

Ordinary Council Meeting

Business Paper

Grafton - 22 March 2022 - 2:00pm



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5. MAYORAL MINUTES

Nil

6. NOTICES OF MOTION

**ITEM 06.22.002 NOTICE OF MOTION
VILLAGE AND RURAL COMMUNITIES' SEWERAGE PROVISION PRIORITIES**

Meeting	Council	22 March 2022
Submitted by	Cr Steve Pickering	
Attachments	Nil	

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

SUMMARY

The intent of the motion is to obtain a report to Council on the current status of sewerage augmentation priorities across Council's area and to consider making Ulmarra village the highest Council priority for provision of sewerage

PROPOSED MOTION

That Council determines that the sewerage of Ulmarra Village be elevated to the highest priority.

LINKAGE TO OUR COMMUNITY PLAN

Theme Infrastructure

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

BACKGROUND

Council currently operates several Sewerage Treatment Plants utilising a mix of gravity and pressure systems. Plans for future sewerage provision need to be developed to ensure the plants meet community expectations.

COUNCIL IMPLICATIONS**Budget/Financial**

Future sewerage systems would need to be financed partly from loans and perhaps there would be partial funding scope in Sewerage Reserve funds, and possible funding through Resilience NSW or other State and Federal Funding when available.

Asset Management

N/A

Policy and Legislation

N/A

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

Water security

GENERAL MANAGER COMMENT

When sewerage of Ulmarra was last considered by Council at its meeting of 27 June 2017, Council resolved (Resolution 15.015/17) "*That Council not proceed with sewerage Ulmarra*". No further work has therefore been undertaken on investigation of sewerage Ulmarra. It is unclear what "be elevated to the highest priority" means in practice. For example, if the resolution is passed a strict interpretation would mean that work on

the North Grafton Sewerage Augmentation, which is required to be undertaken as a licence condition, would become a lower priority than sewerage Ulmarra (i.e. if Ulmarra is “the highest priority” then work on North Grafton could not be undertaken until after Ulmarra is sewerage). Were the North Grafton Sewerage Augmentation to be delayed due to sewerage Ulmarra, it is unlikely the timeframes required by the licence condition would be met. This could leave Council open to prosecution by the EPA for failing to meet its licence conditions. Our insurers have previously advised that public liability and professional indemnity covers are not designed to provide protection against claims that arise from actions or decisions which are known will result in damage or injury in the future. If such decisions are made then Council’s rights to indemnity under its policies may be prejudiced.

Section 60 approval under the Local Government Act is required before sewer is extended to any new town or village, and the State Government would require any proposal to sewer Ulmarra to be included in Council’s Integrated Water Cycle Management (IWCM) strategy before giving approval. We have started the process of updating our (IWCM) Strategy, which was last adopted in 2009, and there is a process outlined in the DPIE Guidelines for developing an IWCM strategy. A resolution to modify the IWCM strategy to include Ulmarra would be *ultra vires* as the state government would not approve a change to the IWCM strategy, which had not followed the guideline process.

Section 3.6.5 of the Code of Meeting practice is also relevant as sewerage Ulmarra would require expenditure of funds on works and/or services other than those already provided for in the council’s current adopted operational plan. The report to the June 2017 Council meeting included the following comment on budget implications, noting that these costs did not include treatment as they were based on transferring Ulmarra’s sewer to an augmented North Grafton Sewage Treatment Plant and as nearly 5 years have elapsed construction costs have likely increased:

The Ulmarra Sewerage Strategy Report estimated the cost of sewerage the village of Ulmarra (including a contingency allowance) at \$5.9 million (2016/17), or \$30,374 per tenement. The scheme would not be eligible for financial assistance and would therefore be fully funded by existing sewer customers. As noted in Report 13.018/17 on sewer fund financial modelling noted by Council’s 16 May 2017 meeting, were Council to proceed with the sewerage of Ulmarra the project would be funded entirely by loan funds.

Were Council to resolve to proceed with sewerage Ulmarra, as per point 3 of resolution 13.002/12 from Council’s meeting of 21 February 2012 the properties in the sewer catchment area would be levied a “sewerage investigation charge”. The information accompanying the public exhibition documents noted this charge and, as a guide, indicated that in 2012/13 the charge for the then unsewered town of Iluka was \$218 per property. Were Council to resolve to sewer Ulmarra the proposed charge would need to be placed on public exhibition as it has not been included in the draft 2017/18 fees and charges.

The North Grafton Sewage Treatment Plant augmentation design has not included any capacity for Ulmarra as a result of the June 2017 Council resolution. As the North Grafton augmentation has not been designed with capacity for Ulmarra sewage, in addition to the reticulation costs as outlined in the June 2017 report there would need to be a treatment plant constructed. In addition to the capital cost this would have significant operation costs.

ITEM 06.22.003 NOTICE OF MOTION YAMBA MASTERPLAN

Meeting	Council	22 March 2022
Submitted by	Cr Steve Pickering	
Attachments	Nil	

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

SUMMARY

This motion is proposed to create a masterplan for the Yamba area.

PROPOSED MOTION

1. That Council create a Yamba Masterplan document to guide sustainable development and integrated infrastructure within the Yamba township. The draft Yamba Masterplan is to be presented to council when it is complete, but not later than the November 2022 Ordinary Council Meeting.
2. The Yamba Masterplan is to be created by:
 - a. Consulting with the Clarence Valley Community and holding Community Workshops in the Yamba area to receive input from community members.
 - b. Include relevant DCP's, LEP's and other planning instruments.
 - c. Aligning with the Community Strategic Plan's objectives
 - d. Link to existing Clarence Valley Strategic Masterplans.
 - e. Take into account the 2008 Floodplain Risk Management Study and 2009 Floodplain Risk Management Plan.
 - f. Funding for the Masterplan will be sourced through state and federal grant funding opportunities.

LINKAGE TO OUR COMMUNITY PLAN

Theme Society

Objective We will have a safe, active and healthy region

BACKGROUND

There have been many council resolutions, studies and reports on the Yamba area. Specific details are to be advised at a later date.

COUNCIL IMPLICATIONS

Budget/Financial

N/A

Asset Management

N/A

Policy and Legislation

N/A

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

Increasing sea levels, warming climate, changes in potable water supplies, effects of natural disasters.

GENERAL MANAGER COMMENT

If resolved as written, implementation of the NOM will unlikely meet the intent of the mover of the Motion, as there is insufficient information to provide guidance to implementation.

The scope and objectives of the masterplan the NOM seeks to achieve are not articulated in a way that assists in the preparation of a grant application to undertake the work or a consultants brief to deliver the project, as it is unclear what is meant by items (a) to (e).

As the NOM is written it seeks to prepare a masterplan for the entire town of Yamba in 6 months, including sourcing grant funds to undertake the work, which is not possible and creates unrealistic community expectations.

Further direction in relation to the scope or objectives of the masterplan is required prior to staff being able to provide any meaningful comment about timing, cost or ability to deliver by November 2022.

While the cost and resource impact is unknown, if implementation is to commence in 2021/2022 consideration will need to be given to funding opportunities, once the scope and objectives are understood and staff or other resourcing required identified.

Allocation of staff resources will impact on delivery 2021/2022 Operational Plan objectives, as staff are reallocated to this body of work. Although more information is required to provide a meaningful response to this also.

Yamba West is a workshop item that Councillors have indicated a high level of interest in and it is scheduled for 29 March, at which there could be further discussion of scope and objective the council aims to achieve for inclusion in the 2022/2023 Operational Plan.

7. REPORTS

ITEM 07.22.034 COUNCILLOR PICKERING - LGNSW SPECIAL CONFERENCE 2022

Meeting	Council	22 March 2022
Directorate	General Manager	
Attachments	Nil	

The Local Government NSW (LGNSW) Annual Conference for 2022 was held in Sydney at the Hyatt Regency Sydney from Monday 28 February to Wednesday 2nd March 2022. Council was represented by Deputy Mayor Greg Clancy, Cr Karen Toms, Cr Peter Johnstone and Cr Steve Pickering. This report is presented to Council in accordance with requirement 3.5 of the Councillor Attendance at Conferences Policy.

BACKGROUND: Deputy Mayor Greg Clancy, Cr Karen Toms, Cr Peter Johnstone and Cr Steve Pickering were Council's voting delegates to the LGNSW State Conference 2022. This approval was provided by Council at its 11th January Extraordinary Meeting Item 6a.22.008.

KEY ISSUES: An LGNSW Conference Program, Conference Business Paper and Late Motions are included with this report as attachments. The conference commenced at 1.30pm on Monday 28th February with a choice of 4 workshops which were run simultaneously. Cr Pickering selected the "Council involvement in new national agreement on Closing the Gap" workshop hosted by Cr Charles Lynch, Co-Chair NSW Coalition of Aboriginal Peak Organisations and Councillor, NSW Aboriginal Land Council, Cr Anne Dennis, NSW Aboriginal Land Council and Joshua Mark Gilbert, Indigenous Co-Chair, Reconciliation NSW. The workshop was over subscribed with an overflow of attendees keen to participate. The Conference was officially opened at 3pm on February 28th by Cr Darriea Turley AM, President of LGNSW and Mayor of Broken Hill, where the delegates from around NSW were welcomed. Tuesday 1st March started with a Conference Introduction by Scott Phillips, Chief Executive of LGNSW followed by a Welcome to Country by Yvonne Weldon on behalf of Metropolitan Local Aboriginal Land Council. From 9.15 until 5pm on 1st March, Standing Orders were adopted, and motions were considered. The conference considered 94 Motions plus 3 Late Motions.

Clarence Valley Council submitted a motion Power of entry to construct and maintain flood mitigation works (ITEM 07.22.026) which passed consideration. Wednesday March 2nd started with the Australian Local Government Women's Association (ALGWA) breakfast which was sponsored by Multicultural NSW, hosted by Joseph La Posta and Rosemary Kariuka, advocate for migrant and refugee women and Local Hero 2021, Australian of the Year Award recipient was the keynote speaker. All four Clarence Valley Council delegates attended. Michael Pascoe hosted an Economic Outlook 2022-2023 Panel which included Ms Felicity Wilson MP, Parliamentary Secretary to the Treasurer and for COVID Recovery, Mr Daniel Mookhey MLC, Shadow Treasurer, Cr Nuatali Nelmes, Lord Mayor City of Newcastle, The Hon Cr Philip Ruddock AO, Mayor Hornsby Shire Council. Ellen Fanning hosted a panel on Climate change – the gap between recognition and action which included Penny Sharpe MLC, Shadow Minister for Environment, Professor Lesley Hughes, Pro Vice-Chancellor (Research Integrity & Development); Distinguished Professor of Biology, Macquarie University, Cr Declan Clausen, Deputy Lord Mayor City of Newcastle, Patrick Ibbotson, Partner at Maddocks.

The final panel was Working together to combat the Housing Crisis, The Hon Anthony Roberts MP, Minister for Planning, Minister for Homes, Mr Paul Scully MP, Shadow Minister for Planning and Public Spaces, Ms Sharon Smith, President Planning Institute of Australia (NSW), Professor Hal Pawson, Professor Housing Research and Policy at City Futures Research Centre UNSW and Cr Amanda Findley, Mayor Shoalhaven City Council all participated. There were a number of special guest speakers throughout the conference including The Hon. Wendy Tuckerman MP, NSW Minister for Local Government, Cr. Linda Scott, President of the Australian Local Government Association, economist Michael Pascoe, Dominic Lane the Executive Director, Operational Management and Partnerships at Resilience NSW, Chris Cusack, General Manager NBN Local, Matthew Beggs, Executive General Manager, Partnership and Business Development, Landcom. The final Keynote speaker was Greig Pichhaver AM but as some councillors needed to be at the airport to catch a flight back to Ballina, we missed this speaker.

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OFFICER RECOMMENDATION

That Council note that information provided by Councillor Pickering after attending the LGNSW Special Conference 2022.

ITEM 07.22.035 COUNCILLOR JOHNSTONE - LGNSW SPECIAL CONFERENCE 2022

Meeting	Council	22 March 2022
Directorate	General Manager	
Attachments	Nil	

I was one of the Clarence Valley Council delegates to the Local Government NSW conference in Sydney from the 28th February till 2nd March. On the first day I attended the session on “Rural and Regional Health, issues and solutions” which to my disappointment raised many issues but didn’t suggest many solutions and also attended the “Meet the Politicians forum.” Our Federal MP, Kevin Hogan, was due to be a speaker at the forum but due to the floods in Lismore he was unable to attend.

Tuesday was the main conference day and was spent debating motions. Most were not contentious, but there was lively debate on some issues. The Clarence Valley motion regarding the legal right of access to maintain and inspect levees was passed unanimously. I had the opportunity to speak to the conference to propose the motion and Cr Clancy took the opportunity to answer a question raised by another delegate.

On Wednesday delegates debated and considered issues such as affordable housing and climate change. Throughout the conference there were several excellent opportunities to meet and network with councillors from across NSW. However, the continuing bad news from our region was foremost in our minds and we all felt helpless being so far away. We were grateful to get back.

OFFICER RECOMMENDATION

That Council note that information provided by Councillor Johnstone after attending the LGNSW Special Conference.

ITEM 07.22.036 COUNCILLOR TOMS - LGNSW SPECIAL CONFERENCE 2022

Meeting	Council	22 March 2022
Directorate	General Manager	
Attachments	Nil	

I attended LGNSW Special Conference 2022 in Sydney 28 February as one of Clarence Valley Council's four voting delegates. It was an opportunity to share, listen, learn and participate in conversations and workshops on a vast range of issues such as but not limited to, the housing crisis, regional health challenges, council's involvement on the new national agreement on Closing the Gap, and last but not least voting on over 90 motions from all over the State to set our sector's policy direction.

Council nominated four delegates to attend LGNSW Special Conference as voting delegates at the Extra Ordinary meeting held 11 January Council. The Special Conference followed the online 2021 Annual Conference held in November, where the Annual Financial Statements and President and Treasurers reports were heard. There were four pre-Conference Workshop's all schedules for the same time. I attended the Rural and Regional Health-issues and solutions. The Panelists were, The Hon Bronnie Taylor MP, Minister for Regional Health, Minister for Mental Health, Minister for Women. Mr. Ryan Park MP, Shadow Health Minister and Cr Phyllis Miller OAM, Mayor Forbes Shire Council were the speakers.

Each gave an account on what they have been doing to resolve the issues. Quite frankly it felt like another talk fest. It gave the audience an opportunity to tell their stories but no real solutions from the politicians from my point of view. There were 704 submissions to the Public Health Inquiry, no outcomes yet. Hopefully, there will be positive solutions from that inquiry. Forbes Council has put their own money into solving the GP shortage and decided to incentivise to encourage GPs to come. They applied for a federal grant and built 4 x 2 bedrooms units, good for registrars not so good for families.

They have ventured into territory that is not core council business to solve their GP shortages. They bought a building for \$1 turned it into an Aboriginal Medical Centre. Another problem was identified Locum doctors receive \$2,500 a day and a resident doctor earns that a week. There were claims of lack of accountability and responsibility for locums. Day two of the conference was Motions and Business Paper. There were around ninety motions from Council's all over the State. Clarence Valley Council's motion was number 86. That Local Government NSW lobbies NSW Government to amend Section 59A and 191A of the Local Government Act to give councils power of entry to construct and maintain flood mitigation works. Decision: Carried This motion was supported at Council's February's Ordinary Meeting Item 07.22.026 Notice of Motion to LGNSW Special Conference-Floodplain Maintenance Funding. It was an interesting day and very much like a huge council meeting, with questions and debate.

ALGWA BREAKFAST the following morning, I attended the Australian Women's Local Government Association's Breakfast. Rosemary Kariuki, Local Hero 2021 Australian of the Year Awards Advocate for Migrant and Refugee Women was the guest speaker. What a dynamic inspirational woman she is! Rosemary's Way a documentary 2020 celebrates this remarkable ladies work with vulnerable migrant women transforming their isolation to connection. There were so much more, including speakers on numerous topics. I could go on and on.

On the negative side it was difficult being away from home during the terrible weather events that were unfolding as we travelled south. In conclusion, I would like to say thank you to have been given the opportunity to represent Council at the LGNSW Special Conference.

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OFFICER RECOMMENDATION

That Council note that information provided by Councillor Toms after attending the LGNSW Special Conference.

ITEM 07.22.037 SUPERANNUATION PAYMENTS TO COUNCILLORS

Meeting	Council	22 March 2022
Directorate	General Manager	
Prepared by	A/General Manager, Laura Black	
Attachments	Nil	

SUMMARY

This report requires Council to consider the inclusion of superannuation contribution payments in addition to the remuneration received for performing the role of elected member, commencing 1 July 2022. Council is required to resolve to make superannuation contribution payments to elected members prior the payment being implemented.

OFFICER RECOMMENDATION

That:

1. Council approve payment of the superannuation contribution payments in additional to the annual fee paid to elected members.
2. Council note a superannuation contribution payment allocation will be included in the draft 2022/2023 budget currently being prepared.
3. Councillors who wish to receive the superannuation contribution payment at the current superannuation guarantee charge, complete the ATOs online 'choice of superannuation fund' form and return it to the A/General Manager by COB 29 July 2022.
4. Councillors who wish either to forgo the superannuation contribution payment or receive a payment that is less than the superannuation guarantee contribution (currently 10%), notify the A/General Manager in writing by COB 29 April 2022.

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership

Objective We will have a strong, accountable and representative Government

KEY ISSUES

From 1 July 2022, elected members will be eligible to receive superannuation contribution payments following amendments to s254B of the Local Government Act 1993 (NSW). The conditions of payment include:

- the superannuation contribution payments are limited to the superannuation guarantee charge (currently 10%) and are payable at the same intervals as a councillor's annual fee.
- individual councillors must nominate a registered superannuation fund for receipt of the superannuation contribution payment before the end of the month to which the payment relates.
- a councillor may forgo the superannuation contribution payment, or request a reduced payment less than the superannuation guarantee charge, in writing.
- Council resolves to make available superannuation contribution payments to elected members.

The ATOs online 'Choice of Superannuation Fund' form can be found here

<https://www.ato.gov.au/assets/0/104/2244/2335/3c4347e5-f117-48af-9349-43e9f72ea811.pdf> and will also be available in LGHub.

BACKGROUND

The superannuation guarantee was introduced in 1992/1993, with compulsory contributions rising at regular intervals from 3 per cent of wages in that year to 9 per cent in 2002-03 and 9.5 per cent in 2013- 14. The superannuation guarantee is scheduled to rise incrementally from 9.5 per cent of wages today to 12 per cent by July 2025.

Under the Commonwealth Superannuation Guarantee (Administration) Act 1993, councils across Australia are not required to make superannuation contributions in relation to the fees they pay to mayors and councillors. This is because mayors and councillors are elected to a civic office in a council and are not employees of the council.

