

Ordinary Council Meeting Minutes

24 August 2021



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01. OPENING OF ORDINARY MEETING

MINUTES of the ORDINARY MEETING of the CLARENCE VALLEY COUNCIL at Council Chambers, Maclean, 24 August 2021 commencing at 2.00pm and closing at 7.31pm.

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 live and audio recorded. Your attendance at this meeting is your acceptance that your image may be recorded and streamed to the internet as well as being retained in the archive of the record of the Council meeting.

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.

MEMBERS

In Chambers: Cr Jim Simmons (Mayor), Cr Peter Ellem, Cr Arthur Lysaught

On-line: Cr Jason Kingsley (Deputy Mayor), Cr Andrew Baker, Cr Debrah Novak, Cr Greg Clancy, Cr Karen Toms and Cr Richie Williamson

PRESENT

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

02. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE - Nil**03. DISCLOSURES AND DECLARATIONS OF INTEREST – 03.21.007****Declarations received at the commencement of and during the Ordinary Meeting**

| <i>Name</i> | <i>Item</i> | <i>Interest/Action</i> |
|-------------|-------------|--|
| Cr Novak | 6a.21.038 | Pecuniary - Leave the meeting Is an applicant for a DA. |

Declarations received at the Committee meetings

| <i>Name</i> | <i>Item</i> | <i>Interest/Action</i> |
|-------------|-------------|--|
| Cr Lysaught | 6b.21.061 | Significant Non-Pecuniary - Leave the meeting May fill vacancy on Board of applicant. |
| Cr Toms | 6c.21.100 | Non-Significant Non-Pecuniary - Remain in the meeting Manager of Iluka Riverside Holiday Park on Crown Land |

04. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION – 04.21.007

Toms/Lysaught

That

- 1. The Minutes of the Ordinary Meeting of Council dated 27 July 2021, copies of which have been circulated, be taken as read and be confirmed.**
- 2. The table of contents from the adopted May 2021 Ordinary Council Meeting Minutes be amended to correct an administrative error in accordance with Council's Code of Meeting Practice 19.1.6 and include Item 09.21.002 Questions with Notice - Cr Toms.**

Voting recorded as follows:

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

Against: Nil

Cr Novak left the Council meeting at 2.07pm and returned at 2.10pm due to technical difficulties.

5. MAYORAL MINUTES

ITEM 05.21.008 INFRASTRUCTURE CONTRIBUTIONS REFORMS

| | | |
|---------------------|----------------|----------------|
| Meeting | Council | 24 August 2021 |
| Directorate | Mayoral Minute | |
| Submitted by | Cr Jim Simmons | |
| Attachment | Nil | |

SUMMARY

I am calling on Councillors to support our local government sector's campaign on infrastructure contributions reforms.

PROPOSED MOTION

That Council:

1. Calls on the NSW Government to withdraw the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 (the Bill) from the NSW Parliament.
2. Calls on the NSW Government to undertake further consultation with the local government sector on any proposed reforms to the infrastructure contributions system.
3. Calls on the NSW Government to de-couple the Independent Pricing and Regulatory Tribunal led review of the rate peg to include population growth from the infrastructure contributions reforms.
4. Writes to the local State Member Chris Gulaptis MP, the Premier the Hon Gladys Berejiklian MP, Treasurer the Hon Dominic Perrottet MP, Minister for Planning and Public Spaces the Hon Rob Stokes MP and Minister for Local Government the Hon Shelley Hancock MP seeking them to withdraw the Bill.
5. Writes to the Shadow Treasurer the Hon Daniel Mookhey MLC, Shadow Minister for Planning and Public Spaces Mr Paul Scully MP, Shadow Minister for Local Government Mr Greg Warren MP, The Greens Mr David Shoebridge MLC, Shooters, Fishers and Farmers Party the Hon Robert Borsak MLC, Pauline Hanson's One Nation the Hon Mark Latham MLC, Animal Justice Party the Hon Emma Hurst MLC, Christian Democratic Party (Fred Nile Group) the Hon Fred Nile MLC, Independent Mr Justin Field, Portfolio Committee Chair The Greens Ms Cate Faehmann, Portfolio Committee Deputy Chair Animal Justice Party the Hon Mark Pearson MLC and Committee members Liberal Party the Hon Catherine Cusack MLC and the Hon Shayne Mallard MLC, The Nationals the Hon Ben Franklin MLC and Australian Labor Party the Hon Rose Jackson MLC, the Hon Adam Searle MLC and the Member for Clarence, Mr Chris Gulaptis MP seeking their support in securing the withdrawal of the Bill from the NSW Parliament and outlining Council's concerns with the Bill.
6. Alerts the local media to the threat of future ratepayer funds being expended rather than developer levies for new infrastructure brought about by increased development under the proposed legislation and shares and promotes these messages via its digital and social media channels and via its networks.
7. Affirms its support to LGNSW and requests LGNSW continue advocating on our behalf to protect local government from any amendments to infrastructure contributions which leaves councils and communities exposed to expending ratepayer funds on new infrastructure made necessary by new development, currently the responsibility of developers.

COUNCIL RESOLUTION – 05.21.008

Mayor Simmons

That Council:

1. **Calls on the NSW Government to withdraw the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 (the Bill) from the NSW Parliament.**
2. **Calls on the NSW Government to undertake further consultation with the local government sector on any proposed reforms to the infrastructure contributions system.**
3. **Calls on the NSW Government to de-couple the Independent Pricing and Regulatory Tribunal led review of the rate peg to include population growth from the infrastructure contributions reforms.**
4. **Writes to the local State Member Chris Gulaptis MP, the Premier the Hon Gladys Berejiklian MP, Treasurer the Hon Dominic Perrottet MP, Minister for Planning and Public Spaces the Hon Rob Stokes MP and Minister for Local Government the Hon Shelley Hancock MP seeking them to withdraw the Bill.**
5. **Writes to the Shadow Treasurer the Hon Daniel Mookhey MLC, Shadow Minister for Planning and Public Spaces Mr Paul Scully MP, Shadow Minister for Local Government Mr Greg Warren MP, The Greens Mr David Shoebridge MLC, Shooters, Fishers and Farmers Party the Hon Robert Borsak MLC, Pauline Hanson's One Nation the Hon Mark Latham MLC, Animal Justice Party the Hon Emma Hurst MLC, Christian Democratic Party (Fred Nile Group) the Hon Fred Nile MLC, Independent Mr Justin Field, Portfolio Committee Chair The Greens Ms Cate Faehmann, Portfolio Committee Deputy Chair Animal Justice Party the Hon Mark Pearson MLC and Committee members Liberal Party the Hon Catherine Cusack MLC and the Hon Shayne Mallard MLC, The Nationals the Hon Ben Franklin MLC and Australian Labor Party the Hon Rose Jackson MLC, the Hon Adam Searle MLC and the Member for Clarence, Mr Chris Gulaptis MP seeking their support in securing the withdrawal of the Bill from the NSW Parliament and outlining Council's concerns with the Bill.**
6. **Alerts the local media to the threat of future ratepayer funds being expended rather than developer levies for new infrastructure brought about by increased development under the proposed legislation and shares and promotes these messages via its digital and social media channels and via its networks.**
7. **Affirms its support to LGNSW and requests LGNSW continue advocating on our behalf to protect local government from any amendments to infrastructure contributions which leaves councils and communities exposed to expending ratepayer funds on new infrastructure made necessary by new development, currently the responsibility of developers.**

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

The NSW Government introduced the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 into Parliament on 22 June.

The Bill was subsequently referred on 24 June 2021 to the Upper House Portfolio Committee No. 7 – Planning and Environment for inquiry and report by 10 August 2021.

Councils support efforts to reduce complexity, cut red tape and improve transparency and equity. However, implementation of the reforms will have far reaching financial implications for our Council and community that are unknown at this stage and there is concern that we may be worse off under the reforms.

These reforms may force our Council to delay or completely remove projects from our expenditure plan with a detrimental impact not only on community wellbeing and participation in civic life, but also crucially on job creation.

Developer contributions collected by Council contribute to a range of proposed recreational, open space and community facilities, as well as stormwater drainage and rural road infrastructure, across the CVLGA.

Councils need to be in a position to deliver quality infrastructure and open spaces if they are to attract homebuyers, housing and commercial development and business investment and these reforms put this at risk.

Councils also object to the Government's decision to tie reform of the rate peg to cater for population growth to reductions in infrastructure contributions. Reform of the rate peg is required independent of changes to contributions. This presents a concerning cost shift from developers onto local government and ratepayers. It is premature to push forward with this legislation while so much of the infrastructure reform agenda remains unknown.

Local Government NSW (LGNSW) has been advocating this position on our behalf and has met with the Minister for Planning and Public Spaces the Hon Rob Stokes MP on several occasions to stress that councils and their communities must *not* be worse off under any reforms.

LGNSW has made a [submission](#) to the parliamentary inquiry, opposing the passage of the Bill, and on Friday 16 July LGNSW President Linda Scott spoke at the inquiry hearing alongside other local government representatives to present a united front on this issue.

LGNSW will continue its advocacy efforts on our behalf and is asking councils in NSW to add their voice in calling on the NSW Government to withdraw the Bill from the NSW Parliament.

6. REPORTS**a. GENERAL MANAGER****ITEM 6a.21.037 THE CLARENCE – RIVER WAY MASTERPLAN II**

| | | |
|--------------------|---|----------------|
| Meeting | Council | 24 August 2021 |
| Directorate | Corporate & Governance | |
| Reviewed by | Director - Corporate & Governance (Laura Black) | |
| Attachment | To be tabled | |

SUMMARY

The draft “The Clarence – River Masterplan II” was placed on public exhibition for 28 days inviting community comment. This report outlines the feedback and seeks to adopt “The Clarence – River Way Masterplan II”.

OFFICER RECOMMENDATION

That Council note the feedback received from the community during public exhibition and adopt The Clarence – River Way Masterplan II.

MOTION

Novak/Toms

That Council

1. Note the feedback received from the community during public exhibition
2. Adopt The Clarence - River Way Masterplan II.
3. Any projects undertaken by Council from The Clarence - River Way Masterplan II be aligned with Regional, State and Federal Governments’ Strategic Plans

AMENDMENT TO MOTION

Williamson/ Lysaught

That Council

1. Note the feedback received from the community during public exhibition.
2. Adopt The Clarence - River Way Masterplan II.

Voting recorded as follows:

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

Against: Clancy, Novak

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

COUNCIL RESOLUTION – 6a.21.037

Novak/Toms

That Council

1. Note the feedback received from the community during public exhibition.
2. Adopt The Clarence - River Way Masterplan II.

Voting recorded as follows:

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

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 | 3.1.6 Develop initiatives capitalising on the Clarence river and the Clarence Valley's competitive advantages |

BACKGROUND

At its meeting held in May, Council resolved:

That:

1. Council note the information received on Clarence River Way Masterplan achievements.
2. The draft "The Clarence – River Way Masterplan II" be placed on public exhibition for 28 days inviting community comment.
3. Information received during public exhibition be reported to Council in July 2021.

This report outlines the community feedback from the public exhibition period and seeks to adopt "The Clarence – River Way Masterplan II.

At its Ordinary Meeting held 27 July 2021, Council resolved:

That Council defer this item to allow Council staff or consultants to address Councillors at the August 2021 or September 2021 workshop on a number of issues being included in the final draft including, but not confined to, the following:

- i. Wakeboarding
- ii. Reinstatement of the Nymboida white water course
- iii. Working with National Parks & Wildlife Service to improve access to areas presently limited or with locked access
- iv. A bridge over the Wooli River
- v. Clear plan for sustainable growth in tourism...do we have a cap?
- vi. Yamba port.

KEY ISSUES

The Clarence – River Way Masterplan II was placed on public exhibition for 28 days inviting comment from the community in accordance with Clarence Valley Council's 'On Exhibition' procedure.

In addition to these procedures, hard copies of The Clarence – River Way Masterplan II were sent to Grafton Ngerrie Land Council and Yaegl Traditional Owners.

The Clarence – River Way Masterplan II Consultation Report (attached) includes community submissions and each response. Ten submissions were received. The Clarence – River Way Masterplan II was updated to include relevant feedback.

There were no objections or opposition to The Clarence – River Way Masterplan II.

The consultant who prepared The Clarence – River Way Masterplan II presented the plan to the August Councillor workshop in accordance with the resolution of Council (MIN 6c.21.089).

A list of amendments made following that discussion is attached as Attachment C.

COUNCIL IMPLICATIONS**Budget/Financial**

The review of the Clarence River Way Masterplan is funded through 2020/21 project budget allocation. It was completed on-time and on-budget.

Asset Management

N/A

Policy or Regulation

N/A

Consultation

The Clarence – River Way Masterplan II was placed on public exhibition for 28 days inviting comment from the community in accordance with Clarence Valley Council's 'On Exhibition' procedure.

The Grafton Ngerrie Land Council and Yaegl Traditional Owners have been engaged and asked to comment.

Councillors were briefed by the consultants and Council staff at the workshop held Tuesday 10 August 2021 with all issues raised in the July 2021 meeting resolution being addressed.

Legal and Risk Management

N/A

Climate Change

N/A

| | |
|--------------|--|
| Prepared by | Elizabeth Fairweather Coordinator Community & Industry Engagement |
| To be tabled | Attachment A: The Clarence – River Way Masterplan II Attachment B: The Clarence – River Way Masterplan II Consultation Report Attachment C: Amendments to The Clarence – River Way Masterplan II |

ITEM 6a.21.038 DEVELOPMENT APPLICATIONS

| | | |
|--------------------|--|----------------|
| Meeting | Council | 24 August 2021 |
| Directorate | Environment, Planning & Community | |
| Reviewed by | Director – Environment & Planning (Adam Cameron) | |
| Attachment | To be tabled | |

SUMMARY

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

OFFICER RECOMMENDATION

That the update on Development Applications be noted.

Having declared an interest in this item, Cr Novak left the meeting at 2.49pm returned at 2.50pm.

COUNCIL RESOLUTION – 6a.21.038

Lysaught/Ellem

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 July 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) |
|------------------------------|-----------------------------|-------------------------|---------------------|--|
| 78 | 34 | \$20,547,663.23 | 3 | Average: 63 days Median: 46 days |

Of the 34 approved Development Applications between 1 July 2021 and 31 July 2021, 15 (44%) 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 July 2021.

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

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

Consultation

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

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

Legal and Risk Management

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

Climate Change

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

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

| | | |
|------|-----------|---|
| ITEM | 6a.21.039 | COUNCIL MEETING CHECKLIST – UPDATE ON ACTIONS TAKEN |
|------|-----------|---|

| | | |
|--------------------|---|----------------|
| Meeting | Corporate, Governance & Works Committee | 24 August 2021 |
| Directorate | Office of General Manager | |
| Reviewed by | General Manager - Ashley Lindsay | |
| Attachment | To be tabled | |

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.

COUNCIL RESOLUTION – 6a.21.039

Toms/Ellem

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.

Those items marked as complete will not appear on any future checklists if the officer recommendation is adopted.

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 |
| To be tabled | Checklist |

| | | |
|-------------|------------------|---|
| ITEM | 6a.21.040 | REQUEST FOR EXTENSION OF LODGEMENT FOR THE 2020/21 ANNUAL FINANCIAL STATEMENTS |
|-------------|------------------|---|

| | | |
|--------------------|---|----------------|
| Meeting | Council | 24 August 2021 |
| Directorate | Corporate & Governance | |
| Reviewed by | Director - Corporate & Governance (Laura Black) | |
| Attachment | Nil | |

SUMMARY

The purpose of this report is to advise that Council will be making application to the Office of Local Government (OLG) for a four (4) week extension to lodge the 2020/21 Annual Financial Statements.

OFFICER RECOMMENDATION

That Council submit a request to the Office of Local Government for extension to the 30 November for lodgement of the audited 2020/21 Annual Financial Statements.

COUNCIL RESOLUTION – 6a.21.040

Lysaught/Baker

That Council submit a request to the Office of Local Government for extension to the 30 November for lodgement of the audited 2020/21 Annual Financial Statements.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

Under Section 417(5) of the Local Government Act 1993 (NSW) Council must send a copy of the audited financial statements and auditor's reports to the Chief Executive, OLG by 31 October.

To achieve the 31 October timeframe a 2021 Client Service Plan (CSP) was agreed upon between Council, Council's external auditors, and the NSW Audit Office. The CSP outlined key dates for the 2021 Audit and was sent to Council at the end of February 2021. In particular, the CSP stated that:

- Council finalises the comprehensive revaluation of Water & Sewer assets and provides supporting working papers to the audit team by 31 May 2021.
- Audit team starts audit of the full revaluation of Water & Sewer assets on 31 May 2021.

For the 2020/21 financial year Council engaged external valuers for the comprehensive revaluation of the Water & Sewer asset classes as at 31 March 2021. A final report was to be issued to Council in mid-February to enable enough time for Council to review and agree the final report. This would have enabled Council to meet the 31 May 2021 agreed CSP deadline.

Unfortunately, the external valuer was not able to meet the agreed timeframes and the final report was issued to Council on 30 June 2021. Council provided the report and associated supporting workpapers to the auditors on 9 July 2021. During the period of the revaluation being conducted, Council had been in constant contact with the external valuer to seek assurances on completion timeframes, which were subsequently not met.

KEY ISSUES

The delay in providing the Water and Sewer Revaluation report and supporting workpapers to the Council's external auditor has impacted on their ability to have resources available to review the information. The volume of work involved in reviewing the final comprehensive Water and Sewer assets revaluation files will mean that the external auditors will require more than their usual review period of several weeks to complete their review, which in turn means that meeting the legislative deadline of 31 October 2021 is very tight as the external auditors need to be able to complete this review as well as the final financial statements audit and the NSW Audit Office need to review their audit files.

Whilst Council's external auditors will make every effort to meet 31 October 2021 deadline, in unforeseen circumstances, where councils don't meet their obligations under the agreed CSP, Council's external auditors cannot give a 100% guarantee. As a result, Council's external auditors are recommending that Council approach the NSW OLG for a 4 week extension for the lodgement of the 2020/21 Annual Financial Statements as a safety net i.e. an extension to 30 November 2021.

Under Section 416(2) and Section 416(6) of the Local Government Act 1993 (NSW), Council may request an extension of time beyond 31 October for the lodgement of the Annual Financial Statements and Council must notify the auditor of any application for such an extension. Council on 29 July 2021 discussed with our external auditors the need for this extension and will also email our external auditors and the NSW Audit Office a draft letter for their review which is requesting extension for lodgement of the 2020/21 Annual Financial Statements to 30 November 2021, which is considered by the auditors as notification of the application for an extension.

COUNCIL IMPLICATIONS**Budget/Financial**

If an extension is not granted by the OLG then there is a risk that Council will not be complying with the 31 October 2021 deadline for the lodgement of the 2020/21 Annual Financial Statements.

Asset Management

N/A

Policy or Regulation

Sections 417(5), 416(2), and 416 (6) of the Local Government Act 1993 (NSW)

Consultation

Council's external auditor Thomas Noble & Russell (TNR).

Legal and Risk Management

N/A

Climate Change

N/A

| | |
|-------------|---|
| Prepared by | Michael Salvestro, Financial Accountant |
| Attachment | Nil |

VOTE BY EXCEPTION

Kingsley/Ellem

That the following Items be adopted as recommended:

6b.21.057

6b.21.058

6b.21.060

6c.21.101

6c.21.104

6c.21.105

6c.21.106

6c.21.108

6c.21.109

6c.21.111

6d.21.007

6e.21.016

Voting recorded as follows:

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

Against: Nil

| | | |
|-------------|------------------|---|
| ITEM | 6b.21.057 | DA2020/0536 – DWELLING (INCLUDING MINIMUM LOT SIZE VARIATION) – BACK LANE, JUNCTION HILL (BEING LOT 2 DP 816125) |
|-------------|------------------|---|

| | | |
|--------------------|--|----------------|
| Meeting | Environment, Planning & Community Committee | 17 August 2021 |
| Directorate | Environment, Planning & Community | |
| Reviewed by | Director - Environment & Planning (Adam Cameron) | |
| Attachment | Yes | |

SUMMARY

| | |
|--------------------|--|
| <i>Applicant</i> | Jim O'Donohue – O'Donohue Hanna & Associates Pty Ltd |
| <i>Owner</i> | Renae Green |
| <i>Address</i> | Back Lane, Junction Hill being Lot 2 DP 816125 |
| <i>Submissions</i> | Yes – 4 first notification period and nil second notification period |

Development Application DA2020/0536 seeks approval to construct a dwelling on Lot 2 DP 816125 at the intersection of Back Lane and Pine Street, Junction Hill.

The application was notified and advertised, 4 submissions were received during the first exhibition period and nil submissions were received during the second notification period. The applicant has sought approval for a variation under Clause 4.6 – exceptions to development standards of the *Clarence Valley Local Environmental Plan 2011* to the minimum lot size for a dwelling. Due to the amount of public interest and the variation sought being greater than 10% is outside of Council staff delegations to determine; therefore the application is forwarded to Council to determine.

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

OFFICER RECOMMENDATION

That Council:

1. Support the requested variation under Clause 4.6 – Exceptions to Development Standards of the *Clarence Valley Local Environmental Plan 2011* to enable the proposed dwelling to be constructed on a lot below the minimum lot size; and
2. Approve Development Application DA2020/0536 subject to the draft conditions and advices contained in Schedule 1 attached.

COMMITTEE RECOMMENDATION

Clancy/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Simmons, Williamson, Clancy, Novak, Baker

Against: Nil

COUNCIL RESOLUTION – 6b.21.057

Kingsley/Ellem

That Council:

1. **Support the requested variation under Clause 4.6 – Exceptions to Development Standards of the *Clarence Valley Local Environmental Plan 2011* to enable the proposed dwelling to be constructed on a lot below the minimum lot size; and**
2. **Approve Development Application DA2020/0536 subject to the draft conditions and advices contained in Schedule 1 attached.**

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

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

BACKGROUND

Development Application DA2020/0536 was lodged on 14 September 2020 to apply for a concept Development Application (DA) at Back Lane, Junction Hill with Stage 1 establishing a building envelope and Stage 2 being a separate DA for the dwelling. The subject land is zoned RU1 Primary Production under the *Clarence Valley Local Environmental Plan 2011* (the LEP). The application was advertised and notified between 7 October and 23 October 2020, 4 submissions were received.

A dwelling is permissible with consent in the zone, however the lot does not have dwelling entitlement as it does not meet the minimum 40 hectare lot size required for the erection of a dwelling under Clause 4.2B of the *Clarence Valley Local Environmental Plan 2011* (herein referred to as the LEP). The lot is approximately 2.6 hectares in area. The applicant seeks to vary Clause 4.2B using the Exceptions to Development Standards Clause 4.6 of the LEP to vary the minimum lot size from 40 hectares to 2.6 hectares. Council received advice from NSW Department of Planning, Industry and Environment that Clause 4.6 cannot be used for a concept DA and that concurrence would not be granted unless the applicant amended the DA to be for a dwelling. The applicant has sought a Clause 55 amendment to the existing application to now propose a dwelling and provided all necessary supporting information for a dwelling. Upon receipt of the information the application was renotified to those that had made submissions between 6 July and 20 July, no submissions were received.

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

Lot 2 does not have dwelling eligibility by virtue of the size of the land. The land is in the RU1 zone which requires a minimum lot size of 40 hectares for the construction of a dwelling on the subject site. The land is 2.6 hectares. Clause 4.2B of the LEP states that development consent must not be granted for erection of a dwelling house on land unless the lot is:

- (a) a lot that is at least the minimum lot size specified for that land by the [Lot Size Map](#), or
- (b) a lot created before this Plan commenced and on which the erection of a dwelling house or dual occupancy was permissible immediately before that commencement, or
- (c) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or
- (d) an existing holding, or
- (e) a lot created under clause 4.1A(4), or
- (f) a lot created following a boundary adjustment, but only if a dwelling house or dual occupancy could be erected on the lot immediately before that boundary adjustment under paragraph (a), (b), (c), (d) or (e).

The applicant has provided a written request to vary a development standard pursuant to Clause 4.6 of the LEP, that being the 40ha minimum lot size for a dwelling on the subject site under Clause 4.2B (3) (a). The objectives of Clause 4.6 are as follows:

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

Subclause 4.6 (3) requires that:

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

The applicant has provided the following justification for Council to consider their request to vary the minimum lot size for a dwelling:

- There are suitable areas to build on the lot above the 1 in 100 year flood height.
- The proposed dwelling is in keeping with the locality and will utilise existing infrastructure therefore not placing an unreasonable increase in demand.
- The locality of the site means it will have limited impact on the natural environment.
- The primary production and agricultural viability of the land has been compromised by the previous subdivision of the land.
- The proposal does not lead to fragmentation or alienation of resource lands.
- Supporting a dwelling on the land will not result in land use conflict due to the existing land use and subdivision pattern of the locality.
- The proposal does not result in dispersal of the rural settlement given its proximity to Junction Hill, and
- The erection of a dwelling will not be impacted by natural disasters.

Comment

In accordance with Clause 4.6(4)(a) of the LEP, Council staff consider that the written request adequately addressed the matters required to be considered under Clause 4.6(3). The applicant has demonstrated that the development standard is unreasonable or unnecessary in the circumstances, there are sufficient environmental planning grounds to justify contravening the development standard and no precedent will be set for the following reasons:

- The development site shares a boundary with the adjoining residential zone.
- There is suitable road access and public utilities to adequately service the site and the development is unlikely to result in an unreasonable demand for public services or facilities.
- The size of the existing lot is considered too small to be agriculturally viable in its own right and will not lead to rural land fragmentation.
- The development is not inconsistent with the Clarence Valley Settlement Strategy in that the land adjoins a residential zone which helps reinforce the identity of Junction Hill as a "vibrant and self reliant village".
- The development will result in the creation of a large residential lot for dwelling purposes which is consistent and of an appropriate character to the surrounding area and subdivision patterns within the vicinity of the development.
- The location of the proposed dwelling is located on flood free land.
- The development is not inconsistent with the objectives of the RU1 zone.
- Concurrence from the Department of Planning, Industry and Environment has been given to vary Clause 4.6 of the LEP.

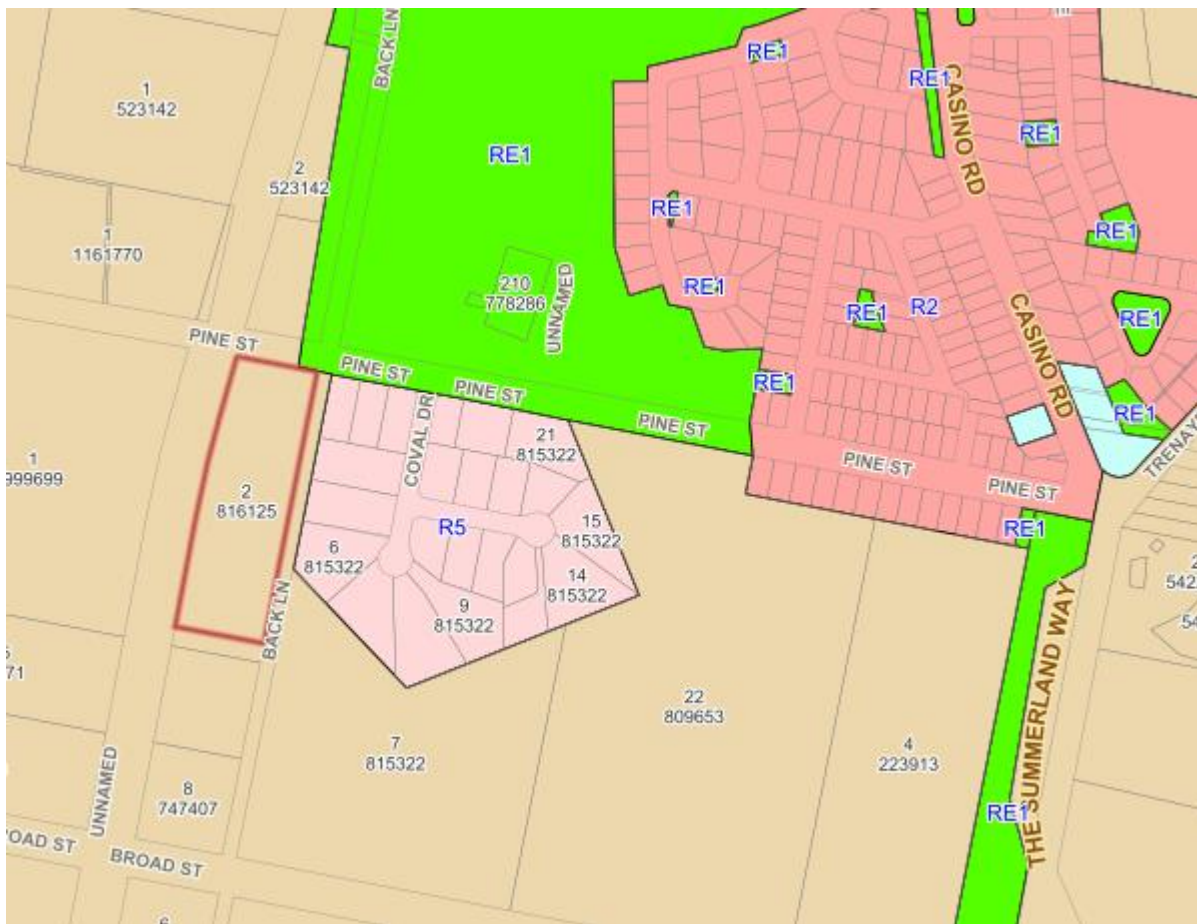


Figure 1 shows lot highlighted in red adjacent to rural residential land and proximity to Junction Hill village.

