsorships listed in this report and authorise the General Manager to make decisions about funding for sponsorships for events on a case by case basis.**
- 2. The financial effect of any of the General Manager's decisions from both round 1 and 2 be reported to Council in the quarterly budget report.**

Voting recorded as follows:**For: Simmons, Kingsley, Baker, Ellem, Clancy, Novak, Williamson, Lysaught, Toms****Against: Nil****CARRIED****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 3.1.5 Attract and grow events which contribute to the economy with a focus on high participatory events

BACKGROUND

Applications for sponsorship Council's Events Sponsorship Program opened on 1 December 2020 and closed on 27 January 2021. The funding program was promoted through social media, CVC Noticeboard and Council's website. Emails were also sent to all previous applicants.

All applications were completed and submitted online via the smartygrants software program. A total of 8 applications were received, requesting a total of \$35,000 in sponsorship.

All events are assessed against the following criteria as set out in program guidelines:

- eligibility to apply
- making a positive contribution to the local economy
- acknowledgement of Council's sponsorship
- benefit to the community
- evidence of support from groups that benefit from the event
- promotes and encourages positive exposure of the Clarence Valley
- strengthens and celebrates our community
- the organisations financial viability
- demonstrated marketing strategy, post-evaluation and income generation plan
- consideration of environmental impacts

KEY ISSUES

The COVID-19 pandemic and the resulting Public Health Orders put into place by the Australian Federal Government and the NSW Government continue to impact our local events. Event organisers are hopeful their events will be able to take place, but uncertainty remains.

One consequence of the Public Health Orders for event organisers is the need for more people to take on roles such as more consistent cleaning, marshals to direct attendees and people to ensure contact information is collected. Volunteers are already a scarce resource for most organisers. Sponsorship funding will be offered to event organisers to assist with meeting these extra staffing needs, to ensure events will proceed and occur in a safe way.

At its meeting in July 2020 Council resolved:

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

While the following applications were received, the impact of COVID-19 on delivery and resulting cancellations or postponements are yet to be considered and advised.

2020/21 EVENT SPONSORSHIP ROUND 2				
Applicant Organisation Name	Event Name	Project Start Date	Project End Date	Sponsorship Requested
Lower Clarence Scottish Association	Maclean Highland Gathering 2021	02-Apr-21	03-Apr-21	\$6,500.00
Clarence Pastoral & Agricultural Society	Grafton Show	23-Apr-21	24-Apr-21	\$1,000.00
Inverell Cycle Club	Grafton to Inverell Cycle Classic	08-May-21	08-May-21	\$10,000.00
Grafton District Golf Club Limited	Women's Golf Grafton May Tournament & Jacaranda Open Day	26-May-21	29-May-21	\$1,000.00
Nymboida Canoeing Ltd	Clarence Valley Camp Oven Festival	11-Jun-21	14-Jun-21	\$12,000.00
Grafton Aero Club Inc	Wings and Wheels Open Day 2021	20-Jun-21	20-Jun-21	\$2,500.00
Grafton Clay Target Club Inc.	July Open Classic 2021	10-Jul-21	11-Jul-21	\$1,000.00
Yamba Veterans Golf Club	Yamba Veterans Week of Golf	16-Aug-21	20-Aug-21	\$1,000.00
				\$35,000.00

The recommendation of this report is seen as a broadening of the existing decision thus allowing assessment on a case by case basis and to give the General Manager discretionary decision making capacity in regards to provision of sponsorship whilst continuing to act within the 2020/21 approved budget allocation.

COUNCIL IMPLICATIONS

Budget/Financial

The 2021/21 Budget for Event Sponsorship is \$90,000. The total spent in Round 1 is \$4,000 due to event cancellations and postponements. The current allocation as detailed above is within this limit.

Asset Management

N/A

Policy or Regulation

Event Sponsorship Policy

Consultation

Consultation occurred between the Communications and Industry Engagement team and with stakeholders in the Event Industry.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Alicia Savelloni, Events Development Officer
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ITEM 6c.21.007 HARWOOD RIVERSIDE AND VILLAGE PRECINCT (HRVP) PLAN

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

SUMMARY

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

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

OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Simmons/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.007

Novak/Lysaught

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

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 1 Society

Objective 1.1 We will have proud and inviting communities

Strategy 1.1.1 Encourage vibrant and welcoming towns and villages

BACKGROUND

The aim of the Harwood Riverside and Village Precinct (HRVP) Plan is to guide a number of infrastructure goals identified during the 2019 Harwood Community Economic Development Plan consultation. In line with the successful Riverside Precinct Plans for Ulmarra, Grafton and Maclean, the HRVP Plan would be used opportunistically to gain funding for implementation.

The HRVP Plan seeks to:

- configure the streetscape such that human scale is achieved
- ensure diversity of public uses and activities
- expand options for pedestrian river access

- be assessable to a diverse range of locals and visitors
- be responsive to the characteristics of the land and the heritage significance of Harwood
- present a development that is creative, innovative and consistent with good ecological sustainability principles
- reflect the Clarence River Way themes
- facilitate investment in heritage and waterfront orientated development and marina
- create linkages between the pontoon, river front parks, the village commercial centre and the cricket oval
- offer solutions that denote a sense of arrival to the village
- safeguard Harwood as a place of character and quality, creating both tourism asset and a boost to the village's amenity

KEY ISSUES

It should be noted that the draft HRVP Plan is a concept plan, issues relating to developing and access to private lands and Native Title will be addressed at the time of detailed design and development applications. Similar to the Maclean Riverside Precinct Plan, the main focus is on land controlled or owned by council thus a key driving principle is to ensure the delivery of the ultimate desired outcome, can be achieved in stages and is not reliant on any particular stage or stakeholder for its successful implementation.

COUNCIL IMPLICATIONS

Budget/Financial

Opportunity exists, during preparation of the 2021/2022 budget to allocate funds for detailed design and implementation.

Asset Management

The plan proposes changed use of current Council assets.

Policy or Regulation

N/A

Consultation

The goals and expectations of the Harwood Community were important in the development of the HRVP Plan. These were identified in the wide community consultation which occurred as part of the Harwood Community Economic Development Plan. Over 50 people attended two workshops which took place in August and September 2019.

In developing the Harwood Riverside & Village Precinct concept plans, CLOUSTONS conducted a site visit and undertook preliminary consultations and conversations with the community. To determine if the community's aspirations had been interpreted correctly, a community drop in session was held in Harwood on 5 August 2020 at the RSL Hall which was attended by over 20 residents. A Council project team workshop was held on 5 August 2020; in attendance were key Council staff from Planning, Community and Industry Engagement, Open Spaces, Water Cycle, Civil Services and Community Services.

First Nations people participated in this community consultation. An online meeting was held with the Traditional Owners group and they were sent copies of the draft Plan.

Telephone interviews and email correspondence were conducted with Crown Lands, Fisheries, RMS, Sunshine Sugar (no response), Harwood Marine and Destination North Coast.

Public Exhibition Submissions

The HRVP Plan was on public exhibition for 4 (four) weeks from Wednesday 25 November – Wednesday 23 December 2020.

- The exhibition period was advertised in Council's email NOTICEBOARD, Facebook page (and shared through Harwood Community pages) and through email databases (this includes a database of Harwood residents who attended the community consultation events).
- Hard copies of the plan were also given to Traditional Owners by the General Manager.
- Hard copies of the draft plan were available at our Customer Service Centres in Maclean and at the Harwood Hotel. The Harwood community received an additional 30 hard copies for distribution.
- The plan was also displayed on Council's website for the entire exhibition period.
- The submission page on the website was viewed 230 times by 200 unique users.

A total of four written submissions were received and a summary of those along with recommended actions are attached. All submissions were positive and reflected things that will be considered during the detailed design phase.

Part of the feedback from submissions relates to the Beardmore Tug that is stored in a shed on land owned by NSW Sugar Cooperative. The Tug is currently sitting on the ground and as a result the timber hull is deteriorating. There is no reference to the Beardmore Tug in the current village precinct plan.

The Tug used to tow cane barges like the one in Ferry Park. Council has previously resolved to relocate the Ferry Park cane barge to the Lawrence Museum to form part of a Maritime Museum display with other vessels that the Lawrence Museum have. The Lawrence Museum have expressed the need to restore and co-locate both the Beardmore Tug and cane barge in the one location as they are connected and integral to the former transport of cane. The Lawrence Museum have space and land available for the relocation and display.

The Beardmore Tug however has been bequeathed to the Maclean Museum and discussions are currently planned to be held with the Museum in February to discuss its future including co-locating with the cane barge. At the time of writing of the report discussions with the Maclean Museum have not been held.

Legal and Risk Management

There is minimal risk in adopting the recommendation of this report. Concept plans present a realistic basis for future grant funding.

Climate Change

N/A

Prepared by	Elizabeth Fairweather, Coordinator – Community & Industry Engagement
To be tabled	A. Harwood Riverside & Village Precinct Plan Public Exhibition Feedback B. Harwood Riverside & Village Precinct Plan Issue E

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

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

SUMMARY

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

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

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

OFFICER RECOMMENDATION

That Council:

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

COMMITTEE RECOMMENDATION

Lysaught/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.008

Ellem/Kingsley

That Council:

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

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

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

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

The QBRS includes:

Attachments

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

Other Matters:

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

KEY ISSUES

QUARTERLY BUDGET REVIEW

The report table below includes proposed budget variations for the month of December to be considered for inclusion in the 2020/21 budget. The mechanism for reporting the actual variation is this Quarterly Budget Review Statement (QBRS) in compliance with Clause 203 of the Local Government (General) Regulation 2005.

Major Budget Variations Proposed

Following is a list of the major proposed variations for the month of December 2020.

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
201	Service – Corporate & Governance Sub-Service – Recovery & Resilience Planning <ul style="list-style-type: none"> Allocate Create NSW Grant to Live & Local Music Program (\$3,000) 	\$Nil	\$Nil	N/A
	<ul style="list-style-type: none"> Recovery & Resilience activities to be funded from RA 80001 (\$160,000): <ul style="list-style-type: none"> ➤ Preparation of Climate Change Impact Assessment Statement, ➤ Community Recovery Planning, ➤ Community Capacity Building Forums and preparation of Web Content ➤ Raise Awareness of Biodiversity in partnership with Clarence Valley Schools 	\$Nil	\$160,000	N/A
215	Service – Finance & Supply Sub-Service – General Purpose Revenue Management <ul style="list-style-type: none"> Adjustment to Financial Assistance Grant allocation 	(\$198,884)	\$NIL	N/A
232	Service – Governance & Business Improvement Sub-Service – Business Improvement <ul style="list-style-type: none"> Return operating funds to General Funds from Business Improvements project to fund Capital purchase of 2 x Defibrillators . 	(\$3,100)	\$Nil	N/A
234	Service – People, Culture, Risk & Safety Sub-Service – Safety & Risk <ul style="list-style-type: none"> Fund the purchase of two defibrillators for use at Rushforth Road Works and Townsend Depots. 	\$3,100	\$Nil	N/A
303	Service – Works and Civil Management Sub-Service – Emergency Services <ul style="list-style-type: none"> Fund RFS Multi-purpose vehicle purchase from insurance funds held in RA 10011. 	\$Nil	\$60,000	N/A
311	Service – Roads Infrastructure Sub-Service – Local Roads <ul style="list-style-type: none"> Allocate Bushfire Waste Disposal & Road Dilapidation contribution to Surface Maintenance (\$6,849). 	\$Nil	\$Nil	N/A
341	Service – Parks & Open Spaces Sub-Service – Parks & Reserves <ul style="list-style-type: none"> Reduce funding from RA 79000 and increase funding from General Fund to align with Surf Life Saving Contracts. 	\$75,314	(17,150)	6e.20.016

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
	<ul style="list-style-type: none"> Allocate Showground Stimulus Funding Round 2 Grant to Clydesdale Pavilion Extension (\$98,146), additional third party contributions from partner organisations (\$13,000) and Council matching funds from RA 11035 (\$5,000) 	\$Nil	\$5,000	N/A
342	<p>Service – Natural Resource Management Sub-Service – Natural Resource Management</p> <ul style="list-style-type: none"> Allocate Local Land Services W2 Strategic Weed Control Grant to fund Strategic Weed Control (\$142,550). Increase NSW RFS Hazard Reduction Funding to align with 20/21 Agreement (\$40,200) and adjust expenditure to align to approved program. 	\$Nil \$18,338	\$Nil \$Nil	N/A N/A
391	<p>Service – Watercycle Sub-Service – Water Operations</p> <ul style="list-style-type: none"> Fund the 19/20 Essential Energy Nymboida Service Agreement from RA 79010. Fund the Nymboida Tunnel Trash Rack from RA 79010. 	\$Nil \$Nil	\$135,307 \$72,500	N/A N/A
410	<p>Service – Community Development Sub-Service – Community Development</p> <ul style="list-style-type: none"> Allocate the NSW Office of Community Youth Week Grant to Youth Week activities (\$2,659). 	\$Nil	\$Nil	N/A
422	<p>Service – Cultural Services Sub-Service – Regional Gallery</p> <ul style="list-style-type: none"> Allocate the 20/21 Arts & Cultural Funding Program Grant to Capturing the Magic of the Clarence - Regional Gallery Opening 2021(\$36,700). Return funds to General Fund from the Prentice House Roof Safety System as no longer required. Allocate Yulgilbar Foundation contribution to the Grafton Regional Gallery for additional exhibitions and associated cultural and educational outreach programs and activities (\$100,000). Allocate Festival of Place – Summer Fund Grant to Grafton Regional Gallery (\$10,000) 	\$Nil (\$20,000) \$Nil \$Nil	\$Nil \$Nil \$Nil \$Nil	N/A N/A N/A N/A
423	<p>Service – Cultural Services Sub-Service – Museums</p> <ul style="list-style-type: none"> Adjust Museum Advisor Program to align with 2021 funding: 	(\$5,200)	\$3,330	N/A

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
	<ul style="list-style-type: none"> ➤ Allocate Museum Advisor Program 2021 (calendar) Grant (\$10,000) and matching CVC contribution (\$7,000) with \$5,000 transferred to New 2021 RA for the July-December 2021 period. ➤ Return funds to General Fund from Museum Advisor Program 2019 as no longer required (\$12,200) ➤ Fund additional programs for Museum Services from prior year surpluses as approved by Museums & Galleries of NSW from the following reserves: RA 10682 \$2,428 RA 89220 \$3,737 RA 10683 \$2,165 			
443	Service – Environment, Development & Strategic Planning Sub-Service – Strategic Planning <ul style="list-style-type: none"> • Engage a consultant to prepare a Rural Land Management Strategy 	\$90,000	\$Nil	N/A
	TOTAL Proposed General Fund / Reserve Balance Impact	(\$40,432)	\$418,987	

COUNCIL IMPLICATIONS

Budget/Financial

The table below summarises the General Fund budget variations endorsed during the quarter (Minutes 6c.20.171 October and 6c.20.183 November) and the impact on the overall projected result.

The proposed General Fund budget variations for the December 2020 Quarter will result in a Revised 2020/21 Budget as at 31 December 2020 of a \$18,178 Deficit. The approved Reserve Funds variations for the December 2020 Quarter has resulted in a Revised 2020/21 Budget Reserve Funds movement as at 31 December 2020 of a \$24,727,957 reduction.