COUNCIL IMPLICATIONS

Budget/Financial

An allocation of a maximum 10% of the total annual fees paid to Councillors will be required, dependent on the take up by individual councillors.

Asset Management

Nil

Policy and Regulation

Section 254B of the NSW Local Government Act (NSW)

Consultation

Nil

Legal and Risk Management

Nil

Climate Change

Nil

ITEM 07.22.038 DA2021/0878 - CONVERSION OF EXISTING SHED TO DWELLING TO CREATE A DUAL OCCUPANCY - 348 BEE EATER LANE, ASHBY HEIGHTS

Meeting	Council	22 March 2022
Directorate	Environment & Planning	
Prepared by	Development Planner, James Hamilton	
Attachments	A. Proposed Plans ↓ B. Section 4.15 Assessment Report ↓	

SUMMARY

<i>Applicant</i>	Dale Brushett C/- DCS Building and Consulting
<i>Owner</i>	Rodney Hayes and Kristina Hayes-Peterson
<i>Address</i>	348 Bee Eater Lane, Ashby Heights
<i>Submissions</i>	Nil

Council is in receipt of Development Application DA2021/0878 which proposes a Dual Occupancy at 348 Bee Eater Lane, Ashby Heights. In accordance with the Community Participation Plan the application was notified and no submissions were received.

The subject site is serviced by a Crown Road Reserve and the applicant has requested that Council accept transfer of this section of road to service the land. The matter is being referred to Council to accept transfer of this Crown Road in line with C8 of the Rural Zones Development Control Plan (DCP). The report provides an assessment of the application and a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That Council:

1. Request the transfer of approximately 350 metres of Crown Road from the intersection of Bee Eater Lane and Old Murrayville Road to the access of the development site (348 Bee Eater Lane, Ashby Heights);
2. Approve DA2021/0878 subject to the draft Advices and Conditions of Consent contained in Schedule 1.

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership

Objective We will have a strong, accountable and representative Government

KEY ISSUES

1. Clause C8 of the Rural Zones Development Control Plan (DCP)

The subject site gains access from Bee Eater Lane (Crown Road and is not a Council maintained road) which connects to Old Murrayville Road (an unsealed road maintained by Council). Bee Eater Lane contains an approximately 3.0 metres wide bitumen seal, providing access to six (6) existing dwellings, refer to Figure 1 and Figure 2.



Figure 1: Existing bitumen sealed road in Bee Eater Lane, looking west from Old Murrayville Road

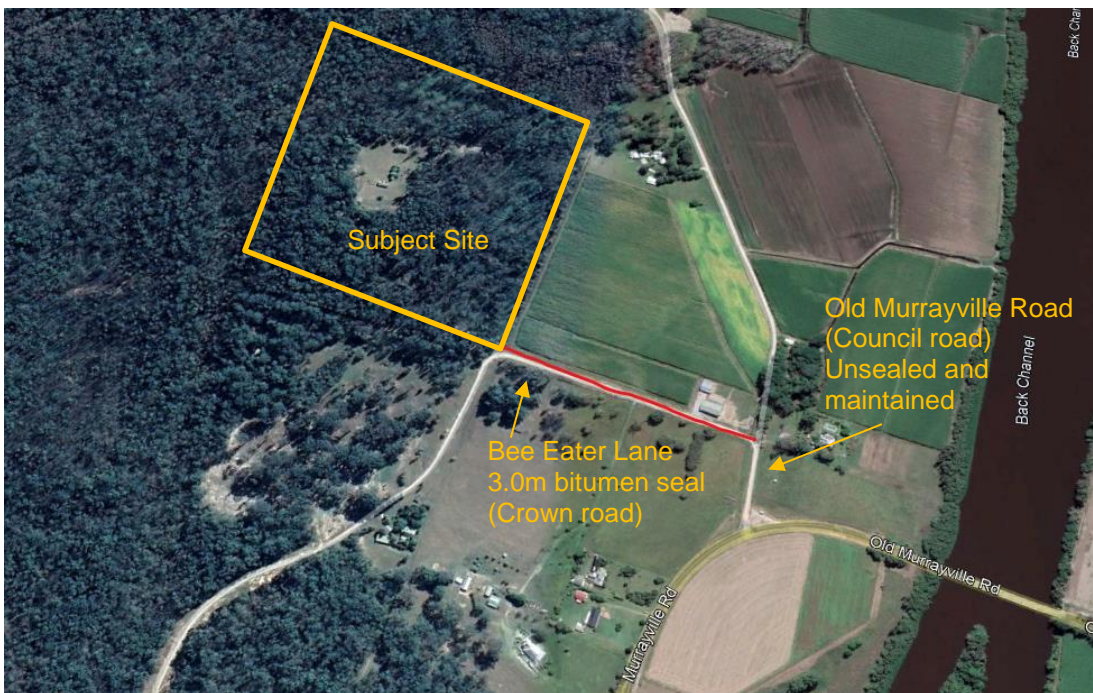


Figure 2: Length (350 metres approximately) of Bee Eater Lane highlighted in red

In accordance with Clause 7.8 of the *Clarence Valley Local Environmental Plan 2011 (CVLEP)* the property is to have suitable access in order to grant development approval. Clause C8 of the DCP defines what is considered suitable access, this being road frontage to a Council maintained road being sealed or a Category 1 or Category 2 unsealed road. The DCP also contains a note in Clause C8.5 that no further development is to occur where that allotment is serviced by a Crown Road. Clause 8.5(d) of the DCP requires a Council resolution to extend the sealed public road or unsealed Category 1 and Category 2 road network.

In the circumstances it is considered that the existing 3 metre sealed road will provide a suitable level of service for the one (1) additional dwelling. Given the proposed development is for one (1) additional dwelling in the form of a dual occupancy, it is considered that the imposition of a condition to require upgrading of 345 metres of road to sealed road (the relevant standard is a 6 metres sealed road) or Category 1 or Category 2 unsealed road is an unreasonable imposition, and is not commensurate with the nature, scale or impact of the proposed development.

Following a meeting with Civil Services, it was deemed that the Crown road is acceptable to be transferred to Council and the existing 3 metre wide bitumen sealed road remain in its current as a private driveway (rather than a council asset), with this sealed road not be maintained by Council in the future.

The overall intent of the CVLEP and DCP are met, as the development is serviced by an appropriate access driveway which connects to Old Murrayville Road (a Council maintained unsealed road) and that Council is

not taking on substandard road asset. An assessment against the DCP and CVC Roads Policy is contained in Attachment 2.

As contained in the draft conditions contained in Schedule 1, the Applicant will be required to cover the cost of the transfer of the road to Council and will be advised that this length of road will not be maintained by Council's Operations Section.

2. Impact on Native Vegetation

The application as lodged did not propose any clearing or impact to native vegetation as the additional dwelling was to utilise the existing vehicular access and be located in an already cleared area. Council staff inspected the property on 15 November 2021 and estimated an area of vegetation 20 metres by 250 metres had been cleared from the southeastern corner of the lot to the cleared area (refer to Figure 3).

The applicant informed Council staff that the clearing was undertaken to provide for second driveway access and electrical power supply. The applicant was unable to demonstrate that the clearing was approved as part of the electrical supply approval process or by Local Land Services (the governing authority for clearing in Rural Zones).

The applicant has agreed to offset the impact on native vegetation. The applicant was given the following options in accordance with Council's Biodiversity Offsets Policy:

1. Offset the area cleared by the planting of 600 trees of native local endemic species;
2. Reserve an area of the site to rehabilitate and protect an area of 6 hectares in perpetuity; or
3. Enter into a voluntary planning agreement (VPA) with Council to pay a monetary contribution of \$12,000.00 into Council's Biodiversity Offset Trust Fund.

The Applicant has accepted Option 3 and has offered to pay a contribution to Council's Biodiversity Offset Trust Fund in accordance with Council's Biodiversity Offsets Policy. The draft condition contained in Schedule 1 reflects this outcome.



Figure 3: Cleared native vegetation

BACKGROUND

Development Application DA2021/0878 was lodged on 11 October 2021 to convert an existing shed to a dwelling to create a dual occupancy at 348 Bee Eater Lane, Ashby Heights. It is also proposed to construct a detached studio, 3 metres from the second residence.

The subject land is zoned RU2 Rural Landscape under the CVLEP. Dual occupancies are permitted with consent in the zone and a minimum lot size of 40 hectares for a dwelling applies to the land. The subject site is 50 hectares.

The proposal was notified from 12 to 26 October 2021. No submissions were received during the exhibition 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.

Asset Management

The transfer of Bee Eater Lane to Council to service the development will not become a Council asset.

Policy and Regulation

Environmental Planning and Assessment Act, 1979

Environmental Planning and Assessment Regulation 2000

State Environmental Planning Policy No 55 - Remediation of Land

Clarence Valley Local Environmental Plan 2011

Rural Zones Development Control Plan (DCP)

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2009

CVC Roads Policy

Consultation

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

<i>Internal Section or Position</i>	<i>Comment</i>
Building Surveyor	Supported subject to conditions
Environmental Health	Supported subject to conditions
Development Engineer	Support transfer of Crown Road subject to conditions
Civil Services	Supports transfer of Crown Road

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 transfer and upgrade to Bee Eater Lane to service the development and other lots that gain access via this road will not become a Council asset. Therefore, this will not be an additional asset that could be affected by climate change impacts as listed in Council's Disaster Resilience Framework.

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

Schedule 1
Draft Advices and Conditions of Consent for DA2021/0878

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.

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

- a Northern Rivers Local Government Development and Design Manual (AUS-SPEC)
- b Northern Rivers Local Government Construction Manual (AUS-SPEC)
- c Northern Rivers Local Government Handbook of Stormwater Drainage Design (AUS-SPEC)
- d Northern Rivers Local Government Handbook for Driveway Access To Property (AUS-SPEC)

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

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. 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.
4. Prior to issue of a construction certificate approval under Section 68 of the Local Government Act shall be obtained from Council for sewerage work, water plumbing and stormwater work. This application can be lodged via the NSW Planning Portal or at Council's office.
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 1.0 ET demand on Council's water supply. This includes an applicable credit of for pre-existing uses. The headworks charges at 2021/22 financial year rates are:

Water Headworks \$5,017.00 x 1.2 additional ET = \$ 6,0202.40

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 indexed in accordance with Consumer Price Index (CPI) current at the time of payment.

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

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

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

- a A cheque for the application fee made out to the relevant government department.
 - b Council's administration fee in accordance with the fees and charges at the time of the application.
 - c A plan showing the extent of the road to be transferred.
8. The NSW State Government will not consent to additional development to maintain access via a crown road until the road reserve has been transferred to Council. The applicant will be required to transfer and upgrade the existing road servicing the property as per the requirements of this consent.
 9. In granting approval to this application, Council has agreed to enter into a Voluntary Planning Agreement (VPA) with the Developers for a monetary contribution of twelve thousand dollars (\$12,000.00) to offset the removal of native vegetation. The VPA must be executed prior to the release of the Construction Certificate.
 10. Fees are charged, in accordance with Council's adopted fees and charges, for the processing and advertising of the VPA.
 11. Council's template VPA document is attached to this notice and is to be used in the preparation of the VPA, which should be submitted to Council in draft form, for initial review prior to advertising.

Conditions

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

Plan No	Drawn by	Plan Date	Plan Title	Revision
B 01	Rob Aungle & Associates	August 2021	Site Plan	C
B02	Rob Aungle & Associates	August 2021	Module A -Floor Plan	C
B03	Rob Aungle & Associates	August 2021	Module A - Elevations	C
B04	Rob Aungle & Associates	August 2021	Module A – Cross Sections	C
B05	Rob Aungle & Associates	August 2021	Module B Floor Plan & Elevations	
B07	Rob Aungle & Associates	August 2021	Module B Cross Section & Wind Bracing Plan	C

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

Clarence Valley Contribution Plan 2011 Open Space/Recreation Facilities

Isolated Coastal and Rural \$2,638.15 x 1 additional dwelling = \$ 2,638.15

GL S94CVCOSRuralCoas

Clarence Valley Contributions Plan 2011 Community Facilities

Maclean surrounds \$2,638.15 x 1 additional dwelling = \$ 2,638.15 GL S94CVCCFMaclean

Clarence Valley Contributions Plan 2011 Plan of Management

Rate per Other Residential Accommodation Dwelling \$49.75 x 1 additional dwelling = \$49.75

GL S94CVCPoMResAcco

Rural Road Upgrading Contributions Plan

Maclean Catchment: \$1,428.21 x 1 additional dwelling = \$ 1,428.21 GL S94RdUpgdMacBhead

N.B.

The contribution(s) as assessed will apply for 12 months from the date of this approval.

Contributions not received by Council within 12 months of the date of this notice **will be adjusted** in accordance with the adopted Schedule of Fees and Charges current at the time of payment.

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

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

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

3. The vegetation removal requirements have been identified as 5,000m².

A one-off contribution of \$12,0000.00 is to be made to Council's Biodiversity Offset Fund through a Voluntary Planning Agreement.

Pursuant to the *Environmental Planning and Assessment Act 1979* (EP&A Act), the applicant is to execute and deliver to the Council the Planning Agreement, in accordance with Subdivision 2, Section 7.4 of Part 7 of the *Environmental Planning & Assessment Act 1979*, which the applicant/developer has offered to enter into and pay the monetary contribution prior to the release of the Construction Certificate.

Any contribution amounts that form part of a VPA are required to be paid prior to the issue of the Certificate.

4. 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.
5. The separate buildings comprising the new dwelling shall not be used as separate domiciles
6. The existing on-site wastewater management system (OSM) servicing the existing dwelling is required to be upgraded. An application must be submitted and approved prior to issue of Building Construction Certificate to upgrade the existing system and a separate application is to be submitted for the OSM system to service the proposed dwelling. Required works are to be completed and an approval to operate issued prior to issue of the Occupation Certificate for the second dwelling.

Alternatively, a common OSM system could be proposed to service both dwellings plus the studio.

7. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
8. The proposed development will gain access by the existing driveway currently servicing the property built within the Council road reserve, from Old Murrayville Road to the driveway servicing the subject allotment. Prior to the issue of the Occupation Certificate this length of Crown Road Reserve of an approximate length of 350 metres shall be transferred to Council. All costs shall be borne by the developer.

The length of vehicular access situated within the road reserve, between Old Murrayville Road and the subject allotment, is deemed to be a private driveway, is not a council asset and will not be maintained by Council's Operations Section. This private driveway shall be maintained as a sealed bitumen vehicular access in perpetuity.

9. Any existing vehicular crossings rendered unnecessary by this development are to be removed, and the road verge restored to match the existing profile.
10. 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.

11. 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 road 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.

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

13. **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).

14. 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 have been installed in accordance with the requirements of that Basix Certificate.

15. Roofing shall be leaf proofed by the installation of an external gutter protection shroud or have leafless guttering, and valleys are to be screened to prevent the build up of flammable material. The material used must not have a flammability rating of greater than five (as measured against AS 1530.0).

16. 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, with full details of how this is to be achieved being shown on the plans/specifications submitted with the Building Construction Certificate documentation.

17. The following Asset Protection Zone (APZ) Inner Protection Areas (IPA) 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: 40m (20m IPA)
- South: 40m (20m IPA)
- West: 40m (20m IPA)
- East: 40m (20m IPA)

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 shall be provided prior to the commencement of any building works and maintained for the life of the dwelling.

18. At least one property access road shall be provided for the proposed dwelling for use by fire fighters or evacuating occupants. The property access road shall be a minimum two-wheel drive, all-weather road with a minimum width of 4 metres provided prior to the commencement of works for the proposed dwelling and maintained for the life of the building

19. 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.
20. 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.
21. The waste management plan submitted with this application shall be complied with during demolition/construction work and all measures required for the ongoing use of waste management facilities in the development shall be in place prior to the issue of the Occupation Certificate.
22. **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.

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

7.00 am to 6.00 pm Monday to Friday

8.00 am to 1.00 pm Saturdays

No work permitted on Sundays and public holidays

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

24. 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.

25. **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.

