

Ordinary Council Meeting Minutes

27 April 2021



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01. OPENING OF ORDINARY MEETING

MINUTES of the ORDINARY MEETING of the CLARENCE VALLEY COUNCIL at Council Chambers, Maclean, 27 April 2021 commencing at 2.00pm and closing at 7.32pm.

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

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

PRESENT

General Manager (Ashley Lindsay), Director Environment, Planning & Community (Des Schroder), Director Works & Civil (Jamie Fleeting – until 5.23pm), Director Corporate & Governance (Laura Black) and Minutes Secretary (Lesley McBay).

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

<i>Name</i>	<i>Item</i>	<i>Interest/Action</i>
Cr Novak	6a.21.016	Pecuniary - Leave the meeting Active DA for Yamba Markets
Cr Toms	6a.21.018	Pecuniary - Leave the meeting Director of contractor JKT & Sons for Holiday Park
Cr Simmons	07.21.008	Non-Significant Non-Pecuniary - Remain in the meeting Applicant of REV2016/001 a former client of my accounting firm.

Declarations received at the Committee Meetings

<i>Name</i>	<i>Item</i>	<i>Interest/Action</i>
Mr Lindsay	6b.21.014	Non-Significant Non-Pecuniary - Leave the meeting Applicant is a neighbour
Cr Clancy	6c.21.040	Non-Significant Non-Pecuniary - Remain in the meeting Supporter of Lions Environmental Club.

04. CONFIRMATION OF MINUTES**COUNCIL RESOLUTION****Ellem/Baker**

That the Minutes of the Ordinary Meeting of Council dated 23 March 2021, copies of which have been circulated, be taken as read and be confirmed.

Voting recorded as follows:

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

Against: Nil

CARRIED**ACCEPTANCE OF LATE ITEMS****MOTION****Toms/Kingsley**

That Item 10.21.003 Stronger Country communities fund, Round 4 Priorities be accepted as a Late Item of Business and be considered in that section of the meeting.

Voting recorded as follows:

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

Against: Nil

ITEM 05.21.006 DONATION – HARWOOD CRICKET CLUB

Meeting	Council	27 April 2021
Directorate	Mayoral Minute	
Submitted by	Cr Jim Simmons	
Attachment	Nil	

SUMMARY

This motion seeks Council's support to provide the Harwood Cricket Club with a donation to cover the cost of mowing Harwood Cricket Oval and curating the turf wicket situated thereon.

PROPOSED MOTION

That Council pay Harwood Cricket Club the amount of \$7,500 as a donation towards the cost for the 2020/21 mowing of Harwood Cricket Oval and curating the turf wicket situated thereon to be funded from the Community Initiatives Budget PJ 997113.

MOTION

Mayor Simmons

That Council pay Harwood Cricket Club the amount of \$7,500 as a donation towards the cost for the 2020/21 mowing of Harwood Cricket Oval and curating the turf wicket situated thereon to be funded from the Community Initiatives Budget PJ 997113.

AMENDMENT TO MOTION

Baker/Toms

That Council pay Harwood Cricket Club the amount of \$7,500 as a donation towards the cost for the 2020/21 mowing of Harwood Cricket Oval and curating the turf wicket situated thereon to be funded from the Community Initiatives Budget PJ 997113, noting that Council resolution 07.20.007 should have referred to the 2019/2020 season funding.

Voting recorded as follows:

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

Against: Nil

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

COUNCIL RESOLUTION – 05.21.006

Mayor Simmons

That Council pay Harwood Cricket Club the amount of \$7,500 as a donation towards the cost for the 2020/21 mowing of Harwood Cricket Oval and curating the turf wicket situated thereon to be funded from the Community Initiatives Budget PJ 997113, noting the Council Resolution 07.20.007 should have referred to the 2019/2020 season funding.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 1 Society

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

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

BACKGROUND

Councillors you will recall that I submitted a Notice of Motion to the July 2020 Council meeting (refer Item 07.20.007) seeking your support to provide the Harwood Cricket Club with a donation towards their costs in maintaining the Harwood Cricket Oval. The Council resolution was as follows:

COUNCIL RESOLUTION – 07.20.007

Simmons/Lysaught

That Council pay Harwood Cricket Club the amount of \$7,500 as a donation towards the cost for the 2020/2021 mowing of Harwood Cricket Oval and curating the turf cricket wicket situated thereon.

Voting recorded as follows:

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

Against: Nil

It has now been brought to my attention by the Harwood Cricket Club that the abovementioned donation should have been for the 2019/20 cricket season not 2020/2021 as referenced.

Council's General Manager has confirmed that this is correct.

Harwood Oval is a privately owned sports facility which is made available to Clarence Valley sporting groups and in fact is a major sports facility for local cricket, inter-district cricket, North Coast Premier League Cricket, Junior Girls and Junior Boys North Coast Junior Cricket Academies and it draws plenty of visitors to the Clarence Valley. NSW Cricket has invested over \$100,000 towards facilities at the ground.

The cost of maintaining the grounds and the turf wicket is much more than the amount requested by the Harwood Cricket Club and Councillors despite this donation not meeting the criteria as outlined in Council's Donations Policy I believe it is very much a worthwhile investment for our community.

I have consulted Council's General Manager and he has confirmed that funds are available in Council's Community Initiatives Budget (PJ 997113-7043-2534) to fund this donation.

REPORTS

ITEM 6a.21.016 DEVELOPMENT APPLICATIONS

Meeting	Council	27 April 2021
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	To be tabled	

SUMMARY

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

OFFICER RECOMMENDATION

That the update on Development Applications be noted.

Having declared an interest in this item, Cr Novak left the Council meeting at 2.15pm and returned at 2.16pm.

COUNCIL RESOLUTION – 6a.21.016

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 March 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)
724	687	\$103,570,376.69	97	Average : 60 days Median: 41 days

Of the 687 approved Development Applications between 1 July 2020 and 31 March 2021, 329 (48%) were determined within 40 days or less.

Exceptions to Development Standards under Clause 4.6 of the LEP

There was nil use of Clause 4.6 for Development Applications determined during March 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.21.017	INTEGRATED PLANNING AND REPORTING FRAMEWORK 2021/2022
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Meeting	Council	27 April 2021
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	To be tabled	

SUMMARY

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

The documentation underpins the activities of the Council, achieves the direction set by the elected members in the Delivery Program and the aspirations identified by the community in the Community Plan, Clarence 2027. The accompanying documentation also includes an annual budget and the resourcing strategy and revenue policy including fees and charges. It is proposed the draft documentation be placed on public exhibition and public comment be invited for consideration prior adoption in June 2021.

OFFICER RECOMMENDATION

That

1. The following draft IP&R Suite of documentation be endorsed for public exhibition from Wednesday 28 April 2021 until close of business Wednesday 2 June 2021:
 - a. the revised 2017 – 2022 Delivery Program (Attachment B)
 - b. the 2021/22 Operational Plan (Attachment C)
 - c. the Resourcing Strategy incorporating: (Attachment D)
 - the Long Term Financial Plan (2021/22 to 2030/31)
 - the Workforce Management Strategy (2021/22 – 2021/24)
 - the Asset Management Strategy (2021/22 – 2030/31)
2. The 2021/22 Fees and Charges (Attachment E) be endorsed for public exhibition from Wednesday 28 April 2021 until close of business on Wednesday 2 June 2021.
3. Members of the public be invited to make written submissions with regard to the draft documentation, while it is on public exhibition.
4. Following the period of public exhibition, the draft documents as amended as a result of consideration of public submissions, be considered for adoption at the June Ordinary Meeting of Council.

COUNCIL RESOLUTION – 6a.21.017

Simmons/Williamson

That

1. **The following draft IP&R Suite of documentation be endorsed for public exhibition from Wednesday 28 April 2021 until close of business Wednesday 2 June 2021:**
 - a. **the revised 2017 – 2022 Delivery Program (Attachment B)**
 - b. **the 2021/22 Operational Plan (Attachment C)**
 - c. **the Resourcing Strategy incorporating: (Attachment D)**
 - **the Long Term Financial Plan (2021/22 to 2030/31)**
 - **the Workforce Management Strategy (2021/22 – 2021/24)**
 - **the Asset Management Strategy (2021/22 – 2030/31)**
2. **The 2021/22 Fees and Charges (Attachment E) be endorsed for public exhibition from Wednesday 28 April 2021 until close of business on Wednesday 2 June 2021.**
3. **Members of the public be invited to make written submissions with regard to the draft documentation, while it is on public exhibition.**
4. **Following the period of public exhibition, the draft documents as amended as a result of consideration of public submissions, be considered for adoption at the June Ordinary Meeting of Council.**

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

BACKGROUND

Preparation of the IP&R documentation is the responsibility of Council's senior management in consultation with Councillors and staff. This year's IP&R documentation has been reformatted into a new look document suit, incorporating the following four key documents:

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

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

The Community Strategic Plan – "The Clarence 2027" as previously adopted remains unchanged and is currently available on Council's website. Community consultation sessions are planned for late May early June to seek feedback about the current identified priorities and aspirations as detailed in this plan to inform the September 2021 Council's Delivery Program and future Operational Plans. 'The Clarence 2027' is attached (Attachment A) to this report for reference however, as no change has been made to it, it is not required to be placed on public exhibition.

Our Delivery Program 2017/18 – 2021/22 has been extended to cover a fifth year. This change has been made in line with the Office of Local Government recommendations due to the delay of Council Elections from September 2021 to September 2022. Only minor changes have been made to ensure currency of the program.

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

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

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

Clause 201 of the Local Government (General) Regulation 2005 provides that Council's draft Revenue Policy must include a statement of the types of fees proposed to be charged by the Council, the amount of each fee, estimated yield and the proposed pricing methodology for each fee. Generally, where permissible, the majority of Council's fees and charges have been increased by an estimated CPI amount of 2.0% (rounded). For the purpose of public exhibition a separate document titled 'Fees and Charges', is also proposed for public exhibition as Attachment E.

The draft 2021/22 Fees and Charges contains a total of 1,400 fees, including 127 new fees. Of the 127 new fees, 88 relate the Grafton Regional Gallery, 28 relate to Holiday Parks, 5 to building and development

certificates and services, 2 to Libraries, 2 to Signs and 1 each for Civil Engineering Works & Inspections and Cemeteries.

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

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

Other significant variations include:

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

The 2021/22 draft budget proposes a net result surplus of \$114,108, after loan repayments, transfers from Reserves and a capital works program totalling \$83.1 million. The draft budget is included in the Operational Plan 2021/22 and presented as follows:

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

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

The Long Term Financial Plan (LTFP) presents the path Council is currently on to meet sustainability obligations with a Net Operating General Fund surplus returned in 2021/2022. 2020/21 was the last year of the SRV granted by IPART in 2018 however, additional funds raised through the increased yield are still identified separately and allocated to improved management of assets, through increased expenditure on renewal and maintenance programs as identified in the Capital Works Program.

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

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

KEY ISSUES

This year's IP&R documentation has been reformatted into a new look document suit, incorporating the following four key documents:

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

2021/22 Rates income has been indexed at the IPART Rate Peg value of 2%. 2020/21 was the last year of the 3 year Special Rate Variation granted by IPART in 2018. However, additional funds raised through the increased yield are still identified separately and allocated to roads and infrastructure asset renewals in line with our IPART SRV Application. In 2021/22 this yield amounted to \$5.425M.

The recent redevelopment of the Grafton Regional Gallery has introduced a new fee structure incorporating 88 new fees. The structure of Holiday Park fees has also been reviewed to protect the parks commercial information.

The 2021/22 Net Budget Result (after capital works, loan repayments and transfers from Reserves) is currently proposed to be a surplus of \$114,108.

A Capital Works Program totalling \$83.1M, the key features being an allocation of \$28M to road and bridge infrastructure projects, \$22M allocated to water and sewer projects and approximately \$20M allocated to open spaces, community facility and building projects. Renewal works represent 66% of the program and it is noted that the program is heavily reliant on grant funding with grants representing 43.9% of the funding sources allocated to the works.

Workforce Management Strategy – has been updated to reflect our employee lifecycle journey and new policy framework. The 2021/2022 action items have been reviewed to ensure currency, however the overall strategy remains the same.

The Long Term Financial Plan indicates that Clarence Valley Council is meeting its sustainability obligations in 2021/22 and remains sustainable over the long term. Two LTFP scenarios have been prepared to examine the impacts of population growth as applied to Rates & Annual Charges Income on the operating result. Scenario 1 – Average Population Growth – 0.50% and Scenario 2 – Optimistic Population Growth – 1%.

The Asset Management Strategy that provides a framework to guide planning, construction, maintenance and operation of Council's physical assets and has been updated to reflect of the timing and impact of the proposed \$83.1M capital works program.

Council has made a significant investment into a fully integrated Asset Management System, which will be further implemented in 2021/22. This system will facilitate a significant improvement in the capture and recording of Council's capital and maintenance expenditure on assets. This data will directly feed into Council's future asset management plans which in turn inform the Long Term Financial Plan and guide future decisions.

COUNCIL IMPLICATIONS

Budget/Financial

While there is no financial implication in adopting the recommendation of this report, the report subject matter considers the proposed financial position of the council for 2021/22 and long term.

Asset Management

While adopting the recommendation of this report does not explicitly affect asset management, the content of the report does relate to Council's future funding and management of assets.

Policy or Regulation

The Local Government Act 1993 provides for the exhibition period of Council's Integrated Planning and Reporting Framework documentation, over a minimum period of 28 days.

Consultation

Public exhibition will be electronic through our website and social media, on external display at Council's Maclean and Grafton Administration Centres and in print media. Council's Executive and Management Team will also engage in community consultation sessions across the valley during late May, early June.

Legal and Risk Management

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

Climate Change

N/A

Prepared by	Kate Maginnity, Manager Finance & Supply
To be tabled	A. Community Strategic Plan – "The Clarence 2027" B. Draft Delivery Program 2017/22 C. Draft Operational Plan 2021/22 D. Draft Resourcing Strategy (2021/22 – 2030/31) E. Draft 2021/22 Fees and Charges

ITEM 6a.21.018 2021 DEBT REVIEW UPDATE

Meeting	Council	27 April 2021
Directorate	Office of General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

SUMMARY

This report presents to Council the outcome of a review undertaken by consultants Ernst & Young (EY) of Council's sustainable debt funding capacity. The report also considers the impact of proposed loan borrowings of \$24M to fund capital expenditure on Council's Holiday Parks and the impact of this borrowing on Council's sustainable debt capacity on:

- The Council on a consolidated basis; and
- The Holiday Parks on a standalone basis.

OFFICER RECOMMENDATION

That Council update its Loan Borrowing Policy to reflect the increased Sustainable Debt Level of \$197M as outlined in the EY March 2021 Debt Review Update.

Having declared an interest in this item, Cr Toms left the Council meeting at 2.17pm and returned at 2.31pm.

COUNCIL RESOLUTION – 6a.21.018

Kingsley/Williamson

That Council

- 1. Update its Loan Borrowing Policy to reflect the increased Sustainable Debt Level of \$197M as outlined in the Ernst & Young March 2021 Debt Review Update.**
- 2. Invite Ernst & Young to present the review to the Council following the 2021 election, to inform future consideration of borrowing opportunities.**

Voting recorded as follows:

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

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

EY were engaged in August 2016 to undertake a review of Council's debt position and an assessment of Council's capacity to increase borrowings. The report detailed a forecast sustainable debt level as at June 2017 of \$131M (refer Item 15.112/16) and at the time Council were considering borrowing an additional \$5M in the General Fund to assist with reducing Council's infrastructure backlog. Council did not proceed with this borrowing.

Since this report was considered by Council in October 2016 Council's position has been to pay down its debt and there have been no additional borrowings by Council.

Council's resolution from the October 2016 (refer Item 15.112/16) was as follows:

That Council update its Loan Borrowing Policy to reflect the increased Sustainable Debt Level of \$131M as outlined in the EY 2016 Debt Review report.

A copy of this policy is attached (refer Attachment A).

EY have again been engaged to review Council's debt position and to assess Council's capacity to increase borrowings. Council's Draft Clarence Coast Holiday Park (CCHP) Strategic Plan 2020-2030 identifies the need for capital expenditure of some \$24M to fund park infrastructure improvements and the EY report assesses the capacity of the Holiday Park's to borrow these funds on a standalone basis. A copy of the EY Executive Summary is at Attachment A and the full report is included as a Confidential Attachment.

KEY ISSUES

The EY report acknowledges Council's improved financial performance since the 2016 review and has assessed Council's Debt Capacity as follows:

- *Due predominantly to improved financial performance, Council's sustainable debt level has increased by \$67M to \$197M as at 30 June 2021, (from the \$130M debt level as at 30 June 2016).*
- *Council's current debt level of \$104.1M (as at 30 June 2020) sees it compliant with the 'Conservative risk' debt range calculated under the same methodology as the 2016 Report (at which Council was compliant with the 'Moderate risk' debt range).*
- *Council therefore has additional borrowing headroom of \$92.9M which is greater than the proposed additional borrowing amount of \$24M to fund the refurbishment and design of CCHP. We further note Council never exceeds the 'Conservative risk' debt range under its forecast figures, indicating it could undertake borrowings if required (above the proposed additional \$24M) while remaining below its sustainable debt level.*

The Draft Clarence Coast Holiday Park (CCHP) Strategic Plan 2020-2030 has not been formally adopted by Council but was presented to Councillors at a Workshop in November 2020 and as the CCHP Plan identified the need to borrow \$24M for capital works improvements within the CCHP it was deemed prudent for Council to obtain independent advice around the CCHP's ability to service this debt on a standalone basis.

The review by EY has assessed CCHP's sustainable debt level at \$10.9M based on Moody's credit rating methodology for Consumer Service businesses at a target 'Baa' level. The current debt level for CCHP is nil but the assessed capacity of CCHP at \$10.9M is well under the \$24M required.

The EY report states that *"applying Moody's credit rating methodology, the forecast credit profile for CCHP with the additional borrowing of \$24M is a 'B1' rating, which translates (by Moody's) to rated as 'speculative and high credit risk'.*

Forecast debt amounts for CCHP with the additional borrowing of \$24M remain above a sustainable level throughout the forecast period, equivalent to a 'high risk' debt range and reflecting an increased probability of loan default. We note bank debt would likely be unavailable particularly given the absence of material assets as collateral combined with long-term leveraged profile for a consumer service business, and alternative sources of debt that could lend this amount would do so at much higher (and uneconomic) pricing levels".

The EY report concludes that *Council is forecast to have more than sufficient headroom to borrow an additional \$24M and maintain a sustainable level of debt, we view the same additional borrowing amount for CCHP as representative of a 'high risk' debt amount.*

Should Council elect to continue viewing CCHP as financially independent, it may wish to consider whether the proposed capital expenditure amount of \$24M is appropriate in view of the extended repayment profile, high level of debt leverage for a business of its kind, and risk of independently raising the debt amount, again noting that Council has sufficient headroom for the additional borrowing.

	2016 sustainable debt level	2021F sustainable debt level	Additional sustainable debt capacity	\$24m additional borrowing within a sustainable debt level
CVC	\$131m	\$197m	\$92.9m	✓
CCHP	n/a	\$10.9m	\$10.9m	*

Based on analysis of the General Fund sustainable debt level by EY (utilising consistent methodology to that employed on a consolidated basis) is at \$101M (as at 30 June 2021), representing an increase of \$35M from the level of 2015/16 and 2016/17. With existing debt of \$15.3M, this suggests the General Fund has additional debt capacity of up to \$86.1M on a standalone basis.

Applying Moody's credit rating methodology EY assess the credit profile of Council to be Aa2 which translates to rated as 'high quality and very low credit risk'. This rating is one notch above the assessment from the 2016 EY Report (Aa3) and is 2 notches below the Commonwealth of Australia and the State of NSW (both triple A rated).

Council's Loan Borrowing Policy has been updated (refer Attachment C) to reflect the finding of EY's 2021 report and it is recommended that Council endorse these changes.

COUNCIL IMPLICATIONS

Budget/Financial

The cost of the EY report was \$26,901 (ex GST) and was funded from Cost Centre 100 General Manager's consultant costs.

Asset Management

N/A

Policy or Regulation

Loan Borrowing Policy and Local Government Act 1993, Sections 621, 622, 623, 624 and 377.

Consultation

Councillors were briefed at the Council workshop held Tuesday 13 April 2021.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Ashley Lindsay – General Manager
Attachment	A – Loan Borrowing Policy B – EY March 2021 Debt Review Update – Executive Summary C – Updated Loan Borrowing Policy
Confidential	D - EY March 2021 Debt Review Update Full Report

ITEM 6a.21.019 IPART REVIEW OF RATE PEG TO INCLUDE POPULATION GROWTH

Meeting	Council	27 April 2021
Directorate	Office of General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

SUMMARY

In March 2021, the Independent Pricing and Regulatory Tribunal NSW released a discussion paper on their review of 'The Rate Page to Include Population Growth' and requested written submissions by 3 May 2021. The discussion paper asks a series of questions, which are detailed within the report along with Council's proposed response.

OFFICER RECOMMENDATION

That Council make a written submission to the Independent Pricing and Regulatory Tribunal's in response to the discussion paper, titled '*The rate peg to include population growth*', providing responses to questions as detailed in the Key Issues section of this report, by 3 May 2021.

COUNCIL RESOLUTION – 6a.21.019**Williamson/Novak**

That Council make a written submission to the Independent Pricing and Regulatory Tribunal's in response to the discussion paper, titled '*The rate peg to include population growth*', providing responses to questions as detailed in the Key Issues section of this report, by 3 May 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 5.1 We will have a strong, accountable and representative Government

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

The Minister for Local Government has made a request of the Independent Pricing and Regulatory Tribunal of NSW (IPART) to recommend a rate peg methodology that allows the general income of councils to be varied annually in a way that accounts for population growth. The intention of IPART's recommendation is to enable councils to ensure consistency in the provision of quality services to their communities as they grow, acknowledging that the rate peg does not expressly account for increases in the volume of services required to service larger and new populations or to maintain new local infrastructure that accompanies growth in population.

In forming recommendation, the IPART is investigating the impact of population growth on the rate peg in the local government sector by reviewing not only the role of the rate peg, but also the different types of income councils can source to cover the cost of growth, including developer contributions (used to establish new infrastructure associated with new populations) and special variations, which can fund the costs of population growth but require approval from the State following demonstration of need, community consultation and assessment of impact on affected ratepayers.

The review is commenced with the attached discussion paper titled 'The Rate Page to Include Population Growth'.

Council current population increase is estimated at 0.5% per annum.

KEY ISSUES

IPART seeks response in relation to the following:

1. What council costs increase as a result of population growth? How much do these costs increase with additional population growth?

Population growth places increased burden on Council's capital and operational budgets alike, with construction of infrastructure and community assets required to deliver equitable access to new residents. This may be in the form of local recreational and community assets to service new residential communities or increased capacity of regional assets intended to service broader populations, with new or renewed and upgraded assets increasing depreciation funding requirements and operational maintenance costs.

In addition, to infrastructure and community asset management, a greater number of residents increased Council's administrative and customer service points of contact. Currently, Council's staff to resident ratio is 1:110.

How much increased population increased is difficult to quantify, suffice to say it impacts activity across the organisation and is often dependent on level of service experience of residents and their expectation of service levels in their new local government area. Generally speaking, it is observed that residents expect at least equal levels of service to the area they came from, which can be problematic for regional and rural councils, when the resident's previous location was metropolitan.

2. How do costs change with different types of population growth?

Demographics and cultural background play a significant role in terms of the impact of population growth on Council's resources, with population groups such as the aged, those with disabilities, families with young children and those from culturally diverse backgrounds typically drawing on increased service levels.

Many councils including Clarence Valley Council resource and employ specialist community service/development staff to address specific population needs.

3. What costs of population growth are not currently funded through rate peg or developer contributions? How are they currently recovered?

Developer contributions do not fund all of the capital costs for additional community infrastructure. Our experience at Clarence Valley Council is that developer contributions only cover approximately 50% of the capital costs with the balance to be funded either by government grants or ratepayers via council rates. The ongoing operational costs of public infrastructure (roads, footpaths, stormwater systems, open space/parks, water and sewer infrastructure) that is dedicated to Council from increased development are not funded by rate peg or developer contributions. Council currently has to fund these additional costs via productivity improvements or adjustments to Council's service levels.

4. Do you have any views on the use of supplementary valuation process to increase income for growth, and whether this needs to be accounted for when incorporating population growth in the rate peg?

Supplementary valuations are a source of increased income for Councils but they are not a measure for population growth. Supplementary valuations should not be factored into population growth for the rate peg calculation.

5. Are there sources of population data we should consider, other than the ABS historical and DPIE projected growth data?

Department of Planning's population growth for the Clarence Valley Council from 2019 showed stagnating growth/decline to 2041. Council has since engaged consultants to provide population and demographic forecasts for the Clarence Valley which shows growth in population from 52,000 (2021) to 60,735 by 2041 which represents an average annual growth of 0.65%. Yes other sources of data that informs population growth are related to building development, specifically building approvals.

- 6. Is population data the best way to measure the population growth councils are experiencing, or are there better alternatives (number of rateable properties or development applications, or other)?**

The population data is certainly a guide but Council suggests that the number of building certificates/construction certificates issued by Council is a better guide than development applications (DA) as DA's only indicate that a development is approved but doesn't actually have to be actioned/implemented by the applicant.

- 7. Do you think the population growth factor should be set for each council, or for groups of councils with similar characteristics? How should these groups be defined?**

Council is of the view that the population growth factor should be set for groups of "like councils". For example councils located on the coast should have their population growth assessed separately to councils located west of the great divide and metropolitan councils who should be grouped together along with Wollongong, Newcastle and the Central Coast.

- 8. Should we set a minimum threshold for including population growth in the rate peg?**

100% of the population growth factor should be included in the rate peg calculation.

- 9. What is your view on the calculation of the growth factor – should we consider historical, projected with true-up, blended factor or another option?**

The population growth factor should be a combination of the historical growth plus projected population forecasts and growth based on development/building approvals.

- 10. How should the population growth factor account for council costs?**

The current local government cost index (LGCI) used to inform the rate peg each year is a measure of the increase in council costs. The population growth factor should be in addition to the LGCI and represent a % increase of the rate peg amount.

- 11. Do you have any comments on how population growth could be accounted for?**

The population growth factor should be a combination of the historical growth plus projected population forecasts and growth based on building approvals which is then factored into the Rate Peg calculation.

- 12. Do you have any comments on our proposed review process and timeline?**

The proposed review process and timeline seems reasonable and if possible the population growth factor should be included in the "Rate Peg" determination by IPART for the 2022/23 financial year.

COUNCIL IMPLICATIONS

Budget/Financial

There is no budgetary impact in adopted the recommendation of this report.

Asset Management

N/A

Policy or Regulation

N/A

Consultation

Response to the IPART's discussion paper evidences Council's participation in consultation on the issue of including population growth in the rate peg.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Ashley Lindsay – General Manager
Attachment	IPART Issues Paper March 2021 – Review of Rate Peg

ITEM 6a.21.020 MARCH 2021 FLOOD RECOVERY UPDATE

Meeting	Council	27 April 2021
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Yes	

SUMMARY

This report provides a summary of the March 2021 flood event as experienced across the Clarence Valley and how council responded operationally to that event.

OFFICER RECOMMENDATION

That Council note the update on the March 2021 flood response as detailed in this report.

COUNCIL RESOLUTION – 6a.21.020**Williamson/Lysaught**

That Council note the update on the March 2021 flood response as detailed in this report and congratulate the General Manager, Executive and all staff on their performance during this time.

Voting recorded as follows:

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

Against: Novak

CARRIED**LINKAGE TO OUR COMMUNITY PLAN**

Theme 2 Infrastructure

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

Strategy 2.1.2 Ensure adequate natural disaster management

BACKGROUND**Flood Event - March 2021**

While the March 2021 flood was classified as a “major” flood, this event was significantly smaller than “major” flood events since 1980 as shown in the table of historic flood peaks (m AHD) below:

Gauge Location	2021	2013	2009	2001	1996	1988	1980
Prince St Grafton	6.56	8.1	7.3	7.6	7.0	6.8	6.4
Ulmarra	5.12	6.1	5.8	NR	5.7	5.5	4.9
Maclean	2.66	3.1	3.2	3.2	3.0	2.8	2.5
Yamba	1.17	1.2	1.4	NR	NR	1.0	NR

NR = Not recorded

In terms of the most recent revision of the Lower Clarence flood study, which was adopted by Council at its March 2014 meeting, the March 2021 was around a 10% Average Exceedance Probability (AEP) flood. AEP in simple terms refers to the probability of a flood event occurring in any one year so an AEP of 10% means that there is a 10% chance that a flood of this magnitude may occur in any one year. The 2013 flood event whilst the largest flood on record in ‘flood modelling’ terms is still only considered to be a 3% AEP event. It is important to recognise the vital role that the levees (Grafton, Ulmarra and Maclean) play in mitigating broad scale flood impacts to the community throughout the Clarence Valley.

Pacific Motorway upgrade

The completion of the Woolgoolga to Ballina (W2B) motorway has facilitated flood free access between Grafton and Maclean for staff undertaking necessary site inspections of key floodplain assets including floodgates, penstocks and the levees. The performance outcome of the upgrade could be summarised (as per the Pacific Complete approval conditions under the EIS) as “minimal adverse impact” (i.e. no more than 50mm increase in flood levels). Council staff are drafting a request for TfNSW to undertake a ‘post’ flood modelling exercise to further validate the flood response with the approved flood models.



Figure 1: Ferry Park (south)



Figure 2: Yamba Road (west)

Natural Disaster Declaration

At the November 2020 ordinary meeting Council endorsed (Item 6a.20.047) the ‘opt in’ methodology for the purposes of assessing Disaster Recovery Funding arrangements. This methodology allows greater access to a range of emergency, restoration or reconstruction works that are eligible under the ‘opt in’ natural disaster related claim.

The March 2021 Flood event represented the fourth (4) natural disaster declaration within the Clarence Valley since January 2020, refer Table 1 which follows the NSW bushfire disaster from August 2019.

Table 1: CVC Natural disaster declarations (post 2019 bushfire)

Event/Declaration (Clarence Valley Council)	Date
NSW Storms and floods	15 January 2020 onwards
NSW Storms and floods	10 December 2020 onwards
North Coast Storms and Floods	19 February 2021 onwards
NSW Storms and floods	10 March 2021 onwards

The 2021 *NSW Disaster Assistance guidelines*, (Resilience NSW) informs the community, business, government, emergency services, councils, functional areas and those working in disaster recovery of the assistance available. The Guidelines describe a range of financial and nonfinancial assistance measures that are administered by a variety of NSW Government agencies. These agencies include:

- Resilience NSW
- Department of Communities and Justice
- Transport for NSW
- Public Works Advisory
- NSW Rural Assistance Authority
- NSW Department of Primary Industries
- NSW Treasury
- Department of Regional NSW
- NSW Environment Protection Authority

The guideline includes information and the assistance available for local councils that have opted-in to the NSW Government’s interim Day Labour Co -Funding Arrangements.

There are three (3) phases of assistance available under the 'opt-in' arrangement:

(1) Emergency Works are urgent activities necessary to temporarily restore an essential public asset to enable it to operate at an acceptable level of efficiency to support the immediate recovery of a community. Examples include:

- placement of temporary warning signs, barriers and traffic control
- temporary repair works to make the asset safe and functional
- temporary works to make a road trafficable for adjoining landholders.

(2) Immediate Reconstruction Works are activities that are:

- Undertaken to permanently restore an essential public asset to enable it to perform its pre-disaster function and completed within three months of the asset becoming accessible to the local council, following a declared Natural Disaster.

Subject to the three-month time limit, eligible Immediate Reconstruction Works on public roads may include:

- permanent repair or replacement of damaged bridges and culverts
- permanent repairs to ensure the structural integrity of roads and bridges
- permanent restoration of gravel pavements and causeways
- permanent repair or replacement of table drains
- permanent repair or replacement of bus shelters
- permanent repair or replacement of guideposts, signposting, safety barriers
- permanent restoration of footpaths in the road reserve
- removal of green-waste and other debris from public roads, road reserves, culverts and bridges to make them trafficable.

Note: This assistance measure does not provide for additional costs associated with enhancement of the asset. Sporting, recreational or community facilities are not considered essential public assets. Assistance for Immediate reconstruction works is also not provided for public.

(3) Essential Public Asset Reconstruction Work are reconstruction works on an essential public asset damaged as the direct result of a Natural Disaster for which an estimated reconstruction cost has been developed. They differ from Immediate Reconstruction Works due to the requirement to develop detailed estimated reconstruction costs. While both categories of works involve permanent restoration of an essential public asset, Immediate Reconstruction Works do not require the submission of detailed estimated reconstruction costs.

Note: The development of a detailed estimate is required when the damaged essential asset will be reconstructed with some variation to its pre-disaster function for example there may be the need to accommodate a change in capacity or the engineering building standards for the asset has changed.

Floodplain Assets

Floodplain staff carried out important inspections during the evening of 23 March 2021. Council's floodplain assets are located in all parts of the floodplain and are too vast for inspections on each and every asset, therefore as a priority the critical parts of the Grafton and Maclean flood defences were inspected including pumps (eg Howard Street, Fry Street), major drain outlets (eg. Ardent Street Drain and Essex Drain), operable flood doors within levee systems (e.g. Skinner Street, South Grafton Bowling Club, McLaughlan Park) and penstocks (e.g. Kirchner Street, Duke Street). All assets were functioning as intended, with pumps operating, penstocks sealing, floodgates sealing and levees in good condition.

It commonly takes several weeks to fully determine the impacts of flood events on floodplain assets. This is due to the boggy ground making access to assets impossible. Riverside inspections are occurring during week beginning 19th April 2021, but the damage information is not yet provided. There has been damage recorded on some floodplain assets including buckled floodgates (Broadmouth Creek and Waterview), damages winches (Palmer's), levee slumping (Goodwood Island), drain slumping (Swan Creek, West Ulmarra Drain), and levee washouts (The Avenue). Council will work with NSW Public Works to determine costs of repairs and NDRA claim requirements.



Figure 3: The Avenue Levee washout, Lavadia



Figure 4: Swan Creek – Drain slumping

Roads & Stormwater Infrastructure

The impact of the flood resulted in damage to approx. 103 roads across the LGA with 100% of emergency related works now complete with subsequent restoration works estimated at between \$7-\$8 million. 90% of all damage data has been collected with 657 defects to date. Complete stormwater replacements have been identified on the following roads at an average cost of \$320,000 each. Immediate recovery works has commenced including the following locations:

- Wooli Road
- Kangaroo Creek Road
- Shipmans Road

The most significant damage observed following this event was at Tallawudjah Creek bridge approach where the water course has been dramatically altered. The main channel has impacted the road shoulder and is beginning to undermine the formation and bridge approach. The neighbouring properties on the western bank have also been affected with significant erosion and potential loss of a private power pole as undercutting continues. Estimated repair costs of over \$1 million.