December 2020 Quarter Budget Variations	Council Minutes Actioned	Budget Review Variations	Total Quarterly Variations	Net Impact	Council Minute Reference
October	\$0	(\$13,364)	(\$13,364)	Surplus	6c.20.171
November	\$0	\$71,974	\$71,974	Deficit	6c.20.183
December Proposed	\$75,314	(\$115,746)	(\$40,432)	Surplus	
Total	\$75,314	(\$57,136)	\$18,178	Deficit	

Original Adopted Budget				(\$335,373)	Surplus
September Quarter Variations	Proposed	\$364,588	(\$3,102)	\$361,486	Deficit
December Quarter Variations	Proposed	\$75,314	(\$57,136)	\$18,178	Deficit
Revised Budget as at 31 December 2020				\$44,291	Deficit

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

December 2020 Quarter Reserve Funds Variations	Council Minutes Actioned	Budget Review Variations	Total Quarterly Variations	Net Impact	Council Minute Reference
October	\$35,000	\$972,012	\$1,007,012	Decrease	6c.20.171
November	\$1,876,641	\$283,348	\$2,159,989	Decrease	6c.20.183
December Proposed	(\$17,150)	\$436,137	\$418,987	Decrease	
Total	\$1,894,491	\$1,691,497	\$3,585,988	Decrease	

Original Adopted Budget Reserve Funds Movement				\$3,679,256	Decrease
September Quarter Variations	Proposed	(\$50,000)	\$17,515,797	\$17,465,797	Decrease
December Quarter Variations	Proposed	\$1,894,491	\$1,691,497	\$3,585,988	Decrease
Revised Reserve Movement Budget as at 31 December 2020				\$24,731,041	Decrease

CAPITAL BUDGET REVIEW

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

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

IMPROVEMENT STRATEGIES

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

KEY PERFORMANCE INDICATORS

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

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

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

Asset Management

N/A

Policy or Regulation

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

Consultation

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

Legal and Risk Management

N/A

Climate Change

N/A

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

Explanation of Attachment

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

- Accruals for depreciation, staff entitlements and Reserve interest which are currently calculated and adjusted only at year end.

The Quarterly Budget Review Statements, and subsequently the monthly financial income and expenditure statements, are presented in a new structure following the review of the Financial Chart to meet the needs of the Enterprise Asset Management System and Works Program currently being implemented and to better meet the direction that the organisation is taking in relation to the delivery of the Integrated Planning and Reporting Framework, and specifically the Operational Plan from 2021/22.

Appendix 1**Report by Responsible Accounting Officer – 2020/21 December Quarter Budget Review**

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

It is my opinion that the Quarterly Budget Review Statement for Clarence Valley Council for the quarter ended 31 December 2021 indicates that Council's projected short term financial position at 30 June 2021 will be satisfactory, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

The available working capital for Council's General Fund as at 30 June 2020 was \$6.711m.

For clarification, the available working capital is regarded as funds that are currently not restricted for any use by Council for either internal or external purposes. In summary, the estimated balance of available working capital as at 30 June 2021 is as follows:

Estimated Balance of Working Capital	Amount \$'000
General Fund working capital as at 30 June 2020	\$6,711
Plus Adopted original budget for 2020/21 – Surplus	(\$335)
Less Variations for September 2020 Quarterly Review – Deficit	\$361
Less Variations for December 2020 Quarterly Review – Deficit	\$18
Estimated Balance of Working Capital at 30 June 2021	\$6,667

Council's adopted benchmark goal for the General Fund working capital is for it to be maintained above \$4M. The estimated balance of the working capital for General Fund at 30 June 2021 of \$6.667M is above Council's benchmark and can be considered a satisfactory result as at 30 June 2021. However, Council must continue to maximise its revenue and contain expenditure to budget expectations to ensure the forecast Working Capital for 2020/21 does not deteriorate to unsatisfactory level.

Signed Michael Salvestro, Responsible Accounting Officer, Clarence Valley Council
Date 05/02/2021

ITEM 6c.21.009 MONTHLY INVESTMENT REPORT – NOVEMBER 2020

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

SUMMARY

The purpose of this report is to inform Council of the details of Council's investment funds as at the end of each month. The November 2020 report is being re-tabled at the February 2021 Council meeting as there was no Council resolution to receive and note the report at the December 2020 Council meeting (Item 6c.20.194).

OFFICER RECOMMENDATION

That the report indicating Council's funds investment position as at 30 November 2020 be received and noted.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Toms, Simmons

Against: Ellem

COUNCIL RESOLUTION – 6c.21.009

Lysaught/Baker

That the report indicating Council's funds investment position as at 30 November 2020 be received and noted.

Voting recorded as follows:

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

Against: Clancy, Ellem

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

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

KEY ISSUES**Source of Funds Invested**

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

Based on the audited 30 June 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%
		Other (refer attachment for further detail)	5.73%
	65.40%		34.60%
		Total External & Internal Reserves	100.00%

Portfolio Credit Limits

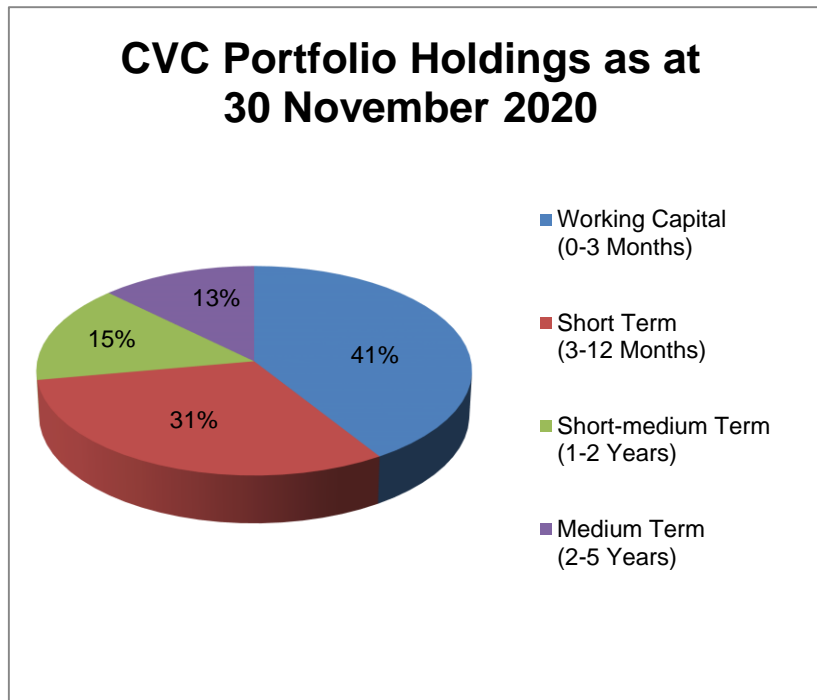
Tabled below is a summary of Council's investments as at 30 November 2020 which details compliance with Council's Investment Policy Portfolio Credit Limits.

Portfolio Credit Limits as at 30 November 2020				
Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
AAA	100.00%	4,990,059	3.83%	Yes
AA	100.00%	45,557,487	34.93%	Yes
A	60.00%	29,250,000	22.43%	Yes
BBB	50.00%	50,624,546	38.82%	Yes
TOTAL INVESTMENTS		130,422,092	100.00%	

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

Portfolio Holdings by Maturity

Illustrated and tabled below is a summary of Council's investments by maturity as at 30 November 2020. Excluding "at-call" working capital, 39.10% of Council's investments are maturing within the next twelve months.



Individual Institution or Counterparty Limits

Tabled below is a summary of Council's investments as at 30 November 2020 which details compliance with Council's Investment Policy Counterparty Limits.

Individual Institution or Counterparty Limits as at 30 November 2020					
Financial Institution	Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
TERM DEPOSITS & FRNs*					
AMP	BBB	15.00%	8,000,000	6.13%	No
ANZ*	AA-	30.00%	2,057,822	1.58%	Yes
BoQ	BBB+	15.00%	16,000,000	12.27%	Yes
CBA	AA-	30.00%	3,000,000	2.30%	Yes
CBA*	AA-	30.00%	2,048,320	1.57%	Yes
Defence	BBB	15.00%	8,000,000	6.13%	Yes
ING Direct	A	15.00%	15,000,000	11.50%	Yes
Macquarie	A	15.00%	6,000,000	4.60%	Yes
ME Bank	BBB	15.00%	2,000,000	1.53%	Yes
NAB	AA-	30.00%	4,000,000	3.07%	Yes
NAB*			1,015,123	0.78%	
P&N	BBB	15.00%	3,000,000	2.30%	Yes
RaboDirect	A+	15.00%	9,000,000	6.90%	Yes
Westpac	AA-	30.00%	7,000,000	5.37%	Yes
Westpac*	AA-		1,549,465	1.19%	
TOTAL TERM DEPOSITS & FRNs*			87,670,730	67.22%	
MANAGED FUNDS					
TCorp	AAA	40.00%	490,059	0.38%	Yes
TOTAL MANAGED FUNDS			490,059	0.38%	
FUNDS AT CALL					
AMP	BBB	15.00%	15,318,538	11.75%	No
AMP	BBB	15.00%	1,056,008	0.81%	No
ANZ	AA-	30.00%	3,787,190	2.90%	Yes
CBA	AA-	30.00%	22,038,367	16.90%	Yes
CBA	AA-	30.00%	61,200	0.05%	Yes
TOTAL FUNDS AT CALL			42,261,303	32.40%	
TOTAL INVESTMENTS			130,422,092	100.00%	

Note: Whilst AMP shows non-compliance with the current investment policy, at the time of investing funds, this was within the approved limit. Variations in the balance of the cash at-call accounts directly affect the total investment percentage for each ADI. This balance has been rectified in December 2020.

Register of Investments - Clarence Valley Council as at 30 November 2020					
Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
WORKING CAPITAL (0-3 MONTHS)					
T-CorpIM Cash Fund	490,059	0.38%	At-Call	0.60%	AAA
AMP Bank Ltd	15,318,538	11.75%	At-Call	0.95%	BBB
AMP Bank Ltd	1,056,008	0.81%	At-Call	0.55%	BBB
ANZ Banking Group Ltd	3,787,190	2.90%	At-Call	0.40%	AA-
Commonwealth Bank of Australia	22,038,367	16.90%	At-Call	0.00%	AA-
Commonwealth Bank of Australia	61,200	0.05%	At-Call	0.05%	AA-
Bank Of Queensland Ltd	1,000,000	0.77%	02/12/2020	3.60%	BBB+
Bank Of Queensland Ltd	2,000,000	1.53%	12/01/2021	3.65%	BBB+
Defence Bank	2,000,000	1.53%	17/12/2020	3.00%	BBB
ING	2,000,000	1.53%	03/02/2021	1.65%	A
Macquarie Bank Ltd	3,000,000	2.30%	16/12/2020	1.65%	A
TOTAL WORKING CAPITAL (0-3 MONTHS)	52,751,362	40.45%		0.80%	
SHORT TERM (3-12 MONTHS)					
AMP Bank Ltd	3,000,000	2.30%	05/03/2021	1.45%	BBB
AMP Bank Ltd	2,000,000	1.53%	17/05/2021	0.70%	BBB
AMP Bank Ltd	1,000,000	0.77%	31/08/2021	0.80%	BBB
Bank Of Queensland Ltd	2,000,000	1.53%	04/06/2021	1.15%	BBB+
Bank Of Queensland Ltd	1,000,000	0.77%	29/06/2021	3.45%	BBB+
Bank Of Queensland Ltd	1,000,000	0.77%	06/07/2021	0.95%	BBB+
Bank Of Queensland Ltd	2,000,000	1.53%	08/07/2021	0.95%	BBB+
Commonwealth Bank of Australia (Green Deposit)	3,000,000	2.30%	12/11/2021	0.55%	AA-
Defence Bank	2,000,000	1.53%	04/03/2021	1.50%	BBB
Defence Bank	2,000,000	1.53%	09/03/2021	3.00%	BBB
ING	2,000,000	1.53%	02/03/2021	1.60%	A
ING	2,000,000	1.53%	29/11/2021	1.55%	A
Macquarie Bank Ltd	3,000,000	2.30%	11/05/2021	1.30%	A
ME Bank Ltd	2,000,000	1.53%	07/05/2021	1.35%	BBB
National Australia Bank	2,000,000	1.53%	11/08/2021	0.85%	AA-
National Australia Bank	2,000,000	1.53%	10/09/2021	0.75%	AA-
P&N Bank	3,000,000	2.30%	11/03/2021	3.82%	BBB
RaboDirect (Australia) Ltd	2,000,000	1.53%	14/06/2021	3.02%	A+
RaboDirect (Australia) Ltd	1,000,000	0.77%	21/06/2021	3.07%	A+
Westpac Bank	2,000,000	1.53%	05/03/2021	3.00%	AA-
Westpac Bank	1,000,000	0.77%	16/11/2021	1.22%	AA-
TOTAL SHORT TERM (3-12 MONTHS)	41,000,000	31.44%		1.70%	
SHORT - MEDIUM TERM (1-2 YEARS)					
AMP Bank Ltd	2,000,000	1.53%	02/12/2021	1.60%	BBB
Bank Of Queensland Ltd	1,000,000	0.77%	02/12/2021	3.80%	BBB+
Bank Of Queensland Ltd	1,000,000	0.77%	09/05/2022	3.60%	BBB+
Bank Of Queensland Ltd	1,000,000	0.77%	03/08/2022	3.60%	BBB+
Defence Bank	2,000,000	1.53%	21/11/2022	0.62%	BBB
ING	3,000,000	2.30%	11/02/2022	1.60%	A
ING	2,000,000	1.53%	21/02/2022	1.60%	A
ING	3,000,000	2.30%	21/02/2022	1.60%	A
ING	1,000,000	0.77%	04/10/2022	3.66%	A
RaboDirect (Australia) Ltd	2,000,000	1.53%	13/09/2022	3.40%	A+
Westpac Bank	2,000,000	1.53%	18/07/2022	1.13%	AA-
TOTAL SHORT-MEDIUM TERM (1-2 YEARS)	20,000,000	15.33%		2.05%	