PROPOSED SECONDARY DWELLING

Lot 11 DP 635274
 348 BEE EATER LANE
 ASHBY HEIGHTS NSW 2463

for R. M. Hayes & K. Petersen

CONTENTS

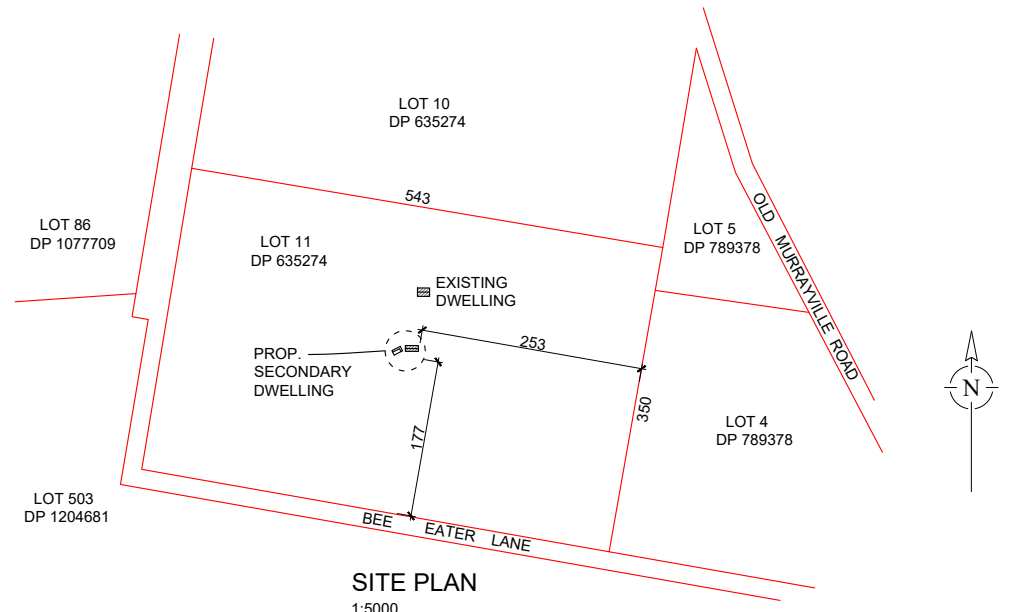
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MODULE A

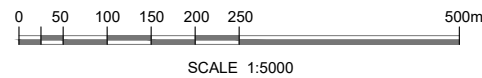
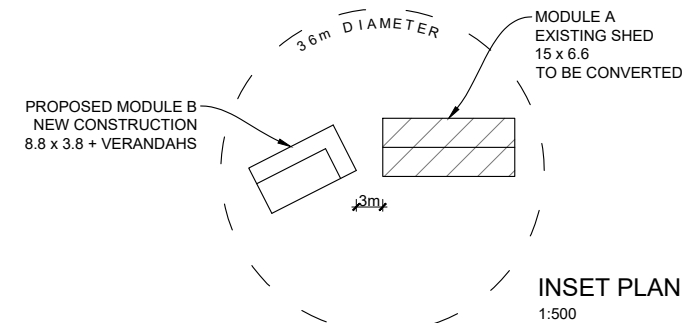
- B 02 FLOOR PLAN & WINDOW SCHEDULE
- B 03 ELEVATIONS
- B 04 CROSS SECTIONS

MODULE B

- B 05 FLOOR PLAN, ELEVATIONS & WINDOW SCHEDULE
- B 06 FOOTING, FLOOR & ROOF FRAMING PLANS
- B 07 CROSS SECTION & WIND BRACING PLAN
- B 08 CONSTRUCTION NOTES & CERTIFICATE



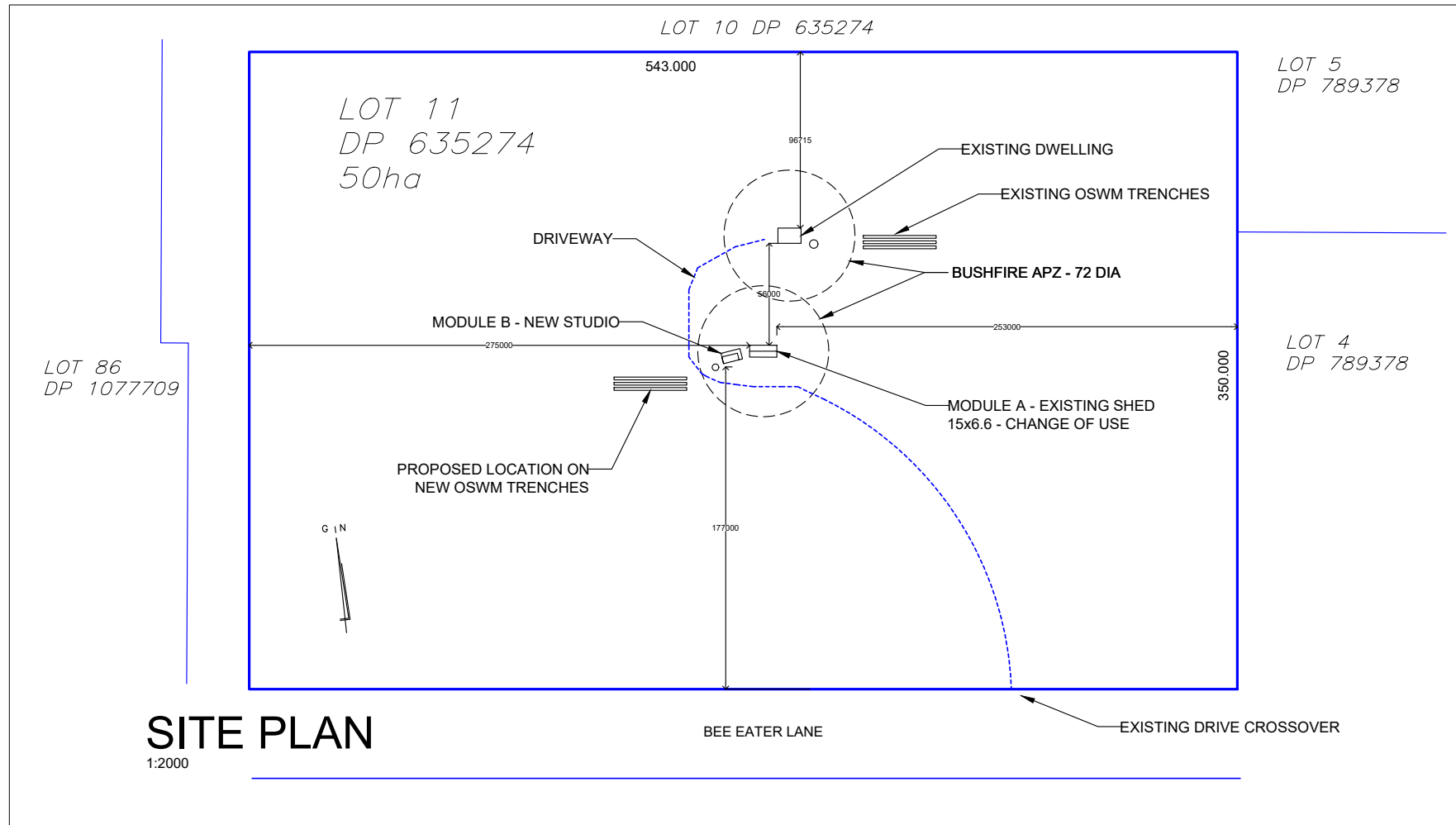
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REVISION	CHKD	OK	DATE

ROB AUNGLE & ASSOCIATES
 CONSULTING ENGINEERS
 CIVIL & STRUCTURAL
 74 BALEMO DRIVE, OCEAN SHORES NSW 2483
 0417 858 245
 racon@live.com.au

PROPOSED SECONDARY DWELLING 348 BEE EATER LANE ASHBY HEIGHTS NSW 2463		SITE PLAN	
CLIENTS: R.M. Hayes & K. Petersen			
DATE: August 2021	DRAWN: RA	ISSUE:	DWG No
SCALE: As noted @ A3	APPD: <i>Rob Aunfle</i>	C	B 01



SITE PLAN

1:2000

CLIENT:

Mr R.M. Hayes & Ms K.O. Petersen
348 Bee Eater Lane
Ashby Heights NSW 2462

Attention: Rod & Kristina

VERIFICATION

Verify all dimensions, siting, window sizes, positioning, and setting out on site before commencing construction or manufacture. Do NOT scale from drawings. Refer any discrepancy immediately to Mr R. Hayes for instruction.

COPYRIGHT

Copyright in this drawing is the property of the Land Owners and may not be retained, copied in whole or in part or used other than for the specific uses, licence and site for which it has been prepared and issued.

BUILDER

BUILDER: TBA

LICENCE NO.

PROJECT

Dual Occupation - change of use & new studio

LOCATION

LOT 11, DP635274
348 Bee Eater Lane Ashby Heights
PROJECT NO. DATE SCALE
PRO No. 196 4 OCT 21 1:2000

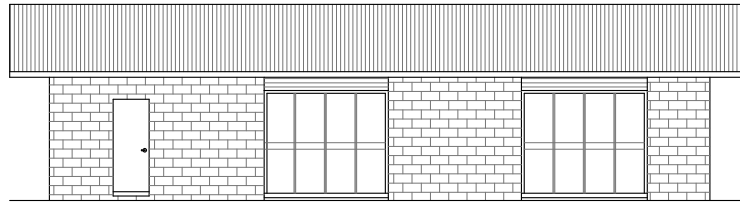
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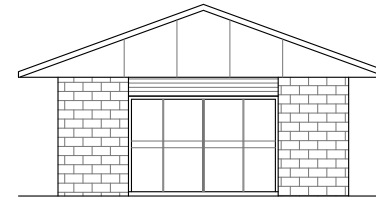
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SITE PLAN - SET BACKS

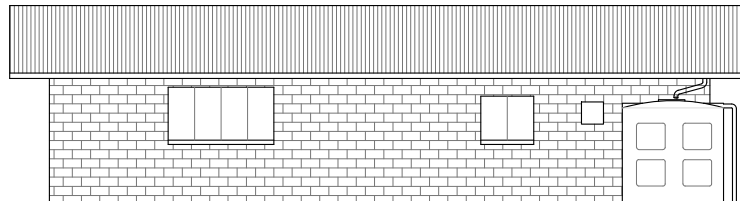
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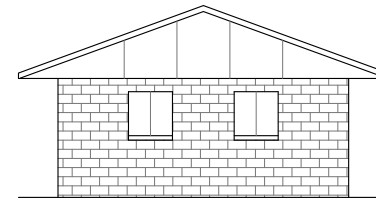
NORTH



WEST



SOUTH



EAST



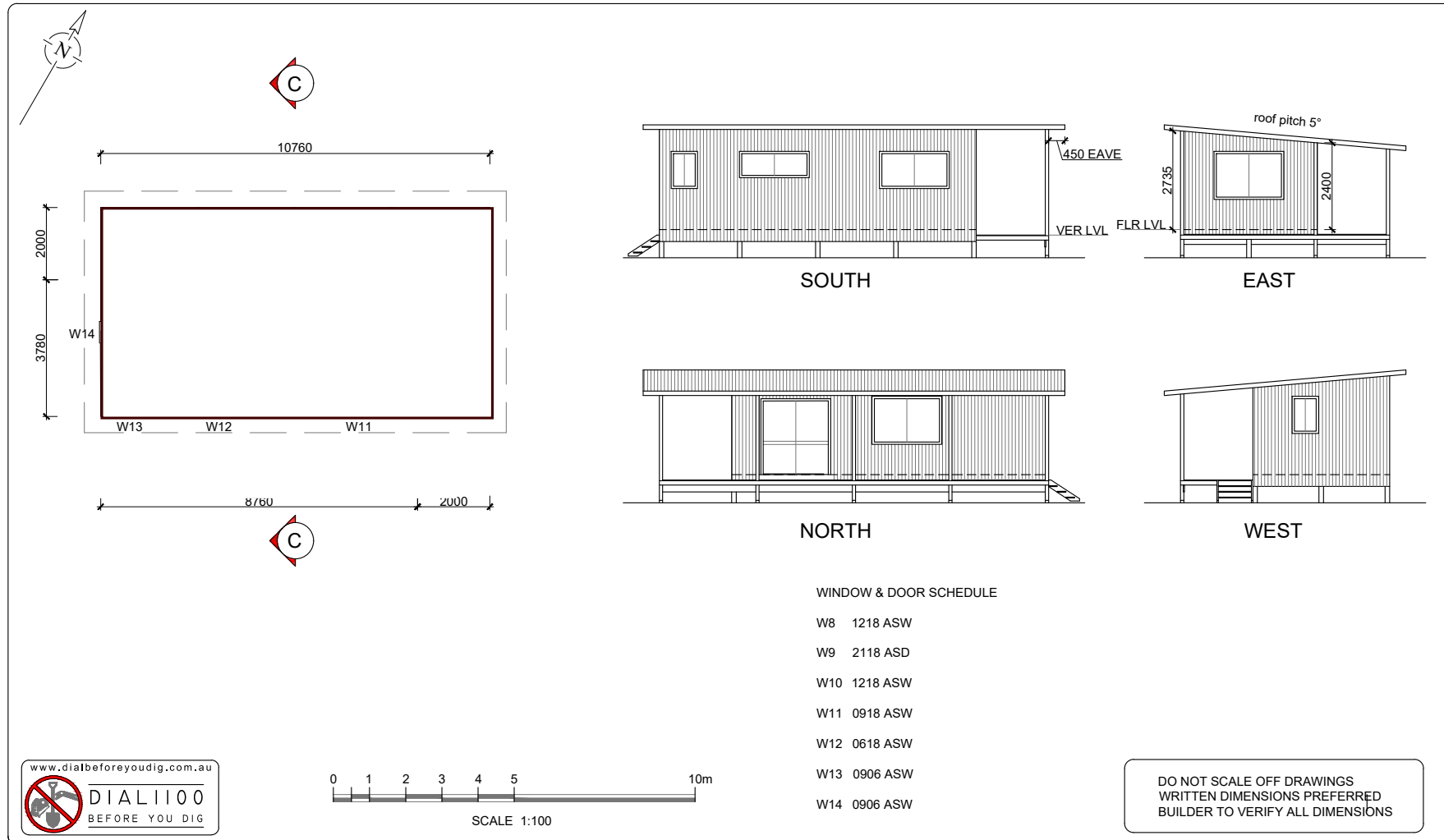
DO NOT SCALE OFF DRAWINGS
WRITTEN DIMENSIONS PREFERRED
BUILDER TO VERIFY ALL DIMENSIONS

REVISION	CHKD	OK	DATE

ROB AUNGLE & ASSOCIATES
CONSULTING ENGINEERS
CIVIL & STRUCTURAL
74 BALEMO DRIVE, OCEAN SHORES NSW 2483
0417 858 245
racon@live.com.au

PROPOSED SECONDARY DWELLING
348 BEE EATER LANE
ASHBY HEIGHTS NSW 2463
CLIENTS: R.M. Hayes & K. Petersen
DATE: August 2021
SCALE: As noted @ A3

MODULE A - ELEVATIONS
(EXISTING SHED CONVERSION)
DRAWN: RA
APPD: *Rob Aunfle*
ISSUE: C
DWG No B 03



REVISION	CHKD	OK	DATE

ROB AUNGLE & ASSOCIATES
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PROPOSED SECONDARY DWELLING
 348 BEE EATER LANE
 ASHBY HEIGHTS NSW 2463
 CLIENTS: R.M. Hayes & K. Petersen
 DATE: August 2021
 SCALE: As noted @ A3

**MODULE B
 FLOOR PLAN & ELEVATIONS**

DRAWN: RA	ISSUE: C	DWG No B 05
APPD: <i>Rob Aunfle</i>		

SECTION 4.15 EVALUATION FOR DA2021/0878
- Lot 11 DP 635274
- 348 Bee Eater Lane ASHBY HEIGHTS NSW 2463

Proposal: The Applicant is proposing to convert an existing shed to a dwelling to create a dual occupancy at 348 Bee Eater Lane, Ashby Heights. It is also proposed to construct a detached studio, 3m from the second residence.

(1) Matters for consideration – General

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

State Environmental Planning Policy No. 55 Remediation of Land

Clause 7 of the SEPP states that a consent authority must not consent to the carrying out of any development in land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

No change of use to the land is proposed. The land is considered suitable for the proposed development. After carrying out the initial evaluation there is sufficient information demonstrating that the land is suitable for the proposed use in accordance with the Policy. No further investigation is required and the application can be determined in the normal way.

State Environmental Planning Policy (Coastal Management) 2018

The subject land is not located within the Coastal Zone

Clarence Valley Local Environmental Plan 2011

The subject land is zoned RU2 Rural Landscape under the provisions of the Clarence Valley Local Environmental Plan 2011. The proposed dual occupancy is not inconsistent with the following objectives of the zone:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To provide land for less intensive agricultural production.

- To prevent dispersed rural settlement.
- To minimise conflict between land uses within the zone and with adjoining zones.
- To ensure that development does not unreasonably increase the demand for public services or public facilities.
- To ensure development is not adversely impacted by environmental hazards.

The proposed development is not considered to be inconsistent with the objectives of the zone.

Clause 4.2B Erection of dwelling houses and dual occupancies on land in certain rural, residential and environmental protection zones

The subject site is under the minimum lot size being on 19ha however has an existing dwelling on the subject land approved under DA 94/0089 and BA 94/216 therefore by virtue of the existing dwelling being lawful the second dwelling is permissible.

Clause 4.2D Erection of dual occupancies (detached) and secondary dwellings in Zones RU1, RU2, and R5

The second dwelling is to be located approximately 56m from the existing dwelling and will share the same access to a public road. There is suitable area available on-site for the disposal of effluent and will not impacts the use of the subject land or surrounding lands for rural industries.

Clause 4.3 Height of Buildings

No maximum building height applies to the site.

Clause 5.10 Heritage Conservation

The subject site is not within a heritage conservation area and is not in proximity to any heritage items. An AHIMS search did not reveal any items of significance within 200m of the subject site.

Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones

The surrounding area is used for a mix of low intensity agricultural activities and smaller rural lots where the dominant land use is for rural residential purposes. It is not considered that by supporting an additional dwelling on the subject land that it would result in any land use conflicts or impact on the agricultural viability of the subject land or land in vicinity of the subject site. There have been no measures proposed to mitigate any potential conflicts.

Clause 5.21 Flood Planning

Part of the subject site is within the flood planning area, the building is in an area that is above the 1 in 100 year flood event. Therefore it is therefore deliberated that the proposed development will not have a detrimental impact to flood behaviour, events or increase risk to property.

Clause 7.1 Acid Sulfate Soils

The subject site contains potential Class 4 and Class 5 Acid Sulfate Soils. The location of the proposed works are located in the part of the site with Class 4 Acid Sulfate Soils, no works are proposed 2m below the surface therefore further investigation is not required.

Clause 7.2 Earthworks

The proposed development does include major earthworks as part of the application. Subject to management of the site during construction the works are not likely to impact on drainage patterns, soil stability or water quality.

Clause 7.8 Essential Services

The subject site has access to water and electricity, there is suitable area on-site for an OSM, further the site does not have frontage to a Council maintained road, refer to additional comments below under DCP and engineers referral regarding access.

- (ii) **any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and**

Nil.

- (iii) **any development control plan, and**

The Rural Zones Development Control Plan applies to the subject site.

Clause	Control	Complies
C4: Assessment considerations in determining Development Applications	Impact on primary production, adjoining land, vegetation values, water, riparian areas, heritage values and visual rural character. Constraints and access.	The proposal has minimal impact on the agricultural values of the land, it is not considered to significantly impact on the adjoining land, vegetation, and water. There are no identified riparian areas impacted by the proposed development; the AHMIS search reported no items of significance. The proposal is not considered to adversely impact on the visual rural character of the area.
C5: Setbacks	Front setback of 10m, rear and side setback of 3m	The proposed building location has a suitable front setback and side setbacks of 110m.
C8: Provision of essential services	Access to electricity, and a Council road. The site does not have access to sewer, or	Yes - the lot has access to telecommunications, electricity and no on-site detention will be required.

Clause	Control	Complies
	stormwater management.	Suitable area is available on-site for an OSM system. The lot does not have frontage to a Council maintained road, refer to comments below.
C9 Flood Prone Lane	Comply with flood planning controls	Refer to Comments under LEP and Part D
C10 Bushfire Prone Land	Comply with Planning for Bushfire Protection	Proposed Building site and dwelling construction are capable of complying and achieving relevant APZ and BAL levels.
C14: Waste management	Dispose of waste suitably	Yes - the proposed waste management plan is acceptable and has been conditioned to be complied with, additionally, during the occupation phase of the dwelling the site will be serviced by Council's waste service.
Part D Floodplain Management Controls	Manage risk to human life and property	The subject site is located in the flood planning area however the building is located above the 1 in 100 year flood event therefore the proposal will not increase risk to human life or property.
Part G: Sustainable water controls	Minimise impact on water quality and hydrology. 3 star rated fixtures and dual flush toilets.	Not applicable to lots over 1ha
Part H: Erosion and sediment control	Prevent land degradation and soil erosion	Yes - the submitted erosion and sediment control plan is deemed to be acceptable and has been conditioned as such.
Part R: Biodiversity and habitat controls	Minimise impact on biodiversity and habitat	Refer to comments below.