Figure 4: Wooli Road



Figure 6: Tallawudja Creek Bridge (scour)

Other locations that will be submitted as part of the proposed Essential Public Asset Restoration Works (EPARW) for improved resilience include:

- Six Mile Lane
- Patemans Road
- Sandy Swamp Road
- Gorge Road causeways

It is recognised that these locations have historically been impacted by recurrent flooding and improvements are required to provide greater resilience to our assets and the community into the future. The full scope of works is not known at this stage however there is the potential for some co-contribution being required that is dependant on the level of enhancement being considered in each instance. Any works requiring co-contribution would be subject to future consideration by Council. Whilst the estimate for restoration works is estimated to be \$7-8 million the price may vary pending on fixed upper limit approval of EPARW with Resilience NSW.

Bridges

The following damage has been reported across the bridge asset network:

Bridge	Reported damage
Palm Creek Tributary Bridge, Sherwood Creek Road	The timber bridge was washed off its bedlog abutments and had to be lifted from the creek and re-constructed back on its abutments.
Six Mile Lane Bridge	Approach road significantly damaged
Tallawudjah Creek Bridge, Tallawudjah Creek Road	Approach road surface damaged again, significant scour adjacent to road formation
Simpsons Bridge, Tallawudjah Creek Road	Approach road formation scoured
Browns Lane Bridge	Approach roads significantly damaged. Residents were isolated until emergency works could be done.
Cudlee Place Bridge	Approach roads significantly damaged. Residents were isolated until emergency works could be done.
Little Rocky Creek Bridge, Ewingar Road	Approach road surface significantly damaged

Open Spaces & Facilities

Crews were required to clean-up boat ramps and street access to river and parks/amenities. Replacement of flood affected softfall in playgrounds and any damage to play equipment/park assets. Some leaking roofs in a number of buildings also required attention.

Communications Response

The primary role of the communication team is to amplify the messaging being managed by the lead combat agency – SES. At an operational level staff consistently exchanged information across departments to ensure that clear, accurate and timely information was being triaged from the field (road status, closures etc) to websites such as MyRoadInfo, the CVC dashboard including the Customer Service and Communications Team. Engineering staff were also collating the flood forecasting information being provided directly by the Bureau of Meteorology (BOM) that enabled messaging to be conveyed to the community more readily. Figure 7 was developed by the Communications team in response to the technical information ensuring the information being conveyed was more easier to interpret by the wider community. This received overwhelming positive feedback from staff and the community via the Facebook posts.

At the height of the flood CVC were primarily receiving feedback from the Yamba community. Council undertook a targeted campaign to engage with the community through a combination of:

- Facebook posts
- Clarence Valley Council – Noticeboard
- Electronic direct mail (EDM)

The following statistics (Table 2) were derived from the CVC EDM distributed by the communications team.

Table 2: Targeted EDM messaging statistics

Email campaign with flood information Reported directly to Yamba based businesses (4)	Totals
Total recipients	187
Successful Deliveries	183
Recipients who opened	91
Total opens	529
https://emergency.clarence.nsw.gov.au/	9 (hits)
https://bom.gov.au	6 (hits)
https://northernrivers.myroadinfo.com.au	5 (hits)
http://www.ses.nsw.gov.au	0 (hits)

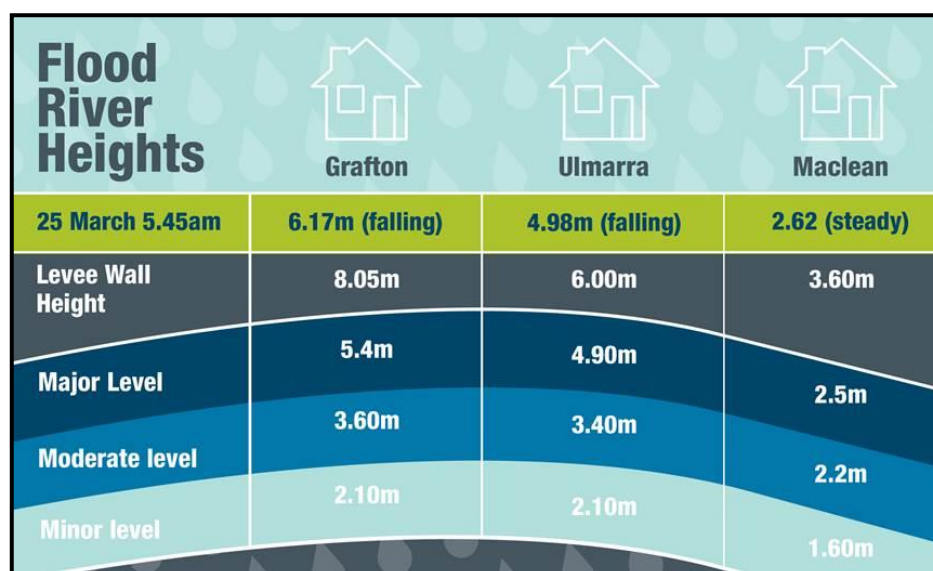


Figure 7: Advisory graphic developed by the CVC communication team that ensured the technical flood information (BOM) was well communicated.

KEY ISSUES

NSW Emergency Management Arrangements (Legislation)

The State Emergency and Rescue Management (SERM) Act 1989 (as Amended) is the Act that provides the legislative basis for co-ordination of emergency preparedness, response and recovery operations.

The State Emergency Management Plan

The key element of emergency management planning in NSW is the Emergency Management Plan (EMPLAN). The objective of EMPLAN is to ensure a co-ordinated response by all agencies having responsibilities and functions in emergencies.

EMPLAN

- identifies the combat agency primarily responsible for responding to the emergency
- specifies the tasks to be performed by all agencies in the event of an emergency
- provides for the co-ordination of the activities of other agencies in support of the combat agencies
- specifies the responsibilities of the Minister and the State, Region or Local Emergency Operations Controller

Combat Agencies: A combat agency is the agency with the specific expertise and equipment to deal with the effects of designated hazards. The agency responsible for each major hazard is designated in the EMPLAN and in the case of a flood the designated combat agency is the NSW State Emergency Service (SES).

Council’s Local Emergency Management Officer (LEMO)

Council’s LEMO carried out a range of coordination activities throughout the flood event. Whilst the LEMO role is currently not a full-time dedicated role council staff are pursuing funding opportunities with Resilience NSW that recognise the significant contribution this role will continue to play in supporting Clarence Valley Council’s future emergency/disaster response.

The following activities carried out by council’s LEMO demonstrate the important role in assisting the various agencies throughout the flood response.

Date	CVC LEMO Actions/Responses
22/3	<ul style="list-style-type: none"> • Liaising with Department of Community and Justice (DCJ) staff organising the logistics around opening an evacuation centre in Yamba in relation to the possibility of a potential landslip on Pilot Hill once the Red Alert Level was reached. (Yamba Bowling club was identified and contacted)
22/3	<ul style="list-style-type: none"> • Liaising with the acting LEOCON and the local Police L/O with regard to the Red Alert.
23/3	<ul style="list-style-type: none"> • Liaised with acting LEOCON and SES L/O. LEMC meeting scheduled to get a situation report from SES on the event.

Date	CVC LEMO Actions/Responses
	<ul style="list-style-type: none"> • Liaised with SES, Police and DCJ staff regarding the opening of an evacuation centre at South Grafton High School, to receive and register evacuees from Southgate after an Evacuation order was issued. No evacuees presented to the evac centre and the centre closed around 9pm/10pm. • Liaised directly with SES staff, including local units in regard to information, road closures and sand deliveries. • Liaised with council staff and fielding calls from the public regarding flood information
24/3	<ul style="list-style-type: none"> • Liaised with Police, CVC staff and SES in regard to, but not limited to local road closure information, flood incidents, flood information, flood warnings/bulletins, sand deliveries, EOC activation, Emergency dashboard information. • EOC was activated at 1330 hrs. EOC location was at the SES Induna Street Control Centre. In attendance: NSW Police, DCJ, NSW Ambulance, NSWRFSS, SES, NSW Health, LEMO (CVC). On Call: TfNSW, Port Authority, NSW SLSA. • During the period that the EOC was activated, LEMO worked with all agencies in regard to a number of actions which included, but not limited to the evacuation of Rathgar Lodge special care unit, sand deliveries for sand bagging to Ulmarra, liaising with local SES units, providing local road closure information, evacuation centre logistics with DCJ staff, relaying council asset damage to relevant CVC staff, providing up to date contact details for agency staff when requested, identifying vulnerable facilities within impacted areas, providing EOC sitreps to the REMO/ REOCON. • An evacuation centre was opened at Maclean showground during the afternoon to accommodate potential evacuees from Brushgrove and Ulmarra following evacuation orders for those towns. Maclean Showground was chosen in preference to a Grafton location due to the high possibility of Big River Way being cut at Swan Creek historically. • The EOC stood down at 1900 by acting LEOCON's on direction from Coffs/Clarence Superintendent, with a Police L/O remaining at SES headquarters and all other agency L/O's on standby. • LEMO contacted by DCJ staff later that evening, who had been contacted by SES and were informed that additional evacuation orders were being issued for parts of Lawrence, Harwood, Chatsworth and Warregah Islands and Iluka. Emergency Dashboard checked to see if people from these areas could access the Evac centre given the multiple road closures, and also rang CVC roads staff to confirm closures. These evacuation orders in the end were not issued. No evacuees presented to the evac centre at Maclean and the Evacuation centre was closed at approx. 10/11pm. Around this time LEMO was also made aware by TfNSW staff regarding a potential issue with the New Grafton Bridge, and that engineers were onsite, and monitoring situation.
25/3	<ul style="list-style-type: none"> • Met with SES staff the next morning and spoke with acting LEOCON and the decision was made to not activate the EOC, but for all agency L/O's to remain on standby for at least the next 48hrs.

The Australian Defence Force (ADF) were also deployed to assist primarily the SES with the flood recovery response. Approximately 30 ADF personnel were deployed locally across the LGA to assist the SES with clean-up operations for properties requiring assistance. Those ADF personnel were then deployed south where there the flood impacts to property were far more significant.

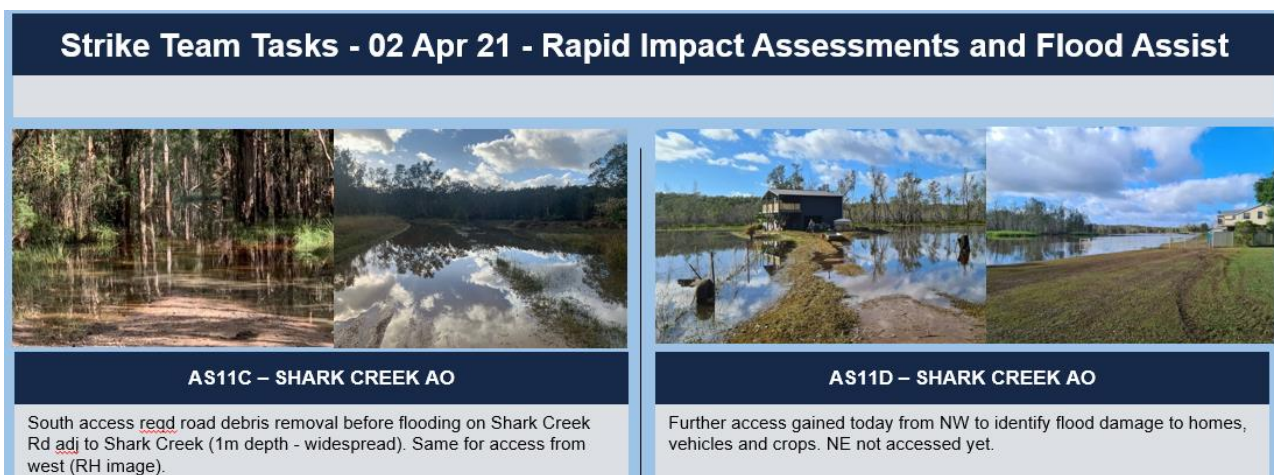


Figure 8: ADF deployment and clean-up assistance provided in the Shark Creek Area.

Council’s Flood Response Role & Recovery

Council’s primary role is to support (not control) combat agencies (such as the SES) during and immediately following an emergency. In terms of direct Council support:

- the Local Emergency Management Committee’s (LEMC) Emergency Response Operations
- affected residents with waste removal services, directly or through fee waivers provided at the Grafton Regional Landfill.

Indirectly Council provided ongoing assistance with the following activities:

- property protection (thousands of residents) construction and or repair to levees at Grafton, Ulmarra and Maclean
- maintaining or restoring safe access across the local roads/bridges network
- provision of engineering advice regarding the integrity of damaged structures
- assisting the SES with damage assessments where required
- coordinating the restoration of critical public facilities including restoring water and sewage services following the flood event.
- providing timely communication updates to the community
- maintaining floodplain assets including drains and floodgates

Council’s management of these activities ensure that damage to private property is significantly reduced.



Figure 9: RFS conducting clean-up activities at Ferry Park



Figure 10: Council grader conducting sediment clearing on Yamba Road

Damage Assessments

The Spatial Services’ Emergency Information Coordination Unit (EICU) falls under the NSW Governments *Spatial Services Unit* and ensures the emergency management sector has the best spatial and related data available to deal with multi-agency emergencies, such as terrorism and natural disasters. The spatial data encompass all areas of emergency planning, response and recovery. The following figures provide a comparative spatial representation of the damage recorded across the Clarence Valley as compared to the more significant impacted areas surrounding Port Macquarie to the south.

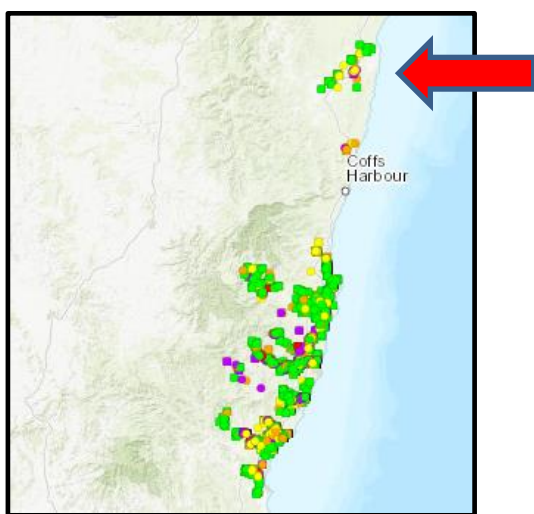


Figure 11: Damage assessment with significant damage reported to the south/north of Port Macquarie.

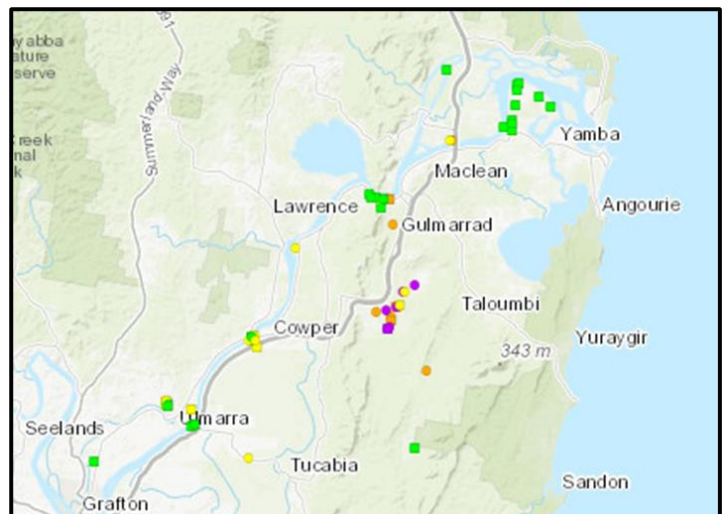


Figure 12: The extent of damage reported across Clarence Valley comparatively much less than areas to the south.

Flood Waste Clean-Up

The recent flood event damaged a number of residential properties in the Clarence Valley. Overall however the quantity of residential flood damaged waste has to date been minimal.

To assist impacted households an initial kerbside collection was undertaken on Friday 9 April with a follow-up collection on Tuesday 20 April. As at Thursday 22 April 2021 a total of 12.98 tonnes of flood waste had been received at the Grafton Regional Landfill comprising the following:

Waste Type	Households	Waste (tonnes)
Self Haul	16	4.56
Council kerbside clean-up (contracted service)	22	8.42

If necessary, a further kerbside clean-up will be undertaken. It is also noted that the annual kerbside bulky waste clean-up is scheduled to commence on the 3 May 2021.

Cane Growers Association

Council staff attended a meeting with the Canegrowers Association on the 9 April 2021 to discuss a variety of issues including the recent flood event. The Canegrowers expressed concerns about flood damage to riverbanks adjacent to roads used by cane trucks, Lawrence Road and South Serpentine Channel Road, however the overall consensus was that the March 2021 flood was relatively 'minor' event as compared to historical events.

Learnings

Council's flood mitigation infrastructure worked to ensure that tens of thousands of residents were not impacted by these floods, and therefore the amount of damage to private property was significantly reduced. Continued investment by Council, State and Federal Governments into the maintenance and enhancement of flood mitigation infrastructure is vital.

Staff consider that it is worthwhile contacting the Bureau of Meteorology and inviting them to discuss two topics at the next Floodplain Risk Management Committee meeting scheduled for June 2021.

- (1) Possible amendments to the Major, Moderate and Minor levels in Grafton – staff understand these levels were determined by Grafton City Council and BOM in the 1970's and the major 5.4m AHD level was based on the floodwater closing the Pacific Highway in South Grafton. Since the 1970's there have been many flood studies undertaken around Grafton, new infrastructure built including a second bridge, and of course the Pacific Highway no longer passes through South Grafton but instead is located 17km east of South Grafton.
- (2) Inclusion of Yamba Road into BOM warnings. Although exact levels of road closure can change depending on tide and local conditions, there may be value in Council requesting BOM including a range (e.g. 1.8-2.1m on Maclean Gauge) as a possible road closure height. This may allow this topic to get better coverage on radio, internet etc and take pressure from Council's call centre. Council staff are also investigating the cost of installing permanent flood cameras at the closure locations of Yamba Road and other locations.

Operationally, every flood is unique and provides opportunities to identify areas for improvement including the flood manual. Several operational changes will be made the flood manual on topics such as satellite phone distribution, flood contact centre trigger points for operation, amendments to stock items (e.g. sandbags, pumps), and Grafton penstock closure procedures.

COUNCIL IMPLICATIONS

Budget/Financial

At the November 2020 Ordinary meeting Council endorsed (Item 6a.20.047) to adopt the 'opt in' methodology for the purposes of assessing Disaster Recovery Funding arrangements. This will typically require an excess of approx. \$200,000 to be allocated on a per claim basis (subject to the excess threshold being reached). It is however acknowledged that under the 'opt in' methodology there is greater scope to conduct a range of emergency, restoration and reconstruction works that are eligible under the 'opt in' natural disaster related claim.

Asset Management

It is critical that floodplain assets (including the levees) are maintained into perpetuity to mitigate the risks associated with broad scale flooding to the community.

Policy or Regulation

N/A

Consultation

A briefing on the impact of the March 2021 Flood on Council assets and the community was provided to Councillors at the April Council workshop (refer Attachment A).

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Jamie Fleeting, Director Works & Civil
Attachment	A – Presentation on 2021 Flood Impact & Response

VOTE BY EXCEPTION**Kingsley/Toms**

That the following Items be adopted as recommended:

6b.21.013
 6b.21.015
 6b.21.017
 6b.21.018
 6c.21.039
 6c.21.040
 6c.21.041
 6c.21.042
 6c.21.043
 6c.21.044
 6c.21.045
 6c.21.046
 6c.21.048
 6c.21.049
 6c.21.050
 6d.21.003

Voting recorded as follows:

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

Against: Nil

ENVIRONMENT, PLANNING & COMMUNITY REPORT

MINUTES of a meeting of the **ENVIRONMENT, PLANNING & COMMUNITY COMMITTEE** of Clarence Valley Council held in the Council Chambers, Maclean on Tuesday, 20 April 2021 commencing at 3.30pm and closing at 3.58pm.

MEMBERS

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

PRESENT

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

APOLOGY – Nil**DISCLOSURE AND DECLARATIONS OF INTEREST**

<i>Name</i>	<i>Item</i>	<i>Interest/Action</i>
Mr Lindsay	6b.21.014	Non-Significant Non-Pecuniary - Leave the meeting Applicant is a neighbour

DEPUTATIONS

6b.21.012 - DA2020/0671 – Demolition and Redevelopment of Existing Sedgers Reef Hotel Including Installation of Temporary Hotel – Lots 4 and 5 Section 2 DP758535 and Part of Queen Street Road Reserve – No. 74-80 Queen Street, Iluka	
For the Officer Recommendation	• Greig Carter (Spokesperson for applicant)
6b.21.014 - DA2019/0191 Supercheap Auto – 19 Through Street, South Grafton – Request for Waiving of Section 64 Contributions	
Against the Officer Recommendation	• Doug Burgess/Scott Roberts (Applicant)
6b.21.015 - REV2021/0003 Request to Review Conditions on DA2020/0769 for a Dwelling and Shed at 54 Williams Crescent, Wooli	
Against the Officer Recommendation	• Brenda Schafer (Applicant)

ITEM	6b.21.012	DA2020/0671 – DEMOLITION AND REDEVELOPMENT OF EXISTING SEDGERS REEF HOTEL INCLUDING INSTALLATION OF TEMPORARY HOTEL – LOTS 4 AND 5 SECTION 2 DP758535 AND PART OF QUEEN STREET ROAD RESERVE – NO. 74-80 QUEEN STREET, ILUKA
Meeting	Environment, Planning & Community Committee	20 April 2021
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Burton & Carter Pty Ltd
<i>Owner</i>	William Owen McGeary and Marie Frances McGeary
<i>Address</i>	74-80 Queen Street, Iluka
<i>Submissions</i>	Yes – 4

Development Application DA2020/0671 was received by Council on 9 November 2020 for the proposed redevelopment of the Sedgers Reef Hotel site located at 74-80 Queen Street, Iluka. The development includes the demolition and redevelopment of the existing hotel, installation of a temporary hotel for use during construction of the new hotel and construction of onsite and on-street car parking.

The new hotel will be located on part of the existing Queen Street Road Reserve that fronts the development site. This section of road will be closed, purchased and transferred to the owner as per Council Resolution dated 17 December 2019 (Item No. 6c.19.102) prior to any Construction Certificate being issued.

The application was advertised and notified, and 4 submissions were received during the exhibition period. Overall, the submissions are supportive of the redevelopment of the hotel, however, some raised concerns regarding the location of parking areas, number of parking spaces and asbestos removal.

This report provides an assessment of the issues raised during assessment of the application, a summary of the submissions received and a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That DA2020/0671 be approved subject to the imposition of conditions contained in Schedule 1.

COMMITTEE RECOMMENDATION

Williamson/Clancy

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Clancy, Baker, Novak, Simmons, Williamson

Against: Nil

COUNCIL RESOLUTION – 6b.21.012

Toms/Lysaught

That DA2020/0671 be approved subject to the imposition of conditions contained in Schedule 1.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

The subject land is zoned SP3 under the provisions of the Clarence Valley Local Environmental Plan 2011. The proposed hotel redevelopment is permissible with consent and complies with the objectives of the zone.

For the purposes of the application the proposed development is defined as a pub which is a type of Food and Drink Premises as follows:

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

The proposed development will be completed in the following 3 stages:

Stage 1

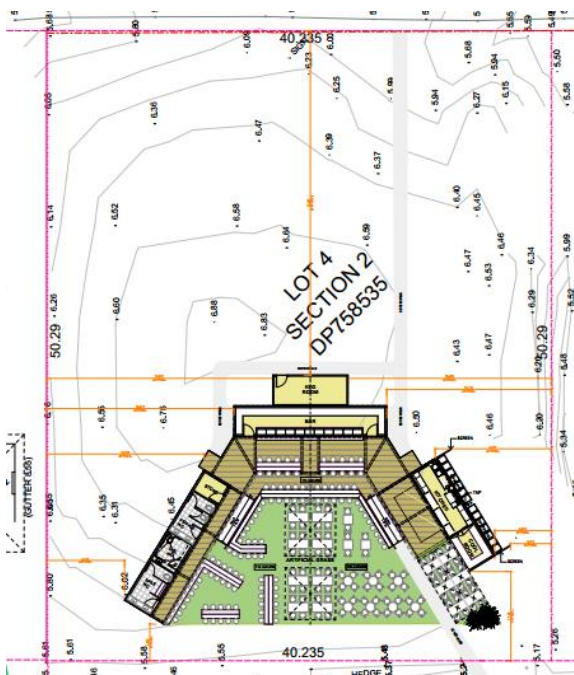
Construction of a temporary pub on Lot 4 section 2 DP758535. The pub will be constructed out of shipping containers which will be fitted out with a bar, kitchen and amenities. The containers will be joined by a timber deck and waterproof cover (refer to extract of Burton & Carter Drawing DA05 Revision A below).

Stage 2

Closing and demolition of the existing hotel on Lot 5 Section 2 DP758535. Transfer of the liquor licence to the temporary hotel and demolition of the existing hotel.

Stage 3

Construction of the new hotel on Lot 5 Section 2 DP758535 and the Queen Street road reserve purchased from the Council. The temporary hotel will be demolished upon completion of the new hotel (refer to extract of Burton & Carter Drawing DA08 Revision A below). The new pub will comprise an additional floor area of 130.6m² than the existing pub.



Temporary pub (Stage 1) Burton & Carter Pty Ltd Reference DA05



New pub (Stage 3) Burton & Carter Pty Ltd Reference DA08



Stage 3 – Perspective view from Queen Street looking North



Stage 3 – Perspective view from Crown Street looking North

Queen Street road reserve

Queen Street, Iluka is a Council public road. The section adjoining Lots 4-5 Section 2 DP758535 is unformed. However, it is currently used as an informal car park area predominantly for the patrons of the Sedgers Reef Hotel and users of the adjoining reserve.

Council resolved in December 2019 (Item No. 6c.19.102) to approve a concept design for the redevelopment of the existing hotel and sale of a section of the Queen Street road reserve subject to a number of items being satisfied that are relevant to the DA. These items included:

- A minimum of 40 car parking spaces being provided as public car parking area;
- The car parking area being constructed to Council's standards and include kerb and guttering;
- The inclusion of suitable street landscaping;
- A footpath being incorporated into the design;
- The existing water main in Queen Street road reserve being relocated; and
- The car parking being completed within 5 years from the date of settlement of the transfer of the subject part of the Queen Street road reserve or as part of the development of the premise on adjoining Lots 4-5 Section 2 DP758535, whichever occurs first.

The 40 parking spaces required by Council's December 2019 resolution are to replace parking spaces being displaced from the Queen Street road reserve only.

Issues regarding parking are discussed under Item 1 of the Key Issues section of this report.

KEY ISSUES

1. Parking and access

a. Onsite Parking

Concerns were raised within 2 of the submissions regarding the lack of parking being provided for the development. The development proposes a total of 15 onsite car parking spaces and 36 on-street car parking spaces to offset the closure of the Queen Street road reserve.

Comment

Public parking for the existing pub is currently provided within the Queen and Crown Street road reserves that adjoin the site. Historically, these areas have served as the main form of patron parking as no formal parking spaces are provided on the site. An extract of the Existing Parking supply estimate and aerial photograph showing existing parking availability within the vicinity of the site prepared by TTM dated 12 October 2020 is provided for information purposes below:

Table 3.3: Existing Parking Supply Estimate

Car Parking Area	Width	Avg. Space Width	Estimated Spaces
Road Reserve Parking	79m	3.0m	26
	6m	3.0m	2
Caretakers (On-site)	n/a	n/a	2
Parallel Parking	30m	6.0m	5
	21m		3
Total			38 Spaces



Figure 3.1: Existing Hotel Aerial (SIX Maps)

As can be seen from the calculations provided in Table 3.3 and aerial image above, parking for the existing pub has always been heavily reliant on parking within the road reserve with no formal parking arrangements provided on the site. The areas currently used for car parking are unformed with no linemarking or kerb and gutter in the vicinity of the site.

An assessment of the parking requirement is provided below taking into consideration the controls set out in the DCP for Development in Environmental Protection, Recreation and Special Use Zones 2011. Table F1 of the DCP sets out the car parking requirements for different types of development and Clause F2.1 sets out the provisions for calculating Parking Credits and Debits for pre-existing uses.

Firstly, it should be noted that Part F of the DCP does not specifically list or set out the car parking requirements for a pub. However, other Council DCP's set a rate of 1 car parking space per 4m² of licensed floor area. The TTM Traffic Engineering Report submitted with the application calculated car parking for the development on the different types of uses within the pub (i.e. a mixed use rate) as follows:

Table 1: Existing Hotel Parking Supply Requirement

Land Use	Council Requirement	Extent	Requirement
Existing Hotel			
Main Bar	Pub: 1 car space per 4m ²	144.57m ²	36.1
Lounge Restaurant	Restaurant: 1 car space per 30m ²	190.34m ²	6.4
Beer Garden	Restaurant: 1 car space per 30m ²	108.58m ²	3.6
Gaming Machines	Restricted Premises: 1 car space per 30m ²	31.99m ²	1.1
Entertaining Street	Restaurant: 1 car space per 30m ²	310.46m ²	10.4
Flat	1 space per dwelling		1
Existing Hotel Total		785.94m²	59 spaces

Table 2: Proposed Hotel Parking Supply Requirement

Land Use	Council Requirement	Extent	Requirement
Proposed Hotel			
Main Bar	Pub: 1 car space per 4m ²	128.91m ²	32.2
Restaurant	Restaurant: 1 car space per 30m ²	274.44m ²	9.2
Gaming Room Pokies	Restricted Premises: 1 car space per 30m ²	44.20m ²	1.5
External Gaming Pokies	Restricted Premises: 1 car space per 30m ²	46.73m ²	1.6
Pool Room	Pub: 1 car space per 4m ²	21.08m ²	5.3
External Area Meals	Restaurant: 1 car space per 30m ²	401.19m ²	13.4
Flat / Caretaker	1 space per dwelling	2	2
Proposed Hotel Total		916.55m²	66 spaces

In order to determine what car parking credits exist for the existing use, an assessment under Clause F2.1 is required.

Clause F2.1. of the DCP sets out the provisions for calculating Parking Credits and Debits.

To determine what credit will be given for the current land use on a site and how many car spaces are to be provided on site, the following formula must be used:

- Calculate the number of spaces required for the current land use, under the provisions of this DCP.*
- Determine the number of spaces that have been physically provided on site.*
- Determine the number of spaces (if any) previously paid for through Section 94 Contributions.*
- Calculate the number of spaces credited to the subject land by [a - (b + c)].*
- Calculate the number of spaces required for the proposed land use, under the provisions of this DCP.*

The number of spaces to be physically provided on site is [(e) - (d)], any required spaces which cannot be physically provided on site may be required to be paid for through Section 94 Contributions.

The Traffic Impact Assessment Report submitted with the application calculated the following existing and proposed car parking rates in line with Council's DCP:

An assessment against Clause F2.1 is provided below:

Formula	Rate 1/4m ² licensed floor area	Mixed Use Rate
a) Spaces required for current land use based on floor areas provided by applicant	198 spaces	59 spaces
b) Number of spaces physically provided onsite	8	8
c) Spaces paid for through s94's	0	0
d) Calculate the number of spaces credited to the subject land by [a - (b + c)].	190	51
e) Calculate the number of spaces required for the proposed land use, under the provisions of this DCP.	231 (230 plus 1 caretakers dwelling)	65* (64 plus 1 caretakers)
<i>Number of spaces to be physically provided on site is [(e) - (d)]</i>		
	$[(231)-(198)] = 33$	$[(65^*)-(51)] = 14$

*Note: the applicant has stated that 2 spaces are required for the Flat/Caretaker whereas only 1 required as per DCP

Using the mixed use rate, the proposed development provides for 15 onsite car parking spaces in accordance with the DCP, which is 1 additional car parking space than required under Clause F2.1.

A parking shortfall of 18 spaces is generated if the pub car parking rate of 1/4m² is applied. Given the fact the Queen Street road reserve area has predominantly been used by patrons of the hotel, it could be argued that the provision of 40 on-street car parking spaces to offset the closure adequately provides for the shortfall of 18 spaces.

Whilst the developer does own adjoining property in the vicinity of the development site, the use of this land to provide car parking is considered an inefficient use of residential and tourist zoned land. The provision of parking on these lots would also adversely impact on the coastal character and amenity of surrounding land uses. Council cannot include the provision of parking on adjoining land as the lots do not form part of the application.

Further, as there are many alternatives to driving including the use of a courtesy bus, direct boat access and walking, and with current drink driving laws, people rely on other modes of transport other than driving.

In the absence of a pub parking rate within the applicable DCP, this application has relied on the use of a mixed use parking rate and credits for pre-existing uses. The development is considered to provide sufficient parking for the development for the reasons as provided above.

On balance, the car parking provision of 15 onsite and 40 on-street car parking spaces is adequate to service the redeveloped pub and users of the adjacent reserve as it has been assumed that future public parking demand for the surrounding area (i.e. boardwalk, beach, existing hotel GFA) would remain consistent with the existing demand. Therefore, it is considered adequate onsite car parking to cater for the 130.6m² increase in floor area has been provided.

In addition to the above, it should be noted that access to the onsite parking area is via Queens Lane which is currently a one-way lane. From observations undertaken during a site inspection, it was noted that vehicles currently access this laneway and the site against traffic rules. To improve safety and access to the site, the developer will be required to widen Queens Lane to provide two-way traffic access from Crown Street to the site access. Suitable conditions to this effect are provided in the Draft Schedule should the development be approved.

b. On-street car parking

As per Council's resolution in December 2019 (Item No. 6c.19.102), a total of 40 on-street car parking spaces are required to be constructed to offset the Queen Street road reserve closure. As part of the original application, the development only proposed 36 on-street spaces (including 1 accessible space).

The original TTM Traffic Engineering Report submitted with the application calculated that a compliant parking area within the Queen Street road reserve fronting the hotel would only provide a total of 28 spaces. In consideration of this and from lack of a detailed design plan at the time of Council resolution in December

2019, Council's requirement to provide 40 on-street car parking spaces to offset the road reserve closure could seem onerous.

However, due to the concerns raised in the submissions regarding lack of parking for the development, Council's additional information request required the applicant to amend the design to include additional on-street car parking to meet the shortfall. In response the applicant proposed to provide 8 additional spaces in the Charles Street road reserve along the frontages of Lot 4 and 5 DP233884. This location was not supported by Council's Development Engineer as it would ultimately result in loss of parking spaces at the time of construction for future driveway accesses to Lots 4 and 5. Further, given the distance of these additional spaces in Charles Street to the hotel, coupled with the potential loss of parking spaces from future driveways, Council's Development Engineer requests that the additional spaces be provided along Queen Street adjacent to Crown Street and be restricted to nose-in-only parking to reduce any potential impacts from headlights on neighbouring properties. This location will provide more functionality in that it is in closer proximity to the hotel and from onsite observations is already used for informal parking of vehicles.



Proposed On-Street Car Parking Layout



Existing Car Parking Arrangement

It should be noted that the location of on-street car parking along the western section of Crown Street minimises impacts to the residential properties located on the eastern side of the road, and this is considered to be an acceptable solution to the Queen Street road reserve closure. The parking area will be conditioned to be nose-in-only to reduce any potential impacts from headlights to nearby residences.