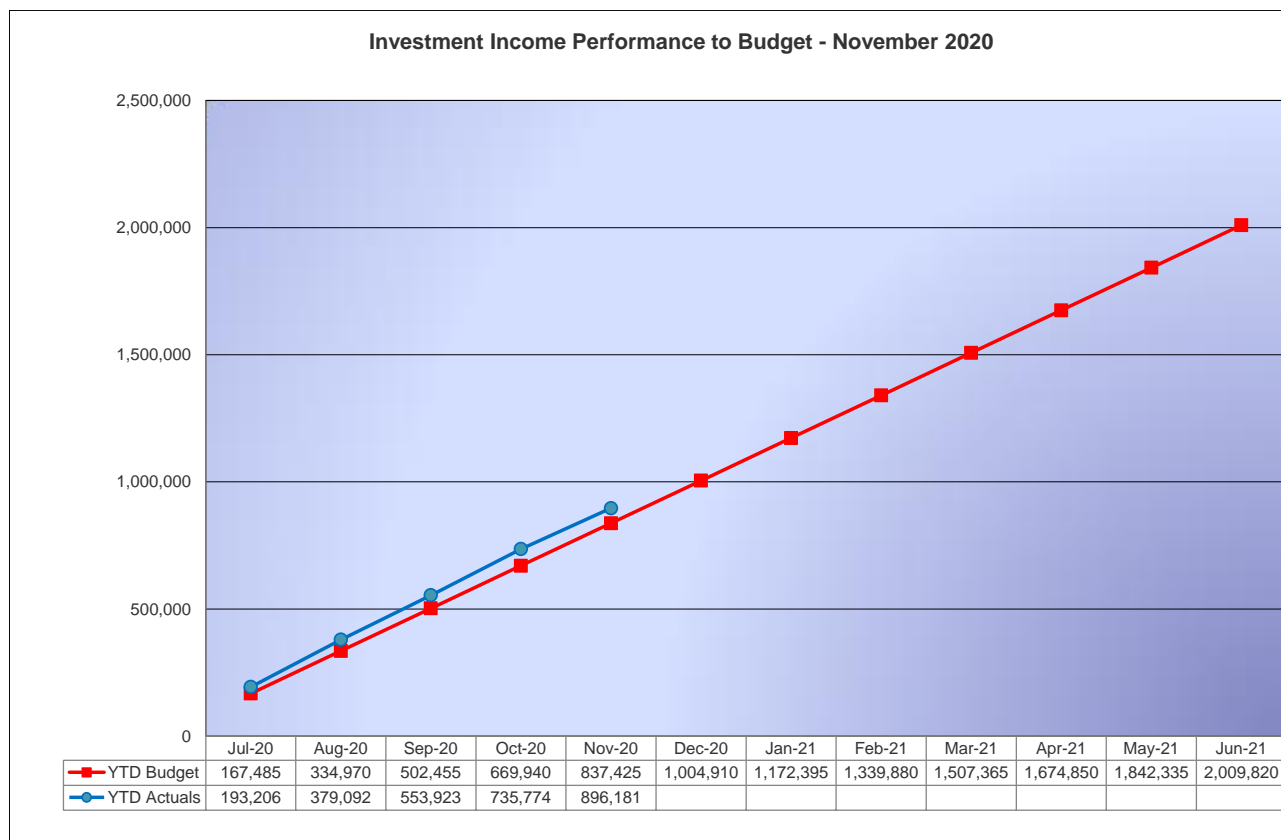
Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
MEDIUM TERM (2-5 YEARS)					
Bank Of Queensland Ltd	2,000,000	1.53%	08/02/2023	3.55%	BBB+
Bank Of Queensland Ltd	2,000,000	1.53%	21/08/2023	3.60%	BBB+
RaboDirect (Australia) Ltd	1,000,000	0.77%	05/12/2022	3.21%	A+
RaboDirect (Australia) Ltd	1,000,000	0.77%	17/08/2023	3.40%	A+
RaboDirect (Australia) Ltd	2,000,000	1.53%	19/09/2023	3.40%	A+
Westpac Bank	2,000,000	1.53%	13/03/2023	1.01%	AA-
ANZ Banking Group Ltd (3m BBSW +103bps) (Principal Value \$2,000,000) Market Value	2,057,822	1.58%	06/12/2023	1.12%	AA-
Commonwealth Bank (3m BBSW +80bps) (Principal Value \$1,000,000) Market Value	1,016,845	0.78%	25/04/2023	0.90%	AA-
Commonwealth Bank (3m BBSW +113bps) (Principal Value \$1,000,000) Market Value	1,031,475	0.79%	11/01/2024	1.24%	AA-
National Australia Bank (3m BBSW +80bps) (Principal Value \$1,000,000) Market Value	1,015,123	0.78%	10/02/2023	0.90%	AA-
Westpac Bank (3m BBSW +114bps) (Principal Value \$1,500,000) Market Value	1,549,465	1.19%	24/04/2024	1.24%	AA-
TOTAL MEDIUM TERM (2-5 YEARS)	16,670,730	12.78%		2.22%	
TOTAL INVESTMENTS	130,422,092	100.00%		1.46%	

COUNCIL IMPLICATIONS

Budget/Financial

Portfolio Investment Returns to 30 November 2020			
	Actual	Budget 2020/21	Over/(Under)
This Month			
Cash Deposits & FRNs	\$160,160	\$167,235	(\$7,075)
Managed Funds	\$247	\$250	(\$3)
	\$160,407	\$167,485	(\$7,078)
Year to Date			
Cash Deposits & FRNs	\$894,836	\$836,175	\$58,661
Managed Funds	\$1,345	\$1,250	\$95
	\$896,181	\$837,425	\$58,756

- Actual results have shown that total interest income to 30 November 2020 is \$0.058M above the 2020-21 YTD budget of \$0.837M.
- As at 30 November 2020 the Floating Rate Notes (FRNs) had an unrealised capital gain of \$160,759.

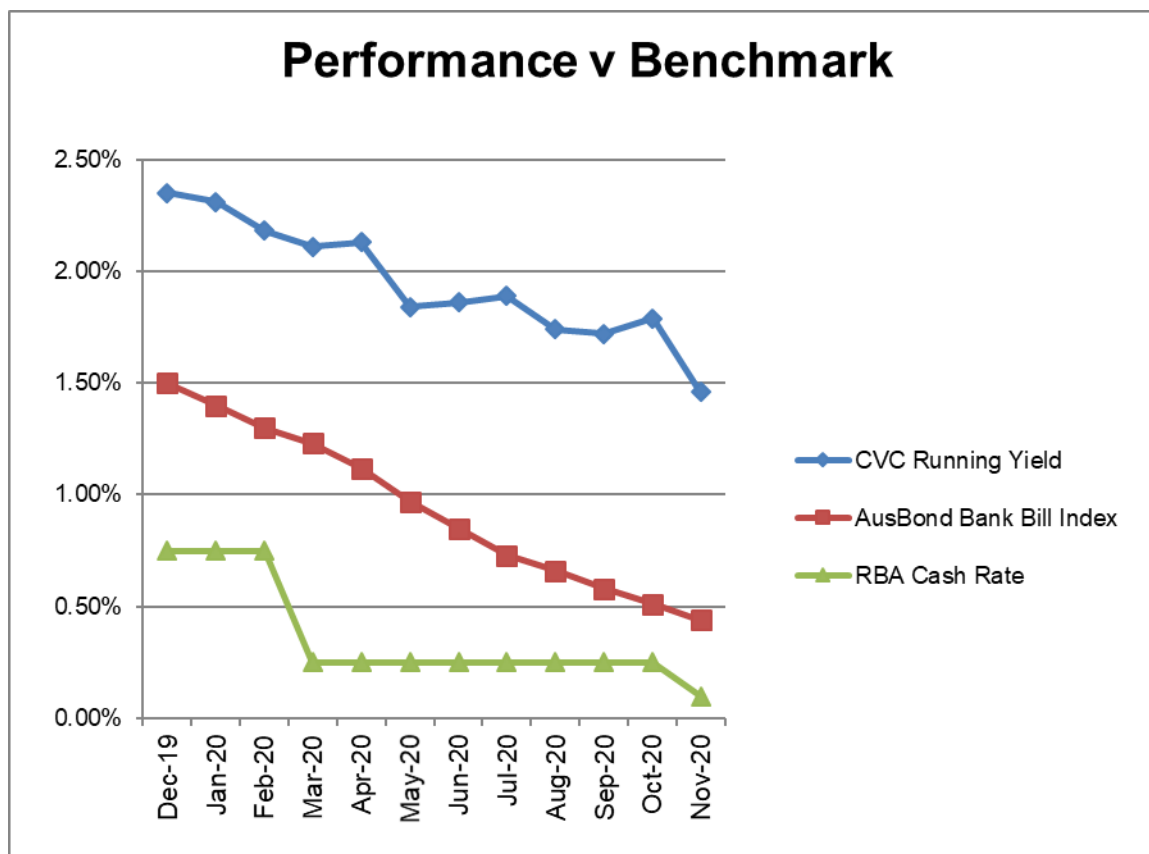


- Running yields* to 30 November 2020 have been:

AMP Business	0.55%
AMP 31 Day Notice	0.95%
ANZ Premium Business	0.40%
CBA General	0.00%
24hr Call Account	0.05%
T-CorpIM Cash Fund	0.60%
Floating Rate Notes	1.10%
Term Deposits	<u>2.04%</u>
Total	1.46%

*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 November was 0.10%. The benchmark AusBond Bank Bill Index was 0.44% for November. Note, the RBA cut the cash rate by 15bps to 0.10% at its meeting on 04 November 2020.
- The current running yield of the total investment portfolio remains at elevated levels above the cash rate. At month-end, it stood at +1.46% (October 1.79%).



The following investments were transacted during November:

- CUA \$2.0m TD matured 4/11/2020, redeemed
- ME Bank \$2.0m TD matured 6/11/2020, redeemed
- ING \$1.0m TD matured 10/11/20, redeemed
- ING \$2.0m TD matured 13/11/20, redeemed
- New CBA (Green) TD \$3.0m - invested at 0.55% for 1 year – matures 12/11/2021
- AMP \$2.0m TD matured 16/11/20 – reinvested at 0.70% for 182 days – matures 17/5/2021
- Defence Bank \$2.0m TD matured 20/11/20 – reinvested at 0.62% for 2 years – matures 21/11/2022

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 – November 2020

ITEM 6c.21.010 MONTHLY INVESTMENT REPORT – DECEMBER 2020

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

SUMMARY

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

OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Toms, Simmons

Against: Ellem

COUNCIL RESOLUTION – 6c.21.010

Lysaught/Baker

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

Voting recorded as follows:

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

Against: Ellem, Clancy

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

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

KEY ISSUES**Source of Funds Invested**

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

Based on the audited 30 June 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%
		Other (refer attachment for further detail)	5.73%
	65.40%		34.60%
		Total External & Internal Reserves	100.00%

Portfolio Credit Limits

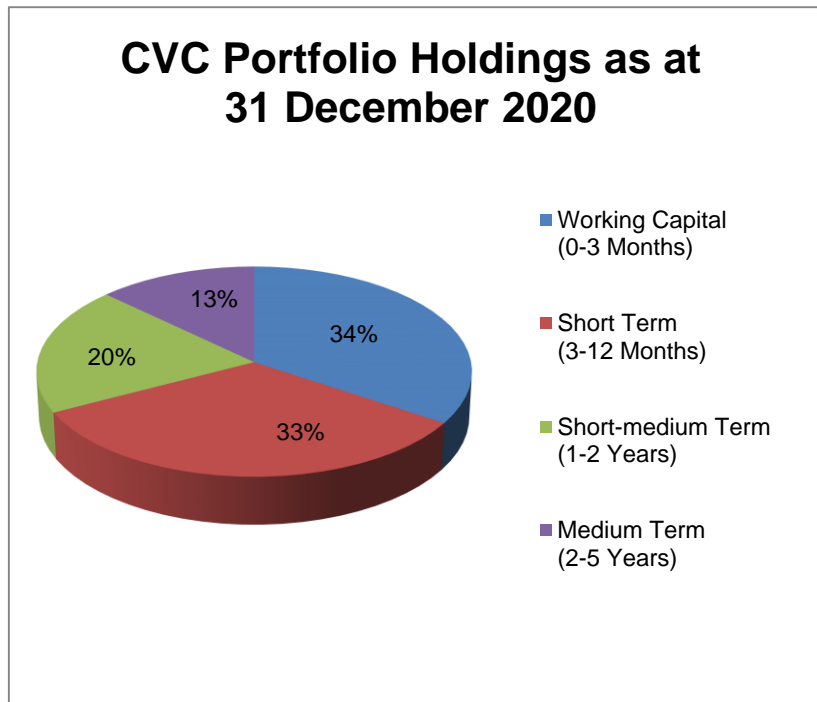
Tabled below is a summary of Council's investments as at 31 December 2020 which details compliance with Council's Investment Policy Portfolio Credit Limits.

Portfolio Credit Limits as at 31 December 2020				
Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
AAA	100.00%	4,990,140	4.11%	Yes
AA	100.00%	39,486,814	32.54%	Yes
A	60.00%	26,250,000	21.63%	Yes
BBB	50.00%	50,634,942	41.72%	Yes
TOTAL INVESTMENTS		121,361,896	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 31 December 2020. Excluding "at-call" working capital, 47.79% 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 31 December 2020 which details compliance with Council's Investment Policy Counterparty Limits.

Individual Institution or Counterparty Limits as at 31 December 2020					
Financial Institution	Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
TERM DEPOSITS & FRNs*					
AMP	BBB	15.00%	8,000,000	6.59%	Yes
ANZ*	AA-	30.00%	2,049,900	1.69%	Yes
BoQ	BBB+	15.00%	16,000,000	13.18%	Yes
Bendigo	BBB+	15.00%	3,000,000	2.47%	Yes
CBA	AA-	30.00%	3,000,000	2.47%	Yes
CBA*	AA-	30.00%	2,043,730	1.68%	Yes
Credit Union Australia	BBB	15.00%	2,000,000	1.65%	Yes
Defence	BBB	15.00%	10,000,000	8.24%	Yes
ING Direct	A	15.00%	15,000,000	12.36%	Yes
Macquarie	A	15.00%	3,000,000	2.47%	Yes
ME Bank	BBB	15.00%	2,000,000	1.65%	Yes
NAB	AA-	30.00%	10,000,000	8.24%	Yes
NAB*			1,014,630	0.84%	
P&N	BBB	15.00%	3,000,000	2.47%	Yes
RaboDirect	A+	15.00%	9,000,000	7.42%	Yes
Westpac	AA-	30.00%	7,000,000	5.77%	Yes
Westpac*	AA-		1,547,835	1.28%	
TOTAL TERM DEPOSITS & FRNs*			97,656,095	80.47%	
MANAGED FUNDS					
TCorp	AAA	40.00%	490,140	0.40%	Yes
TOTAL MANAGED FUNDS			490,140	0.40%	
FUNDS AT CALL					
AMP	BBB	15.00%	8,328,486	6.86%	Yes
AMP	BBB	15.00%	1,056,456	0.87%	Yes
ANZ	AA-	30.00%	1,787,064	1.47%	Yes
CBA	AA-	30.00%	11,982,455	9.87%	Yes
CBA	AA-	30.00%	61,200	0.05%	Yes
TOTAL FUNDS AT CALL			23,215,661	19.13%	
TOTAL INVESTMENTS			121,361,896	100.00%	