The concurrence of the Department of Planning, Industry and Environment has also been granted in this instance under the provisions of Clause 4.6(4)(b) for the following reasons:

1. The proposal does not raise any matters of State or regional planning significance; and
2. There is minimal public benefit in maintaining the 40 hectare minimum lot size development standard given the existing surrounding rural residential and rural lifestyle land uses.

Therefore, it is recommended that a variation to the 40ha minimum lot size for the subject site be supported to allow the proposed dwelling on a 2.63ha lot.

Alternatively, Council may opt to not support the requested variation. This will reinforce the status of the lot not having a building entitlement and would likely result in future Clause 4.6 variations not being supported. As previously stated above, the land is not of suitable size to support a viable agriculture entity. This option is not the officer recommendation.

2. Issues Raised in Submissions

The application was advertised and notified between 7 October and 23 October 2020 and 4 submissions were received. The initial application included only a dwelling envelope which was shown as being over the rear half of the site as shown below in Figure 2. The main issues raised in the first notification period related to the hydrological impact of the dwelling on the natural flow and movement of water through the locality. Other issues such as dwelling type, appearance and location of the dwelling have been resolved as a result of amending the application in response to the Department's advice. Revised plans show the dwelling as brick dwelling on a raised mound in the north western corner of the site. Subsequently no submissions were raised during the second notification period.

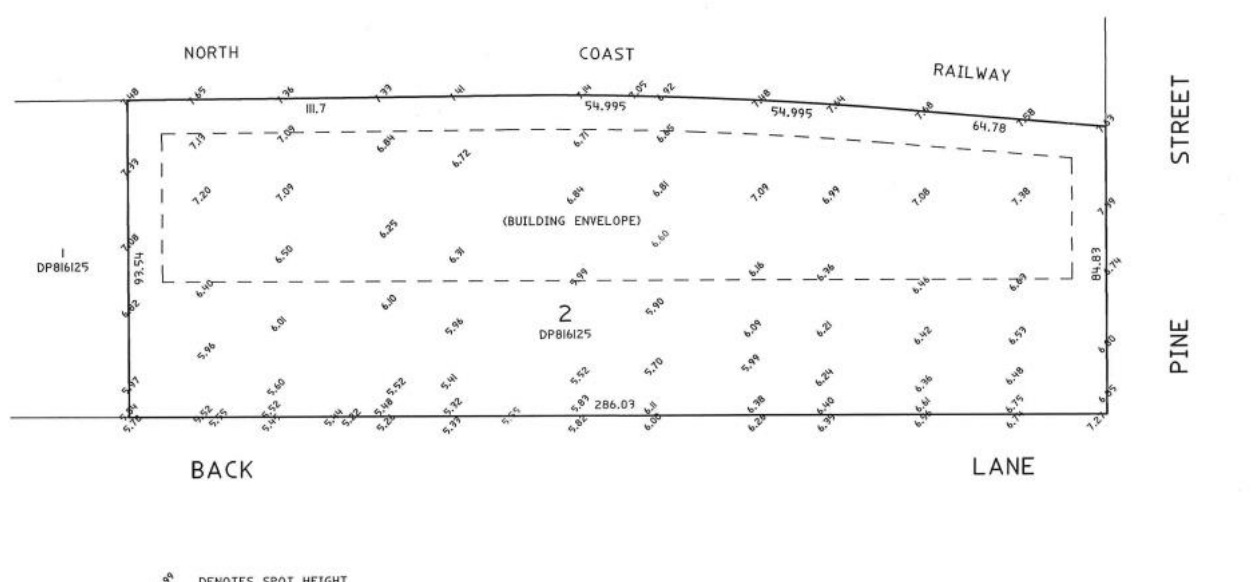


Figure 2 shows building envelope as lodged with the initial application.

Comment

Submissions received for this development noted concern regarding the potential impact of stormwater flows in peak events. Revised plans have been submitted refining the proposed building location and indicating fill for the dwelling to achieve the nominated floor level, up to 1m of fill will need to be imported. Generally, stormwater flows through the site are defined within a small gully, from the northern boundary on Pine Street falling to the eastern boundary on Back Lane. The property is also affected by the 100-year flood event, though it is noted that the proposed dwelling location (and fill footprint) is situated outside of the affected flood areas of the site. The development does not appear to influence the local stormwater issues or be affected by major flooding.

COUNCIL IMPLICATIONS

Budget/Financial

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

Asset Management

N/A

Policy or Regulation

- Environmental Planning and Assessment Act 1979*
- Environmental Planning and Assessment Regulation 2000*
- State Environmental Planning Policy 55 - Remediation of Land*
- Clarence Valley Local Environmental Plan 2011*
- Clarence Valley Council Development Control Plan for Development in Rural Zones*

Consultation

The development application was referred externally to the NSW Department of Planning, Industry and Environment, concurrence has been issued for the proposal. The following sections of Council were consulted during the assessment of the application:

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

Legal and Risk Management

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

Climate Change

The proposed development would contribute to CO₂-equivalent emissions through construction and operation which are considered to be a driver for climate change via building materials, construction methods, maintenance and associated energy and resource use. Notwithstanding the above comments, if the development is approved, the proposed building is required to comply with the energy efficiency requirements of the Building Code of Australia (BCA) and the NSW Building and Sustainability Index (BASIX) which will ensure that the development meets legislative requirements for sustainability.

| | |
|-------------|--|
| Prepared by | James Hamilton |
| Attachment | A. Proposed Plans B. Submissions C. Section 4.15 Assessment. |

Schedule 1
Draft Advices and Conditions of Consent for DA2020/0536

Advices

1. The House Number 85 Pine Street, Junction Hill 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.
2. Prior to building work commencing approval under Section 68 of the Local Government Act shall be obtained from Council for sewerage work, water plumbing and stormwater work. Two copies of hydraulic plans to AS 3500 detailing the size and location of water, sewer, stormwater and fire services shall be submitted to Council for approval.
3. 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

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.
4. Any activity to be carried out on any part of the road reservation requires the prior approval of Council under the NSW Roads Act 1993.
5. No construction is to be commenced until a Construction Certificate has been issued.
6. Due to the proposed development creating a dwelling entitlement where there was previously no opportunity to build a dwelling, developer contributions are applicable.

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 Title | Drawn by | Plan Date | Sheet No |
|---|--------------------------------------|------------|----------|
| Plan Showing Levels, Drainage & Proposed Building Envelope and Dwelling | O'Donohue Hanna & Associates Pty Ltd | 2/12/2020 | 1 |
| Site Plan | PJ Dougherty | 21/08/2020 | 2 |
| Floor Plan | PJ Dougherty | 21/08/2020 | 3 |
| Elevations | PJ Dougherty | 21/08/2020 | 4 |

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

Grafton and surrounds \$3,869.35 x 1 additional dwelling = \$3,869.35 GL S94CVCOSGrafton

Clarence Valley Contributions Plan 2011 Community Facilities

Grafton and surrounds \$3,869.35 x 1 additional dwelling = \$3,869.35 GL S94CVCCFGrafton

Clarence Valley Contributions Plan 2011 Plan of Management

Rate per Dwelling/Lot \$74.10 x 1 additional dwelling = \$74.10 GL S94CVCPoMDwell

Roads and Traffic Facilities Contribution Plan 2001

All other development \$4,079.44 x 1 additional dwelling = \$4,079.44 GL S94 RdsCopmanT1-14
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. Prior to the issue of an Occupation Certificate all requirements listed in the relevant Basix Certificate for this development shall be completed/installed.
4. 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.
5. Roof water, including overflow from a tank, shall be discharged a minimum of 3m clear of buildings, boundaries and downhill or clear of any effluent disposal area so as not to cause a nuisance.
6. To meet Council's floodplain development controls the dwelling floor level shall be a minimum of 7.06m Australian Height Datum (AHD), being 500mm above the 1:100 year flood level for the site which is 6.56m AHD
7. Any fill earthworks to be undertaken on the site must be carried out in accordance with the placement and compaction of fill described in AS 3798, Level 1 inspection and testing and NRDC.
8. 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.
9. Due to the close proximity to the rail corridor it is recommended the dwelling be constructed to reduce noise and vibration from trains passing, details are to be submitted prior to issue of the Building Construction Certificate to demonstrate how this will be achieved.
10. An On-Site Wastewater Management application is to be submitted to issue of the Building Construction Certificate.
11. **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.

12. 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.
13. The development is not to be occupied or used until such time as an Occupation Certificate has been issued.
14. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.

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

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

16. **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.

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|------|-----------|---|
| ITEM | 6b.21.058 | DA2021/0085 INDUSTRIAL SHED, 61 TRENAYR ROAD, JUNCTION HILL |
|------|-----------|---|

| | | |
|--------------------|--|----------------|
| Meeting | Environment, Planning & Community Committee | 17 August 2021 |
| Directorate | Environment, Planning & Community | |
| Reviewed by | Director - Environment & Planning (Adam Cameron) | |
| Attachment | Yes | |

SUMMARY

| | |
|--------------------|--------------------------------|
| <i>Applicant</i> | Big River Group Pty Ltd |
| <i>Owner</i> | Big River Group Pty Ltd |
| <i>Address</i> | 61 Trenayr Road, Junction Hill |
| <i>Submissions</i> | Yes - 2 |

Big River Group Pty Ltd (BRG) seeks approval for an industrial shed 42m x 24.5m shed with a 36.6 x 15.5m awning at the Big River Timber site in Junction Hill. The shed will be an extension/refurbishment to the building that sustained fire damage in 2014. The new building will reinstate some of the previous operations for wood and timber milling and relocate other operations to be undercover.

During the assessment of the application Council requested a noise assessment report which has been provided. The outcomes of the report and issues raised in submissions are discussed in this report and a recommendation is provided for Council's consideration.

OFFICER RECOMMENDATION

That DA2021/0085 be approved subject to the imposition of conditions contained in Schedule 1.

COMMITTEE RECOMMENDATION

Baker/Williamson

That DA2021/0085 be approved subject to the imposition of conditions contained in Schedule 1 after amendment of those conditions to provide the operating hours to be identical to the current operating hours of the site.

Voting recorded as follows:

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

COUNCIL RESOLUTION – 6b.21.058

Kingsley/Ellem

That DA2021/0085 be approved subject to the imposition of conditions contained in Schedule 1 after amendment of those conditions to provide the operating hours to be identical to the current operating hours of the site.

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

Timber milling/processing has been undertaken on the site which was established in the early 1900s as a family owned timber business. Today, it has advanced and established a position as a major Australian building materials distributor, supplying an extensive range of plywood and specialty timber products for the residential, commercial, industrial, building and construction industries.

The proposal is to reconstruct a shed and awning that will house timber processing operations at the BRG including buildings that were destroyed by fire in 2014. The old shed has since been demolished and removed.

The shed is to be constructed over a similar footprint of the previous fire damaged shed and will be a 42m x 24.5m shed with a 36.6 x 15.5m awning, it will have a height of just over 7.1m at its highest point. A veneer peeling lathe, veneer drier, plywood hot presses and sanders will be installed in the shed.

It is noted that if timber processing was for more than 50,000 cubic metres of timber per year ,the activities would be declared to be a scheduled activity requiring the premises to be licenced with the Environmental Protection Authority (EPA).

The applicant has submitted that the production will only be increasing to approximately 70% of pre-fire output levels. The site previously employed 110 Staff and it is predicted that there will be an increase by 20 staff to a total of 70 at the site within 3 years.

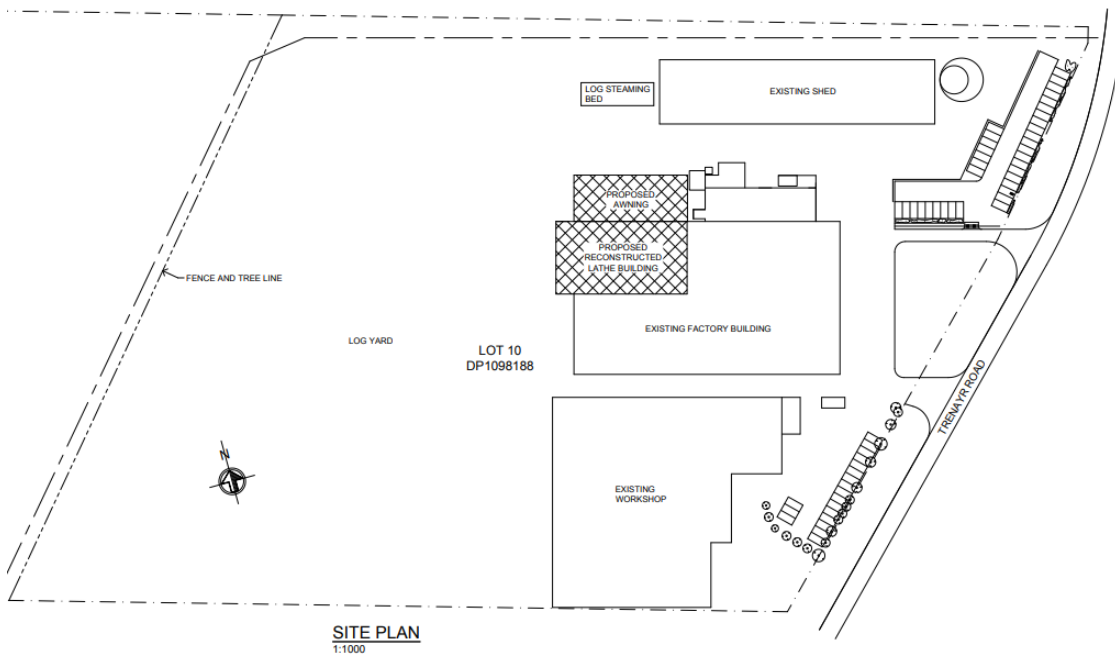


Figure 1 – Site Plan showing shed location

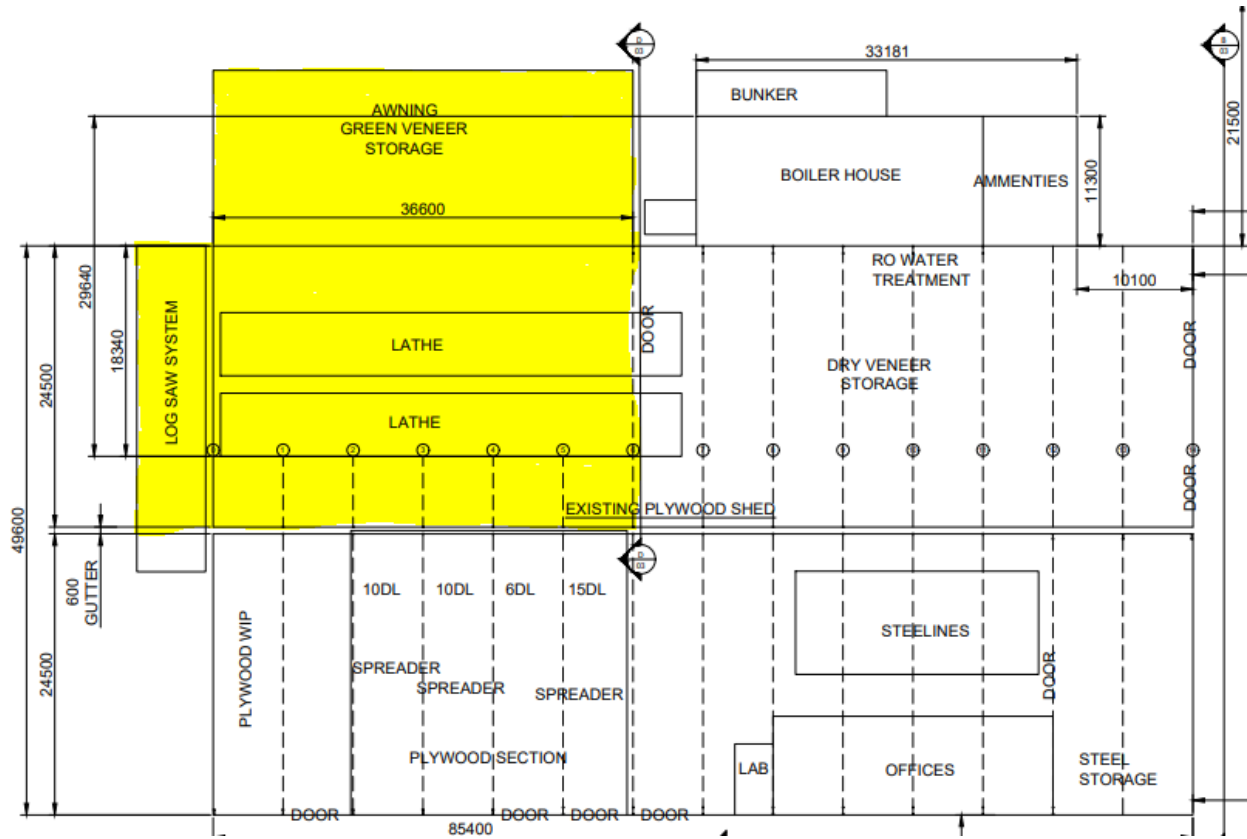


Figure 2 - Shed layout

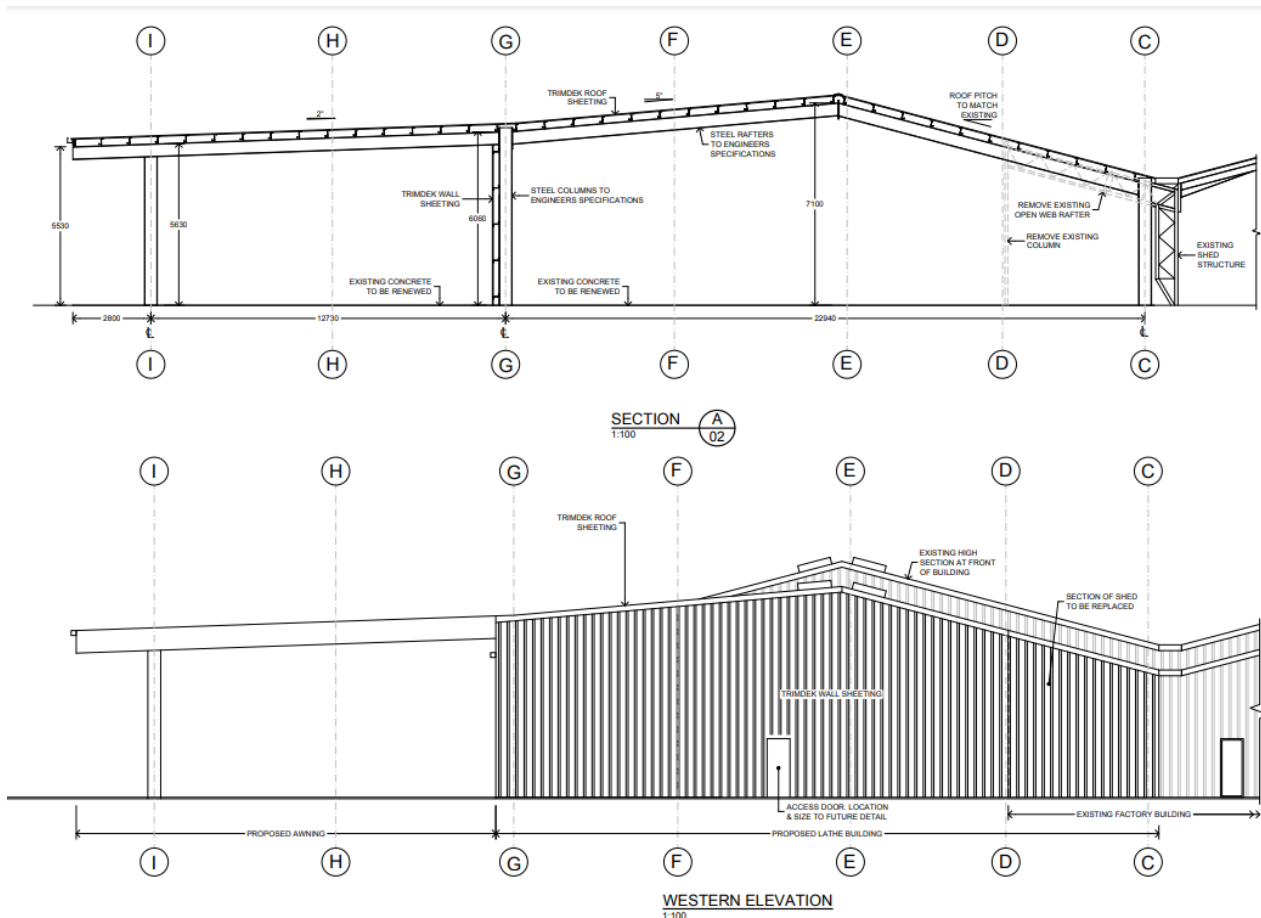


Figure 3 – Section and Elevation

There have been numerous improvements to the site to build the business to current operations. The proposal has raised concern to some nearby residences about noise and air pollution from the site. This is discussed further in the issues section of this report.

KEY ISSUES

Issue 1 – Impacts on the amenity of nearby residences.

Concern has been raised in the submissions in regard to the potential increased noise and air pollution from the site.

In summary, the submissions raise the issues of:

- Ongoing noise and operation hours of the mill as well as occasional fumes,
- Log unloading in early hours of the morning (1am),
- Potential increased noise from upgrading the site with the \$10M grant, and
- Existing pine trees that screen the site are no longer effective.

Comment

In regard to the potential noise impacts, a noise assessment report was provided as part of Council's additional information request. Noise impacts were assessed at the nearest sensitive receivers and the assessment concluded that the current site operations exceed the CVC project noise limit at the nearest noise sensitive receivers by up to 16 dBA. The report also notes noise emissions are expected to reduce noticeably after the construction of the shed that will contain the lathe and relocation of the external chipper and outdoor sawing activities to within the new building.

The noise assessment report is based on current operating hours of 7.00am to 6.00pm, however it is noted that the existing timber processing facility could operate 24 hours 7 days a week. On review of the consents issued for the site, only one limits the operating hours i.e. an approval for a log de-barker under DA91/42 issued on 1 October 1991 which limited the hours of use to between 7am and 5pm (no specific days were included in condition). If it is proposed that operations in the new shed are to be outside of the current operating hours, Council should place restrictions that mitigate potential noise impacts from the shed to meet with current industry standards.

The Noise Assessment report also recommends that further assessment of mitigation treatments to the existing operations (other than the new shed). While this recommendation is supported by staff, requiring this under this development application would likely be outside of Council's ability to reasonably impose this, as conditions of consent need to fairly and reasonably relate to the development being determined. It is proposed that conditions of consent be imposed in regard to the potential amenity impacts from the use of the shed only. Appropriate conditions of consent are in the Schedule of Draft Advices and Conditions.

The NSW Noise Policy for Industry (NPfI) was released in 2017 and sets out the requirements for the assessment and management of operational noise from industry in NSW. Local Government is an independent regulator for noise under NSW legislation and has discretion for dealing with noise.

Clause 6.1.1 of the NPfI states that where noise levels are exceeded for existing sites, Council can assess feasible and reasonable noise mitigation strategies. Staff consider that limiting the hours of operation in line with the NPfI, unless suitable noise mitigation can be achieved in accordance with the Policy, for the new shed only, and requesting improved noise attenuation on the construction standards of the shed to be reasonable noise mitigation measures to improve the amenity of existing residents. This requirement is reflected in Condition 5 of the Draft Schedule of Advices and Conditions.

It is proposed that the application be conditioned in line with the conclusions of the noise assessment:

- The industrial shed to be used only between the DAY period of 7.00am and 6.00pm Monday to Saturday unless suitable noise mitigation can be achieved in accordance with the NSW Noise Policy for Industry for EVENING: 6.00pm to 10.00pm and NIGHT: 10.00pm to 7.00am periods. This is to be verified by a Noise Management Plan prepared by a suitably qualified acoustic consultant,
- Submission to Council of noise mitigation measures and acoustic design and construction of the new shed,
- The approval does not increase production/output rates to that already approved,
- For any part of the site that comes under the jurisdiction of another government department, a Controlled Activity approval or license (or similar approval). Any such approval must be obtained and provided to Council,

- Replace the existing aged vegetation screening with new plantings with details to be submitted to Council for approval.

It should be noted that the NPfi differentiates time periods and recommends noise levels:

- DAY: 7.00am to 6.00pm Monday to Saturday; 8.00am to 6.00pm Sundays and Public Holidays
- EVENING: 6.00pm to 10.00pm
- NIGHT: The remaining periods (10.00pm to 7.00am)

In regard to air pollution the applicant has submitted that trade waste and operations will continue to be managed in the same way, with all timber waste recycled at the facility through the wood fired co-generation plant.

Best practice procedures are recommended for the processing facility in that any potential offensive odours be managed within the current NSW environmental guidelines. It is noted that an Environmental Management Plan was undertaken for the site in 2009 in consultation with Clarence Valley Council and the Environmental Protection Authority. It is proposed that an advice be included recommending that an updated Environmental Management Plan be prepared for the BRG operations at the Junction Hill site to ensure that the site operations comply with relevant State legislation and regulations and that environmental risks are managed appropriately.

The options for Council are:

1. Approve the application and require the applicant to meet the NSW Noise Policy for Industry standards in regard to the operation of the new shed by providing improved noise attenuation measures and limit the hours of operation to reasonable time periods to protect the amenity of nearby residential area,
2. Approve the application and not require the applicant to attenuate noise impacts and meet with NSW Noise Policy for Industry standards for the new shed, accepting that operations at the site already exceed the noise standards and that the shed will likely reduce noise emissions from the site,
3. Refuse the application with valid reasons.