As this section of Crown Street is not entirely formed with kerb and gutter and formal pedestrian access, the construction of car parking and a new access path within this section of road will have some impact on the current character of the area. However, with appropriate on-street landscaping and connection of pedestrian access through to Wingfield Park, being Crown Reserve 79295 for Public Recreation and Resting Place, the development will improve usability and connectivity for users of both the pub and adjoining Crown Reserve.

The on-street car parking spaces are to be constructed prior to the Occupation Certificate being issued for Stage 3 which will ensure that parking availability in the area remains unaffected.

2. Matters Raised in submissions

As stated above in the Summary section of this report, 4 submissions were received during the notification period. Overall, the submissions are supportive of the redevelopment of the hotel, however, some raised concerns regarding the location of parking areas and impacts to the amenity of nearby properties, number of parking spaces, conflicts between vehicles and pedestrians from car parking in road reserve and asbestos removal.

a. Inadequate car parking spaces

Comment

Parking has been addressed under Key Issue 1 of this report, however, in order to summarise the issue, the developer has provided 15 onsite car parking spaces in compliance with the DCP and 40 on-street car parking spaces as per Council resolution December 2019 (Item No. 6c.19.102).

Overall, the car parking provision is considered to be suitable to cater for the needs of the increase of car parking demand resulting from the proposed development and adequately offsets the reduction of spaces from the acquired road reserve.

b. Location of car parking spaces and potential impacts to amenity

One of the submissions raised the issue that the development will result in cars being parked along the street in front of residential properties reducing the overall amenity for residents.

Comment

As per Council resolution in December 2019 (Item No. 6c.19.102), the developer is required to provide 40 on-street car parking spaces to offset the Queen Street road reserve closure. As already stated above, the location of on-street car parking along the western section of Crown Street minimises impacts to the residential properties located on the eastern side of the road. The parking area is required to be signposted to ensure nose-in-only parking which will reduce any potential impacts from headlights.

c. Pedestrian access along Crown Street

One of the submissions stated that Crown Street is popular with pedestrians connecting through to the access path along the bay area and that limitations should be included to reduce potential conflicts between vehicle movements and pedestrians.

Comment

The developer is required to construct a footpath along Crown Street to connect to the access path along the bay area. The developer is also required to provide kerb and gutter between the footpath and car parking spaces which will provide adequate separation between vehicles and pedestrians in accordance with Council's Engineering requirements. Appropriate conditions to this effect are contained in the Draft Schedule of Conditions at the end of this report.

d. Use of land to the west to provide car parking

One of the submissions requested that the land west of the development site (Lot 4 Section 2 DP758535) be used to provide a proper car park for the development site.

Comment

As stated under the parking considerations of Issue 1, the development site has car parking credits and adequate car parking has been provided for the new hotel. Additionally, the offset of 40 car parking spaces within the road reserve is required to be provided due to closure of the road reserve.

e. Asbestos

Concerns were raised within 1 of the submissions regarding the removal of asbestos and requirement for workers to comply with regulations during removal. The submission also requested details on the length of time for removal and whether a date had been set for the works to be undertaken.

Comment

Prior to any asbestos removal being undertaken, the principal contractor is required to give two days written notice to the owner or occupier of any dwelling within 20m of the development site of the intention to carry

out the work. Only a Safework NSW licensed demolition or asbestos removal contractor can undertake removal of asbestos.

The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Clarence Valley Council's Asbestos Policy and the relevant requirements of SafeWork. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures and must include the following:

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

Draft conditions of consent have been provided to ensure the developer complies with the relevant requirements as set out above.

In terms of the time taken to remove the asbestos and a potential date for removal, this is unknown at this stage as it depends on when the developer commences the works. If approved, the consent will be valid for a period of 5 years so the developer can commence at any time within the validity period.

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.

The developer is required to pay \$60,000 in Section 7.12 contributions to Council.

Asset Management

The on-street car parks will become a Council asset once constructed and accepted "off maintenance". The car parks will be required to be maintained by Council into the future.

Policy or Regulation

Environmental Planning and Assessment Act 1979

Water Management Act 2000

Environmental Planning and Assessment Regulations 2000

State Environmental Planning Policy No. 55 Remediation of land

State Environmental Planning Policy (Coastal Management) 2018

Clarence Valley Local Environmental Plan 2011

Development in Environmental Protection, Open Spaces and Special Use Zones Development Control Plan

Consultation

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

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Development Engineer	Supported with conditions
Health and Building	Supported with conditions
Trade Waste	Supported with conditions
Environmental Health	Supported with conditions
Reserves Officer	Supported with conditions
NSW Police	Supported with recommendations
Natural Resource Access Regulator	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 legal 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 will 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 in Section J of the Building Code of Australia (BCA) which will ensure that the development meets the NSW Government's requirements for sustainability.

Prepared by	Carmen Landers, Acting Development Services Coordinator
Attachment	A. Plans B. Submissions C. Natural Resource Access Regulator General Terms of Approval D. NSW Police Development Application Review E. Section 4.15 Assessment

Schedule 1
Draft Advices and Conditions of Consent for DA2020/0671

Definitions

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

- a Northern Rivers Local Government Development and Design Manual (AUS-SPEC)
- b Northern Rivers Local Government Construction Manual (AUS-SPEC)
- c Northern Rivers Local Government Handbook of Stormwater Drainage Design (AUS-SPEC)
- d Northern Rivers Local Government Handbook for Driveway Access to Property (AUS-SPEC)
- e Sewerage Code of Australia (WSA 02 - 2002)
- f Water Supply Code of Australia (WSA 03 - 2002)

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

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

Civil Works may include:

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

NATA means National Association of Testing Authorities

RMS means Roads and Maritime Services

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

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

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

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

Advices

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

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

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

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

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

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

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

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

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

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

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

The proposed development has been assessed as contributing an additional 4.0 ET demand on Council's water supply, and an additional 5.0 ET loading on Council's sewerage system. This includes an applicable credit for pre-existing uses. The headworks charges at 2020/21 financial year rates are:

Water Headworks \$4,979.00 x 4.0 additional ET	= \$ 19,916.00
Sewer Headworks \$12,175.00 x 5.0 additional ET	= \$ 60,875.00

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

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

6. 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.
7. Certification of constructed **Civil Works** by the supervising engineer and/or registered surveyor is required prior to public infrastructure being accepted "on maintenance" and/or "practical completion" being granted for private property works.
8. All building and construction work, which includes subdivision and civil works, which cost \$25,000 or more require the payment of the long service levy prior to a Construction Certificate being issued. The levy is required under the Building and Construction Industry Long Service Payments Act 1986. The total value of works must be included on the Construction Certificate Application form.

9. No construction is to be commenced until a Construction Certificate has been issued.
10. Prior to work commencing on a development the applicant must give notice to Council of their intention to commence work. Such notice shall be in the form of a Notice of Commencement form and must be submitted to Council at least two (2) business days before work commences.
11. Demolition work is to be carried out in accordance with AS 2601.
12. All building and construction work, which includes subdivision and civil works, which cost \$25,000 or more require the payment of the long service levy prior to a Construction Certificate being issued. The levy is required under the Building and Construction Industry Long Service Payments Act 1986. The total value of works must be included on the Construction Certificate Application form.
13. Effective measures are to be taken to prevent any nuisance being caused by noise, vibration, smell, fumes, dust, smoke, waste water products and the like at all times.
14. The recommendations of the NSW Police Development Application Review WEBCOPS Event No. E 76244030 should be considered in the final operational aspects of the development and preparation of the Operational Plan of Management.

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 plans by Burton & Carter Pty. Ltd. as amended in red, or where modified by any conditions of this consent.

Plan No	Plan Description	Plan Date	Revision
DA01	Cover Page	2/3/2021	A
DA02	Site Context Plan	2/3/2021	A
DA03	Existing Condition	2/3/2021	A
DA04	Stage 2 Demolition Plan	2/3/2021	A
DA05	Stage 1 Ground Floor Plan	2/3/2021	A
DA06	Stage 1 Elevations	2/3/2021	A
DA07	Stage 3 Site Plan	2/3/2021	A
DA08	Stage 3 Ground Floor Plan	2/3/2021	A
DA09	Stage 3 Roof Plan	2/3/2021	A
DA10	Stage 3 Elevations	2/3/2021	A
DA11	Stage 3 Elevations and Signage	2/3/2021	A
DA12	Stage 3 Sections	2/3/2021	A

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

\$60,000.00

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 \$6,000,000.00

The contributions are to be paid to Council prior to release of the Construction Certificate of Stage 1. 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.

3. The temporary hotel must be decommissioned and removed within three (3) months of the issue of the Occupation Certificate for the new hotel on Lot 5 Section 2 DP758535
4. The Queen Street road reserve must be closed, purchased and transferred to the owner and consolidated with each respective Lot 4 and 5 prior to issue of the Construction Certificate for the new hotel on Lot 5 Section 2 DP758535 (Stage 3).

Building Conditions

5. Construction works not to impact or impede public access to or use of Wingfield Park, being Crown Reserve 79295 for Public Recreation and Resting Place.
6. The development is not to be occupied or used until such time as an Occupation Certificate has been issued.
7. **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 6.00 pm on 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.

8. **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.

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

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

10. 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.

11. If the Managers Residence is to be a relocatable dwelling, then a separate application for its installation on the site shall be lodged with Council under Section 68 of the *Local Government Act 1993*.

Asbestos Removal

12. Prior to any work commencing involving the disturbance or removal of any asbestos materials the principal contractor shall give two days written notice to the owner or occupier of any dwelling within 20m of the development site of his intention to carry out the work.
13. The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Clarence Valley Council's Asbestos Policy, the relevant requirements of SafeWork.
 - a Work Health and Safety Act 2011 and associated regulations
 - b SafeWork NSW Code of Practice - How to Safety remove Asbestos.
 - c Australian Standard 2601 (2001) - Demolition of Structures
 - d The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.

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

14. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures. The Work Plan must include the following information (as applicable):
 - a The name, address, contact details and licence number of the Demolisher/Asbestos Removal Contractor
 - b Details of hazardous materials, including asbestos
 - c Method/s of demolition and removal of asbestos
 - d Measures and processes to be implemented to ensure the health & safety of workers and community
 - e Measures to be implemented to minimise any airborne asbestos and dust
 - f Methods and location of disposal of any asbestos or other hazardous materials
 - g Other relevant details, measures and requirements to be implemented as identified in the Asbestos Survey
 - h Date the demolition and removal of asbestos will commence

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

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

15. Only a Safework NSW licensed demolition or asbestos removal contractor must undertake removal of more than 10 m² of bonded asbestos (or as otherwise specified by SafeWork NSW or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
16. On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
17. Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996. Asbestos waste must be disposed of at an approved waste disposal depot. Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.

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

Engineering Conditions

19. A Certificate of Compliance for Water and or Sewer works must be obtained from Council prior to issue of the Building Occupation Certificate for Stage 3. This may require payment of a fee.
20. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
21. An ITP must be submitted for approval with the application for a **PWC**. The supervising engineer or registered surveyor must arrange for the hold/witness point inspections, and accompany Council and/or accredited Private Certifier on the inspection unless alternative arrangements are made. Hold Point, Witness Point, On / Off Maintenance and/or Practical Completion inspections involving public infrastructure must be attended by Council officers.

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

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

- a Pre-start Meeting (Attended by Council and/or Accredited Private Certifier, Principal Contractor & Supervising Engineer and/or Registered Surveyor)
 - b Erosion & Sedimentation Controls
 - c Earthworks
 - d Roadworks
 - e Stormwater Drainage
 - f Sewer
 - g Water
 - h Other Services
 - i 'On Maintenance' (Public Infrastructure)
 - j Practical Completion (Works on Private Property)
 - k 'Off Maintenance' (Acceptance of Public infrastructure by Council)
22. A **TCP** must be prepared and submitted to Council showing how vehicle and pedestrian traffic will be safely managed within the work site and road reserve. This plan must be prepared by a person authorised by the **RMS** to prepare **TCP's** and must be endorsed by Council prior to the occupation of the road reserve and commencement of work.
23. For any part of the site that comes under the jurisdiction of another Government department, a Controlled Activity approval (or similar approval) may be required. Any such approval must be obtained and provided to Council prior to issue of the Construction Certificate.
24. Water Reticulation Design Plan must be submitted for approval with the application for a **PWC**. The plan is to be generally in accordance with the concept water main relocation sketch prepared by Newton Denny Chapelle Drawing No. 200409-DA-WA-01 Revision A.

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

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

25. Prior to issue of the Occupation Certificate, Queens Lane is to be upgraded in accordance with the requirement of this condition. A Road Design Plan must be submitted for approval with a **PWC** application.

Queens Lane must be upgraded for the full frontage of the Lot to provide:

- a Minimum sealed carriageway width of 5.5 metres from the intersection of Queens Lane to the furthest point of the last access to the development.
- d Kerb and guttering on both sides of Queens Lane for the extent of the required widening.
- c Road pavement widening to be minimum 300mm depth of suitably compacted subbase and base materials.
- d Bitumen spray-seal surfacing must be a 2 coat seal 14 mm / 7 mm with prime for road pavement widening.
- e Adequate tie-in to existing pavement, seal and stormwater drainage infrastructure in Queens Lane and Crown Street.
- f Adequate road safety infrastructure to delineate two-way and one-way sections of Queens Lane to Council satisfaction.

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

26. The dedication, free of cost to Council, of any road widening required to ensure the existing road formation is located within the defined road reserve.
27. Dedication of 1.5m of land is required for widening of Queens Lane, at no cost to Council.
28. Prior to the issue of an Occupation Certificate, on-street car parking is to be provided in accordance with the requirements of this development consent and is to be designed in accordance with AS2890.5, the relevant parts of the applicable Council DCP and **NRDC**. A detailed design plan of the proposed on-street car parking must be submitted for approval with a **PWC** application.

On-street car parking must satisfy the following:

- a A minimum of 40 spaces are to be provided
- b Be located along Crown Street and Queen Street.
- c Provide kerb and gutter for the Crown Street frontage
- d Minimum 300mm pavement depth of suitably compacted subbase and base materials.
- e Bitumen spray-seal surfacing must be a 2 coat seal 14 mm / 7 mm with prime for pavement.
- f Adequate tie-in to existing pavement, seal and stormwater drainage infrastructure in Crown Street and Queen Street.
- g Adequate tie-in to proposed pavement, seal, kerb and stormwater drainage infrastructure in Queens Lane.
- h Nose in only parking.
- i Appropriate parking signage.
- j No existing street trees to be removed from Queen Street

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

29. Internal car parking, driveways, manoeuvring and access areas must be constructed, sealed, line marked and drained in accordance with the approved plan and made available thereafter. The car parking classification is Class 2 for the internal parking and is to be designed in accordance with AS2890, the relevant parts of the applicable Council DCP and **NRDC**. All car parking spaces must be accessible by B99 vehicles.
30. Prior to the issue of the **PWC**, the adequacy of parking, car parks, driveways, garages and vehicular accesses for the development is to be demonstrated by the submission of standard scale plans with manoeuvring paths shown in accordance with AS2890. This must clearly demonstrate that the parking area will function as intended. The parking area plans are to be submitted and approved by Council or accredited private certifier.
31. Any existing vehicular crossings rendered unnecessary by this development are to be removed, and the kerb restored to match the existing kerb profile.

32. A footpath is to be provided along Crown Street connecting the on-street car parking with the development. The proposed footpath along Crown Street is to:
- Be a minimum 1.5m wide.
 - Extend so that it links with the existing coastal walk and Charles street footpath.
 - Kerb ramps to be provided to proposed footpath either side of Queens Lane.
 - The grass strip between the footpath and vehicle parking is not supported.

Amended design plans shall be submitted for approval with the **PWC**.

33. All stormwater falling on the property is to be collected within the property and discharged in accordance with the relevant parts of the applicable Clarence Valley Council Development Control Plans and **NRDC**. A Stormwater Management Plan must be prepared to reflect these standards and guidelines. The Stormwater Management Plan (SWMP) that demonstrates **NorBe** must be prepared in accordance with **NRDC**.

Design details of the drainage system and point of discharge must be submitted with the Stormwater Management Plan for approval by Council and/or accredited private certifier prior to issue of the **PWC**. Connection to the public drainage system requires the approval of Council under the NSW Local Government Act.

On-site detention (OSD) and water quality control systems for individual proposed lots need not be provided until a building is occupied on the lot, but the Development Application must demonstrate **NorBe** by calculation and details acceptable to Council.

34. Prior to the release of any Occupation Certificate, which dedicates additional infrastructure to Council, a completed asset register works return must be submitted to Council. The return is to be in the format approved by Council.
35. In accordance with **NRDC** and prior to the release of the Occupation Certificate, the applicant must provide Work as Executed Plans (WAE) for all works and certification from the supervising professional engineer or registered surveyor, that the works have been constructed in accordance with the approved plans and specifications.
36. Prior to release of the Occupation Certificate, where the total value of works to become Council infrastructure is greater than \$10,000, a maintenance bond is required for 5% of the contract value for works that will become Council infrastructure or \$2,500 whichever is greater. This is required in each stage of the development

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

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

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

Erosion and Sediment Control

37. 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 or the development is accepted 'Off Maintenance'.
38. A detailed Erosion and Sediment Control Management Plan for each stage of the development must be submitted for assessment and approval by Council or accredited private certifier, prior to issue of a **PWC** for the relevant stage. This shall be compatible with the Stormwater Management Plan and must include procedures for clean-up and restoration of public / private property and infrastructure. All such remedial works are to be completed to the satisfaction of Council or accredited private certifier.

39. During the course of the works, the applicant must ensure that vehicles and plant associated with the works do not adversely impact on the roadways to such an extent that cause them to become hazardous for other road users particularly during wet weather. Any such damage is to be rectified by the contractor immediately.
40. All disturbed areas shall be stabilised and revegetated. Turf, seeding or other approved method shall be undertaken in conjunction with or immediately following completion of civil works. Topsoil shall be preserved for site revegetation. All sediment and erosion control measures must be regularly inspected and maintained to ensure they operate to the design specifications and meet the requirements of the NSW Protection of the Environment Operations Act 1997. Weather patterns must be monitored and be coordinated in with the inspection and maintenance procedures. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion. Person/s responsible for managing sedimentation and erosion controls for the development must be nominated to Council or accredited private certifier in writing together with full 24 hour per day contact details.

Environmental Health

41. Plans and sectional elevations showing details of the food preparation and storage layout, disposition, construction and method of installation of all fittings and fixtures, equipment, together with the floor, wall and ceiling finishes, being submitted to the Principal Certifying Authority for approval prior to a Construction Certificate being issued.
42. Plans and specifications showing details of all proposed mechanical ventilation systems being submitted to the Principal Certifying Authority for approval prior to a Construction Certificate being issued. The systems must be designed to satisfy the minimum requirements of AS 1668 Part II.
43. All food preparation and food storage areas shall comply with the requirements of Standard 3.2.3 of Chapter 3 of the Food Standards Code.
44. The mechanical kitchen exhaust hood shall comply with Part F4.12 of the National Construction Code 2011 Building Code of Australia unless documentation is provided to Principal Certifying Authority verifying that power inputs of cooking apparatuses do not exceed those specified in Part F4.12.
45. A food business must be registered with Council prior to operation. A registration form is available here https://www.clarence.nsw.gov.au/cp_themes/metro/page.asp?p=DOC-DIL-18-34-36
46. Flooring within food preparation and food storage areas must be sealed to facilitate effective cleaning, unable to adsorb grease, food particles or water, be laid so there is no ponding of water and unable to provide harbourage for pests.
47. Toilet facilities being fitted with an airlock or mechanical ventilation in accordance with the requirements of the Building Code of Australia.
48. Hand wash basins being provided:
 - a Must be of adequate size to allow effective hand washing and hot and cold water supplied through a single outlet; and
 - b With a supply of liquid soap and disposable paper towels or other means of effectively drying hands.

Landscaping

49. The landscape plan submitted with the DA is generally acceptable. An amended plan must be submitted for approval by Council prior to issue of the Construction Certificate for Stage 1 and must include an additional 5 street trees between Queens Lane and Charles Street being spaced equal to the proposed street trees shown adjacent to vehicle parking area between Queens Lane and Queen Street.
50. All landscaping works are to be completed in accordance with the approved plan prior to the Occupation Certificate being issued.

51. The onsite landscaping is to be maintained on a regular basis, to comply with the approved plans.
52. Imported topsoil for planting to be supplied as a premium grade soil mix in compliance with AS 4419:2018 Soils for landscaping and garden use.
53. Specified trees to be sourced from nurseries that grow to AS 2303:2018 Tree stock for landscape use.
54. Street tree planting along Crown Street to be minimum 100lt pot size, to be planted using 1 slow release fertiliser tablet per hole mixed with site soil and imported topsoil; the trees is to be stabilised by no less than 2 x 50x50x1800mm long hardwood stakes and 2 x hessian ties. Provide water basin under minimum 75mm hardwood chip mulch, mulch to form 800mm circle around base of the tree.

Advertising Signage

55. A separate Development Application will be required for any advertisements not approved as part of this application or that are not defined as "exempt development".

Trade Waste

56. An application to discharge liquid trade waste to Council's sewerage system shall be submitted to Council for approval prior to issue of the Construction Certificate application for each stage. Detailed trade waste drainage plans shall be submitted with the application.
57. Approval to discharge liquid trade waste to Council's sewerage system shall be obtained prior to issuing the Occupation Certificate for each stage.
58. All sinks and floor wastes in food preparation areas shall contain basket arrestors.
59. All liquid trade waste from the kitchen shall discharge through a 2000L grease arrestor. The grease arrestor shall be installed in accordance with AS/NZS3500, the plumbing code of Australia and Council requirements. It shall be located in an area accessible for the pump out contractor.
60. Oil storage containers shall be contained in a roofed and bunded area. The bund shall have the capacity to contain at least 110% of the volume of the largest container or other acceptable means of containment that prevents flow to the sewerage system or environment in the case of accident, leakage or spills.
61. The liquid waste from cleaning bins in the garbage bin storage area should pass through the grease arrestor. This storage area shall be designed and constructed in a manner that prevents the ingress of stormwater to the sewerage system. A dry basket arrestor with a fixed screen is to be fitted to all floor wastes that drain to the sewerage system.
62. If poultry or pork barbequing is conducted in a steam oven that is directly connected to the sewerage system, a fat/oil interceptor shall be installed between the oven and the grease arrestor.
63. Wastewater from glass washers shall not discharge through the grease arrestor.

Integrated Development

64. This approval has also been granted under Section 4.47 of the Environmental Planning and Assessment Act 1979. Compliance with the conditions and advice of Natural Resource Access Regulator, as contained in their letter dated 19 November 2020, consisting of three (3) pages, and as attached to this Notice of Determination. Compliance is to be demonstrated prior to release of the Construction Certificate.

ITEM	6b.21.013	DA2021/0166 – DUAL OCCUPANCY – 545 RUSHFORTH ROAD, SOUTH GRAFTON
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Meeting	Environment, Planning & Community Committee	20 April 2021
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment, Planning & Community (Des Schroder)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	GJ & LF Cole Pty Ltd T/A Craftsman Homes
<i>Owner</i>	Bruce Bowling
<i>Address</i>	545 Rushforth Road, South Grafton
<i>Submissions</i>	Nil

Council has received Development Application DA2021/0166 to construct a second dwelling on the subject site approximately 200m from the existing dwelling.

The application was notified and advertised, no submissions were received during the exhibition 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 100m maximum distance between dwellings required by Clause 4.2D (2). The variation sought is greater than 10% and 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 second dwelling to be located approximately 200 metres from the existing dwelling; and
2. Approve Development Application DA2021/0166 subject to the draft conditions and advices contained in Schedule 1 attached.

COMMITTEE RECOMMENDATION

Novak/Baker

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Baker, Williamson, Novak, Clancy, Simmons

Against: Nil

COUNCIL RESOLUTION – 6b.21.013

Kingsley/Toms

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 second dwelling to be located approximately 200 metres from the existing dwelling; and**
2. **Approve Development Application DA2021/0166 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 DA2021/0166 was lodged on 12 March 2021 to construct a second dwelling at 545 Rushforth Road, South Grafton. The subject land is zoned RU2 Rural Landscape under the *Clarence Valley Local Environmental Plan 2011* (the LEP). A detached dual occupancy is permissible with consent in the zone. Provisions relating to detached dual occupancies are set out in Clause 4.2(D) of the LEP and include dwellings being located within 100m of each other, having sufficient area for on-site effluent disposal and utilising the same driveway access. The applicant has located the second dwelling approximately 200m from the existing dwelling to avoid the need to undertake extensive earthworks. The existing dwelling onsite was approved by Clarence Valley Council under delegated authority by DA2015/0333 on 7 July 2015.

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

The applicant has provided a written request to vary a development standard pursuant to Clause 4.6 of the LEP, that being the 100m maximum distance between detached dual occupancy dwellings within the rural zone under Clause 4.2D(2)(c). 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 maximum distance between the two dwellings:

- The proposed building site is within an open area and responds to the gully and topography of the site,
- Locating the dwelling within 100m would mean the owners would incur unreasonable financial costs due to significant earthworks required to establish a level building surface, and
- The proposed site will have limited impact on the rural character and amenity of the locality.

Comment

The applicant has submitted an On-Site Wastewater Management Application for the second dwelling which demonstrates an on-site effluent disposal system can be adequately accommodated within the existing cleared area. The plans submitted with the application show that the proposed dwelling would utilise the same access as the existing dwelling.

The proposed building site is located within a largely cleared area with a few isolated stands of trees approximately 20m from the dwelling on the north east and south western side. The subject site is bushfire prone and a bushfire hazard assessment has been submitted with the application, based on a site plan submitted by the applicant, the required asset protection zones are able to be contained within already cleared areas with no clearing of native vegetation required.

The change in elevation from the head of the gully to Rushforth Road is approximately 25m. To establish a level building pad and associated drainage infrastructure for the proposed construction would require significant earthworks in comparison to the proposed building site. By locating the dwelling on a relatively flat area it will allow the building contractors to better manage the site while the ground is disturbed, resulting in

less sediment being transported off-site which will have a beneficial outcome for the surrounding environment. Furthermore, locating the dwelling within 100m of the existing dwelling on relatively flat land may result in the dwelling being in close proximity to Council's Watermain that services the South Grafton Industrial area or require the clearing of vegetation. The applicant has positioned the second dwelling to respond to site constraints and limit impact on the environment.

The request to vary the maximum separation distance of 100 metres between detached dual occupancy dwellings on rural land required by Clause 4.2(D)(2)(c) of the LEP has been assessed on its merit. Taking into account the justification by the applicant and assessment above, it is considered that there are suitable grounds to allow the proposal to be approved in the circumstances. Therefore, it is recommended that a variation to the 100m maximum separation distance between detached dual occupancy dwellings on the subject site be supported to allow a 200m distance between the existing and proposed dwelling.

Alternatively, Council may opt to not support the requested variation and require the second dwelling to comply with the controls so that the dwellings are located within 100m of each other. If the second dwelling was located near the existing house, the dwelling would require extensive earthworks which will impose costs on the applicant that may make the proposal not viable. This option is not the officer recommendation.

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 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, Development Planner
Attachment	A. Proposed Plans B. Applications Clause 4.6 Variation Request C. Section 4.15 Report

Schedule 1**Draft Advices and Conditions of Consent for DA2021/0166****Definitions**

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

Advices

1. No construction is to be commenced until a Construction Certificate has been issued.
2. Prior to work commencing on a development the applicant must give notice to Council of their intention to commence work. Such notice shall be in the form of a Notice of Commencement form and must be submitted to Council at least two (2) business days before work commences.
3. The following information shall be submitted to the Council or Principal Certifying Authority prior to issue of a Construction Certificate:
 - a Home Building Compensation Fund (HBCF) Insurance Certificate or copy of the Owner Builder permit
 - b Engineering details
4. All plumbing and drainage work must be in accordance with AS 3500 and the Plumbing Code of Australia. The main drain shall be located external to the building unless exceptional site conditions or unusual circumstances exist (Section 4.10 AS/NZS 3500.5.2012).
5. Primary dwelling (existing) - 1/545 Rushforth Road South Grafton.
Second dwelling (proposed) - 2/545 Rushforth Road South Grafton.

The house numbers shall be clearly displayed so as to be 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 mailboxes should be obtained from Australia Post.
6. Provide wet area flashing to the requirements of the BCA, AS 3740 and the manufacturer's specifications.
7. All excavated or filled areas are to be battered to a slope of not greater than 45 degrees to the horizontal, or alternatively, be retained by a retaining wall. Where the height of the retaining wall exceeds 1m, a compliance certificate or other form of documentary evidence from a structural engineer stating the structural adequacy of the design is to be forwarded to the Principal Certifier. All excavated and filled areas are to be drained to prevent surface water affecting neighbouring properties.
8. Finished ground level adjacent to the building shall be graded to achieve 50mm of fall over the first 1m from the building to move surface water away from the building.
9. The door to the sanitary compartment must open outwards, or slide or be readily removable from the outside of the compartment unless there is a clear space of at least 1.2m between the closet pan and the doorway.
10. All conditions of the on-site wastewater management approval shall be complied with prior to occupation of the dwelling.
11. The manufacturer's details of the roof trusses are to be submitted to Council prior to the frame inspection.
12. All glazing is to be selected and installed in accordance with the provisions of AS 1288 or AS 2047. Upon completion of the building and prior to its occupation, the glass suppliers/installers certificate is to be submitted to Council.

13. A smoke alarm system designed to ensure the occupants are given adequate warning so they can evacuate the building in an emergency and complying with Part 3.7 of the Building Code of Australia shall be installed. Smoke alarms must be interconnected where there is more than one alarm, installed on each level and not located in dead air space. A licensed electrical contractor's installation certificate is to be submitted to Council prior to occupation.
14. The certificates and documentation requested in this approval (e.g. glazing certificate, smoke alarm certificate, etc.) should be emailed to council@clarence.nsw.gov.au quoting the development application number in conjunction with booking the final inspection.
15. The dwelling floor shall be treated and maintained against termites in accordance with AS 3660.1.
 - a Upon installation of the method of treatment a Certificate shall be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with AS 3660.1.
 - b A durable notice must be permanently fixed to the building in the electricity meter box indicating:
 - i the method of protection;
 - ii the date of installation of the system;
 - iii where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label;
 - iv the need to maintain and inspect the system on a regular basis.
16. The following approvals are required for this development and are to be issued by Council and/or accredited Private Certifier as applicable to the development.

- a Local Government Act Section 68 - drainage, water & sewer approval;

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

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

The proposed development has been assessed as contributing an additional 1 ET demand on Council's water supply. This includes an applicable credit for pre-existing uses. The headworks charges at 2020/21 financial year rates are:

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

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

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

18. All building and construction work, which includes subdivision and civil works, which cost \$25,000 or more require the payment of the long service levy prior to a Construction Certificate being issued. The levy is required under the Building and Construction Industry Long Service Payments Act 1986. The total value of works must be included on the Construction Certificate Application form.

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.

Title	Drawn by	Plan Date	Sheet No	Job No
Site	N/A.	9/02/2021	1/6	2020-10-05
Floor	N/A.	9/02/2021	2/6	2020-10-05
Elevations	N/A.	9/02/2021	3/6	2020-10-05

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

GL S94CVCOSGrafton

Clarence Valley Contributions Plan 2011 Community Facilities

Grafton and surrounds \$2,614.60 x 1 additional dwelling = \$ 2,614.60

GL S94CVCCFGrafton

Clarence Valley Contributions Plan 2011 Plan of Management

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

S94CVCPoMResAcco

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 commencement of construction, an Unexpected Heritage Finds Procedure for Aboriginal and non-Aboriginal Heritage must be prepared should actual or potential items or areas of Heritage be discovered during construction activities. This procedure must be tool boxed with all work crews and implemented during construction works. Should any Aboriginal or non-Aboriginal relics or artefacts be uncovered during works on the site, all work is to cease and Heritage NSW shall be contacted immediately and any directions or requirements of the Service complied with.
4. The clearing of trees and shrubs is to be restricted to the area to be built upon, the effluent disposal area and bushfire asset protection zones as required in this consent. No further clearing of trees is to occur without the prior written consent of Council.
5. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
6. A Certificate of Compliance for Water works must be obtained from Council prior to issue of the Building Occupation Certificate. This may require payment of a fee.
7. Erosion and Sediment Control is to be implemented prior to the commencement of any work, including cutting and filling in accordance with the relevant parts of the applicable Council Development Control Plans, 'NSW Managing Urban Stormwater - Soils and Construction (Blue Book)' and NRDC. Controls are to be constructed, managed and maintained by the applicant or head contractor until an Occupation Certificate is issued to prevent sediment from leaving the site or entering downstream properties, drainage lines or watercourses.

8. 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.
9. The development is not to be occupied or used until such time as an Occupation Certificate has been issued.
10. No portion of the alfresco or patio are to be enclosed without prior written approval being obtained from Council.
11. Prior to the issue of an Occupation Certificate the principal contractor responsible for the construction work shall provide Council with a certificate which states that **all commitments** listed within the current Basix Certificate (1183438S dated 6 March 2021) have been installed in accordance with the requirements of that Basix Certificate.
12. The dwelling site is located in a bushfire prone area and the bushfire attack level is BAL 12.5 as determined in accordance with AS 3959 - 2019. The dwelling shall be constructed to a minimum level BAL 12.5.
13. **Water Tank** Install a minimum of 20,000 litres water storage tank dedicated for bushfire fighting purposes. A suitable connection for the Rural Fire Service must be made available. In general a 65mm storz outlet with a gate or ball valve shall be provided. Above ground tanks are to be manufactured out of concrete or metal. Plastic tanks are not to be used.
14. The following Asset Protection Zone (APZ) Inner Protection Areas (IPA) and Outer Protection Areas (OPZ) shall be established around the dwelling prior to the commencement of the building works and maintained in accordance with the requirements of the NSW Rural Fire Service document titled 'Planning for Bushfire Protection 2019' and AS3959 - 2019.

North: 10m IPZ and 20 m OPZ
South: 10m IPZ and 20 m OPZ
West: 10m IPZ and 20 m OPZ
East: 10m IPZ and 20 m OPZ

The IPA shall have a tree canopy cover of less than 15%; no trees within 10 metres of the dwelling; tree canopies shall be separated by a minimum of 5 metres; and all trees shall have their lower limbs removed to a height of two metres above ground. Shrubs shall be located a minimum of twice the mature height from the dwelling and not exceed 10% of ground cover with regular large gaps between vegetation. All leaves and vegetation debris shall regularly be removed and grasses shall not exceed 10cm in height. The IPA and OPA shall be provided prior to the commencement of any building works and maintained for the life of the dwelling.

15. Inappropriate landscaping within the asset protection zone (APZ) is a significant cause of house loss in a bushfire. Landscaping within the APZ shall comply with Section 7.4 and Table 7.4a of Planning for Bushfire Protection 2019 and be managed and maintained in perpetuity. No gardens or plantings shall be located within 1m of the house. It is recommended a concrete/paved/gravel perimeter path be provided around the dwelling.
16. A suitable enclosure shall be provided on site, during construction, for depositing waste materials that could become wind blown. Waste materials shall be disposed of to an approved recycling service or waste depot. No burning of waste materials shall occur.
17. 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.