Register of Investments - Clarence Valley Council as at 31 December 2020					
Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
WORKING CAPITAL (0-3 MONTHS)					
T-CorpIM Cash Fund	490,140	0.40%	At-Call	0.24%	AAA
AMP Bank Ltd	8,328,486	6.86%	At-Call	0.95%	BBB
AMP Bank Ltd	1,056,456	0.87%	At-Call	0.55%	BBB
ANZ Banking Group Ltd	1,787,064	1.47%	At-Call	0.05%	AA-
Commonwealth Bank of Australia	11,982,455	9.87%	At-Call	0.00%	AA-
Commonwealth Bank of Australia	61,200	0.05%	At-Call	0.05%	AA-
AMP Bank Ltd	3,000,000	2.47%	05/03/2021	1.45%	BBB
Bank Of Queensland Ltd	2,000,000	1.65%	12/01/2021	3.65%	BBB+
Defence Bank	2,000,000	1.65%	04/03/2021	1.50%	BBB
Defence Bank	2,000,000	1.65%	09/03/2021	3.00%	BBB
ING	2,000,000	1.65%	03/02/2021	1.65%	A
ING	2,000,000	1.65%	02/03/2021	1.60%	A
P&N Bank	3,000,000	2.47%	11/03/2021	3.82%	BBB
Westpac Bank	2,000,000	1.65%	05/03/2021	3.00%	AA-
TOTAL WORKING CAPITAL (0-3 MONTHS)	41,705,801	34.36%		1.28%	
SHORT TERM (3-12 MONTHS)					
AMP Bank Ltd	2,000,000	1.65%	17/05/2021	0.70%	BBB
AMP Bank Ltd	1,000,000	0.82%	31/08/2021	0.80%	BBB
AMP Bank Ltd	2,000,000	1.65%	02/12/2021	1.60%	BBB
Bank Of Queensland Ltd	2,000,000	1.65%	04/06/2021	1.15%	BBB+
Bank Of Queensland Ltd	1,000,000	0.82%	29/06/2021	3.45%	BBB+
Bank Of Queensland Ltd	1,000,000	0.82%	06/07/2021	0.95%	BBB+
Bank Of Queensland Ltd	2,000,000	1.65%	08/07/2021	0.95%	BBB+
Bank Of Queensland Ltd	1,000,000	0.82%	02/12/2021	3.80%	BBB+
Bank Of Queensland Ltd	1,000,000	0.82%	02/12/2021	0.54%	BBB+
Bendigo bank	3,000,000	2.47%	15/10/2021	0.45%	BBB+
Commonwealth Bank of Australia	3,000,000	2.47%	12/11/2021	0.55%	AA-
Credit Union Australia	2,000,000	1.65%	07/07/2021	0.50%	BBB
Defence Bank	2,000,000	1.65%	17/12/2021	0.50%	BBB
ING	2,000,000	1.65%	29/11/2021	1.55%	A
Macquarie Bank Ltd	3,000,000	2.47%	11/05/2021	1.30%	A
ME Bank Ltd	2,000,000	1.65%	07/05/2021	1.35%	BBB
National Australia Bank	2,000,000	1.65%	11/08/2021	0.85%	AA-
National Australia Bank	2,000,000	1.65%	10/09/2021	0.75%	AA-
National Australia Bank	2,000,000	1.65%	02/12/2021	0.50%	AA-
RaboDirect (Australia) Ltd	2,000,000	1.65%	14/06/2021	3.02%	A+
RaboDirect (Australia) Ltd	1,000,000	0.82%	21/06/2021	3.07%	A+
Westpac Bank	1,000,000	0.82%	16/11/2021	1.22%	AA-
TOTAL SHORT TERM (3-12 MONTHS)	40,000,000	32.96%		1.19%	

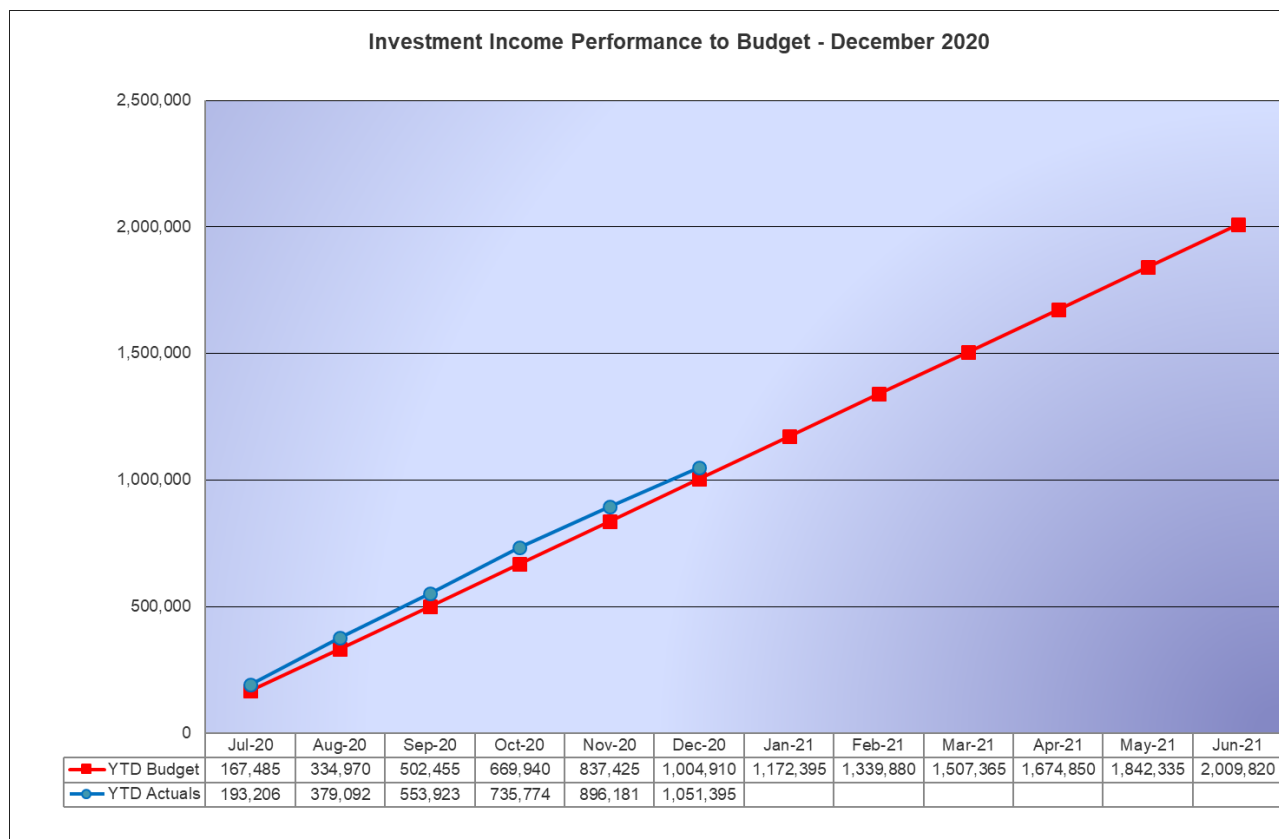
Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
SHORT - MEDIUM TERM (1-2 YEARS)					
Bank Of Queensland Ltd	1,000,000	0.82%	09/05/2022	3.60%	BBB+
Bank Of Queensland Ltd	1,000,000	0.82%	03/08/2022	3.60%	BBB+
Defence Bank	2,000,000	1.65%	21/11/2022	0.62%	BBB
Defence Bank	2,000,000	1.65%	02/12/2022	0.64%	BBB
ING	3,000,000	2.47%	11/02/2022	1.60%	A
ING	2,000,000	1.65%	21/02/2022	1.60%	A
ING	3,000,000	2.47%	21/02/2022	1.60%	A
ING	1,000,000	0.82%	04/10/2022	3.66%	A
National Australia Bank	2,000,000	1.65%	18/11/2022	0.60%	AA-
National Australia Bank	2,000,000	1.65%	01/12/2022	0.60%	AA-
RaboDirect (Australia) Ltd	2,000,000	1.65%	13/09/2022	3.40%	A+
RaboDirect (Australia) Ltd	1,000,000	0.82%	05/12/2022	3.21%	A+
Westpac Bank	2,000,000	1.65%	18/07/2022	1.13%	AA-
TOTAL SHORT-MEDIUM TERM (1-2 YEARS)	24,000,000	19.78%		1.70%	
MEDIUM TERM (2-5 YEARS)					
Bank Of Queensland Ltd	2,000,000	1.65%	08/02/2023	3.55%	BBB+
Bank Of Queensland Ltd	2,000,000	1.65%	21/08/2023	3.60%	BBB+
RaboDirect (Australia) Ltd	1,000,000	0.82%	17/08/2023	3.40%	A+
RaboDirect (Australia) Ltd	2,000,000	1.65%	19/09/2023	3.40%	A+
Westpac Bank	2,000,000	1.65%	13/03/2023	0.94%	AA-
ANZ Banking Group Ltd (3m BBSW +103bps) (Principal Value \$2,000,000) Market Value	2,049,900	1.69%	06/12/2023	1.12%	AA-
Commonwealth Bank (3m BBSW +80bps) (Principal Value \$1,000,000) Market Value	1,016,370	0.84%	25/04/2023	0.90%	AA-
Commonwealth Bank (3m BBSW +113bps) (Principal Value \$1,000,000) Market Value	1,027,360	0.85%	11/01/2024	1.24%	AA-
National Australia Bank (3m BBSW +80bps) (Principal Value \$1,000,000) Market Value	1,014,630	0.84%	10/02/2023	0.90%	AA-
Westpac Bank (3m BBSW +114bps) (Principal Value \$1,500,000) Market Value	1,547,835	1.28%	24/04/2024	1.24%	AA-
TOTAL MEDIUM TERM (2-5 YEARS)	15,656,095	12.90%		2.15%	
TOTAL INVESTMENTS	121,361,896	100.00%		1.45%	

COUNCIL IMPLICATIONS

Budget/Financial

Portfolio Investment Returns to 31 December 2020			
	Actual	Budget 2020/21	Over/(Under)
This Month			
Cash Deposits & FRNs	\$155,133	\$167,235	(\$12,102)
Managed Funds	\$81	\$250	(\$169)
	\$155,214	\$167,485	(\$12,271)
Year to Date			
Cash Deposits & FRNs	\$1,049,969	\$1,003,410	\$46,559
Managed Funds	\$1,426	\$1,500	(\$74)
	\$1,051,395	\$1,004,910	\$46,485

- Actual results have shown that total interest income to 31 December 2020 is \$0.046M above the 2020-21 YTD budget of \$1.00M.
- As at 31 December 2020 the Floating Rate Notes (FRNs) had an unrealised capital gain of \$146,544.

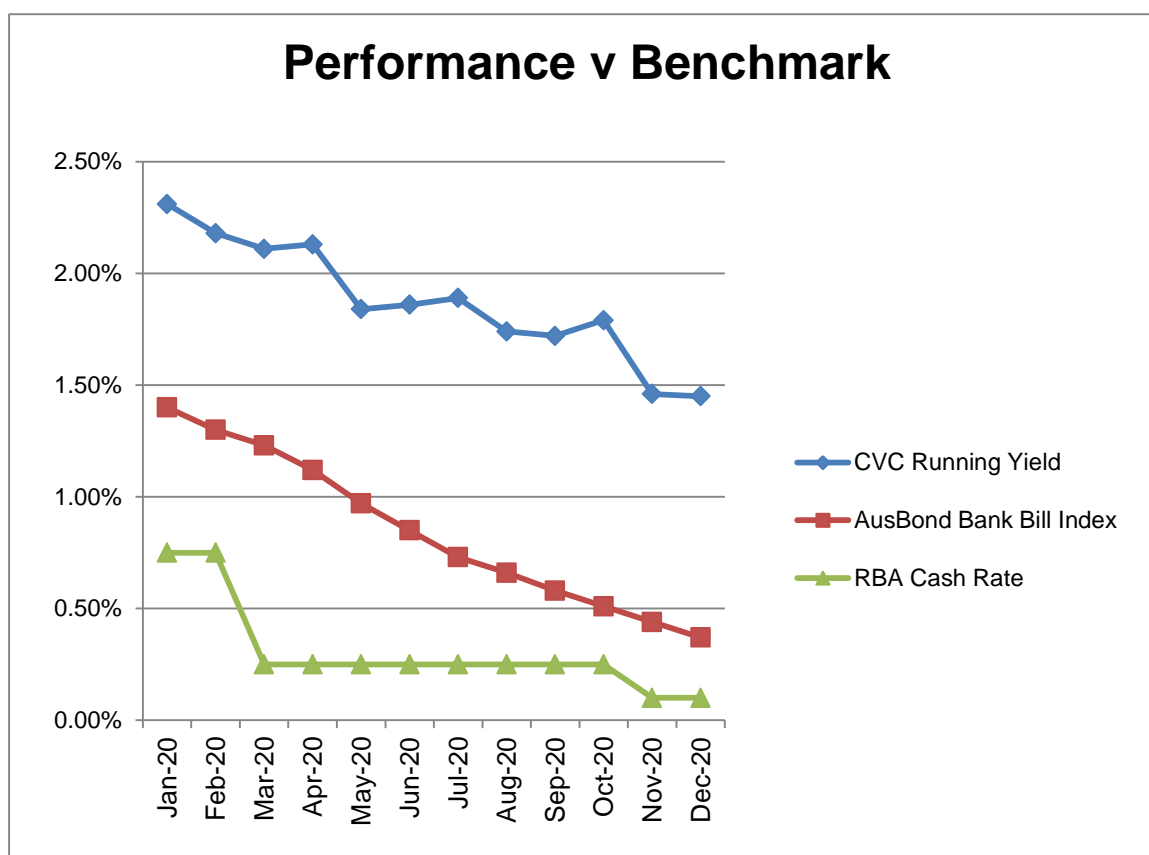


- Running yields* to 31 December 2020 have been:

AMP Business	0.55%
AMP 31 Day Notice	0.95%
ANZ Premium Business	0.05%
CBA General	0.00%
24hr Call Account	0.05%
T-CorpIM Cash Fund	0.24%
Floating Rate Notes	1.10%
Term Deposits	<u>1.75%</u>
Total	1.45%

*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 December was 0.10%. The benchmark AusBond Bank Bill Index was 0.37% for December.
- The current running yield of the total investment portfolio remains at elevated levels above the cash rate. At month-end, it stood at +1.45% (November 1.46%).



The following investments were transacted during December:

- BOQ \$1.0m TD matured 2/12/2020, reinvested for 1 year at 0.54% - matures 2/12/2021
- New NAB \$2.0m TD – invested 2/12/2020 at 0.60% for 716 days – matures 18/11/2022
- New NAB \$2.0m TD – invested 2/12/2020 at 0.50% for 1 year – matures 2/12/2021
- New NAB \$2.0m TD – invested 2/12/2020 at 0.60% for 729 days – matures 1/12/2022
- New Defence bank \$2.0m TD – invested 2/12/2020 at 0.64% for 730 days – matures 2/12/2022
- New CUA \$2.0m TD – invested 4/12/2020 at 0.50% for 7 months – matures 7/7/2021
- Macquarie Bank \$3.0m TD matured 16/12/2020, redeemed
- New Bendigo Bank \$2.0m TD - invested 16/12/2020 at 0.45% for 10 months – matures 15/10/2021
- Defence Bank \$2.0m TD matured 17/12/2020, reinvested for 1 year at 0.50% – matures 17/12/2021

Asset Management

N/A

Policy or Regulation

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

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

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

Prepared by	Kirsty Gooley – Acting Financial Accountant
Attachment	Movement of Funds Between Months – December 2020

ITEM 6c.21.011 MONTHLY INVESTMENT REPORT – JANUARY 2021

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

SUMMARY

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

OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Toms, Simmons

Against: Ellem

COUNCIL RESOLUTION – 6c.21.011

Lysaught/Baker

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

Voting recorded as follows:

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

Against: Ellem, Clancy

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

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

KEY ISSUES**Source of Funds Invested**

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

Based on the audited 30 June 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%
		Other (refer attachment for further detail)	5.73%
	65.40%		34.60%
		Total External & Internal Reserves	100.00%

Portfolio Credit Limits

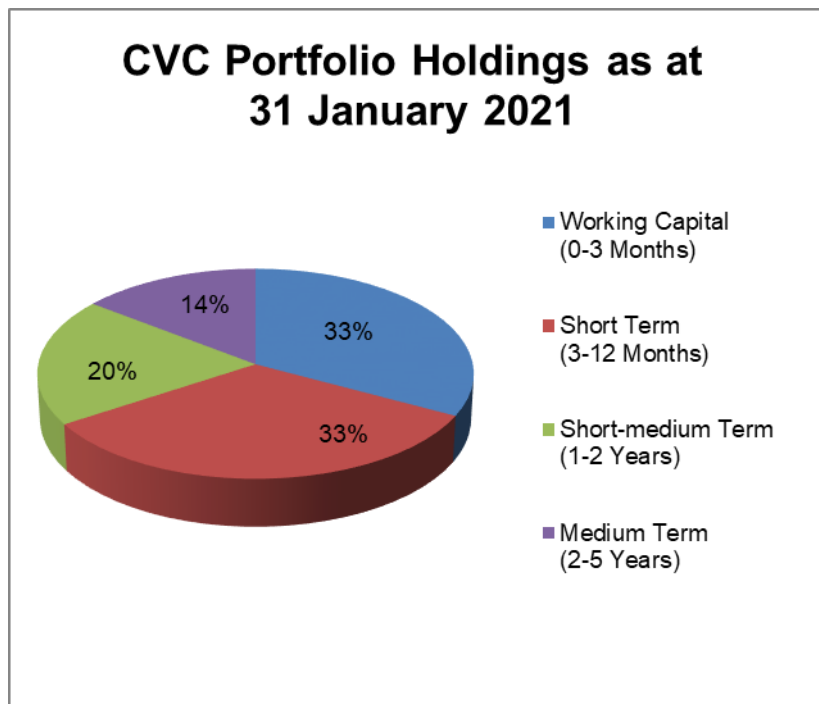
Tabled below is a summary of Council's investments as at 31 January 2021 which details compliance with Council's Investment Policy Portfolio Credit Limits.