Clause C8 - Access

Bee Eater Lane is not a Council maintained road but provides access for 6 other dwellings. In accordance with Clause 7.8 of the LEP the property is to have suitable access. Clause C8 of the DCP defines what is considered suitable access, this being

road frontage to a Council maintained road being sealed or a Category 1 unsealed road.

Clause 5.4 of the Roads Policy sets out the provisions in which Council may accept existing Crown roads or extensions of existing Council roads for inclusion as part of Council's constructed road network (as either Category 1 or Category 2 roads) as follows:

1. *The subject road will be the sole means of access to at least one lawful continuously occupied residence(s) or property with a lawful dwelling consent. If a residence is able to obtain access from another maintained road, the road may not be included. Council will also give consideration to the length of road to be maintained, gradients, construction impacts, the cost of maintaining the additional length of road and the number of residences on the road and distances between residences in determining whether the road should be accepted.*

Comment

The proposed access road is the sole 'legal' access to the proposed Lot 1 to the development. The length of road to be transferred is approximately 350m from the currently maintained section of Old Murrayville Road. There are 6 existing continuously occupied residences that would be served by the road that has been approved by Council.

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

Comment

The length of road proposed to be dedicated extends 350m from the intersection of bee Eater Lane and Old Murrayville Road.

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

Comment

The road is classified as a Crown road reserve. If Council accepts the transfer of the road to Council, all expenses are to be met by the applicant. This will form part of the conditions of consent if approved.

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

Comment

The access road will be wholly located within the existing road reserve.

5. *The road shall be constructed at no cost to Council to the required standard. Category 1 roads shall be constructed as specified in the Northern Rivers Development and Design Manual – Version 2 and the Northern Rivers Construction Manual. An exception may be made for existing unmaintained unsealed public roads*

which may be accepted as Category 2 roads subject to the roads meeting a specified standard of a minimum 6 metre wide constructed carriageway or 4 metre wide constructed carriage way with passing bays at a maximum of 200 metre intervals. The minimal gravel depth of the road shall be 100 mm of appropriately specified gravel for unsealed roads. Additional requirements to address design, environment, drainage and safety issues may also be required as assessed by Council. The decision on whether Council will accept a road as either Category 1 or Category 2 is at the discretion of Council and will be based on the access, development and maintenance implications of the access.

Comment

Following a meeting with the Civil and Works Director it was deemed to be acceptable that the Crown Road be transferred to Council and the existing road remain as is to service the property as a private driveway. This will not be maintained by Council.

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

Comment

There are no timber bridges located on the subject road.

Further additions to the Roads Asset Register will only be considered on a written request to Council. In determining an application Council will consider the above criteria, Council's financial position and the ability to maintain the additional road length.

In accordance with Clause 7.8 of the *Clarence Valley Local Environmental Plan 2011* (CVLEP) the property is to have suitable access in order to grant development approval. Clause C8 of the DCP defines what is considered suitable access, this being road frontage to a Council maintained road being sealed or a Category 1 or Category 2 unsealed road. The DCP also contains a note in Clause C8.5 that no further development is to occur where that allotment is serviced by a Crown Road. This application requires transfer of the Crown Road Reserve to Council.

Following a meeting with the Director Civil and Works it was deemed to be acceptable that the Crown Road be transferred to Council and the existing road remain as is to service the property as a private driveway. It was also resolved that this length of road will not be maintained by Council. An assessment against the DCP and CVC Roads Policy is contained in Attachment 2. Clause 8.5(d) of the DCP requires a Council resolution to extend the sealed public road or unsealed Category 1 and Category 2 road network.

There is an existing dwelling on the property and 5 other dwellings that are serviced by the road. In the circumstances it is considered that the subject road will provide a suitable level of service for the additional dwelling and therefore it is unreasonable and unnecessary to require upgrading of the road to a 6m sealed surface as originally advised to the Applicant. As contained in the draft conditions contained in Schedule 1, the Applicant will be required to cover the cost of the transfer of the road to Council and will be advised that this length of road will not be maintained by Council's Operations Section.

Part R Controls for Biodiversity and Habitat Protection

The overall objective of the biodiversity and habitat protection DCP is to protect, maintain and improve native biodiversity in the Clarence Valley LGA through the following biodiversity planning principles:

1. *Ecologically Sustainable Development*
2. *Development should be consistent with the overarching biodiversity strategies*
3. *Development should maintain or improve vegetation condition*
4. *Habitat retention is the first priority*
5. *Environmental impacts should be avoided at the source*
6. *Development should not contribute to habitat fragmentation*
7. *Endangered Ecological Communities must be retained*
8. *Measures should be taken to mitigate edge effects and other threats to small patches of retained habitat*
9. *Indirect impacts on biodiversity should be avoided*
10. *Degraded habitat forming part of a development site should be rehabilitated*
11. *The costs of ongoing management of biodiversity values should be met by the development*

The DCP sets out the provisions for assessment of the development footprint and threshold (including threshold category and threshold criteria in relation to the development footprint. In order to determine what the footprint and threshold is a Baseline Ecological Assessment is normally required. The site investigation and analysis shall classify the habitat of the development footprint based on the ecological assessment and criteria or thresholds outlined in Clause Y6 and Tables 1 to 7 as being an area that is either:

Green flag areas – areas that can be developed (least impact)

Amber flag areas – areas with low conservation value where development can occur with identified impact minimised and any loss of habitat offset.

Red flag areas – areas with high conservation value status where retention of habitat is essential

The application did not propose any clearing as the Applicant was proposing to use an existing access available to the subject property and the location of the existing shed to be converted is a cleared area not requiring any further vegetation removal for APZ or OSM disposal areas. On this basis the site was considered to be Green Flag and having limited ecological impact on the subject lot.

Council staff inspected the property and identified that a corridor of vegetation estimated to be 5,000m² (20m by 250m) has been cleared recently. Council staff made preliminary enquiries with the Applicant regarding any approvals for the clearing and it appears that the clearing undertaken is to provide an alternate bushfire/emergency access to the property and for mains power infrastructure. Council's records do not show that prior approval has been granted for any clearing works. The Applicant was given the following options if it could not be demonstrated that the clearing was lawful.

Note: Council can agree to an offer for biodiversity offsets for clearing of native vegetation in accordance with its Biodiversity Offset Policy; the following offsets would be required under Council's Biodiversity Offset Calculator:

- A. Offset the area cleared by the planting of 600 trees of native local endemic species or reserve an area of the site to rehabilitate and protect an area of 6ha into perpetuity. A plan showing the proposed location and species of trees or area to be rehabilitated is to be submitted. This offset area is to not conflict with any required asset protection zones or effluent disposal areas, or
- B. You may offer to enter into a voluntary planning agreement (VPA) with Council to pay a monetary contribution of \$12,000.00 into Council's Biodiversity Offset Trust Fund in accordance with Council's Biodiversity Offsetting Policy.

The Applicant proposed to make the contribution as listed under option B. see further comment below.

(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

Refer to additional comments above. The Applicant was given the option to offset the vegetation removal through planting or making a monetary contribution to Council through a VPA. The Applicant has chosen to make a \$12,000.00 Contribution to Council.

Council can agree to an offer for biodiversity offsets for clearing of native vegetation in accordance with its Biodiversity Offset Policy. Section 3.3.3.3 of the BIFA:

Contributions to CVC Biodiversity Offset Trust Fund can deliver direct offsets through a consolidation of funds and investment in priority areas. If a proponent chooses to use this pathway to offset impacts on biodiversity the contribution shall be done so voluntary via a voluntary planning agreement and the contribution based on the values shown in Section 3.6.2 IFA and these shall be adjusted in Council's fees and charges on annual basis on the consumer priced index used in adjusting Council's contributions. The figures outlined in Section 3.6.2 IFA shall be the 2015/16 financial year base figure for calculating the contribution.

Section 3.6.1 and 3.6.2 of IFA outlines how Council is to calculate the compensation for loss of biodiversity with a minimum of \$5,000.00 and up to \$50,000 per hectare. The offset using Council's Biodiversity Offset Calculator for the area is \$12,000.00 (\$24,000.00 per hectare). The amount offered by the applicant is above what is required by the Policy.

The remaining vacant cleared area of the site is required to be managed as an APZ to afford protection to the existing and proposed dwellings and also for OSM. There is limited area available on-site for plantings to compensate the loss of vegetation that do not conflict with the APZ or OSM areas therefore it is recommended that Council accept the \$12,000.00 contribution in lieu of planting or protecting an areas of the site. Reasons for supporting the offer of a monetary contribution include the

offer has been made in accordance with and complies with Council's adopted Biodiversity Offset Policy.

Please note that if a VPA is entered into, the applicant is required to pay Council's current costs of \$576.30 for the VPA preparation fee plus \$142.80 advertising fee.

- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,**

The proposed development is not inconsistent with the prescribed matters.

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.**

The proposed development is not likely to impact on the built environment of the locality as the building will largely be in accordance, is conversion of an existing building on the property therefore is not considered to dominate the streetscape or rural character. It is expected that there will be minimal impact on the natural environment as no major earthworks or vegetation removal are proposed.

Socially and economically, the proposed development will have a positive impact through the creation of an additional dwelling allotment in a rural character within close proximity to the village.

Biodiversity Conservation Act 2016

The proposed development does not require any clearing over the threshold and is not mapped on the values map.

- (c) the suitability of the site for the development,**

The proposal is considered to be in accordance with development in the surrounding area and is providing a residential dwelling and which is additional housing to meet the needs of the community. It is deliberated that the subject site is considered to be suitable for the proposed development.

- (d) any submissions made in accordance with this Act or the regulations,**

The proposed development was notified in accordance with the Community Participation Plan, no submissions were received during the exhibition period.

- (e) the public interest.**

The proposed development is not inconsistent with Council adopted policies or the objectives of the Act.

Officer: James Hamilton, Development Planner

Date: 2/03/2022

ITEM 07.22.039 REV2021/0013 - REVIEW OF MOD2021/0029 - AMEND/RESTRUCTURE CONDITIONS TO ALLOW STAGING OF DEVELOPMENT AND REMOVAL OF INTERSECTION WORKS - ORION DRIVE, YAMBA

Meeting	Council	22 March 2022
Directorate	Environment & Planning	
Prepared by	Development Planner, James Hamilton	
Attachments	A. Notice of Determination (as modified) ↓ B. Submissions ↓ C. Traffic Impact Assessment (Original submitted with DA in 2007) ↓ D. Traffic Impact Assessment (submitted with review) ↓ E. Traffic Impact Assessment (submitted with MOD2021/0029) ↓ F. Section 4.15 Assessment Report ↓	

SUMMARY

<i>Applicant</i>	Palm Lake Works
<i>Owner</i>	Palm Lake Resort Pty Ltd
<i>Address</i>	Orion Drive Yamba
<i>Submissions</i>	Yes – Two (2) against

The Applicant has lodged a Division 8.2 Review of Section 4.55 Application MOD2021/0029 under the *Environmental Planning and Assessment Act 1979*. The original Development Application DA2007/0884 approved a Seniors Living Estate at Orion Drive, Yamba.

The applicant is now seeking a review of the modified consent to amend and restructure the consent as certain items requested as part of the modification application were not considered to the satisfaction of the Applicant. The review does not materially change the approved development apart from a key request to review the imposition of a condition requiring intersection upgrade works for Orion Drive and Yamba Road.

This review is forwarded to Council for determination as Council previously resolved to approve MOD2021/0029 at the 23 November 2021 meeting (Item No. 6b.21.084). These matters are discussed in detail in the Key Issues section of this report and a recommendation to Council is provided for consideration.

OFFICER RECOMMENDATION

That Council approve REV2021/0013 subject to the amendments proposed in the draft Advices and Conditions contained in Schedule 1.

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership

Objective We will have a strong, accountable and representative Government

KEY ISSUES

1. Removal of Intersection Treatment

The key request of both the modification and current review relates to Condition 49 requiring Orion Drive/Yamba Road intersection works. The Applicant has requested this be deleted and has not offered any works to compensate the removal. The intersection of Yamba Road and Orion Drive has an existing protected right turn bay and a left turn deceleration lane.

49. *Upgrading of the intersection of Yamba Road and Orion Drive shall be provided in accordance with Austroads 'Part 5 Intersections at Grade' for the speed zone applicable to the intersecting roads and the traffic volumes generated by the subdivision development. Plans for the intersection shall be submitted to and approved by Council prior to the issue*

of a Construction Certificate for the works. The design proposed shall specifically be aimed at reducing the current and future delay times and queue lengths for vehicles turning right into Yamba Road from Orion Drive. Delay times shall be limited to an absolute maximum of 15 seconds per vehicle and queue lengths shall be limited to 6 vehicles. Intersection improvement works shall form part of the required development works for the site.

Condition 49 requires intersection works to reduce wait times for a right turn from Orion Drive onto Yamba Road. The original report estimated that with the additional development traffic, the maximum delay of a right turn from Orion Drive could increase to 58 seconds.

The original traffic study submitted in 2008 was presented to Council's Traffic Committee as part of the assessment process, which included a representative of the RTA (now Transport for NSW). The committee identified Yamba Road infrastructure was adequate for the proposed development. However, at peak times it would become difficult to turn right out of Orion Drive with the current intersection treatment. This issue is confirmed in the traffic modelling undertaken as part of the current traffic study. The future construction of the roundabout at Yamba Road and Witonga Drive was considered and gave residents turning out of Orion Drive the opportunity to turn left and utilise the roundabout to turn around to travel east. Further information regarding this roundabout is provided in the Background section of this report

With this in mind, the condition was likely imposed so that the post development delay time was no worse than the pre development wait time i.e. no impact on the intersection. It was considered at the time that the only treatment that would improve this intersection would be construction of a roundabout at the Orion Drive/Yamba Road intersection. This essentially functions as a 'fail safe' condition in the event that the Yamba Road/Witonga Drive roundabout never eventuates.

The performance of an intersection is assessed by assigning a level of service (LOS) based on the average delay of vehicles at an intersection (LOS can be correlated to a qualitative description of traffic conditions that includes speed, travel time, number of lanes traffic interruptions, freedom to manoeuvre, safety, driving comfort, convenience and operating costs. LOS ranges from A (very good) to F (unsatisfactory). Delay times for each type of intersection is different and considered on merit by factoring in these conditions. It is desirable that any intersection design achieves a minimum Level of Service C during weekdays and Level of Service D on weekends, however this is not mandatory.

Based on previous reports, the right turn out of Orion Drive will operate at capacity if left untreated (Level of Service D) (Limited stable flow and all drivers restricted in movement), assuming the 3.5% traffic growth over a design horizon of 10 years. The right turn movement in question is directly affected by westbound traffic along Yamba Road and can only be improved by either changing the intersection treatment (such as U-turning lanes, roundabout or traffic lights) or reducing the traffic volumes.

As part of this review, Council officers have liaised with the Applicant to set the parameters required for the revised traffic impact assessment to analyse both the current level of service for the intersection, the development and future growth on Yamba Road. Council has consistently adopted a cumulative 3.5% traffic growth rate for Yamba Road when considering all development within the Yamba Road traffic catchment. The 3.5% growth rate has been adopted to consider the additional traffic generated through the future development of West Yamba Urban Release Area and Yamba Quays development.

The construction of the future roundabout at Witonga Drive / Yamba Road to the west of the Orion Drive / Yamba Road intersection within the 10 year design horizon will have a beneficial impact by reducing wait times for right turn movements out of Orion Drive (critical movement) through an increase in spacing and gap length of vehicles travelling on Yamba Road. This will reduce the LOS to within capacity (to Level of Service C - Stable flow of traffic restricting manoeuvrability).

The existing intersection at Orion Drive and Yamba Road has limited possibility to improve the delay for the right turn movement. To achieve significant reduction in delay time would require a roundabout or installation of traffic lights. It is unclear the implications and effects that traffic lights or an additional roundabout would have on the local network and its functionality. The only possible alteration of the existing intersection treatment would be to formalise the right turn and left turn lanes in Orion Drive. This would eliminate vehicles turning left from the total queue, thus reducing delays and queue lengths for the right turn movement. Now Council has a high degree of certainty that the Yamba Road/Witonga Drive roundabout will be constructed (refer to Background section below), the existing intersection treatment will be generally sufficient, subject to these minor upgrades to Orion Drive.

Based on the above, it is considered that additional line marking and formalisation of right turn and left turn lanes out of Orion Drive onto Yamba Road, as per Figure 1 below, will suitably mitigate the impacts on the right turn movement as a result of the development, in addition to the future installation of the Witonga Drive roundabout. Moreover, the installation of a roundabout at the Orion Drive and Yamba Road intersection is not supported due to the close proximity of the Witonga Drive roundabout and the high degree of certainty that this roundabout will be delivered in the near future.

As such, Condition 49 is not supported for removal. It is recommended to be amended to provide certainty as to the required works as follows, noting the specification of the upgrades to Orion Drive and the requirement to meet the intersection meets current Austroads standards.

49. *Upgrading of the intersection of Yamba Road and Orion Drive shall be provided in accordance with Austroads 'Part 5 Intersections at Grade' 'Part 4 Intersections and Crossings – General and Part 4A Unsignalised and Signalised Intersections'* for the speed zone applicable to the intersecting roads and the traffic volumes generated by the ~~subdivision~~ development, including **formalised right and left turn lanes on Orion Drive**. Plans for the intersection shall be submitted to and approved by Council prior to the issue of a ~~PWC Construction Certificate for the works~~. The design proposed shall specifically be ~~aimed~~ **aimed** at reducing the current and future delay times and queue lengths for vehicles turning right into Yamba Road from Orion Drive. ~~Delay times shall be limited to an absolute maximum of 15 seconds per vehicle and queue lengths shall be limited to 6 vehicles~~. Intersection improvement works shall form part of the required development works for the site **prior to issue of the Construction Certificate for Stage 1A**.

Layout pictures are schematic functional drawings reflecting input data. They are not design drawings.