18. A fully dimensioned and notated work as executed sewer drainage and storm water plan is to be submitted to Council and the property owner upon completion of all drainage lines. A Certificate of Compliance for Plumbing and Drainage Work shall be submitted to Council upon completion of work.
19. **Mandatory Inspections** The head contractor or owner-builder must give Council as the certifying authority at least 24 hours notice to enable the following inspections to be performed at the appropriate time:
- a **Pier holes** (if any), before concrete is poured,
 - b **Footings**, with reinforcement in place before pouring of concrete,
 - c After reinforcement is in positions and before pouring of any **in-situ reinforced concrete** building element,
 - d Before internal covering/lining of the **framework** for any floor, wall, roof, or other building element,
 - e **Plumbing work** prior to covering/lining walls,
 - f **Sewer drainage** work prior to back filling/lining,
 - g Before covering **waterproofing in any wet areas**,
 - h After the **building work has been completed** and prior to occupation.

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

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

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

21. 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.

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

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

ITEM	6b.21.014	DA2019/0191 – SUPERCHEAP AUTO – 19 THROUGH STREET, SOUTH GRAFTON – REQUEST FOR WAIVING OF SECTION 64 CONTRIBUTIONS
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Meeting	Environment, Planning & Community Committee	20 April 2021
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment, Planning & Community (Des Schroder)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Doug Burgess C/- Freestar Group
<i>Owner</i>	Lashan Fabrications Pty Ltd T/A Grafton Metal and Fabrication
<i>Address</i>	19 Through Street, South Grafton
<i>Submissions</i>	Nil

Development Application DA2019/0191 approved the demolition of existing building to enable the construction of a specialised retail premises (Supercheap Auto). As part of the approval Section 64 contributions were imposed on the consent in line with the adopted Water Directorate ET Guidelines.

The applicant is now seeking Council waive the whole of the contributions payable for the development which when calculated at the current rate is a total of \$84,652.20.

This matter is discussed in detail in the Key Issues section of this report and a recommendation to Council is provided for consideration.

OFFICER RECOMMENDATION

That Council reduce contributions by 2 equivalent tenements (ET's) for both sewer and water contributions in accordance with the Section 64 Assistance for Small Business Policy and not waive the whole of the contributions as requested by the applicant.

Having declared an interest in this item, the General Manager (Mr Lindsay) left the Committee meeting at 3.39pm and returned at 3.51pm.

COMMITTEE RECOMMENDATION

Baker/Novak

That Council

1. Accept the proposed development will have no nett increase on Council sewer and water infrastructure and/or services.
2. Agree no extra charges or contributions are payable on the basis of no nett increase.

Voting recorded as follows

For: Clancy, Baker, Novak, Simmons, Williamson

Against: Nil

FORESHADOWED MOTION

Clancy

That this item be deferred to the Ordinary Council meeting in order to seek more clarification.

Having declared an interest in this item, the General Manager (Mr Lindsay) left the Council meeting at 3.05pm and returned at 3.29pm.

COUNCIL RESOLUTION – 6b.21.014

Baker/Lysaught

That Council

- 1. Accept the proposed development will have no nett increase on Council sewer and water infrastructure and/or services.**
- 2. Agree no extra charges or contributions are payable on the basis of no nett increase.**

3. Receive on an urgent basis a report informing on options available to its revenue policy that would if adopted correct the inequities of current policy for non-residential development found in this application where floor area is used as the basis for calculation rather than realistic actual use of the subject development.

Voting recorded as follows:

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

Against: Novak, Ellem, Clancy

CARRIED

FORESHADOWED MOTION

Clancy

That this item be deferred until a comprehensive report is presented to Council at either the May or June 2021 meetings addressing all of the issues raised to date by staff and Councillors.

LINKAGE TO OUR COMMUNITY PLAN

Theme 3 Economy

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

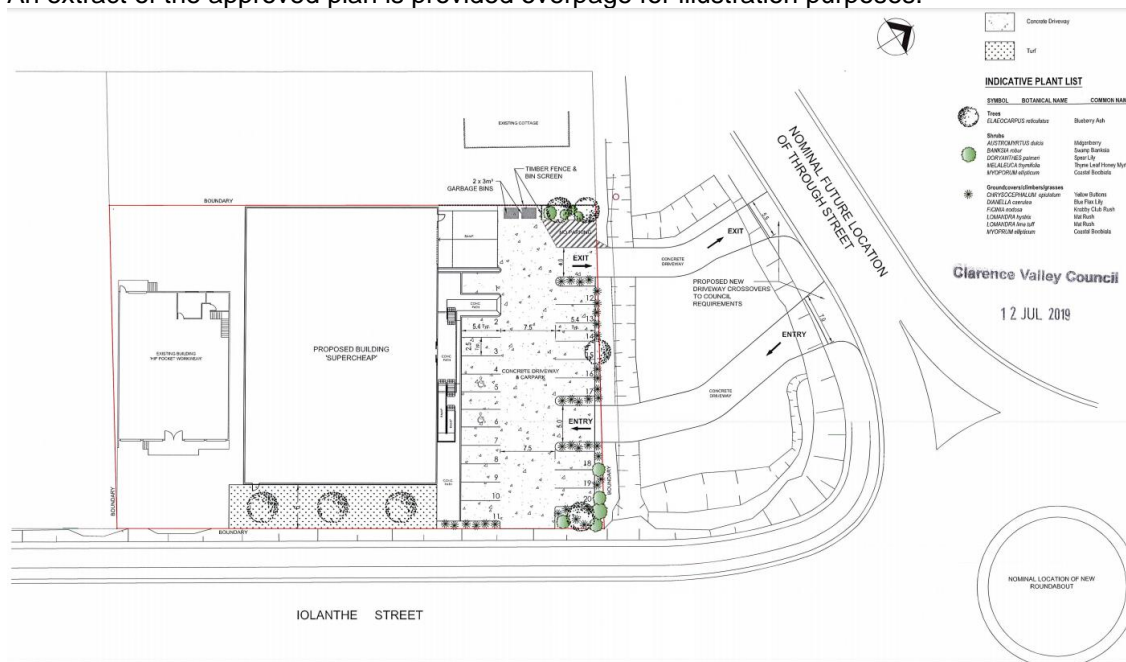
Strategy 3.1.2 Grow the Clarence Valley economy through supporting local business and industry

BACKGROUND

Development Application DA2019/0191 for demolition and construction of a specialised retail premises upon 19 Through Street, South Grafton was approved under delegated authority on 12 July 2019. The approved works include:

- Demolition of existing part brick and part metal building/shed.
- Construction of a new concrete tilt-up wall panel and metal roof building that will be occupied by Supercheap Auto.
- Overall building dimensions of approximately 26m x 38m with a maximum height of 8m to the top of the front elevation parapet.
- Gross floor area of 970m² with a 29m² portico (including stairs and accessible ramp to front of building).
- Signage
- Construction of new car parking area containing 21 parking spaces (including 2 accessible spaces).

An extract of the approved plan is provided overpage for illustration purposes.



Extract of Approved Plan by Ardill Payne & Partners Job No. 8601

Based on a gross floor area of 970m², the proposed development was assessed as contributing an additional 9.7ET demand on Council's water supply, and an additional 9.7ET loading on Council's sewerage system. The development was assessed as a single retail shop at a rate of 0.01 ET/m² floor area in accordance with the Water Directorate ET Guidelines.

However, an applicable credit of 2.52ET for pre-existing uses was applied to the development resulting in a total contribution ET rate of 7.18 (9.7-2.52). The following contributions were applied to the development based on 2018/19 financial year.

•	Water Headworks \$4,898.00 x 7.18 additional ET	= \$35,167.64
•	Sewer Headworks \$6,700.00 x 7.18 additional ET	= \$48,106.00
	TOTAL	= \$83,273.64

As the contributions were not paid within 12 months of determination of the consent, the current contributions payable for the 2020/21 financial year are:

•	Water Headworks \$4,979.00 x 7.18 additional ET	= \$35,749.22
•	Sewer Headworks \$6,811.00 x 7.18 additional ET	= \$48,902.98
	TOTAL	= \$84,652.20

KEY ISSUES

1. Waiving of Section 64 Water and Sewer Contributions

The applicant has requested Council waive the total contribution amount of \$84,652.20 for sewer and water contributions for the following reasons:

- Financial viability due to a reduction in rental amounts and increasing construction costs.
- The developer has transformed one side of Iolanthe Street Industrial Area and was hoping to do so with Through Street.
- It is unreasonable to penalise a developer with large contributions when all labour and contractors are local.
- The new building will have 1 disabled WC and basin plus a sink in the lunchroom (3 fixtures). Using the fixture loading units from AS3500.1 Sanitary Plumbing and drainage code – table 3.1, the proposed building has the equivalent of 5 Fixture Units. A standard house (1ET) is assumed to have 19 fixture units. Further, the existing industrial building has 2.52 ET credits and contains more fixture units than the proposed building.
- The developer pays an annual rates charge of \$1142 for sewer.
- The developer paid for \$40,316.85 for sewer upgrading works in Through Street as part of a separate development

Comment

The development has been levied with Section 64 Contributions in accordance with Council's adopted guidelines which would be similarly applied to any other business in the style of a single retail shop as standard practice.

Council's Policy for Section 64 Assistance for Small Business acknowledges that sewer and water developer contributions can adversely impact on the viability of establishing small businesses (industrial and commercial). To assist with the establishment of small businesses, the Policy allows the reduction of the calculated Section 64 sewer and water contributions for commercial and industrial small business developments by up to 2ET as follows:

- First 2 ET - 50% reduction (i.e. up to 1.0ET total reduction)
- The 3rd and 4th ET - 30% reduction (i.e. up to 1.6ET total reduction)
- The 5th and 6th ET - 20% reduction (i.e. up to 2.0ET total reduction) >6 ET - No further reduction

As per the Policy, a *small business* is defined as a commercial or industrial business that will employ no more than 15 employees (defined as individual employees, not just full time employees) at all stages of the development. Advice from the applicant has confirmed that the new premises will employ up to 13 people at anyone time which allows Council to use the reduction rates set out in the Policy.

A reduction in ET's in line with Council's Policy is recommended which would result in the following contributions being payable for the proposed development:

- | | |
|---|----------------------------|
| • Water Headworks \$4,979.00 x 5.18 additional ET | = \$25,791.22 |
| • Sewer Headworks \$6,811.00 x 5.18 additional ET | = \$35,280.98 |
| | TOTAL = \$61,072.20 |

In response to the reasoning provided by the applicant, the following comments have been provided by Council's Development Engineer for clarification:

- The use of local labour and contractors is acknowledged and a reduction in accordance with Section 64 Assistance for Small Business is recommended.
- The definition of loading or the term loading units used under AS3500.1 do not reflect the definition of equivalent tenements (ETs) as defined in the *Water Directorate ET Guidelines* and therefore cannot be applied in the same way.
- The existing property is currently serviced by and connected to sewer.
- The sewer upgrading works in Through Street previously undertaken by the developer relates to a separate development and was not required for this development.

If Council is of the opinion that the contributions are excessive Council may wish to waive part or the full contribution amount of \$84,652.20 for the reasons provided by the developer. This is not the preferred option as it is inconsistent with Council's Policy and could set a precedent for other similar type of developments. A discount as credit by previous uses has been applied plus an additional reduction of 2ET in accordance with Council's Section 64 Assistance for Small Business Policy.

COUNCIL IMPLICATIONS

Budget/Financial

Council's Section 64 Assistance Policy for Small Business allows a reduction of sewer and water contributions up to 2ET's. If Council supports a reduction in accordance with the Policy, then an amount of \$61,072.20 will be payable to Council towards sewer and water headworks resulting in a monetary reduction of \$23,580.

If Council supports the full waiving of contributions, this would result in a reduction of \$84,652.20 towards provision of sewer and water infrastructure. Waiving the full contribution amount is likely to result in similar retail businesses claiming discounts of similar development setting an undesirable precedent.

Asset Management

Council would be accepting additional maintenance costs on Council infrastructure as a result of an increase in usage/loading from the development without collecting appropriate contributions.

Policy or Regulation

Section 64 Assistance for Small Business
Water Directorate ET Guidelines

Consultation

The following internal sections of Council were consulted regarding the waiving contributions.

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Development Engineer	Reduction in accordance with Section 64 Assistance for Small Business Policy supported by up to 2ET

Legal and Risk Management

The recommendation to waive contributions up to 2ET complies with Council's Section 64 Assistance for Small Business resulting in reduced legal and risk management

Climate Change

N/A

Prepared by	Carmen Landers, Acting Development Services Coordinator
Attachment	A. Request from Applicant B. Notice of Determination DA2019/0191

ITEM	6b.21.015	REV2021/0003 – REQUEST TO REVIEW CONDITIONS ON DA2020/0769 FOR A DWELLING AND SHED AT 54 WILLIAMS CRESCENT, WOOLI
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Meeting	Environment, Planning & Community Committee	20 April 2021
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	B.M Schafer
<i>Owner</i>	B.M. Schafer
<i>Address</i>	54 Williams Crescent, Wooli
<i>Submissions</i>	Yes - applicant's covering letter, neighbour's submission and petition in support

DA2020/0769 was determined on 16 February 2021 for a dwelling and shed at 54 Williams Crescent, Wooli with a condition attached requiring that the wall height of the shed proposed to be located in front of the dwelling be reduced from 4.2m as proposed to 3.6m and to require cladding to match the dwelling and for the shed to be provided with 350mm eaves. An advice was also placed on the consent indicating that a larger shed could be considered if it were to be located at the rear of the dwelling.

The applicant has submitted a request for a review of that condition and advice. As the request for review is not supported by the reviewing officer the review is being referred to Council for consideration and determination. The applicant has also lodged a request for waiving of fees paid in association with the review request (i.e. \$223.50).

OFFICER RECOMMENDATION

That Council:

1. Refuse the request for review of development consent 2020/0769 as it is considered that the subject consent condition was reasonable and warranted to mitigate valid concerns of the impact of the original proposal on the current and likely future streetscape due to its size, location and industrial appearance.
2. Decline the request for waiving of fees associated with the review request as the applicant is not a community or not for profit organisation and the fees are regulated by the Environmental Planning and Assessment Act to cover Council's costs in assessing and determining the review request.

COMMITTEE RECOMMENDATION

Baker/Novak

That Council

1. Approve the review application REV2021/0003.
2. Waive the review application fee due to the uncertain wording of the consent and associated conditions relating to garage dimensions.

Voting recorded as follows

For: Baker, Williamson, Clancy, Novak, Simmons

Against: Nil

COUNCIL RESOLUTION – 6b.21.015

Kingsley/Toms

That Council

1. **Approve the review application REV2021/0003.**
2. **Waive the review application fee due to the uncertain wording of the consent and associated conditions relating to garage dimensions.**

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 2020/0769 was lodged on 7 December 2020 for a dwelling and garage at 54 Williams Crescent, Wooli (see photo of the block below). The proposed garage measured 12.0m x 8.2m with a wall height of 4.2m and an overall height of 5.0m and was to be located in front of the dwelling. The dwelling was proposed to be clad on its front and rear elevations with fibre cement wall boards with colorbond cladding on its side elevations. The shed was proposed to be clad entirely with colorbond.



54 Williams Crescent, Wooli

The proposal was notified with one submission being received from the neighbours directly opposite at 57 Williams Crescent (see photo below) expressing concerns about the location of the shed in front of the dwelling, the size and industrial appearance of the shed and its impact on the streetscape. The applicant was contacted and advised of the concerns raised in the neighbour's submission and it was suggested that they may wish to relocate the shed to the rear of the dwelling to address those concerns. That request was declined by the applicant.



57 Williams Crescent, Wooli

The application was subsequently approved on 16 February 2021 with the following advice and condition attached to the consent to address concerns with the size, location, and industrial appearance of the shed:

Advice 14

A condition of this approval limits the height of the shed to a maximum 3.6m wall height (excluding gable walls). A higher shed can be considered if located at the rear of the property. A Section 4.55 modification application would then be required to be lodged.

Condition 13

To ensure the shed is more in keeping with the objectives and requirements of the Clarence Valley Residential Development Control Plan (DCP) the following items shall be incorporated into the shed design:

- 1. Wall height to be a maximum of 3.6m*
- 2. A minimum 350mm wide eave to at least the front and both sides of the shed with a barge board/capping facing the street to replicate the size of the barge board on the dwelling.*
- 3. A weatherboard look wall cladding (e.g. fibre cement) shall be installed on the north, eastern and southern sides of the shed. Amended plans incorporating the above changes and details of the wall cladding shall be submitted to Council for approval prior to issue of the construction certificate.*

An application for review of DA 2020/0769 (REV2021/0003) was lodged on 16 March 2021 which is the subject of this report. On 22 March 2021 the applicant also lodged a request for waiving of fees paid in association with the review request (i.e. \$223.50).

KEY ISSUES

Council's DCP has the following requirements in respect of sheds and carports:

C1. Objectives

The following objectives should be met in designing development in residential zones:

(a) Siting.

Development which is responsive to site constraints and the surrounding environment.

(b) Local Character and Identity.

Development which is of a high quality and is sensitive to the character of the locality in which it is being developed.

(c) Streetscape.

Streetscapes which enhance the amenity of an area and preserve the established character of the locality where this is warranted.

(d) Building Design.

i. Building design that responds to the site and reflect a North Coast character.

C4.1. Presentation to the street

New development should face the street. Long walls should be broken into sections by the use of bay windows, verandahs, balconies or wall offsets. This should create a balance between areas of solid wall and openings such as doors and windows. The main entry to a building should be visible from the street to convey a sense of address. Garages should not visually dominate the street frontage. They should preferably be set back behind the front facade of the dwelling or suitably screened.

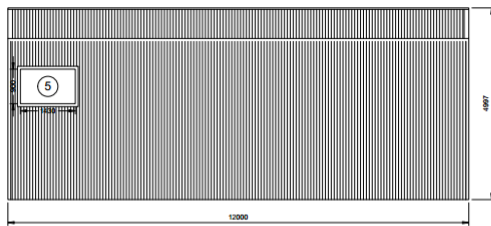
C5.5. Carports and garages

Carport, garages, sheds and other buildings should be compatible with the building design and adjacent development in terms of height, roof form, detailing, materials and colours.

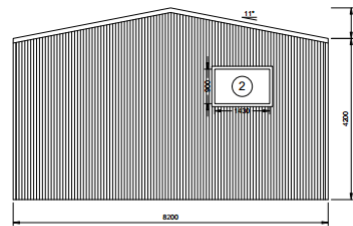
C30.1. On land in R1, R2 and R3 residential zones sheds and outbuildings must comply with the following:

- Maximum floor area 100m².
- Maximum wall height 3m.
- Maximum building height 4.5m.
- Must be behind the front setback.
- Located at least 900mm from side and rear boundaries.

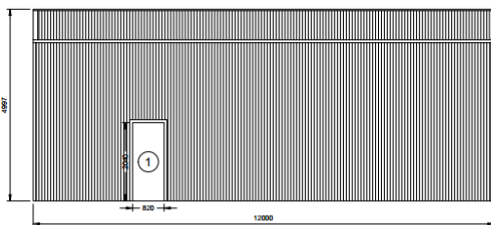
C30.3. Variations to these requirements will be considered where a shed is not highly visible from the street and reasonable side boundary setbacks are available for landscaping.



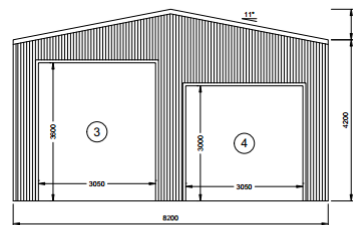
2 LEFT ELEVATION
SCALE: 1:75



3 REAR ELEVATION
SCALE: 1:75
FRAME #3

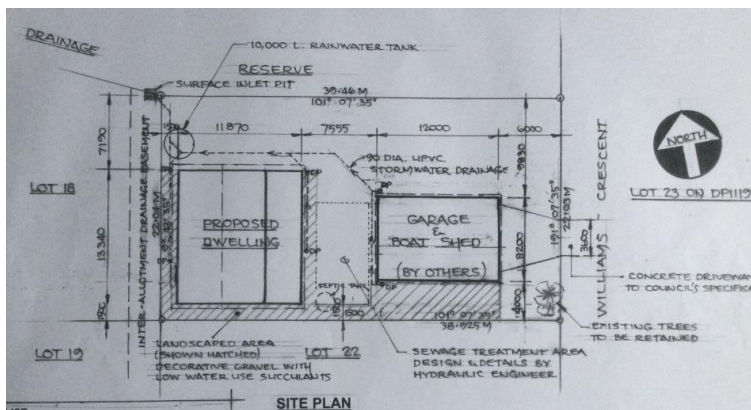


1 RIGHT ELEVATION
SCALE: 1:75



4 FRONT ELEVATION
SCALE: 1:75
FRAME #1

<p>151 Smeaton Grange Road, Smeaton Grange, NSW, 2527 Phone: 02 4848 7777 Fax: 02 4848 7700 Email: sales@bestsheds.com.au</p>	<p>CIVIL & STRUCTURAL ENGINEERS COMMERCIAL - RESIDENTIAL - INDUSTRIAL - HISTORIC - STEEL DETAILING CAMILLO PINEDA MORENO Level 16, Acacia Building, 170 Pitt Street, Sydney NSW 2000 (NSW)</p>	Customer Name: Brenda Schafer	DATE: 21-11-2020
		Site Address: 54 Williams Creek Woodl NSW, 2462	JOB NO. 0312219880 SHEET 2 of 8



The shed in its original proposed form did not adequately address either the objectives or the specific requirements of the DCP. The site is currently a vacant lot located in the newly developed area of Woolli. A drainage reserve adjoins the property to the north. There are also several vacant lots near the site. An objection to the original DA was received from the owners of 57 Williams Crescent (across the street) based on the shed being located in front of the house, the industrial appearance of the shed and the design being not in keeping with a coastal residential locality (see Attachments). The objection has validity as there are no other similar industrial scale sheds in the immediate vicinity, though other sheds have been approved in the local area in front of dwellings and the applicant refers to those in the submission attached to the review request. (see Attachments). Those sheds are either architecturally designed, of a smaller scale, are incorporated into the dwelling design or have design features that lessen their impact on the streetscape.

The applicant has provided a detailed submission in support of the review request (see Attachments) which refers to the locations of other sheds in the local area and states that the large sized shed is needed to accommodate a high fishing boat and caravan. It is noted that the street addresses of the existing sheds in the area referred to in the applicant's submission contains some inaccuracies.

The original assessment of the DA indicated that due to the existence of other sheds being located in the front yards of dwellings in the locality it could be seen as unreasonable to require the shed to be relocated behind the dwelling. However, the imposition of conditions to reduce its height and improve its appearance would enable the development to proceed in substantially the same format as proposed whilst addressing concerns on its impact on the streetscape.

It is considered that the original assessment of the application was appropriate and that the conditions placed on the consent, (which permitted a variation to the DCP maximum wall height of 3.0m to 3.6m), to address valid concerns raised by the neighbour as well as streetscape issues, should be retained.

Should Council wish to approve the request for review then Advice number 14 and Condition number 13 could be deleted from the consent.

COUNCIL IMPLICATIONS

Budget/Financial

There may be a cost to Council if the applicant chooses to appeal a refusal decision of Council and there will be direct cost to Council of \$223.50 if the request to waive the fees is granted.

Asset Management

N/A

Policy or Regulation

Environmental Planning and Assessment Act 1979
Clarence Valley Local Environmental Plan 2011
Clarence Valley Council Residential Development Control Plan

Consultation

The proposal was notified to neighbours with one submission received.

Legal and Risk Management

The applicant has sought a review under Section 8.2 of the Act. The applicant has the option to lodge an appeal to the Land and Environment Court against Council's determination. Any appeal would be likely to entail some cost to Council, however, this is only a potential at this time.

Climate Change

N/A

Prepared by	Kerry Harre, Building and Environmental Services Coordinator
Attachment	<ol style="list-style-type: none">1. Notice of Determination DA2020/07692. Applicant's Submission3. Objector's Submission4. Petition in support

ITEM	6b.21.016	GRAFTON CBD PLAN AND TRANSPORT STRATEGY – TEMPORARY TRIALS AND COMMUNITY ENGAGEMENT
Meeting	Environment, Planning & Community Committee	20 April 2021
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment, Planning & Community (Des Schroder)	
Attachment	Yes	

SUMMARY

The Grafton CBD Plan and Transport Strategy is well progressed, and public consultation is scheduled for 7 May to 4 June. A key part of the consultation is to conduct some live trials of ideas that have emerged from community consultation and consultant studies. These trials are proposed for the same time as the consultation on the draft CBD Plan and Transport Strategy and supporting documents.

Two trial sites have been determined to be suitable – one in the main/central retail block of Prince Street and the second at the northern end of the CBD near the Bacon Street intersection. These live initiatives will demonstrate the type of changes that could be introduced into Prince Street and the CBD. The Chamber of Commerce and adjoining businesses support the idea.

This report seeks Council support for the trials at the recommended locations.

OFFICER RECOMMENDATION

That Council resolves to:

1. Support two temporary trials of CBD activation to promote the Grafton CBD Plan and Transport Strategy, including widening footpaths, trialling nose in parking, landscaping safety measures, along with cyclist, pedestrian, and aesthetic improvements generally consistent with plans at Figure 1 and 2 of this report.
2. Note the draft Grafton CBD Plan and Transport Strategy and supporting documents will be on public exhibition from 7 May to 4 June 2021 and that all submissions, analysis, and recommendations will be reported to Council at the July Council meeting.

COMMITTEE RECOMMENDATION

Williamson/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Clancy, Baker, Novak, Simmons, Williamson

Against: Nil

COUNCIL RESOLUTION – 6b.21.016

Novak/Toms

That Council resolves to:

1. Support two temporary trials of CBD activation to promote the Grafton CBD Plan and Transport Strategy, including widening footpaths, trialling nose in parking, landscaping safety measures, along with cyclist, pedestrian, and aesthetic improvements generally consistent with plans at Figure 1 and 2 of this report.
2. Note the draft Grafton CBD Plan and Transport Strategy and supporting documents will be on public exhibition from 7 May to 4 June 2021 and that all submissions, analysis, and recommendations will be reported to Council at the July Council meeting.

Voting recorded as follows:

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

Against: Lysaught

CARRIED

FORESHADOWED MOTION

Lysaught

That this matter be deferred for 1 month to consult with the businesses directly affected by the proposed nose-in parking.

LINKAGE TO OUR COMMUNITY PLAN

Theme 1 Society

Objective 1.1 We will have proud and inviting communities

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

BACKGROUND

The Grafton CBD Plan and Transport Strategy is being developed with the involvement of relevant sectors of the Grafton community. This has included a community survey, on street conversations, behaviour mapping and a 'place audit', parking audit, traffic survey, workshops and discussions with representatives of the community covering, accessibility and mobility, aged care, youth, Chamber of Commerce, local business owners, land owners and others.

The draft plans will be available for wider community consultation in May. The project has a number of important objectives, as outlined in Attachment A. The demand for the project includes the change of responsibility for Prince Street from RMS/Transport for NSW to Council, a renewed focus on making Prince Street an enjoyable place and space where people want to spend time to shop, to socialise and to support business.

Fourfold Studio are part of the consortium of consultants helping deliver this project for Council. They have extensive experience with temporary installations in other regional centres and major cities. Similar initiatives have been used effectively to generate interest and support for improvements to streetscapes, transport functionality or enliven spaces and places throughout the urban environment. The vibrant spaces program endorsed by Council is similar in concept to the trials and extends this idea further to demonstrate how vibrant spaces have a wide range of economic, social and environmental benefits.

Lismore, Tweed, Byron and Ballina Councils have all been utilising 'parklets' to bring greenery, interest and activation to main streets on a longer-term basis. Similar initiatives were successful engagement tools and streetscape improvements in the Christchurch earthquake recovery process.

The project proposal from the consultants included trials and community engagement and are key reasons why Council selected these consultants to prepare the Plan and Strategy.

KEY ISSUES

The proposed trial sites illustrated in Figure 1 & 2 and described below:

1. At the northern end of Prince Street, adjacent to Bacon Street. It is proposed to trial nose in parking, widen the footpath by around 1.2m with temporary timber decking, include an additional seating 'blister' in front of the café and instal planter boxes and large pot plants to improve amenity and as a barrier to vehicles for safety. In addition, bike racks and aesthetic improvements is proposed for the wide central median strip. Traffic management will be in place for the trials. This site has been chosen as it is a relatively quiet part of Prince Street, there is no line marking for existing on street parking, thus changing to nose in as a trial is easier than elsewhere, it would improve accessibility and mobility, local businesses are supportive and this site acts as a 'gateway' to the CBD from the northern end of Prince Street.

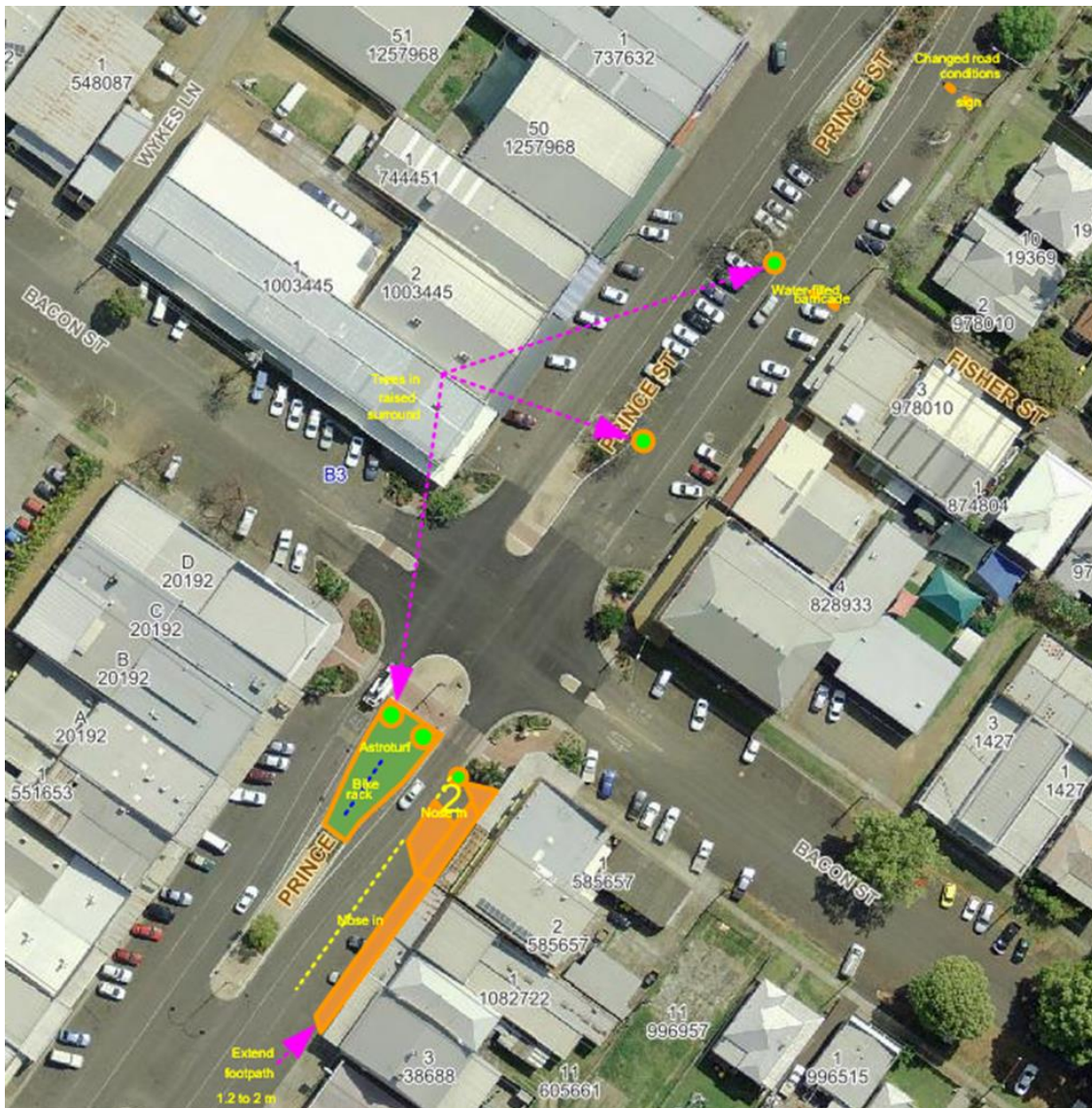


Figure 1 - Prince Street corner with Bacon Street - initial concept design, widen footpaths, trial nose in parking, bike racks, traffic calming

2. Prince St main block (adjacent to ‘the link’, which joins Shoppingworld to Prince Street). A ‘Place Audit’ and survey of pedestrian movement completed during this project confirmed that this is the busiest part of the CBD for pedestrian traffic. This site adjoins the pedestrian crossing and with high usage can act as a focal point for community engagement. Creating a small area for seating, additional greenery and display boards for the project creates a pleasant space for the community, our consultants and Council staff to converse about ideas for the CBD.

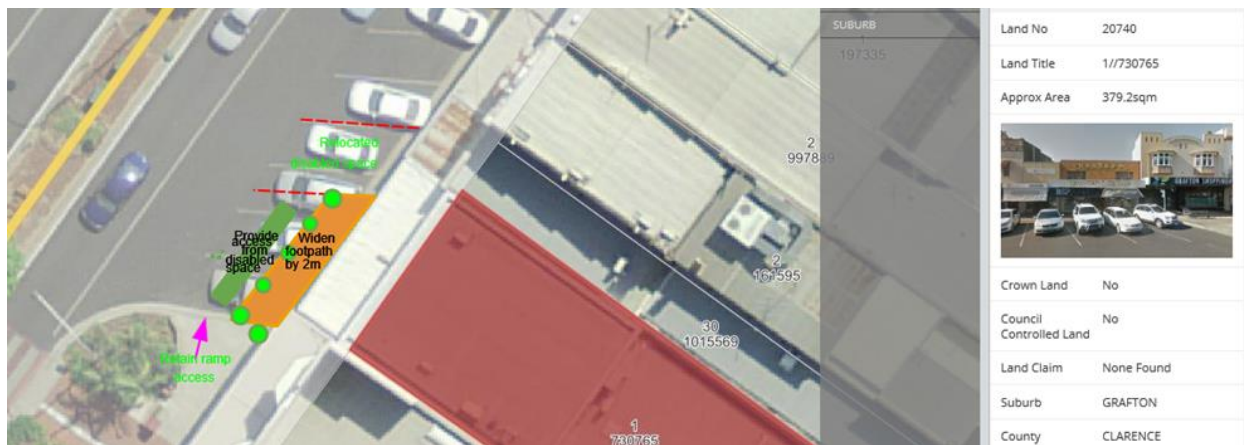


Figure 2 - Adjacent to 'The Link' and existing arcade – initial concept design. Widen footpath, provide additional greenery and space for café seating and community engagement.

The installations will prioritise public safety but will be temporary and removable. The intention is to construct timber decking off site for easy installation, utilise artificial turf and materials as outlined above that can be relocated and reused for similar trials or events in the Clarence Valley.

Council staff and the consultants have been discussing these ideas with business owners on Prince Street and there is widespread support for both the temporary trials and the improvement plans for the CBD. These types of trials are most successful when the surrounding businesses are involved in the initial thinking, design and even maintenance and surveillance of the temporary changes. The businesses adjacent to the trial sites are keen to see how these trials work and to be involved in their success.