Portfolio Credit Limits as at 31 January 2021				
Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
AAA	100.00%	4,990,176	4.06%	Yes
AA	100.00%	42,985,946	34.99%	Yes
A	60.00%	26,250,000	21.36%	Yes
BBB	50.00%	48,641,050	39.59%	Yes
TOTAL INVESTMENTS		122,867,172	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 31 January 2021. Excluding "at-call" working capital, 45.58% 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 31 January 2021 which details compliance with Council's Investment Policy Counterparty Limits.

Individual Institution or Counterparty Limits as at 31 January 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	6.51%	Yes
ANZ*	AA-	30.00%	2,052,144	1.67%	Yes
BoQ	BBB+	15.00%	14,000,000	11.39%	Yes
Bendigo	BBB+	15.00%	3,000,000	2.44%	Yes
CBA	AA-	30.00%	3,000,000	2.44%	Yes
CBA*	AA-	30.00%	2,042,952	1.66%	Yes
Credit Union Australia	BBB	15.00%	2,000,000	1.63%	Yes
Defence	BBB	15.00%	10,000,000	8.14%	Yes
ING Direct	A	15.00%	15,000,000	12.21%	Yes
Macquarie	A	15.00%	3,000,000	2.44%	Yes
ME Bank	BBB	15.00%	2,000,000	1.63%	Yes
NAB	AA-	30.00%	12,000,000	9.77%	Yes
NAB*			1,015,040	0.83%	
P&N	BBB	15.00%	3,000,000	2.44%	Yes
RaboDirect	A+	15.00%	9,000,000	7.32%	Yes
Westpac	AA-	30.00%	7,000,000	5.70%	Yes
Westpac*	AA-		1,544,810	1.26%	
TOTAL TERM DEPOSITS & FRNs*			97,654,946	79.48%	
MANAGED FUNDS					
TCorp	AAA	40.00%	490,176	0.40%	Yes
TOTAL MANAGED FUNDS			490,176	0.40%	
FUNDS AT CALL					
AMP	BBB	15.00%	8,334,145	6.78%	Yes
AMP	BBB	15.00%	1,056,905	0.86%	Yes
ANZ	AA-	30.00%	1,787,125	1.45%	Yes
CBA	AA-	30.00%	13,482,674	10.97%	Yes
CBA	AA-	30.00%	61,201	0.05%	Yes
TOTAL FUNDS AT CALL			24,722,050	20.12%	
TOTAL INVESTMENTS			122,867,172	100.00%	

Register of Investments - Clarence Valley Council as at 31 January 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	490,176	0.40%	At-Call	0.12%	AAA
AMP Bank Ltd	8,334,145	6.78%	At-Call	0.95%	BBB
AMP Bank Ltd	1,056,905	0.86%	At-Call	0.55%	BBB
ANZ Banking Group Ltd	1,787,125	1.45%	At-Call	0.05%	AA-
Commonwealth Bank of Australia	13,482,674	10.97%	At-Call	0.00%	AA-
Commonwealth Bank of Australia	61,201	0.05%	At-Call	0.05%	AA-
AMP Bank Ltd	3,000,000	2.44%	05/03/2021	1.45%	BBB
Defence Bank	2,000,000	1.63%	04/03/2021	1.50%	BBB
Defence Bank	2,000,000	1.63%	09/03/2021	3.00%	BBB
ING	2,000,000	1.63%	03/02/2021	1.65%	A
ING	2,000,000	1.63%	02/03/2021	1.60%	A
P&N Bank	3,000,000	2.44%	11/03/2021	3.82%	BBB
Westpac Bank	2,000,000	1.63%	05/03/2021	3.00%	AA-
TOTAL WORKING CAPITAL (0-3 MONTHS)	41,212,226	33.54%		1.12%	
SHORT TERM (3-12 MONTHS)					
AMP Bank Ltd	2,000,000	1.63%	17/05/2021	0.70%	BBB
AMP Bank Ltd	1,000,000	0.81%	31/08/2021	0.80%	BBB
AMP Bank Ltd	2,000,000	1.63%	02/12/2021	1.60%	BBB
Bank Of Queensland Ltd	2,000,000	1.63%	04/06/2021	1.15%	BBB+
Bank Of Queensland Ltd	1,000,000	0.81%	29/06/2021	3.45%	BBB+
Bank Of Queensland Ltd	1,000,000	0.81%	06/07/2021	0.95%	BBB+
Bank Of Queensland Ltd	2,000,000	1.63%	08/07/2021	0.95%	BBB+
Bank Of Queensland Ltd	1,000,000	0.81%	02/12/2021	3.80%	BBB+
Bank Of Queensland Ltd	1,000,000	0.81%	02/12/2021	0.54%	BBB+
Bendigo Bank	3,000,000	2.44%	15/10/2021	0.45%	BBB+
Commonwealth Bank of Australia	3,000,000	2.44%	12/11/2021	0.55%	AA-
Credit Union Australia	2,000,000	1.63%	07/07/2021	0.50%	BBB
Defence Bank	2,000,000	1.63%	17/12/2021	0.50%	BBB
ING	2,000,000	1.63%	29/11/2021	1.55%	A
Macquarie Bank Ltd	3,000,000	2.44%	11/05/2021	1.30%	A
ME Bank Ltd	2,000,000	1.63%	07/05/2021	1.35%	BBB
National Australia Bank	2,000,000	1.63%	11/08/2021	0.85%	AA-
National Australia Bank	2,000,000	1.63%	10/09/2021	0.75%	AA-
National Australia Bank	2,000,000	1.63%	02/12/2021	0.50%	AA-
RaboDirect (Australia) Ltd	2,000,000	1.63%	14/06/2021	3.02%	A+
RaboDirect (Australia) Ltd	1,000,000	0.81%	21/06/2021	3.07%	A+
Westpac Bank	1,000,000	0.81%	16/11/2021	1.22%	AA-
TOTAL SHORT TERM (3-12 MONTHS)	40,000,000	32.56%		1.19%	

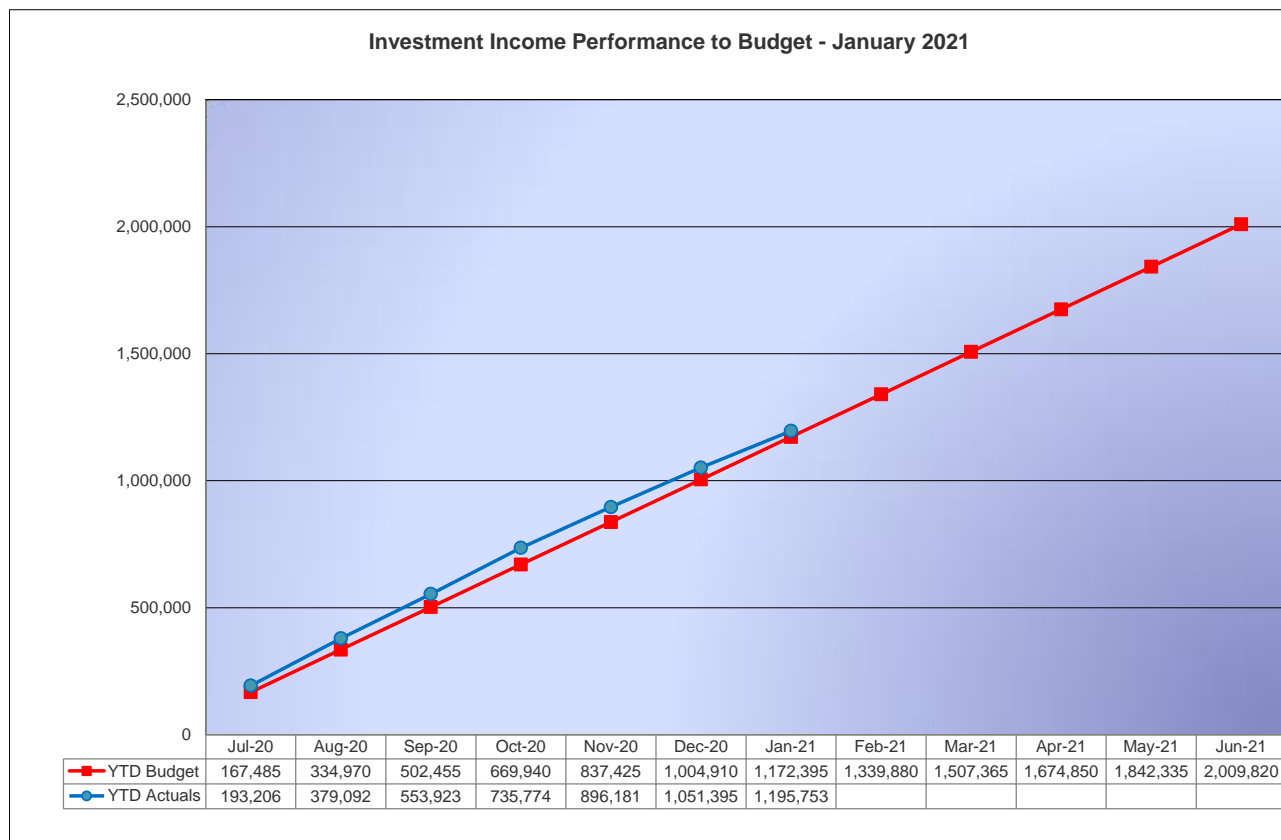
Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
SHORT - MEDIUM TERM (1-2 YEARS)					
Bank Of Queensland Ltd	1,000,000	0.81%	09/05/2022	3.60%	BBB+
Bank Of Queensland Ltd	1,000,000	0.81%	03/08/2022	3.60%	BBB+
Defence Bank	2,000,000	1.63%	21/11/2022	0.62%	BBB
Defence Bank	2,000,000	1.63%	02/12/2022	0.64%	BBB
ING	3,000,000	2.44%	11/02/2022	1.60%	A
ING	2,000,000	1.63%	21/02/2022	1.60%	A
ING	3,000,000	2.44%	21/02/2022	1.60%	A
ING	1,000,000	0.81%	04/10/2022	3.66%	A
National Australia Bank	2,000,000	1.63%	18/11/2022	0.60%	AA-
National Australia Bank	2,000,000	1.63%	01/12/2022	0.60%	AA-
RaboDirect (Australia) Ltd	2,000,000	1.63%	13/09/2022	3.40%	A+
RaboDirect (Australia) Ltd	1,000,000	0.81%	05/12/2022	3.21%	A+
Westpac Bank	2,000,000	1.63%	18/07/2022	1.06%	AA-
TOTAL SHORT-MEDIUM TERM (1-2 YEARS)	24,000,000	19.53%		1.70%	
MEDIUM TERM (2-5 YEARS)					
Bank Of Queensland Ltd	2,000,000	1.63%	08/02/2023	3.55%	BBB+
Bank Of Queensland Ltd	2,000,000	1.63%	21/08/2023	3.60%	BBB+
National Australia Bank	2,000,000	1.63%	12/01/2026	1.00%	AA-
RaboDirect (Australia) Ltd	1,000,000	0.81%	17/08/2023	3.40%	A+
RaboDirect (Australia) Ltd	2,000,000	1.63%	19/09/2023	3.40%	A+
Westpac Bank	2,000,000	1.63%	13/03/2023	0.94%	AA-
ANZ Banking Group Ltd (3m BBSW +103bps) (Principal Value \$2,000,000) Market Value	2,052,144	1.67%	06/12/2023	1.12%	AA-
Commonwealth Bank (3m BBSW +80bps) (Principal Value \$1,000,000) Market Value	1,014,664	0.83%	25/04/2023	0.90%	AA-
Commonwealth Bank (3m BBSW +113bps) (Principal Value \$1,000,000) Market Value	1,028,288	0.84%	11/01/2024	1.24%	AA-
National Australia Bank (3m BBSW +80bps) (Principal Value \$1,000,000) Market Value	1,015,040	0.83%	10/02/2023	0.90%	AA-
Westpac Bank (3m BBSW +114bps) (Principal Value \$1,500,000) Market Value	1,544,810	1.26%	24/04/2024	1.24%	AA-
TOTAL MEDIUM TERM (2-5 YEARS)	17,654,946	14.37%		2.02%	
TOTAL INVESTMENTS	122,867,172	100.00%		1.38%	

COUNCIL IMPLICATIONS

Budget/Financial

Portfolio Investment Returns to 31 January 2021			
	Actual	Budget 2020/21	Over/(Under)
This Month			
Cash Deposits & FRNs	\$144,322	\$167,235	(\$22,913)
Managed Funds	\$36	\$250	(\$214)
	\$144,358	\$167,485	(\$23,127)
Year to Date			
Cash Deposits & FRNs	\$1,194,291	\$1,170,645	\$23,646
Managed Funds	\$1,462	\$1,750	(\$288)
	\$1,195,753	\$1,172,395	\$23,358

- Actual results have shown that total interest income to 31 January 2021 is \$0.023M above the 2020-21 YTD budget of \$1.17M.
- As at 31 January 2021 the Floating Rate Notes (FRNs) had an unrealised capital gain of \$147,809.