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*
- *Clarence Valley Local Environmental Plan 2011*

Consultation

| <i>Internal Section or Staff Member</i> | <i>Comment</i> |
|---|---------------------------|
| Engineering | Supported with conditions |
| Health & Building | Supported with conditions |
| Environmental Health | Supported with conditions |

Legal and Risk Management

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

Climate Change

Obligations are on the applicant in regard to the proposal to reduce greenhouse gas emissions, energy efficiency and reduce potable water consumption. Compliance that these commitments have been met will be through best practice management.

| | |
|-------------|---|
| Prepared by | Pat Ridgway |
| Attachment | A. Plans B. Noise assessment report C. Submissions D. Section 4.15 Assessment Report |

Schedule 1 – Draft advices and Conditions**Advices**

1. No construction is to be commenced until a Construction Certificate has been issued.
2. The building exceeds the maximum fire compartment size in Clause C2.2 of the National Construction Code (i.e. 2000m² or 12,000m³). Written details of how the building will comply with Clause C2.3 of the NCC for a large isolated building shall be submitted with the construction certificate application. Details shall include the floor area and volume of each building, provision of an 18m wide open space around the building/group of buildings that is not used for storage or processing of materials and how vehicular access will be provided for emergency vehicles to travel in a forward direction around the entire building/group of buildings.
3. A fire hydrant and hose reel system complying with AS2419.1 and Part E1 of the National Construction Code (NCC) shall be installed/extended to serve the new building. Hydraulic details shall be submitted with the construction certificate application.
4. Emergency lighting and exit signs shall be provided as per the National Construction Code (NCC) with plans submitted with the construction certificate application detailing their location.
5. Pedestrian egress doors are to be provided so that no point on the floor of the building is more than 20m from an exit, or a point from which travel in different directions to two exits is available, in which case the maximum distance to one of those exits must not exceed 40m. The plans submitted with the construction certificate application shall detail the location of exit doors.
6. The energy efficiency requirements in Section J of the NCC apply to this building. All artificial lighting shall be fluorescent or LED to comply with Section J.
7. Access to the building for disabled persons shall be provided and constructed in accordance with the requirements of Part D3 of the Building Code of Australia and AS 1428.1-2009.
8. It is recommended that an updated Environmental Management Plan be prepared with consultation with Clarence Valley Council and the Environmental Protection Authority for the Big River Group Pty Ltd operations at the Junction Hill Site to ensure that the site operations comply with relevant State legislation and regulations and that environmental risks are managed appropriately

CONDITIONS:

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

| Drawing | Drawn by | Dated | Sheets | Rev. |
|-----------------------------|---------------------------------------|--------------|---------------|-------------|
| Grafton Site Factory Layout | Big River | 01/12/2020 | 1/1 | A |
| Fire Damage & Site Plan | McKenzie Burrige & Associates Pty Ltd | January 2021 | 01 | - |
| Floor Plan | McKenzie Burrige & Associates Pty Ltd | January 2021 | 02 | - |
| Section & Elevations | McKenzie Burrige & Associates Pty Ltd | January 2021 | 01 | - |

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

\$15,000.00

GL S94ACVCOthResAcco

This amount is based on the following calculation:

- A Proposed cost of carrying out the development is more than \$200,000 = value of development x 0.01
- B The value of development stated in the application was \$1,500,000.00

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

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

Environmental

3. Noise associated with activities inside the shed is to comply with the EPA *Noise Policy for Industry 2017* (NPfI) and project noise trigger levels provided in section 3.2 of the *BRG Grafton Timber Mill Noise Assessment for DA Purposes 2021* (noise assessment).
4. Fast shutting roller doors are to be installed to minimise noise impacts on nearby receivers when the lathe is in use.
5. Shed operating hours and any deliveries for works associated with the shed, are to be limited to 7am to 6pm Monday to Saturday. No work is permitted on Sundays and Public Holidays unless suitable noise mitigation can be achieved in accordance with the NSW Noise Policy for Industry for EVENING: 6.00pm to 10.00pm and NIGHT: 10.00pm to 7.00am periods. This is to be verified by a Noise Management Plan prepared by a suitably qualified acoustic consultant and submitted to Council for endorsement.
6. A Noise Management Plan must be prepared by a suitably qualified acoustic practitioner with reference to the conditions of consent and submitted to Council for approval prior to operation of the shed. The plan must detail the methods that will be implemented for the operations associated with the shed to minimise noise impacts on the nearest affected dwellings. Information should include but is not limited to:
 - a) Identification of nearby residences and other sensitive land uses.
 - b) Hours of operation.
 - c) Project noise trigger levels.
 - d) Detailed examination of all feasible and reasonable management practices that will be implemented to minimise noise impacts with reference to section 3.4 of the NPfI and section 5.2 of the noise assessment.
 - e) Strategies to promptly deal with and address noise complaints. This should include any records that should be kept in receiving and responding to noise complaints.
 - f) Name and qualifications of person who prepared the report.

The shed and associated activities must be managed and operated in accordance with the approved plan. All staff must be inducted to the plan and a copy must be available on the premise at all times.

7. Independent noise monitoring by a suitably qualified acoustic practitioner is to be undertaken within six months of operation of the shed and associated activities. An operational noise monitoring report is to be provided to Council to determine actual project noise levels. Recommendations for additional noise mitigation measures is to be included in this report should the results be non-compliant with the NPfI and project noise trigger levels provided in section 3.2 of the noise assessment.
8. Any wastewater discharge to sewer associated with the development is subject to a trade waste agreement.
9. The existing vegetative buffer must be enhanced with additional suitable plantings to provide additional screening between the development and adjoining residential land.

A landscape plan prepared by a person competent in the field is to be submitted to Council for approval prior to the issue of a Construction Certificate. The plan shall indicate the mature height, location, quantity and species of all plantings and shall provide details of soil conditions, the planting method and maintenance program.

10. Prior to issue of the Construction Certificate, details of noise mitigation measures and acoustic design of the new shed must be submitted to Council for approval.

Building

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

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

**7.00 am to 6.00 pm 6 days per week
No work permitted on Sundays and public holidays**

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

13. **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.

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

- A Stating that unauthorised entry to the work site is prohibited, and
- B Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside of working hours, and
- C Showing the name, address and telephone number of the principal certifying authority for the work, and

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

15. Any new vehicular crossing to provide access to the allotment is to be constructed in accordance with the requirements of Council's Operations Section. An application for driveway access crossing is to be submitted and approved by Council prior to any work commencing.

16. The building work involving the installation, modification or extension of a **relevant fire safety system** cannot commence unless:

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

- ii have been endorsed by a competent fire safety practitioner as complying with the relevant provisions of the Building Code of Australia.

relevant fire safety system means any of the following:

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

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

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

- 17. 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.

| | | |
|--------------------|--|---|
| ITEM | 6b.21.059 | MOD2021/0041 MODIFICATION OF DA2019/0331 TO INCREASE THE HEIGHT OF BUILDING AND LIFT OVERRUN, 56 YAMBA ROAD, YAMBA |
| Meeting | Environment, Planning & Community Committee | 17 August 2021 |
| Directorate | Environment, Planning & Community | |
| Reviewed by | Director - Environment & Planning (Adam Cameron) | |
| Attachment | Yes plus To be tabled Attachment | |

SUMMARY

| | |
|--------------------|--|
| <i>Applicant</i> | GCB Constructions Pty Ltd |
| <i>Owner</i> | The Uniting Church in Australia Property Trust (NSW) |
| <i>Address</i> | 56 Yamba Road, Yamba |
| <i>Submissions</i> | Yes 4 |

Council at its meeting of 22 October 2019 (Item 6b.19.034) approved 50 independent seniors' living apartments that front Yamba Road and approved a variation to the 9 metre maximum building height prescribed by clause 4.3 of the Height of Buildings Map in the *Clarence Valley Local Environmental Plan 2011* and an 8 metre maximum height specified in *State Environmental Planning Policy (Housing for Seniors or People with a disability) 2004*.

Further changes to the overall building height have now been determined as a result of the finalisation of the detailed design process and are necessary to achieve compliance with the conditions of approval and other relevant standards. The result will be a marginal increase in height given that the roof pitch needs to be amended to meet the required outcomes. The overall increase in height equates to between approximately 25cm (250mm) and approximately 33cm (330mm).

This report provides an assessment of the application including an application for a minor variation to the maximum height requirement, discusses the issues raised in the submissions and a provides a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That after consideration of the modification application MOD2021/0041 and clause 4.6 of the *Clarence Valley Local Environmental Plan 2011* (CVLEP) Council approve a further minor variation to the 9 metre maximum building height prescribed by clause 4.3 of the Height of Buildings Map in the CVLEP and 8 metre maximum height specified in State Environmental Planning Policy (Housing for Seniors or People with a disability) 2004 as proposed by the applicant.

COMMITTEE RECOMMENDATION

Baker/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Novak, Simmons, Baker, Williamson

Against: Clancy

COUNCIL RESOLUTION – 6b.21.059

Baker/Lysaught

That after consideration of the modification application MOD2021/0041 and clause 4.6 of the Clarence Valley Local Environmental Plan 2011 (CVLEP) Council approve a further minor variation to the 9 metre maximum building height prescribed by clause 4.3 of the Height of Buildings Map in the CVLEP and 8 metre maximum height specified in State Environmental Planning Policy (Housing for Seniors or People with a disability) 2004 as proposed by the applicant.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Williamson, Lysaught

Against: Ellem, Clancy, Novak, Toms

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

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

BACKGROUND

Development Application DA2019/0331 was approved by Council at its meeting of 22 October 2019 for 50 independent seniors' living apartments fronting Yamba Road and adjacent to the existing Caroona aged care facility off Freeburn Street, Yamba. In determining DA2019/0331, a variation to the 9m height limit specified in the Clarence Valley Local Environmental Plan 2011 (the LEP) and 8m Height Limit specified in State Environmental Planning Policy (Housing for Senior or People with a Disability) (SEPP Seniors Housing) under Clause 4.6 of the LEP was also approved.

Caroona is owned by The Uniting Church in Australian Property Trust which is a registered social housing provider. The proposal will have car parking at ground level and 50 apartments on the above three levels consisting of 32 x 2 bedroom units, 4 x 3 bedroom units and 12 x 1 bedroom units.



BEV2 BIRDS EYE VIEW FROM NORTH-WEST

Figure 1. Concept view from Yamba Road looking east



RFV3 BIRDS EYE VIEW FROM NORTH-EAST
Figure 2: Concept view from Yamba Road looking west

The approved building height is 11.7 metres to the roof and 12.7 metres to the top of the elevator shaft and skylights, which exceeds the 9 metre building height specified in Height of Building Map of the LEP and 8 metre height specified in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Living SEPP).

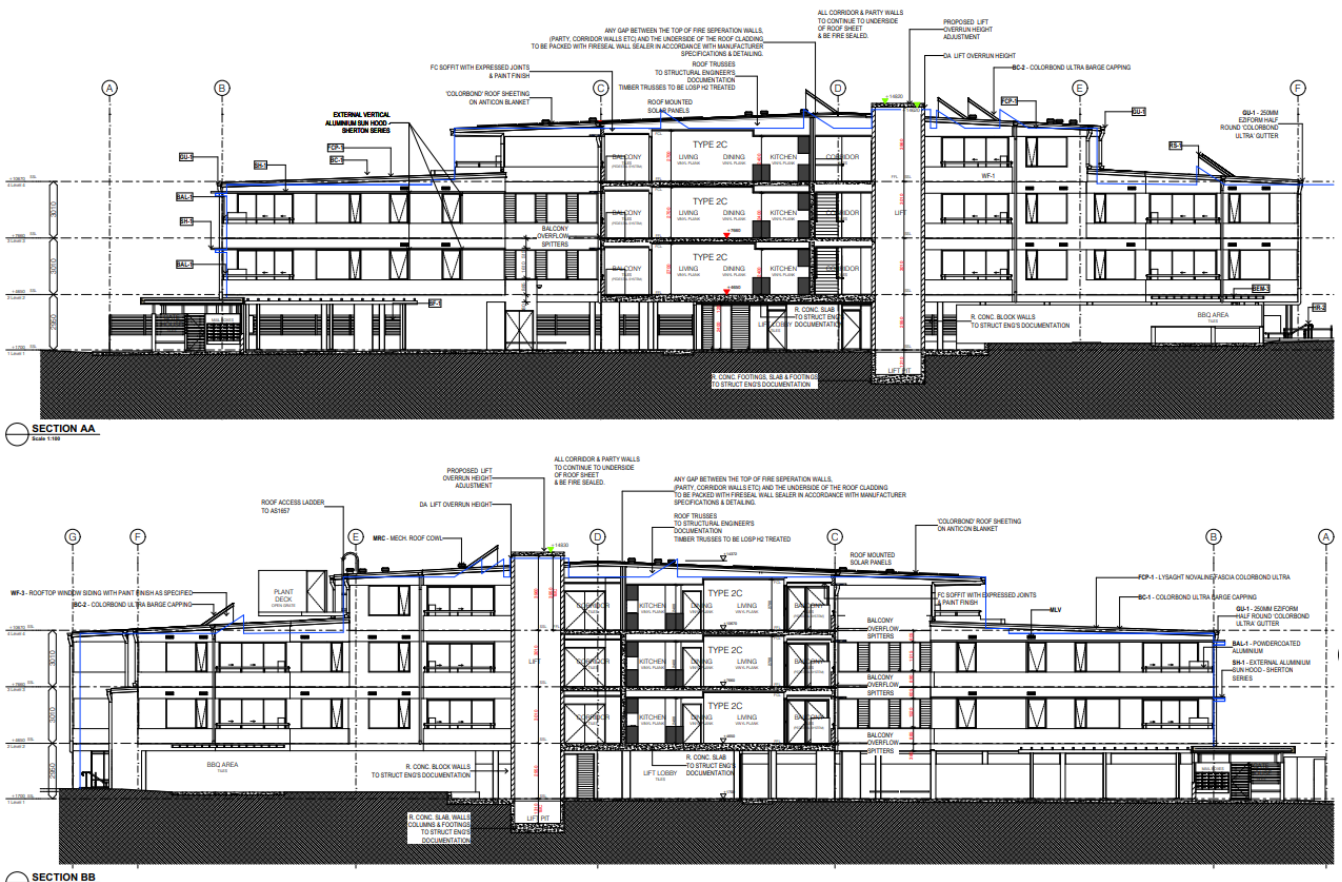


Figure 3 Sections. Blue line showing development as approved compared to proposed variations

During the exhibition of the application, Council received submissions from adjoining neighbours against the proposal. The key issues raised are the overall height, overlooking of private open space areas, overdevelopment, building design and overshadowing.

The options for Council are:

1. To approve the modification and have the original consent amended accordingly. A draft amended Condition No. 1 is provided to reflect the amended plans, or
2. Refuse the application with valid reasons.

Option 1 is the preferred option

KEY ISSUES

1. Height variation

The applicant has described the basis for this marginal increase is as follows:

- In order to comply with Condition 16, there is a need to address SEPP 65 (Design quality of residential apartment development). The SEPP requires a 2700mm ceiling height for habitable rooms for the units in the development.
- The plans that were approved by Council have insufficient service zones to account for the necessary pipework to the soffit of the level 2 slab over the ground level. As a result, the approved concept would not achieve compliance with AS2890.1 or SEPP 65 as there was an insufficient ceiling cavity for the installation of sprinklers, electrical fittings and mechanical ductwork to habitable rooms.
- Condition 53 requires compliance with AS2890.1 (Parking facilities – off-street car parking). The identified height deficiencies can be resolved by way of relocating parking spaces for people with disabilities (so that they are not impacted by pipework) and the reduction of slab thicknesses.
- The increase in height for the building therefore equates to an additional 25cm (250mm) in terms of the height from the ground to the level of the roof ridge line. This means that there is also an inherent increase in height for the skylights and lift overrun.
- It is also to be noted that the eave height for the level 3 and level 4 is consistent with levels that were approved by Council as part of the development approval.
- The extent of the lift overrun depicted on the approval plans means that ultimately it did not meet industry standards for servicing. Through on-going liaisons with various suppliers, the applicant has been able to ensure that a lift can be installed such that the lift overrun increases in height by 33cm (330mm) rather than the more standard 70cm (700mm). The overall height of the lift overrun will be 14.83m (up from 14.5m as originally approved).
- The overall increase in height for the building of 25cm generally and 33cm at the lift shaft overrun is considered to be insignificant in that it will not be readily visible or prominent. It is noted that the skylights will be the highest point of the building (and not the lift shaft). The increase in height also ensures that various design standards can be appropriately achieved.
- Updated shadow diagrams have been prepared to demonstrate that the marginal increase in the building height does not adversely impact on the surrounding area.

Comment

The applicant has demonstrated that the development as modified will remain substantially the same as the development which was granted consent. The proposed minor changes meet the requirements outlined in both section 4.55(1A) and 4.15(1) of the Act. The marginal increase in building height has been necessitated by the requirement to achieve compliance with Condition 16 and 53 of the development approval.

Under DA2019/0331 Council has already granted development consent for the development that contravened a development standard as per Clause 4.6 of the Clarence Valley Local Environmental Plan 2011. The NSW Department of Planning Circular PS 08-003 dated 9 May 2008, states that Council can assume the Director-General's concurrence where an environmental planning instrument has adopted clause 4.6 of the Standard Instrument. Council can be satisfied that it has delegation to vary the height requirement and that there are sufficient grounds to justify the further minor contravention to the development standard.

2. Issues raised in submissions

- A. *Overlooking into their yard, loss of winter sunlight, visual impacts, and further 450mm shift closer to boundary (reduced setback) and based on the impacts generated to the application is not substantially*

the same to that approved. The applicant should rectify the design issues and change should be made within the existing footprint already approved without impaction further on their amenity.

Comment

In regard to overlooking and visual impacts, if the proposed modification is not approved this will not alleviate the neighbours concerns. By comparison to the building that has been approved on the site there will be no changes to the building layout and design other than a minor raising of the roof and slight increase to the roof pitch. The proposal as approved provides side setbacks of greater than 5 metres which allows for large landscape and tree planting areas to reduce potential overlooking and appearance of the apartments.

Under the Residential Zones DCP setbacks are required to meet the following objectives:

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

By comparison Council's Residential Development Control Plan (DCP) allows for a 1.5m setback to a 9m high building and a 3m setback for a 12m high building; i.e. as the height of a building increases the side and rear setbacks are also to be increased, the building as approved is considered to have an appropriate proportional setback.

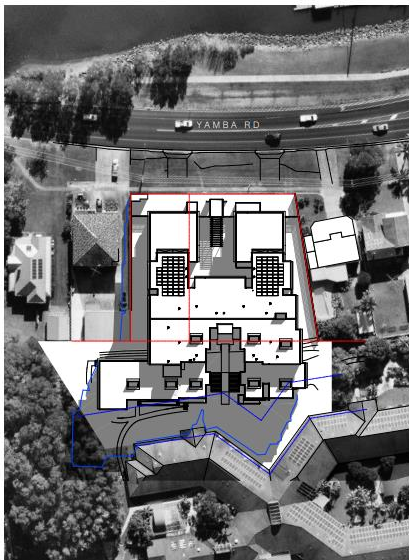


Figure 4 – Approved height, north elevation and proposed height and setback changes

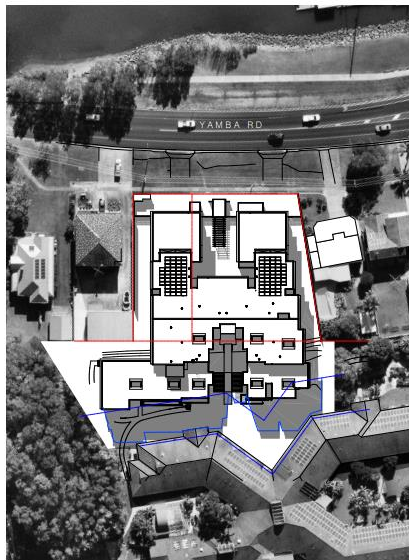
In regard to loss of sunlight there will be an additional impact on adjoining property at 52 Yamba Road. The applicant has provided plans that show the extent of the changes to the development including shadow diagrams. The diagrams show that the increased roof height will slightly increase the extent of shadowing in the afternoon in winter.

The relevant assessment benchmark commonly used under Council's DCP Yamba Hill Controls requires that at least half of the private open space of adjoining properties should receive direct sunlight between 10.00am and 2.00pm during mid winter.

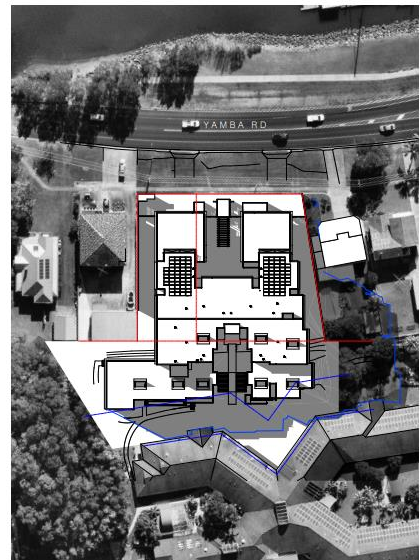
Sun diagrams have been provided for June time intervals for 9.00am, 12.00pm and 3.00pm showing that shadowing is at its greatest on the adjoining property some time after 12.00pm (see below). The rear yard of the adjoining property is largely unaffected until in the afternoon and receives sunlight for over 2 hours between 10.00am and 2.00pm; the shadowing impacts are not inconsistent with Council's DCP requirement. A comparison has also been provided for difference in shadowing at 3.00pm September.



JUNE 9AM



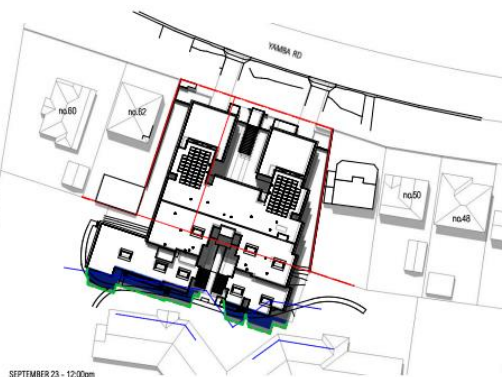
JUNE 12PM



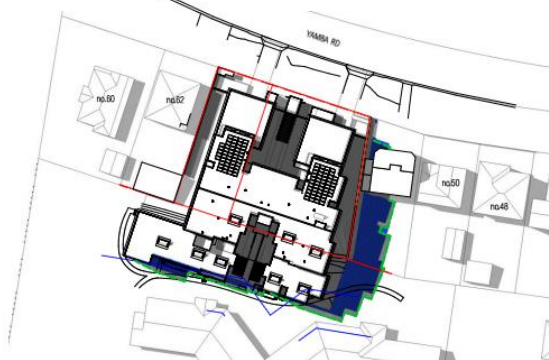
JUNE 3PM



SEPTEMBER 23 - 9:00am



SEPTEMBER 23 - 12:00pm



--- REVISED SHADOW LINE
 ■ DA SHADOW FOOTPRINT

- B. Council is not legally able to modify the building height under a S4.55 application nor should it be considered to be substantially the same application, cumulative impacts and loss of adjoining property values.

Comment

Common law principles from judgements made by the Land and Environment Court have provided that a modification application can be approved even if it would contravene a development standard.

Consent authorities are required to consider if a modification is substantially the same development (qualitatively and quantitatively) and whether the proposal is not a radical transformation to that approved. A Section 4.55 modification under the *Environmental Planning and Assessment Act 1979* also requires the consent authority to consider those matters listed in Section 4.15 which are required under a normal development application. A development standard must also be taken into consideration in the modification application though the considerations required under S4.6 of the LEP do not apply to the modification application as development approval has already been granted.

By comparison to the building that has been approved on the site there will be no changes to the building layout and design other than a minor raising of the roof and slight increase to the roof pitch. The development is considered to be substantially the same development to that approved. There are minimal cumulative impacts that arise from the modification proposal as well as perceived impacts to property values.

C. Traffic island impacts / raised median

Comment

The original approval has considered the traffic impacts of the development and the modification application does not change the traffic movements or impacts. The raised median traffic island has been required to reduce potential safety issues from right-turn-in and right-turn-out to the units and to prevent vehicle cueing Yamba Road in accordance with Austroads 6.10.3.3. This is to limit the number of conflict points arising from uncontrolled right turn movements; the proposed modification does not remove the need for this requirement.

COUNCIL IMPLICATIONS

Budget/Financial

Nil

Asset Management

N/A

Policy or Regulation

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Clarence Valley Local Environmental Plan 2011*
- *CVC Development Control Plan – Development in Residential Zones*
- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

Consultation

N/A

Legal and Risk Management

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

Climate Change

The *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* requires a BASIX Certificate to be submitted for all BASIX affected development; the proposal triggers the need for this certificate. A valid BASIX Certificate has been submitted with the application which sets out the obligations of the applicant in regards to the proposal to reduce greenhouse gas emissions, energy efficiency and reduce potable water consumption. Compliance that these commitments have been met will be required to be demonstrated prior to issue of the Occupation Certificate.

| | |
|-------------|--|
| Prepared by | Pat Ridgway, Senior Development Planner |
| Attachment | A. Revised plans B. Statement of Environmental Effects – To be tabled C. Statement to assist assessment – To be tabled D. Section 4.55 Assessment E. Submissions |

| | | |
|-------------|------------------|--|
| ITEM | 6b.21.060 | PROPOSED LEP AMENDMENT TO CORRECT ERROR IN LAND DESCRIPTIONS FOR 3 COUNCIL OWNED LOTS AT SWAN CREEK |
|-------------|------------------|--|

| | | |
|--------------------|--|----------------|
| Meeting | Environment, Planning & Community Committee | 17 August 2021 |
| Directorate | Environment, Planning & Community | |
| Reviewed by | Director - Environment & Planning (Adam Cameron) | |
| Attachment | Nil | |

SUMMARY

| | |
|---------------------------|--|
| Proponent | Clarence Valley Council |
| Date Received | N/A |
| Owner | Clarence Valley Council |
| Subject land | Lot 1, 2 and 3 DP 1190372, School Drive, Swan Creek |
| Current Zoning CVLEP 2011 | R2 Low Density Residential |
| Proposal | To amend the Clarence Valley Local Environmental Plan 2011 (CVLEP 2011) to correct land description for the above 3 lots at Swan Creek in Part 1 of Schedule 4 Classification and reclassification of public land of the CVLEP 2011. This will have the effect of properly reclassifying the above 3 lots from community to operational. |

This report seeks a resolution to amend the Clarence Valley Local Environmental Plan 2011 (CVLEP 2011) to correct a minor error in the deposited plan (DP) number in the land description for three (3) lots at Swan Creek in Part 1 of Schedule 4 *Classification and reclassification of public land* of the CVLEP 2011.

The effect of correcting the land descriptions as further discussed below will be to ensure that the correct or target lots become classified as operational rather than remaining classified as community.

OFFICER RECOMMENDATION

That:

- Council prepare a request to consider an expedited amendment under Section 3.22 of the *Environmental Planning and Assessment Act 1979* (the Act) which aims to correct the land descriptions for three (3) lots at Swan Creek in Schedule 4 *Classification and reclassification of public land*, Part 1 *Land classified, or reclassified, as operational land - no interests changed* of the CVLEP 2011, as indicated below:

| Locality | Change from | Change to |
|------------|--|--|
| Swan Creek | Lot 1, DP 1109372, being the residence at School Drive | Lot 1, DP 1190372, being the residence at School Drive |
| Swan Creek | Lot 2, DP 1109372, being the former school at School Drive | Lot 2, DP 1190372, being the former school at School Drive |
| Swan Creek | Lot 3, DP 1109372, being vacant land at School Drive | Lot 3, DP 1190372, being vacant land at School Drive |

- In the event of an expedited amendment under Section 3.22 of the Act not being successful, that Council prepare a planning proposal under Section 3.33 of the Act which aims to correct the land descriptions for three (3) lots at Swan Creek in Schedule 4 *Classification and reclassification of public land*, Part 1 *Land classified, or reclassified, as operational land - no interests changed* of the CVLEP 2011, as indicated below:

| Locality | Change from | Change to |
|------------|--|--|
| Swan Creek | Lot 1, DP 1109372, being the residence at School Drive | Lot 1, DP 1190372, being the residence at School Drive |
| Swan Creek | Lot 2, DP 1109372, being the former school at School Drive | Lot 2, DP 1190372, being the former school at School Drive |
| Swan Creek | Lot 3, DP 1109372, being vacant land at School Drive | Lot 3, DP 1190372, being vacant land at School Drive |

- Authorise the General Manager to forward the expedited amendment request to the Minister requesting the making of an amending local environmental plan under Section 3.22 of the Act.

4. Authorise the General Manager to forward a planning proposal to the Minister requesting the issue of a Gateway Determination under Section 3.34 (1) of the Act if an expedited amendment is not accepted.
5. Not seek to be the local plan-making authority for this matter under Section 3.36 of the Act.

COMMITTEE RECOMMENDATION

Simmons/Baker

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Simmons, Novak, Clancy, Williamson

Against: Nil

COUNCIL RESOLUTION – 6b.21.060**Kingsley/Ellem**

That:

1. Council prepare a request to consider an expedited amendment under Section 3.22 of the *Environmental Planning and Assessment Act 1979* (the Act) which aims to correct the land descriptions for three (3) lots at Swan Creek in Schedule 4 *Classification and reclassification of public land, Part 1 Land classified, or reclassified, as operational land - no interests changed* of the CVLEP 2011, as indicated below:

| Locality | Change from | Change to |
|------------|--|--|
| Swan Creek | Lot 1, DP 1109372, being the residence at School Drive | Lot 1, DP 1190372, being the residence at School Drive |
| Swan Creek | Lot 2, DP 1109372, being the former school at School Drive | Lot 2, DP 1190372, being the former school at School Drive |
| Swan Creek | Lot 3, DP 1109372, being vacant land at School Drive | Lot 3, DP 1190372, being vacant land at School Drive |

2. In the event of an expedited amendment under Section 3.22 of the Act not being successful, that Council prepare a planning proposal under Section 3.33 of the Act which aims to correct the land descriptions for three (3) lots at Swan Creek in Schedule 4 *Classification and reclassification of public land, Part 1 Land classified, or reclassified, as operational land - no interests changed* of the CVLEP 2011, as indicated below:

| Locality | Change from | Change to |
|------------|--|--|
| Swan Creek | Lot 1, DP 1109372, being the residence at School Drive | Lot 1, DP 1190372, being the residence at School Drive |
| Swan Creek | Lot 2, DP 1109372, being the former school at School Drive | Lot 2, DP 1190372, being the former school at School Drive |
| Swan Creek | Lot 3, DP 1109372, being vacant land at School Drive | Lot 3, DP 1190372, being vacant land at School Drive |

3. Authorise the General Manager to forward the expedited amendment request to the Minister requesting the making of an amending local environmental plan under Section 3.22 of the Act.
4. Authorise the General Manager to forward a planning proposal to the Minister requesting the issue of a Gateway Determination under Section 3.34 (1) of the Act if an expedited amendment is not accepted.
5. Not seek to be the local plan-making authority for this matter under Section 3.36 of the Act.