Safety

The safety of traffic, pedestrians, cyclists and anyone with mobility or accessibility requirements will remain a priority. A Traffic Control Plan will be completed by an accredited CVC Engineer. Traffic calming such as narrowing the road with temporary installations (large pots or similar) will signal to drivers to slow down and to be aware of the changed parking arrangements. Variable Message Sign Boards will also be used to inform motorists travelling along Prince Street to slow down. The Prince/Bacon Street site has been chosen because there is plenty of space between the footpath and the travel lane, no line marking for existing parking, it is quieter than other sections of Prince Street, is located immediately beyond a pedestrian crossing when travelling towards the CBD and is within the 40km per hour pedestrian zone.

Loss of Car Parking

The proposed trial will involve the loss of two parking spaces at the northern trial site near Bacon Street, and three spaces adjacent to 'The Link' for a period of 4 weeks. The adjacent shop owners and Chamber of Commerce are supportive of the trials. It is worth noting that a car parking audit for the project has found no concern with the amount of car parking available in Grafton for the foreseeable future.

Other issues

Other issues such as aesthetics, maintenance, security, stormwater drainage, utilities, services, and other practicalities will be front of mind through the installation, detailed design, and construction of the temporary trials through our Open Spaces & Facilities and Civil Services groups. Some images from similar examples are provided as Attachment B live trial ideas inspiration.

COUNCIL IMPLICATIONS

Budget/Financial

Final detailed design and install will be within existing budgets. Materials have already been organised within Council, such as bike racks, planters, trees and 1,000 litre IBC containers and 44 gallon drums and to re-purpose these and upcycle existing material to be smart, safe and sustainable with paint, hessian, timber coverings and other materials. The adjacent businesses are also keen to add their finishing touches with artistic or creative additions to create an attractive and vibrant installation. It is anticipated that upcycled material, such as pallets, combined with marine grade ply and astro turf, along with upcycled 1,000 litre water containers covered with timber can be used to temporarily house trees (which will become part of our normal planting schedule) painted 44 gallon drums with smaller trees/shrubs also part of our open spaces planting schedule and hire or re-use of planter boxes and the like will all keep costs down. Cycle racks are already in storage that can be used for this trial.

The total cost has been estimated to be around \$20,000 and would be met by the project budget, including assistance from the Open Spaces and Civil Services teams for installation, maintenance and removal of the 4-week trial.

Asset Management

The trial will be temporary and designed to be fully removable so that the pavement, footpath and other assets will be returned to their current state at the conclusion of the trial. Materials will be re-usable and have been selected accordingly.

Policy or Regulation

The trial is part of wider efforts to improve the Grafton CBD in accordance with the Local Strategic Planning Statement, Community Strategic Plan and other priorities such as promoting walking and cycling and road safety. Council's Local Traffic Committee have been informed about the trials and Council staff and consultants have been liaising with representatives of Transport for NSW during the project.

Consultation

The ideas have been discussed with internal staff, including teams from across the Environment, Development and Strategic Planning group, Open Spaces and Facilities and Civil Services. Workshops and surveys have included members of the local business community, representatives of the broader community and shop owners adjacent to the proposed trial sites. The Chamber of Commerce and the surrounding business owners and café operators have also been involved in various conversations to improve trial design, clarify ideas, discuss any issues to make the most of the opportunity.

The trials will give the community an opportunity to see and experience in real life some of the ideas in the draft Grafton CBD Plan and Transport Strategy. Rather than being directed to read technical reports on Council's website, the community will be part of the trials and be able to talk with Council staff on Prince Street while experiencing them. This should improve the quality of feedback from the public. The philosophy behind the engagement approach is that the CBD is a place for people and thus the community should be involved in its re-development.

Legal and Risk Management

Council insurances cover potential public liability. To reduce the risk that some members of the community may be confused by the change there will be clear messaging in social media, Council's website, around the trial sites, through the Grafton Chamber of Commerce and business owners.

Climate Change

The trial sites will upcycle or reuse material and will attempt to help cool the immediate area of the CBD by temporarily covering some bitumen surfaces and adding greenery. The Climate Change Committee were consulted on the wider project directions and are generally supportive of its direction, so long as materials such as paint for the trial sites are sustainable.

Prepared by	Stephen Timms, Senior Strategic Planner (Policy)
Attachment	A: Project Objectives B: Live trial ideas inspiration

ITEM	6b.21.017	CLARENCE VALLEY COUNCIL GENERIC PLAN OF MANAGEMENT (DRAFT)
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Meeting	Environment, Planning & Community Committee	20 April 2021
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (Adam Cameron)	
Attachment	Yes plus To be tabled Attachment	

SUMMARY

A draft plan of management has been prepared for all Council-owned land and Crown land managed by Council set aside and/or embellished as public open space or developed for a specific community purpose not covered by a site specific plan of management (PoM). The preparation of a PoM is a statutory requirement for community Crown land under the *Crown Land Management Act 2016* and for land classified as 'community' under the *Local Government Act 1993*.

OFFICER RECOMMENDATION

That Council:

1. Note the preparation of this draft *Clarence Valley Community Land, Crown Reserves and other Public Places Generic Plan of Management 2021 – 2030* (generic PoM) for all Council-owned land and Crown land managed by Council set aside and/or embellished as public open space or developed for a specific community purpose not covered by a site specific plan of management.
2. Authorise the General Manager to notify the Minister for Crown Lands in writing of the initial categorisation of Lot 1 DP1267098 (added to reserve R70140), and Lot 2 DP1267098 (added to reserve R140029) as 'Park' using the Department's *Initial categorisation – written notice of assigned categorisation form*.
3. Authorise the General Manager to refer the draft generic PoM to the NSW Department of Planning, Industry and Environment (DPIE) Crown Lands Division as owner of the Crown land covered by this generic PoM for comment; including the submission of Form B (*Notice of plan of management for Crown reserve—Alteration of categorisation or additional/new categorisation*) to alter the categories assigned to particular Crown reserves detailed at Schedule 2AA of the draft generic PoM.
4. Authorise the General Manager to apply to be made the Crown land manager for the Crown land currently devolved on Council detailed in Schedule 2B of the generic PoM.
5. Place the draft Generic PoM on public exhibition (after it has been returned by DPIE and any corrections regarding the Crown land covered under the generic PoM are made) for a period not less than 28 days as required under the *Local Government Act 1993*.
6. Conduct at least two (2) public hearings (one in Maclean and one in Grafton) regarding the categorisation of recently acquired Council-owned 'community' land by the PoM (detailed in Schedule 1AA and 1AB of the generic PoM); and the categorisation of 'community' Crown land effectively altering the category(s) assigned by the Minister (detailed at Schedule 2AA of the draft generic PoM).
7. Accept submissions on the draft Generic PoM for a period not less than 42 days from the date the plan is placed on public exhibition as required under the *Local Government Act 1993*.
8. Bring the draft Generic PoM back to Council after the submission period has closed for consideration of its adoption, or re-exhibition (if applicable), as per the requirements of section 40 of the *Local Government Act 1993*.

COMMITTEE RECOMMENDATION

Baker/Novak

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Clancy, Baker, Novak, Simmons, Williamson

Against: Nil

COUNCIL RESOLUTION – 6b.21.017**Kingsley/Toms****That Council:**

1. Note the preparation of this draft *Clarence Valley Community Land, Crown Reserves and other Public Places Generic Plan of Management 2021 – 2030* (generic PoM) for all Council-owned land and Crown land managed by Council set aside and/or embellished as public open space or developed for a specific community purpose not covered by a site specific plan of management.
2. Authorise the General Manager to notify the Minister for Crown Lands in writing of the initial categorisation of Lot 1 DP1267098 (added to reserve R70140), and Lot 2 DP1267098 (added to reserve R140029) as 'Park' using the Department's *Initial categorisation – written notice of assigned categorisation form*.
3. Authorise the General Manager to refer the draft generic PoM to the NSW Department of Planning, Industry and Environment (DPIE) Crown Lands Division as owner of the Crown land covered by this generic PoM for comment; including the submission of Form B (*Notice of plan of management for Crown reserve—Alteration of categorisation or additional/new categorisation*) to alter the categories assigned to particular Crown reserves detailed at Schedule 2AA of the draft generic PoM.
4. Authorise the General Manager to apply to be made the Crown land manager for the Crown land currently devolved on Council detailed in Schedule 2B of the generic PoM.
5. Place the draft Generic PoM on public exhibition (after it has been returned by DPIE and any corrections regarding the Crown land covered under the generic PoM are made) for a period not less than 28 days as required under the *Local Government Act 1993*.
6. Conduct at least two (2) public hearings (one in Maclean and one in Grafton) regarding the categorisation of recently acquired Council-owned 'community' land by the PoM (detailed in Schedule 1AA and 1AB of the generic PoM); and the categorisation of 'community' Crown land effectively altering the category(s) assigned by the Minister (detailed at Schedule 2AA of the draft generic PoM).
7. Accept submissions on the draft Generic PoM for a period not less than 42 days from the date the plan is placed on public exhibition as required under the *Local Government Act 1993*.
8. Bring the draft Generic PoM back to Council after the submission period has closed for consideration of its adoption, or re-exhibition (if applicable), as per the requirements of section 40 of the *Local Government Act 1993*.

Voting recorded as follows:

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

Against: Nil

CARRIED**LINKAGE TO OUR COMMUNITY PLAN**

Theme 2 Infrastructure

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

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

BACKGROUND

Council resolved at its April 2014 meeting to adopt the *Clarence Valley Community Land, Crown Reserves and other Public Places Generic Plan of Management 2014 - 2023* (2014 generic PoM) (Council Resolution: 13.055/14).

This 2014 generic PoM covered all Council managed land that contributed to the provision of public open space and facilities. It was written to reflect the legislation of the day – that is, land owned by Council was managed under the *Local Government Act 1993* (LG Act) and/or other Acts administered by Council as required, while Crown land under the control of Council was managed under the now repealed *Crown Lands Act 1989*.

In July 2018, with the repealing of the *Crown Lands Act 1989* provisions under the *Crown Land Management Act 2016* (CLM Act) regarding the management of Crown lands came into effect. One of the most significant

changes was that all Crown reserves where a council is the appointed Crown land manager, the land must be managed as if it were public land under the LG Act.

Under the LG Act, councils are required to develop and implement plans of management for all 'community' land owned and or managed by them. This means, when Crown land receives a 'community' classification under the LG Act, it must be categorised in line with its reserve purpose, and a PoM prepared. A PoM can either be for a single park or reserve (a site-specific PoM) or for a group of parks and reserves (a generic PoM).

In addition, since the adoption of the 2014 generic PoM by Council additional land has been acquired and classified as Community land and other land (including land classified as 'operational' and roads) embellished as public open space that needs to be included under a PoM.

Consequently, a new draft generic PoM has been prepared for consideration by Council.

This 2021 draft generic PoM will provide consistent management direction and actions for 380 parks and reserves and other public places, consisting of:

Council-owned land

Type of public land	Number (individual parks, reserves & public places)	Approx. Land Area (Ha)
Community land	176	191.69
Operational land	21	42.19
Road Reserves	37	13.19
Total	234	247.07 Ha

Crown and other State land

Council as -	Number (individual parks, reserves & public places)	Approx. Land Area (Ha)
Crown Land Manager	137	773.92
Devolved Manager	8	6.57
Trustee	1	9.34
Total	146	789.83 Ha

KEY ISSUES

Legislative Requirements

Local Government Act 1993

The LG Act requires that 'community' land to be used and managed in accordance with:

- A PoM applying to the land;
- Any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land; and
- The requirements of Part 2 Public land, Division 2 Use and management of community land, Chapter 6 of the *Local Government Act 1993* as they relate to the land (s35, LG Act).

Section 38 of the LG Act states that a council must give public notice of a draft PoM:

- The period of public exhibition of the draft PoM must be not less than 28 days.
- The public notice must also specify a period of not less than 42 days after the date on which the draft PoM is placed on public exhibition during which submissions may be made to the council.
- The council must, in accordance with its notice, publicly exhibit the draft PoM together with any other matter which it considers appropriate or necessary to better enable the draft plan and its implications to be understood.

Section 39 of the Act requires that any draft PoM for or including land not owned by Council must be referred to the owner of the land for comment prior to placing the draft PoM on public exhibition. The council must

include in the draft PoM any provisions that may properly be required by the person who owns or controls the land.

In addition, as Council has acquired land since the adoption of the existing generic PoM by Council in 2014 that will be included under this generic PoM, a purpose of the draft plan is to identify the category of the land under s36(4) of the Act by which the land will be managed.

Section 40A of the Act requires a council to hold a public hearing in respect of a proposed PoM (including a PoM that amends another PoM) if the proposed PoM would have the effect of categorising, or altering the categorisation of, community land under section 36(4). Consequently, a public hearing will be required as part of the public exhibition/submission process to seek public comment on Council's proposal to categorise the land detailed at Schedule 1AA and 1AB of the generic PoM.

Crown Land Management Act 2016

Section 3.23(6) of the CLM Act requires council Crown land managers to prepare and adopt a PoM (either specific or generic) for any Crown reserve for which it is the appointed manager, and has been classified as 'community' land by the Minister for Crown Lands for the purpose of management under the LG Act. These PoMs must be prepared and adopted in accordance with the provisions of Division 2 of Part 2 of Chapter 6 of the LG Act.

Council has been appointed the Crown land manager of 147 Crown reserves owned by the State of New South Wales, 119 of which will be managed under the proposed new generic PoM. In addition, devolved Crown land where Council in its day-to-day control of the land has embellished and manages the land as public open space has also been included in this draft generic PoM. (Note: Council has the control of 48 devolved Crown reserves, 8 of which will be managed under the proposed new generic PoM).

A copy of the draft generic PoM must be referred to NSW Department of Planning, Industry and Environment (DPIE) as the owner of the land under section 39 of the LG Act, prior to Council placing the draft generic PoM on public exhibition. This enables the DPIE as the land owner to review the draft generic PoM in the context of the management and use of the Crown land under the plan and to ensure any matters required by that Department regarding the land is included in the generic PoM.

This draft generic PoM also proposes to alter an initial category, assigned by the Minister for Crown Lands delegate, by adding a category to ensure effective ongoing management and use of the land and hence, formal notification to DPIE is required. Formal notification is through the submission of Form B (*Notification of plan of management—Alteration of categorisation or additional/new categorisation*) of the *Developing plans of management for community land Crown reserves: Guidelines for council Crown land managers* document. Form B also acts as a request for Ministerial consent to add an additional purpose to the reserve if the DPIE consider this requirement as being necessary in the management of the reserve. The Crown reserves that require a category to be changed/added are detailed at Schedule 2AA of the draft generic PoM.

In addition, Council was recently advised that an application made to the Department in 2009 (Council Resolution - 09.083/09) to close 2 unmade Crown road reserves and have that land added to the respective adjoining reserves has been gazetted. Hence, Council now also has to apply to the Minister for Crown Lands to assign the category of 'Park' to both parcels of land. The land parcels are:

- Lot 1 DP 1267098 to be added to reserve R70140, and
- Lot 2 DP 1267098 to be added to reserve R140029 (NSW Government Gazette, 26 February 2021 – n2021-0367).

Application is required through the *Initial categorisation – written notice of assigned categorisation form* which is attached to this report.

The statutory requirements prescribed by the CLM Act also includes the requirement for council Crown land managers to obtain written advice from their qualified native title manager that any PoM covering Crown land that is not 'excluded land' complies with the requirements of the native title legislation.

Section 8.7 of the CLM Act also details that written native title manager advice is required before a council Crown land manager does any of the following:

- a) grants leases, licences, permits, forestry rights, easements or rights of way over the land
- b) mortgages the land or allows it to be mortgaged
- c) imposes, requires or agrees to covenants, conditions or other restrictions on use (or removes or releases, or agrees to remove or release, covenants, conditions, or other restrictions on use) in connection with dealings involving the land

- d) approves (or submits for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in paragraph (a), (b) or (c). Accordingly, native title manager advice must be obtained prior to the approval (or submittal for approval) of a PoM that allows dealings in (a)–(c) and the execution of any lease, licence, permit, etc. that may be authorised under that plan.

Native title continues to exist on all Crown land unless determined otherwise.

Native title has been determined by the Federal Court to exist on the Crown reserves within the Yaegl People Native Title Determination areas (Yaegl People #2 & #2 Part B), and the Western Bundjalung People Native Title Determination area included under the draft generic PoM. Consequently, the draft generic PoM includes a statement noting that the granting of a tenure or a specific right must consider traditional owners' native title rights and interests before the tenure or right is issued. The draft generic PoM also includes a statement regarding future development and the requirement that any impairment or impact on native title rights and interests need to be appropriately addressed through the Future Act provisions of the *Native Title Act 1993* (Cth). This includes meeting the notification requirements of Section 24JB (or s24KA) of the Act in regards to the construction or establishment of a public work prior to its approval and/or construction.

Devolved Crown land is not required to be categorised or to be managed under a PoM, in addition, Council is not authorised to grant a lease or licence over Crown reserves for which it is the devolved Crown land manager. Consequently, it is recommended that Council apply to NSW DPIE Crown Lands Division to be made the Crown land manager of the Crown reserves listed at Schedule 2B of the draft generic PoM.

COUNCIL IMPLICATIONS

Budget/Financial

The draft generic PoM has been prepared in-house using the staff resources of Council. The public exhibition of the draft generic PoM will be coordinated through Council's 'On Exhibition' webpage and weekly 'Noticeboard' publication.

The cost of attending to the requirement to hold a public hearing and related administration in accordance with s40A of the LG Act has been estimated at \$4,000. The public hearing has to be facilitated by an independent chair. It is suggested that a public hearing would need to be conducted in both Grafton and Maclean due to the coverage of the draft generic PoM and proposed categorisation of certain reserves. The independent chair is required to prepare a report after the hearing and any recommendations in that report need to be considered as part of the submission process.

Asset Management

Council-owned and Crown land covered by this draft generic PoM contains a wide variety of infrastructure and public assets. The draft generic PoM provides for continuing management of the land and assets there upon until 2030 or until such time as a replacement PoM is adopted. Council's asset management plans will continue to provide specific direction for maintenance and renewal of assets and the generic PoM is compatible with those plans.

Policy or Regulation

Crown Land Management Act 2016

Local Government Act 1993

Native Title Act 1993 (Cth)

Consultation

The following internal sections of Council were consulted during the drafting of the new *Clarence Valley Community Land, Crown Reserves and other Public Places Generic Plan of Management 2021 - 2030*:

<i>Internal Section</i>	<i>Comment</i>
Community & Industry Engagement	Supported
Open Spaces and Facilities	Supported with comments
Natural Resource Management	Supported with comments
Property	Supported with comments
Strategic Planning	Supported with comments
Community Development	Provided comment
Cultural Heritage	Supported with comments

The public exhibition submission period and the public hearing will provide opportunity for the general community to comment on the intent and management direction of the PoM and the category(s) assigned, and or altered by the proposed new generic PoM. Public feedback and the public hearing report will be referred to Council for consideration.

Legal and Risk Management

A PoM is a statutory document that aims to satisfy the requirements of both the *Local Government Act 1993* and the *Crown Land Management Act 2016*.

The draft generic PoM details how Council will manage the land and, in particular, indicates how the land may be used and further developed, including the issuing of tenures over the land and facilities.

Council's principal Native Title Manager has been involved in the development of this draft generic PoM and is satisfied that it complies with the applicable provisions of the native title legislation.

Climate Change

Climate change is considered in section 6.2.2 of the draft generic PoM. Management actions that are aimed to manage impacts of climate change are included in section 7 of the draft generic PoM.

Prepared by	Dr Danny Parkin, Senior Strategic Planner (Public Land/Native Title); Jasmine Oakes, Plans of Management Officer
Attachment	1. Form B (<i>Notice of plan of management for Crown reserve—Alteration of categorisation or additional/new categorisation</i>) 2. <i>Initial categorisation – written notice of assigned categorisation form</i>
To be tabled	Draft <i>Clarence Valley Community Land, Crown Reserves and other Public Places Generic Plan of Management 2021 - 2030</i>

ITEM	6b.21.018	BUSHFIRE COMMUNITY RECOVERY AND RESILIENCE FUND – PHASE TWO STREAM 2
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Meeting	Environment, Planning & Community Committee	20 April 2021
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment, Planning & Community (Des Schroder)	
Attachment	Nil	

SUMMARY

This report advises Council of 3 successful project applications for the Bushfire Community Recovery and Resilience Fund (BCRRF) Stream 2 funding from Resilience NSW.

OFFICER RECOMMENDATION

That Council acknowledge that these projects have been awarded the following funds and the General Manager be authorised to sign the associated funding agreements:

1. \$297,000 for Community Resilience Program;
2. \$293,948 for Reconnecting with Nature;
3. \$280,202 for Cultural Heritage and Storytelling.

COMMITTEE RECOMMENDATION

Novak/Clancy

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Clancy, Baker, Novak, Simmons, Williamson

Against: Nil

COUNCIL RESOLUTION – 6b.21.018

Kingsley/Toms

That Council acknowledge that these projects have been awarded the following funds and the General Manager be authorised to sign the associated funding agreements:

- 1. \$297,000 for Community Resilience Program;**
- 2. \$293,948 for Reconnecting with Nature;**
- 3. \$280,202 for Cultural Heritage and Storytelling.**

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 1 Society

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

Strategy 1.2.2 Improve outcomes for the Clarence Valley through partnerships with key agencies and community organisations

BACKGROUND

Phase Two of the Bushfire Community Recovery and Resilience Fund (BCRRF) supports community recovery by funding \$25 million worth of projects that will promote community well-being, social and broader recovery and future disaster resilience following the bushfires. Stream 2 involves allocation of grants to

medium and long-term community projects. Below is a summary of the 3 submissions that have been successful in gaining funding:

Community Resilience Program

Amount: \$297,000

Project Delivery Timeframe: to June 2022

This program supports communities to better prepare for future disasters through the Red Cross' award-winning Community Resilience Teams model. It empowers rural communities to build resilience through access to targeted training opportunities. Following community engagement in 9 communities in early 2021, a program of workshops and/or events will be tailored to each community. Communities will be supported to develop their own Preparedness Plans, becoming an ongoing resource for the community. Local leaders will be identified and offered opportunities for training so that they can best support their own communities into the future. This program has been designed to ensure best practices and lessons learned are retained within partner organisations and inform future recovery programs and policies.

Reconnecting with Nature

Amount: \$293,948

Project Delivery Timeframe: to June 2022

This project brings communities together to reconnect with nature, promoting healing and recovery while deepening their understanding of natural hazards in their area. Partner organisations will work with communities to facilitate events, workshops, working bees and citizen science days in communities. A Clarence Working Group will foster collaboration between all stakeholders and coordinate environmental recovery activities, community education campaigns, future planning and preparedness efforts. A community education and storytelling component will be developed for the broader Clarence Valley LGA, including digital and print content celebrating the region's unique biodiversity and environmental regeneration. This will build a broader understanding of the localised impact of natural hazards while promoting a shared sense of identity and place.

Cultural Heritage and Storytelling

Amount: \$280,202

Project Delivery Timeframe: to June 2022

From cultural burning practices to the recent catastrophic bushfires, the Clarence Valley has many stories to tell. This project will engage with communities to present natural disaster stories in local halls and libraries to aid recovery and preparedness. This project will utilise a 4-stage process of: community engagement and story gathering; outsourcing digital and material asset production; curation and management of a touring exhibition to local libraries and halls; project feedback and external project evaluation of key findings/recommendations.

KEY ISSUES

Phase Two Stream 2 funding is focused on delivering projects that support sustained community recovery and improved community resilience in bushfire impacted areas. Projects can be aligned to local, regional or across multiple Local Government areas. Projects will need to contribute to one or more of the following Disaster Recovery Outcomes:

- The needs of vulnerable groups are addressed in disaster recovery.
- The community is aware of the disaster recovery processes.
- The community can express its changing disaster recovery needs.
- Community members are aware of the risks of future disasters.
- The community has improved capacity and capability to respond to future disasters.
- Business and not-for-profits have in place adequate mitigation practices for risks and threats.
- Government, private sector, civil society and organisations are engaged in plans for preparedness and management of the recovery.

COUNCIL IMPLICATIONS

Budget/Financial

N/A

Asset Management

N/A

Policy or Regulation

N/A

Consultation

Each project includes a phase of community engagement and stakeholder consultation.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Jemma Williams, Recovery & Resilience Project Officer Sammy Lovejoy, Community Projects Officer (Community Grants)
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c. CORPORATE GOVERNANCE AND WORKS COMMITTEE

MINUTES of a meeting of the **CORPORATE, GOVERNANCE & WORKS COMMITTEE** of Clarence Valley Council held in the Council Chambers, Maclean on Tuesday, 20 April 2021, commencing at 2.00pm and closing at 2.40pm.

MEMBERS

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

PRESENT

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

APOLOGIES – Nil

DISCLOSURE AND DECLARATIONS OF INTEREST

<i>Name</i>	<i>Item</i>	<i>Interest/Action</i>
Cr Clancy	6c.21.040	Non-Significant Non-Pecuniary - Remain in the meeting Supporter of Lions Environmental Club.

ITEM 6c.21.039 ACQUISITION OF PART LOT 1 DP1265565 FOR ROAD

Meeting	Corporate, Governance & Works Committee	20 April 2021
Directorate	Corporate & Governance	
Reviewed by	A/Director - Corporate & Governance (Alex Moar)	
Attachment	Nil	

SUMMARY

To obtain a resolution of Council to acquire land required for road purposes.

OFFICER RECOMMENDATION

That Council:

1. Endorse the acquisition of part Lot 1 DP1265565 for road purposes in accordance with the plan shown in Figure 1.
2. Approve for all costs associated with the acquisition (estimated to be \$33,500) including but not limited to survey and plan registration costs, Council fees, valuation fees and legal fees (including the landowner's reasonable legal fees) to be borne by Council and funded from RA 10899 Road Acquisitions.
3. Delegate authority to the General Manager to approve and negotiate compensation payable to the landowner based on an independent valuation and to sign all documents necessary to acquire the land.

COMMITTEE RECOMMENDATION

Ellem/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

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

AMENDMENT TO MOTION

Kingsley/Toms

That Council:

1. Endorse the acquisition of part Lot 1 DP1265565 for road purposes in accordance with the plan shown in Figure 1.
2. Approve for all costs associated with the acquisition (estimated to be \$33,500) including but not limited to survey and plan registration costs, Council fees, valuation fees and legal fees (including the landowner's reasonable legal fees) to be borne by Council and funded from RA 10899 Road Acquisitions.
3. The GM report back to the May Council meeting the outcome of the independent valuation for further consideration.

Voting recorded as follows

For: Simmons
Against: Lysaught, Kingsley, Ellem Toms

The Amendment to Motion was put and declared LOST.

COUNCIL RESOLUTION – 6b.21.039

Kingsley/Toms

That Council:

1. **Endorse the acquisition of part Lot 1 DP1265565 for road purposes in accordance with the plan shown in Figure 1.**
2. **Approve for all costs associated with the acquisition (estimated to be \$33,500) including but not**

limited to survey and plan registration costs, Council fees, valuation fees and legal fees (including the landowner's reasonable legal fees) to be borne by Council and funded from RA 10899 Road Acquisitions.

3. Delegate authority to the General Manager to approve and negotiate compensation payable to the landowner based on an independent valuation and to sign all documents necessary to acquire the land.

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

Bruce Street and Pound Street, Grafton are Council public roads. Located on the corner of these two roads is Lot 1 DP1265565 being 10 Bruce Street, Grafton.

Council approved Development Application DA2018/0246 for 241 storage sheds. When the landowner of Lot 1 has gone to construct the last section of sheds it has been discovered the boundary of Lot 1 is on the edge of the constructed road (See Figure 3).

KEY ISSUES

There is not enough area within the allocated road reserve to realign the corner of Bruce Street and Pound Street and in addition, any realignment is cost prohibitive. To correct the current alignment so that the constructed road is within road reserve, Council will need to acquire approximately 55.9m² of Lot 1 DP1265565. This allows a 5m setback from the edge of the constructed bitumen to the new boundary of Lot 1 which is a suitable distance (See Figure 1).

Council approved DA2018/0246 for the landowner to construct 241 storage sheds on the site. By Council acquiring part of Lot 1 to rectify the road reserve, it impacts on the approved development. The landowner will need to reduce two of the storage sheds to a smaller size to still allow sufficient width for vehicles accessing the storage sheds to negotiate the site (See Figure 2).

As the development sees only minor changes there is no requirement for the applicant to lodge a modification for DA2018/0246.

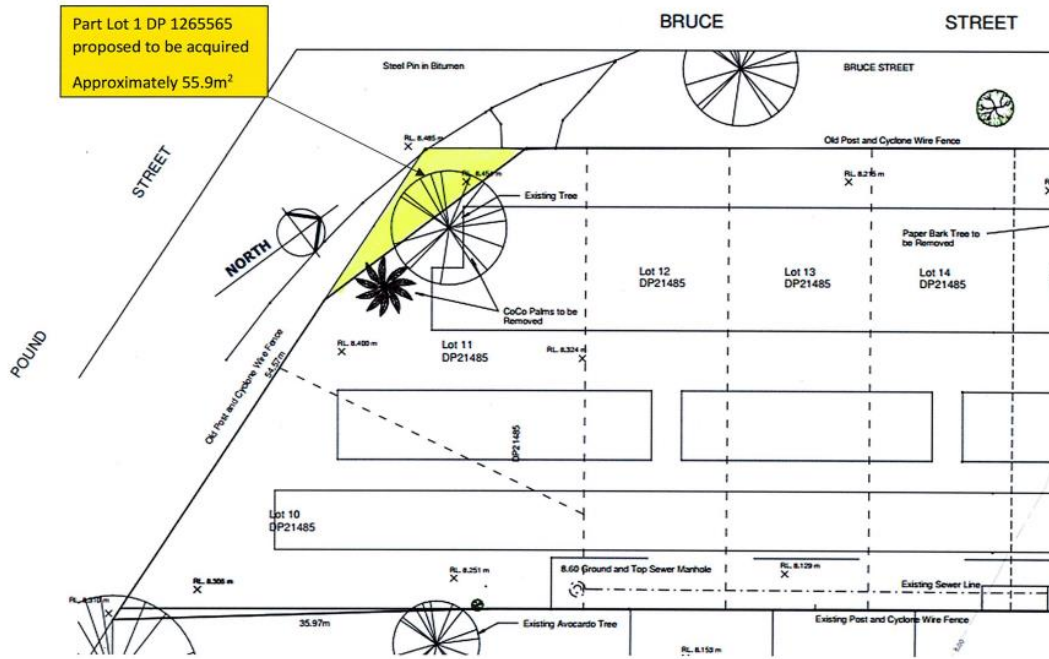


Figure 1 - Existing Site Plan with area to be acquired.

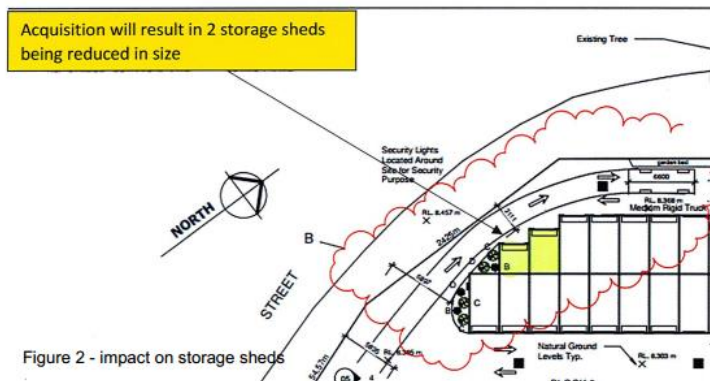


Figure 2 - impact on storage sheds



Figure 3 – current boundary of land shown in relation to constructed road

COUNCIL IMPLICATIONS

Budget/Financial

Council will incur survey costs (preparation and registration), Council fees, valuation fees and legal fees estimated to be \$13,500. Due to the impact to the development it is recommended to obtain an independent valuation which will factor in requirements of the *Land Acquisition (Just Terms Compensation) Act 1991* which includes compensation for value of the land and will factor in any potential loss associated with the development which may include loss of income and costs incurred to modify the sheds which have already been prepared ready for construction. These costs are estimated to be \$20,000.

All costs are to be funded from RA 10899 Road Acquisitions which has a forecast balance as at 30 June 2021 of \$384,505.

Asset Management

Bruce Street and Pound Street, Grafton are already on Council’s Asset Register. This is just formalising an appropriate road width.

Policy or Regulation

Roads Act 1993 authorises the acquisition of land for road purposes.

Local Government Act 1993 sets out the requirements for acquiring land and delegations.

Land Acquisition (Just Terms Compensation) Act 1991 sets out the procedure for acquisition of land.

Consultation

Consultation has been undertaken with Council's Development Services and Civil Services sections. The landowner via their surveyor approached Council regarding this matter and negotiations have been undertaken with them accordingly. The landowner consents to the acquisition subject to an appropriate compensation payment being made and the compensation being subject to fair and reasonable compensation for loss of land area, loss of income due to the reduced size of the sheds and the cost to modify the existing pre-fabricated shed kit which is already on-site.

Legal and Risk Management

Acquisition of part of the Lot will allow Council to have an appropriate road reserve width to ensure safe passage of vehicles to reduce Council's liability risk.

Climate Change

N/A

Prepared by	Kylee Baker, Property Coordinator
Attachment	Nil

ITEM	6c.21.040	SPECIAL EVENT SPONSORSHIP REQUEST – MACLEAN LIONS DISTRICT CONVENTION
Meeting	Corporate, Governance & Works Committee	20 April 2021
Directorate	Corporate & Governance	
Reviewed by	A/Director - Corporate & Governance (Alex Moar)	
Attachment	Nil	

SUMMARY

Request for sponsorship for the Lions Australia District 201N1 Convention 2021 to be held in Maclean in October 2021.

OFFICER RECOMMENDATION

That Council approve sponsorship of \$5,640 (plus GST) for the Lions Australia District 201N1 Convention 2021 to be held in Maclean in October with the sponsorship to be funded from Council's 2021/22 Special Event Sponsorship Program (996030).

COMMITTEE RECOMMENDATION

Kingsley/Simmons

That Council approve sponsorship of \$7,640 (plus GST) for the Lions Australia District 201N1 Convention 2021 to be held in Maclean in October with the sponsorship to be funded from Council's 2020/21 Special Event Sponsorship Program (996030).

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.040

Kingsley/Toms

That Council approve sponsorship of \$7,640 (plus GST) for the Lions Australia District 201N1 Convention 2021 to be held in Maclean in October with the sponsorship to be funded from Council's 2020/21 Special Event Sponsorship Program (996030).

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 3 Economy

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

Strategy 3.1.5 Attract and grow events which contribute to the economy with a focus on high participatory events

BACKGROUND

This event is organised by the Maclean Lions Club. It is an annual convention held in different locations within the Lions District. The convention includes guest speakers, awards, election of officers, social and sports events and functions.