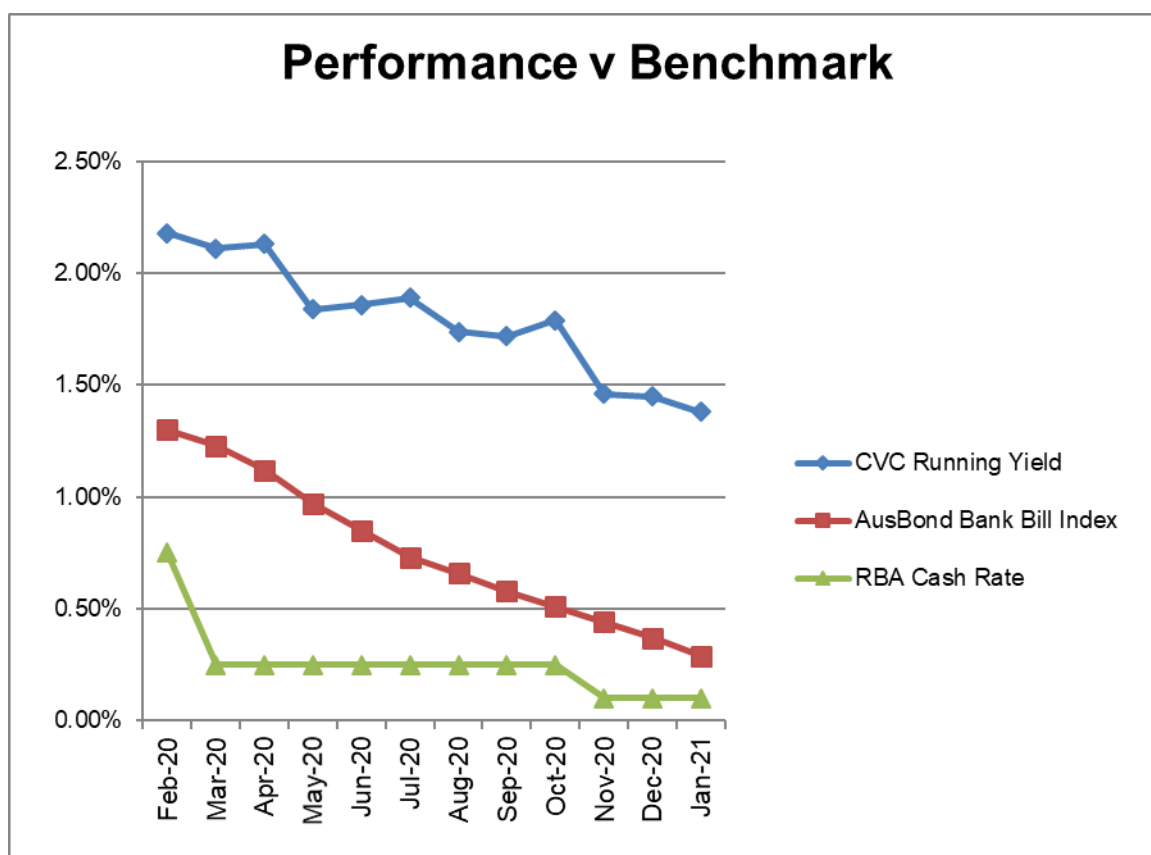


- Running yields* to 31 January 2021 have been:

AMP Business	0.55%
AMP 31 Day Notice	0.95%
ANZ Premium Business	0.05%
CBA General	0.00%
24hr Call Account	0.05%
T-CorpIM Cash Fund	0.12%
Floating Rate Notes	1.10%
Term Deposits	<u>1.69%</u>
Total	1.38%

*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 January was 0.10%. The benchmark AusBond Bank Bill Index was 0.29% for January.
- The current running yield of the total investment portfolio remains at elevated levels above the cash rate. At month-end, it stood at +1.38% (December 1.45%).



The following investments were transacted during January:

- BoQ \$2.0m TD matured 12/01/2021, redeemed
- New NAB \$2.0m TD – invested 12/01/2021 at 1.00% for 5 years – matures 12/01/2026

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 – January 2021

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

SUMMARY

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

OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.012

Ellem/Kingsley

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

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

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

BACKGROUND

On 23 June 2020 Council adopted the 2020/21 Operational Plan, which specifies the objectives, strategies and activities to be achieved in this financial year.

The Clarence 2027 identified five themes which are then broken down into objectives for Council to aspire to when setting the strategies and activities for the 2020/21 financial year.

KEY ISSUES

The one year Operational Plan is a sub-plan of the 2017/21 Delivery Program, which identifies activities (programs, services and projects) to be delivered by Council during the 2020/21 financial year. The General Manager is required to ensure regular progress reports are provided to Council with respect to the principal activities.

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

COUNCIL IMPLICATIONS

Budget/Financial

Actions contained in the 2020/21 Operational Plan that have a financial implication are included in the adopted budget, which is reported to Council each month.

Asset Management

N/A

Policy or Regulation

Section 404(5) of the Local Government Act 1993

Consultation

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

Legal and Risk Management

N/A

Climate Change

N/A

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

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

SUMMARY

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

OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.013

Ellem/Kingsley

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

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

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

BACKGROUND

This is the fifth year Clarence Valley Council has participated in the PwC and Local Government Professionals benchmarking project.

The benefits include the ability to monitor business performance over time by understanding the sectors comparative performance and make informed decisions that improve business process and service delivery outcomes.

Fifty NSW councils participated in 2019/2020 program compared to 56 the previous year.

The resource required to draw the data as the survey content has grown over the years, is significant due to the low level of reporting maturity from Council's corporate systems. It is considered that Council now has

sufficient data about the sector over a five year period and it is not intended we participate further. But rather we spend more concentrated effort improving what we now understand needs to be improved.

This understanding also comes from closer internal audit of practice, changed management profile and increased business improvement activities in recent years.

KEY ISSUES

In summary the attached report indicates the following movement over the past five years.

Workforce trends:

- Low remuneration as a percentage of operating expenses
- Growth in new employees joining the organisation
- Significantly reduced staff turnover
- Reduced lost time due to injury
- An increase in our spend on training staff
- Increased in accrued leave balances
- An increase proportion of female managers.

Finance trends

- An improvement in how closely the Finance team works with the leadership group
- A reduction in transactional tasks
- Increased compliance and control
- A reduction in the cost of financial activities as a percentage of revenue
- Rates and annual charges collection holding steady
- Increased capital expenditure per resident.

Operations trends:

- Reduction in corporate service staff
- Slight improvement in effectiveness of IT systems
- Review of our cyber security activities.

Service delivery year in review compared to respondents:

- More expenditure on, and more employees tasked with, roads and bridges related activities
- More expenditure on, but an equal number of employees tasked with, sewerage services
- More expenditure on, and more employees tasked with, water supply activities
- More expenditure on, but an equal number of employees tasked with, solid waste management activities
- Significantly greater expenditure on emergency service related activities
- A greater reliance on insourcing than outsourcing for service provision
- Service reviews at an equivalent rate.

The report also provides a deep dive into:

- Solid waste management – notably less residual waste and more dry recyclables and organic/green waste to landfill
- Roads and bridges – annual operating expense per kilometre below the regional average
- Parks, gardens and sporting grounds – greater number of hectares per 10,000 residents and lesser expense per hectare than the regional average
- Swimming pools and leisure centres – lower average revenue but greater operating cost per visit
- Development applications – comparatively more development applications, but less building permits, lower average value of determined development applications, more alterations and additions and equivalent single dwellings, multi unit and other dwellings.

Corporate Leadership trends:

- Comparatively longer duration of median council meetings
- Increasing duration of median council meetings
- More medium council resolutions per meeting.

Asset management trends provide a comparison against other survey respondents in terms of maturity of systems and frameworks, with much of this in development at Clarence Valley Council.

COUNCIL IMPLICATIONS**Budget/Financial**

The annual budget for participation in the benchmarking program was \$18,000.

Asset Management

N/A

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Laura Black, Director Corporate & Governance
To be tabled	Australasian Local Government Performance Excellence Program FY20 – Clarence Valley Council

ITEM 6c.21.014 CLARENCE VALLEY COUNCIL CUSTOMER SATISFACTION SURVEY

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

SUMMARY

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

OFFICER RECOMMENDATION

That the Customer Satisfaction Survey be received and noted.

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.014

Ellem/Kingsley

That the Customer Satisfaction Survey be received and noted.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.2 Create awareness of Council's roles, responsibilities and services

BACKGROUND

Jetty Research was commissioned to conduct the bi-annual representative and statistically valid phone survey of 400 residents living in the local government area. The survey aimed to assess satisfaction with council services and facilities. And also to provide feedback on the range of other issues including frontline service levels, perception of Council priorities and evaluation of Council's website.

Community satisfaction surveys are valuable to Council's understanding of what matters most to residents. They provide direction for focussed improvement or a change in the way we do things. And most importantly when conducted regularly, they provide feedback on the impact of improvements and change.

KEY ISSUES

Based on the number of households within the Clarence Valley local government area, a random sample of 400 adult residents provides a margin for error +/- 4.9% at the 95% confidence level. Essentially, this means

that if a similar poll was conducted 20 times, results will be replicated to within a margin of +/- 4.9% margin in 19 of those 20 surveys. The survey excluded Council employees and elected members.

The survey results were presented to Council at its December workshop.

Key points to note, the 2020;

- sample achieved a slightly higher proportion of residents aged 18-59 than was achieved in 2018, and lower proportion of 60+.
- sample was biased towards female residents (59%).
- sample included a higher proportion of rural residents than 2018.
- Sample included a higher proportion of residents from Maclean/Yamba and other parts of the local government area and a lower proportion from Grafton/South Grafton, than in 2018.

In relation to satisfaction, which reflects not only the job Council has done, but also the effectiveness of communicating what it does:

- Satisfaction is highest with libraries, lifeguards, sewerage services
- Satisfaction is lowest with maintenance of unsealed roads, development application processing and maintenance of sealed roads.
- Greatest areas of movement are the reduced satisfaction with development application processing (with a differential of -11%) and the increased satisfaction with parks, reserves and playgrounds (+8%).
- Satisfaction with all other services remained relatively stable.

In relation to importance of services and facilities:

- Maintenance of sealed roads remain the highest community priority, along with water supply, waste and recycling, bridge maintenance and street cleanliness.
- Of least importance is online services, cultural facilities, libraries, tourism marketing and enforcement by rangers.
- Greatest areas of movement are the increased importance of development application processing (with a differential of +33%) and online services (+26%) and a reduction of importance in lifeguards, maintenance of bridges and public toilets (all -7%).
- Overall importance rating shows all services and facilities to be of importance.

Higher importance/lower satisfaction	Higher importance/higher satisfaction
<p>Maintenance of unsealed roads Footpaths and cycleways Maintenance of sealed roads Economic development Maintenance of public toilets Protection of the natural environment and biodiversity</p>	<p>Cleanliness of streets Maintenance of bridges Waste and recycling Water supply Parks, reserves and playgrounds</p>
Lower importance/lower satisfaction	Lower importance/higher satisfaction
<p>Tourism marketing Development application processing Enforcement of regulations by rangers Flood plain and coastline management</p>	<p>Online services such as the website Cultural facilities Libraries Council Pools Support for sport and cultural events Sporting facilities Lifeguards Sewerage</p>

The majority of those with positive scores had trouble articulating specific reasons for their satisfaction, with 22% noting instead that Council did a good job generally.

In comparison with other councils, Council performed slightly better than its peers in relation to libraries and footpaths, but below in other areas.

The majority of respondents who had contacted Council in the recent times, had done so in relation to a development application (21%), road and footpath improvements (11%), requesting vegetation clearance (9%), water and sewer requests (8%) or ranger matters (7%).

Interestingly, a preference for online information and transaction opportunities was indicated.

COUNCIL IMPLICATIONS

Budget/Financial

There are no budgetary implications in adopting the recommendation of this report.

Asset Management

N/A

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Laura Black, Director Corporate & Governance
To be tabled	Customer Satisfaction Survey 2020

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

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

SUMMARY

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

OFFICER RECOMMENDATION

That the report indicating the General Manager's expense summary for the period 1 July 2020 to 31 December 2020 be received and noted.

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.015

Ellem/Kingsley

That the report indicating the General Manager's expense summary for the period 1 July 2020 to 31 December 2020 be received and noted.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

In March 2016, it was resolved that a bi-annual report be provided to Council, detailing the General Manager's expense statements (Resolution 11.004/16, 15 March 2016).

The General Manager incurs various expenses in the course of his duties such as mobile phone, business travel, seminars, training and conferences.

KEY ISSUES

N/A

COUNCIL IMPLICATIONS**Budget/Financial**

Total costs incurred for the period 1 July 2020 to 31 December 2020 was \$484 as follows:

- Mobile Phone and internet costs \$273 - (Jul-Dec 2019: \$365)
- Conferences (Local Government NSW Online Conference) \$60 - (Jul-Dec 2019: \$2,216)
- Newspaper / Digital media subscriptions \$150 (Jul-Dec 2019: \$222)
- Seminars and training \$Nil (Jul-Dec 2019: \$215)
- Business travel \$Nil (Jul-Dec 2019: \$Nil)

Asset Management

N/A

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Vickie Stacey, Finance Officer (Accounting)
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ITEM 6c.21.016 GOVERNANCE REPORT

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

SUMMARY

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

OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.016

Ellem/Kingsley

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

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

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

BACKGROUND*Legal Proceedings*

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

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

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

Complaints Management

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

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

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

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

Government Information (Public Access) Applications

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

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

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

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

Declaration of Interests

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

Insurance Claims

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

KEY ISSUES

Legal Proceedings

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

- Statement of claim received by Council on 28/10/2020 for a fall, which occurred on 16/10/2017. To date, \$7,394.20 has been paid. The excess is \$50,000.

Legal advice was sought about six areas of Council's activities: (1) preparation of a response for the extinguishment of a Native Title claim; (2) consideration of development applications in urban release areas; (3) advice on request to an affidavit relating to waste material; (4) boundary adjustment subdivision matters; (5) Heads of Agreement between CVC and Essential Energy and (6) an agreement for construction and maintenance of a retaining wall. The total cost of legal advice for the 6-month period was \$ 13,441.

Complaints Management

Two complaints were submitted to Council by NSW Government regulatory authorities during the reporting period:

- One was from the Information and Privacy Commissioner (IPC), making preliminary inquiries into the possibility that Council had offended the requirements for open access information under the GIPA Act—specifically in relation to a DA process. This was responded to within five working days; no further correspondence was entered into.
- One was from NSW Ombudsman regarding an alleged appropriate timeframe for responding to a request for information—again concerning a DA. NSW Ombudsman had assessed that Council had not yet had a reasonable opportunity to respond to the Complaint and referred the complaint back to

Council. As directed by the Ombudsman, Council responded directly to the Complainant within the specified time period.

Government Information (Public Access) (GIPA) Applications

During the period seven GIPA applications were received. Of the seven applications:

- three were granted full access to the information requested.
- one was granted partial access due to overriding public interest against full disclosure.
- two were being processed at the end of the reporting period.
- one was an external request from another agency—the Environmental Protection Authority (EPA), which was denied due to overwhelming interest against public disclosure.

Disclosure and Declarations Interest Returns

A half-year search for Declarations of Interest was undertaken. No new or updated Declarations of Interest were received.

Twenty-six declarations of interest were recorded for the reporting period.

Insurance Claims

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

There were 61 claims lodged for the period:

INSURANCE CLAIMS 1 JULY 2020 TO - 31 DECEMBER 2020

Activity	Claims	Not Pursued	Declined	Settled	Pending	Notification	Total Amount Paid (x) GST)
Motor Vehicle Claims	20	1	0	19	0	0	Excess 19,000
Public Liability - Property	40	3	21	11	0	5	7,108
Public Liability - Injury	1	0	0	0	1	3	0.00
Property	0	0	0	0	0	0	0.00
Total	61	1	21	30	1	8	26,108

Claim: A completed claim form is received by Council or a written letter of demand served on Council.