Voting recorded as follows:

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

Against: Nil

CARRIED

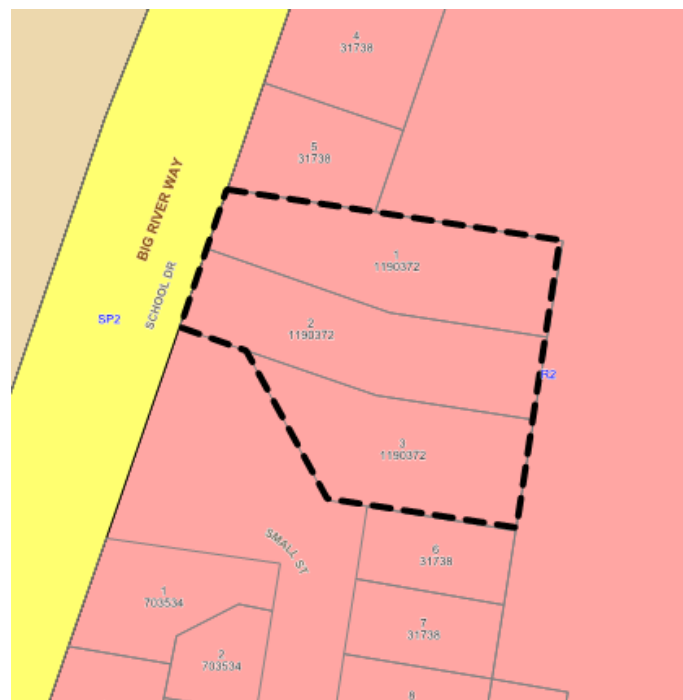
LINKAGE TO OUR COMMUNITY PLAN

| | |
|-----------|--|
| 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

Amendment No. 40 to the CVLEP 2011 concluded a lengthy process of reclassifying 157 public land parcels from community to operational. The reclassification was undertaken through a planning proposal entitled *Planning Proposal - Reclassification of Council Land 2018 (REZ2017/0003)*. Amendment No. 40 was notified on the NSW Legislation website on 3 May 2019.

Not long after Amendment No. 40 was concluded an error in the land description for the three (3) subject lots at Swan Creek was detected. The Deposited Plan (DP) number for the above Swan Creek lots should have been "DP 1190372" instead of "DP 1109372". The effect of this error in the land descriptions is that Lots 1, 2 & 3 DP 1190372 were not correctly reclassified from community to operational as was intended by *Planning Proposal - Reclassification of Council Land 2018 (REZ2017/0003)*. Therefore, strictly speaking Lots 1, 2 & 3 DP 1190372 remain classified as community. The location of Lots 1, 2 & 3 DP 1190372 is shown on the map below.



The Department of Planning, Industry and Environment (DPIE) has advised that a fresh planning proposal is the only way to go about correcting this error although there is the opportunity to use Section 3.22 (Expedited amendments of environmental planning instruments) of the Act to request the Minister to dispense with all or part of the plan-making process. Council has obtained legal advice in this regard.

It is noted that there is no land described as Lots 1, 2 and 3 DP 1190372 elsewhere in NSW. Hence, the CVLEP has not inadvertently re-classified land that Council or the CVLEP does not manage.

Council's Property Coordinator advises that Lot 1 DP 1190372 accommodates a residence which is under a current residential tenancy (periodic tenancy arrangement), Lot 2 DP 1190372 accommodates a building (former School) which is now vacant, and Lot 3 DP 1190372 is vacant land.

KEY ISSUES

The key issues relevant to this matter are presented below.

Erroneous land description

The core issue is that of an erroneous land description in the DP number for the three (3) Swan Creek lots that were added to Schedule 4 *Classification and reclassification of public land, Part 1 Land classified, or reclassified, as operational land - no interests changed* of the CVLEP 2011. An extract from Schedule 4, Part 1 is provided below:

| | |
|------------|--|
| Swan Creek | Lot 1, DP 1109372, being the residence at School Drive |
| Swan Creek | Lot 2, DP 1109372, being the former school at School Drive |
| Swan Creek | Lot 3, DP 1109372, being vacant land at School Drive |

As advised above, the DP number for the above Swan Creek lots should have been “DP 1190372” instead of “DP 1109372”.

Main pathways available to rectify the issue

Current advice of the DPIE is that a full planning proposal process is required, inclusive of public exhibition/consultation and a public hearing. This is an onerous process for what is a minor error and where the original planning proposal documentation clearly showed the subject land on mapping, despite the written legal descriptions being incorrect.

A second less certain, though more expedient, pathway to rectify the issue is the use of Section 3.22 (Expedited amendments of environmental planning instruments) of the *Environmental Planning and Assessment Act 1979* (the Act) to request the Minister to dispense with all or part of the plan-making process in the making of a draft amendment to Schedule 4 *Classification and reclassification of public land, Part 1 Land classified, or reclassified, as operational land - no interests changed* of the CVLEP 2011 to reflect the correct land description for the three (3) Swan Creek lots.

Legal advice recently obtained by Council suggested that it was possible to use Section 3.22. The advice also suggested that initial contact be made with the Planning Secretary (of DPIE) to determine the process required to be undertaken. The initial advice of the DPIE is that it is less likely that such pathway will be successful due to it being a land reclassification matter. Land reclassification matters require a more transparent planning proposal process due to Council’s interest in the land. Nevertheless, it is open to Council to attempt a Section 3.22 pathway.

The DPIE has provided a template style document for making a request to consider a Section 3.22 expedited amendment. This will be completed and submitted to the DPIE should Council support the Section 3.22 expedited amendment pathway as the initial preferred course of action.

OPTIONS

There are two principal options available to Council, which are:

Option 1

Proceed with a process to rectify the land description error in the relevant schedule of the LEP so that Lots 1, 2 & 3 DP 1190372 can be reclassified to operational. There are two pathways available in Option 1, as follows:

Option 1a – pursue an expedited amendment process under Section 3.22 of the Act, which is the pathway it is recommended Council should pursue first.

Option 1b – pursue a formal planning proposal pathway. This should be pursued if the pathway in Option 1a is not successful. Council may also choose to pursue this pathway initially if it does not want to follow Option 1a in the first instance.

Option 2

Not proceed with a process to rectify the land description error in the relevant schedule of the LEP. This will have the effect of Lots 1, 2 & 3 DP 1190372 remaining classified as community which will restrict Council’s ability to deal with the land including disposal and leasing of the land. This option is not consistent with the

original intention of the 2018 Land Reclassification Planning Proposal and hence, this option is not recommended.

Option 1 is the preferred option with Option 1a recommended to be the initial first step followed by Option 1b should Option 1a not be successful.

COUNCIL IMPLICATIONS

Budget/Financial

The preparation of an expedited amendment under Section 3.22 of the Act, and a planning proposal (if this becomes necessary), will be completed with existing strategic planning staff/resources. There should be no other budget implications unless the DPIE determines that a public hearing is necessary. The expedited amendment pathway is a more efficient use of Council resources and hence, is considered worth pursuing.

Asset Management

The land, and buildings thereon, being a residential dwelling and former school buildings, are Council assets. Formalising the operational classification of the land enables greater flexibility in management of the land by Council.

Policy or Regulation

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

Consultation

Consultation will be undertaken in accordance with any direction issued by the DPIE including any Gateway Determination that is issued for a planning proposal.

Legal and Risk Management

The undertaking of an expedited amendment under Section 3.22 of the Act (Option 1a above) to rectify the erroneous land descriptions is the preferred initial course of action followed, if necessary, by preparation of a planning proposal (Option 1b above). Council will be able to undertake proper dealings in relation to Lots 1, 2 & 3 DP 1190372 once the LEP is amended to insert the correct land descriptions for the lots in the relevant schedule in the LEP.

Climate Change

N/A

| | |
|-------------|---|
| Prepared by | Terry Dwyer, Strategic Planning Coordinator |
| Attachment | Nil |

| | | |
|-------------|------------------|---|
| ITEM | 6b.21.061 | REQUEST FROM CLARENCE VILLAGE LIMITED FOR S64 FUNDS CONTRIBUTION FOR DA2010/0592 STAGED MULTI-UNIT RESIDENTIAL DEVELOPMENT (21 UNITS) AT 95 ARMIDALE STREET, SOUTH GRAFTON |
|-------------|------------------|---|

| | | |
|--------------------|---|----------------|
| Meeting | Environment, Planning & Community Committee | 17 August 2021 |
| Directorate | General Manager | |
| Reviewed by | General Manager - Ashley Lindsay | |
| Attachment | To be tabled | |

SUMMARY

Council has received a request from Clarence Village Limited seeking an amendment to the Council resolution from December 2019 (6b.19.056) which provided support via payment of S64 Contributions on behalf of Clarence Village Limited to support their Building Better Regions grant application for a proposed seniors affordable housing development at 95 Armidale Street South Grafton.

OFFICER RECOMMENDATION

That Council

1. Establish an Internal Financial Reserve titled Seniors Affordable Housing and transfer \$237,600 from the Clarence Care and Support funds with this reserve to be used to pay the Clarence Village Limited's S64 contributions on the development (DA2010/0592) at 95 Armidale Street, South Grafton conditional on Clarence Village Limited providing the developed dwellings at affordable rental rates as defined by Council's Affordable Housing Policy.
2. Advise Clarence Village Limited that Council will review the progress of their development on an annual basis and should the development not proceed within 2 years Council will reconsider its support.

Having declared an interest in this item, Cr Lysaught left the Committee meeting at 4.00pm and returned at 4.27pm.

COMMITTEE RECOMMENDATION

Baker/Williamson

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Simmons, Baker, Williamson

Against: Novak, Clancy

Having declared an interest in this item, Cr Lysaught left the Council meeting at 3.18pm and returned at 5.21pm.

MOTION (1)

Toms/Novak

That Council not pay Clarence Village Limited S64 contributions on the development (DA2010/0592) at 95 Armidale Street, South Grafton.

Voting recorded as follows:

For: Toms, Novak, Clancy

Against: Ellem, Simmons, Williamson, Kingsley, Baker

The Motion was put and declared LOST.

MOTION (2)

Simmons/Baker

That Council

1. Establish an Affordable Housing Reserve
2. Transfer \$240,000 in current year from the General Fund to the Reserve from the available balance of General Fund working capital, not using Clarence Care and Support funds.
3. Applications for funding from the Reserve be received for consideration only from Not For Profit organizations that also hold registered Charity Status.
4. Annual allocation to the Reserve be considered by future Councils for inclusion simply in the General Fund budget or if necessary from available surplus working capital.
5. Take steps to provide for this annual allocation in the Affordable Housing policy.

MOTION

Baker/Ellem

That the Motion (2) be dealt with in 2 parts.

1. The first part to deal with the Clarence Village Limited request.
2. The second part to deal with future policy and allocations.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Williamson

Against: Toms, Clancy, Novak

CARRIED

MOTION: Moved by Cr Simmons, seconded by Cr Ellem, that the Council meeting be adjourned at 4.11pm in order for the Chair to seek advice from the General Manager. CARRIED.
The Council meeting resumed at 4.28pm.

COUNCIL RESOLUTION – 6b.21.061 (a)**Baker/Williamson**

That Council establish an Internal Financial Reserve titled Affordable Housing and subject to the development commencement by June 2023, transfer \$237,600 from the General fund from the available balance of General Fund working capital, with this reserve to be used to pay the Clarence Village Limited's S64 contributions on the development (DA2010/0592) at 95 Armidale Street, South Grafton conditional on Clarence Village Limited providing the developed dwellings at affordable rental rates as defined by Council's Affordable Housing Policy.

Voting recorded as follows:

For: Baker, Williamson, Ellem, Kingsley, Simmons

Against: Toms, Clancy, Novak

CARRIED

COUNCIL RESOLUTION – 6b.21.061 (b)**Baker/Kingsley**

That Council

1. Receive a report to the October Council meeting that provides for an allocation in the Affordable Housing Policy and including a draft set of guidelines to which not-for-profit registered charitable organisations may apply for funding.
2. Consider an annual General Fund allocation from available surplus working capital to the Affordable Housing Reserve during preparation of future draft budgets.

Voting recorded as follows:

For: Baker, Ellem, Williamson, Kingsley, Simmons

Against: Clancy, Toms, Novak

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

| | |
|-----------|--|
| Theme | 1 Society |
| Objective | 1.4 We will have access and equity of services |
| Strategy | 1.4.2 Encourage the supply of affordable and appropriate housing |

BACKGROUND

In December 2010 Council resolved at Item 12.212/10 to approve DA2010/0592 subject to the conditions contained in Schedule 1. The Development Application seeks to construct 21 single storey dwelling units over 3 stages which are a combination of 2 and 3 bedroom units (mainly duplexes).

At its Ordinary Council Meeting on 17 December 2019, Council resolved at Item 6b.19.056 (Construction of Affordable Seniors Housing Grafton by Clarence Village Limited) the following:

That

- 1. Council pay the section 64 funds of \$175,000 on behalf of Clarence Village Limited if the Building Better Regions application to build 22 seniors affordable housing units is successful and at the completion of the property transfer of 95 Armidale Road, South Grafton to the ownership of Clarence Village Limited.*
- 2. Funding for this be provided by the Clarence Care and Support Administration Reserve RA10240 if the grant is successful.*

KEY ISSUES

The December 2019 Council resolution was quite specific and tied Council's support to Clarence Village Limited's grant application being successful and the completion of the property transfer.

The attached letter from Clarence Village advises that they were unsuccessful for the Round 4 Building Better Regions funding and have now made submissions to Round 5 as well as other funding rounds.

The letter also states that they are now the owners of 95 Armidale Street, South Grafton which has been confirmed by Council records.

Clarence Village Limited are now seeking a resolution from Council which provides an ongoing commitment from Council to settle the Section 64 Contributions payable on the development (DA2010/0592) conditional on Clarence Village Limited providing the developed dwellings at affordable rental rates as defined by Council's Affordable Housing Policy.

Clarence Village Limited are continuing to seek Federal & State Government financial assistance for the project but at this time it is unknown as to when the development will commence.

The contributions payable continue to increase with annual CPI until they are actually paid. This is noted in the conditions for the DA... *The contribution(s), as assessed, will hold for a period of 12 months from the date of this approval. Contributions not received by Council within 12 months of the date of this determination will be adjusted in accordance with the adopted Schedule of Fees and Charges current at the time of payment.*

The S64 Contributions payable on the development are now (based on 2021/22 contribution amounts) \$237,600. Comprising Water Headworks \$5,017 x 20 additional ET's = \$100,340 plus Sewer Headworks \$6,863 x 20 ET's = \$137,260.

Council's December 2019 resolution funded the \$175,000 contribution from the funds held in the Clarence Care & Support Reserves. With Council considering a report to the Corporate Governance & Works Committee today (refer Item 6c.21.103) which recommends the allocation of the surplus Clarence Care & Support reserves to specific projects a funding source to support Clarence Village Limited's request may not be available.

The report to Council's December 2019 meeting highlighted the lack of affordable rental housing for seniors in the Clarence Valley which has not changed and it is recommended that Council support this request from Clarence Village Limited. Given the ageing population in the Clarence Valley there is a growing demand for

affordable seniors' rental housing, especially at ground accessible units/townhouses which this development will provide.

It is recommended that Council establish an Internal Financial Reserve titled Seniors Affordable Housing and transfer \$237,600 from the Clarence Care and Support funds with this reserve to be used to support the Clarence Village Limited's request. Clarence Village Limited be advised that Council will review the progress of their development on an annual basis and should the development not proceed within 2 years Council will reconsider its support.

COUNCIL IMPLICATIONS

Budget/Financial

The report to the Corporate Governance & Works Committee today (refer Item 6c.21.103) states the expected balance of Clarence Care and Support Reserves as at 30 June 2021 will be \$3.2 million.

Asset Management

N/A

Policy or Regulation

Affordable Housing Policy

Consultation

Planning Section, Finance & Supply Section

Legal and Risk Management

N/A

Climate Change

N/A

| | |
|--------------|--|
| Prepared by | Ashley Lindsay, General Manager |
| To be tabled | Council Report 6b.19.056 and letter of request |

ITEM 6b.21.062 SUBMISSION: INTEGRITY OF THE NSW BIODIVERSITY OFFSET SCHEME

| | | |
|--------------------|--|----------------|
| Meeting | Environment, Planning & Community Committee | 17 August 2021 |
| Directorate | Environment, Planning & Community | |
| Reviewed by | Director - Environment & Planning (Adam Cameron) | |
| Attachment | Nil | |

SUMMARY

This report tables a draft of the submission to the parliamentary inquiry into the integrity of the NSW Biodiversity Offset Scheme (BOS). The Biodiversity Offsets Scheme is the framework for offsetting unavoidable impacts on biodiversity from development with biodiversity gains through landholder stewardship agreements, under the Biodiversity Conservation Act, 2016. There has been widespread concerns since the introduction of the scheme regarding declining biodiversity, and rorting by companies of the offset market. As Clarence Valley Council processes an increasing number of developments that enter the BOS through land clearing, concerns have been raised over the schemes ability to conserve local biodiversity.

OFFICER RECOMMENDATION

That Council supports this submission to the NSW Legislative Council's Environment and Planning Committee on the *Integrity of the NSW Biodiversity Offset Scheme*.

MOTION

Clancy/Novak

That Council:

1. believes that the concept of offsetting is basically flawed and that it should be replaced with a scheme that does not allow the destruction of endangered ecological communities and threatened species habitat;
2. incorporate in its submission this view and to justify it with the information contained in the officer's report.

Voting recorded as follows:

For: Clancy,

Against: Baker, Williamson, Novak, Simmons

The Motion was put and declared LOST. The Foreshadowed Motion was then considered and became the Committee Recommendation.

COMMITTEE RECOMMENDATION

Williamson/Baker

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Williamson, Novak, Simmons

Against: Clancy

MOTION

Clancy/Novak

That Council:

1. believes that the concept of offsetting is basically flawed and that it should be replaced with a scheme that does not allow the destruction of endangered ecological communities and threatened species habitat;
2. incorporate in its submission this view and to justify it with the information contained in the officer's report.

AMENDMENT TO MOTION

Williamson/Ellem

That Council:

1. believes that the concept of offsetting is basically flawed.
2. incorporate in its submission this view and to justify it with the information contained in the officer's report.

Voting recorded as follows:

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

Against: Lysaught

CARRIED

The Amendment to Motion was put and declared CARRIED. The Amendment became the Resolution.

COUNCIL RESOLUTION – 6b.21.062

Clancy/Novak

That Council:

1. believes that the concept of offsetting is basically flawed.
2. incorporate in its submission this view and to justify it with the information contained in the officer's report.

Voting recorded as follows:

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

Against: Lysaught

CARRIED

FORESHADOWED MOTION

Lysaught

That the Officer Recommendation be adopted.

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

Entry to the Biodiversity Offset Scheme (BOS) is triggered by developments, projects and activities that meet certain thresholds for significant impacts on biodiversity, or on an opt-in basis. The threshold has two elements:

1. Whether the amount of native vegetation being cleared exceeds an area threshold.
2. Whether the impacts occur on an area mapped on the Biodiversity Values Map.

If clearing and other impacts, including biodiversity impacts exceed either trigger, the BOS applies to the proposal, and a Biodiversity Development Assessment Report (BDAR) is required to determine how the proponent will avoid, minimise or offset the impact from the proposed development. Offsets obligations are met by the purchase and/or retirement of biodiversity credits or payment to the Biodiversity Conservation Fund, managed by the Biodiversity Conservation Trust (BCT).

Landholders can establish Biodiversity Stewardship Agreements to create offset sites on their land to generate biodiversity credits. These credits are then available to the market for purchase by developers, landholders or the BCT to offset the impacts of development or clearing.

Biodiversity credits are the common unit of measure for offsets in the BOS. Biodiversity credits are used to measure both:

- The unavoidable impacts on biodiversity from development and clearing at a development site.
- The predicted improvement in biodiversity condition gain at a stewardship site.

The Biodiversity Assessment Method (BAM) defines two types of biodiversity credits that are used to measure impacts on both development sites and stewardship sites. The two types of credits are:

1. **Ecosystem credits** – measure the value of threatened ecological communities (TEC's), threatened species habitat for species that can be reliably predicted to occur with a Plant Community Type (PCT), and PCTs generally.
2. **Species credits** – apply to all other threatened species which are found to occur at that location and cannot be reliably predicted to occur within the identified ecological communities at the development site.

Biodiversity credits created at a stewardship site via a Biodiversity Stewardship Agreement, can be used to offset the loss of biodiversity values on development site (a credit obligation) by being traded and retired. This sale is called a biodiversity credit transfer and the credit is then retired to satisfy the credit obligation.

Criticisms of the scheme are mainly focussed around that these credit offsets can be purchased anywhere in the state under the 'like for like' rules, allowing a decline in biodiversity in one area, whilst protecting biodiversity in another. Currently there are very few offset areas in the Clarence, hence a real potential exists for biodiversity decline across our LGA.

The closing for submissions to the Inquiry is 31 August 2021.

KEY ISSUES

Council's main concerns over the BOS are:

1. A net loss of biodiversity across the LGA

There is little confidence in this legislation for biodiversity conservation as offsets can be facilitated outside of the CVC LGA, meaning a *net biodiversity loss* within the LGA. To date, only one of the BDAR's processed for CVC has had biodiversity credits offset locally. There are inherent difficulties in entering the credit supply market to source 'like for like' credits from landholders that have had their land approved and assessed for the number and type of credits. These credit suppliers are located all over the state, hence if a developer can source credits, they are unlikely to be sourced within the Clarence, creating a 'net loss' of biodiversity.

Suggestions:

- Simplify the process of entering the credit supply market to source suitable credits. A requirement should be placed on the BCT to monitor biodiversity gains/losses in the LGA's.

2. Lack of stewardship sites in the Clarence

The process for landholders to get their land assessed and approved as a stewardship site involves a large monetary output, with returns only certain if they sell the credits they have been assessed to hold.

Currently on the public register, there are only 2 stewardship sites in the Clarence.

The opportunity for private landholders to engage in the stewardship scheme has been very limited in the Clarence. Other areas such as Lismore Council have been offered landholder incentive programs to protect land with koalas and koala habitat, however this has not been offered to landholders in the Clarence, highlighting the ineffectiveness of the scheme to enact on ground local protection of koalas.

The BCT has been largely absent in the Clarence, and this is evidenced by the small amount of land available under the scheme for locally offsetting development. In August 2021 the first BCT conservation tender is being offered in the Clarence, however the eligibility criteria for this tender will exclude many landholders from being included in the tender due to the minimum size requirement (>10ha) of vegetation to be protected. This size criteria does not reflect the realities of the disjunct remnant vegetation patches on the Clarence floodplain. These vegetation communities are even more important to protect as they are often the last remaining remnant of that particular type of vegetation, however as they don't meet the BCT's criteria there is little monetary support to aid landholders in protecting threatened vegetation such as saltmarsh, mangroves, wetlands and swamp forest. In addition, these remnant vegetation patches are usually well below the size threshold that can be considered to establish a stewardship site.

The current 'like for like' trading rules for TEC's that can only be offset for the same TEC is often unapplicable in the Clarence Valley as many of our coastal TEC's are small, and as stated above, do not meet the size requirement to be secured in a stewardship agreement, so there are no similar credits available, leaving the only offset option being to pay into the fund. This is creating a biodiversity drain for the Clarence.

Suggestions:

- Expand the stewardship site requirements to suit the local site conditions in terms of patch sizes for PCT's that can be placed under agreements.
- Simplify the stewardship agreement process to enable landholders to negotiate the process easily.
- Remove the 'like for like' trading rules for TEC's on the floodplain to reflect on ground conditions of small patch sizes and allow Council's to determine local biodiversity conservation actions to meet offset requirements, instead of paying into the BCT.
- Possible conservation actions could be for an applicant to donate land, improve corridors, implement works such as revegetation and install animal friendly fencing.
- Deliver the long awaited PCT mapping for the North Coast, which could aid Council in identifying suitable sites.

3. Lack of transparency in the BOS

Many Plant Community Types (PCT's) on the floodplain, which comprises a large percentage of land being developed in the Clarence, are threatened ecological communities (TEC's) which are to be offset for the same TEC forcing developers to pay into the fund as the sole way to offset credits, as there are no locally available credits.

There is no way to determine if this money deposited in the Trust is then used to facilitate recovery or protection of TEC's in the Clarence - creating biodiversity loss.

Similarly, some threatened species with a limited geographical range do not fit into the 'like for like' rule. The endangered Coastal Emu which generates significant credits (over \$1.5 million for a recent BDAR) that can only be paid into the BCT, comes with no guarantee that money is spent on species recovery.

Additionally, the Coastal Emu is not listed in the ancillary rules (under S6.5 of the Biodiversity Conservation Regulation 2017) enabling a proponent to carry out a biodiversity conservation action to meet an offset obligation rather than paying into the Trust. This is the situation for the majority of our threatened species that cannot be offset, due to a lack of available credits, leaving no option other than paying into the Trust, with as yet, no benefits to local threatened species or ecosystems evident through BCT programs or activities in the Clarence.

Suggestions:

- Council's be able to negotiate biodiversity conservation actions (outside of the very limited species currently listed in the ancillary rules) directly with the applicant to achieve on ground local biodiversity gains. This should also be expanded to include the like for like trading rules for TEC's that can only be offset by the same TEC.
- Money generated from what is essentially biodiversity loss in an LGA should remain in that LGA to focus on locally driven recovery efforts for native flora and fauna.

4. Offset prices

Some of our TEC's are cheaper than if the PCT was not listed as a TEC – for example PCT's 1235 (Swamp Oak Swamp Forest on Coastal Floodplain) and 1064 (Paperbark Swamp Forest on the Coastal Lowlands) are costed at \$7500 per credit, where as if it assessed as a TEC, that price is confusingly reduced to \$4005 per credit. Council contacted the department over 18 months ago concerning this and it still has not been remedied.

Suggestions:

- Review the calculator for inconsistencies and alter accordingly.

Summary

The BOS, although well intended, has not produced any gains for biodiversity in the Clarence, rather has ensured a net loss to biodiversity, often of our most threatened flora and fauna.

<https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=2822>

COUNCIL IMPLICATIONS

Budget/Financial

N/A

Asset Management

N/A

Policy or Regulation

Biodiversity Strategy 2020-2025

Consultation

N/A

Legal and Risk Management

There are no legal or risk matters

Climate Change

Biodiversity protection is a key driver in ameliorating the effects of climate change.

| | |
|-------------|-------------------------------|
| Prepared by | Heather Mitchell, NRM Officer |
| Attachment | Nil |

MOTION

Ellem/Baker

That the Council meeting adjourn at 5.52pm for a short break. CARRIED

The Council meeting resumed at 6.04pm.

MOTION

Williamson/Lysaught

That the debate be limited to 3 minutes for each speaker for the remainder of the meeting from 6.06pm.

Voting recorded as follows:

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

Against: Ellem

ITEM 6c.21.100 BROOMS HEAD HOLIDAY PARK TRANSITIONAL SITES ON CROWN LAND

| | | |
|--------------------|---|----------------|
| Meeting | Corporate, Governance & Works Committee | 17 August 2021 |
| Directorate | Works & Civil | |
| Reviewed by | Director - Works & Civil (Jamie Fleeting) | |
| Attachment | Yes plus Confidential Attachment | |

SUMMARY

This report is recommending the removal of the historical transitional camping sites at Brooms Head Holiday Park that are currently occupied during the December - January holiday period.

OFFICER RECOMMENDATION

That Council as Crown Land Manager,

1. Remove the historical transitional camping sites at Brooms Head Holiday Park after the end of the 2021-22 December-January holiday period.
2. Offer the campers alternate site options within the park during the December – January period when they become available through an Expressions of Interest and ballot system.