Maclean Lions Club application was assessed against the following criteria as set out in Special Event Sponsorship program guidelines:

- eligibility to apply

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

All events are assessed against these criteria; however different request levels have particular criteria weighted more heavily, again as stated in the guidelines:

Level One \$1,500 and under	New events or in their infancy Small events that attract some visitors from outside the Clarence Valley
Level Two \$1,500 to \$5,000	Attract day visitors from outside of the Clarence Valley Have a marketing plan Are unique or promote unique characteristics of the Clarence Valley
Level Three Over \$5,000	Attract overnight visitors Have a marketing plan Are unique or promote unique characteristics of the Clarence Valley Generate an income stream to reinvest in their event Contribute significantly to the local economy

KEY ISSUES

The convention usually attracts 200 visiting delegates and they stay an average number of 3 nights. The economic benefit is approximately \$137,400 based on Tourism Australia's estimation that a holiday tourist spends \$229 per person per night.

Clarence Valley residents will also have the opportunity to attend the convention to hear guest speakers.

The convention will provide a good boost to Maclean businesses considering the difficulties the COVID-19 pandemic has presented (ie cancellation of 2020 Maclean Highland Gathering and 2021 Maclean McMarkets; reduced numbers attending 2021 Maclean Highland Gathering).

The Maclean Lions Club requested \$7,640 in their application. The expected visitor numbers and the economic benefit are in line with events that Council usually provide a level of \$5,000 sponsorship. The \$640 is to cover venue hire fees at the Maclean Showground.

The sponsorship can be funded from the 2021/22 Special Events Sponsorship program. Maclean Lions Club need to know about Council's sponsorship at this time in order to undertake essential planning.

COUNCIL IMPLICATIONS

Budget/Financial

The sponsorship can be funded from the Special Event Sponsorship Program (996030).

Asset Management

N/A

Policy or Regulation

Event Sponsorship Policy

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Alicia Savelloni, Events Development Officer
Attachment	Nil

ITEM 6c.21.041 COUNCIL MEETING CHECKLIST – UPDATE ON ACTIONS TAKEN

Meeting	Corporate, Governance & Works Committee	20 April 2021
Directorate	Office of General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

SUMMARY

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

OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Ellem/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.041

Kingsley/Toms

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

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

BACKGROUND

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

KEY ISSUES

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

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

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation

Local Government Act 1993 S355 (1)

Consultation

Staff and Managers

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Lesley McBay, Coordinator Executive Support
Attachment	Checklist

ITEM	6c.21.042	ASSET MANAGEMENT POLICY
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Meeting	Corporate, Governance & Works Committee	20 April 2021
Directorate	Office of General Manager	
Reviewed by	A/Director - Corporate & Governance (Alex Moar)	
Attachment	Yes	

SUMMARY

The updated Asset Management Policy Outlines Council's Asset Management responsibilities and obligations under the *NSW Local Government Act 1993*, Australian Accounting Standards and the Integrated Planning and Reporting legislation. Council must account for and plan for all existing assets under its ownership, as well as any new assets proposed in its Community Strategic Plan, Delivery Program and associated Resourcing Strategy. This update includes only minor amendments to the existing policy.

OFFICER RECOMMENDATION

As the changes are only minor and relate mainly to formatting, that the updated Asset Management Policy be adopted by Council.

COMMITTEE RECOMMENDATION

Lysaught/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.042

Kingsley/Toms

As the changes are only minor and relate mainly to formatting, that the updated Asset Management Policy 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 5 Leadership

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

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

BACKGROUND

This policy is required to be reviewed every four years. This is an opportunity to review and update any legislative or organisation changes that have occurred since the last review.

KEY ISSUES

The objective of the policy is to establish a framework for Asset Management to ensure guidelines are set to implement consistent asset management processes throughout Clarence Valley Council.

Council is responsible for significant community investment in infrastructure assets to support its core business of delivery of services to the community.

Asset management directly relates to the objectives; of Council's Community Strategic Plan and will ensure that Council delivers the appropriate level of service through its assets.

COUNCIL IMPLICATIONS

Budget/Financial

N/A

Asset Management

The objective of the policy is to establish a framework for Asset Management.

Policy or Regulation

NSW Local Government Act 1993

Local Government Amendment (Planning and Reporting) Act 2016

Integrated Planning and Reporting Guidelines for Local Government

Australian Accounting Standards – AASB 116

Consultation

This updated Policy has been developed through consultation with the Asset Management Steering Committee.

Legal and Risk Management

The policy may assist in mitigating council from legal proceedings.

Climate Change

N/A

Prepared by	Nigel Longstaff, Finance and Asset Strategy Planner
Attachment	Update Asset Management Policy

ITEM 6c.21.043 2020/21 QUARTERLY BUDGET REVIEW STATEMENT – MARCH 2021

Meeting	Corporate, Governance & Works Committee	20 April 2021
Directorate	Corporate & Governance	
Reviewed by	A/Manager - Finance & Supply (Michael Salvestro)	
Attachment	Yes plus To be tabled Attachment	

SUMMARY

This report presents to Council the March 2021 Quarterly Budget Review Statement (QBRS) reports for the period 1 January 2021 to 31 March 2021.

Budget adjustments for the quarter ended 31 March 2021 (subject to Council resolution) result in a net General Fund impact of \$518,886 increasing the current year projected budget result to a \$272,079 deficit.

The reserve funding variations identified in this report will decrease the reserve funds by a further \$673,427 resulting in a current year projected reserve funds movement of \$27,442,842.

OFFICER RECOMMENDATION

That Council:

1. Receive and note the information in the Quarterly Budget Review Statement to 31 March 2021.
2. Approve General Fund variations detailed in this report totalling \$518,886, which results in a projected General Fund Budget Deficit of \$272,079 for the year.
3. Approve the variations for the Financial Reserves as detailed in this report totalling \$673,427, which results in a projected decrease in the External and Internal Reserves Funds of \$27,442,842.

COMMITTEE RECOMMENDATION

Simmons/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.043

Kingsley/Toms

That Council:

1. **Receive and note the information in the Quarterly Budget Review Statement to 31 March 2021.**
2. **Approve General Fund variations detailed in this report totalling \$518,886, which results in a projected General Fund Budget Deficit of \$272,079 for the year.**
3. **Approve the variations for the Financial Reserves as detailed in this report totalling \$673,427, which results in a projected decrease in the External and Internal Reserves Funds of \$27,442,842.**

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

In accordance with Clause 203(1) of the Local Government (General) Amendment (planning and reporting) Regulation 2011, the Quarterly Budget Review Statement must be submitted to Council no later than 2 months after the end of the quarter.

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

The QBRS includes:

Attachments

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

Other Matters:

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

KEY ISSUES

QUARTERLY BUDGET REVIEW

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

Major Budget Variations Proposed

Following is a list of the major proposed variations for the month of March 2021.

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
201	Service – Corporate & Governance Sub-Service – Recovery & Resilience Planning <ul style="list-style-type: none"> Fund Community Recovery Library Resources Project from RA 80001. 	\$Nil	\$7,000	N/A
202	Service – Property Services Sub-Service – Property <ul style="list-style-type: none"> Fund consultant fees associated with the conversion of 2 & 4 Short St Maclean to dwellings from RA 10520. Fund the acquisition of Crown reserve 95853 from RA 10520. 	\$Nil	\$20,000	6a.21.003
		\$Nil	\$78,300	6a.21.014
203	Service – Communication & Industry Engagement Sub-Service – Communications & Sponsorship <ul style="list-style-type: none"> Recognise savings in Contributions and Donations resulting from cancellation of events due to COVID-19 (\$30,000), reformatting of Quarterly Newsletter (\$14,500) and Rates Promotion not being conducted (\$1,500) 	(\$46,000)	\$Nil	N/A
205	Service – Communication & Industry Engagement Sub-Service – Industry & Community Economic Development <ul style="list-style-type: none"> Recognise savings due to Business Awards not being held (\$5,000) and Economic Development Programs funded from Bushfire Recovery funds (\$15,000). 	(\$20,000)	\$Nil	N/A
212	Service – Finance & Supply Sub-Service – Management Accounting & Business Support <ul style="list-style-type: none"> Recognise vacancy saving – Position No. 4315100 Management Accountant. 	(\$81,216)	\$Nil	N/A
213	Service – Finance & Supply Sub-Service – Procurement & Contractor Management Services <ul style="list-style-type: none"> Recognise vacancy saving – Position No. 4990219 Storeperson. 	(\$78,947)	\$Nil	N/A
232	Service – Governance & Business Improvement Sub-Service – Business Improvement <ul style="list-style-type: none"> Recognise savings in Consultant Costs. Recognise vacancy saving – Position No. 4333901 Business Improvement Officer Assistant. 	(\$30,000)	\$Nil	N/A
		(\$31,904)	\$Nil	N/A
233	Service – People, Culture, Risk & Safety			

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
	Sub-Service – People & Culture <ul style="list-style-type: none"> Recognise savings in Training and Conference/Seminar expenditure and reallocate to Field staff Overheads. 	(\$155,000)	\$Nil	N/A
302	Service – Works and Civil Management Sub-Service – Fleet Services <ul style="list-style-type: none"> Fund purchase of additional light fleet assets being two 4x4 Dual Cab Utilities, to support additional operational staff. 	\$Nil	\$104,000	N/A
304	Service – Emergency Services Sub-Service – Natural Disaster Event Management <ul style="list-style-type: none"> Allocate Nymboida BlazeAid Grant to fund volunteers assisting communities impacted by bushfires (\$39,891). 	\$Nil	\$Nil	N/A
311	Service – Roads Infrastructure Sub-Service – Local Roads <ul style="list-style-type: none"> Allocate Local Roads & Community Infrastructure Round 2 Grant to fund the Category 2 Road upgrade to Blueberry Lane (\$20,000). Transfer proceeds from sale of Queen St Iluka RA 10899. Allocate Bushfire Local Economic Recovery Fund (BLERF) Grant to fund Shores Drive Roundabout Yamba \$2,780,000. 	\$Nil \$Nil \$Nil	\$Nil (\$750,000) \$Nil	N/A 6c.19.102 N/A
315	Service – Roads Infrastructure Sub-Service – Traffic Facilities <ul style="list-style-type: none"> Allocate Local Roads & Community Infrastructure Round 2 Grant to fund School Crossing at Victoria St Grafton (\$75,000). 	\$Nil	\$Nil	N/A
341	Service – Parks & Open Spaces Sub-Service – Parks & Reserves <ul style="list-style-type: none"> Fund Jabour Park Canteen floor upgrade from Crown Reserve Improvement Grants held in RA 89226. Allocate Showground Stimulus Funding Round 2 Grant to: <ul style="list-style-type: none"> ➢ Maclean Showground Arena Lighting Upgrade (\$232,895) ➢ Maclean Showground Grandstand Upgrade (\$44,500) Allocate Townsend Park equipment and footpath renewals from: <ul style="list-style-type: none"> ➢ Everyone Can Play Program Grant (\$175,000) ➢ Maclean Lion's Club 	\$Nil \$Nil \$Nil \$Nil	\$379 \$Nil \$Nil \$Nil	N/A 6a.21.009 6a.21.011 6a.21.011

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
	<ul style="list-style-type: none"> Contribution (\$140,000) <ul style="list-style-type: none"> ➢ Local Roads & Community Infrastructure Grant Round 2 (\$50,000) • Fund Roadside Mowing from: <ul style="list-style-type: none"> ➢ RA 10316 \$53,960 ➢ RA 10324 \$1,799 • Fund Grafton Pool Detailed design from RA 10957. • Fund Maclean Pool Amenities Upgrades Stage 2 from RA 10957. • Fund 50 River Street Building Improvements from RA 10126. • Fund Rushforth Park Stage 2 Renewals \$106,841 and Public Amenities Renewals \$18,489 from RA 11150. • Transfer Field Staff wages from capital projects now deferred due to climactic circumstances and fund Park Mowing from RA 11225 \$2,480 and fund Sportsground Surface Fertiliser & Top Dressing from RA 11037 \$16,737. • Allocate CVC matching funds from RA 11288 to fund Corcoran Park Footbridge upgrade. • Fund design and construction changes to Ken Leeson Oval Amenities from RA 11035. • Fund McKittrick Park Lighting Upgrade from RA 10818. • Remove grant funding from Wooli Beach Access Renewal as unsuccessful – Project now to be General Funded. 	<p>\$Nil</p> <p>\$Nil</p> <p>\$Nil</p> <p>\$Nil</p> <p>\$Nil</p> <p>\$Nil</p> <p>\$Nil</p> <p>\$Nil</p> <p>\$Nil</p> <p>\$Nil</p> <p>\$Nil</p> <p>\$Nil</p> <p>\$80,000</p>	<p>\$Nil</p> <p>\$55,759</p> <p>\$122,283</p> <p>\$50,880</p> <p>\$12,591</p> <p>\$125,330</p> <p>\$19,217</p> <p>\$20,000</p> <p>\$41,545</p> <p>\$200,000</p> <p>\$Nil</p>	<p>6c.20.180</p> <p>N/A</p> <p>6e.21.004</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>6c.21.004</p> <p>6c.21.003</p> <p>6e.20.013</p> <p>N/A</p>
344	<p>Service – Waste Services Sub-Service – Waste and Sustainability</p> <ul style="list-style-type: none"> • Allocate NSW EPA Grant to Illegal Dumping Clean-up and Prevention Program (\$68,000) part fund from RA 31171. 	\$Nil	\$22,329	N/A
348	<p>Service – Saleyards Sub-Service – Saleyards</p> <ul style="list-style-type: none"> • Allocate Federal Govt-Drought Communities Program (DCP) Extension Grant (\$1,000,000) and matching funds from RA 10910 \$241,048. 	\$Nil	\$241,048	N/A
390	<p>Service – Watercycle Sub-Service – Watercycle Management</p> <ul style="list-style-type: none"> • Return unspent funds from Drought Management Plan Preparation to RA 	\$Nil	(\$32,300)	N/A

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
	79010 – project completed underbudget. <ul style="list-style-type: none"> Return funds to RA 79025 as no longer required for Sewer Update Strategic Business Plan. 	\$Nil	(\$1,000)	N/A
391	Service – Watercycle Sub-Service – Water Operations <ul style="list-style-type: none"> Fund the Yamba water main renewal to an increased pipe size \$50,000 and cost of Powell Street water main break \$40,000 from RA 79010. Fund additional cost of Shannon Creek Dam VSD repair from RA 79010. Return unspent funds from Bellingen SC Integrator to RA 79010 as cost reimbursed by Bellingen Shire. 	\$Nil \$Nil \$Nil	\$90,000 \$84,430 (\$93,827)	N/A N/A N/A
398	Service – Floodplain & Estuary Management Sub-Service – Coastal & Estuary Management <ul style="list-style-type: none"> Fund Pilot Hill Slope Stability Review – additional legal advice. 	\$20,000	\$Nil	N/A
421	Service – Library Services Sub-Service – Public Library <ul style="list-style-type: none"> Allocate NSW Seniors Festival Grant to Seniors Week activities (\$4,200). 	\$Nil	\$Nil	N/A
Various	<ul style="list-style-type: none"> Reduce projected credit interest in line with review of investment rates to be funded from: <ul style="list-style-type: none"> ➤ RA 79010 \$63,956 ➤ RA 79025 \$20,174 ➤ RA 70010 \$275 ➤ RA 41125 \$4,312 ➤ RA 40000 \$5,404 ➤ RA 10880 \$1,061 ➤ RA 10815 \$12,717 ➤ RA 10801 \$8,324 ➤ RA 10770 \$671 ➤ RA 10910 \$538 Remove ABC Offset relating to the transfer of Community Support Services and redistribute to Services to be funded from: <ul style="list-style-type: none"> ➤ RA 79010 \$60,014 ➤ RA 79025 \$56,542 ➤ RA 10020 \$3,622 ➤ RA 10801 \$3,871 ➤ RA 10770 \$967 ➤ RA 10815 \$10,164 ➤ RA 10190 \$2,851 	\$117,700 \$744,253	\$117,432 \$138,031	N/A N/A
	TOTAL Proposed General Fund / Reserve Balance Impact	\$518,886	\$673,427	

COUNCIL IMPLICATIONS**Budget/Financial**

The table below summarises the General Fund budget variations endorsed during the quarter (Minute 6c.21.029 March) and the impact on the overall projected result.

The proposed General Fund budget variations for the March 2021 Quarter will result in a Revised 2020/21 Budget as at 31 March 2021 of a \$272,079 Deficit. The proposed Reserve Funds variations for the March 2021 Quarter has resulted in a Revised 2020/21 Budget Reserve Funds movement as at 31 March 2021 of a \$27,442,842 reduction.

At the time of producing this report the full impact of the recent Flood Events is unable to be determined. Should further budget impacts be able to be confidently calculated prior to 30 June, we will report to Council to consider updating the budget accordingly.

March 2021 Quarter Budget Variations	Council Minutes Actioned	Budget Review Variations	Total Quarterly Variations	Net Impact	Council Minute Reference
February	\$275,000	(\$566,098)	(\$291,098)	Surplus	6c.21.029
March Proposed	\$20,000	\$498,886	\$518,886	Deficit	
Total	\$295,000	(\$67,212)	\$227,788	Deficit	

Original Adopted Budget			(\$335,373)	Surplus
September Quarter Variations	\$364,588	(\$3,102)	\$361,486	Deficit
December Quarter Variations	\$75,314	(\$57,136)	\$18,178	Deficit
March Quarter Proposed Variations	\$295,000	(\$67,212)	\$227,788	Deficit
Revised Budget as at 31 March 2021			\$272,079	Deficit

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

March 2021 Quarter Reserve Funds Variations	Council Minutes Actioned	Budget Review Variations	Total Quarterly Variations	Net Impact	Council Minute Reference
February	\$1,320,033	\$905,856	\$2,225,889	Decrease	6c.21.029
March Proposed	(\$267,872)	\$941,299	\$673,427	Decrease	
Total	\$1,052,161	\$1,847,155	\$2,899,316	Decrease	

Original Adopted Budget Reserve Funds Movement			\$3,679,256	Decrease
September Quarter Variations	(\$50,000)	\$17,515,797	\$17,465,797	Decrease
December Quarter Variations	\$1,894,491	\$1,503,982	\$3,398,473	Decrease
March Quarter Proposed Variations	\$1,052,161	\$1,847,155	\$2,899,316	Decrease
Revised Reserve Movement Budget as at 31 March 2021			\$27,442,842	Decrease

CAPITAL BUDGET REVIEW

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

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

IMPROVEMENT STRATEGIES

Improvement Strategies are currently being investigated and reconciled. A report will be provided to Council's May 2021 meeting on the status of the adopted Improvement Strategies for 2020/21.

KEY PERFORMANCE INDICATORS

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

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

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

Asset Management

N/A

Policy or Regulation

The reports presented are in accordance with the requirements outlined in the Code of Accounting Practice and Financial Reporting, and clause 203(1) of the Local Government (General) Regulations applicable from 1 July 2011 including the format required under the Integrated Planning and Reporting (IP&R) framework.

Consultation

Report has been prepared in consultation with the Management Accounting staff and Section budget managers.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Christi Brown – Management Accountant Coordinator
To be tabled	A. Quarterly Budget Review Income Statement by Fund B. Quarterly Budget Review Sub Service Summary C. Quarterly Budget Review Summary of Restrictions
Attachment	D. Quarterly Budget Review Contracts and Other Expenses

Explanation of Attachment

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

- Accruals for depreciation, staff entitlements and Reserve interest which are currently calculated and adjusted only at year end.

The Quarterly Budget Review Statements, and subsequently the monthly financial income and expenditure statements, are presented in a new structure following the review of the Financial Chart to meet the needs of the Enterprise Asset Management System and Works Program currently being implemented and to better meet the direction that the organisation is taking in relation to the delivery of the Integrated Planning and Reporting Framework, and specifically the Operational Plan from 2021/22.

Appendix 1**Report by Responsible Accounting Officer – 2020/21 March Quarter Budget Review**

The following statement is made in accordance with clause 203(2) of the Local Government (General) Regulation 2005.

It is my opinion that the Quarterly Budget Review Statement for Clarence Valley Council for the quarter ended 31 March 2021 indicates that Council's projected short term financial position at 30 June 2021 will be satisfactory, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

The available working capital for Council's General Fund as at 30 June 2020 was \$6.711m.

For clarification, the available working capital is regarded as funds that are currently not restricted for any use by Council for either internal or external purposes. In summary, the estimated balance of available working capital as at 30 June 2021 is as follows:

Estimated Balance of Working Capital	Amount \$'000
General Fund working capital as at 30 June 2020	\$6,711
Plus Adopted original budget for 2020/21 – Surplus	(\$335)
Less Variations for September 2020 Quarterly Review – Deficit	\$361
Less Variations for December 2020 Quarterly Review – Deficit	\$18
Less Variations for March 2021 Quarterly Review – Deficit	\$228
Estimated Balance of Working Capital at 30 June 2021	\$6,439

Council's adopted benchmark goal for the General Fund working capital is for it to be maintained above \$4M. The estimated balance of the working capital for General Fund at 30 June 2021 of \$6.439M is above Council's benchmark and can be considered a satisfactory result as at 30 June 2021. However, Council must continue to maximise its revenue and contain expenditure to budget expectations to ensure the forecast Working Capital for 2020/21 does not deteriorate to unsatisfactory level.

Signed Michael Salvestro, Responsible Accounting Officer, Clarence Valley Council
Date 14/04/2021

ITEM 6c.21.044 DRAFT NORTH COAST REGIONAL WATER STRATEGY

Meeting	Corporate, Governance & Works Committee	20 April 2021
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Yes	

SUMMARY

The draft North Coast Regional Water Strategy is one of 12 regional water strategies being developed by the NSW Government. The purpose of the strategy is to “guide how the NSW Government can best manage the [water] challenges that are facing the North Coast region” and to identify “actions that can address these challenges to support a liveable and prosperous North Coast region”. The draft strategy is on public exhibition from 3 March until 16 May 2021. The strategy contains a “long list” of 36 options, as well as 1 option which was not progressed. The draft strategy also notes a further option being the diversion of the Clarence to west of the Great Dividing Range which, although not considered as an option in this strategy, was outlined in the draft Border Rivers Regional Water Strategy. The proposed submission references Council’s current policy positions opposing both mining (metals and coal) in the Clarence River catchment and diversion of water from the Clarence River catchment

OFFICER RECOMMENDATION

That Council:

1. Notes the draft *North Coast Regional Water Strategy*.
2. Endorses the submission to the draft North Coast Regional Water Strategy which reaffirms Council’s opposition to any mining (metals and coal) in the Clarence River catchment and any diversion of water from the Clarence catchment.

COMMITTEE RECOMMENDATION

Ellem/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.044

Kingsley/Toms

That Council:

1. Notes the draft *North Coast Regional Water Strategy*.
2. Endorses the submission to the draft North Coast Regional Water Strategy which reaffirms Council’s opposition to any mining (metals and coal) in the Clarence River catchment and any diversion of water from the Clarence catchment.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 4 Environment

Objective 4.1 We will preserve and enhance our natural environment

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

BACKGROUND

The purpose of the regional water strategies is to identify challenges and choices involved in meeting the region's future water requirements over the next 20 to 40 years. The draft North Coast Regional Water Strategy is currently on exhibition until 16 May 2021 (extended from 14 April due to the floods) and can be downloaded from https://www.industry.nsw.gov.au/_data/assets/pdf_file/0005/354245/nc-strategy.pdf. A long list of strategy options can be downloaded from https://www.industry.nsw.gov.au/_data/assets/pdf_file/0006/354246/nc-options.pdf.

The regional water strategies have used 10,000 years of synthetic climate data derived from recorded historic data with paleoclimate data (e.g. tree rings and cave deposits), combined with the most conservative results from recognised climate change projections (NARClIM), to assess and plan for the impacts of changes in stream flows and water security over a much wider range of climatic conditions. The worst-case climate projection scenario for the Nymboida River (the source of Council's drinking water supply) is that the 95%ile flow will decrease by 23%.

KEY ISSUES

The draft strategies consider all water users in the catchment and not just town water supplies.

The draft strategy notes that there is currently one mining operation active in the region and at least four companies currently considering future exploration, and notes that "*the potential environmental impacts from all phases of mining operations are now better controlled through legislation, regulation, standards and statutory approvals processes*". At its meeting of 24 November 2020 Council resolved in part (Resolution 6a.20.049):

to oppose mining in the Clarence River Catchment and to seek the support of both state and federal governments to impose a moratorium on further mining exploration licences and to cancel existing licences.

Public exhibition of the draft Regional Water Strategy provides an opportunity for Council to reiterate its position opposing mining in the catchment to the State Government.

Of the "long list" of 36 options, 3 are of particular relevance to Clarence Valley Council as a water utility:

- **Option 1 - Expand the Clarence-Coffs Harbour Regional Water Supply Scheme.** This option involves investigating the potential benefits of connecting Bellingen Shire Council and Nambucca Valley Council to the Regional Water Supply Scheme. Under "considerations", the strategy notes "*Interconnection options would also require consideration of governance and funding arrangements, including potential identification of new funding streams to facilitate these works.*"
- **Option 4 - Augment Shannon Creek Dam.** This option involves augmenting Shannon Creek Dam up to its designed maximum capacity of 75 GL that would provide additional town water security for the Clarence and Coffs Harbour local government areas. It is assumed Shannon Creek Dam will remain an off-river storage. It is noted the augmentation may provide additional benefit to any other towns connected to the Regional Water Supply Scheme in the future and under "considerations" notes "*this option will need to consider funding, environmental impact, operation and maintenance of the asset.*"
- **Option 24 - Improve fish passage in the North Coast region.** This option would replace or remediate 4 high priority fish barriers, as identified in the NSW Fish Passage Strategy, which includes the Nymboida Weir (which is where Council's drinking water supply is extracted). Under "considerations" the strategy notes "*local council and water user access requirements, including funding, are considered in the design of new fishway structures to ensure reliability of supplies are not negatively impacted or are offset.*"

The draft strategy option that was not progressed was **Clarence River dam to supply the entire northeast NSW area**. This option for a new 250 GL dam on the Clarence River upstream of Tabulam and Duck Creek was considered by the National Water Commission in 2007.

The draft North Coast Regional Water Strategy notes that it does not identify any option to dam any of the major rivers in the region for the purpose of diverting water to inland catchments or storing water for use within that region on the basis that;

“such options were deemed to not yield any direct benefits for towns, communities, Aboriginal people or the environment in the region and were not considered to meet the water-related challenges identified in the draft strategy. Furthermore, diversion options have the potential to pose additional water security and access risks to water users in the North Coast.”

However, the draft strategy notes that the draft Border Rivers Regional Water Strategy included options to divert flow from the North Coast region’s rivers inland, and indicates that feedback on these diversion options is welcomed to help inform the options assessment process in the Border Rivers and Namoi regions. While Council made a submission to the draft Border Rivers Regional Water Strategy outlining its opposition to diversion (see attachments), public exhibition of the draft North Coast Regional Water Strategy provides another opportunity for Council to reiterate its position opposing diversion to the State Government.

COUNCIL IMPLICATIONS

Budget/Financial

Nil at this stage

Asset Management

Nil at this stage

Policy or Regulation

The draft strategy will inform future NSW Government water policy in the region.

Consultation

DPIE consulted with local government during the preparation of the draft strategy.

Legal and Risk Management

Option 1 (Expand the Clarence-Coffs Harbour *Regional Water Supply Scheme*) notes under “considerations” that “*Interconnection options would also require consideration of governance and funding arrangements*”.

Climate Change

As noted in the background section, modelling undertaken for the strategy considered the most conservative result from recognised climate change projections.

Prepared by	Greg Mashiah, Manager Water Cycle
Attachment	<ol style="list-style-type: none"> 1. Submission dated 10 November 2020 to the draft Border Rivers Regional Water Strategy opposing diversion 2. Proposed Submission to the draft North Coast Regional Water Strategy

ITEM	6c.21.045	ALCOHOL PROHIBITED AREA: MCLACHLAN PARK, MACLEAN – ON CROWN LAND
Meeting	Corporate, Governance & Works Committee	20 April 2021
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Nil	

SUMMARY

This report proposes an alteration to the hours of operation for the Alcohol Prohibited Area at McLachlan Park, Maclean due to problems of antisocial behaviour associated with drinking in a public place.

OFFICER RECOMMENDATION

That Council:

1. Seek the approval of the Local Area Police Commander to alter the hours of operation for the Alcohol Prohibited Area at McLachlan Park, Maclean to AT ALL TIMES;
2. If approved, install signage to make designated area operational; and
3. Update its Alcohol Free Zones and Alcohol Prohibited Areas webpage to reflect any changes.

COMMITTEE RECOMMENDATION

Lysaught/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.045

Kingsley/Toms

That Council:

1. **Seek the approval of the Local Area Police Commander to alter the hours of operation for the Alcohol Prohibited Area at McLachlan Park, Maclean to AT ALL TIMES;**
2. **If approved, install signage to make designated area operational; and**
3. **Update its Alcohol Free Zones and Alcohol Prohibited Areas webpage to reflect any changes.**

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 1 Society

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

Strategy 1.2.4 With our partners, promote community safety

BACKGROUND

McLachlan Park Alcohol Prohibited Area (APA)

An Alcohol Prohibited Area (APA) is designed to help Police and Council, in cooperation with the wider community, control antisocial behaviour in the designated areas. Adoption of these areas does restrict the freedom of citizens and should only be considered where there are problems such as littering, obstruction or irresponsible behaviour associated with drinking in a public place.

Local Government Act 1993 Section 632A(4) enables Council to declare any public place or part of a place to be an Alcohol Prohibited Area, except those places (public roads, footpaths and car parks) which are to be dealt with under the Alcohol Free Zone (AFZ) provisions of the Act. An APA is created by resolution of Council and stands until such time as a further resolution is passed to revoke the declaration.

At the Ordinary Council Meeting held on the 26 March 2019 Council resolved to declare the McLachlan Park an Alcohol Prohibited Area with operating times of 9:00PM – 9:00AM (ITEM 15.035/19).

KEY ISSUES

McLachlan Park

McLachlan Park is located at River Street, Maclean, being Lots 274, 364-365 DP751388, Lot 7025 DP1035703, Lot 7026 DP1053778, Lot 7027 DP1057265, Lot 7028 DP1057266 & Lot 7022 DP1113908 being Reserve 35921 and is Crown land gazetted for Public Recreation. Clarence Valley Council is the appointed corporate manager of the Clarence Coast Reserve Trust (CRRT) and is responsible for the management and operation of the reserve. This district level park is bordered by commercial and residential areas adjoining River Street and the Clarence River.

NSW Police have reported that since 1 June 2020 there were 82 'calls for service' received from the public in that area in relation to various types of complaints including intoxicated persons, concern for welfare, assault, offensive behaviour, and hoodlums. Open Spaces staff routinely maintain the park, including the repairing of malicious damage and littering caused by irresponsible behaviour associated with drinking in this public place. In response to the ongoing problems, this report proposes an alteration to the hours of operation for the Alcohol Prohibited Area at McLachlan Park, Maclean to AT ALL TIMES. This proposed alteration of the Alcohol Prohibited Area (APA) will help Police and Council, in cooperation with the wider community, to control antisocial behaviour in the designated area.

Alcohol Prohibited Area Signage

Section 632A(7) of the Local Government Act 1993 states:

An alcohol prohibited area operates only so long as there are erected at the outer limits of the area, and at suitable intervals within the area, conspicuous signs:

- 1) stating that the drinking of alcohol is prohibited in the area, and
- 2) (specifying the times or events, as specified in the declaration by which the area was established, during which it is to operate.

NSW Police Approval

Section 632A(8) of the Local Government Act 1993 states:

An Alcohol Prohibited Area cannot be established without the approval of the Local Area Commander of Police for the area in which the proposed Alcohol Prohibited Area is situated.

Council must seek and obtain this approval prior to establishing or altering an Alcohol Prohibited Area. This process will allow the Local Area Police Commander to consult with the relevant Community Safety Precinct Committee or similar body to help ensure that the decision to declare an area as alcohol prohibited is done transparently and in consideration of the community's wishes.

COUNCIL IMPLICATIONS

Budget/Financial

The expenditure associated with the implementation of the signage will be charged against PJ 550175: Parks Signage Renewals.

Asset Management

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

Policy or Regulation

The following references are applicable to this report:

- Local Government Act 1993
- Local Government Amendment (Confiscation of Alcohol) Act 2010
- Circular 10-33 - Alcohol Prohibited Areas - Amendments to the Local Government Act 1993

Consultation

A site meeting was held at McLachlan Park, Maclean on 30 March 2021 to discuss the problems of antisocial behaviour associated with drinking in a public place. The meeting was attended by Clarence Valley Council, NSW Police, NSW Justice, Yaegl Traditional Owners Aboriginal Corporation RNTBC, Momentum Collective, Nungera Co-Operative Society and The Buttery. An outcome of this meeting was the proposal to alter the hours of operation for the Alcohol Prohibited Area to AT ALL TIMES.

The provisions of Section 632A(8) of the Local Government Act 1993 require Council to seek the approval of the Local Area Police Commander with regards to the proposed changes to its network of Alcohol Prohibited Areas.

Legal and Risk Management

Alcohol Prohibited Areas allows Police and Council to manage antisocial behaviour, such as littering, obstruction or irresponsible behaviour associated with drinking in a public place. Council must have the ability to demonstrate that the requirements of the Local Government Act 1993 Section 632A have been met in the designation of these areas.

Without the appropriate signage specified under Local Government Act 1993 Section 632A(7) designated areas are not operational and prohibition cannot be enforced which places Council and the community at an unacceptable level of risk.

Climate Change

N/A

Prepared by	Gavin Beveridge, Parks & Recreation Officer
Attachment	Nil

ITEM	6c.21.046	2020/21 OPERATIONAL PLAN – QUARTERLY REVIEW AS AT 31 MARCH 2021
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Meeting	Corporate, Governance & Works Committee	20 April 2021
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	To be tabled	

SUMMARY

This report provides the final quarterly review on Council's performance of fulfilling its actions, services, projects and programs in the 2020/21 Operational Plan.

OFFICER RECOMMENDATION

That the Quarterly Operational Plan outcomes as at 31 March 2021 be noted.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.046

Kingsley/Toms

That the Quarterly Operational Plan outcomes as at 31 March 2021 be noted.

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.3 Foster an organisational culture focused on customer service excellence, innovation and continuous improvement

BACKGROUND

On 23 June 2020 Council adopted the 2020/21 Operational Plan, which specifies the objectives, strategies and activities to be achieved in this financial year.

The Clarence 2027 identified five themes which are then broken down into objectives for Council to aspire to when setting the strategies and activities for the 2020/21 financial year.

KEY ISSUES

The one year Operational Plan is a sub-plan of the 2017/21 Delivery Program, which identifies activities (programs, services and projects) to be delivered by Council during the 2020/21 financial year. The General Manager is required to ensure regular progress reports are provided to Council with respect to the principal activities.

Detailed progress updates for this quarter are contained in the attached report.

COUNCIL IMPLICATIONS**Budget/Financial**

Actions contained in the 2020/21 Operational Plan that have a financial implication are included in the adopted budget, which is reported to Council each month.

Asset Management

N/A

Policy or Regulation

Section 404(5) of the Local Government Act 1993

Consultation

Outcomes based on information provided by all section Managers and Directors.

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Lesley McBay – Coordinator Executive Support
To be tabled	Quarterly Progress Report

ITEM 6c.21.047 MONTHLY INVESTMENT REPORT – MARCH 2021

Meeting	Corporate, Governance & Works Committee	20 April 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 March 2021 be received and noted.