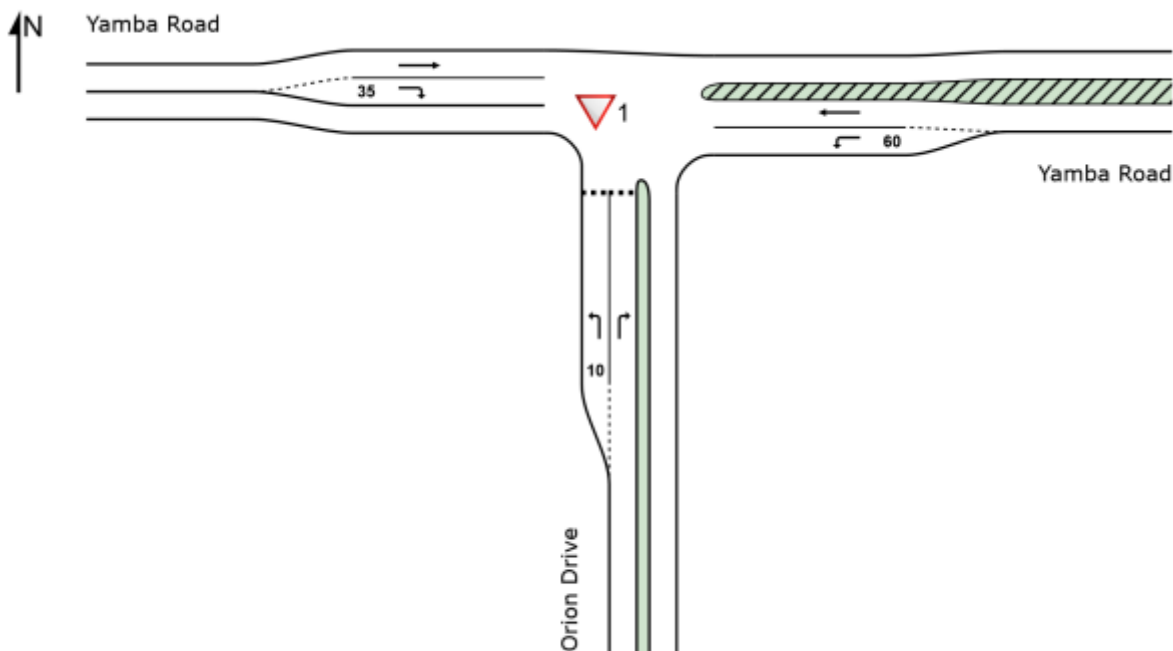


Figure 1 shows turning left turning lane in Orion Drive.

2. Other changes to advice and conditions

- a. Provision to allow private certifier to issue some approvals and certainty around timing of works
The current consent prohibits a certifier other than Council from issuing a Construction Certificate for any works associated with the proposed development. As part of MOD2021/0029 the Applicant requested modification to a number of conditions of consent to permit a private certifier to issue Construction Certificates and assess other requirements such as internal car parking. A number of the requested changes were not addressed as part of that modification application to the satisfaction of the Applicant and are now assessed under this review application.

The proposed amendments have been considered as part of this review and Council officers are generally supportive of the changes to permit a certifier to issue a Building Construction Certificate

(amended Advice 2 and Conditions 22, 34, 37, 42, 46, 50, 55, 61 and 74). It will still be necessary for the Applicant to achieve approval from Council for works within the road reserve (including intersection of development and Orion Drive) and connection to Council infrastructure.

b. Conditions to be inserted into approval

As part of this review a new condition (78) has been included to ensure the development is undertaken in accordance with the staging plan 'Master Plan Stages', drawn by Palm Lake Works, dated 29 April 2021 with all internal civil works being completed prior to release of any stages.

Condition 2 requiring the surrender of older consents was removed in error under the modification and as such has been reinsert.

c. Advices to be removed

Advices 11, 14, 15 16 and 17 have been deleted as part of this review as this is covered by the BCA.

d. Amendments not supported

A number of changes requested by the applicant have not been supported and a full list and assessment of each is available in Attachment F – Section 4.15 Assessment Report

e. Section 64 Headwork Charges

The developer has previously paid for 39 sewer equivalent tenements (ETs) under a previous consent which is credited against the land. Condition 30 has been amended to acknowledge this payment and provide clarity around timing of payment for each stage.

Additionally, Council's Development Engineer has reviewed the demand on Council's sewer and water infrastructure in accordance with the current water directorate guidelines ETs applicable for the development. All dwellings will be three (3) bedroom units which does not reduce sewer impacts but reduces water by 0.2 equivalent tenements for each dwelling, a reduction of 15.2 ETs overall. Consistent with current Council adopted rates and assessment of communal facilities (clubhouse and gym) in similar types of development, Council does not charge additional headworks for these amenities and facilities as they are only for use by residents and not by the public, these have been removed accordingly.

f. Access to the site and Internal Roads

The applicant has requested that Council consider the consolidation of Conditions 48 and 54 relating to the internal roads. The internal road network will not become a Council asset. Consistent with current Council engineering standards and application to similar types of developments, the consolidation of Condition 48 and 54 will ensure that the driveway and internal access roads are designed and fit for purpose to cater for maximum size vehicle. As such, Condition 48 has been amended and Condition 54 deleted.

3. Issues Raised in Submissions

The application for review was notified and advertised under the Community Participation Plan, and two (2) submissions were received during the exhibition period. The issues raised in submissions include:

- The need to retain parking and facilities to store recreational vehicles (caravans and boats),
- Concern regarding stormwater quality leaving the site
- Management of cleared vegetation so that is mulched and not burnt
- Making a contribution to offset cleared vegetation is not the most suitable method for offsetting, revegetation is a better option
- Concerns regarding filling of land not causing impacts and management of acid sulfate soils during the course of works
- Concern with permitting a private certifying authority to issue approvals and that they may not adhere to regulations particularly with regard to intersection treatments/road works
- The development is not substantially the same development and that changing to double storey not being accessible.

The issues raised in regards to the review are beyond the scope of what is being requested by the Applicant. Council is unable to revisit items of the proposed development including stormwater, vegetation clearing, parking, filling and whether the modified development is substantially the same development. In regards to the comment raising concern of permitting a private certifier to authorise certain works, private certifiers are bound under the same regulations as if Council was the certifier to ensure the development is carried out in

accordance with the consent and relevant regulations applicable to this development. Private certifiers have no ability to issue approvals for works within the road reserve or Council infrastructure. As such, Council will remain the certifier for extension to infrastructure required for the development that will be inherited by Council including any intersection works for the development and Orion Drive, Orion Drive and Yamba Road and any other works within the road reserve.

BACKGROUND

Development Application

The Applicant has lodged a Section 8.2 Review of Section 4.55 Application MOD2021/0029 under the *Environmental Planning and Assessment Act 1979* (the Act). Modification Application MOD2021/0029 approved an amendment to DA2007/0884 – seniors living. The application for review was lodged within 28 days of determination of the modification as required by the Act.

The review seeks to amend and restructure the consent, these items were requested as part of the modification application however were not addressed in the report to Council or amended notice of determination. The review does not materially change the approved development other than seeking to amend conditions to give certainty to the developer of timing of requirements/reports/certificates during the construction process and prior to occupation. The only significant change is a second request to remove any Yamba Road and Orion Drive intersection works.

Council approved the original Development Application DA2007/0884 at its Council meeting of 11 December 2007 for 78 Seniors Living dwellings, clubhouse, pool and gymnasium, including the clearing of vegetation and filling of land on Lot 2 & Lot 3 in DP833711, Orion Drive, Yamba. Council approved a Section 4.55 Amendment MOD2021/0029 at their 23 November 2021 which included an amendment to the internal road layout, redesign of clubhouse, redesign of house types and removal of the small caravan/boat storage facility to provide room for a third bio-retention basin. The removal of the Yamba Road / Orion Drive intersection requirement was not supported by Council at the 23 November 2021 meeting. This decision was based on the report prepared by the Applicant which underestimated traffic growth on Yamba Road and background traffic from the Orion Drive catchment.

Yamba Road and Witonga Drive Roundabout

As part of the Yamba Quays approved development under DA1973/92, the construction of a roundabout for the intersection of Yamba Road and Witonga Drive is required to be completed by the developer of this estate. Council staff are assessing a Subdivision Works Certificate for the construction of this roundabout and the design and location of the roundabout is currently being finalised with Council and the developer in negotiation with affected landowners. Based on the current status, it is expected the roundabout is likely to become operational within the next 2 to 3 years.

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 and Regulation

Environmental Planning and Assessment Act, 1979
 Environmental Planning and Assessment Regulation 2000
 Clarence Valley Local Environmental Plan 2011
 Environmental Protection, Recreation and Special Use Zones Development Control Plan (DCP)

Consultation

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

<i>Internal Section or Position</i>	<i>Comment</i>
Development Engineer	Supports proposed changes with an amendment to condition 49 to require formalisation of left and right hand turn lanes

Building Surveyor	Supports proposed changes to conditions
Strategic Infrastructure	Supports proposed change to Orion Drive and Yamba Road Intersection condition

Legal and Risk Management

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

Climate Change

N/A.

Schedule 1
Draft Advices and Conditions of Consent for REV2021/0013

Insert New Definition**CODE MDef01**

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)
- g Pressure Sewerage Code of Australia (WSA 07-2007)
- h Clarence Valley Council 'MUSIC' Guidelines (Draft)
- i Clarence Valley Council Street lighting Strategy

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'.

For 'MUSIC' guidelines and policy documents contact Council's development engineer.

Amend the Following Advice (changes in bold and italics or crossed out):

- 2. The following information shall be submitted to the Council or Principal Certifying Authority prior to issue of **Building** Construction Certificate.
 - a. Home Owners Warranty Certificate or copy of the Owner Builder Permit
 - b. Structural Engineers details for footings/slabs/structural steel/tie downs and bracing.
 - c. The name and licence number of the builder.

Delete the Following Advices:

- 11. ~~All timber used shall comply with the Timber Framing Code AS 1684, in regard to size, spacing, span and method of fixing.~~
- 14. ~~The manufacturer's details of the Roof Trusses are to be submitted to Council prior to the commencement of this stage of construction.~~
- 15. ~~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 3.7.2 of the Building Code of Australia (Housing Provisions), shall be installed in the dwelling(Delete)/in each dwelling unit. A licensed electrical contractor's installation certificate is to be submitted to Council prior to occupation of the dwelling(s).~~
- 16. ~~The construction certificate application must include the following information:~~
 - a. ~~A Structural Engineer's design for all footings, floor slabs, concrete walls, columns, roof and stairs.~~
 - b. ~~A compliance certificate or other form of documentary evidence from a practising Structural Engineer confirming the satisfactory fabrication and holding down requirement of the portal frames.~~
 - c. ~~A compliance certificate or other form of documentary evidence from a Structural Engineer's certificate to certify that the building complies with the requirements of the NSW Specification B1.3 of the Building Code of Australia.~~
 - d. ~~Details for wind bracing and tie down for the building.~~
- 17. ~~The concrete slab floor shall be treated against termites in accordance with AS 3660-1 (2000) (the standard) as follows:-.~~

- a. ~~NON CHEMICAL – where a non-chemical treatment (physical barriers) is to be used the applicant shall submit details to Council prior to any work commencing~~
 - b. ~~CHEMICAL RETICULATION – where a chemical method of treatment is to be used by way of reticulation, details shall be provided to Council for approval prior to installation accompanied by a signed Maintenance Contract with a Pest Control Operator.~~
- ~~NB: Applicants and owners are warned to ensure that annual inspection to determine need for treatment should be carried out~~
- e. ~~CHEMICAL TREATMENT – where a chemical method of treatment is to be used by way of hand spray treatment before laying the slab, details shall be provided to the Council for approval prior to installation.~~

~~WARNING – Applicants and owners are warned that the expected life of the under floor barrier (chemical treatment) is only ten (10) years and of the external barrier (chemical treatment) is only five (5) years. The actual period of protection will depend on factors such as termite hazard, climate and soil conditions.~~

RECOMMENDATION

~~Council recommends in all cases of chemical treatment including chemical reticulation that regular annual inspection be carried out by a licensed Pest Control Operator to determine the need for re-treatment.~~

~~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 and in accordance with any specific requirements of the Council.~~

- d. ~~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 and in accordance with any specific requirements of the Council.~~
 - 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~~

~~NB: The Department of Fair Trading requires a whole house treatment to be carried out and you should contact them for detailed advice.~~

Conditions

Amend the Following Conditions (changes in bold and italics or crossed out):

- 22. The control of erosion and silt discharge will involve works and measures on site, and possible additional silt retention works. Details of proposed control works are to be submitted to and approved by Council **or accredited private certifying authority** prior to the issue of any Construction Certificate.
- 30. The following contributions are required for approval under section 68 of the Local Government Act for water reticulation works being new works, upgradings or augmentations that will be of benefit to the development:

Payment to Council of the following contributions pursuant to Section 68 of the Local Government Act, 1993:

Proposed number of houses.

Water Headworks – \$ 4,231 x ~~76~~ (**76 x 0.8 for 3 bed**) = ~~\$ 321,556.00~~ **\$257,244.80**

Stage 1b – 23 x 0.8

Stage 2 – 26 x 0.8

Stage 3 – 27 x 0.8

Sewer Headworks - \$ 8,462 x 37 = \$ 323,094.00 (**39 credits exist for the site**)

Stage 1b – nil sewer applicable

Stage 2 – 12 x 1

Stage 3 – 27 x 1

~~Proposed clubhouse & gym~~

~~Water Headworks - \$4,231x.008x631m2 = \$ 21,358.09~~

~~Sewer Headworks - \$8,462.00x.013x631m2 = \$ 90,754.95~~

Total water Headworks- ~~\$342,914.09~~ **\$ 257,244.80**

Total Sewer Headworks - ~~\$413,848.95~~ **\$ 323,094.00**

A Certificate of Compliance for Water and or Sewer works must be obtained from Council prior to issue of the Building Occupation Certificate, for each and every stage of the development. This may require payment of a fee.

Note – amounts have not been updated to current financial year rates.

34. A detailed Water Reticulation Management Plan shall be submitted for assessment and approval by Clarence Valley Council **with the Section 68 application**, prior to the issue of a Construction Certificate. This shall include details of the internal water reticulation scheme, the hydraulic details and an assessment of the existing water supply to ensure sufficient flows are available for the proposed development including fire fighting flows.
37. Full plans showing details of all **external** civil works designed in accordance with **NR2 NRDC** and prepared by a professional engineer or land surveyor approved by the Deputy General Manager Civil and Corporate shall be submitted to Council for assessment and approval, prior to the issuing of a Construction Certificate.
42. A **Construction Management Plan** documenting the proposed method of work within the construction site boundaries with regard to the health and safety of the public and affect on the road reserve must be submitted to and approved by Council **or accredited private certifying authority** prior to the issue of the civil and building construction certificates. If any part of the road reserve or public land is proposed for long term (exceeding 24 hours) inclusion in the construction site boundaries this area must be identified in the Construction Management Plan. The road reserve is classed as the property boundary to opposite property boundary and includes roadway, nature strip and footpath
46. ~~The internal access roads shall have full road construction, 30mm minimum depth of compacted asphaltic concrete surface over a minimum compacted pavement depth of 300mm. The AC mix and depth of pavement shall be designed in accordance with the estimated maximum traffic loading or the ESAs specified in NR2 whichever is the greater.~~

Prior to the issue of a Construction Certificate, the internal road layout must be designed to ensure adequate provision for all vehicles, including domestic and service vehicles, to access all areas of the site in accordance with AS2890.1 Off Street Car Parking. Plans demonstrating this shall be submitted to Council or accredited private certifying authority for approval.

48. The intersection of the internal access road and Orion Drive shall be designed in accordance with ~~Austrroads 'Part 5 Intersections at Grade'~~ **AS2890.1** for the **relevant** speed zone applicable to Orion Drive and the traffic volumes generated by the ~~subdivision~~ development. Plans for the intersection shall be submitted to and approved by Council prior to the issue of a Construction Certificate for the works **and constructed prior to release of the Construction Certificate for Stage 1A. The intersection shall be designed for the maximum anticipated vehicle to use the site. Standard scale plans with manoeuvring paths shown in accordance with AS2890 shall be provided demonstrating the adequacy of the intersection design.** Intersection construction shall form part of the required development works for the site. **Any works within the road reserve will require approval from Council under the Roads Act.**
49. ~~Upgrading of the intersection of Yamba Road and Orion Drive shall be provided in accordance with Austrroads 'Part 5 Intersections at Grade'~~ **'Part 4 Intersections and Crossings – General and Part 4A Unsignalised and Signalised Intersections'** for the speed zone applicable to the intersecting roads and the traffic volumes generated by the ~~subdivision~~ development, including **formalised right and left turn lanes on Orion Drive.** Plans for the intersection shall be submitted to and approved by Council prior to the issue of a ~~PWC Construction Certificate for the works.~~ **The design proposed shall specifically**

be ~~aimed~~ ~~armed~~ at reducing the current and future delay times and queue lengths for vehicles turning right into Yamba Road from Orion Drive. ~~Delay times shall be limited to an absolute maximum of 15 seconds per vehicle and queue lengths shall be limited to 6 vehicles.~~ Intersection improvement works shall form part of the required development works for the site **prior to issue of the Construction Certificate for Stage 1A.**

50. All stormwater is to be collected within the property and discharged in accordance with ~~NR2~~ **NRDC** and the relevant Clarence Valley Council Development Control Plans (including Parts F, G, H & R). Detailed plans of site drainage and a Stormwater Management Plan shall be submitted for assessment and approval by Council ~~or~~ **accredited private certifying authority** prior to issue of a Construction Certificate.
55. All earthworks are to be designed and detailed in accordance with ~~NR2~~ **NRDC** and the relevant Clarence Valley Council Development Control Plans (including Parts F, G, H & R). Detailed plans of earthworks including an Earthworks Management Plan which should include or be included within the Soil and Water Management Plan shall be submitted to Council ~~or~~ **accredited private certifying authority** ~~for assessment and approval by Council~~ prior to issue of a Construction Certificate. The scope of earthworks should be minimised as much as possible due to the erodible nature of the natural soils.
61. A detailed Sewerage Reticulation Management plan shall be submitted for assessment and approval by Council **with a Section 68 Application**, prior to the issue of **any** Construction Certificate.
73. ~~Where the development is subject to Acid Sulfate Soils, the appropriate treatment of the works shall be detailed in accordance with Council and the NSW Acid Sulfate Soil Management Advisory Committee requirements and Acid Sulfate Soils Manual.~~
- All excavation and works on-site are to comply with the recommendations of the Acid Sulfate Soil Management Plan prepared by ENV Solutions dated August 2020.**
74. An amended waste management plan for the ongoing operation of the ~~aged care facility~~ **development** shall be submitted to Clarence Valley Council and approved prior to issue of the Building Construction Certificate. The approved waste management plans shall be complied with during the demolition, construction and ongoing operation of the ~~aged care facility~~ **development**. All waste management facilities in the development shall be in place prior to the issue of the Occupation Certificate.

Insert the following Conditions:

2. The applicant shall surrender the Development Consents DA93/3007 and DA95/174 in accordance with Section 97 of the Environmental Planning Assessment Regulations 2000 prior to the release of the Construction Certificate for Civil works.
- (note: this condition was removed by error under the modified consent under MOD2021/0029 and is to be inserted back in)
78. The development is to be carried out in accordance with the staging plan 'Master Plan Stages', drawn by Palm Lake Works, dated 29 April 2021 with all internal civil works being completed prior to release of any stages.