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That this matter be deferred to the full Council meeting.

Voting recorded as follows:

For: Simmons, Lysaught, Toms, Kingsley, Ellem

Against: Nil

Point of Order: Cr Toms wanted it minuted that she objected to the fact that there were 2 motions on the floor at the same time.

The Chair over-ruled the Point of Order.

MOTION

Novak/Clancy

That

1. This matter be deferred until Council has sought legal advice on this matter.
2. The General Manager seek advice and clarification from Crown Lands with regards to the new June 2021 Plan of Management which extinguished previous Plans of Management.
3. The General Manager meet and consult with the 14 historical transitional campers to develop a transition timeline.
4. The General Manager prepare a report for a workshop when the above 3 points have been achieved.

Voting recorded as follows:

For: Novak

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

The Motion was put and declared LOST. The Foreshadowed Motion was then considered.

COUNCIL RESOLUTION – 6c.21.100

Baker/Williamson

That Council receive at the September Meeting, and following consultation with the current registered traditional/transitional campers or their nominated representative and an inspection by those Councillors who wish to attend at the site prior to the September meeting, a report including a draft Plan of Management that includes:

1. continuation of the relevant current natural attrition principle components of 1987 Plan of Management and,
2. options for improvement of public access to and amenity of the foreshore area together with greater park management efficiency by:
 - a. the agreed aggregation of remainder sites and,
 - b. the priority offer from time to registered traditional/transitional campers of acceptable alternative sites.

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 a confidential meeting in 1987 the former Maclean Shire Council considered the transitional camping of a number of sites at the Park and resolved to accept the continuation of these sites during the December-January holidays, subject to conditions that existing use rights remained with the husband and wife and rights do not pass on to any other person or member of the family. Additionally, the rights continued so long as the original persons continued to occupy the site or until they had passed on or decided not to camp any further. Once that occurred the sites would be preserved for public recreation day use.

The original conditions of use also included access during the Easter and May school holiday period however the areas have not been used during that period for quite some time. Of the sixteen original sites there are now thirteen (13) designated camping sites still in use.

At its meeting on 15 December 2017, Council considered a report presenting the final concept design for the Brooms Head Holiday Park (BHHP) Redevelopment [Item 15.256/17] resolving:

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

1. Adopt the final concept design for redevelopment of the Brooms Head Holiday Park.
2. Receive and note feedback received from Department of Industry – Crown Lands Division and Yaegl Traditional Owners Aboriginal Corporation.
3. Proceed to complete business development strategy in accordance with the 2017/18 Operational Plan.

Within the final concept plan was an action to remove the transitional sites over time. The attachment from NSW Crown Lands strongly supported and recommended the removal of these sites and return the area to public open space for recreation purposes not private camping.

At its meeting on 19 February 2019, Council considered a report presenting the business development strategy for the Brooms Head Holiday Park [Item 15.005/19] resolving:

That Council as Crown Land Manager:

1. Adopt the business development strategy and master plan for the redevelopment of Brooms Head Holiday Park.
2. Seek tenders for the detailed design, documentation and construction cost estimate for the redevelopment of the Brooms Head Holiday Park with the tender to be reported by the July 2019 meeting.

The adopted Business Development Strategy and Masterplan supports removal of these sites over time.

KEY ISSUES**Location of Transitional Sites and Public Access**

The majority of these remaining thirteen sites are lined along the road entrance on the public recreation portion of the reserve before sites within the 'B' section of the park near the community hall and Snak Shack. Most of these are prime beach front sites that are highly sought after areas for general public recreation. Other sites are within the area to the east near the Bluff and another near some permanent residents (refer to map Brooms Head Reserve and Holiday Park).

The popularity of the reserve during the December – January period requires as much access to be available for the community and public. The removal of these sites during this period will promote broader community access and enjoyment to this area for the purposes of public recreation which is consistent with the gazetted reserve purpose.

On Site Sewage Management System Upgrade

The project to upgrade the on-site sewage management system has identified the need to reduce general hydraulic load on the system particularly during peak times. The removal of these sites and reduction in campers during the peak summer period will assist in the management of the hydraulic load on the system. One of the transitional sites also currently occupies the location of the proposed treatment plant.

Site Safety

NSW Crown Lands in their advice raised the issue of site safety and strongly recommended that these sites be removed (refer to Attachment). Therefore, the removal of the sites will also promote the safety of users of the reserve.

COUNCIL IMPLICATIONS**Budget/Financial**

The park will invariably lose some income as a result of removing the transitional campers during the peak period however the benefits to general public recreation and improved user safety on the reserve and a reduction in the hydraulic load on the septic system are considered to provide broader benefits to the community.

Asset Management

There will be a reduced demand on infrastructure from removal of these sites including a reduction in the hydraulic load on the on site wastewater management system during peak time periods.

Actions that assist in the reduction of hydraulic loading on the on site wastewater system are strongly recommended.

Policy or Regulation

- Crown Land Management Act 2016
- Local Government Act 1993 and Regulations
- Native Title Act 1993 (Cth)
- Concept design for redevelopment of the Brooms Head Holiday Park 2017
- Business development strategy and master plan for the redevelopment of Brooms Head Holiday Park 2019

The removal of the sites is consistent with the Concept Design for the redevelopment of the park and the Business Development Strategy and Masterplan that Council has already adopted.

Consultation

Staff have not had the opportunity to discuss with the Brooms Head Camping and Caravanning Group. It is expected that the Group would object to the loss of these sites. Given the timeframes that have passed it is considered reasonable to allow these sites to continue for the 2021-22 December-January camping season and to be permanently removed after that time. The Group and campers have been notified of this report and given the opportunity to make a deputation.

Broad community and campers consultation has previously been undertaken when the concept design plan was prepared and subsequently adopted.

Campers from these sites will be given the opportunity to book a site within the Holiday Park where they become available. The park contract manager will hold over vacant sites not rebooked from existing

campers in the holiday park area for the transitional campers however it is not certain how many of those will be available. To be equitable in the allocation of those sites an initial Expressions of Interest (EOI) will be held amongst those transitional campers who wish to continue to camp at the Holiday Park and access to any available sites be through a random ballot system. Park contract managers have been consulted in the preparation of this report.

Council has recently received a number of general representations from residents within the Brooms Head community seeking greater access to the reserve and area for public recreation, not encroachment by camping activity. The proposed recommendation to remove these sites will primarily address those representations.

Legal and Risk Management

NSW Crown Lands have highlighted the hazards from these sites being so close to the beach wave motion in this area and have included photos of rocks thrown by the ocean onto this area. NSW Crown Lands strongly support removal of these sites.

Climate Change

N/A

| | |
|--------------|--|
| Prepared by | Peter Birch, Manager Open Spaces and Facilities |
| Attachment | NSW Crown Lands Letter Brooms Head Holiday Park Transitional Site Map |
| Confidential | Minutes of the Maclean Shire Council 11 February 1987 List of Transitional Site Campers |

| | | |
|-------------|------------------|---|
| ITEM | 6c.21.101 | REQUEST FOR REDUCTION IN WATER CONNECTION FEE- PROPERTY 127183 |
|-------------|------------------|---|

| | | |
|--------------------|---|----------------|
| Meeting | Corporate, Governance & Works Committee | 17 August 2021 |
| Directorate | Works & Civil | |
| Reviewed by | Manager - Water Cycle (Greg Mashiah) | |
| Attachment | Confidential | |

SUMMARY

Council's adopted fees and charges have two different water connection fees depending on whether the property has a capital "credit" in accordance with the *Sewer and Water Capital Contribution Credits* policy. The owner of Property 127183 was advised in writing by Water Cycle staff that the lower water connection fee would apply to their property but further investigation indicated that in accordance with the policy and adopted fees and charges the higher connection fee is applicable. Under the Local Government Act only Council has the authority to charge a different fee to that adopted in the fees and charges.

OFFICER RECOMMENDATION

That:

1. Property 127183 be charged a water connection fee of \$1,462 in accordance with the emailed advice provided to the property owner.
2. The General Manager be authorised to charge the connection fee advised in response to requests received through the "Information on Sewer/Water Connection Charges" form on Council's website.

MOTION

Simmons/Lysaught

That the Officer Recommendation be adopted.

AMENDMENT TO MOTION

Kingsley/Ellem

That:

1. Property 127183 be charged a water connection fee of \$1,433 in accordance with the emailed advice provided to the property owner.
2. The General Manager be authorised to charge the connection fee advised in response to requests received through the "Information on Sewer/Water Connection Charges" form on Council's website.

Voting recorded as follows:

For: Lysaught, Simmons, Kingsley, Ellem, Toms
Against: Nil

The Amendment to Motion was put and declared CARRIED. The Amendment became the Committee Recommendation.

COMMITTEE RECOMMENDATION

Simmons/Lysaught

That:

1. Property 127183 be charged a water connection fee of \$1,433 in accordance with the emailed advice provided to the property owner.
2. The General Manager be authorised to charge the connection fee advised in response to requests received through the "Information on Sewer/Water Connection Charges" form on Council's website.

Voting recorded as follows:

For: Lysaught, Simmons, Kingsley, Ellem, Toms
Against: Nil

COUNCIL RESOLUTION – 6c.21.101**Kingsley/Ellem****That:**

1. Property 127183 be charged a water connection fee of \$1,433 in accordance with the emailed advice provided to the property owner.
2. The General Manager be authorised to charge the connection fee advised in response to requests received through the “Information on Sewer/Water Connection Charges” form on Council’s website.

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

For 2021/22 the connection fees for a 20mm water connection are:

- 20mm Service – for properties charged an availability charge prior to 28 June 2005 or new lots created by Subdivision - \$1462
- 20mm service – for properties not charged an availability charge prior to 28 June 2005 (including properties which have been subsequently deconsolidated for ratings purposes) or for an additional connection (less any capital contributions paid) - \$6,479

Both Section 603 and Planning Certificates contain advice indicating customers should “contact Council’s Water Cycle Section to determine the appropriate connection fee”. An “Information on Sewer/Water Connection Charges” form for these enquiries is on Council’s website. Customers receive written (emailed) advice from Water Cycle of the connection fee.

KEY ISSUES

The owner of Property 127183 was advised by Water Cycle prior to arranging the water connection that the lower connection fee would apply. Subsequent investigation determined that under the adopted fees and charges and the *Sewer and Water Capital Contributions Credits* policy, the property is required to pay a different (higher) connection fee. As under Section 377 of the Local Government Act Council cannot delegate the fixing of a fee, a Council resolution is required to charge Property 127183 the advised lower connection fee. While this is the first instance where this has occurred since the policy was introduced, to address this potential issue in the future it is also recommended the General Manager be authorised to charge the advised fee, even if subsequent investigation determine a different fee should be charged.

COUNCIL IMPLICATIONS**Budget/Financial**

If Council reduces the connection fee water fund income will be reduced by the capital component of the connection fee (\$5,017).

Asset Management

Nil

Policy or Regulation

Local Government Act

Sewer and Water Capital Contribution Credits Policy

Consultation

Corporate Governance

Legal and Risk Management

Nil

Climate Change

Nil

| | |
|--------------|-----------------------------------|
| Prepared by | Greg Mashiah, Manager Water Cycle |
| Confidential | Request from Property Owner |

| | | |
|-------------|------------------|---|
| ITEM | 6c.21.102 | REVISED INVESTMENT POLICY AND STRATEGY |
|-------------|------------------|---|

| | | |
|--------------------|---|----------------|
| Meeting | Corporate, Governance & Works Committee | 17 August 2021 |
| Directorate | Corporate & Governance | |
| Reviewed by | Director - Corporate & Governance (Laura Black) | |
| Attachment | Yes | |

SUMMARY

This report presents to Council a revised Investment Policy and Strategy which establishes the framework within which investment principles are to apply to the investment of Council funds by the General Manager and staff. This report also addresses the Notice of Motion (Item 07.21.005) from the 27 April 2021 Council meeting.

OFFICER RECOMMENDATION

That the revised Investment Policy and Strategy as detailed in and attached to this report be adopted.

COMMITTEE RECOMMENDATION

Simmons/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Simmons, Lysaught, Kingsley, Ellem, Toms

Against: Nil

MOTION

Baker/Lysaught

That Council adopt the revised Investment Policy and Strategy as detailed in and attached to this report after deletion of all of part 5.11. from the draft Policy document.

AMENDMENT TO MOTION

Toms/Novak

That Council adopt the revised Investment Policy and Strategy as detailed in and attached to this report after deletion of all of part 5.11. from the draft Policy document and on page 9 of the Strategy remove Clause 2.3.3.

Voting recorded as follows:

For: Lysaught, Williamson, Toms, Simmons, Novak, Baker

Against: Clancy, Ellem, Kingsley

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

MOTION

Baker/Lysaught

That Council adopt the revised Investment Policy and Strategy as detailed in and attached to this report after deletion of all of part 5.11. from the draft Policy document and on page 9 of the Strategy remove Clause 2.3.3.

Voting recorded as follows:

For: Baker, Lysaught, Williamson, Simmons

Against: Ellem, Clancy, Novak, Toms, Kingsley

The Motion was put and declared LOST.

MOTION: Moved by Cr Kingsley, seconded by Cr Williamson at 7.00pm - That the Council meeting be extended for a maximum of 30 minutes. CARRIED

AMENDMENT TO MOTION – RULED OUT OF ORDER

Toms/Novak

That Council adopt the revised Investment Policy and Strategy as detailed in and attached to this report after a change of wording to part 5.11. from the draft Policy document to subject to consideration of the risk management guidelines of this policy preference may be given to financial institutions that provide

evidence that they do not invest in or provide finance to the fossil fuel industry and on page 9 of the Strategy remove Clause 2.3.3.

FORESHADOWED MOTION - RULED OUT OF ORDER

Clancy/Toms

That the revised Investment Policy and Strategy as detailed in and attached to this report be adopted following the deletion of the words "such as the Industrial and Commercial Bank of China (A)" in Section 2.3 dot point 3 page 9 of 11 of the draft Investment Strategy.

LINKAGE TO OUR COMMUNITY PLAN

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

BACKGROUND

Council's current Investment Policy and Strategy was adopted by Council at its meeting on 23 June 2020 (Item 6c.20.085) and are now due for review. Council's investment advisor, Imperium Markets P/L, has reviewed Council's Investment Policy and Strategy (refer Attachments A and B).

KEY ISSUES

The overall purpose and objectives of Council's revised Investment Policy has not changed from the current Investment Policy adopted in June 2020. The Policy outlines the framework for the investment of Council's surplus funds and identifies four (4) primary objectives for Council's investment portfolio. These being:

1. Compliance with legislation, regulations, the prudent person tests of the *Trustee Act* and best practice guidelines.
2. The preservation of the amount invested.
3. To ensure there is sufficient liquid funds to meet all reasonably anticipated cash flow requirements.
4. To generate income from the investment that exceeds the performance benchmarks detailed in the document.

Council's Investment Strategy will run in conjunction with its Investment Policy and will outline:

1. Council's current cash flow expectations and the implications for deviations from a long-term liquidity profile.
2. Diversification: the allocation of investment type, credit quality, counterparty exposure and term to maturity profile.
3. Market conditions and the appropriate responses – particularly relative positioning within the limits outlined in this Policy.
4. Relative return outlook, risk-reward considerations, assessment of the market cycle and hence constraints on risk.
5. Appropriateness of overall investment types for Council's portfolio.

Notice of Motion (Item 07.21.005)

Council, at its 27 April 2021 meeting, resolved that Council:

1. *Review its Investment Policy in its entirety on its due date and include options to Council for investing in non-fossil fuel investment institutions.*
2. *Following review of its Investment Policy a report be provided to Council for further consideration.*

Council's investment advisor Imperium Markets P/L considered the Notice of Motion when reviewing the Investment Policy. Subsequently, a new section has been added to the Investment Policy as follows:

5.11 INVESTMENTS IN FINANCIAL INSTITUTIONS WHICH SUPPORT THE FOSSIL FUEL INDUSTRY

Subject to consideration of the Risk Management Guidelines of this Policy, preference may be given to financial institutions that publicly state that they do not invest in or finance the fossil fuel industry if:

1. The investment is compliant with Council's Investment Policy.
2. The investment rate of return is equivalent to or more favourable to Council relative to other similar investments that may be offered to Council at the time of investment.
3. It does not increase the overall risk of Council's investment portfolio and reduce the diversification with regards to counterparty, credit quality and its maturity profile.

Feedback provided by Imperium Markets P/L in response to implementing a "fossil fuel free" Investment Policy can be summarised as follows:

- a) Given that Council does not invest in unrated ADIs, implementing such a Policy would increase the concentration risk as it would effectively be only investing with the regional/mutual banks. In the current environment, most of these banks are turning away surplus funds from Councils (not taking new money) given they are highly liquid.
- b) Adopting such a Policy will more than likely:
 - a. Increase concentration risk.
 - b. Reduce diversification of credit quality.
 - c. Reduce diversification of maturity profile as some banks will only offer rates up to a certain term.
 - d. Significantly reduce the overall returns and interest income received over future financial years.

Changes to the revised Investment Policy and Strategy from the previous documents are highlighted in yellow (refer Attachments A and B). Note, highlighted headings in the revised Investment Strategy indicates the information underneath the heading has changed. This is due to the fact those sections largely relate to current updated economic conditions.

COUNCIL IMPLICATIONS

Budget/Financial

The objectives of Council's Investment Policy is to ensure the security of Council funds by adopting appropriate credit and duration limits and to maximise earnings subject to those limits.

Income received from Council's investment portfolio is an important source of revenue to:

- (1) maintain the real value of its capital reserves to be utilised at a future date; and
- (2) as a supplementary revenue stream for the provision of Council services.

Council's 2021/22 Budget provides for investment interest revenue of \$0.948M.

Asset Management

N/A

Policy or Regulation

Council has the authority to invest surplus funds under Section 625 of the *Local Government Act 1993* and incurs fiduciary responsibilities to undertake that role in a prudent manner to manage investment risks yet maximise earnings to apply to the benefit of the community.

In accordance with Clause 212 of *Local Government (General) Regulation 2005*, Council's investments will be reported to Council monthly.

Consultation

The Investment Policy and Strategy has been prepared in consultation with Council's investment advisor Imperium Markets P/L.

Legal and Risk Management

N/A

Climate Change

N/A

| | |
|-------------|--|
| Prepared by | Michael Salvestro – Acting Manager Finance & Supply |
| Attachment | A – Revised Investment Policy B – Revised Investment Strategy |

| | | |
|-------------|------------------|---|
| ITEM | 6c.21.103 | CLARENCE CARE AND SUPPORT (MACLEAN COMMUNITY PRECINCT) |
|-------------|------------------|---|

| | | |
|--------------------|---|----------------|
| Meeting | Corporate, Governance & Works Committee | 17 August 2021 |
| Directorate | Corporate & Governance | |
| Reviewed by | Director - Corporate & Governance (Laura Black) | |
| Attachment | Nil | |

SUMMARY

This report provides Council with a final update on the transition of Clarence Care and Support to Wesley Mission. The report also seeks Councillors input on the future use of surplus funds relating to Clarence Care and Support.

OFFICER RECOMMENDATION

That Council

1. Note the final update on transition of Clarence Care and Support to Wesley Mission, provided in this report.
2. Allocate \$500,000 of Clarence Care and Support surplus funds from those identified in the report, to priority pedestrian footpaths identified in the Pedestrian Access Mobility Plan for completion in 2021/2022 – 2022/2023.
3. Commence planning for Stage 2 of the Maclean Community Precinct in conjunction with delivery of Stage 1.
4. Allocate \$2.7M Clarence Care and Support remaining surplus funds from those identified in the report, estimated to be \$2.7M to design and construction of Stage 2 of the Maclean Community Precinct, prioritising the Maclean Library relocation.
5. Allocate sale proceeds for 2 Short Street Maclean to Stage 2 of the Maclean Community Precinct.
6. Receive a report on delivery of Stage 2 Maclean Community Precinct once detailed design and cost estimates are prepared.
7. Consider the related financial transactions to support these allocations in the October Quarterly Budget Review Statement.

COMMITTEE RECOMMENDATION

Ellem/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Simmons, Lysaught, Ellem, Kingsley, Toms

Against: Nil

MOTION

Novak/Toms

That Council

1. Note the final update on transition of Clarence Care and Support to Wesley Mission, provided in this report.
2. Allocate \$500,000 of Clarence Care and Support surplus funds from those identified in the report, to priority pedestrian footpaths identified in the Pedestrian Access Mobility Plan for completion in 2021/2022 – 2022/2023.
3. Commence planning for Stage 2 of the Maclean Community Precinct in conjunction with delivery of Stage 1.
4. Allocate \$2.7M Clarence Care and Support remaining surplus funds from those identified in the report, estimated to be \$2.7M to design and construction of Stage 2 of the Maclean Community Precinct, prioritising the Maclean Library relocation.
5. Allocate sale proceeds for 2 Short Street Maclean to Stage 2 of the Maclean Community Precinct.
6. Receive a report on delivery of Stage 2 Maclean Community Precinct once detailed design and cost estimates are prepared.

7. Consider the related financial transactions to support these allocations in the October Quarterly Budget Review Statement.
8. Invite arts industry stakeholders to establish a stakeholder user group for the build of the Maclean Community Precinct.
9. Officially note and minute in this resolution Council maintain a physical presence to hold its Council meetings within the Maclean Community Precinct.

AMENDMENT TO MOTION

Baker/Lysaught

That Council

1. Note the final update on transition of Clarence Care and Support to Wesley Mission, provided in this report.
2. Allocate \$500,000 of Clarence Care and Support surplus funds from those identified in the report, to priority pedestrian footpaths identified in the Pedestrian Access Mobility Plan for completion in 2021/2022 – 2022/2023.
3. Commence planning for Stage 2 of the Maclean Community Precinct in conjunction with delivery of Stage 1.
4. Allocate \$2.7M Clarence Care and Support remaining surplus funds from those identified in the report, estimated to be \$2.7M to design and construction of Stage 2 of the Maclean Community Precinct, prioritising the Maclean Library relocation.
5. Allocate sale proceeds for 2 Short Street Maclean to Stage 2 of the Maclean Community Precinct.
6. Receive a report on delivery of Stage 2 Maclean Community Precinct once detailed design and cost estimates are prepared.
7. Consider the related financial transactions to support these allocations in the October Quarterly Budget Review Statement.

Voting recorded as follows:

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

Against: Novak

The Amendment to Motion was put and declared CARRIED.

AMENDMENT TO MOTION - LAPSED FOR WANT OF A SECONDER

Simmons/

That Council

1. Note the final update on transition of Clarence Care and Support to Wesley Mission, provided in this report.
2. Allocate \$500,000 of Clarence Care and Support surplus funds from those identified in the report, to priority pedestrian footpaths identified in the Pedestrian Access Mobility Plan for completion in 2021/2022 – 2022/2023.
3. Commence planning for Stage 2 after community consultation including presentation of detailed plans for Stage 2 of the Maclean Community Precinct in conjunction with delivery of Stage 1.
4. Allocate \$2.7M Clarence Care and Support remaining surplus funds from those identified in the report, estimated to be \$2.7M to design and construction of Stage 2 of the Maclean Community Precinct, prioritising the Maclean Library relocation.
5. Allocate sale proceeds for 2 Short Street Maclean to Stage 2 of the Maclean Community Precinct.
6. Receive a report on delivery of Stage 2 Maclean Community Precinct once detailed design and cost estimates are prepared.
7. Consider the related financial transactions to support these allocations in the October Quarterly Budget Review Statement.

COUNCIL RESOLUTION - 6c.21.103

Novak/Toms

That Council

1. Note the final update on transition of Clarence Care and Support to Wesley Mission, provided in this report.
2. Allocate \$500,000 of Clarence Care and Support surplus funds from those identified in the report, to priority pedestrian footpaths identified in the Pedestrian Access Mobility Plan for completion in 2021/2022 – 2022/2023.
3. Commence planning for Stage 2 of the Maclean Community Precinct in conjunction with delivery of Stage 1.
4. Allocate \$2.7M Clarence Care and Support remaining surplus funds from those identified in the report, estimated to be \$2.7M to design and construction of Stage 2 of the Maclean Community Precinct, prioritising the Maclean Library relocation.
5. Allocate sale proceeds for 2 Short Street Maclean to Stage 2 of the Maclean Community Precinct.
6. Receive a report on delivery of Stage 2 Maclean Community Precinct once detailed design and cost estimates are prepared.
7. Consider the related financial transactions to support these allocations in the October Quarterly Budget Review Statement.

Voting recorded as follows:

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

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

At its Ordinary Meeting held 28 April 2020, Council resolved to award a tender for the Clarence Care & Support (CCS) services to Wesley Mission (refer Item 08.20.004) with progress of the transfer of services and staff to Wesley being reported to Council on a monthly basis. In July 2020, Council resolved (item 6c.20.119) that a final report be tabled once financial completion and service contract transfer has occurred. A progress report was provided at the 15 December 2020 Council meeting (item 6c.20.197). This report provides a final status update as well as seeking Councillor input on the future use of surplus funds relating to Clarence Care and Support.

At its Ordinary Meeting held 27 July 2021, Council resolved:

That

1. Council defer consideration of the allocation of the Clarence Care and Support surplus funds to the August 2021 Ordinary Council Meeting to allow for consideration of a list of priority community focused projects.
2. A list of priority community focused projects to be presented at the August 2021 Councillor Workshop for discussion.
3. Council note the final update on transition of Clarence Care and Support to Wesley Mission, provided in this report.

KEY ISSUES**Programs**

A final update on program transfer is provided below.

STRC (Short Term Restorative Care)

Wesley was providing the face to face service under a sub-contract arrangement, with Council remaining the accredited provider and managing the program funds. Council had been waiting for Wesley to become an accredited provider in order to finalise the full transition to Wesley. Wesley has experienced delays in receiving accreditation and as there was no foreseeable end date, a decision was made to cease (from Council's perspective) the taking on of clients, under the current arrangement, from 30 April 2021. It is noted that Council is not the only accredited provider in the Clarence Valley.

Wesley has submitted all invoices for payment of claimed monies to 30 June 2021 with final payment of outstanding invoices to be made by Council towards the end of July 2021. This will bring the transition arrangement with Wesley to a close.

CoS (Continuity of Support)

Confirmation and invoice of 2020/21 Quarter 1 expenditure of funds was received from Wesley and the acquittal for 2020/21 Quarter 1 funding was submitted early January 2021. Final payment of the invoice was made in January 2021. The transition arrangement with Wesley is finalised.

CHSP (Commonwealth Home Support Program)

Invoices for payment were received for 2020/21 Quarter 1 funding from Wesley and final payment of invoices were made in March 2021. Client data was also received and loaded to the department (funding body) portal. The transition arrangement with Wesley is finalised. Final acquittal of 2020/21 funding is due to the department by 31 July 2021.

Financial

Post finalisation of all transactions for 2020/21, it is expected the balance of Council's Internal Reserve relating to Clarence Care and Support will be approximately \$3.2M.

Future Use of Surplus Funds

When Council decided to transfer Clarence Care and Support services to another provider, Council's informal consideration was that use of surplus funds for alternative projects are in the Lower Clarence, being the origin of Clarence Care and Support, and that the project outcome is community focussed.

Further to the above surplus funds, it is proposed that the proceeds from the sale of 2 Short Street Maclean (refer item 6c.20.197, 15 December 2020 Council meeting) also be considered in this report as the property was purchased with Clarence Care and Support funds originally.

While there are a large number of smaller value (<\$1M) open space and facility projects that could be delivered, it is considered they should be scheduled in forward works programs.

Council received a list of alternative community projects at its August workshop including the following:

1. Stage 2 Maclean Community Precinct

Comments from Business Paper: While considered an appropriate project for CCS surplus funds originally, Stage 1 is funded by the State and Federal government (subject of Item 6a.21.033 in the current Business Paper). Stage 2 comprises relocation of Maclean Library to Council's 50 River Street Administration Centre.

Option 1 of the attached Options Paper gives an indicative concept of the location of the Library in what is now the Chambers, Committee Room and executive office space.

It is considered that opportunity exists to leverage off the \$4.997M grant funds to complete Stage 1 of the precinct, by committing CCS surplus funds and the sale of 2 Short Street Maclean to delivering Stage 2.

Considered more likely achievable in the short term (than Maclean Riverside Precinct missing link) as it is, at face value, considered lower in cost and the subject land/property is already in Council's ownership.