COMMITTEE RECOMMENDATION

Lysaught/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Toms, Simmons

Against: Ellem

COUNCIL RESOLUTION – 6c.21.047

Lysaught/Toms

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

Voting recorded as follows:

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

Against: Clancy, Ellem, Novak

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

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

KEY ISSUES**Source of Funds Invested**

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

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

External Reserves		Internal Reserves	
Sewerage Funds	6.37%	Plant Equipment Reserve	7.47%
Water Supply Funds	29.31%	Regional Landfill Reserves	4.12%
Developer Contributions	18.52%	Fin. Assist Grants paid in advance	4.66%
Unexpended Grants	4.80%	Waste Mngmt / Commercial Waste	3.75%
Domestic Waste Management	1.28%	Infrastructure Assets Renewals	1.35%
Holiday Parks	1.79%	Employee Leave Entitlements	2.72%
Deposits, Retentions and Bonds	1.75%	Roads & Quarries Reserves	2.71%
Other External	1.58%	Strategic Building Reserve	1.22%
		Building Asset Renewals	0.87%
		Other (refer attachment for further detail)	5.73%
	65.40%		34.60%
		Total External & Internal Reserves	100.00%

Portfolio Credit Limits

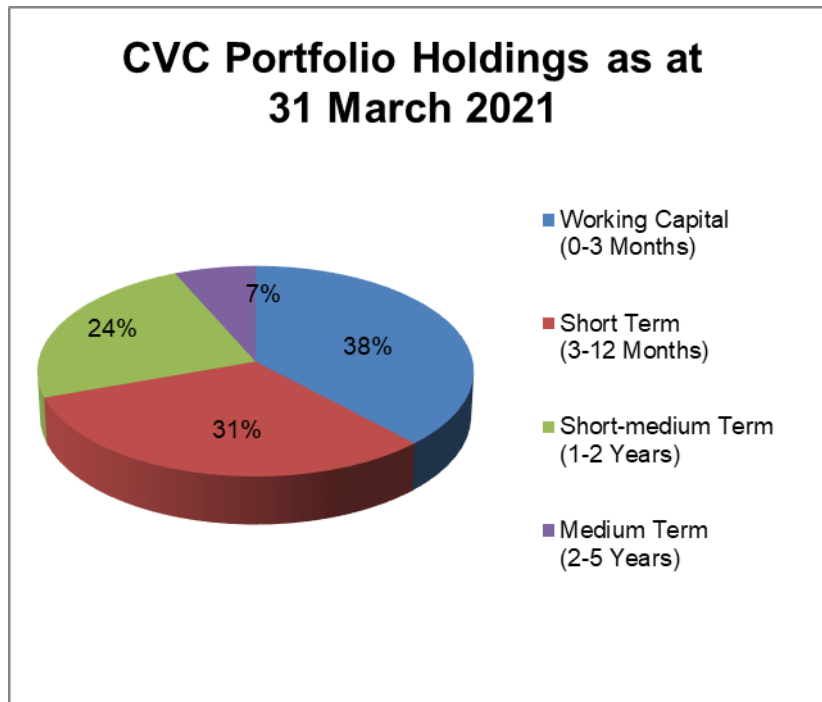
Tabled below is a summary of Council's investments as at 31 March 2021 which details compliance with Council's Investment Policy Portfolio Credit Limits.

Portfolio Credit Limits as at 31 March 2021				
Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
AAA	100.00%	4,990,173	3.80%	Yes
AA	100.00%	50,397,438	38.39%	Yes
A	60.00%	24,250,000	18.47%	Yes
BBB	50.00%	51,652,685	39.34%	Yes
TOTAL INVESTMENTS		131,290,296	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 March 2021. Excluding "at-call" working capital, 41.13% 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 March 2021 which details compliance with Council's Investment Policy Counterparty Limits.

Individual Institution or Counterparty Limits as at 31 March 2021					
Financial Institution	Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
TERM DEPOSITS & FRNs*					
AMP	BBB	15.00%	8,000,000	6.09%	Yes
ANZ*	AA-	30.00%	-	0.00%	Yes
BoQ	BBB+	15.00%	14,000,000	10.66%	Yes
Bendigo	BBB+	15.00%	3,000,000	2.29%	Yes
CBA	AA-	30.00%	3,000,000	2.29%	Yes
CBA*	AA-	30.00%	-	0.00%	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	9.90%	Yes
Macquarie	A	15.00%	3,000,000	2.29%	Yes
ME Bank	BBB	15.00%	5,000,000	3.81%	Yes
NAB	AA-	30.00%	14,000,000	10.66%	Yes
NAB*			-	0.00%	
P&N	BBB	15.00%	3,000,000	2.29%	Yes
RaboDirect	A+	15.00%	9,000,000	6.86%	Yes
Westpac	AA-	30.00%	5,000,000	3.81%	Yes
Westpac*	AA-		1,542,598	1.17%	
TOTAL TERM DEPOSITS & FRNs*			93,542,598	71.25%	
MANAGED FUNDS					
TCorp	AAA	40.00%	490,173	0.37%	Yes
TOTAL MANAGED FUNDS			490,173	0.37%	
FUNDS AT CALL					
AMP	BBB	15.00%	8,344,926	6.36%	Yes
AMP	BBB	15.00%	1,057,759	0.81%	Yes
ANZ	AA-	30.00%	6,787,649	5.17%	Yes
CBA	AA-	30.00%	14,005,884	10.67%	Yes
CBA	AA-	30.00%	7,061,307	5.38%	Yes
TOTAL FUNDS AT CALL			37,257,525	28.38%	
TOTAL INVESTMENTS			131,290,296	100.00%	

Register of Investments - Clarence Valley Council as at 31 March 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	490,173	0.37%	At-Call	0.00%	AAA
AMP Bank Ltd	8,344,926	6.36%	At-Call	0.80%	BBB
AMP Bank Ltd	1,057,759	0.81%	At-Call	0.50%	BBB
ANZ Banking Group Ltd	6,787,649	5.17%	At-Call	0.05%	AA-
Commonwealth Bank of Australia	14,005,884	10.67%	At-Call	0.00%	AA-
Commonwealth Bank of Australia	7,061,307	5.38%	At-Call	0.05%	AA-
AMP Bank Ltd	2,000,000	1.52%	17/05/2021	0.70%	BBB
Bank Of Queensland Ltd	2,000,000	1.52%	04/06/2021	1.15%	BBB+
Bank Of Queensland Ltd	1,000,000	0.76%	29/06/2021	3.45%	BBB+
Macquarie Bank Ltd	3,000,000	2.29%	11/05/2021	1.30%	A
ME Bank Ltd	2,000,000	1.52%	07/05/2021	1.35%	BBB
RaboDirect (Australia) Ltd	2,000,000	1.52%	14/06/2021	3.02%	A+
RaboDirect (Australia) Ltd	1,000,000	0.76%	21/06/2021	3.07%	A+
TOTAL WORKING CAPITAL (0-3 MONTHS)	50,747,698	38.65%		0.61%	
SHORT TERM (3-12 MONTHS)					
AMP Bank Ltd	1,000,000	0.76%	31/08/2021	0.80%	BBB
AMP Bank Ltd	2,000,000	1.52%	02/12/2021	1.60%	BBB
AMP Bank Ltd	3,000,000	2.29%	05/03/2022	0.95%	BBB
Bank Of Queensland Ltd	1,000,000	0.76%	06/07/2021	0.95%	BBB+
Bank Of Queensland Ltd	2,000,000	1.52%	08/07/2021	0.95%	BBB+
Bank Of Queensland Ltd	1,000,000	0.76%	02/12/2021	3.80%	BBB+
Bank Of Queensland Ltd	1,000,000	0.76%	02/12/2021	0.54%	BBB+
Bendigo Bank	3,000,000	2.29%	15/10/2021	0.45%	BBB+
Commonwealth Bank of Australia	3,000,000	2.29%	12/11/2021	0.55%	AA-
Credit Union Australia	2,000,000	1.52%	07/07/2021	0.50%	BBB
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	3,000,000	2.29%	11/02/2022	1.60%	A
ING	2,000,000	1.52%	21/02/2022	1.60%	A
ING	3,000,000	2.29%	21/02/2022	1.60%	A
ME Bank Ltd	1,000,000	0.76%	15/02/2022	0.45%	BBB
ME Bank Ltd	2,000,000	1.52%	03/03/2022	0.45%	BBB
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-
National Australia Bank	2,000,000	1.52%	02/12/2021	0.50%	AA-
Westpac Bank	1,000,000	0.76%	16/11/2021	1.21%	AA-
TOTAL SHORT TERM (3-12 MONTHS)	41,000,000	31.23%		1.02%	

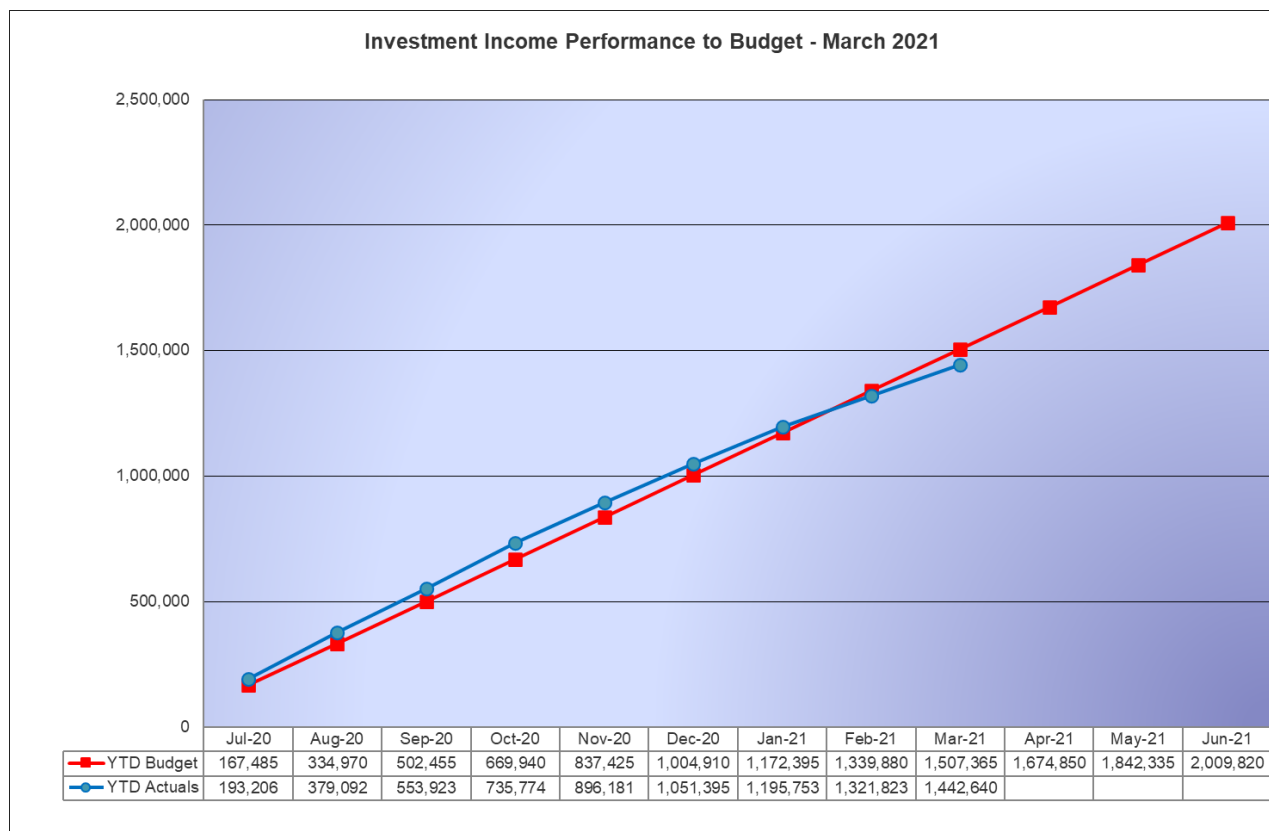
Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
SHORT - MEDIUM TERM (1-2 YEARS)					
Bank Of Queensland Ltd	1,000,000	0.76%	09/05/2022	3.60%	BBB+
Bank Of Queensland Ltd	1,000,000	0.76%	03/08/2022	3.60%	BBB+
Bank Of Queensland 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	1,000,000	0.76%	04/10/2022	3.66%	A
ING	2,000,000	1.52%	02/03/2023	0.55%	A
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-
P&N Bank	3,000,000	2.29%	13/03/2023	0.55%	BBB
RaboDirect (Australia) Ltd	2,000,000	1.52%	13/09/2022	3.40%	A+
RaboDirect (Australia) Ltd	1,000,000	0.76%	05/12/2022	3.21%	A+
Westpac Bank	2,000,000	1.52%	18/07/2022	1.06%	AA-
Westpac Bank	2,000,000	1.52%	13/03/2023	0.96%	AA-
TOTAL SHORT-MEDIUM TERM (1-2 YEARS)	31,000,000	23.61%		1.39%	
MEDIUM TERM (2-5 YEARS)					
Bank Of Queensland Ltd	2,000,000	1.52%	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 (3m BBSW +114bps) (Principal Value \$1,500,000) Market Value	1,542,598	1.17%	24/04/2024	1.24%	AA-
TOTAL MEDIUM TERM (2-5 YEARS)	8,542,598	6.51%		2.49%	
TOTAL INVESTMENTS	131,290,296	100.00%		1.04%	

COUNCIL IMPLICATIONS

Budget/Financial

Portfolio Investment Returns to 31 March 2021			
	Actual	Budget 2020/21	Over/(Under)
This Month			
Cash Deposits & FRNs	\$120,812	\$167,235	(\$46,423)
Managed Funds	\$5	\$250	(\$245)
	\$120,817	\$167,485	(\$46,668)
Year to Date			
Cash Deposits & FRNs	\$1,441,181	\$1,505,115	(\$63,934)
Managed Funds	\$1,459	\$2,250	(\$791)
	\$1,442,640	\$1,507,365	(\$64,725)

- Actual results have shown that total interest income to 31 March 2021 is \$0.064M below the 2020-21 YTD budget of \$1.507M. A revised budgeted income is included in the March QBRs report. The downwards revision will reflect the cumulative impact of declining interest rate returns.
- As at 31 March 2021 the Floating Rate Note (FRN) had an unrealised capital gain of \$39,478.

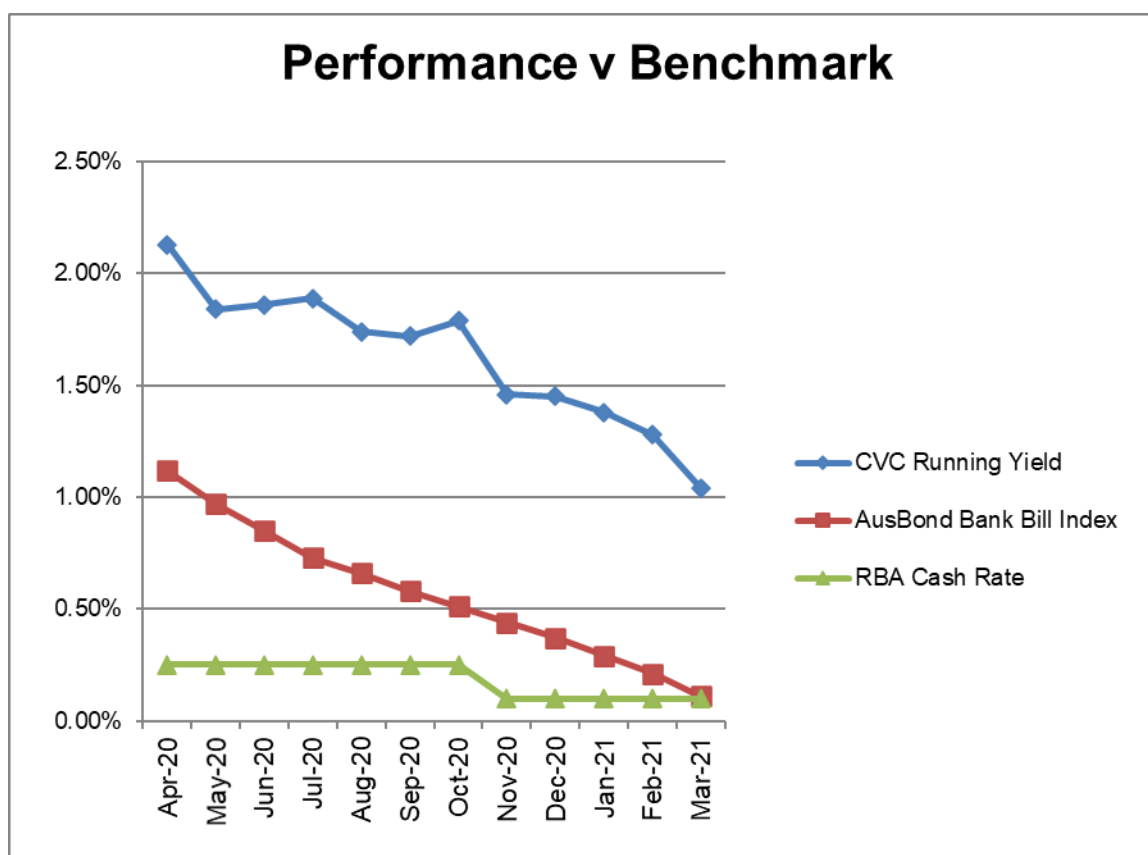


- Running yields* to 31 March 2021 have been:

AMP Business	0.50%
AMP 31 Day Notice	0.80%
ANZ Premium Business	0.05%
CBA General	0.00%
24hr Call Account	0.05%
T-CorpIM Cash Fund	0.00%
Floating Rate Notes	1.24%
Term Deposits	<u>1.38%</u>
Total	1.04%

*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 March was 0.10%. The benchmark AusBond Bank Bill Index was 0.11% for March.
- The current running yield of the total investment portfolio remains at elevated levels above the cash rate. At month-end, it stood at +1.04% (February 1.28%).



The following investments were transacted during February:

- ING \$2.0m TD matured 2/3/2021, reinvested at 0.55% for 730 days – matures 2/3/2023
- New ME Bank TD invested 3/3/2021 at 0.45% for 365 days – matures 3/3/2022
- Defence Bank \$2.0m TD matured 4/3/2021, reinvested at 0.50% for 729 days – matures 3/3/2023
- Westpac Bank \$2.0m TD matured 5/3/2021, redeemed
- New NAB Bank \$2.0m TD invested 5/3/2021 at 0.60% for 731 days – matures 6/3/2023
- AMP \$3.0m TD matured 5/3/2021, reinvested at 0.95% for 365 days – matures 5/3/2022
- Defence Bank \$2.0m TD matured 9/3/2021, reinvested at 0.53% for 729 days – matures 9/3/2023
- P&N Bank \$3.0m TD matured 11/3/2021, reinvested at 0.55% for 729 days – matures 11/3/2023

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 – March 2021

ITEM 6c.21.048 QUARTERLY GOVERNANCE REPORT

Meeting	Corporate, Governance & Works Committee	20 April 2021
Directorate	Corporate & Governance	
Reviewed by	A/Director - Corporate & Governance (Alex Moar)	
Attachment	Nil	

SUMMARY

This report summarises the status of legal proceedings, complaints lodged, Government Information (Public Access) applications, new and/or updated Disclosure of Interest returns, declarations of interest and insurance claims in the period 1 January 2021 to 31 March 2021.

OFFICER RECOMMENDATION

That Council receive and note the Governance report for the period 1 January 2021 to 31 March 2021.

COMMITTEE RECOMMENDATION

Simmons/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.048

Kingsley/Toms

That Council receive and note the Governance report for the period 1 January 2021 to 31 March 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 5.1 We will have a strong, accountable and representative Government

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

BACKGROUND*Legal Proceedings*

The report on legal proceedings is to contain details of the legal proceedings that have been taken by or against Council, except in cases where:

- the security of the Council, Councillors, Council staff or Council property may be threatened;
- the privacy of the personal affairs of the person may be contravened by revealing the information;
- the proceedings concern a personnel or industrial relations matter involving an individual staff member (for example, unfair dismissal claims, workers compensation claims and personal injury claims);
- the proceedings concern the personal hardship of any resident or ratepayer, or
- a not for publication order has been made by the relevant Court or Tribunal.

The report is also to contain details of the amounts, costs and expenses paid or received by the Council.

Complaints Management

Under Council's Complaints Management Policy a request for a service or for information about a service is not a complaint. However, they may escalate into a complaint if action is not taken within designated timeframes or is undertaken in an unprofessional or substandard manner.

The following are not complaints under Council's Complaints Management Policy:

- an objection to a Development Application (DA) or a submission made to Council in response to a call for public comment;
- a concern for service levels that are the result of limits set by Council Policy, and not the result of organisational or mechanical breakdown;
- Code of Conduct complaints.

Under the policy Council has committed to respond substantially to any complaint (other than a competitive neutrality complaint) within 21 calendar days after it is received.

Government Information (Public Access) Applications

The purpose of the Government Information (Public Access) Act 2009 (GIPA) is to open government information to the public by:

- (a) authorising and encouraging the proactive public release of government information by agencies, and
- (b) giving members of the public an enforceable right to access government information, and
- (c) providing that access to government information is restricted only when there is an overriding public interest against disclosure.

Information is not disclosed, if disclosing it would also disclose:

- private information about a third party
- details of legal action or law enforcement
- details that would undermine competitive neutrality in connection with any functions of Council or
- details that would endanger or prejudice any system or procedure for protecting the environment.

Declaration of Interests

The Office of the Information and Privacy Commission released Information Access Guideline 1: For Local Councils on the Disclosure of Information (returns disclosing the interest of councillors and designated persons) – September 2019 and that all returns are to be made publicly available on Council's website. Updated returns and new returns are to be tabled at the next Council meeting after lodgement in accordance with Council's Code of Conduct.

Insurance Claims

To reduce Council's exposure to risk, Council maintains insurance cover for protection against financial loss, damage and legal liabilities.

KEY ISSUES

Legal Activities

Legal advice was sought by Council about several areas of its activities, including (1) preparation of a response for the extinguishment of a Native Title claim; (2) land acquisitions; (3) advice on pontoon structures and licenses; (4) a permit for a road reconstruction; (5) employment law (investigations) (6) court costs for ranger operations; (7) subdivision of land and (8) termination of lease agreement for a holiday park. The total cost of legal advice for the 3-month period was \$32,490.90.

Complaints Management

Two complaint matters were forwarded to Council from NSW Government regulatory authorities during the reporting period.

First, from the Information and Privacy Commissioner (IPC) following up on a complaint made in late 2020 concerning the possibility that Council had offended the requirements for open access information under the GIPA Act—specifically in relation to a DA process. This was responded to within five working days; notification that Council's response was under consideration was received in late March. Council awaits a substantive response from the IPC.

Second, the IPC made preliminary inquiries into a complaint concerning perceived irregularities in Council Meeting Procedures, specifically the provision of Business Papers. Council provided a response within the allocated timeframe and the IPC assessed that the complaint was not justified and closed the matter.

Additionally, a referral from the NSW Ombudsman in late 2020 was responded to in early January (notably, where the Ombudsman assesses that Council has not been given adequate time to respond to a complaint, it refers the matter back to Council to address it—this was such a case).

Government Information (Public Access) (GIPA) Applications

During the period two GIPA applications that were held over from 2020 were finalised and four GIPA applications were received. Of the four applications:

- three were granted partial access to the information requested, with access being redacted on the basis of it being personal information and/or pertaining to business interests.
- one was being processed at the end of the reporting period.

Disclosure and Declarations Interest Returns

A three-month search for Declarations of Interest was undertaken. One Disclosure of Interest Exit Return was received by a retiring staff member.

Insurance Claims

To reduce Council's exposure to risk, Council maintains insurance cover for protection against financial loss, damage and legal liabilities.

There were 26 claims lodged for the period:

INSURANCE CLAIMS 1 JANUARY 2021 TO 31 MARCH 2021

Activity	Total Claims	Not Pursued	Declined	Settled	Pending	Notification	Total Amount (excl GST)
Motor Vehicle Claims	1	0	0	0	1	0	1,000.00
Public Liability (Property)	23	1	10	4	7	1	13,89.45
Public Liability (Injury)	1	0	0	0	0	1	0.00
Property	1	0	0	0	1	0	0.00
Total	26	1	10	4	9	2	2,389.45

Claim: A completed claim form is received by Council or a written letter of demand served on Council.

Settlement: A compensation amount agreed upon by Council in response to an incident in which Council was proven negligent.

Notification: A person notifies Council of their intention to claim but never follows through to the lodgement stage.

Pending: An investigation is on-going, and 'negligence' has not been determined.

Declined: The claimant has not been able to provide Council with a reason as to why they think Council is at fault.

COUNCIL IMPLICATIONS

Budget/Financial

For legal proceedings taken by or against the Council, any costs incurred or recovered are allocated to the budget areas for the respective matters.

The GIPA Act provides that requests are subject to an initial fee of \$30 to cover first hour of investigation. There is an additional processing fee of \$30 per hour, after the first hour. Fees can be reduced by 50% if the agency is satisfied:

- the individual making the application is suffering financial hardship, or
- the information applied for is of special benefit to the public generally.

Council's liability for insurance claims is limited to the excess under the respective policy. Claims up to the excess are allocated against the operational budget of the relevant directorate.

Asset Management

N/A

Policy or Regulation

Complaints Management Policy

Government Information (Public Access) Act 2009 (GIPA Act)

Privacy and Personal Information Protection Act 1998

Information Access Guideline 1: For Local Councils on the disclosure of information (returns disclosing the interest of councillors and designated persons) – September 2019

Council's suite of insurance policies

Civil Liabilities Act 2002 No 22

Consultation

Insurance Officer, Finance

Legal and Risk Management

N/A

Climate Change

N/A

Prepared by	Bligh Grant, Governance Officer
Attachment	Nil

ITEM	6c.21.049	2 PRINCE STREET, GRAFTON ADMINISTRATION BUILDING UPGRADE – PROGRESS UPDATE
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Meeting	Corporate, Governance & Works Committee	20 April 2021
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Yes	

SUMMARY

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

OFFICER RECOMMENDATION

That Council receive and note this project status report on the 2 Prince Street, Grafton administration building upgrade project.

COMMITTEE RECOMMENDATION

Simmons/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.049

Kingsley/Toms

That Council receive and note this project status report on the 2 Prince Street, Grafton 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 24 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 April 2021.

KEY ISSUES**Project Status Report**

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

Schedule: Construction screw piling activities have been delayed due to the recent flood events. However, these activities are not on the critical path and the completion date remains on-track for 3 September 2021.

Deliverables:

- Design Review:
 - Design review and requirements documentation completed on 16 September 2020.
- Procurement Phase:
 - Tender Plan completed on 11 August 2020.
 - EOI 20-23 Opened on 19 August 2020.
 - EOI 20-23 Closed on 9 September 2020.
 - EOI 20-23 Evaluated and reported to Council on 16 September 2020.
 - Council approved EOI recommendation on 22 September 2020.
 - RFT 20-22 Opened on 25 September 2020.
 - RFT 20-22 Closed on 23 October 2020.
 - RFT 20-22 Evaluated and reported to Council on 10 November 2020.
 - Council approved RFT 20-22 recommendation on 24 November 2020.
 - GC21 Construction Contract Awarded to FDC Fitout and Refurbishment (NSW) Pty Ltd on 30 November 2020.
- Construction Phase:
 - Site Establishment completed on 22 January 2021.
 - Review of preconstruction plans completed on 27 January 2021.
 - Basement – 28% progressed
 - Ground Floor – 17% progressed
 - First Floor – 5% progressed
 - Roof – 1% progressed
 - External Works – 3% progressed
 - Completion on track for 3 September 2021.

Quality Metrics

Variations: To date there has been 1 variation raised from FDC with an initial value of \$100,000, this variation was reviewed by CVC with options changed resulting in a reduction of cost to \$53,750. This variation was related to the mechanical design and dilapidation of the existing basement exhaust system requiring replacement. There have been no variations raised due to excessive asbestos handling and removal costs.

Requests for Information (RFI): To date 19 RFI's have been raised, 16 closed with 3 remaining open. 1 RFI open on CVC with potential design change requesting costing to evaluate. 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 wet weather events.

Safety: No incidents, LTIs or near misses reported.

Aboriginal Participation in Construction (APIC): On average for the month of February and March, FDC inform APIC rates has been calculated at 8.5%, 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 30%.

Key Project Risk

COVID-19 remains an 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

- Potential interior design amendments to incorporate collaborative working spaces and internal furniture layout in nominated spaces.
- Land Lot consolidation requirements to be finalised to enable commissioning of new electrical main switchboard.

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	\$1,211,180
Current Commitment	\$6,434,943
Total (Actuals + Commitment)	\$7,646,123

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 to reduce emissions impact.

Prepared by	Sisa Rasaku, PMP®, Project Manager, Clarence Valley Council
Attachment	A. Contract Program B. Site Photos

ITEM	6c.21.050	WORKS REPORT
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Meeting	Corporate, Governance & Works Committee	20 April 2021
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Jamie Fleeting)	
Attachment	Yes	

SUMMARY

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

OFFICER RECOMMENDATION

That the Works report be received and noted.

COMMITTEE RECOMMENDATION

Kingsley/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

COUNCIL RESOLUTION – 6c.21.050

Kingsley/Toms

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

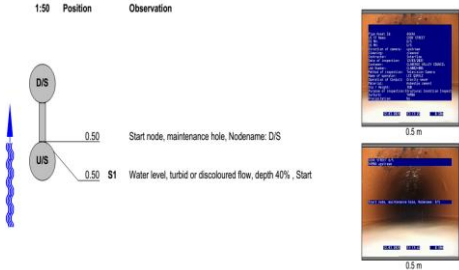
BACKGROUND


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 March.

Project:	Ewingar Hall Solar Panel Project	
Project Description:	<ul style="list-style-type: none"> Installation of 10KW solar system and new back up generator to the hall 	
Budget:	\$30,000	
Expenditure:	\$30,826	
Status:	<ul style="list-style-type: none"> Completed 	

Project:	Sewer Rehabilitation and Relining	 <p>1:50 Position Observation</p> <p>DIS</p> <p>0.50 Start node, maintenance hole, Nodename: DIS</p> <p>US 0.50 S1 Water level, turbid or discoloured flow, depth 40%, Start</p> <p>0.5 m</p> <p>0.5 m</p>
Project Description:	CCTV inspection and relining of sewer mains in Grafton, Maclean and Yamba to extend their service life.	
Budget:	\$700,000	
Expenditure:	\$636,626.68 (including commitments)	
Status:	<ul style="list-style-type: none"> Tender T20/029 awarded at October 2020 meeting. Cleaning and CCTV of mains in proposed program commenced on 20/01/ 2021. CCTV program completed mid February. Relining of mains in Grafton, Maclean and Yamba commenced in first week of March and currently scheduled for completion in May. In conjunction with Sewer Asset Revaluation undertaking CCTV inspection of an additional 320 lines. This will inform the 2021/22 relining program. 	

Project:	Flood damage Wooli Road, Wooli	 <p>1. At start of flood event.</p> <p>2. In the middle of flood event</p>
Project Description:	Flood damage to a 3-cell pipe culvert and the road pavement on Wooli Road, Wooli near intersection with Little River Close.	
Budget:	To be assessed as part of March flood damage claim.	
Expenditure:	To be determined at completion works.	
Status:	<ul style="list-style-type: none"> Some minor damage was experienced to the upstream headwall on this culvert during the February flood event. Repair works were programmed to occur once the water levels fell to such a level that workmen could access the culvert. During the March flood event the headwall on the inlet end collapsed into the drain and erosion commenced of the roadway (photo 1). The road width was reduced to one lane and traffic management measures were put in place. As water levels rose during the flood event and velocities increased and the erosion continued across the entire width of the road (photo 2). Wooli Road had to be closed to traffic at this point until the road could be re-established. 	

	<ul style="list-style-type: none"> As the water levels dropped the road was temporarily re-established in gravel to provide two travel lanes over the culvert (photo 3). Further works will be required to rehabilitate this culvert as the pipes are old and have moved apart. New replacement pipes have been ordered and repair works will be programmed once the materials are received. 	<p>3. Temporary repairs during flood event.</p>
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COUNCIL IMPLICATIONS

Budget/Financial

N/A

Asset Management

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

Policy or Regulation

There are no policy or regulation implications.

Consultation

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

Legal and Risk Management

There are no legal or risk management implications.

Climate Change

There are no climate change implications.

Prepared by	Jamie Fleeting, Greg Mashiah, Peter Birch, Ross McCann
Attachment	Nil

d. INFORMATION ITEMS

ITEM	6d.21.003	ITEMS FOR INFORMATION
Meeting	Council	27 April 2021
Directorate	Office of General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

OFFICER RECOMMENDATION

That the Items for Information as listed below be noted:

1. Dundurrabin Hall Committee – Minutes for February and March 2021
2. CVC Climate Change Advisory Committee – Minutes for December 2020

COUNCIL RESOLUTION – 6d.21.003**Kingsley/Toms**

That the Items for Information as listed below be noted:

1. Dundurrabin Hall Committee – Minutes for February and March 2021
2. CVC Climate Change Advisory Committee – Minutes for December 2020

Voting recorded as follows:

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

CARRIED

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

e. TENDERS - Nil**MOTION**

Kingsley/Baker

That the Council meeting adjourn at 3.50pm for a short break.

Voting recorded as follows:

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

The Council meeting resumed at 4.05pm.

7. NOTICE OF MOTIONS**ITEM 07.21. 005 AMENDMENT TO INVESTMENT POLICY
(DEFERRED FROM MARCH COUNCIL MEETING)**

Meeting	Council	27 April 2021
Directorate	Notice of Motion	
Submitted by	Cr Greg Clancy	
Attachment	Nil	

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

SUMMARY

Council at its meeting on 23 April 2019 resolved:

“That Council

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

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

PROPOSED MOTION

That Council:

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

MOTION

Clancy/Novak

That Council:

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

Voting recorded as follows:

For: Clancy

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

The Motion was put and declared LOST. The Foreshadowed Motion was then considered and became the Council Resolution.

COUNCIL RESOLUTION - 07.21.005

Toms/Ellem

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.**

Voting recorded as follows:

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

Against: Lysaught

Moved by Cr Williamson, that the motion be now put. CARRIED.