Settlement: A compensation amount agreed upon by Council in response to an incident in which Council was proven negligent.

Notification: A person notifies Council of their intention to claim but never follows through to the lodgement stage.

Pending: An investigation is on-going, and 'negligence' has not been determined.

Declined: The claimant has not been able to provide Council with a reason as to why they think Council is at fault.

COUNCIL IMPLICATIONS

Budget/Financial

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

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

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

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

Asset Management

N/A

Policy or Regulation

Complaints Management Policy

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

Privacy and Personal Information Protection Act 1998

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

Council's suite of insurance policies

Civil Liabilities Act 2002 No 22

Consultation

Insurance Officer, Managers and Directorates

Legal and Risk Management

N/A

Climate Change

N/A

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

SUMMARY

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

OFFICER RECOMMENDATION

That the asset handover report be received and noted.

COMMITTEE RECOMMENDATION

Kingsley/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.017

Ellem/Kingsley

That the asset handover report be received and noted.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

Work on the additional crossing of the Clarence River at Grafton and associated infrastructure has recently been completed. The works included the upgrading/realignment of some Council roads to accommodate the new bridge and highway upgrade. The realignment of the highway also created a small section of new local road (reclassified state road) adjacent to Bunnings.

In summary the following existing roads were upgraded as part of the bridge construction works. In some instances this included the realignment of the existing road.

- Spring Street, South Grafton
- Through Street, South Grafton
- Butters Lane, South Grafton
- Greaves Street, Grafton
- Bridge Street, Grafton, and

- Clarence Street, Grafton.

In addition, two new Council road assets were created:

- Clarence Street car park, Grafton, and
- Charles Street North (Old Pacific Highway beside Bunnings), South Grafton – approximately 400 m in length.

Other significant assets to be transferred to Council include:

- South Grafton pump station (upgraded Council asset), and
- Grafton stormwater pump station (new asset).

KEY ISSUES

The above assets, including landscaping, are subject to a 12 month Defect Correction Period, which has commenced. Council inspected these assets prior to the commencement of the Defect Correction Period and were satisfied as to the condition of the assets at that time.

There will be a further asset transfer to Council with the reclassification of the former state road network. The Summerland Way will now follow the new bridge crossing along Villiers Street and Dobie Street and will reconnect with the current Summerland Way at the Prince Street intersection.

The former Summerland Way (Bent Street, Craig Street, Fitzroy Street and Prince Street) will be reclassified. When this is complete Council will receive another funding offer for this asset transfer dependent on the outcome of the reclassification. Until the classification review has been undertaken Transport for NSW has committed to maintaining the former Summerland Way.

COUNCIL IMPLICATIONS

Budget/Financial

As part of the transfer of assets Transport for NSW has provided Council with funding to cover maintenance and operational costs for the new assets for a period of 10 years in line with the standard government arrangements for asset transfer. Note that funding for Open Spaces is not normally included in funding offers but a nominal funding amount has also been included with this offer at Council's request.

The funding to be provided includes:

Street lights	\$ 72,000
Roads	\$130,000
Open Spaces	\$ 25,000
TOTAL	\$227,000

Council staff consider that the funding offer is reasonable for the assets to be transferred. Council will also apply for a street lighting subsidy for lights associated with the Pacific Highway and Summerland Way.

Asset Management

There will need to be amendment to the current asset data held by Council. Transport for NSW has supplied Council with asset data for the upgraded and new construction.

Policy or Regulation

Not applicable.

Consultation

Transport for NSW and Fulton Hogan have discussed the construction of the project as a whole with Council on a continual basis during the construction and maintenance period.

Legal and Risk Management

Not applicable.

Climate Change

Not applicable.

Prepared by | Tim Jenkins, Asset Systems Project Coordinator

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

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

SUMMARY

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

OFFICER RECOMMENDATION

That Council note and endorse:

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

COMMITTEE RECOMMENDATION

Kingsley/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.018

Ellem/Kingsley

That Council note and endorse:

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

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 4 Environment

Objective 4.1 We will preserve and enhance our natural environment

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

BACKGROUND

What is the FFHR Program?

In brief, the **Flying-Fox Habitat Restoration Program (FFHRP)** is a \$5 million program over 10 years aimed at helping councils research, restore and create Flying-Fox habitats in priority locations with the view to improve Flying-Fox conservation and reduce conflict with humans.

CVC has successfully applied for various LGNSW funding since the introduction of the Flying-Fox Grants Program in 2016 to help restore and manage Flying-Fox habitat and address the increasing levels of conflict between urban areas and Flying-Foxes. This previous grant funding also saw the development of the Maclean Flying-Fox Management Plan (which was updated in 2018) to ensure the management of Flying-Fox camps was consistent with the NSW Government's Flying-Fox Camp Management Policy 2015.

Many activities conducted as part of Camp Management Plans (CMP) are short-term and largely aimed at reducing the impacts of camps on surrounding communities e.g. weed removal, trimming under-storey vegetation, or buffer creation by clearing canopy trees. However, Flying-Fox research and engagement activities has revealed the need for longer term initiatives aimed at addressing the increased conflict between humans and Flying-Foxes whilst also meeting conservation aims.

Responding to this need, LGNSW has been funded by the NSW Environmental Trust to implement the FFHRP as the first long term intervention to address these dual aims. The Program provides for a nine-year partnership between LGNSW and councils' participating in the Program, with between \$100,000 - \$300,000 project funding provided over the duration for local projects.

KEY ISSUES

Funding

Funding will be provided on an 80% LGNSW and 20% Council co-contribution basis, for the first five years of the program, with Council fully funding the last 4 years of the project. This formula is based on the premise that the expenditure under the program will be heavily weighted towards the first five years, with maintenance of on-ground works required as projects progress.

The Program has been developed in two phases. The first phase, now completed, involved extensive Flying-Fox camp and habitat mapping, and the development of experimental program design and monitoring frameworks. Phase 2 - The implementation phase which will provide funding for local habitat restoration and enhancement projects which will run until 2030 under two funding streams:

1. Camp Restoration Stream and
2. Foraging Restoration Stream. This invitation relates to funding under the Camp Restoration Stream, with invitations for Stream 2 – foraging habitat restoration to be released in the next few months.

Why was Clarence Valley Council invited?

Participation in the Program was by invitation to councils with Flying-Fox camps identified in the Phase 1 program design work as priority locations. In 2020, CVC submitted information regarding vegetation types and camp extent. This resulted in the Maclean and Glenreagh camps identified as priority sites to be considered for camp habitat restoration work for Phase 2.

The habitat restoration work has the aim of reducing conflict between Flying-Foxes and humans by several methods, including by restoring habitat linked to existing camps, but further away from human activity.

The potential restoration areas identified in the camp mapping report undertaken for this Program cover a range of different land tenures including council owned or managed land, freehold land, and crown land. Where Council is not currently the land manager of these potential sites, the feasibility of land management or other agreements would need to be explored. Alternatively, Council may propose other sites that meet the Program aims.

Expressions of Interest

The next step in the funding process was for Council to express preliminary interest in the FFHRP to enable further discussions and briefings to occur. Preliminary advice was submitted to LGNSW in mid January to meet timelines.

These briefings are proposed for early 2021 with LGNSW who will provide Council with the detailed information needed to decide whether it would like to participate in a co-design process with LGNSW and to submit a detailed funding application.

COUNCIL IMPLICATIONS

Budget/Financial

LGNSW have indicated that funding will be provided on an 80% LGNSW and 20% Council co-contribution basis, for the first five years of the program, with Council fully funding the last 4 years of the project.

Asset Management

N/A

Policy or Regulation*Biodiversity Conservation Act 2016 - Impacts to threatened species**Environment Protection & Biodiversity Conservation Act 1999 – Impact on federally threatened species***Consultation**

LGNSW and Council will consult in the first quarter of 2021 regarding the specifics of the program. Further to this, consultation will occur with interested community members and land owners.

Legal and Risk Management

Rehabilitating Flying-Fox habitat away from the community will reduce the economic, social and environmental risks associated with managing the camp.

Climate Change

Seeking additional roosting habitat will aid in offsetting impacts from heat stress and overcrowding currently experienced by the camp on a seasonal basis, by providing alternative habitat away from residential areas.

Prepared by	Heather Mitchell
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ITEM 6c.21.019 NORTH EAST WASTE 2019/20 ANNUAL REPORT

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

SUMMARY

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

OFFICER RECOMMENDATION

That the North East Waste 2019/20 Annual Report be received and noted.

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.019

Ellem/Kingsley

That the North East Waste 2019/20 Annual Report be received and noted.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 4 Environment

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

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

BACKGROUND

North East Waste is the voluntary organisation of seven councils from the Clarence Valley to Tweed working on regional waste management initiatives. The activities and project work undertaken by NE Waste is predominantly funded by the EPA. Member councils also make a per capita contribution to NE Waste. NE Waste is one of a number of voluntary waste groups through out NSW. Clarence Valley Council is the current host council providing executive support and financial services for NE Waste.

KEY ISSUES

The NE Waste vision is to achieve more sustainable waste management and better resource recovery through a proactive and collaborative approach with member Councils and community. Despite the challenges of COVID-19, NE Waste continued to deliver 14 major projects during the report period including developing and producing two major television education campaigns that have been adopted throughout NSW and parts of Victoria, Queensland and ACT.

In addition to delivering regional projects NE Waste provides a key service in representing member councils on State Government working groups and participating in policy consultation.

COUNCIL IMPLICATIONS**Budget/Financial**

NE Waste is fully funded by member council contributions and EPA grand funding.

Asset Management

N/A

Policy or Regulation

NSW WARRE Strategy and CVC Waste Strategy 2020-2027

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

The success of NE Waste will result in lower waste management emissions.

Prepared by	Ken Wilson, Waste & Sustainability Coordinator
To be tabled	North East Waste Annual Report 2019/20

ITEM	6c.21.020	UNIQC0 RECOMMENDATIONS ACTION PLAN - UPDATE
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Meeting	Corporate, Governance & Works Committee	16 February 2021
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Yes	

SUMMARY

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

OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Lysaught/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.020

Ellem/Kingsley

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

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

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

BACKGROUND

The Uniqco review of Council's light and heavy plant operations was completed in late 2015. Council convened a Light Fleet and Heavy Plant Staff Steering Group to coordinate the implementation of the recommendations in the report, which has progressively been occurring since that time.

KEY ISSUES

The Uniqco report contains 63 recommended actions, a summary of which is attached. Actions have been completed on 56 of the recommended actions, with six of the remaining actions to be completed once the Ci Anywhere implementation has been completed. One of the actions relating to the workshop operation can be closed once a final review of training requirements has been completed. This is planned to be completed in the next couple of months.

COUNCIL IMPLICATIONS**Budget/Financial**

Current known costs and savings are included in the comments in the Uniqco Review of Light Fleet and Heavy Plant Action Plan.

Asset Management

Council's fleet management practices have been amended as aspects of the Uniqco Review of Light Fleet and Heavy Plant recommendations have been implemented.

Policy or Regulation

N/A

Consultation

Representatives of the Light Fleet and Heavy Plant Staff Steering Group have consulted with staff and other organisations as required in reviewing and implementing the Uniqco recommendations.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Tim Jenkins, Asset Systems Project Coordinator
Attachment	UNIQCO recommendations action plan – Feb 21

ITEM 6c.21.021 WORKS REPORT

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

SUMMARY

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

OFFICER RECOMMENDATION

That the Works report be received and noted.

COMMITTEE RECOMMENDATION

Kingsley/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.021

Ellem/Kingsley

That the Works report be received and noted.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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


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

BACKGROUND


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

KEY ISSUES

The projects below highlight capital projects being undertaken during January.

Project:	Wooli Boat Ramp Upgrade	
Project Description:	<p>The boat ramp upgrade is partially funded by the NSW Government Boating Now program and includes:</p> <ul style="list-style-type: none"> • replacement of the existing single lane boat ramp with a two lane ramp • construction of a rigging bay • formalisation of traffic management including signage • improvement of the wash down area including drainage works and a gabion wall to prevent erosion 	
Budget:	\$207,000	
Expenditure:	\$18,593.21	
Status:	<ul style="list-style-type: none"> • Precast boat ramp slabs were made offsite in 2019/20 while Crown Lands licence was pending • Construction on site commenced 1 February 2021 and is expected to take 6 weeks. 	

The existing boat ramp

Project:	Watermain Renewals – Gumnut/Melaleuca (Waratah Way to Willow Way) Yamba	
Project Description:	Renew 790m of life expired water main with new 180mm HDPE pipeline	
Budget:	FP902027 (Water Mains – Renewals) - \$400,000	
Expenditure:	FP902201 - \$297,053.87 (including commitments)	
Status:	<ul style="list-style-type: none"> • Water main renewal works in Gumnut, Melaleuca and Waratah were completed in January 2021. • The main was largely installed using underboring to minimise ground disturbance. • The next stage of the renewal program will be to renew the water main in Wattle and Roseland Aves. The completed works included an underbore of Gumnut Road to facilitate construction of the next stage. 	

Project:	2 Prince Street Redevelopment	
Project Description:	To refurbish 2 Prince Street Administration Centre	
Budget:	FP530100 - \$7,375,032.87	
Expenditure:	FP 530100 - \$254,820.17	
Status:	<ul style="list-style-type: none"> • Contract has commenced with start up and preliminaries processed. • Soft demolition completed. • Asbestos identification confirmed and hygienist report pending. • Hard demolition being commenced. 	

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

SUMMARY

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

OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Lysaught/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.022

Ellem/Kingsley

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

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

The issue of ratings reform is of central interest to councils. Higher tiers of government in Australia have recently argued in favour of increasing council levied rates as part of Australia's tax mix, particularly since the Henry Tax Review in 2010. Some in the local government sector, have welcomed the idea of increased own-source revenue. However, others have argued that an increase in rates 'cost-shifts' financial responsibility to local governments and might lead to smaller grants from state and federal governments. This is the broad intergovernmental policy environment in which the following Report ought to be viewed, despite the detail of the proposed reforms.

The process of rates reform has been long. The following steps have been undertaken:

- In December 2015 NSW Premier Mike Baird asked IPART to review the rating system under specified [Terms of Reference \(TORs\)](#).
- In August 2016, IPART released its [Review of the Local Government Rating System—Local Government Draft Report](#).
- In October 2016, Clarence Valley Council lodged a submission in Response to IPART’s Draft Report as detailed in ITEM 15.118/16 for the Ordinary Council Meeting 18 October 2016.
- In June 2019, IPART released its [Review of the Local Government Rating System Local Government—Final Report](#).
- In August 2019, Council tabled its submission to the *Final Report’s* 42 recommendations as detailed in the Ordinary Council Meeting 27 August 2019 (Council Resolution 09.19.002).
- In June 2020, the Government released the [IPART Review of the Local Government Rating System Government Response](#)
- On 22 December 2020, the OLG announced that the NSW Government had released its Exposure Draft Bill on Rating Reform, the [Local Government Amendment \(Rates\) Bill 2021](#).
- Feedback from councils on the Draft Bill was provided by 5 February 2021.