2. Progress the Maclean Riverside Precinct project missing link

Comments from Business Paper McLachlan Park carpark to Old North Coast wharf, which requires both land acquisition and construction of pedestrian and walkway along the river.

Council has previously considered acquisition of the NSW Fisheries building in McDonalds Lane (Item 13.036/15). At the time, Government Property NSW indicated relocation of the occupier would be beneficial for client negotiation with Fisheries. To date, no suitable alternative location has been found. There is currently no foreseeable solution to this matter.

3. Pedestrian Access Mobility Plan – construction 2021/2022

Background: Note in the *Operational Plan 2021/2022 PAMP to be revised Q1-Q2*.

Cost: \$500,000

Scope: Priority PAMP projects scoped and delivered.

4. SKATEPARKS**South Grafton – construction 2022/2023**

Cost: \$700,000

Scope: Design and construction of a multi-use (skate, scooter, bike) 450m2 street and transition park, suitable for beginner to intermediate including connection pathways to bus interchange and existing paths, new shelters and park furniture.

Background: Local youth presented a petition for a skatepark for South Grafton. The idea was investigated and supported by Council with the preferred location at Silver Jubilee Park.

Funding: Council Resolution (15.249/17) recommends consideration for design in 2018/19 budget (wasn't included) and appropriate (external) funding for construction. Funding applications submitted in 2017, 2019 (Stronger Country Communities Fund) and 2021 (Public Spaces Legacy Fund) – all unsuccessful.

Lawrence – construction 2022/2023 – 2023/2024

Background: Noted in the *Operational Plan 2021/2022* to investigate a local skate facility at Lawrence.

Cost: \$450,000 estimate based on recent quotes from South Grafton for a reduced size park

Scope: Location and style to be investigated via community consultation. Inclusions like pathways, shade, seating to be considered pending available budget.

Maclean – construction 2022/2023 – 2023/2024

Cost: \$800,000 - \$1Mil

Background: Skatepark is in poor condition and requires major work. The ground has moved which has caused cracking in the structure. Very popular skatepark with local community. Noted in the *Clarence Valley Open Space Strategic Plan 2012* to expand this skatepark.

Scope: Two options – major maintenance or rebuild. Possibly look at location options if rebuild.

Yamba – construction 2021/2022 – 2022/2023

Cost: \$250,000

Scope: Complete the skate park including integration with new section, connection pathways, shade.

The report recommends Stage 2 Maclean Community Precinct as the preferred project as it is a significant legacy project that benefits community.

COUNCIL IMPLICATIONS**Budget/Financial**

The estimated 2020/21 Internal Reserve relating to Clarence Care and Support is \$3.2M. This funding is available to utilise on future identified projects by Councillors. If agreed, the proceeds from the sale of 2 Short Street Maclean will add to the funds available.

Asset Management

N/A

Policy or Regulation

N/A

Consultation

Nil

Legal and Risk Management

Nil

Climate Change

N/A

| | |
|-------------|--|
| Prepared by | Laura Black, Director Corporate & Governance |
| Attachment | Nil |

| | | |
|-------------|------------------|--|
| ITEM | 6c.21.104 | ACQUISITION OF PART ELLIS STATE FOREST AND PART CLOUDS CREEK STATE FOREST FOR ROAD PURPOSES |
|-------------|------------------|--|

| | | |
|--------------------|---|----------------|
| Meeting | Corporate, Governance & Works Committee | 17 August 2021 |
| Directorate | Works & Civil | |
| Reviewed by | Director - Works & Civil (Jamie Fleeting) | |
| Attachment | Nil | |

SUMMARY

To consider acquisition of land located in part Ellis State Forest (N^o. 831) and part Clouds Creek State Forest (N^o. 111) at Billys Creek for the purposes of the Road Act 1993.

OFFICER RECOMMENDATION

That Council:

1. Proceed with the compulsory acquisition of the land described as part of Lot 57 DP 752840 located in Ellis State Forest and part Lot 6-7 DP 752851 located in Clouds Creek State Forest for the purpose of road in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*.
2. Make an application to the Minister and the Governor for approval to acquire part of Lot 57 DP 752840 located in Ellis State Forest and part Lot 6-7 DP 752851 located in Clouds Creek State Forest by compulsory process under section 177(1) of the *Roads Act 1993*.
3. In addition to dot points 1 and 2, the General Manager is given delegated authority to decide to proceed to rectify the alignment of that part of Armidale Road bordered by the Clouds Creek and Ellis State Forests, by a road opening and closing process under Part 1 and Part 4 of the *Roads Act 1993*. Any portions of former public road are to be given as compensation to the Forestry Corporation of NSW under section 44 of the *Roads Act 1993*.
4. Enter into a deed of agreement and memorandum of understanding (MOU) with Forestry Corporation NSW for early access to the subject land to commence works prior to the acquisition being completed.
5. Delegate authority to the General Manager to execute documents relating to the deed of agreement, memorandum of understanding, acquisition of the land and the road opening and closing.

COMMITTEE RECOMMENDATION

Lysaught/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Toms, Simmons, Ellem, Lysaught, Kingsley

Against: Nil

COUNCIL RESOLUTION – 6c.21.104

Kingsley/Ellem

That Council:

1. Proceed with the compulsory acquisition of the land described as part of Lot 57 DP 752840 located in Ellis State Forest and part Lot 6-7 DP 752851 located in Clouds Creek State Forest for the purpose of road in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*.
2. Make an application to the Minister and the Governor for approval to acquire part of Lot 57 DP 752840 located in Ellis State Forest and part Lot 6-7 DP 752851 located in Clouds Creek State Forest by compulsory process under section 177(1) of the *Roads Act 1993*.
3. In addition to dot points 1 and 2, the General Manager is given delegated authority to decide to proceed to rectify the alignment of that part of Armidale Road bordered by the Clouds Creek and Ellis State Forests, by a road opening and closing process under Part 1 and Part 4 of the *Roads Act 1993*. Any portions of former public road are to be given as compensation to the Forestry Corporation of NSW under section 44 of the *Roads Act 1993*.

4. Enter into a deed of agreement and memorandum of understanding (MOU) with Forestry Corporation NSW for early access to the subject land to commence works prior to the acquisition being completed.
5. Delegate authority to the General Manager to execute documents relating to the deed of agreement, memorandum of understanding, acquisition of the land and the road opening and closing.

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

This section of Armidale Road Clouds Creek road is to be upgraded by Council following a grant funded by the Australian Government Blackspot Program to improve the safety of two sections of Armidale Road at Clouds Creek.

KEY ISSUES

The land described as part of Lot 57 DP 752840 located in Ellis State Forest N^o. 831 and part Lot 6-7 DP 752851 located in Clouds Creek State Forest N^o. 111 is required for the purpose of road, as shown in Figure 1. The project will provide safety treatments of widening and realignment to the existing road at locations with a previous crash history. The area to be acquired is approximately 6,891m². To facilitate works on the land by Council a deed is required to be entered into with the land manager (Forestry Corporation NSW) and then acquisition of the land is required so that the road will be constructed on a Council public road reserve.

During its discussions with Council, the Forestry Corporation of NSW has explained that the length of Armidale Road bordered by State Forest is out of alignment, which is a very common issue. The cadastral boundaries of the road reserve for Armidale road do not actually follow the location of the constructed road. As an alternative to the Council compulsorily acquiring the subject land, the Forestry Corporation of NSW has expressed its willingness to participate in the Council pursuing a road opening and closing process. Effectively, this would result in the Council and the Forestry Corporation of NSW swapping small areas of land so that the road reserve matches the constructed road, including the proposed upgraded areas.

This would involve increased survey and administration costs for Council to have the length of Armidale Road surveyed and a 'road opening and closing' plan prepared. However, it could also negate potential future issues in the event that Council were to undertake road work in other sections along Armidale Road where the constructed road is located outside of the road reserve.

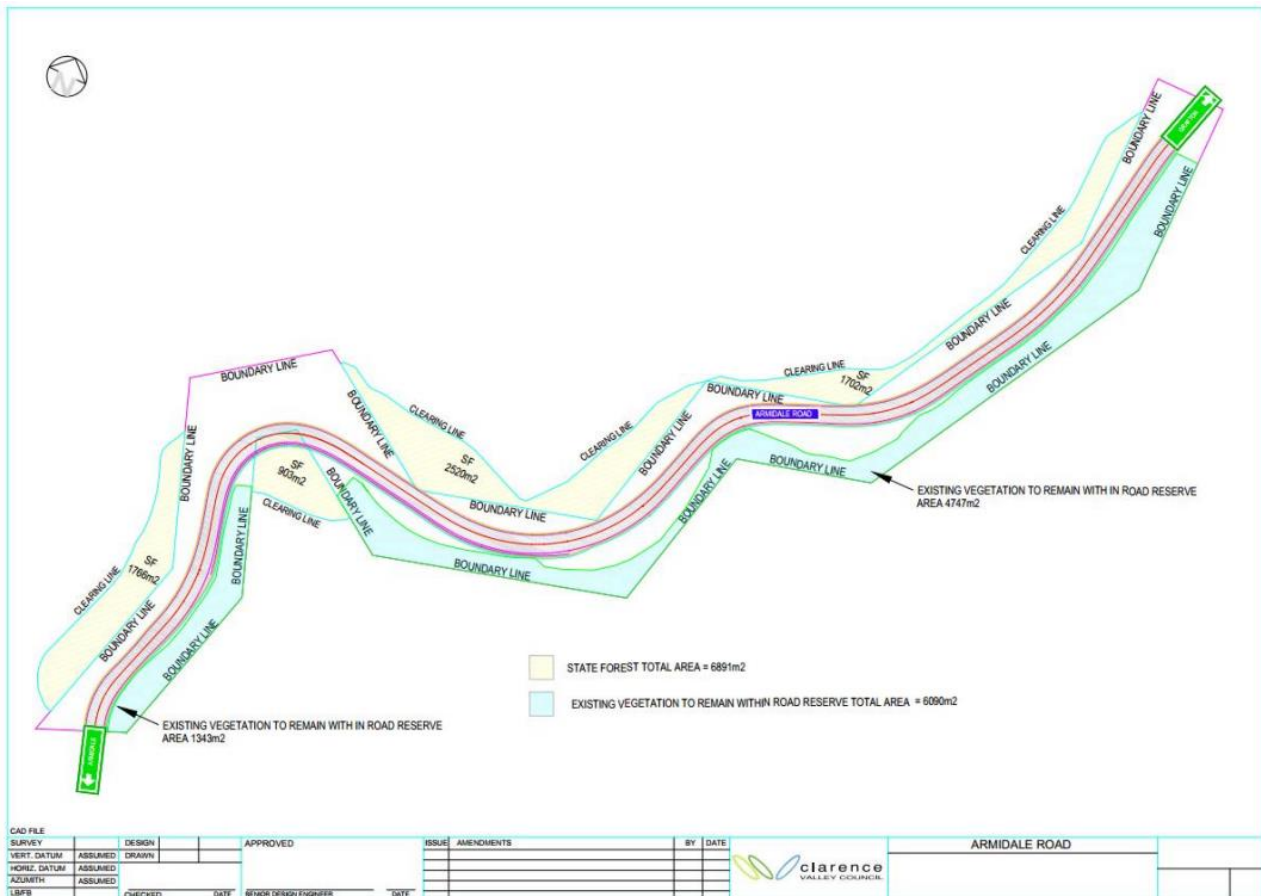


Figure 1 – Section of land to be acquired – part State Forest

COUNCIL IMPLICATIONS

Budget/Financial

The budget for the project is \$1,660,000. Costs associated with the acquisition will be funded from this budget – Financial Project 206348.

Asset Management

The section of Armidale Road at Clouds Creek is already managed by Council and currently on Council’s Asset and Maintenance Register. The areas will be updated accordingly. Under the Local Government Act there is no requirement to classify land that is required for road and it will be dedicated as public road.

Policy or Regulation

- Forestry Act 2012
- Land Acquisition (Just Terms Compensation) Act 1991
- Native Title Act 1993 (Cth)
- Roads Act 1993

Consultation

Consultation for the writing of this report has been undertaken with Councils Strategic Planner (Native Title/Public Land) and Construction Engineers. External consultation has been undertaken with Forestry Corporation NSW and Council’s Solicitor. The required notice has been served to NTS Corp for the construction of the road and they will be consulted again accordingly at the time of acquisition.

Legal and Risk Management

There are no current Aboriginal land claims or native title claims/determinations over the subject land. In relation to native title considerations, native title exists on all Crown land until determined to be extinguished.

A native title assessment has been undertaken. The land located in the Clouds Creek State Forest area, being Portion 7, Parish Wiriri prior to being added to this State Forest was notified and leased as a homestead farm. A homestead farm is a Scheduled Interest under Schedule 1 Clause 3 (11) of the *Native Title Act 1993* (Cth).

A scheduled interest is a previous exclusive possession act under s23B(2)(c)(i) of the Act. A previous exclusive possession act under s23B(2) extinguishes native title under s20(1) of the *Native Title (New South Wales) Act 1994*. It is therefore assumed that native title will be found to be extinguished on this parcel of land.

The land located in the Ellis State Forest area, being Portion 57, Parish Shea prior to being added to this State Forest was also notified as a homestead farm. However, there is no evidence that this portion was leased for this purpose. Consequently, native title may continue exist on this land, and as such a precautionary approach has been taken and a notification under s24KA of the *Native Title Act 1993* (Cth) has been made in regards to the proposed roadworks with NTSCorp.

In addition, as part of the proposed acquisition process, a further notification under s24MD of the *Native Title Act 1993* (Cth) will be required in due course. All Acts that impair or impact the rights and interests of native title holders is compensable under the Act. This liability will be factored into the acquisition process.

Climate Change

N/A

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|-------------|-----------------------------------|
| Prepared by | Kylee Baker, Property Coordinator |
|-------------|-----------------------------------|

ITEM 6c.21.105 LOCAL TRAFFIC COMMITTEE

| | | |
|--------------------|---|----------------|
| Meeting | Corporate, Governance & Works Committee | 17 August 2021 |
| Directorate | Works & Civil | |
| Reviewed by | Director - Works & Civil (Jamie Fleeting) | |
| Attachment | To be tabled | |

SUMMARY

This report lists the recommendations made at 4 August 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 4 August 2021 meeting be adopted by Council.

COMMITTEE RECOMMENDATION

Lysaught/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Lysaught, Kingsley, Simmons, Toms, Ellem

Against: Nil

COUNCIL RESOLUTION – 6c.21.105

Kingsley/Ellem

That the recommendations of the Local Traffic Committee included in the Minutes of its 4 August 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 4 August 2021.

Item: 026/21 Clarence Valley Triathlon Club – Use of Roads Application

That approval be given for the Clarence Valley Triathlon Club to utilise the various adjacent local roads and Yamba Sports Complex environs as identified in the traffic management plan under the conditions proposed to undertake their monthly events.

Item: 027/21 Centre Parking – Wharf Street, Maclean

- It is recommended that the centre parking bay in Wharf Street, nearest River Street, be line marked with 10 short term parking spaces 2.6m wide with 2P 9am to 4pm Mon-Fri parking restriction (Sign No. R5-16) and it is recommended that the next bay be marked with 7 long term 2.4m wide unrestricted parking spaces.

2. Edgeline marking be considered as part of the installation of parking bays.
3. Funding being applied through TfNSW to undertake the works.

Item: 028/21 On Street Parking – Oceania Court, Yamba

That Council undertake public consultation with residents and a further report be submitted to Traffic Committee.

Item: 029/21 Pedestrian Crossing Summerland Way

That a marked pedestrian crossing not be installed at this location.

Item: 030/21 Jacaranda Festival Show Rides – Pound Street, Grafton – Road Closure

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

1. Valid public liability insurance being held by the event organiser (minimum \$20,000,000).
2. NSW Police approval is obtained.
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 road's 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 TfNSW and NSW Police.
 - e. Conformance with approved Traffic Management Plan and associated Traffic Control Plans which shall be implemented and controlled by TfNSW 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 organises for the events to be listed on council's web page.

Item: 031/21 Jacaranda Festival Carnival Capers – Skinner Street, South Grafton – Road Closure

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

1. Valid public liability insurance being held by the event organiser (minimum \$20,000,000).
2. NSW Police approval is obtained.
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 road's 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 TfNSW and NSW Police.
 - e. Conformance with approved Traffic Management Plan and associated Traffic Control Plans which shall be implemented and controlled by TfNSW 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 organises for the events to be listed on council's web page.

Item: 032/21 Review of One Way Traffic – Riverview Street, Iluka

1. That Council write to all affected residents of Cave Street and Riverview Street seeking comment on the implementation of the one way traffic arrangement and suggestions for refinement of the arrangements.
2. That Council seek community feedback on the traffic arrangements through available media.
3. That the results of feedback be assessed and reported to the Local Traffic Committee.

Item: 033/21 Sandon Road, Minnie Water

That Council in conjunction with TfNSW undertake an onsite meeting to further investigate traffic calming measures to improve pedestrian safety before seeking funding from TfNSW.

Item: 034/21 Orara Way, Glenreagh – Speed Indication Sign

1. That a traffic survey be undertaken on Orara Way at Glenreagh to determine the speed compliance level within the village.
2. That installation of electronic speed indication signs be considered if the 85th percentile speed at the Tallawudjah Ck Road and Sherwood Creek Road intersections with Orara Way is in excess of 55km/h.
3. Council and TfNSW to consult on the CBD upgrade and entry statement to Glenreagh.

Items of Discussion

Implementation of a Committee to Assess Locations Subsequent to a Fatal Crash

That the Local Traffic Committee fully support the implementation of a Safe Systems Committee.

Line-marking – Roundabout Pound and Villiers Street, Grafton

That Council write to TfNSW and the Local State Member requesting a review the intersection treatment of Pound and Villiers Street following concerns raised by the members of the Local Traffic Committee.

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 \$6,000. 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 | Tony Smith – Maintenance Engineer |
| To be tabled | Traffic Committee Minutes |

| | | |
|-------------|------------------|--|
| ITEM | 6c.21.106 | PERMANENT ROAD CLOSURE – PART SCHULTZ ROAD BILLYS CREEK ADJACENT TO LOT 7 DP 264070 |
|-------------|------------------|--|

| | | |
|--------------------|---|----------------|
| Meeting | Corporate, Governance & Works Committee | 17 August 2021 |
| Directorate | Works & Civil | |
| Reviewed by | Director - Works & Civil (Jamie Fleeting) | |
| Attachment | Nil | |

SUMMARY

Schultz Road Billy's Creek is a Council maintained public road with a variable width. Part of the road is subject to an encroachment. This report considers closure of the section subject to the encroachment and sale to the adjoining landowner. The section (encroachment) is not required for the road network.

OFFICER RECOMMENDATION

That Council:

1. Close part of Schultz Road, Billy's Creek road reserve adjacent to Lot 7 DP 264070 as shown in Figure 1,
2. Classify the new lot (closed road) as operational land.
3. Transfer the new lot (closed road) to the landowner of Lot 7 DP 264070 for the value of \$9,360.00 with the landowner being liable for all costs associated with the closure and transfer,
4. Delegate authority to the General Manager to execute documents associated with the closure and transfer.

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Toms, Simmons, Kingsley, Lysaught, Ellem

Against: Nil

COUNCIL RESOLUTION – 6c.21.106

Kingsley/Ellem

That Council:

1. Close part of Schultz Road, Billy's Creek road reserve adjacent to Lot 7 DP 264070 as shown in Figure 1,
2. Classify the new lot (closed road) as operational land.
3. Transfer the new lot (closed road) to the landowner of Lot 7 DP 264070 for the value of \$9,360.00 with the landowner being liable for all costs associated with the closure and transfer,
4. Delegate authority to the General Manager to execute documents associated with the closure and transfer.

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

Lot 7 DP 264070 is owned by Mr P Ward (the Landowner) and adjoins Schultz Road Billy's Creek. The section of Schultz Road in the vicinity is of a variable width. The landowner of Lot 7 appears to have an encroachment by a shed and in addition would like to construct a dwelling.

KEY ISSUES

A shed on Lot 7 appears from aerial photography to be encroaching onto the road reserve. The extent of the encroachment will not be known until a survey is completed. Lot 7 enjoys a dwelling entitlement under Clause 4.2B of the *Clarence Valley Local Environmental Plan 2011* however is subject to the development sunset clause and a Development Application for a dwelling is required to be lodged by 23 December 2021. The owner intends to build on the section of road reserve to be closed as this is the only relatively flat section of land that will not require extensive clearing.

The landowner has owned Lot 7 since 1983 and advises that he has maintained the land since then believing that he owned to the edge of the formed road not realising that the land was in fact road reserve. The landowner states that he has incurred expenses relating to the land for works he has undertaken including but not limited to drainage, land development for a shed, weed control, gardens, installation of minor structures (pizza oven and picnic table) fencing, driveway, mowing.

The landowner has applied to Council to close and purchase part of Schultz Road Billy's Creek that is not required for the road reserve so as to correct the encroachment and enable a cleared area of the land to be used for the construction of the dwelling, as shown in Figure 1.

He proposes a straight line from the northern boundary of his land to a point at the eastern boundary so as to reduce compensation cost as he has already expended funds on the area of land. It is recommended from our survey and design team that the road reserve be 30.175m using the centreline of the existing formation with the residual area closed and sold to the landowner of Lot 7. The landowner will be required to consolidate the new lot (closed road) with his freehold Lot 7.

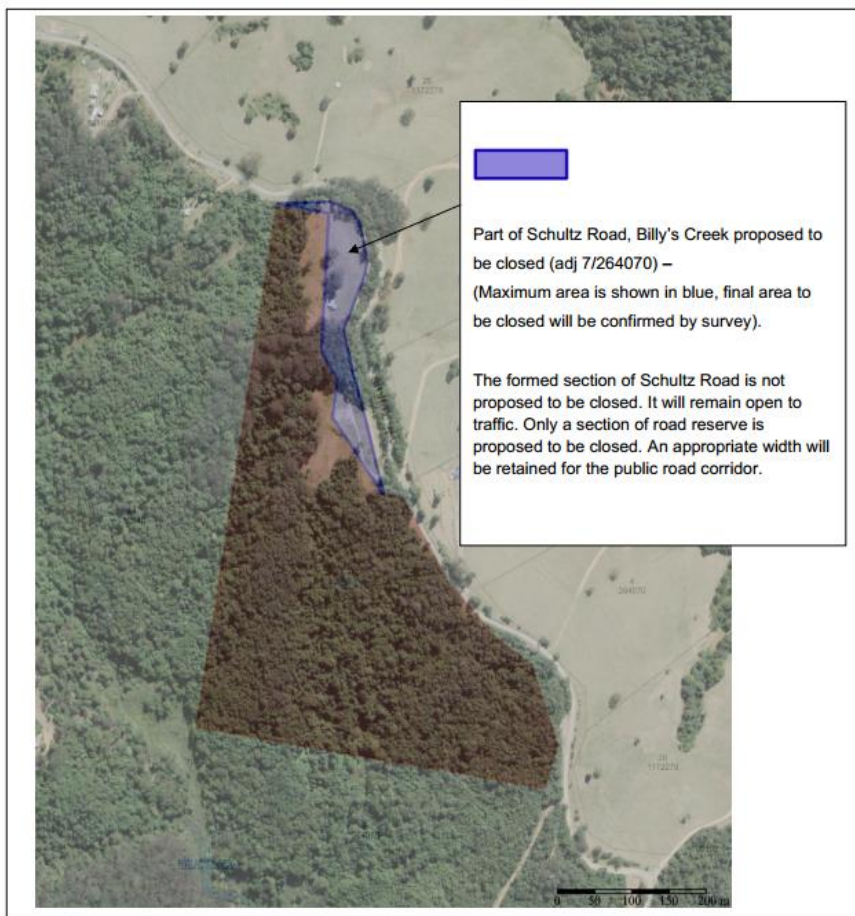


Figure 1

COUNCIL IMPLICATIONS**Budget/Financial**

Expenditure - The landowner is required to meet all Council costs associated with the acquisition including but not limited to survey and legal fees.

Income – The approximate area to be closed is 12,000 sqm. The value of the land is \$0.78 per sqm based on a pro-rate of the land value of Lot 7 bringing the estimated value to \$9,360.00. Section 43 (4) of the Roads Act 1993 states that '*Money received by a council from the proceeds of sale of the land is not to be used by the council except for acquiring land for public roads or for carrying out road work on public roads*' and as such income will be allocated to Reserve RA 10899 Resumptions and used for future acquisitions.

Asset Management

There are no proposed changes to the current asset management. Council will continue to maintain the section of Schultz road as per the current maintenance schedule.

Policy or Regulation

Roads Act 1993 – Division 3 Section 38A to 38F and Division 6 Section 43

Local Government Act 1993

Conveyancing Act 1919

Consultation

Council's Civil Services & Strategic Infrastructure sections have been consulted and agree to the proposal. Relevant authorities have been consulted as part of the road closure process. Eleven landowners in the area have been advised of the proposal. Submissions closed on 9 August 2021. 4 letters of support have been received by adjoining landowners outlining the works the landowner has undertaken over the years in keeping land maintained which in turn has assisted with reducing bushfire risk and road safety in the area. No objections have been received.

Legal and Risk Management

Correcting the encroachment mitigates Councils future liability risk.

Climate Change

N/A

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|-------------|-----------------------------------|
| Prepared by | Kylee Baker, Property Coordinator |
|-------------|-----------------------------------|

ITEM 6c.21.107 SEE PARK MASTERPLAN

| | | |
|--------------------|--|----------------|
| Meeting | Corporate, Governance & Works Committee | 17 August 2021 |
| Directorate | Works & Civil | |
| Reviewed by | Manager - Open Spaces & Facilities (Peter Birch) | |
| Attachment | Yes | |

SUMMARY

Community consultation was undertaken in 2019 to capture the key elements of a concept masterplan for See Park, Grafton. Council resolved (item 6c.19.041) to include these key themes in a plan which has now been finalised. This report now seeks Council's adoption of the concept masterplan for See Park.

OFFICER RECOMMENDATION

That Council adopt the concept masterplan for See Park Grafton.

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Lysaught, Simmons, Toms, Ellem, Kingsley

Against: Nil

COUNCIL RESOLUTION – 6c.21.107

Kingsley/Toms

That:

1. Council note the concept Masterplan for See Park Grafton.
2. The concept Masterplan for See Park Grafton be amended to include the following;
 - a. Softfall and concrete paths throughout the playground area linking all pieces of play equipment regardless of whether they are inclusive/accessible.
 - b. One (1) wheelchair accessible piece of play equipment and minimum two (2) pieces of sensory play equipment.
 - c. Replacement of the bridge crossing over the pond on page 10 of the concept Masterplan from stairs to a compliant wheelchair accessible bridge.
 - d. Confirmation of three (3) accessible BBQ's and their locations noting them on the amended concept Masterplan.
 - e. An accessible path which leads from either the corner of Turf and Bacon Street (near the BBQ shelter) or the footpath near the existing timber bridge (whichever starting location provides the least obstruction from retained plants and existing trees) down to the pond on the Turf Street side of the park.
3. The amendments in point 2 are aligned with the NSW Department of Planning, Industry & Environment's "Everyone Can Play" best practice guidelines and that the said guidelines are officially referenced in the amended concept Masterplan.
4. Council receive a report to the September 2021 Council meeting cycle with an amended concept Masterplan as per points 2 and 3 of this motion.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Clancy, Ellem, 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 February 2019 meeting, Council resolved (item 17.003/19) to 'consult with the community to determine the desires and needs of any future development of See Park'.

Community engagement was completed and included on site pop up sessions, online engagement through Clarence conversations, involvement from the local media and consultation with primary users including the Jacaranda Festival. The results of this engagement were reported back to Council in August 2019 (Item 6c.19.041) which resolved to progress to the design based on the inclusion of the key themes which were identified through community engagement.

An allocation was included in the 2020/21 budget to allow the project to be developed to concept masterplan stage. The concept masterplan is now completed based on those identified key themes.

KEY ISSUES

The See Park concept masterplan combines the natural beauty of the gardens with the character and mood of Grafton's history. The existing beauty of See Park has been protected and enhanced. New pathways and park assets navigate around existing mature trees, specifically the *Jacaranda mimosifolia* species.

The plan provides greater pathway connections, formalised entry and park gateways, increased DDA compliance through parking, amenities and pathways, highlights the natural elements of the water and flora and combines a range of features to positively activate the space including terraced seating, upgraded park furniture, greater access to and around the water as well as a light feature for night time events.

The concept masterplan retains and features some existing components of the park including the bridge, recently renewed pond pathways and the Cowper memorial rotunda. An entry arbour and brick circular arrangement defines the space adjacent to the rotunda for celebrations and intimate events.