Delete the following Conditions:

- ~~23. No work on the site including the removal of vegetation or topsoil may be undertaken until a construction certificate is issued.~~
- ~~30. A certificate shall be submitted to Clarence Valley Council stating that the development complies with the requirements under Part 3 Clause 16 of the Local Government (Water Services) Regulation 1999, in regard to water supply.~~
- ~~38. Prior to the issue of a Construction Certificate, an erosion and sediment control plan prepared by a suitably quality person must be submitted to and approved by the certifying~~

authority. Control over discharge of stormwater and containment of run-off and pollutants leaving the site must be undertaken through installation of these control devices.

47. ~~The provision and dedication of minimum 3 metre by 3 metre splays at the street intersections in the subdivision is required.~~
54. ~~Prior to the issue of a Construction Certificate, the internal road layout must be designed to ensure adequate provision for domestic and service vehicles to manoeuvre in a forward manner to comply with AS2890.1 Off Street Car Parking and submitted to certifying authority for approval.~~
66. ~~A sediment control fence must be installed at the down slope perimeters of the disturbed area to prevent sediment and other debris from leaving the site.~~
75. ~~The civil works shall be designed and constructed in accordance with Council's Engineering Standards current at the time of approval of Engineering Plans. Approval of Engineering Plans will be current for a period of two years after which time Council may require the alteration to Engineering Design to comply with standards current at that date.~~

Reference: MD07/0884 CVC Ref: 200193
 Contact: Greg Long: MC

7 January 2008

Landpartners
 PO Box 278
 MACLEAN NSW 2463

NOTICE OF DETERMINATION OF APPLICATION

Pursuant to Section 81(1)(a) of the Environmental Planning and Assessment Act, 1979

Application No:	DA2007/0884 <i>amended by MOD2008/0018 & MOD2021/00029</i>
Applicant:	Landpartners
Owner:	Lifestyle Resorts Australia Pty Ltd T/A Oyster Cove Residential Resort
Property Address:	Orion Drive YAMBA NSW 2464
Legal Description:	Lot 2 DP 833711, Lot 3 DP 833711
Development Proposal:	Seniors living Estate

DEVELOPMENT CONSENT

Notice is given that Council has considered your application for the subject development. The determination of the application is an “operational” consent.

The Development Application has been determined by:

Consenting to the development with conditions.

Determination of the application was made:

By Council at its Meeting of 11 December 2007 and by Council at its meeting of 23 November 2021.

Determination Date:

11 December 2007 and amended by MOD2008/0018 on 26 March 2008 and MOD2021/0029 on 23 November 2021.

Approved Plans and Documentation

THE DEVELOPMENT SHALL COMPLY WITH THE PLANS LODGED WITH THE APPLICATION AND AS MAY BE AMENDED BY THE FOLLOWING CONDITIONS OF CONSENT AND/OR BY AMENDED PLANS AND DETAILS.

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Definitions

Applicant means Landpartners or any party acting upon this consent.

Advice to Applicant

Council in determining the subject application requests you to take note of the following advice and where pertinent to convey the advice to future owners or tenants:

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. Value of works must be included on Construction Certificate Application form.

Advices to Applicant

1. No construction is to be commenced until a Construction Certificate has been issued.
2. The following information shall be submitted to the Council or Principal Certifying Authority prior to issue of a Construction Certificate:
 - a. Home Owners Warranty Certificate or copy of the Owner Builder Permit
 - b. Structural Engineers details for footings/slabs/structural steel/tie downs and bracing.
 - c. The name and licence number of the builder.
3. The Environmental Planning and Assessment Act 1979 now makes it possible for applicants seeking the issue of a construction certificate to obtain these documents from either Council or a private certifier who is accredited as a Principal Certifying Authority.
4. A private certifier acting as a Principal Certifying Authority who issues a construction certificate must forward a copy of the certificate along with a copy of the plans to which the certificate relates, to Council at least two days before work commences on the development.
5. Any contributions must be paid to Council prior to a construction certificate being issued.
6. Prior to work commencing on a development the applicant must notify Council of the name of the Principal Certifying Authority and give notice to Council of their intention to commence work on the development. Such notice shall be in the form of Form 7 of the Regulation and must be submitted to Council at least two (2) days before work commences.
7. If Clarence Valley Council is chosen as the Principal Certifying Authority the applicant must give Council 24 hours notice to permit an inspection of the following components of the building process:
 - a. Pier holes prior to pouring concrete;
 - b. Footing trenches or concrete pads when reinforcement is in position and prior to pouring concrete;
 - c. Floor slab when reinforcement is in position and prior to pouring concrete;
 - d. Framework with roof covering in position and prior to internal linings being installed;
 - e. Ant capping and termite protection prior to flooring being laid;
 - f. Sanitary drainage lines when laid and under water test;
 - g. On completion of the building and prior to occupation.
8. Access to the building clubhouse for disabled persons shall be provided and constructed in accordance with the requirements of Part D3 of the Building Code of Australia and AS 1428.1.

Accessible facilities for the use of the disabled shall be provided as specified in Clause F2.4 of the Building Code of Australia and shall be constructed to the requirements of AS 1428.1-

2009. Modified by MOD2021/0029 on 23 November 2021

9. Car parking spaces for people with disabilities are to be provided as required by Part D3.5 of Building Code of Australia.
10. All construction and components must comply with the Wind Rating for the site which has been assessed at N1, N2, N3, N4.
11. All timber used shall comply with the Timber Framing Code AS 1684, in regard to size, spacing, span and method of fixing.
12. The floor level of habitable rooms is to be a minimum of 2.5 metres Australian Height Datum.
13. A Certificate indicating the height of habitable floors on the ground floor (related to Australian Height Datum) is to be forwarded to the Principal Certifying Authority:
 - In the case of timber floors, on completion of the floor framing;
 - In the case of concrete slabs when formwork is in place but prior to pouring concrete.

This Certificate is to be provided by a Licensed Surveyor, Certified Engineering Surveyor or Engineering Surveyor approved by the Deputy General Manager of Civil Corporate or the District Health & Building Surveyor.

No further work is to be carried out on the building until such Certificate is provided to the Principal Certifying Authority.

14. The manufacturer's details of the Roof Trusses are to be submitted to Council prior to the commencement of this stage of construction.
15. 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 3.7.2 of the Building Code of Australia (Housing Provisions), shall be installed in the dwelling(Delete)/in each dwelling unit. A licensed electrical contractor's installation certificate is to be submitted to Council prior to occupation of the dwelling(s)
16. The construction certificate application must include the following information:
 - a. A Structural Engineer's design for all footings, floor slabs, concrete walls, columns, roof and stairs.
 - b. A compliance certificate or other form of documentary evidence from a practising Structural Engineer confirming the satisfactory fabrication and holding down requirement of the portal frames.
 - c. A compliance certificate or other form of documentary evidence from a Structural Engineer's certificate to certify that the building complies with the requirements of the NSW Specification B1.3 of the Building Code of Australia.
 - d. Details for wind bracing and tie down for the building.
17. The concrete slab floor shall be treated against termites in accordance with AS 3660-1 (2000) (the standard) as follows:-
 - (a) NON CHEMICAL - where a non chemical treatment (physical barriers) is to be used the applicant shall submit details to Council prior to any work commencing.
 - (b) CHEMICAL RETICULATION - where a chemical method of treatment is to be used by way of reticulation, details shall be provided to Council for approval prior to installation accompanied by a signed Maintenance Contract with a Pest Control Operator.
NB: Applicants and owners are warned to ensure that annual inspection to determine need for treatment should be carried out.
 - (c) CHEMICAL TREATMENT - where a chemical method of treatment is to be used by way of hand spray treatment before laying the slab, details shall be provided to the Council for approval prior to installation.

WARNING - Applicants and owners are warned that the expected life of the under floor barrier (chemical treatment) is only ten (10) years and of the external barrier (chemical treatment) is only five (5) years.

The actual period of protection will depend on factors such as termite hazard, climate and soil conditions.

RECOMMENDATION

Council recommends in all cases of chemical treatment including chemical reticulation that regular annual inspection be carried out by a licensed Pest Control Operator to determine the need for re-treatment.

- (d) 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 and in accordance with any specific requirements of the Council.
- (e) 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.

NB: The Department of Fair Trading requires a whole house treatment to be carried out and you should contact them for detailed advice.

18. In a building required to be accessible, braille and tactile signage complying with Specification D3.6 of the Building Code of Australia and incorporating the international symbol of access or deafness, as appropriate, in accordance with AS 1428.1-2009 must identify each sanitary facility; space with a hearing augmentation system and door with a required 'exit' sign.

Inserted by MOD2021/0029 on 23 November 2021

Conditions of Consent

1.

The development shall be completed in conformity with the Environmental Planning & Assessment Act, 1979, the Regulations thereunder, and being generally in accordance with the following plans Council approved stamped plan(s) submitted with the Development Application, or where modified by any conditions of this consent.

Drawing	Drawn by	Dated	Sheets	Ref.
Master Plan Stages	Palm Lake Works	29.04.21	1 of 4	YA-CP-2018
House type	Palm Lake Works	29.04.21	2 of 4	YA-CP-2018
Site Plan	Palm Lake Works	29.04.21	2 of 4	YA-CP-2018
Site Plan	Palm Lake Works	29.04.21	2 of 4	YA-CP-2018
Carrabelle – Ground Floor	Palm Lake Works	1.06.21	3 of 17	YA-X-XXX
Carrabelle – First Floor	Palm Lake Works	1.06.21	4 of 17	YA-X-XXX
Carrabelle – Elevations	Palm Lake Works	1.06.21	9 of 17	YA-X-XXX
Carrabelle – Elevations	Palm Lake Works	1.06.21	10 of 17	YA-X-XXX
Malabar – Ground Floor	Palm Lake Works	1.06.21	3 of 17	YA-X-XXX
Malabar – First Floor	Palm Lake Works	1.06.21	4 of 17	YA-X-XXX
Malabar – Elevations	Palm Lake Works	1.06.21	9 of 17	YA-X-XXX
Malabar – Elevations	Palm Lake Works	1.06.21	10 of 17	YA-X-XXX
Miami – Ground Floor	Palm Lake Works	1.06.21	3 of 14	YA-X-XXX
Miami – Elevations	Palm Lake Works	1.06.21	7 of 14	YA-X-XXX
Miami – Elevations	Palm Lake Works	1.06.21	8 of 14	YA-X-XXX
Seabreeze Type H – Floor Plan and Elevations	Palm Lake Works	1.06.21	1 of 1	-

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Coolum 3 Type G – Floor Plan and Elevations	Palm Lake Works	1.06.21	1 of 1	-
Harmony Type D – Floor Plan and Elevations	Palm Lake Works	1.06.21	1 of 1	-
Palmetto – Ground Floor	Palm Lake Works	1.06.21	3 of 14	YA-X-XXX
Palmetto – Elevations	Palm Lake Works	1.06.21	7 of 14	YA-X-XXX
Palmetto – Elevations	Palm Lake Works	1.06.21	8 of 14	YA-X-XXX

Amended by MOD2021/0029 on 23 November 2021

3. The Permit under the Fisheries Management Act for the compensatory wetlands area on Part Lot 11 in DP 1029899 shall be approved by the Department of Primary Industries prior to the release of the Construction Certificate for Civil Works.
4. This development shall only accommodate of the following residents:
- seniors or people who have a disability,
 - people who live within the same household with seniors or people who have a disability,
 - staff employed to assist in the administration of and provision of services to housing provided under this Policy.

As defined by the SEPP (Housing for Seniors or People with a Disability) 2004.

5. A restriction as to user shall be registered against the title of the subject property on which the development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to the following residents:
- seniors or people who have a disability,
 - people who live within the same household with seniors or people who have a disability,
 - staff employed to assist in the administration of and provision of services to housing provided under this Policy.

As defined by the SEPP SEPP (Housing for Seniors or People with a Disability) 2004.

A copy of this restriction shall be lodged with Council prior to occupation of the development.

6. ~~A Pedestrian Access and Mobility Plan (PAMP) to demonstrate options for senior pedestrians to gain access to existing facilities such as the bus stop, shopping centre and medical facilities shall be submitted in accordance with the requirements of the SEPP and approved by the RTA and Council prior to the issue of the Construction Certificate for Civil Works.~~

The development must be carried out generally in accordance with as per the Pedestrian Access and mobility plan dated 16 August 2019 prepared by Bitzios Consulting and in accordance with NSW Road and Maritime Services guidelines. Prior to the issue of an Occupation Certificate, all pathways must be completed to Council's satisfaction.
Amended by MOD2021/0029 on 23 November 2021

7. **Working/Construction Hours**

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Working hours on the construction project being limited to the following:

7.00 am to 6.00 pm 7 days per week

The builder to be 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.

Waste materials shall not be burnt on site but are to be disposed of to an approved recycling service or waste depot.

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.

8. **Site Safety Preparation and 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.

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

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

A garbage receptacle fitted with a tight fitting lid for the reception of all food scraps and papers from the site shall be provided prior to building work commencing and shall be maintained and serviced for the duration of the work.

10. **Toilet Facilities** 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 on the site. Each toilet provided must be:

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

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

11. **Signage** A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building 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 certifying authority for the work, and
- (d) Any such sign is to be removed when the work has been completed.

12. The development shall comply with the requirements of SEPP SEPP (Housing for Seniors or People with a Disability) 2004.

13. Pumps serving rainwater storage tanks to be enclosed with an acoustic enclosure so as to

reduce the likelihood of noise nuisance.

14. The development is not to be occupied or used until such time as an occupation certificate has been issued.
- i. Prior to the Principal Certifying Authority issuing an Occupation Certificate, completion of all requirements listed in the relevant BASIX Certificate for the subject development shall be completed/installed.
16. Prior to the issue of an Occupation Certificate the principal contractor responsible for the construction work shall provide Council with a certificate which states that **all commitments** listed within the current Basix Certificate (quoting number and date) have been installed in accordance with the requirements of that Basix Certificate.
17. **Dwellings and Outbuildings** The head contractor or owner-builder must give the principal certifying authority at least 48 hours notice to enable the following inspections to be performed at the appropriate time. For Class 1 or 10 buildings (dwellings and outbuildings), the building work must be inspected:

At the **commencement** of the building work, and
 After excavation and placement of reinforcement and prior to placement of concrete for any **footings**, and
 After reinforcement is in positions and prior to pouring any **in-situ reinforced concrete** building element, and
 Prior to covering of the **framework** for any floor, wall, roof, or other building element, and
 Prior to covering **waterproofing in any wet areas**, and
 Prior to covering any **stormwater drainage** connections, and
 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.

18. Council in determining the subject application advises the applicant to take note of the following advice and consent conditions and where pertinent to convey the advice and consent conditions to future owners or tenants of the development.
19. Prior to work commencing on a development the applicant must notify Council of the name of the Principal Certifying Authority and give notice to Council of their intention to commence work on the development. Such notice shall be in the form of Form 7 of the Regulation and must be submitted to Council at least two (2) days before work commences.
20. No civil construction works shall be commenced until a Construction Certificate for civil works has been issued.
21. Occupation of the road reservation is to be minimised and where absolutely necessary the appropriate approvals for traffic management and construction traffic shall be obtained and shall be in accordance with the consent conditions of this approval. Any approval shall be in accordance with Section 138 of the Roads Act.
22. The control of erosion and silt discharge will involve works and measures on site, and possible additional silt retention works. Details of proposed control works are to be submitted to and approved by Council prior to the issue of any Construction Certificate.
23. No work on the site including the removal of vegetation or topsoil may be undertaken until a construction certificate is issued by Council. **Amended by MOD2021/0029 on 23 November 2021**
24. The civil works shall be designed and constructed in accordance with Council's Engineering Standards current at the time of approval of Engineering Plans. Approval of Engineering Plans will be current for a period of two years after which time Council may require the

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alteration to Engineering Design to comply with standards current at that date.

25. ~~The current Engineering Standards are ;~~

- ~~The Northern Rivers Local Government Development and Design Manual Version 2 (AUS-SPEC)~~
- ~~The Northern Rivers Local Government Construction Manual Version 2 (AUS-SPEC)~~
- ~~The Northern Rivers Local Government Handbook of Stormwater Drainage Design – Draft Version 1.~~
- ~~Sewerage Code of Australia (WSA 02 – 2002)~~
- ~~Water Supply Code of Australia (WSA 03 – 2002)~~

~~and are referred to hereafter in this document as NR2.~~

~~Deleted Amended by MOD2021/0029 on 23 November 2021~~

26. Throughout the advices and conditions civil works shall mean :

- Earthworks
- Roadworks
- Drainage
- Structures
- Water & Sewerage Reticulation
- Flood Mitigation
- Parking areas
- Provision of Services

27. Throughout the advices and conditions civil works shall mean works that shall become Council owned and maintained infrastructure.

28. The design of internal civil infrastructure shall consider the effects of the development on adjacent properties and on Council owned and maintained infrastructure. With respect to stormwater design this shall include the effects of the major and minor stormwater flows within the development site, through the development site and flowing from the development site.

29. 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.

30. The following contributions are required for approval under section 68 of the Local Government Act for water reticulation works being new works, upgradings or augmentations that will be of benefit to the development:

Payment to Council of the following contributions pursuant to Section 68 of the Local Government Act, 1993:

Proposed number of houses.

Water Headworks – \$ 4,231 x 76 = \$ 321,556.00

Sewer Headworks - \$ 8,462 x 37 = \$ 323,094.00

Proposed clubhouse & gym

Water Headworks-\$4,231x.008x631m2 = \$ 21,358.09

Sewer Headworks- \$8,462.00x.013x631m2= \$ 90,754.95

Total water Headworks- \$342,914.09

Total Sewer Headworks - \$413,848.95

31. 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.

32. A certificate shall be submitted to Clarence Valley Council stating that the development complies with the requirements under Part 3 Clause 16 of the Local Government (Water Services) Regulation 1999, in regard to water supply.
33. ~~A water supply infrastructure design to service the subdivision in accordance with Clarence Valley Council standards for reticulated water supply to residential properties shall be prepared by a suitably qualified professional engineer. The design shall include but shall not be limited to the provision of a booster pump to maintain adequate water pressure for normal residential use at the upper most dwelling envelope and for fire fighting purposes, a high level reservoir to provide back up domestic and fire fighting water supply and a maintenance manual for the entire system.~~

The applicant is to provide water supply infrastructure to service the development from a Council approved connection point and / or water meter, in accordance with the requirements and specifications of Clarence Valley Council, the relevant parts of the applicable Clarence Valley Council Development Control Plans and NRDC.