LINKAGE TO OUR COMMUNITY PLAN

Theme 4 Environment

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

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

BACKGROUND

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

COUNCIL IMPLICATIONS**Budget/Financial**

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

Policy or Regulation

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

Consultation

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

Legal and Risk Management

N/A

Climate Change

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

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

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

ITEM 07.21.006 RESPONSE TO JOHN BARILARO RE MINING

Meeting	Council	27 April 2021
Directorate	Notice of Motion	
Submitted by	Cr Greg Clancy	
Attachment	Yes	

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

SUMMARY

Council at its meeting on 24 November 2020 resolved:

“That Council acknowledges that:

1. *the Clarence River System is one of the largest river systems in eastern Australia. It is the lifeblood of our community and its health is essential to the environmental, social, cultural and economic wellbeing of our constituents. The Clarence and Nymboida Rivers and their tributaries support an abundant variety of natural ecosystems, many being home to endangered species, as well as being the playground for our water based lifestyle and leisure. Our river and its surrounds hold immense spiritual and cultural importance to the local Indigenous communities, the Gumbaynggirr, Bundjalung and Yaegl people and form the common link between dreamtime stories of each Nation. The Clarence River supports a number of essential, well established local industries also, such as timber, aquaculture, including fish, shellfish, farmed and wild caught prawn sectors, agriculture, including livestock grazing, crop production and our ever growing agri-food sectors. Tourism, both international and domestic, surfing, fishing, ecotourism and nature exploration sectors also influence the success of local retail and hospitality sectors and all rely on our environment’s health. Employment within these industries makes up a high proportion of job numbers in the local area.*
2. *there are a number of mining exploration licences active within the Valley, including those of Castillo Copper at Cangai, Corazon on Mount Gilmore Coombadjha and the Sons of Bavaria at Ewingar and Wilson Investments near Coramba.*
3. *the potential for pollution of the waters of the Clarence and Nymboida River systems is high, despite likely assurances that will be given by mining companies to the contrary;*
4. *some of the proposals include open cut, and full mountain-top removal mining methods which would involve the decimation of plateaus causing large amounts of sediment runoff which could contain dangerous minerals and chemicals used in the mining process;*
5. *the current exploratory mining and the potential for full scale mining has created great concern in the local community with in excess of 10,000 signatures being gathered to date on a petition to the state government, initiated by the Clarence Catchment Alliance.*

Further that Council resolve to oppose mining in the Clarence River Catchment and to seek the support of both state and federal governments to impose a moratorium on further mining exploration licences and to cancel existing licences. “

PROPOSED MOTION

That Council:

1. Note that at the Council meeting on November 24 Council resolved inter alia to “oppose mining in the Clarence River Catchment and to seek the support of both state and federal governments to impose a moratorium on further mining exploration licences and to cancel existing licences.”
2. Acknowledge that this motion does not affect existing mines or quarrying operations;
3. Thank the Hon. John Barilaro for his response on behalf of the Minister for Energy and Environment, Hon. Matt Kean MP and advising that Council was not seeking an explanation of the process of developing mining in the Clarence River Catchment but was advising the state government of its strong opposition to mining in the Clarence River Catchment;
4. Advise Hon. John Barilaro that the council, representing the community’s strong opposition to such mining, is asking for the Clarence River Catchment to be scheduled in the relevant environmental, planning and mining legislation as a no-go zone for minerals mining due to the Catchment’s almost unique natural and cultural values, many of which depend on the Clarence River and its tributaries, and which support essential and valuable industries which contribute to the local economy as well as providing drinking water for the Clarence Valley (51,000+ residents) and Coffs Harbour City Council

- (76,000+ residents) and water for local agricultural industries;
5. Write to the Premier of New South Wales, the Hon. Gladys Berejiklian advising her of Council's resolution and seeking her support for a moratorium on mining in the Clarence River Catchment;
 6. Write to the adjoining councils that have responsibility for areas draining into the Clarence River Catchment requesting that they support council's stand and ask them to pass resolutions to oppose mining in areas affecting the Clarence River Catchment.

COUNCIL RESOLUTION – 07.21.006**Clancy/Lysaught****That Council:**

1. **Note that at the Council meeting on November 24 Council resolved inter alia to “oppose mining in the Clarence River Catchment and to seek the support of both state and federal governments to impose a moratorium on further mining exploration licences and to cancel existing licences.”**
2. **Acknowledge that this motion does not affect existing mines or quarrying operations;**
3. **Thank the Hon. John Barilaro for his response on behalf of the Minister for Energy and Environment, Hon. Matt Kean MP and advising that Council was not seeking an explanation of the process of developing mining in the Clarence River Catchment but was advising the state government of its strong opposition to mining in the Clarence River Catchment;**
4. **Advise Hon. John Barilaro that the council, representing the community's strong opposition to such mining, is asking for the Clarence River Catchment to be scheduled in the relevant environmental, planning and mining legislation as a no-go zone for minerals mining due to the Catchment's almost unique natural and cultural values, many of which depend on the Clarence River and its tributaries, and which support essential and valuable industries which contribute to the local economy as well as providing drinking water for the Clarence Valley (51,000+ residents) and Coffs Harbour City Council (76,000+ residents) and water for local agricultural industries;**
5. **Write to the Premier of New South Wales, the Hon. Gladys Berejiklian advising her of Council's resolution and seeking her support for a moratorium on mining in the Clarence River Catchment;**
6. **Write to the adjoining councils that have responsibility for areas draining into the Clarence River Catchment requesting that they support council's stand and ask them to pass resolutions to oppose mining in areas affecting the Clarence River Catchment.**

Voting recorded as follows:

For: Clancy, Lysaught, Novak, Ellem, Toms, Kingsley

Against: Simmons, Baker, Williamson

The Motion was put and declared CARRIED.

The meeting adjourned at 5.16pm in order for the Chair to seek advice on a point of order. The meeting resumed at 5.23pm.

LINKAGE TO OUR COMMUNITY PLAN

Themes	3 Economy and 4 Environment
Objective	3.1 To have an attractive and diverse environment for business, tourism and industry
	4.1 To preserve and enhance our natural environment
Strategy	3.1.3 Provide land use planning that facilitates and balances economic growth, environmental protection and social equality
	4.1.1 Managing our coastal zone, waterways, catchments and floodplains in an ecologically sustainable manner
	4.1.2 Promote sustainable natural resource management

BACKGROUND

On 24 November 2020 Council resolved to oppose mining in the Clarence River Catchment (see attached minutes) and wrote to the Hon. John Barilaro, Hon. Matt Kean, Minister for the Environment and the state and federal members, Mr Chris Gulaptis and Mr Kevin Hogan, respectively. A response was received from Mr Barilaro on 1 March 2021. It did not acknowledge Council's opposition to mining but rather explained how the approval process for mining operated. This notice of motion is lodged to respond to this letter and to advise Mr Barilaro of Council's strong stand on this issue.

KEY ISSUES – N/A

COUNCIL IMPLICATIONS**Budget/Financial**

Implementing the motion is unlikely to involve much additional staff time as it involves writing five letters.

Policy or Regulation

Local Government Act 1993

Consultation

The mover has consulted with the Clarence Catchment Alliance.

Legal and Risk Management

N/A

Climate Change

This action of opposing mining in the Clarence Catchment will prevent the potential for large scale release of greenhouse gases associated with mining and damage to local rivers and the environment.

Attachment:	Minutes of Ordinary Council Meeting 24 November 2020 Item 6a.20.049
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ITEM 07.21.007 YAMBA TRIATHLON DECEMBER 2021 SPONSORSHIP

Meeting	Council	27 April 2021
Directorate	Notice of Motion	
Submitted by	Cr Karen Toms	
Attachment	Yes	

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

SUMMARY

The Yamba Triathlon has been held on the first weekend in December for the past three years. Council sponsored these events through its agreement with Sports Marketing Australia and NXsports who deliver the Triathlon.

NXsports representatives have been informed by Council staff they cannot hold the Yamba Triathlon on the first weekend in December 2021 as it is not in accordance with the agreement council has with Sports Marketing Australia.

As the proposed date in December is no longer acceptable to SMA and council staff, the General Manager advised me to submit a notice of motion.

PROPOSED MOTION

That Council

1. Provide sponsorship of \$4,500.00 plus GST for the Yamba Triathlon to be held on the first weekend in December 2021, and
2. Also provide fees due to Sports Marketing Australia in accordance with the agreement with Council Clause 2.14 Trailing Fees.

COUNCIL RESOLUTION – 07.21.007

Toms/Kingsley

That Council

1. **Provide sponsorship of \$4,500.00 plus GST for the Yamba Triathlon to be held on the first weekend in December 2021, and**
2. **Also provide fees due to Sports Marketing Australia in accordance with the agreement with Council Clause 2.14 Trailing Fees.**

Voting recorded as follows:

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

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 3 Economy

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

Strategy 3.1.5 Attract and grow events which contribute to the economy with a focus on high participatory events

BACKGROUND

Due to an increase in Yamba's popularity as a tourist destination, including the usual low season of July and August, SMA has recommended NX Sports concentrate on May or the first week in September.

The agreement Council has with SMA states

1.1 Secure Sporting Events -third dot point

- SMA warrants that only events that fill the gaps (identified below) in Clarence Valley calendar will be presented: Periods include:
 - Grafton and surrounds in March/April, August/September and December/January
 - **Yamba in May, July/August, early September**
 - Woolli, Minnie Waters and Iluka in May, June, July, August

As the proposed date in December is no longer acceptable to SMA and council staff. The above mentioned months are not supported by the local Triathlon club nor NXsports for the following reasons.

KEY ISSUES

The Yamba Triathlon Festival, delivered by NXsports in 2020 for their third year in a row, is critically important for the local triathlon community as well as a vital part of the TNSW North Coast Interclub Series. The current date of the event (i.e. the first weekend of December) makes it the ideal event for inclusion on the series, fitting perfectly onto the current calendar around the other events.

The event has become a critical part of the entire series, which has been instrumental in supporting our affiliated clubs and their members up and down the coast of NSW, including the Clarence Valley Triathlon Club, Byron Triathlon Club, Coffs Harbour Triathlon Club, Hat Head Triathlon Club, Tweed Valley Triathlon Club and Ballina Triathlon Club.

COUNCIL IMPLICATIONS

Budget/Financial

The 2021/2022 Budget for Special Events is \$90,000. Round 1 applications are open now for events taking place between July 2021 and February 2022. Applications close on 2 May 2021.

With the adoption of the Yamba Triathlon sponsorship the Special Events Budget for 2021/22 will be reduced to \$85,500. The fee due to Sports Marketing Australia for the Yamba Triathlon, if competitor numbers are under 500, is \$2,000 and is funded from Sports Tourism Commission (996035-7353-2227).

Policy or Regulation

Event Management Policy

Consultation

Discussions were held with the Secretary of the local Triathlon Club

Legal and Risk Management

N/A

Attachment:	Yamba Tri 2020 Management Plan Report
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STAFF COMMENT – Alicia Savelloni

If Council believes it is appropriate to sponsor the Yamba Triathlon for the first weekend of December in 2021, it is recommended that the sponsorship be tiered dependent on visiting competitor numbers, rather than a flat fee. This has been the arrangement with NX Sports for the triathlons held during 2018 – 2020 and is the practice with other event organisers within the Sports Tourism program.

The recommended tier is as follows:

No. of visiting competitors	Hosting fee
200 - 299	\$3,500 + GST
300 - 399	\$4,500 + GST
400 - 499	\$6,000 + GST

It is also recommended the following clause be included:

If the numbers are below 200, Council reserves the right to negotiate a revised fee at that time. Visiting competitors means competitors who live outside the Clarence Valley.

ITEM	07.21.008	CORRECTION OF COUNCIL POSITION ON REZ2016/0001
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Meeting	Council	27 April 2021
Directorate	Notice of Motion	
Submitted by	Cr Karen Toms	
Attachment	Nil	

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

SUMMARY

At Council's October 2019 Meeting, the Officer's recommendation to Item 6b.19.031 Planning Proposal for Palmers Island Marine Industrial - REZ2016/0001, dot point three advised Councillors,

3. Note that it is not the Local Plan Making Authority for this Planning Proposal and is therefore not legally bound to make a definitive recommendation to the state government on this proposal.

At that meeting in October 2019 the council did not make a recommendation to the Minister of Department for Planning, Industry and Environment but rather remained neutral despite supporting the Planning proposal being sent to the Gateway three times in support *for the amendment to Clarence Valley Local Environmental Plan 2011 to rezone part of Lot 2 DP 598769, School Road, Palmers Island to facilitate the development of a marine based industry,*

PROPOSED MOTION

That Council:

1. Write to the NSW Minister for Planning and Public Spaces advising Council is now aware that one of the grounds advised as reason for the Minister not approving the Proposal: being "*lack of any evidence that there was any support for the proposal from Councillors*", is incorrect.
2. Further advise that it has and does support the rezoning of part of Lot 2 DP598769 School Road Palmers Island to facilitate the development of a marine based industry.
3. Is advised that the Remediation Action Plan has been acted on and the contamination removed.
4. Advise the Minister of this resolution.

MOTION (1)

Toms/Lysaught

That Council:

1. Write to the NSW Minister for Planning and Public Spaces advising Council is now aware that one of the grounds advised as reason for the Minister not approving the Proposal: being "*lack of any evidence that there was any support for the proposal from Councillors*", is incorrect.
2. Further advise that it has and did support the rezoning of part of Lot 2 DP598769 School Road Palmers Island to facilitate the development of a marine based industry.
3. Is advised that the Remediation Action Plan has been acted on and the contamination removed.
4. Advise the Minister of this resolution.

AMENDMENT TO MOTION (1)

Williamson/Baker

That Council:

1. Write to the NSW Minister for Planning and Public Spaces advising Council is now aware that one of the grounds advised as reason for the Minister not approving the Proposal: being "*lack of any evidence that there was any support for the proposal from Councillors*", is incorrect.
2. Further advise that it has and did support the rezoning of part of Lot 2 DP598769 School Road Palmers Island to facilitate the development of a marine based industry.
3. Advise the Minister of this resolution.

Voting recorded as follows:

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

Against: Clancy, Ellem, Novak

The Amendment to Motion was put and declared CARRIED.

MOTION (2)

Toms/Lysaught

That Council:

1. Write to the NSW Minister for Planning and Public Spaces advising Council is now aware that one of the grounds advised as reason for the Minister not approving the Proposal: being "*lack of any evidence that there was any support for the proposal from Councillors*", is incorrect.
2. Further advise that it has and did support the rezoning of part of Lot 2 DP598769 School Road Palmers Island to facilitate the development of a marine based industry.
3. Advise the Minister of this resolution.

AMENDMENT TO MOTION (2)

Baker/Simmons

That Council:

1. Write to the NSW Minister for Planning and Public Spaces advising Council is now aware that one of the grounds advised as reason for the Minister not approving the Proposal: being "*lack of any evidence that there was any support for the proposal from Councillors*", is incorrect.
2. Further advise that it has and did support the rezoning of part of Lot 2 DP598769 School Road Palmers Island to facilitate the development of a marine based industry.
3. Advise the Minister of this resolution.
4. Withhold implementation of the preceding points until the advice provided to Cr Toms referred to in Point 2 is provided to the General Manager and Councillors.

Voting recorded as follows:

For: Baker, Simmons, Lysaught, Toms, Williamson

Against: Novak, Ellem, Kingsley, Clancy

The Amendment to Motion (2) was put and declared CARRIED. The Amendment became the substantive motion.

COUNCIL RESOLUTION – 07.21.008

Toms/Lysaught

That Council:

1. Write to the NSW Minister for Planning and Public Spaces advising Council is now aware that one of the grounds advised as reason for the Minister not approving the Proposal: being "*lack of any evidence that there was any support for the proposal from Councillors*", is incorrect.
2. Further advise that it has and did support the rezoning of part of Lot 2 DP598769 School Road Palmers Island to facilitate the development of a marine based industry.
3. Advise the Minister of this resolution.
4. Withhold implementation of the preceding points until the advice provided to Cr Toms referred to in Point 2 is provided to the General Manager and Councillors.

Voting recorded as follows:

For: Toms, Lysaught, Baker, Williamson, Simmons

Against: Novak, Ellem, Kingsley, Clancy

CARRIED

Moved by Cr Kingsley, that the motion be now put. 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

Ms Monique Gibson (Executive Director, Local and Regional Planning) advised the applicants nominated contact officer that one of the grounds for the Minister not approving the proposal was the lack of any evidence that there was any support for the Proposal from Council or Councillors.

There is evidence starting from 2014 that Council supported a Planning Proposal to rezone land at Lot 2, DP 598769, School Rd, Palmers Island for marine industrial purposes.

In July 2014 Council resolved to send the initial Planning Proposal to the Gateway. The Department of Planning and Environment sought further information on land use conflicts, and a new Planning Proposal (REZ2016/0001) was submitted in July 2016.

Council resolved to refer the Planning Proposal to the Gateway subject to 40% reduction in rezoning area (Item14.108/16)

December 2016 DPE sought further information and in April 2017 the information was submitted.

Council resolved 18 July 2017 to send the revised Planning Proposal to the Gateway.

November 2017 DPE refused the Gateway application.

However, in December 2017 the Applicant applied to the Joint Regional Planning Panel for a review. The DPE issued approval to proceed through the Gateway following approval issued by JRPP

Up to that point Council had supported the proposal being sent to the Gateway three times.

KEY ISSUES

Councillors did not make a recommendation of support to the Minister in October 2019 on Item 6b.19.031 based on the Officer's Recommendation Point 3. *Note that it is not the Local Plan Making Authority for this Planning Proposal and is therefore not legally bound to make a definitive recommendation to the state government on this proposal.*

Councillors were not aware that remaining neutral at that time would cause the Minister to believe there was no evidence of support for the rezoning application.

1. Council has considered at least the following, listed in no particular priority order:
 - Submissions opposing rezoning received during the extended public consultation period.
 - Submissions supporting rezoning received during the extended public consultation period.
 - Other submissions received during the extended public consultation period and submissions received outside the extended public consultation period.
 - Public authority/organisation responses received.
 - A petition opposing the rezoning of some 445 signatures received during the extended public consultation period.
 - A petition supporting the rezoning of some 689 signatures received during the extended public consultation period.
 - A submission on behalf of opponents of the rezoning by Mills Oakley Lawyers with attached Molino Stewart Planning Report
 - A Marsdens Lawyers legal opinion in response to Council request for opinion on process issues and matters raised by the Mills Oakley submission.
 - 3 deputations in opposition to the rezoning, being the maximum allowable under Council's Code of Meeting Practice, to the Public Forum prior to the 15 October 2019 Committee meetings.
 - 3 deputations in support of the rezoning, being the maximum allowable under Council's Code of Meeting Practice, to the Public Forum prior to the 15 October 2019 Committee meetings.
 - Receipt by Council of a Contamination Remediation Action Plan to make "suitable, after remediation" the land area identified as 'site S21' and noting site S21 covers an area of about 120 centimetres square to a depth of 20 centimetres. Clarence Valley Council ref: DA2019/0535 dated 2 October 2019.
2. Having taken particular note of the 3 April 2018 Northern Joint Regional Planning Panel Gateway Review Advice Report wherein it importantly found among other things that: "The zoned land at Harwood is not practically available for the proposed use due to land ownership, access limitations, and operational requirements of the planning proposal", Council note that in relation to Harwood:
 - a. Access limitations are expected to be resolved in the near future.
 - b. No change to land ownership known.

- c. No change to operational requirements of the planning proposal known
 - d. No development application, proposal or plan or any other thing likely to enable practical availability of land or facilities for boat building is known to Council at the date of this resolution.
3. As required by the Gateway determination the following studies have been completed and displayed including a flood impact study; a preliminary site investigation for contamination; and a study on the impacts of the proposed slipway on the hydrology, bank stability and aquatic habitat at the site. The required community consultation as required under section 3.34 (2) (c and d) and schedule 1 clause 4 of the Act has occurred.

COUNCIL IMPLICATIONS

Budget/Financial

Staff time to write a letter to the Minister

Policy or Regulation

N/A

Consultation

Extensive community consultation has occurred including an extension to the consultation period

Legal and Risk Management

N/A

STAFF COMMENT – DES SCHRODER, DIRECTOR ENVIRONMENT PLANNING & COMMUNITY

The planning proposal seeking to enable a marine industry on land at Palmers Island has had a significant amount of consideration by Council, the NSW Government and the local community. The NSW Government's Department of Planning, Industry and Environment (DPIE) has decided not to proceed with the planning proposal and has published reasons for that decision in correspondence to Council and on the DPIE website. None of the reasons indicate that the lack of support, or evidence thereof, from Council formed the basis for the Government's decision.

Council had provided support for the proposal on a number of occasions, however that support was not given the final time Council considered the matter.

The planning proposal has been subject to review previously and it is considered that the planning proposal cannot be further reviewed by the NSW Government. Council has received legal advice to this effect. The Applicant has the option of re-applying for a new planning proposal if they wish to have the matter considered again.

As the rezoning proposal has been refused by the Department now twice (and the formal review process also used up) even if this NOM is supported the DPIE can't do anything with it as it has no rezoning proposal to consider.

MOTION

Kingsley/Novak

That the Ordinary Council meeting be extended past 7.00pm until 7.30pm

Voting recorded as follows:

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

Against: Nil

Matters were then dealt with in the order in which they appear in the minutes.

LATE ITEMS OF BUSINESS AND MATTERS ARISING

ITEM 10.21.003 STRONGER COUNTRY COMMUNITIES FUND, ROUND 4 PRIORITIES

Meeting	Council	27 April 2021
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Nil	

SUMMARY

Council has been notified that Round 4 of the Stronger Country Communities Fund will be opening in May and seeking endorsement to submit applications which align with the fund requirements.

OFFICER RECOMMENDATION

That Council

1. Receive and note the community sporting priorities for funding.
2. Submit applications for one or more of the priority projects listed in this report.

Cr Kingsley left the Ordinary Council meeting at 6.59pm.

COUNCIL RESOLUTION – 10.21.003

Williamson/Toms

That Council

1. **Receive and note the community sporting priorities for funding.**
2. **Submit applications for one or more of the priority projects listed in this report.**

Voting recorded as follows:

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

Against: Nil

CARRIED

LINKAGE TO OUR COMMUNITY PLAN

Theme 1 Society

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

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

BACKGROUND**Stronger Country Communities Fund**

Stronger Country Communities Fund (SCCF), Round 4 will open on 1 May 2021. Up to \$50 million of Round 4 funding will go towards projects that deliver and enhance women's sporting facilities, including change rooms. The remaining \$50 million will meet the strong demand for other high-quality community and sports related infrastructure projects.

Funding guidelines have not been released at this stage, though it is expected that Local Government will be eligible to apply, but it is not known if a financial contribution will be required.

KEY ISSUES**Women in Sport**

This round of funding has a focus on the delivery of projects that enhance women's sporting facilities, including change rooms. The Clarence Valley is comprised of just over 50% of women in our overall population.

Clarence Valley Council area - Total people (Usual residence)		2016			2011			Change
Population group	Number	%	New South Wales %	Number	%	New South Wales %	2011 to 2016	
Males	25,140	49.6	49.3	24,516	49.4	49.3	+624	
Females	25,530	50.4	50.7	25,157	50.6	50.7	+373	
Aboriginal and Torres Strait Islander population	3,214	6.3	2.9	2,843	5.7	2.5	+371	
Australian citizens	45,574	89.9	82.7	45,880	92.4	85.5	-306	
Eligible voters (citizens aged 18+)	36,048	71.1	63.0	35,421	71.3	64.8	+627	
Population over 15	42,364	83.6	81.5	40,442	81.4	80.7	+1,922	
Employed Population	17,558	91.0	93.7	17,761	91.0	94.1	-203	
Overseas visitors (enumerated)	191	--	--	128	--	--	+63	

Source: Australian Bureau of Statistics, [Census of Population and Housing 2011 and 2016 \(Usual residence\)](#). Compiled and presented in profile.id by [.id](#) (informed decisions).

Image 1 – Source Profile ID

With the fund having a strong focus on women in sport and an increase in participation of same, there is a good opportunity to ensure we have quality facilities which meet the recommendations for female participation.

Sporting Priorities

Based on the funding criteria, the following priorities are recommended for consideration:

1. McKittrick Park - change rooms and public toilets renovation
2. Westward Park - Grafton netball court replacement
3. Yamba Sports Complex, Yamba soccer – change room renovation
4. Hawthorne Park, Roy Hawthorne Stand – replacement and aluminium grandstand installation
5. JJ Lawrence Field – basketball court replacement
6. Wherret Park – Maclean netball court replacement

McKittrick Park – change rooms and public toilet renovation

McKittrick Park is primarily used for rugby league, league tag and cricket. The asset condition of the change rooms is poor, with age and use as contributing factors. The showers require updated plumbing and privacy partitions need to be installed. The tiles are failing and a full renovation of fixtures and fittings is recommended.

This renovation will make the facilities are suitable for use for women in sport. Participation numbers are increasing in league tag and the facility is heavily used throughout the year for organised sport, school groups and community use.

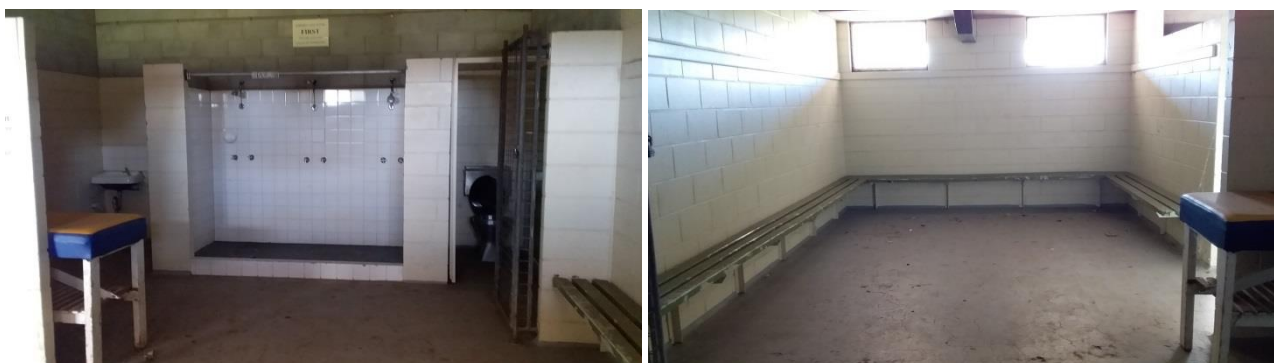


Image 2 and 3 – Change room, McKittrick Park

Westward Park, Grafton netball court replacement

The Grafton netball courts support a wide range of netball events, competition and activities for the Grafton and wider Clarence Valley community. They are home to the Grafton Netball Association which represents seven clubs with almost 600 members who are primarily women/girls. The asset condition of the court surface is poor, with replacement required. An application for funding has been submitted through the Regional Sport Facility Fund for the court replacement. An announcement for this funding is expected in April 2021. If this application is not successful, this project is recommended for consideration through the SCCF.



Image 4 and 5 – Netball Courts, Westward Park, Grafton

Yamba Sports Complex, Yamba soccer – change room renovation

The asset condition of the change rooms is poor, with age and use as contributing factors. This renovation will make the facilities suitable for use for women in sport. Participation numbers are steady in soccer however these changes will encourage increased use.



Image 6 and 7 – Change room, Yamba Sports Complex

Hawthorne Park, Roy Hawthorne Stand – replacement and aluminium grandstand installation

The Roy Hawthorne stand in Hawthorne Park lays adjacent to the main sand arena which is used by all the clubs for a range of equestrian events and activities.

The current shelter is in poor condition and the grandstands that used to be housed below have been disposed many years ago. Rabbits have caused havoc, digging holes and causing further safety issues. The shelter needs replacing and it is proposed to lay a concrete base and affix aluminium grandstands to the base with a pathway for accessibility.



Image 8 and 9 – Roy Hawthorne Stand, Hawthorne Park

Image 10 – rabbit holes under shelter

JJ Lawrence Field – basketball court replacement

The basketball court at JJ Lawrence Field is heavily used by the community playing basketball, toddlers riding bikes and youth playing other ball sports. It's a centrally located popular park, with easy access via vehicle or pedestrian.

The surface is deteriorated and in need of reconstruction. It is proposed that one court is retained as a basketball court and the other is a multi court, offering a range of activities from general recreation and fitness to other suitable sports.



Image 11 and 12 – JJ Lawrence basketball courts, South Grafton

Wherret Park – Maclean netball court replacement

The Maclean netball courts support a wide range of netball events, competition and activities for the Maclean and wider Clarence Valley community. They are home to the Lower Clarence Netball Association which represents 3 clubs who are primarily women/girls.

The asset condition of the court surface is deteriorating, with replacement recommended.



Image 13 and 14 – Wherret Park netball courts, Maclean

COUNCIL IMPLICATIONS**Budget/Financial**

It is not known if the Clarence Valley has an allocation, however it is likely that community groups will also be eligible to apply under this fund. Additionally, as the funding guidelines haven't been released yet, it is not known if a Council contribution will be required.

Based on quotations and/or similar projects, the price estimates for the applications are as follows:

McKittrick Park, South Grafton	Change rooms and public toilets renovation	\$120,000.00
Westward Park, Grafton	Grafton netball court replacement	\$998,000.00
Yamba Sports Complex, Yamba	Soccer change room renovation	\$50,000.00
Hawthorne Park, South Grafton	Roy Hawthorne Stand Replacement and aluminium grandstand installation	\$250,000.00
JJ Lawrence Field, South Grafton	Basketball court replacement & multi court construction	\$200,000.00
Wherret Park, Maclean	Maclean netball court replacement	\$600,000.00

Asset Management

The projects identified for the funding are deteriorating and in poor condition. The on-going maintenance, operation and renewal of the assets will be supported in the Open Spaces Asset Management Plan.

Policy or Regulation

The following references are applicable to this report:

- Clarence Valley Sports Facilities Plan
- Open Spaces Asset Management Plan
- Clarence Valley Open Space Strategic Plan

Consultation

Some consultation has occurred with the stakeholders, however further consultation will be undertaken to progress the applications and seek support for the projects.

Legal and Risk Management

Safety is a risk with the nominated projects as they all require renovation / redevelopment.

Climate Change

N/A

Prepared by	Rachelle Passmore – Senior Parks & Recreation Officer
Attachment	Nil

ITEM 09.21.001 QUESTIONS WITH NOTICE**Meeting**

Council

27 April 2021

MOTION

Williamson/Toms

That the Questions with Notice be tabled and noted.

Voting recorded as follows:

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

Against: Nil

*Cr Kingsley was absent on this vote.***CR KAREN TOMS**

Please find following my questions on notice as per our Code of Meeting Practice.

**6c.21/043 2020/21 QUARTERLY BUDGET REVIEW – MARCH 2021
Major Budget Variations Proposed****Are the positions listed in the QBR now redundant or vacant?****Sub Service 212, 213 Finance and Supply**

Management Accountant Position No. 4315100 (\$81,216)

Is the Management Accountant Position being filled with a contract arrangement?

Response*The position is vacant, but not redundant. The management accounting team's responsibilities have been reviewed in light of system/process improvements and an internal audit that indicates a need to improve grant accounting.*

Store Person Position No. 4990219 (\$78,947)

Response*This vacancy was an identified improvement strategy and will be covered in the May report on Improvement Strategy funds realized this year.***Sub Service 232 Governance and Business Improvement**

Business Improvement Officer Assistant (\$31,904)

Response*This position was a temporary appointment funded until December 2020 and no longer exists in the structure, this saving represents the reconciliation of the budget following an earlier than anticipated resignation.***Sub Service 232 Governance and Business Improvement**

Why are we reallocating \$155,000 from training/and Conference/Seminar expenditure to FIELD staff Overheads?

Response*This movement represents the allocation of budget to cover the cost of time spent in mandatory training – the wages were costed to an Overheads Project, but the expenditure budget adopted by Council was sitting in the Training Project. This is an alignment of actual expenditure and the budget for expenditure.*

Why are we proposing to fund Road Side Mowing by using Reserves for Noxious Weeds Programs WAP (NSW Weeds Action Program)?

Response*This is old WAP Program funding, no longer required in the weeds area as the work for this version of the program has already been completed. It is also not required to fund the current year weeds management program. As such, in discussion with both the Weeds Management Team and Manager Open Spaces. While not explicit, the report proposes returning it to General Fund through applying it to the Roadside Mowing area*

of Open spaces as they require further budget to cover the current year work program. RA 10316 & RA10324 were utilized for this.

Why are we proposing to fund Park Mowing from a Reserve for Canoe and Kayak Trail Wayfinding signage?

Response

Similarly, this is an old general fund allocation for which all works are actually complete. Again in an effort to clean up old Open Spaces & Facilities Internal Reserves and minimize the impact on general fund, OSF Management has suggested to return this money to General Fund through applying it to the Roadside Mowing area of Open Spaces as they require further budget to cover the current year work program. RA11225 and RA11037 were utilized for this.

Do you for see a problem with our budget for Open Spaces?

Response

It has been identified that the adopted budgeted service level and the actual service level delivered for Parks & Reserves maintenance are significantly different. The result being the adopted budget is not sufficient to continue at the current service level. The Open Spaces & Facilities management is aware of the situation and the team is currently reviewing service levels and in particular the impact of floods, additional tourism and additional building operating costs with a view to right sizing both service levels and associated budgets. Council can expect to see further budget variations in May once Management has finalised its review.

Why are including \$750,000.00 income for the sale of Queen Street Road Reserve into the March Budget Review when the proceeds of the sale have not been received?

Response

This variation represents the income budget required to receive the actual funds, it has been created in response to an invoice being issued.

Do you anticipate that income will be realised before 30 June 2021?

Response

Yes, in accordance with the payment conditions on our invoice.

Allocation of (BLERF) Grant for Shores Drive Roundabout \$2,7800.00 for this QBR

Please advise if the amount of \$417,000 in the Draft Budget 2021/22 for the Shores Drive Roundabout is over and above from the grant of \$2,7800.00 received and included in the March QBR?

Response

The \$417,000 is the estimated proposed deferral amount at the time the 21/22 Capital Works Program was being prepared, being approximately 15% of the grant value. It is not additional. Per the April Council Workshop, work is currently being completed to identify the impact of the recent flood events on our 20-21 Capital works Program and a report will be brought to Council in May detailing the deferred projects and reconciling the final amount of budgets that need to be deferred in association with this work. Budget Variations will then be completed, updating the 20/21 Budget by removing the agreed deferred amount and ensuring the 21/22 Capital Works Program is also adjusted accordingly.

The Shores Drive Roundabout is not in the Works Report and is only now showing up in the March QBR. When were those funds received?

Response

No funds have been received as yet. Work on Shores Drive Roundabout is included in the line item of the April Works Report:

We recognise this report in its current format is not very informative, we are reviewing that at the moment and will provide Councillors with a new format in the coming months. You will note that the 21/22 Capital project list is included in the 21/22 draft Operational Plan and we would like to report it in a more visible way through our new format for the Integrated Planning & Reporting Framework.

8. CONFIDENTIAL BUSINESS**ITEM 08.21.004 CALYPSO YAMBA HOLIDAY PARK – NATIVE TITLE MATTERS**

Meeting	Council	27 April 2021
Directorate	Office of General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Confidential	

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

MOTION

Williamson/Baker

That Council move into closed session to consider Item 08.21.004 Calypso Yamba Holiday Park – Native Title Matters in accordance with the Local Government Act 1993 10A 2(g).

Voting recorded as follows:

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

Against: Nil

Cr Kingsley was absent on this vote.

Council moved into closed session at 7.02pm. The meeting broadcast was turned off.

Cr Kingsley returned to the meeting at 7.10pm.

Council moved into open forum at 7.32pm. The broadcast was resumed.

MOTION

Williamson/Baker

That Council adopt but not make public the recommendations for Item 08.21.004 Calypso Yamba Holiday Park – Native Title Matters under the Local Government Act 1993 Section 10A 2 (g).

Voting recorded as follows:

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

Against: Novak

CLOSE OF ORDINARY MEETING

There being no further business the Council meeting closed at 7.32pm.