The plan also highlights a range of water experiences including touch, sounds and view and directly links people to these elements through organised and passive pathways.

The concept design also includes feature lighting to the water fountain and water body at night. This is for potential night time activation via activities/events to increase positive interactions in the park.

A naturalised pond edge has been proposed to assist with water quality including suitable boulders, turf and native plantings where appropriate. Semi-submerged art sculptures are included in the northern end of the pond which will double as a climbable structure if needed. These sculptures could be native turtles, water birds or a reference to a first nation storyline.

The key theme identified through the community engagement are summarised as follows:

Complete regular maintenance on the pond and water feature

A 3m wide concrete access driveway from Bacon Street which leads directly to the pond is included in the design. There are also additional pathways throughout the park, increasing accessibility to the pond and water feature to complete maintenance as required.

Upgrade park infrastructure including shelters, tables and seating

The location of the park furniture was considered in the design to maximise views and vantage points of the pond as well as accessibility to amenities and playground infrastructure. The Cowper memorial rotunda remains in the existing location, with the addition of an informal plaza suitable for weddings and intimate events with views to the fountain.

Embankment seating has also been included on the western side of the pond to provide an informal park amphitheatre which can be used for passive recreation or organised events.

Extend the play space by installing junior play equipment

The play space has been extended to include an additional junior playground equipment as well as an extension of nature based play elements leading to the pond. The use of rubberised soft fall is included to improve accessibility to the new accessible elements that will be subject to a future consultation process, align with our playground policy, asset plans and budget dependent, while shade sails are included.

The nature based play adventure moves through trees and uses the existing slope for sliding and climbing elements.

Renovate the toilet facilities

An accessible unisex toilet block is included in the design and is centrally located with multiple connection pathways. This is consistent with Council's Disability Action Plan.

Investigate power options / limitations

Power is currently available in several locations throughout the park. Additional three phase power has been included in the design in Garden and Turf Streets.

Review and investigate options to increase accessibility in and around the park

Some of the existing pathways have been retained and linked in with new sections to improve accessibility throughout the park. Connections have also been created in Turf Street, including the provision of an accessible parking bay leading to bench seating with a view overlooking the park. Additional accessible parking is included in Pound and Garden Streets with connection pathways to existing footpaths along Pound Street. Throughout the park, there is a combination of 1.8m wide compacted gravel pathway as well as concrete footpath linking the infrastructure.

Additional pond crossings have also been included in the design.

Masterplan



Key

- 01 'Naturalised' rock edged water body with water plants and existing trees to be retained.
- 02 Timber log bridge - anchored by boulders, this play element pays homage to Grafton logging history.
- 03 Existing 5m wide Stormwater body & concrete pathway
- 04 Existing Timber bridge to be retained.
- 05 Steel retaining walls
- 06 Steel bridge - 2nd bridge crossing
- 07 Existing Water Fountain - feature lighting for night-time activation
- 08 Existing playground with redefined edging to incorporate merging pathways and new play elements. Rubber softfall to be included for greater mobility.
- 09 Repurposed heritage structure as 'play hut'. To include rubber softfall surfacing and internal wall play elements.
- 10 'Enchanted garden' playspace
- 11 Embankment play with toddler ranged elements at lower bank.
- 12 'Floating timber stage'
- 13 Proposed Park shelter with accompanying BBQ.
- 14 Formalised carparking areas - 60° angle parking to allow sufficient buffer from adjacent tree roots
- 15 Existing shelter
- 16 Informal plaza within flowering trellis
- 17 3m wide maintenance access
- 18 Timber bollards with locking rail at access points.
- 19 1.8m wide compacted gravel path with concrete edging.
- 20 New signage location
- 21 Power access - 3 phase power
- 22 Custom timber seating
- 23 Proprietary seating on feature concrete pad
- 24 Open space kickabout area
- 25 Oversized boulders as informal pathways
- 26 Disability parking bay
- 27 Semi-submerged art pieces acting as informal water ladders
- 28 Existing & new light poles
- 29 Feature lighting
- 30 Standard 2 accessible toilet block
- 31 Concrete footpath - connecting to seating and park amenities
- 32 Community-endorsed playground item
- 33 Existing mature Jacaranda trees

COUNCIL IMPLICATIONS

Budget/Financial

The concept masterplan was funded from PJ 994752 and included in the 2020/21 capital works program. An Opinion of Probable costs has been include in the package and is estimated to be \$1,758,108 for the full scope, however the plan has been developed to be staged as assets deteriorate and require replacement or

as community needs like accessibility are addressed in line with available Council budgets or external funding.

Asset Management

See Park is a district level reserve which includes a significant level of assets which vary in condition and remaining useful life. Assets including the barbeque shelters, barbeque settings and park furniture are assessed as condition 4 and require renewal or upgrade. The pond edge and walkway have had renewal works undertaken in the 2018/19 and 2019/20 financial years and are in good condition. The toilet block has been assessed at condition 3 (fair), however has endured a storm and sustained external damage.

In addition to the renewal of assets, operations and maintenance levels may need to be reconsidered in response to the use – e.g. increased use of barbeques and toilet facilities. Any change will need to be considered within available resource and budget constraints.

Policy or Regulation

- NSW Disability Inclusion Act 2014
- Disability Inclusion Action Plan 2017 – 2021
- Open Spaces Strategy
- Council report 17.003/19
- Council report 6c.19.041

Consultation

Extensive consultation was undertaken with the feedback reported to Council in August 2019. This feedback has been used to develop the concept masterplan.

Legal and Risk Management

Nil

Climate Change

The plan includes suitable plantings in the waterway to promote healthy water and marine life in the pond. Native local plants will be included where suitable. The plan also includes nature play elements and natural shade as cooling elements.

| | |
|-------------|--|
| Prepared by | Rachelle Passmore, Senior Parks and Recreation Officer |
| Attachment | See Park Grafton – Concept Masterplan Report |

ITEM 6c.21.108 WORKS REPORT

| | | |
|--------------------|---|----------------|
| Meeting | Corporate, Governance & Works Committee | 17 August 2021 |
| Directorate | Works & Civil | |
| Reviewed by | Director - Works & Civil (Jamie Fleeting) | |
| Attachment | Nil | |

SUMMARY

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

OFFICER RECOMMENDATION

That the Works report be received and noted.

COMMITTEE RECOMMENDATION

Ellem/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Toms, Simmons, Lysaught, Ellem, Kingsley

Against: Nil

COUNCIL RESOLUTION – 6c.21.108

Kingsley/Ellem

That the Works report be received and noted.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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


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


BACKGROUND


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


KEY ISSUES

The projects below highlight capital projects being undertaken during July 2021.

| | | |
|-----------------------------|---|--|
| Project: | Cowan Street Grafton Sewer Main Collapse Repairs |  |
| Project Description: | In mid April (following the March flood) a sinkhole was noticed over a 225mm diameter sewer line located in South Grafton. The sewer line, which was constructed in 1938, is approximately 8 metres deep and is located close to an adjacent house. | |
| Budget: | Sewer Mains Maintenance (Operational) | |
| Expenditure: | \$190,235.60 in 2020/2021 \$118,424.72 in 2021/2022 | |
| Status: | <ul style="list-style-type: none"> The adjacent house foundations were underpinned and sheet piling installed between the excavation and the house to prevent further subsidence. Repair works were completed in early August. A 53 metre section of sewer line will be relined as soon as Contractors can attend site; this timing is unknown due to Covid 19 restrictions The patience and understanding of nearby residents in Cowan Street is especially acknowledged as there has been considerable disruption for several months due to the repair works. | |

| | | |
|-----------------------------|---|---|
| Project: | Resheet Firth Heinz Road |  |
| Project Description: | Council applied for grant funding under the Fixing Local Roads round 2 program. The works will involve resheeting Firth Heinz Road from CH:1500 – 12400 at a width of 5m. | |
| Budget: | Fixing Local Roads round 2 and 25% co-contribution from Council | |
| Expenditure: | Total budget allocation \$655,354.87 Fixing Local Roads component \$491,516.15 Council co-contribution \$163,838.72 | |
| Status: | Works commenced 26 July 2021 Total length re-sheeted to date approximately 3km Approximate completion date for the project will be December 2021. | |

| | | |
|-----------------------------|---|--|
| Project: | North Street Field Amenities Block |  |
| Project Description: | The project includes 2 disabled car spaces, ramp access and two unisex accessible toilet facilities at North Street Field. | |
| Budget: | \$120,000 | |
| Expenditure: | \$136,970 | |
| Status: | <p>The project is completed.</p> <p>The amenities is a container build, which has long life expectancy.</p> <p>The container has been clad for aesthetics.</p> <p>The amenities are DDA compliant with both cubicles accessible and have been keyed to the MLAK system.</p> <p>The project also includes a baby change station in each cubicle.</p> | |

| | | |
|--|--|--|
| | <p>Additional security features were included including a cage to prevent access underneath, screens and a cabinet for the control unit. The amenities will be open for sporting, community and school groups for training and activities when the facility is booked.</p> |  |
|--|--|--|

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 | Phil Daniels, Greg Mashiah, Peter Birch |
| Attachment | Nil |

ITEM 6c.21.109 2 PRINCE ST ADMINISTRATION BUILDING UPGRADE – PROGRESS UPDATE

| | | |
|--------------------|--|----------------|
| Meeting | Corporate, Governance & Works Committee | 17 August 2021 |
| Directorate | Works & Civil | |
| Reviewed by | Manager - Open Spaces & Facilities (Peter Birch) | |
| Attachment | Yes | |

SUMMARY

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

OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Toms, Simmons, Lysaught, Kingsley, Ellem

Against: Nil

COUNCIL RESOLUTION – 6c.21.109

Kingsley/Ellem

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

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

In accordance with item 6e.20.029, dated 24th November 2020, Council approved the recommendation to accept tender from FDC Fitout & Refurbishment (NSW) Pty Ltd for RFT 20-22 2 Prince Street building upgrade project at a cost of \$6,795,960.36 (GST excl). This status report is current for the project as of 7 June 2021.

Item 6e.20.029 was –

That Council:

1. Accept the tender from FDC Fitout & Refurbishment (NSW) Pty Ltd for RFT 20-22 No 2 Prince Street Redevelopment at a cost of \$6,795,960.36 (GST excl) to be funded from Administration Building 2 Prince St Improvements (FP 530140 Sub-Service 343) with the budgeted allocation being now

increased by \$545,960 from Heavy Plant Reserve RA10010 (\$245,960) and Grafton Regional Landfill Reserve RA10815 (\$300,000) to cover the shortfall.

2. Authorise the General Manager to approve variations up to 10% of the contract sum.
3. Endorse project budget variationsetc
4. Endorse the internal borrowings etc
5. Receive project implementation reports every two months on the delivery of the project.

KEY ISSUES

Project Status Report

Overall: This project is on-track to be delivered on-time, within budget/contingency allocation and to the approved quality standards.

Schedule:

Scheduled works as of 30 July include:

- Installation of vinyl on Level 1 to commence
- Delivery of workstations to arrive Monday 2/8
- All roof access, catwalks, and handrails to be complete
- Delivery of ground floor joinery to arrive on site
- Internal painting works continuing
- Front façade rendering continuing
- Installation of front façade windows continuing
- External façade sheeting continuing
- Solar panel installation continuing
- Joinery installation continuing
- Northern stormwater works continuing

Deliverables:

- Design Review:
 - Design review and requirements documentation completed on 16th September 2020.
- Procurement Phase:
 - Tender Plan completed on 11th August 2020.
 - EOI 20-23 Opened on 19th August 2020.
 - EOI 20-23 Closed on 9th September 2020.
 - EOI 20-23 Evaluated & reported to Council on 16th September 2020.
 - Council approved EOI recommendation on 22nd September 2020.
 - RFT 20-22 Opened on 25th September 2020.
 - RFT 20-22 Closed on 23rd October 2020.
 - RFT 20-22 Evaluated and reported to Council on 10th November 2020.
 - Council approved RFT 20-22 recommendation on 24th November 2020.
 - GC21 Construction Contract Awarded to FDC Fitout and Refurbishment (NSW) Pty Ltd on 30th November 2020.
- Construction Phase:
 - Site Establishment completed on 22nd January 2021
 - Review of preconstruction plans completed on 27th January 2021
 - Current works status
 - Basement – 75% progressed
 - Ground Floor – 64% progressed
 - First Floor – 68% progressed
 - Roof – 80% progressed
 - External Works – 57% progressed
 - Completion on track for 3rd September 2021

Quality Metrics

Variations: To date we have a total of 20 Variations valuing \$625,658.00.

Approved variations to date with a value of \$625,658 (ex GST) include:

- Supply and install hat section to incoming fibre
- Mechanical Units adjustments
- Solar Provisional sum
- New Telecommunication Mast support

- Collaborative Workspace Design fee
- Workstation return screens
- Workstation Pedestals
- Electric desks x 4
- Substation Connection Interface Upgrade
- Part Window Upgrade
- Contaminated soil removal from site
- AV Works – meeting rooms
- Kitchen & Chamber Changes (latent and design)
- Northern Side Window upgrade
- Ground floor ramp amendments (latent)
- CCRT extras
- AV extras – Chamber's infrastructure
- TV requirements
- AV Systems – Chambers
- Chambers Wall Sheeting

Requests for Information (RFI): To date 62 RFI's have been raised, 56 closed with 6 remaining open. There are no overdue RFI's awaiting information from CVC.

Extension of Time (EOT): There are no EOT requests raised by FDC. Notwithstanding there have been recent and past wet weather events.

Safety: Three minor incidents, no LTIs or near misses reported. The site is being well managed for WH&S risks.

Aboriginal Participation in Construction (APIC): On average for the month of February and March, FDC inform APIC rates has been calculated at 3%, exceeding the minimum 1.5% requirement. APIC obligations are being actively monitored and managed by FDC.

Local Content: FDC inform that they have engaged local mechanical designers, demolition, mechanical trades, structural steel suppliers, hydraulic trades and continue to employ local based trades where possible currently calculated at 60%.

Key Project Risk

COVID-19 remains and ongoing global risk for the project. As per Clause 5 Early Warning of the GC21 Contract both parties to the contract (CVC and FDC) are required to promptly inform the other if it becomes aware of anything that is likely to affect the time for Completion.

To date there has been no information received from FDC to suggest impact to time for any reason including COVID-19. It is also acknowledged that this is an ongoing global risk, and the situation is being monitored.

Other Issues

Council will receive a full credit (\$37,576 excl gst) for the Substation Connection Interface as Upgrade works were deemed not to be required.

There will be an extra cost (\$5,531.90 excl gst) for internal signage that incorporates the 3 mob 1 river artwork on selected glazing throughout the building.

COUNCIL IMPLICATIONS

Budget/Financial

Upon receipt of the documented design, external and internal design review of the design has been undertaken. The projects financial position to date is favourable and overall tracking within budget.

The table below summarises the projects financial position:

| | |
|------------------------------|-------------|
| Project Code | 530100 |
| Project Budget* | \$8,054,629 |
| Actuals | \$4,375,828 |
| Current Commitment | \$3,544,651 |
| Total (Actuals + Commitment) | \$7,920 479 |

Notes: *Includes contingency

Asset Management

As part of the review process, input has been received from operational and maintenance stakeholders that have been incorporated into the projects contract requirements documentation.

Policy or Regulation

- S68 Local Government Act
- Local Government General Regulation
- Crown Land Management Act 2016
- Upon receipt of the documented design, the project has been planned in accordance with the CVC PM Framework.

Consultation

Upon receipt of the documented design, this project has been planned in accordance with the CVC Project Management Framework, with stakeholder analysis, engagement and requirements solicitation activities undertaken prior to Contract Award.

Legal and Risk Management

Upon receipt of the documented design, external and internal design review and also engagement of external contract administrator during the procurement phase has been undertaken to mitigate project contract risk and limit risk exposure to Council.

Climate Change

The upgrade to the plant/solar will include improved technology and mitigation measures reduce emissions impact.

| | |
|-------------|----------------------------|
| Prepared by | Leah Munro Project Manager |
| Attachment | A - Site Photos |

ITEM 6c.21.110 MONTHLY INVESTMENT REPORT – JULY 2021

| | | |
|--------------------|--|----------------|
| Meeting | Corporate, Governance & Works Committee | 17 August 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 July 2021 be received and noted.

COMMITTEE RECOMMENDATION

Simmons/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Simmons, Lysaught, Toms, Kingsley

Against: Ellem

COUNCIL RESOLUTION – 6c.21.110

Lysaught/Toms

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

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, 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% |
| | <u>65.40%</u> | | <u>34.60%</u> |
| | | Total External & Internal Reserves | <u>100.00%</u> |

Portfolio Credit Limits

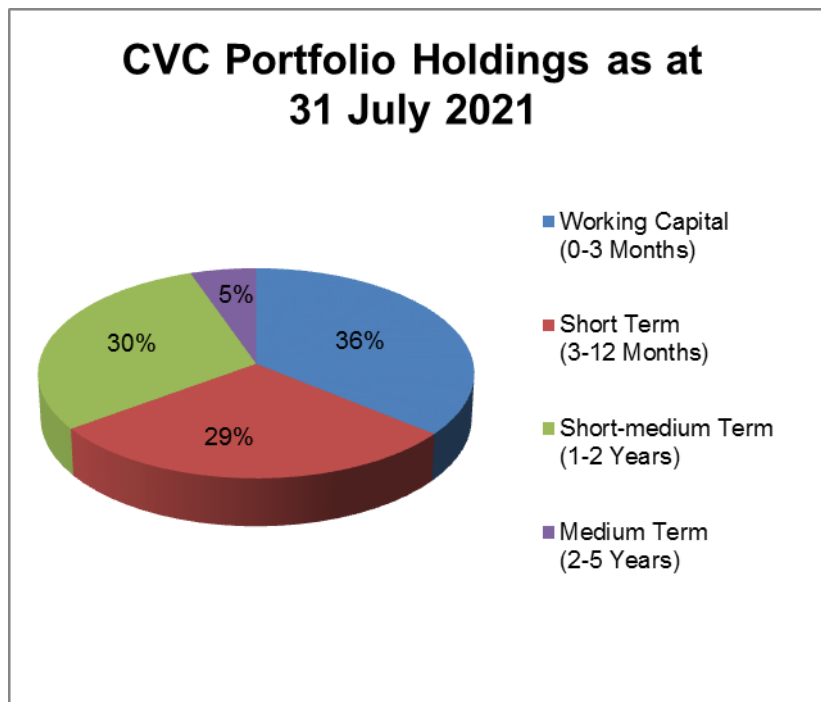
Tabled below is a summary of Council's investments as at 31 July 2021 which details compliance with Council's Investment Policy Portfolio Credit Limits.

| Portfolio Credit Limits as at 31 July 2021 | | | | |
|--|-----------------------------------|------------------------|------------------------|-------------------------------|
| Credit Rating Long Term | Investment Policy Maximum Holding | Total Investments Held | % of Total Investments | Complies with Policy (yes/no) |
| AAA | 100.00% | 4,990,333 | 3.80% | Yes |
| AA | 100.00% | 51,242,320 | 39.07% | Yes |
| A | 60.00% | 18,250,000 | 13.91% | Yes |
| BBB | 50.00% | 56,671,236 | 43.21% | Yes |
| TOTAL INVESTMENTS | | 131,153,889 | 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 July 2021. Excluding "at-call" working capital, 35.95% 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 July 2021 which details compliance with Council's Investment Policy Counterparty Limits.

| Individual Institution or Counterparty Limits as at 31 July 2021 | | | | | |
|---|--------------------------------|--|-------------------------------|-------------------------------|--------------------------------------|
| Financial Institution | Credit Rating Long Term | Investment Policy Maximum Holding | Total Investments Held | % of Total Investments | Complies with Policy (yes/no) |
| TERM DEPOSITS | | | | | |
| AMP | BBB | 15.00% | 8,000,000 | 6.10% | Yes |
| BoQ | BBB+ | 15.00% | 8,000,000 | 6.10% | Yes |
| Bendigo | BBB+ | 15.00% | 3,000,000 | 2.29% | Yes |
| CBA | AA- | 30.00% | 3,000,000 | 2.29% | Yes |
| Credit Union Australia | BBB | 15.00% | 2,000,000 | 1.52% | Yes |
| Defence | BBB | 15.00% | 10,000,000 | 7.62% | Yes |
| ING Direct | A | 15.00% | 13,000,000 | 9.91% | Yes |
| ME Bank | BBB+ | 15.00% | 16,000,000 | 12.20% | Yes |
| NAB | AA- | 30.00% | 20,000,000 | 15.25% | Yes |
| P&N | BBB | 15.00% | 3,000,000 | 2.29% | Yes |
| RaboDirect | A+ | 15.00% | 6,000,000 | 4.57% | Yes |
| Westpac | AA- | 30.00% | 6,000,000 | 4.57% | Yes |
| TOTAL TERM DEPOSITS | | | 98,000,000 | 74.72% | |
| MANAGED FUNDS | | | | | |
| TCorp | AAA | 40.00% | 490,333 | 0.37% | Yes |
| TOTAL MANAGED FUNDS | | | 490,333 | 0.37% | |
| FUNDS AT CALL | | | | | |
| AMP | BBB | 15.00% | 8,361,708 | 6.38% | Yes |
| AMP | BBB | 15.00% | 1,059,528 | 0.81% | Yes |
| ANZ | AA- | 30.00% | 6,788,723 | 5.18% | Yes |
| CBA | AA- | 30.00% | 9,392,054 | 7.16% | Yes |
| CBA | AA- | 30.00% | 7,061,543 | 5.38% | Yes |
| TOTAL FUNDS AT CALL | | | 32,663,556 | 24.90% | |
| TOTAL INVESTMENTS | | | 131,153,889 | 100.00% | |

| Register of Investments - Clarence Valley Council as at 31 July 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 | 490,333 | 0.37% | At-Call | 0.12% | AAA |
| AMP Bank Ltd | 8,361,708 | 6.38% | At-Call | 0.55% | BBB |
| AMP Bank Ltd | 1,059,528 | 0.81% | At-Call | 0.50% | BBB |
| ANZ Banking Group Ltd | 6,788,723 | 5.18% | At-Call | 0.05% | AA- |
| Commonwealth Bank of Australia | 9,392,054 | 7.16% | At-Call | 0.00% | AA- |
| Commonwealth Bank of Australia | 7,061,543 | 5.38% | At-Call | 0.05% | AA- |
| AMP Bank Ltd | 3,000,000 | 2.29% | 31/08/2021 | 0.80% | BBB |
| Bendigo Bank | 3,000,000 | 2.29% | 15/10/2021 | 0.45% | BBB+ |
| Credit Union Australia | 2,000,000 | 1.52% | 07/07/2021 | 0.37% | BBB |
| National Australia Bank | 2,000,000 | 1.52% | 08/07/2021 | 0.80% | AA- |
| National Australia Bank | 2,000,000 | 1.52% | 11/08/2021 | 0.85% | AA- |
| National Australia Bank | 2,000,000 | 1.52% | 10/09/2021 | 0.75% | AA- |
| TOTAL WORKING CAPITAL (0-3 MONTHS) | 47,153,889 | 35.95% | | 0.32% | |
| SHORT TERM (3-12 MONTHS) | | | | | |
| AMP Bank Ltd | 2,000,000 | 1.52% | 02/12/2021 | 1.45% | BBB |
| AMP Bank Ltd | 1,000,000 | 0.76% | 05/03/2022 | 0.95% | BBB |
| Bank Of Queensland Ltd | 2,000,000 | 1.52% | 02/12/2021 | 3.80% | BBB+ |
| Bank Of Queensland Ltd | 1,000,000 | 0.76% | 02/12/2021 | 0.54% | BBB+ |
| Bank Of Queensland Ltd | 1,000,000 | 0.76% | 09/05/2022 | 3.60% | BBB+ |
| Commonwealth Bank of Australia | 3,000,000 | 2.29% | 12/11/2021 | 0.55% | AA- |
| Defence Bank | 2,000,000 | 1.52% | 17/12/2021 | 0.50% | BBB |
| ING | 2,000,000 | 1.52% | 29/11/2021 | 1.55% | A |
| ING | 1,000,000 | 0.76% | 11/02/2022 | 1.60% | A |
| ING | 2,000,000 | 1.52% | 21/02/2022 | 1.60% | A |
| ING | 2,000,000 | 1.52% | 21/02/2022 | 1.60% | A |
| ME Bank Ltd | 2,000,000 | 1.52% | 15/02/2022 | 0.45% | BBB+ |
| ME Bank Ltd | 1,000,000 | 0.76% | 03/03/2022 | 0.45% | BBB+ |
| ME Bank Ltd | 5,000,000 | 3.81% | 09/05/2022 | 0.50% | BBB+ |
| ME Bank Ltd | 3,000,000 | 2.29% | 11/05/2022 | 0.50% | BBB+ |
| ME Bank Ltd | 1,000,000 | 0.76% | 09/06/2022 | 0.47% | BBB+ |
| ME Bank Ltd | 2,000,000 | 1.52% | 06/07/2022 | 0.50% | BBB+ |
| National Australia Bank | 2,000,000 | 1.52% | 02/12/2021 | 0.50% | AA- |
| Westpac Bank | 1,000,000 | 0.76% | 16/11/2021 | 1.24% | AA- |
| Westpac Bank | 2,000,000 | 1.52% | 18/07/2022 | 1.08% | AA- |
| TOTAL SHORT TERM (3-12 MONTHS) | 38,000,000 | 28.97% | | 1.07% | |