KEY ISSUES

In its *Final Report*, IPART’s recommendations were organised into eight (8) areas or ‘themes’: (1) Use of CIV valuation method to levy council rates; (2) Allow councils’ general income to grow as the communities they serve grow; (3) Give councils greater flexibility when setting residential rates; (4) Better target rate exemption eligibility; (5) Assistance for pensioners; (6) Provide more rating categories; (7) Recovery of Council rates and (8) Other recommendations.

Overall, the draft Bill has:

- Not recommended the introduction of CIV as the basis for calculating rates (Theme (1, IPART recommendations 1-4 and Theme 2, IPART recommendations 5-7).
- Recommended that councils be allowed to introduce special rates for jointly funded infrastructure projects not subject to ministerial or IPART approval (Theme 2).
- Recommended increased flexibility for categories for striking all rates and residential rates in particular; provided more rating categories—e.g., to include a category for ‘environmental’ land and for different rates within categories (e.g., residential; farmland, etc.) (Themes 2, 3 and 6).
- Recommended tightening the stipulations for rate exemption eligibility, particularly for water and wastewater (Theme 4).
- Recommended that the rate regime for pensioners remain largely remained intact (Theme 5), and:
- Recommended a decrease in the time required to lapse before land can be sold for the recouping of rates—from 5 to 3 years (Theme 7).

Greater detail about the change can be gained by reading Attachment A NSW Draft Local Government Amendment (Rates) Bill 2021 in conjunction with Attachment B an Overview of the Draft Bill prepared by Council’s Governance Officer, which pulls together the IPART recommendation, Council’s 2019 response, the Draft Bill proposal and the 2021 Council response.

Responses to the most recent submission made on 5 February 2021 follow for information. A copy of the original survey is available as Attachment D.

Q1. Are you from a new local government area newly formed in 2016 that has not yet harmonised rates?

No

Q2. Do you agree with the proposal to enable relevant councils to gradually harmonise rates across former council areas over four years?

Yes

Comment:

Clarence Valley Council was formed in February 2004 following the amalgamation of 4 General Purpose

Councils and 2 County Councils. Council has implemented a rate structure over time which comprises Farmland, Residential and Business categories that also includes sub-categories within the Residential and Business Categories based on "centre of population". The aim of this structure is to have an equitable distribution of the rate burden across the local government area.

Q3. Do you agree with the proposal to allow councils to levy special rates for jointly funded infrastructure?

Yes

Comment:

This change will provide Councils with the flexibility to raise additional revenue to address specific infrastructure back log and renewal projects that are partly funded by the State and Federal Government.

Q4. Do you agree with the proposal to allow for different residential rates in contiguous urban areas?

Yes

Comment:

Provides Councils with greater flexibility to levy a more equitable rate structure.

Q5. Do you agree with the proposal to limit the highest rate structure across all residential subcategories to no more than 1.5 times the average rate structure?

Neutral

Comment:

Would need to undertake specific rate modelling to determine whether this change restricts Council from levying an equitable rate structure.

Q6. Do you agree with the proposal about how to create a new rating category for environmental land, including how environmental land is proposed to be defined?

Yes

Comment:

Yes subject to a binding conservation agreement being established over the land.

Q7. Do you agree that a portion of land that is subject to a conservation agreement or other similar instrument should be categorised by councils according to the proposed definition of environmental land?

Yes

Q8. Do you agree with the proposal about how to enable different business rates for industrial and commercial land?

Yes

Q9. Do you agree with the proposal to allow subcategories for vacant land to be created for residential, business and/or mining land, including the proposed factors set out above?

No

Comment:

This change adds further complexity to the rate structure for limited gain.

Q10. Do you agree with the proposal to enable councils to also set farmland rates based on geographic location?

Yes

Comment:

Yes agree, will enable Council to levy Farmland Rates more equitably.

11. Do you agree with the proposal with regard to remove the requirement for councils to apply a

rating exemption for land subject to new conservation agreements?

Yes

Comment:

The new rate category for Environmental land should apply to all land subject to a conservation agreement.

Q12. Do you agree with the proposal to remove certain mandatory exemptions from special rates for water and sewerage?

Yes

Comment:

If these properties are using the water and sewer services they should be subject to the charges.

Q13. Do you agree with the proposal to restrict who can seek postponement of rates?

Yes

Q14. Do you agree with the proposal to remove the requirement to write off rates debts?

Yes

Q15. Do you agree with the proposal to enable councils to sell properties for unpaid rates after 3 years?

Yes

Comment:

Yes agree, subject to Councils ensuring every effort is made to engage the ratepayer to recover the debt.

Q16. Do you agree with the proposal to implement this reform through guidance?

Yes

Q17. Do you agree with the proposal to retain the business land rating category as the residual category?

Yes

Q18. Do you agree with the proposal that councils report on the value of exemptions they choose to grant through their annual reports?

Yes

Comment:

Yes agree, subject to guidance from the OLG to assist with determining the value of the exemptions granted when no land value is available for the property. This will enable a consistent approach is followed by all councils in the State.

General Comments

Thank you for the opportunity to provide comments/feedback on the proposed legislative changes.

COUNCIL IMPLICATIONS**Budget/Financial**

The financial impact of proposed changes is yet to be quantified but is anticipated to be minimal.

Asset Management

N/A

Policy or Regulation

Local Government Act 1993

Part 5, Rates and Charges of the Local Government (General) Regulation 2005

Consultation

The consultation process undertaken is summarized in the Background of the report.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Bligh Grant, Governance Officer
To be tabled	A – NSW Draft Local Government Amendment (Rates) Bill 2021 B – Draft Bill Overview C – IPART Rating Review Government Response June 2020 D – Consultation Guide to Local Government Rating Reform Survey

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

SUMMARY

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

OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Lysaught/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.023

Toms/Novak

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

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

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

KEY ISSUES

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

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

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation

Local Government Act 1993 S355 (1)

Consultation

Staff and Managers

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Lesley McBay, Coordinator Executive Support
Attachment	Checklist

ITEM 6c.21.024 BIOSECURITY POLICY

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

SUMMARY

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

OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Lysaught/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.024

Ellem/Kingsley

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

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 4 Environment

Objective 4.1 We will preserve and enhance our natural environment

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

BACKGROUND

This is the first articulation of a biosecurity policy for Council. This policy supersedes the General Noxious Weeds Policy dated 1 March 2006.

Under the Biosecurity Act 2015, as the relevant Local Control Authority Clarence Valley Council has the legal obligation to manage the biosecurity risk posed or likely to be posed to human health, the economy, the community and the environment by priority weeds.

Council will meet these obligations by:

- controlling priority weeds on Council managed land where feasible;

- working with private landowners and occupiers, and other public utility landowners and occupiers to ensure they too carry out their individual obligations as legislated under The Act to prevent, eliminate or minimise the biosecurity risk posed or likely to be posed by priority weeds; and
- appointing suitably qualified officers in the role of Authorised Officers as defined by The Act.

KEY ISSUES

Weeds are a major threat to our natural environments, threatening the survival of hundreds of native plants and animals in New South Wales (NSW) alone. They also impact on the production of food, human health through allergies and asthma, disrupt and curtail recreational activities and add substantial costs within our economy.

The objective of the policy is to establish a framework for the management of weeds that will achieve the greatest outcomes in terms of preventing weeds from establishing, eradicating new weeds and minimising the impact of established weeds. This is to be done within the context of shared responsibility, sustainable landscapes, collaboration and innovation.

COUNCIL IMPLICATIONS

Budget/Financial

As Clarence Valley Council has a limited budget, we seek to maximise the efficiency of our funding by planning our expenditure to meet the highest priority outcomes of the NSW Biosecurity Act 2015 and to limit reactive activity. The priorities described by this policy will be detailed annually in the Council's annual Natural Resource Management (Vegetation Management) Program and reported against quarterly or half yearly.

As well as the Council budget, Council's Natural Resource Management team apply for additional and when available Government funding/grants from the Crown Reserves Improvement Fund (CRIF), Local Land Services (LLS), Department of Primary Industries (DPI) and other departments when available to assist in priority weed management on Government land, privately owned land, high risk sites and pathways for weeds listed for the Clarence Council area in the plan.

Asset Management

The policy includes the management of risk associated with the protection of assets under Council's authority.

Policy or Regulation

Biosecurity Act 2015

Consultation

This draft Policy has been developed collaboratively between staff from Natural Resource Management, Department Primary Industries and North Coast Local Land Services.

Legal and Risk Management

The draft Policy requires approval so that Council's Biosecurity Officers (Weeds) have a clear understanding of the weed enforcement process under the Biosecurity Act 2015.

Climate Change

N/A

Prepared by	Tony Sullivan, Senior NRM Officer (Vegetation Management)
Attachment	Draft Biosecurity Policy

d. INFORMATION ITEMS

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

OFFICER RECOMMENDATION

That the Items for Information as listed below be noted:

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

COUNCIL RESOLUTION – 6d.21.001

Ellem/Kingsley

That the Items for Information as listed below be noted:

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

Voting recorded as follows:

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

Against: Nil

CARRIED

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

e. TENDERS

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

SUMMARY

Council called open tenders, closing on 21 December 2020, for the design and construction of a biosolids hard stand area at Iluka Sewage Treatment Plant (STP). Two tenders were received. The Tender Evaluation Panel (TEP) considers, having regards to all the circumstances, that the tender from Ledonne Construction Pty Ltd is the most advantageous for Council and recommends that this tender be accepted. As the tendered price exceeds the available budget, a budget variation would be required.

OFFICER RECOMMENDATION

That:

1. Council accept the tender from Ledonne Construction Pty Ltd for RFT 20/39 Design and Construction of Iluka sewage treatment plant hard stand area at a cost of \$425,305.00 (GST inclusive), to be funded from PJ910143 (Iluka STP Biosolids Hard Stand Area).
2. The budget allocation for Financial Project 910143 be increased by \$120,000, funded from the Sewer Fund, to cover the shortfall and provide for possible variations.
3. The General Manager be authorised to approve variations up to 15% of the contract sum.

COUNCIL RESOLUTION – 6e.21.001

Ellem/Kingsley

That:

1. Council accept the tender from Ledonne Construction Pty Ltd for RFT 20/39 Design and Construction of Iluka sewage treatment plant hard stand area at a cost of \$425,305.00 (GST inclusive), to be funded from PJ910143 (Iluka STP Biosolids Hard Stand Area).
2. The budget allocation for Financial Project 910143 be increased by \$120,000, funded from the Sewer Fund, to cover the shortfall and provide for possible variations.
3. The General Manager be authorised to approve variations up to 15% of the contract sum.

Voting recorded as follows:

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

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

Strategy 2.1.1 Maintain and renew water and sewer networks

BACKGROUND

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

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

KEY ISSUES

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

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

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

COUNCIL IMPLICATIONS

Budget/Financial

The 2020/21 budget for Financial Project 910143 (Iluka STP Biosolids Hard Stand Area) is \$325,000 and was based on costs previously tendered for Sewage Treatment Plant construction. The recommended tender is \$386,940.91 (GST exclusive). An analysis of tendered prices has indicated that the main reason for the difference between the budget estimate and tenders received is an increase in market price resulting from the Covid-19 pandemic and associated issues with the movement of materials, equipment and labour.

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

1. Increase the budget for this project. *This is the recommended approach for the reasons outlined below.*
2. Postpone or cancel the proposal for the contract. *This is not recommended as biosolids management issues at Iluka will continue until the hard stand area is provided.*
3. Retender the work using the same scope of work. *As this was an open tender it is not considered retendering will give any lower priced tenders.*
4. Reject all tenders and retender the work using a revised (reduced) scope of work. *The biosolids storage area which was the subject of this tender is the minimum required for three years' storage.*
5. Reject all tenders and enter into negotiation with any person to undertake some or all of the work. *It is considered unlikely there would be any cost reduction if the work was directly negotiated.*
6. Reject all tenders and Council undertake the work. *With the current delivery program Council's building and structures day labour staff do not have any available capacity to undertake this work in 2020/21.*

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

Asset Management

The biosolids hard stand area will be a new asset.

Policy or Regulation

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

In accordance with Council's Sustainable Procurement Policy the following processes were undertaken:

- Tender specifications were structured so local suppliers and/or contractors were not excluded from being the prime supplier/contractor.
- The local supply provisions of the Policy were assessed by the Project Manager as not being relevant due to the specialist nature of the goods/services being sourced by the tender.

Consultation

N/A

Legal and Risk Management

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

Directors of the two companies that submitted Tenders are:

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

Climate Change

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

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

7. NOTICE OF MOTIONS

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

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

SUMMARY

Council at its meeting on 23 April 2019 resolved:

“That Council

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

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

PROPOSED MOTION

That Council:

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

LINKAGE TO OUR COMMUNITY PLAN

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

BACKGROUND

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

COUNCIL IMPLICATIONS**Budget/Financial**

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

Policy or Regulation

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

Consultation

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

Legal and Risk Management

N/A

Climate Change

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

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

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

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

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

ITEM 07.21.002 CLARENCE VALLEY COUNCIL MEDIA POLICY

Meeting	Council	23 February 2021
Directorate	Notice of Motion	
Submitted by	Cr Debrah Novak	
Attachment	Yes	

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

SUMMARY

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

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

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

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

PROPOSED MOTION

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

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

COUNCIL RESOLUTION – 07.21.002

Novak/Toms

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

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

Voting recorded as follows:

For: Simmons, Ellem, Clancy, Novak, Toms

Against: Baker, Williamson, Lysaught, Kingsley

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.5 Manage and value our corporate information and knowledge

BACKGROUND

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

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

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

KEY ISSUES

There appears to be great confusion and frustration within the media and online community about accessing timely and relevant information from Council. The industry knowledge gap of the media having to work to deadlines and who the media can speak with has led to misunderstandings.

Other issues relating to this matter are the rights and accreditation of professionally trained journalists, citizen journalists and online platform moderators (trained and untrained)

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Policy or Regulation

N/A

Consultation

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

Legal and Risk Management

N/A

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

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

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

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

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

8. CONFIDENTIAL BUSINESS

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

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

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

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

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

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

Council moved into closed session at 6.06pm. The meeting broadcast was turned off.

MOTION

Baker/Williamson

That Council move into closed session to consider Items 08.21.001, 08.21.002 and 08.21.003 in accordance with the Local Government Act 1993 Section 10A.

Voting recorded as follows:

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

Against: Nil

CARRIED

MOTION

Baker/Lysaught

That Council move out of closed session at 6.22pm.

Voting recorded as follows:

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

Against: Nil

CARRIED

Council moved into open forum at 6.22pm. The online broadcast was resumed.

MOTION

Baker/Williamson

That Council adopt but not make public the recommendations for

- Items 08.21.001 Regional Water Supply Essential Energy Agreement under the LGA Section 10A2(d)i as the report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
- 08.21.002 Calypso Yamba Holiday Park – Native Title under LGA Section 10A2(g) as the report contains advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- 08.21.003 2021 Hockey Championships under the LGA Section 10A2(d)i as the report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

Voting recorded as follows:

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

Against: Nil

CARRIED

9. QUESTIONS WITH NOTICE**10. LATE ITEMS OF BUSINESS AND MATTERS ARISING****11. CLOSE OF ORDINARY MEETING**

There being no further business the Ordinary Council meeting closed at 6.23pm.