Amended by MOD2008/0018 on 26 March 2008

34. ~~A detailed Water Reticulation Management Plan shall be submitted for assessment and approval by Clarence Valley Council Water & Wastewater Section, prior to the issue of a Construction Certificate. This shall include consideration of the approved bushfire management plan and an assessment of the existing water supply to ensure sufficient flows are available for the proposed development including firefighting flows.~~

A detailed Water Reticulation Management Plan shall be submitted for assessment and approval by Clarence Valley Council, prior to the issue of a Construction Certificate. This shall include details of the internal water reticulation scheme, the hydraulic details and an assessment of the existing water supply to ensure sufficient flows are available for the proposed development including fire fighting flows.

Amended by MOD2008/0018 on 26 March 2008

35. The developer is to construct civil works, at own cost, in accordance with NR2 and in accordance with the Construction Certificate issued by Council and under the supervision of a professional engineer or land surveyor approved by the Deputy General Manager Civil and Corporate. The Council will hold a bond for an amount to be determined against the maintenance of the works until such time as Council is satisfied to take over the system.
36. The developer is responsible for any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development and to construct, at own cost, all works required for the development and in accordance with the Civil Construction Certificate issued by Council and under the supervision of an engineer or surveyor approved by the Deputy General Manager Civil and Corporate.
37. Full plans showing details of all civil works designed in accordance with NR2 and prepared by a professional engineer or land surveyor approved by the Deputy General Manager Civil and Corporate shall be submitted to Council for assessment and approval, prior to the issuing of a Construction Certificate.
38. ~~A detailed erosion and sediment control plan which has been prepared by a specialist professional in the area of soil and water management must be submitted to and approved by Council before the Construction Certificate is issued.~~

Prior to the issue of a Construction Certificate, an erosion and sediment control plan prepared

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by a suitably quality person must be submitted to and approved by the certifying authority. Control over discharge of stormwater and containment of run-off and pollutants leaving the site must be undertaken through installation of those control devices.

Amended by MOD2021/0029 on 23 November 2021

39. The payment to Council of the schedule fee for development construction certificate/supervision is required in accordance with the adopted fees and charges current at the time of issuing the Construction Certificate.
40. The development is to be connected to all available services (water, sewer electricity and telephone) prior to issue of any Occupation Certificate. Such connections, and any extension of services required to the development, are to be carried out at full cost to the development/applicant.
41. Where occupation of the road reserve is proposed a **Traffic Control Plan** must be prepared and submitted to Council showing how vehicle and pedestrian traffic will be safely managed within the road reserve. This plan must be prepared by a person authorised by the RTA to prepare Traffic Control Plans and must be approved by Council prior to the occupation of the road reserve.
42. A **Construction Management Plan** documenting the proposed method of work within the construction site boundaries with regard to the health and safety of the public and affect on the road reserve must be submitted to and approved by Council prior to the issue of the civil and building construction certificates. If any part of the road reserve or public land is proposed for long term (exceeding 24 hours) inclusion in the construction site boundaries this area must be identified in the Construction Management Plan. The road reserve is classed as the property boundary to opposite property boundary and includes roadway, nature strip and footpath.

Telecommunication and Power

43. Telephone services are to be installed underground.
44. Council must be provided with a written Pre-Provisioning Confirmation, or similar written advice, issued by Telstra or other recognised telecommunications service provider confirming that arrangements have been made with the relevant developer to have these services provided to the particular development prior to issue of any Occupation Certificate.
45. ~~The applicant must provide at their own cost, underground electricity to the requirements of Country Energy or other recognised electricity provider to all dwellings within the development site. Prior to the Issue of any Occupation Certificate, Council will require satisfactory evidence that all contributions to Country Energy for underground electricity have been lodged and all requirements of that Authority have been complied with for the whole development site.~~

Prior to the issue of an Occupation Certificate, the applicant is responsible to provide underground electricity in accordance with the requirements of the electricity supply authority.

Amended by MOD2021/0029 on 23 November 2021

Road works

46. The internal access roads shall have full road construction, 30mm minimum depth of compacted asphaltic concrete surface over a minimum compacted pavement depth of 300mm. The AC mix and depth of pavement shall be designed in accordance with the estimated maximum traffic loading or the ESAs specified in NR2 whichever is the greater.
47. The provision and dedication of minimum 3 metre by 3 metre splays at the street intersections in the subdivision is required.

48. The intersection of the internal access road and Orion Drive shall be designed in accordance with Austroads 'Part 5 Intersections at Grade' for the speed zone applicable to Orion Drive and the traffic volumes generated by the subdivision development. Plans for the intersection shall be submitted to and approved by Council prior to the issue of a Construction Certificate for the works. Intersection construction shall form part of the required development works for the site.
49. Upgrading of the intersection of Yamba Road and Orion Drive shall be provided in accordance with Austroads 'Part 5 Intersections at Grade' for the speed zone applicable to the intersecting roads and the traffic volumes generated by the subdivision development. Plans for the intersection shall be submitted to and approved by Council prior to the issue of a Construction Certificate for the works. The design proposed shall specifically be aimed at reducing the current and future delay times and queue lengths for vehicles turning right into Yamba Road from Orion Drive. Delay times shall be limited to an absolute maximum of 15 seconds per vehicle and queue lengths shall be limited to 6 vehicles. Intersection improvement works shall form part of the required development works for the site.

Stormwater Drainage

50. All stormwater is to be collected within the property and discharged in accordance with NR2 and the relevant Clarence Valley Council Development Control Plans (including Parts F, G, H & R). Detailed plans of site drainage and a Stormwater Management Plan shall be submitted for assessment and approval by Council prior to issue of a Construction Certificate.

Compliance Certificate

51. Submission of Work as Executed Plans for works covered within this consent and a certification from the professional engineer or land surveyor that the works have been constructed in accordance with the approved plans and specifications, prior to the release of the Subdivision Certificate.
52. A maintenance bond to the value of 5% of the contract value for works that will become Council infrastructure is to be lodged with Council prior to the issue of the Compliance Certificate. All work is subject to a maintenance period of six (6) months from the date of Practical Completion as certified by Council.

Vehicular Access

53. Driveways and vehicular accesses to all dwellings in the development, shall be provided in accordance with the requirements of the AS2890.1, NR2 and Parts E and H of the relevant Clarence Valley Council Development Control Plan.
54. ~~The internal road layout (including turning paths) shall be designed to ensure there is adequate provision for domestic and service vehicles to manoeuvre in a forward manner to comply with AS2890.1 Off Street Car Parking. The designs shall be submitted to and approved by Council prior to the issue of a Construction Certificate for any works on the site.~~

Prior to the issue of a Construction Certificate, the internal road layout must be designed to ensure adequate provision for domestic and service vehicles to manoeuvre in a forward manner to comply with AS2890.1 Off Street Car Parking and submitted to certifying authority for approval.

Earthworks

55. All earthworks are to be designed and detailed in accordance with NR2 and the relevant Clarence Valley Council Development Control Plans (including Parts F, G, H & R). Detailed plans of earthworks including an Earthworks Management Plan which should include or be

included within the Soil and Water Management Plan shall be submitted to Council for assessment and approval by Council prior to issue of a Construction Certificate. The scope of earthworks should be minimised as much as possible due to the erodible nature of the natural soils.

56. The applicant or party acting upon this development consent is to ensure that vehicles or plant associated with the works do not adversely impact on the roadways to such an extent that cause them to become un-trafficable for other road users particularly during wet weather. Any such damage is to be rectified immediately.
57. Details of filling are to be submitted to the Principal Certifying Authority for approval prior to the commencement of work and must include area and depth to be filled, type and origin of fill material and measures proposed to prevent adverse impact to adjoining properties and to local drainage. Provision is to be made for the free passage of surface stormwater away from affected sites
58. Any fill earthworks to be undertaken on the site shall be carried out in accordance with the placement and compaction of fill described in AS 3798. A practising geotechnical engineer shall advise the standard of the filling and compaction in accordance with AS 3798 such that the work will be suitable for the intended purpose.
59. The source of any fill material is to be identified and a report from a practising geotechnical engineer certifying that the material is suitable for the intended purpose provided prior to commencement of work. The report to include any conditions on the use of the material and a report from a registered NATA laboratory on the soil properties of the fill material

Should there be any change in the source of fill to the Principal Certifying Authority must be notified and approval obtained to the new source prior to the import of any of the material. A report from a practicing geotechnical engineer certifying that the new source material is suitable for the intended purpose must be provided. The report to include any conditions on the use of the material and a report from a registered NATA laboratory on the soil properties of the fill material

Sewerage

60. The applicant is to provide sewerage reticulation infrastructure to service the development, from a Council approved connection point, in accordance with the requirements and specifications of Clarence Valley Council Water & Wastewater Section, the relevant Clarence Valley Council Development Control Plans (including Parts F & H) and NR2. Sewerage must be available prior to issue of any Occupation Certificate.
61. A detailed Sewerage Reticulation Management plan shall be submitted for assessment and approval by Council, prior to the issue of a Construction Certificate.
62. Council will require satisfactory evidence that all requirements of Clarence Valley Council Water & Wastewater Section have been complied with.

Erosion and Sediment Control

63. No work on the site including the removal of vegetation or topsoil may be undertaken until the erosion and sediment controls are in place in accordance with the approved erosion and sediment control plan
64. All sediment and erosion control measures are to be constructed to prevent sediment from leaving the site or entering downstream properties, drainage lines, watercourses or environmentally sensitive areas. Control measures are to be constructed in accordance with the approved Erosion and Sediment Control Plan for the site

65. ~~Disturbance of the site must only occur on areas indicated on the approved plans.~~
Deleted by MOD2021/0029 on 23 November 2021
66. A sediment control fence must be installed at the down slope perimeters of the disturbed area to prevent sediment and other debris from leaving the site.
67. Vehicular access to the site is to be restricted and where possible only one access point is to be provided. Any access point shall be stabilised
68. Stockpiles of erodible materials (sand, soil, spoil and vegetation) must be protected by a sediment fence or bund. If the stockpile area is prone to high winds or is to be in place for two weeks or longer, the stockpile must be covered or treated in a method approved by Council.
69. All fuelling of plant to be undertaken in a fully bunded area, away from trees/vegetation to be retained.
70. Fuel, oils and chemicals shall be stored in a fully bunded area. The capacity of the bund must be at least twice the maximum volume stored.
71. During dry weather, standard dust suppressions methods are to be used as often as is necessary to ensure that adjoining properties are not adversely affected by undue dust.
72. **Developer Contributions**

YAMBA CATCHMENT: Payment to Council of the contributions pursuant to Section 94 of the Environmental Planning and Assessment Act:

(a) Open Space/Recreation Facilities Contribution Plan 1993

(i) Yamba Regional \$82.00 x 2 persons x 76 \$12,464.00
GL S94OpenSpaceReg

Passive \$56.00 x 2 persons x 76 \$8,512.00
GL S94OSYambaPas

Active \$495.00 x 2 persons x 76: \$75,240.00
GL S94OSYambaAct

(b) Community Amenities & Services Contributions Plan 1993

Yamba Catchment: Regional \$59.00 x 2 persons x 37 : \$4,366.00
GL S94CFRegional

Local \$351.00 x 2 persons x 37: \$25,974.00
GL S94CFYamba

Dwelling/subdivision 2.6 persons; dual occupancy 2.4 persons; density development 2.0 persons; tourist facilities 1.32 persons.

* Number of lots

(e) Yamba Urban By-pass and Urban Intersections Contributions Plan 2000

West Yamba (existing) \$456.00 x 2 persons x 76 :\$69,312.00
GL S94YBPWestYambaER

Dwelling/Subdivision Lot: 2.6 persons; Dual Occupancy: 2.4 persons; Density Development: 2 persons; Tourist: 1.32 persons; Industrial: \$2,061 per 500m² or part thereof.

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 as follows:

Consent No: DA2007/0884
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- Local Development Applications or Local Integrated Development Applications involving Subdivision – prior to release of the subdivision certificate; or
- Local Development Application or Local Integrated Development Applications involving building work – prior to issue of Building Construction Certificate.
- Local Development Applications where a Building Construction Certificate is not required – prior to an operational Development consent being issued.

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.

73. Where the development is subject to acid sulfate soils, the appropriate treatment of the works shall be detailed in accordance with Council and the NSW Acid Sulfate Soil Management Advisory Committee requirements and Acid Sulfate Soils Manual ***Inserted by MOD2021/0029 on 23 November 2021***
74. An amended waste management plan for the ongoing operation of the aged care facility shall be submitted to Clarence Valley Council and approved prior to issue of the Building Construction Certificate. The approved waste management plans shall be complied with during the demolition, construction and ongoing operation of the aged care facility. All waste management facilities in the development shall be in place prior to the issue of the Occupation Certificate. ***Inserted by MOD2021/0029 on 23 November 2021***
75. The civil works shall be designed and constructed in accordance with Council's Engineering Standards current at the time of approval of Engineering Plans. Approval of Engineering Plans will be current for a period of two years after which time Council may require the alteration to Engineering Design to comply with standards current at that date. ***Inserted by MOD2021/0029 on 23 November 2021***
76. All building construction below habitable flood levels shall be of flood compatible materials. ***Inserted by MOD2021/0029 on 23 November 2021***
77. The dwellings—shall comply with the Australian Building Codes Board Standard for Construction of Buildings in Flood Hazard Areas. A Structural Engineers certificate shall be submitted prior to issue of the construction certificate to verify the dwellings will withstand the likely forces imposed on them by a 1:100 year flood event including hydrostatic, hydrodynamic, debris, wave, erosion and scour actions. ***Inserted by MOD2021/0029 on 23 November 2021***

Right of Appeal and Validity of Consent

Section 82A of the Act provides that you may request a review of your determination by Council. The review must be requested within 12 months of the date of this notice and must be accompanied by the prescribed fee.

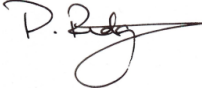
Section 97 of the Act provides that you have a right of appeal to the Land and Environment Court against Council's decision in the matter, exercisable within 12 months after receipt of this notice.

Consent becomes effective from the consent validation date. Section 95 of the Act provides for the period of validity of consent, and it is the applicant's responsibility to ensure that commencement of the development is carried out within the prescribed period. The consent period for this application will be five (5) years.

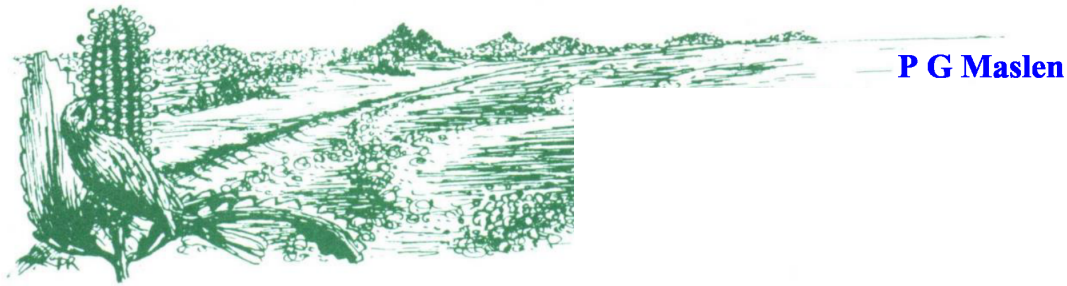
If you require further information in regard to this notice of determination please contact Greg Long of Council's Environment and Planning Department on 6643 0200.

Consent No: DA2007/0884
MOD2008/0018 & MOD2021/0029
 Consent Validation Date: 07 January 2008
 Page 14 of 15

Yours faithfully



per
Greg Long
Senior Planner



4th February 2022

Clarence Valley Council
Locked Bag 23
GRAFTON NSW 2460

Attention: Environment, Development & Strategic Planning Director

SUBJECT: REV2021/0013 ORION DRIVE YAMBA NSW 2464

Dear Sir,

This is my second submission on application for Modification of MOD2021_0029 and DA2007_0884 alter internal lay out, clubhouse and dwelling design.

The following comments are made but lack detail as the council has not made available the full information available to the council's assessment team. As I have not had the privilege of the original details of the application my submission may have some assumptions that are not based on all the facts.

The following comment is a repeat of one made in the earlier submission and is still not addressed, leaving the future seniors residents in a lower standard establishment compared to that expected in an average seniors living estate. The layout based on the civil and landscape plan does not show any facilities for housing or parking resident's recreation vehicles such as caravans and boats. This is a real impediment to optimum life style for the probable residents especially in a location like Yamba. It is common for the proposed seniors to possess recreational vehicles and hence in providing housing for such clientele provision should be included for these possessions. The removal of these facilities to provide for the original inadequate stormwater treatment is not an acceptable solution. The minutes of the pre-lodgement meeting does not mention these issues and if council has given such an indication that this is an acceptable outcome, it is irresponsible at best and does not reflect competent contemporary planning.

While the landscape and civil plans show stormwater quality improvement devices, the sizing is not easily determined from these plans. Hence even an educated assumption of adequacy of the design is not possible. Council's assessment team must verify with the use of its MUSIC model that the proposed system is adequate to meet expected stormwater quality prior to discharge to the receiving waterway.

On conditioning the approval council must include a condition that all vegetation removed must be mulched and not burned. Any environmental weeds must be sent to any appropriate composting facility and not used as landscaping mulch.

Offset by contribution is still not acceptable as it invariably results in a net loss of native vegetation and rarely does the equivalent ecosystem type in a location local to the lost vegetation, result. This has been confirmed by the 2021 inquiry into the Integrity of the NSW Biodiversity Offsets Scheme to which I made a submission and was interviewed by the

parliamentary committee. Council must ensure that any revegetation resulting from the use of the contribution is for an equivalent ecosystem in a location local to the proposed application. Council must ensure that the contribution is spent on vegetation replacement and not solely on some account as has been the case in the state's contributions.

The impact of any filling of the site must not negatively cause any issues as is occurring in other subdivisions in west Yamba. Council has an extremely poor record of not ensuring that such issues are addressed in a professional manner such that there are no negative outcomes to the existing community or the location at large.

The acid sulfate soil management plan is appropriate and must be monitored fully by council during the construction phase. It has been my professional experience that if not done short cuts will be made to save cost causing detrimental effects to the site and any disposal site of excess treated soil. The effects of filling on probable acid sulfate soils is well documented where negative outcomes can occur by soils being extruded into locations where oxidation can occur. Council must ensure this does not occur especially given the past problems with acidification in the Clarence valley.

Yours faithfully,

Peter G Maslen BE BSc FIE(retired)

RE: OBJECTION TO REV2021/0013 which is a Review of MOD2021/0029 under section 82

I wish to lodge my strong objection to REV2021/0013 because in reality it is the developer, who, after having an outdated DA approved for “modification”, wants to further push the boundaries and indeed adopts an arrogant and self-interested stance by lambasting Clarence Council for “not addressing” and modifying certain conditions they proposed. I am also extremely worried by their haste in wanting these conditions modified or deleted and in their insistence on having their own Principle/Private Certifying Authority. Indeed, the main reason the developer appears to want this review is to engage a “Private Certifier”; even though they put this as number 5 in the essential reasons for a Review of Determination. Where are the checks and balance? Does this mean the developer can do what they like behind their “boundary?” How does Clarence Council know that correct procedures will be followed? It can be argued that a “Private Certifier” has to follow regulations but we all know how that can be abused. Furthermore, what does that say about Clarence Council Certifiers if a Queensland developer wants their own Private Certifier?