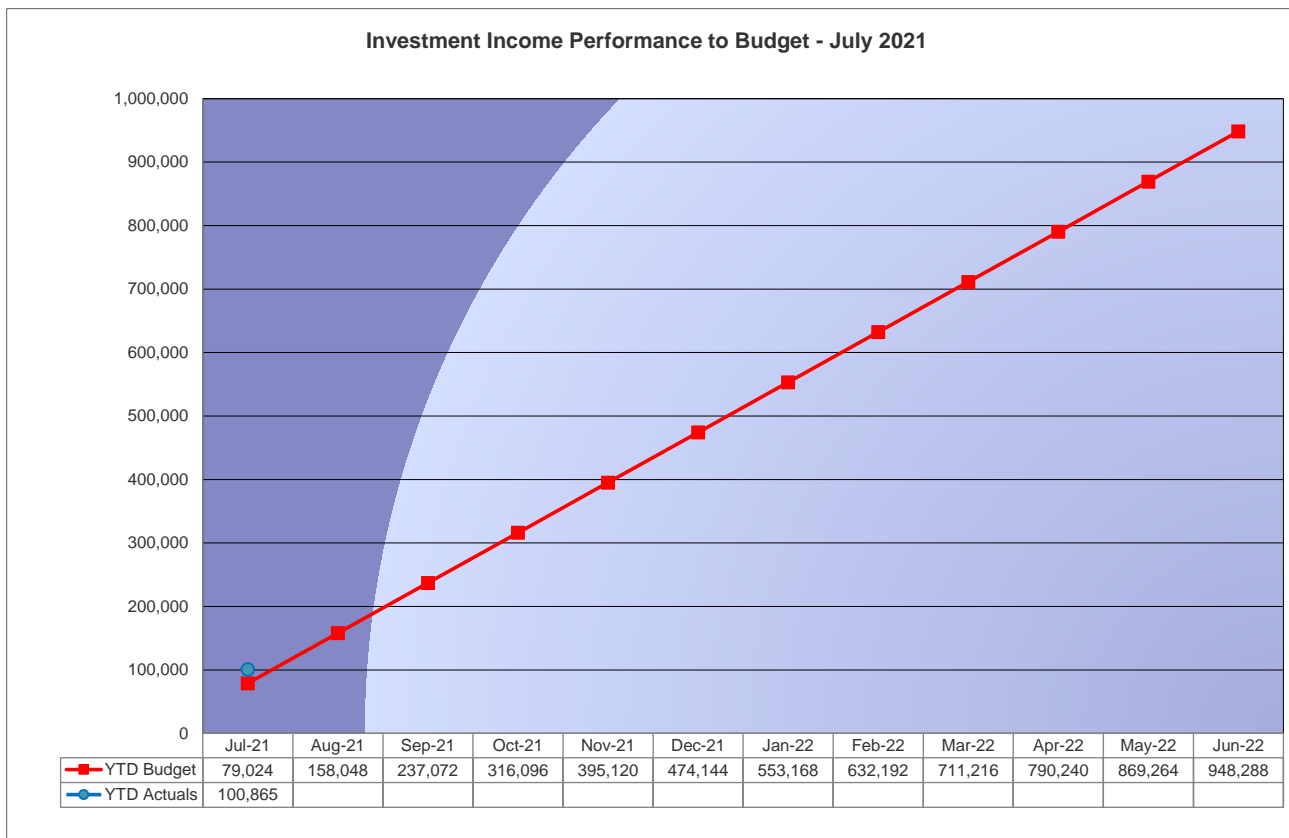
| Financial Institution | Total Investments Held | % of Total Investments | Maturity Date | Investment Return | Credit Rating Long Term |
|--|------------------------|------------------------|---------------|-------------------|-------------------------|
| SHORT - MEDIUM TERM (1-2 YEARS) | | | | | |
| AMP Bank Ltd | 2,000,000 | 1.52% | 14/11/2022 | 0.55% | BBB |
| Bank Of Queensland Ltd | 1,000,000 | 0.76% | 03/08/2022 | 3.60% | BBB+ |
| Bank Of Queensland Ltd | 2,000,000 | 1.52% | 08/02/2023 | 3.55% | BBB+ |
| Defence Bank | 2,000,000 | 1.52% | 21/11/2022 | 0.62% | BBB |
| Defence Bank | 2,000,000 | 1.52% | 02/12/2022 | 0.64% | BBB |
| Defence Bank | 2,000,000 | 1.52% | 03/03/2023 | 0.50% | BBB |
| Defence Bank | 2,000,000 | 1.52% | 9/03/2023 | 0.53% | BBB |
| ING | 3,000,000 | 2.29% | 04/10/2022 | 3.66% | A |
| ING | 3,000,000 | 2.29% | 02/03/2023 | 0.55% | A |
| ME Bank Ltd | 2,000,000 | 1.52% | 15/06/2023 | 0.50% | BBB+ |
| National Australia Bank | 2,000,000 | 1.52% | 18/11/2022 | 0.60% | AA- |
| National Australia Bank | 2,000,000 | 1.52% | 01/12/2022 | 0.60% | AA- |
| National Australia Bank | 2,000,000 | 1.52% | 06/03/2023 | 0.60% | AA- |
| National Australia Bank | 2,000,000 | 1.52% | 05/06/2023 | 0.55% | AA- |
| National Australia Bank | 2,000,000 | 1.52% | 15/06/2023 | 0.55% | AA- |
| P&N Bank | 3,000,000 | 2.29% | 13/03/2023 | 0.55% | BBB |
| RaboDirect (Australia) Ltd | 1,000,000 | 0.76% | 13/09/2022 | 3.40% | A+ |
| RaboDirect (Australia) Ltd | 2,000,000 | 1.52% | 05/12/2022 | 3.21% | A+ |
| Westpac Bank | 2,000,000 | 1.52% | 13/03/2023 | 0.94% | AA- |
| TOTAL SHORT-MEDIUM TERM (1-2 YEARS) | 39,000,000 | 29.74% | | 1.26% | |
| MEDIUM TERM (2-5 YEARS) | | | | | |
| Bank Of Queensland Ltd | 1,000,000 | 0.76% | 21/08/2023 | 3.60% | BBB+ |
| National Australia Bank | 2,000,000 | 1.52% | 12/01/2026 | 1.00% | AA- |
| RaboDirect (Australia) Ltd | 1,000,000 | 0.76% | 17/08/2023 | 3.40% | A+ |
| RaboDirect (Australia) Ltd | 2,000,000 | 1.52% | 19/09/2023 | 3.40% | A+ |
| Westpac Bank | 1,000,000 | 0.76% | 20/06/2024 | 0.85% | AA- |
| TOTAL MEDIUM TERM (2-5 YEARS) | 7,000,000 | 5.34% | | 2.38% | |
| TOTAL INVESTMENTS | 131,153,889 | 100.00% | | 0.93% | |

COUNCIL IMPLICATIONS

Budget/Financial

| Portfolio Investment Returns to 31 July 2021 | | | |
|---|------------------|-----------------------|---------------------|
| | Actual | Budget 2020/21 | Over/(Under) |
| This Month | | | |
| Cash Deposits & FRNs | \$100,813 | \$78,974 | \$21,839 |
| Managed Funds | \$52 | \$50 | \$2 |
| | \$100,865 | \$79,024 | \$21,841 |
| Year to Date | | | |
| Cash Deposits & FRNs | \$100,813 | \$78,974 | \$21,839 |
| Managed Funds | \$52 | \$50 | \$2 |
| | \$100,865 | \$79,024 | \$21,841 |

- Actual results have shown that total interest income to 31 July 2021 is \$21.8K above the 2021-22 YTD budget of \$79.0K.

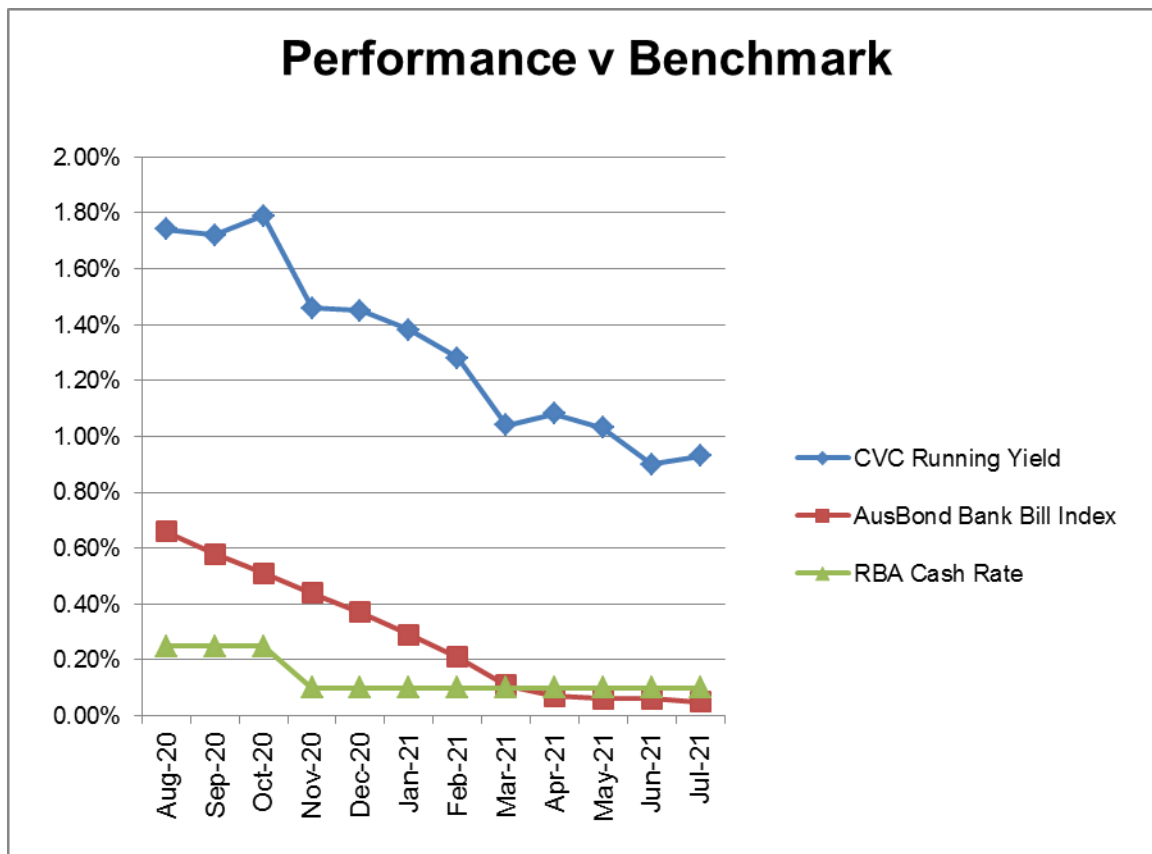


- Running yields* to 31 July 2021 have been:

| | |
|----------------------|--------------|
| AMP Business | 0.50% |
| AMP 31 Day Notice | 0.55% |
| ANZ Premium Business | 0.05% |
| CBA General | 0.00% |
| 24hr Call Account | 0.05% |
| T-CorpIM Cash Fund | 0.12% |
| Term Deposits | <u>1.18%</u> |
| Total | 0.93% |

*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 July was 0.10%. The benchmark AusBond Bank Bill Index was 0.05% for July.
- The current running yield of the total investment portfolio remains at elevated levels above the cash rate. At month-end, it stood at +0.93% (June 0.90%).



The following investments were transacted during July:

- BOQ \$1.0m TD matured 6/7/2021 - redeemed
- New ME Bank \$1.0m TD – invested 6/7/2021 at 0.50% for 1 year – matures 6/7/2022
- CUA \$2.0m TD matured 7/7/2021 – reinvested at 0.37% for 1 year – matures 7/7/2022
- BOQ \$2.0m TD matured 8/7/2021 – redeemed
- New NAB Bank \$2.0m TD – invested 8/7/2021 at 0.80% for 3 years – matures 8/7/2024

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 | A: Movement of Funds Between Months – July 2021 |

Kingsley/Toms, that the late item be accepted. CARRIED.

ITEM 6c.21.111 2021/22 MONTHLY FINANCIAL REPORT – JULY 2021

| | | |
|--------------------|--|----------------|
| Meeting | Corporate, Governance & Works Committee | 17 August 2021 |
| Directorate | Corporate & Governance | |
| Reviewed by | A/Manager - Finance & Supply (Michael Salvestro) | |
| Attachment | Yes | |

SUMMARY

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

Budget variations identified in this report impact the General Fund end of year result by \$200,000. The reserve fund variations identified in this report will decrease the reserve funds by \$Nil.

OFFICER RECOMMENDATION

That Council:

1. Receive and note the monthly financial information report for July 2021, attached to this report.
2. Endorse the proposed General Fund variations as set out in this report totalling (\$83,608) for inclusion in the September Quarterly Budget Review Statement to be reported in October 2021.

COMMITTEE RECOMMENDATION

Simmons/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Kingsley, Lysaught, Toms, Ellem, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.111

Kingsley/Ellem

That Council:

1. **Receive and note the monthly financial information report for July 2021, attached to this report.**
2. **Endorse the proposed General Fund variations as set out in this report totalling (\$83,608) for inclusion in the September Quarterly Budget Review Statement to be reported in October 2021.**

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

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

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

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

The report table below highlights any proposed budget variations that staff have become aware of during the past month that may affect the 2021/22 budget. The mechanism for revising the adopted budget is the Quarterly Budget Review Statement (QBRs) in compliance with Clause 203 of the Local Government (General) Regulation 2005.

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

KEY ISSUES

Major Budget Variations Proposed

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

| Sub Service | Variation Comments | Net Impact to General Fund Decrease / (Increase) | Net Impact to Reserves Decrease / (Increase) | Previous Council Resolution |
|-------------|---|--|--|-----------------------------|
| 203 | Service – Communication & Industry Engagement Sub-Service – Communication & Sponsorship <ul style="list-style-type: none"> Allocate the Stream 1118 – River of Light Festival Grant for Ulmarra to host the festival on the Clarence River (\$30,000) | \$Nil | \$Nil | N/A |
| 303 | Service – Emergency Services Sub-Service – Emergency Services <ul style="list-style-type: none"> Allocate the Bushfire Local Economic Recovery (BLER) Grant to build a facility for the Ewingar Rural Fire Service brigade (\$836,126) | \$Nil | \$Nil | N/A |
| 315 | Service – Roads Infrastructure Sub-Service – Traffic Facilities <ul style="list-style-type: none"> Allocate the Road Safety Program to upgrade school zones in local community schools (\$3,631,925) | \$Nil | \$Nil | N/A |
| 341 | Service – Parks & Open Spaces Sub-Service – Parks and Reserves <ul style="list-style-type: none"> Allocate the Bushfire Local Economic Recovery (BLER) Grant to regenerate Corcoran Park and construct a dog park (\$982,000) | \$Nil | \$Nil | N/A |
| 343 | Service – Buildings & Facilities Sub-Service – Buildings & Facilities <ul style="list-style-type: none"> Allocate the Bushfire Local Economic Recovery (BLER) Grant to fund the Maclean Community Precinct Phase 1 (\$4,997,000) | \$Nil | \$Nil | N/A |
| | <ul style="list-style-type: none"> Allocate the Bushfire Local Economic Recovery (BLER) Grant to fund the Treelands | \$Nil | \$Nil | N/A |

| Sub Service | Variation Comments | Net Impact to General Fund Decrease / (Increase) | Net Impact to Reserves Decrease / (Increase) | Previous Council Resolution |
|-------------|--|--|--|-----------------------------|
| | Drive Community Hub in Yamba (\$11,107,882) <ul style="list-style-type: none"> Allocate the Bushfire Local Economic Recovery (BLER) Grant to upgrade solar panels and battery storage (\$500,000) | \$Nil | \$Nil | N/A |
| 398 | Service – Floodplain & Estuary Management Sub-Service – Coast & Estuary Management <ul style="list-style-type: none"> Allocate the DPI&E Coastal and Estuary Grants program for Woolli Beach scraping and dune nourishment (\$50,000) Allocate the DPI&E Coastal and Estuary Grants program for a Clarence River coastal management program scoping study (\$60,000) Allocate the DPI&E Coastal and Estuary Grants program for the Clarence Valley coastline and estuaries coastal management programs, including stages two, three and four (\$240,000) | \$50,000 | \$Nil | N/A |
| | | \$30,000 | \$Nil | N/A |
| | | \$120,000 | \$Nil | N/A |
| 422 | Service – Cultural Services Sub-Service – Regional Gallery <ul style="list-style-type: none"> Allocate the Create NSW Grant to fund 2021/22 Regional Gallery shows and exhibitions (\$50,000) | \$Nil | \$Nil | N/A |
| | TOTAL Proposed General Fund / Reserve Balance Impact | \$200,000 | \$Nil | |

Explanation of Attachment

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

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

COUNCIL IMPLICATIONS

Budget/Financial

General Fund Budget (Surplus)/Deficit

| | | |
|--|-----------------|----------------|
| Original Budget Adopted by Council June 2021 | (\$103,608) | Surplus |
| Q1 Proposed Budget Variations – July | \$200,000 | Deficit |
| Proposed Movement of General Fund 2021/22 Budget Result July 2021 | \$83,608 | Deficit |

Proposed Impact on External and Internal Financial Reserve Funds Result

Reserve Movements

| | | |
|---|---------------------|-----------------|
| Original Budget Adopted by Council June 2021 | \$26,958,747 | Decrease |
| Q1 Proposed Budget Variations – July | \$Nil | Decrease |
| Proposed Movement of Reserve Funds 2021/22 Budget Result July 2021 | \$26,958,747 | Decrease |

Asset Management

N/A

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

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

Legal and Risk Management

N/A

Climate Change

N/A

| | |
|-------------|--|
| Prepared by | Katie Mann, Management Accountant |
| Attachment | Income and Expenditure Statements by Service & Sub Service |

d. INFORMATION ITEMS

| ITEM | 6d.21.007 | ITEMS FOR INFORMATION |
|------|-----------|-----------------------|
|------|-----------|-----------------------|

| | | |
|--------------------|----------------------------------|----------------|
| Meeting | Council | 24 August 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. Response letter from Tenterfield Shire Council regarding Request for Support for a Moratorium on Mining in Areas Affecting the Clarence River Catchment – 1 July 2021
2. Response letters from MP Catherine King and MP Chris Gulaptis regarding Item 07.21.010 – Funding for New Lawrence Bridge – 30 July and 2021 4 August.
3. Ewingar Hall Committee – Minutes of meetings held 8 June and 6 July 2021.

COUNCIL RESOLUTION – 6d.21.007**Kingsley/Ellem**

That the Items for Information as listed below be noted:

1. Response letter from Tenterfield Shire Council regarding Request for Support for a Moratorium on Mining in Areas Affecting the Clarence River Catchment – 1 July 2021
2. Response letters from MP Catherine King and MP Chris Gulaptis regarding Item 07.21.010 – Funding for New Lawrence Bridge – 30 July and 2021 4 August.
3. Ewingar Hall Committee – Minutes of meetings held 8 June and 6 July 2021.

Voting recorded as follows:

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

CARRIED

| | |
|-------------|-------------------------------------|
| Prepared by | Debbie McGilvray, Executive Support |
| Attachments | As listed above |

e. TENDERS

| | | |
|--------------------|---|--|
| ITEM | 6e.21.016 | T21/15 SUPPLY AND DELIVERY OF BITUMEN SEALING WORKS FOR 2021/2022 |
| Meeting | Council | 24 August 2021 |
| Directorate | Works & Civil | |
| Reviewed by | Director - Works & Civil (Jamie Fleeting) | |
| Attachment | Confidential | |

SUMMARY

In June 2021 tenders were invited from suitably qualified and experienced contractors to conduct sprayed bitumen surfacing works on Council's Local and Regional Roads and on State Roads under the Routine Maintenance Council Contract. The report recommends the engagement of NSW Spray Seal Pty Ltd for the 2021/2022 financial year.

OFFICER RECOMMENDATION

That:

1. Council accept the tendered rates from NSW Spray Seal Pty Ltd for tender number RFT21/15 for the supply and delivery of bitumen surfacing works within the Clarence Valley Council area for the period of 25 August 2021 to 30 June 2022 to be funded from allocations contained in cost centres 805, 806 and 807 and as required under the Transport for NSW Service's Routine Maintenance Council Contract (cost centre 808).
2. Subject to suitable performance of the contractor, the General Manager be authorised to approve and execute the appropriate contract extensions.
3. The Council seal to be affixed to any required contractual documents.

COUNCIL RESOLUTION – 6e.21.016**Kingsley/Ellem**

That:

1. Council accept the tendered rates from NSW Spray Seal Pty Ltd for tender number RFT21/15 for the supply and delivery of bitumen surfacing works within the Clarence Valley Council area for the period of 25 August 2021 to 30 June 2022 to be funded from allocations contained in cost centres 805, 806 and 807 and as required under the Transport for NSW Service's Routine Maintenance Council Contract (cost centre 808).
2. Subject to suitable performance of the contractor, the General Manager be authorised to approve and execute the appropriate contract extensions.
3. The Council seal to be affixed to any required contractual documents.

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 current tender for the supply of bitumen sealing services for Council has expired and as a result Council has called for tenders for the supply of sealing services for 2021/2022. A new tender was called in June 2021 for a 1 year term with 2 x 1 year extension options, subject to contractor performance.

The specifications and tender documents require the contractor to provide full service bitumen sealing. The tender includes the seal design, sweeping, supply and spraying of binder, supply and spreading of aggregate, traffic control and recovery of line marking. The tender also included (non-compulsory) options for the additional works of line marking and minor heavy patching for pre-reseal preparation.

Tenders were called on Wednesday 26 May 2021 and closed at 3pm on Wednesday 16/06 2021. Tenders were advertised through Tender Link and via Council's website as required under the Local Government Act for a tender of this size.

Tenders were received from:

| Tenderer | Address |
|------------------------------------|---|
| Bernipave Road Solutions Pty Ltd. | PO Box 7351 Baulkham Hills NSW 2153 |
| Bitupave Ltd T/A NSW Boral Asphalt | PO Box 89, Beresfield NSW 2322 |
| Colas Australia Group | 3 – 5 Gibbon Road, Winston Hill NSW, 2153 |
| NSW Spray Seal Pty Ltd | PO Box 2046, Kingscliff, NSW |

The contract is a Schedule of Rates contract. Based on the current 2021/2022 budget the value of the tender will be between \$1.5 million to \$3.0 million, dependent on the extent of RMCC works.

Tenders were assessed on the following criteria and weightings:

| | |
|---|-----|
| Tender Price Rating | 50% |
| Previous sealing works performed to satisfactory level (incl. sweeping) | 20% |
| Contractor responded to repair requests promptly | 10% |
| Contractor conducted sealing works in timely fashion when requested | 15% |
| Plant and equipment utilised was reliable, well maintained and adequate | 5% |

Council undertook an assessment of the tenders on these criteria. Based on the assessment of all the assessment criteria the recommended tender is that supplied by NSW Spray Seal Pty Ltd.

KEY ISSUES

All tenders received were from recognised suppliers in the industry.

COUNCIL IMPLICATIONS

Budget/Financial

The available budget for this tender is located in a number of Council cost centres, including:

- Cost Centre 805 – Urban Roads
- Cost Centre 806 – Rural Roads
- Cost Centre 807 – Regional Roads
- Cost Centre 808 – State Roads

Asset Management

Council's resealing strategy is included in the Transport Asset Management Plan.

Policy or Regulation

In accordance with Council's Sustainable Purchasing Policy the following processes were undertaken:

- Local suppliers, contractors and/or consultants were notified through Tender Link. Advertisements were also placed on Council's website in accordance with the Local Government Act due to the size of the tender.
- 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 Senior Maintenance Engineer as not being relevant due to the specialist nature of the goods/services being sourced by the tender.

Consultation

Referee checks have been undertaken where required on the tendering companies.

Legal and Risk Management

N/A

Climate Change

N/A

| | |
|--------------|--|
| Prepared by | Ross McCann – Senior Maintenance Engineer. |
| Confidential | Confidential tender assessment |

7. NOTICE OF MOTIONS - Nil

8. CONFIDENTIAL BUSINESS - Nil

9. QUESTIONS WITH NOTICE –

| ITEM | 09.21.004 | QUESTIONS WITH NOTICE |
|------|-----------|-----------------------|
|------|-----------|-----------------------|

Meeting

Council

24 August 2021

CR KAREN TOMS

Item 6c.21.040 Request for Extension of Lodgement for the 2020/21 Annual Financial Statements

- When did Council make the agreement with external auditors, and the NSW Audit Office for a Client Service Plan? **Audit planning meeting was held (on-line) on Tuesday 16/02/2021 3.30pm. The CSP (Annual Engagement Plan) was received by Council 25/02/2021.**
- Did the valuer give council reasons for not being able to meet the agreed time frames? **They were experiencing resourcing issues (they had lost staff), but for the most part Council staff experienced difficulties in getting any response from them when asking about deadlines/revised deadlines.**
- Were all councils in NSW required to complete a comprehensive revaluation of their Water & Sewer Assets for the 2020/21 financial year? **Not that we are aware of. Since 2017-18 the mandatory revaluation schedule/cycle has been removed from the LG Accounting Code. A comprehensive revaluation of each asset class should be performed at a **minimum** every five years.**

Why wasn't this situation relayed to councillors at the August workshop?
The Auditors view was not known.
- Does the General Manager and Executive know the unaudited result (surplus or Deficit) of the 2020/21 end of Financial Year? **No, year-end reconciliations and adjustments are still occurring.**
- Is there a reason the external auditors cannot commence their audit of the final financial statement whilst waiting for the revaluation of the Sewer and Water Assets? **The auditors are still performing their final audit of Council's financial statements commencing Monday 27 September (as per the CSP). They have already commenced the review of the Comprehensive Revaluation we provided to them on 9 July. Additionally, with regards to Water Cycle assets (and Floodplain), there are other related position papers the auditors have to consider in conjunction with the revaluation to arrive at an overall opinion. It's likely they will suggest we do a prior period error, which requires significantly more audit scrutiny and additional workpapers to be prepared. This means the Technical section of the NSW Audit Office gets involved and hence why the auditors can't give a 100% guarantee that they will meet their deadlines so that we can lodge by 31 October. The purpose of getting the revaluation to the auditors by 31 May was so that they could audit the revaluation as part of the interim audit process, when they had staff available/allocated to do it. Post 30 June the auditors staff get allocated to other audit engagements.**
- Is it a fact that If we agree with the external auditor to seek a four-week extension to 30 November for the lodgement of the 2020/21 Annual Financial Statements and the auditor uses that extension the consequence will be the audited results will not be presented to the community and council this term or before the election December 4? **A "2020/21 General Purpose Financial Statements Refer to Audit" report would be prepared for the October Council meeting, tabling the interim financial results. A final report "2020/21 Audited Financial Statements" would be prepared for the November Council meeting, which includes the Auditor's presentation on the audit of the Financial Statements. The timeframe is similar to last year when the OLG gave all Councils an extended lodgement date of 30 November 2020 due to COVID impacts.**

ITEM 6c.21.102 REVISED INVESTMENT POLICY AND STRATEGY

When did Council engage Imperium Markets Pty Ltd as investment advisors?

Imperium Markets Pty Ltd commenced to provided services from 1 July 2020.

Item 6c 21.109 2 PRINCE STREET ADMINISTRATION BUILDING-PROGRESS UPDATE

Q. I'm seeking more clarification on the budget table included in the report please.

Can you please explain why the budget listed is 8054,629 ?

I didn't think it was that high.

Is the report saying we have a balance of 134,150 left over from the 8054,629M budget once the actuals and commitment of 7920,479 is subtracted?

Response

Extract from a council minute.

\$6,795,960.36 (FDC contract) + \$679,596.04 10% approval for variations = \$7,476,556.40

+ \$579,072.51 = **\$8,054,628.91**

Yes, at the time of this report we had \$134,150 left when all actuals and commitments taken from the above budget allocation

This is the balance of variation register

| | |
|------------------------------|-----------------|
| Approved Variation total | \$ 606,004.18 |
| Revised project contract sum | \$ 7,401,964.54 |
| Remaining Contingency | \$ 73,591.86 |

That Council:

- Accept the tender from FDC Fitout & Refurbishment (NSW) Pty Ltd for RFT 20-22 No 2 Prince Street Redevelopment at a cost of \$6,795,960.36 (GST excl) to be funded from Administration Building 2 Prince St Improvements (FP 530140 Sub-Service 343) with the budgeted allocation being now increased by \$545,960 from Heavy Plant Reserve RA10010 (\$245,960) and Grafton Regional Landfill Reserve RA10815 (\$300,000) to cover the shortfall.
- Authorise the General Manager to approve variations up to 10% of the contract sum.
- Endorse project budget variations (FP 530140 Sub-Service 343) at a cost of \$579,072.51 for completion of the detailed design; project and contract management; the early works to relocate the IT server room; and staff relocation to the 42 Victoria Street offices with the budgeted allocation being funded from Administration Building Improvement Reserve RA10125 (\$151,256.58), the Strategic Building Reserve RA10520 (150,748.43), and the Heavy Plant Reserve RA10010 (\$277,067.50) to cover the shortfall.
- Endorse the internal borrowings from both the Heavy Plant Reserve RA 10010 (\$2,792,920) and Grafton Regional Landfill Reserve RA10815 (\$2,569,893) identified in Points 1, and 3 above to be repaid over a maximum 10 year period commencing July 2021 with interest to be based on Council's average interest for investments for the proceeding financial year.
- Receive project implementation reports every two months on the delivery of the project.
- Write to the Office of Local Government (OLG) advising of the project cost in accordance with the requirement of the Capital Expenditure Guidelines.

The budget/financial section has consistently reported the Project Budget as shown in the example/extracts below.

| | |
|------------------------------|--------------------|
| Project Code | 530100 |
| Project Budget* | \$8,054,629 |
| Actuals | \$2,031,831 |
| Current Commitment | \$5,436,914 |
| Total (Actuals + Commitment) | \$7,468,745 |

Notes: *Includes contingency

June business paper.

| | |
|------------------------------|--------------------|
| Project Code | 530100 |
| Project Budget* | \$8,054,629 |
| Actuals | \$1,211,180 |
| Current Commitment | \$6,434,943 |
| Total (Actuals + Commitment) | \$7,646,123 |

Notes: *Includes contingency

April business paper.

ITEM 13.061/18 APPLICATION TO THE MINISTER FOR LANDS AND FORESTRY TO CLASSIFY CERTAIN CROWN RESERVES AS 'OPERATIONAL' LAND

Have the reclassification of the reserves listed in the above report been finalised?

The request was sent to Crown Land but we are still waiting on a response from them on issues involved. An update report will be submitted to the September 2021 Council meeting which will be included in the next checklist.

If not can this item be added to the CHECKLIST REPORT please?

ITEM 15.153/16 BEACH ACCESS MATS AND MODULAR ACCESSIBLE PATHS ON CROWN LANDS

Can this item please be added to the COUNCIL MEETING CHECKLIST as it is not complete?

A report on the Plan of Management for Flinders Park will be coming to Council after submissions close on 20 September 2021 which includes access to Turners Beach and Main Beach. This will be included on the checklist.

Items are removed from CHECKLISTS by Council Resolution and as such the checklist cannot be changed by a request.

10. LATE ITEMS OF BUSINESS AND MATTERS ARISING - Nil

11. CLOSE OF ORDINARY MEETING

There being no further business the Ordinary Council Meeting closed at 7.31pm.