I acknowledge that MOD2021/0029 was passed by Clarence Council on 3 December 2021 even though it was certainly **not** “for modifications **involving minor error, misdescription or miscalculation**(Section 4.55(1).” Indeed, this approval still has me shaking my head as there were substantial changes including that 28/29 of the 78 houses (or 37%) being changed to double storey but without lifts. How can this possibly be seen as ‘substantially the same as the development the subject of the original development consent’? Also, the present owners of Lots 2 and 3 Orion Drive, Palm Lake Resort Pty Ltd, while supposedly retaining their “commitment” to providing reasonable housing for Seniors and/or People with a Disability, have reiterated that only a minimum of 10% of Dwelling Houses will be wheelchair accessible. Furthermore, there present development at 1 Orion Drive is for over 50s and it clearly states that, Australian-wide, a Senior is classified as someone over 60.

Secondly, I note that the developer states two essential reasons for the Review of Determination is to stop ambiguity and that conditions refer to superseded development standards. Well then, why does the developer, Palm Works Pty Ltd include a superseded and ambiguous Pedestrian Access and Mobility Plan that is out-of-date? This Plan is dated 16 August 2019 and the photos don’t even include the Treelands Roundabout; states it is for 78 **single-storey** dwellings (p.4); and certainly has an “historical crash review” of crashes involving pedestrians as the dates covered are “2011 to 2016” (page 11). Indeed, they state there have been “no reported crashes” and this may have been the case up to 2016 but it certainly hasn’t been the case in the last 6-7 years.

Furthermore, they state they want the required footpath to be placed on the eastern side of Orion Drive and that warning signs be put on both approaches to the development pedestrian access. Why isn’t the footpath on the western side of Orion Drive when it is supposedly for this

development; especially as the footpath stops at the entrance to this new development? You have to cross Orion Drive which ever side you place the footpath and thus putting the crossing at the end of the traffic isle, after you turn into Orion Drive, appears to be the best and safest scenario.

Or is this an attempt to merge the two developments and in the process lay the groundwork for the first section of the public road, Orion Drive, to be included in the development? Clarence Council needs to consider this, especially as the developer appears to be asking the Clarence Council, and in the process its ratepayers, to take “responsibility”. It is also ambiguous about where the Kerb ramps are to be placed. If you look at the map on page 12 it is not clear where the kerb ramps should go but it appears they want it very close to the corner. Isn't this rather reckless as it is not only a safety issue but it gives scant regard to the 106 house/landowners in the private sections of Orion Drive, Newport Island and Bayview Crescent and the 170 homeowners of Palm Resort at 1 Orion Drive? Thus, doing the Maths, we have 276 homes (and thus over 600 occupants) being disadvantaged for the 78 houses that are supposedly for Seniors and people with disability even though 28 of the houses are double-storeyed and do not have a lift. This is, despite the fact, that the developer, after lambasting Clarence Council for ambiguous Conditions of Consent, retains in their own Pedestrian Access and Mobility Plan that there are 78 **single-storey** dwellings. If only this was correct!!

Lastly, returning to my previous statement that the developer appears to be asking the Clarence Council, and in the process its ratepayers, to take “responsibility” for the cost of the footpath. I wrote “appear” as the last point in the Conclusion of the Plan states “It is recommended that the applicant and Council discuss responsibilities for the construction of the required footpath along Yamba Road and Orion Drive as a minimum to ensure accessibility to and from the site.” That would be very interesting to know what these “discussions” determine. How certain are Clarence Council that this section of Orion Drive will not be “acquired” or inadvertently “merged” by the developer into their private land holding.

This leads me onto my next point in that in Table 1, condition 47 (which provides for a minimum 3 metre by 3 metre splay at street intersection) states “The approved seniors housing development was never a subdivision. This condition is outdated and requested to be deleted”. Of course, it is not a subdivision as the developer still owns all the land and would not be able to put 78 dwellings on such a small land area. However, I do have to ask the question about what are the requirements for an “estate” with regards to street widths etc?

I also have to ask why the developer has put the wrong information in both the Acid Sulfate Soil Management Plan as on page 36 it states “former warehouse structure still exists” and in photo no.2 (p.39) it states piles of mulch are noted to be distributed across the northern portion, assumed to be recent clearing of vegetation. When was this “clearing” approved by Council and

why does it state in the Application Form that “there is to be no tree removal and/or pruning approved”? (p3) Indeed, in the Acid Sulfate Soil Management Plan, on page 36, it clearly shows quite a large section which is designated as “Wetland Reserve Area” but notes it has **not** been “assessed.” This really worries me as how is Clarence Council “protecting” this Wetland Reserve? Furthermore, as the developer will have a Private Certifier, how does Clarence Council know the correct procedures will be followed, especially with regard to the mangroves and thus ultimately the Clarence River water system?

These are just some of the objections that I have with REV2021/0013 and I note with wry amusement that having a Review rather than a Modification of a DA, the developer will save \$322.50. I am also wary of their contradictory statements and their self-aggrandisement stance towards Clarence Council. I suppose, when it comes down to it, I want it on record that I oppose this development as it has modified outdated DAs for its own gain and with no regards to the future needs of the Lower Clarence community. There appears to be little guarantee that the developer will comply with conditions and indeed they want to set their own agenda.

I am totally for affordable housing and for housing for Seniors and People with Disability. What I am against is when developers use the guise of providing this much needed housing but have no intention of providing it. This development will affect the local environment and the living style of a lot of residents, in both the immediate and foreseeable future. I just wish I could make a difference and that is why I continue to write objections, knowing that, at least, there will be a written record. It is too late to rage against the “dying of the light” when mangroves have been destroyed and Conditions twisted to suit what appears to now be a rather hurried development. The developers state they are asking for a review of MOD2021/0029 because they want the conditions to be “explicit and attainable”. How about contradictory? They also want Stage 1 Review of Determination “to be expedited” so they can begin “internal civil works” on the project **but** with a Private Certifier. Why do I feel like a character in Macbeth .. Macduff perhaps?

Trish Bowes (mobile and address are attached to submission)

OYSTER COVE TRAFFIC ASSESSMENT REPORT

FOR

LIFESTYLE RESORTS AUSTRALIA
PTY LTD



traffic engineering • transport planning

GOLD COAST: (07) 5562 5377

BRISBANE: (07) 3255 1811

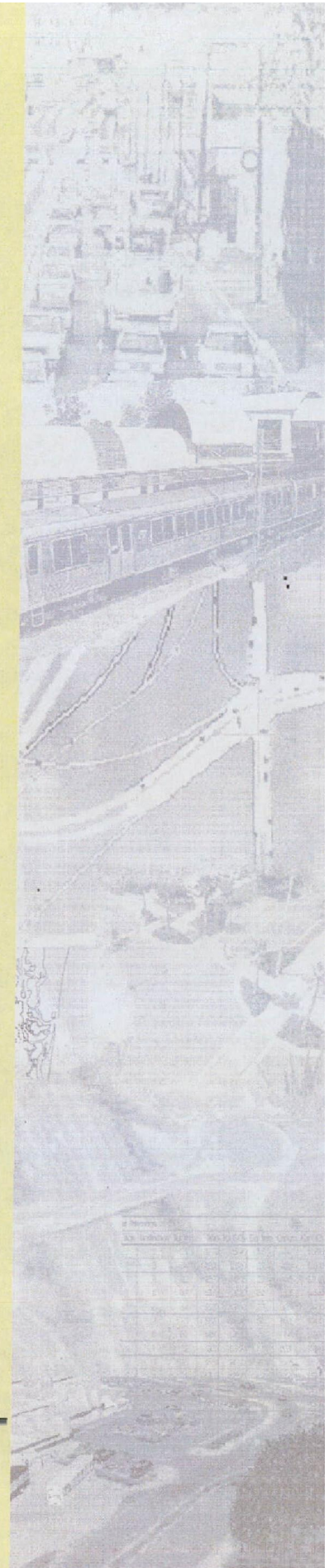
POSTAL ADDRESS: PO Box 5102, Q Super Centre, Mermaid Waters, Q 4218

EMAIL: admin@bitziosconsulting.com.au

Project No: P264

Version: 01

Date: July 2007





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Oyster Cove



1. INTRODUCTION

1.1 BACKGROUND

Bitzios Consulting has been commissioned by Lifestyle Resorts Australia to undertake a traffic impact assessment for a 78 dwelling seniors living estate.

1.1.1 Location

The site is located at Yamba within the Clarence Valley Shire. The subject site is located on a triangular parcel of land that has frontage to Orion Drive and Main Road 152 (Yamba Road). The western boundary adjoins Oyster Channel, a tributary of the Clarence River that connects Lake Wooloweyah to the river.

The site comprises Lots 2 and 3 in DP 833771, Orion Drive, and has an area of 41,500 sq m. The subject site is shown in Figure 1.1 below.

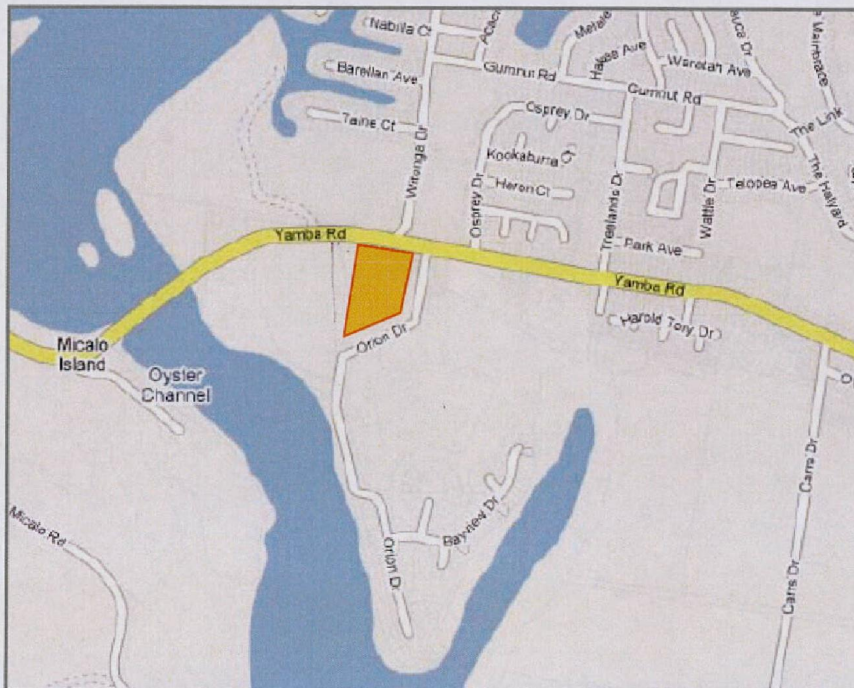


Figure 1.1: Subject Site

1.2 SCOPE

This report provides a traffic impact assessment of the proposed development. Specifically the report addresses RTA's request dated 22 June 2007 stating:

A traffic study will be necessary to determine the impact of the existing traffic volumes and the proposed traffic volumes generated by this development on the surrounding road network particularly the intersection of Orion Drive and Yamba Road.

The traffic study should take into account the key issues relevant to the scale of this proposal as set out in Section 2 of the RTA's "Guide to Traffic Generating Developments". This should at least include information relating to:-

- The total traffic impact on the road network including other activities in the area;
- Intersection sight distances;
- Existing and proposed access conditions;
- Detail of servicing and parking arrangements; and
- Public transport routes and infrastructure eg. Buses, cycleways and pedestrian links.

2. EXISTING CONDITIONS

2.1 ROAD NETWORK

Orion Drive is a local collector-distributor road servicing an enclosed catchment. This road provides the sole entry to a small residential estate comprising approximately 107 lots and the existing Oyster Cove seniors living estate which has approval for 154 dwellings.

Orion Drive is approximately 1200 metres long from its intersection with Yamba Road to its end. The road varies in width and form including a two-lane, two-way divided section with kerb and channel (which runs for approximately 100m south of Yamba Road), to a two-lane, two-way undivided road with no kerb and channel but wide grassed verges. Figures 2.1 and 2.2 show the existing road configurations as described above.



Figure 2.1: Orion Drive – Near Yamba Road

Oyster Cove



Figure 2.2: Orion Drive – between Yamba Road and Bayview Road.

The default urban speed limit of 50km/h applies to Orion Drive.

Yamba Road is a state controlled Main Road (No. 152) under the jurisdiction of the RTA. Yamba Road is an arterial road connecting the township of Yamba with the Pacific Highway, and McLean. For most of its length Yamba Road is a two lane, two-way undivided road. The speed limit of Yamba Road is generally 70 km/h however it slows to 50 km/h approximately 70 metres west of Orion Drive.

The intersection of Orion Drive and Yamba Road is a T-junction with a 30m painted right turn pocket and a 40m long auxiliary left turn lane. Figures 2.3 and 2.4 show Yamba Road facing west and east from Orion Drive.



Figure 2.3: Yamba Road – Facing West



Figure 2.4: Yamba Road – Facing East

2.2 PUBLIC TRANSPORT

Busways Grafton operates a scheduled bus service between Yamba, Mclean and Grafton. The 380 route service runs along Yamba Road with an average weekday frequency of 120 minutes. A bus stop is located approximately 100 metres east of Orion Drive.

2.3 BACKGROUND TRAFFIC

The RTA produced traffic count information on the Northern and Hunter Regions in 2004. The closest count location to the subject site was Yamba Road near Angourie Road. This site recorded an average annual daily traffic (AADT) of 9,199 in 2004. The report also recorded AADT volumes at the same location for the years 1995, 1998 and 2001, which produced AADT volumes of 8,389, 9736 and 10,016 respectively.

Whilst the count location is several kilometres east of the subject site, Yamba Road provides the only access to Yamba and Angourie and therefore it is reasonable to assume a similar traffic volume near Orion Drive.

No traffic survey information was available for Orion Drive from the Clarence Valley Council. However as the Orion Drive provides sole access to a residential estate the daily and peak hour traffic volumes can be reasonably estimated using RTA traffic generation rates.

At the time of inspection there were about 95 constructed standard residential dwellings in Orion Drive and Bayview Drive, and about 116 constructed senior living dwellings. Based on RTA's *Guidelines to Traffic Generating Developments* rates, the existing traffic volumes on Orion Drive can be estimated as shown in Table 2.1 below.

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Table 2.1: Estimate Traffic Volume – Orion Drive

Use	No. of Dwellings	Traffic Generation Rate (daily)	Traffic Generation Rate (peak hr)	Daily Traffic Generation	Peak Hour Traffic Generation
Standard Residential	95	9.0/dwelling	0.85/dwelling	855 vpd	81 vph
Seniors Living	116	2.0/dwelling	0.2/dwelling	232 vpd	24 vph
TOTAL				1087 vpd	105 vph

A one hour traffic count was undertaken on Thursday 5th July 2007 between 9.30am and 10.30am, as shown in Figure 2.5. Whilst this count was undertaken during the NSW school holidays, it can be seen that the traffic volumes on Orion Drive closely match the traffic volumes estimated in Table 2.1 above. Furthermore the volumes surveyed on Yamba Road would generally be higher than the AADT because of the increase in tourist population and resultant traffic. The surveyed peak hour volumes on Yamba Road represent 7.2% of the 2004 AADT which is less than the general rule of thumb of 10% however coastal towns such as Yamba generally have less pronounced peak periods than typical city centres.

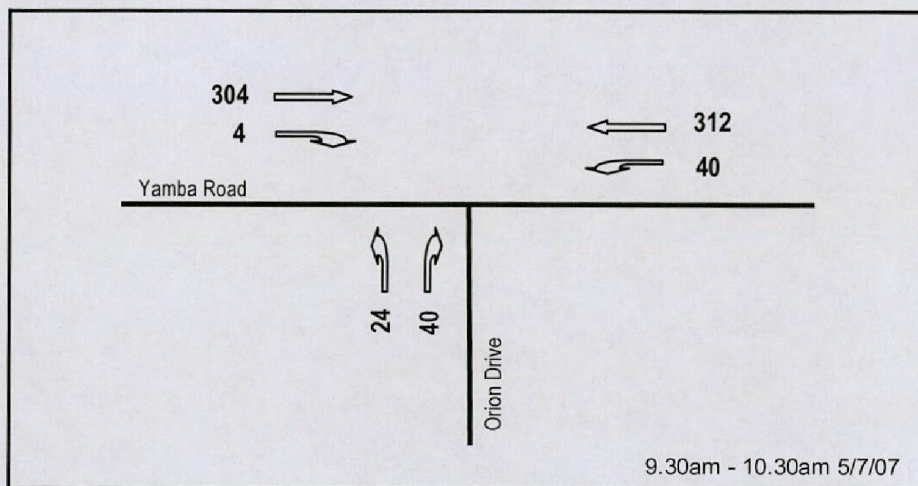


Figure 2.5: Orion Drive/Yamba Road Intersection Count

2.4 TRAFFIC DISTRIBUTION

The peak hour survey also shows the distribution of existing traffic to/from Orion Drive in the morning peak, which can be summarised as follows:

- 62% of traffic exiting Orion Drive travel to the east with 38% travelling to the west.
- 90% of traffic entering Orion Drive comes from the east with 10% entering from the west.

Additional traffic generation associated with the proposal would be expected to have similar distribution of traffic.

3. PROPOSED DEVELOPMENT

3.1 DEVELOPMENT TRAFFIC

The traffic generation associated with the proposed development can be estimated based on suggested traffic generation rates for individual uses described in the New South Wales RTA Guide to Traffic Generating Developments, 2002 (RTA Guide). The generation rates described in this document are based on the results of surveys of a number of different premises for each documented land use.

Table 3.1 shows the recommended RTA Guide rates for the proposed uses.

Table 3.1: Traffic Generation Rates

Land Use	Daily Traffic Generation (vpd)	Peak Hour Traffic Generation (vph)
Residential dwelling	9.0 trips per dwelling	0.85 trips per dwelling
Seniors Living	2.0 trips per dwelling	0.2 trips per dwelling

The development proposes 78 seniors living dwellings and one (1) managers residence. Based on the above rates the proposed development will generate the following traffic volumes:

Daily Trips – 78 senior living dwellings x 2 trips + 1 residential dwelling x 9 trips = 165 vpd

Peak Hour - 78 senior living dwellings x 0.2 trips + 1 residential dwelling x 0.85 trips = 17 vph

Figure 3.1 shows the predicted peak hour turning movements at Orion Drive and Yamba Road generated by the proposed development.

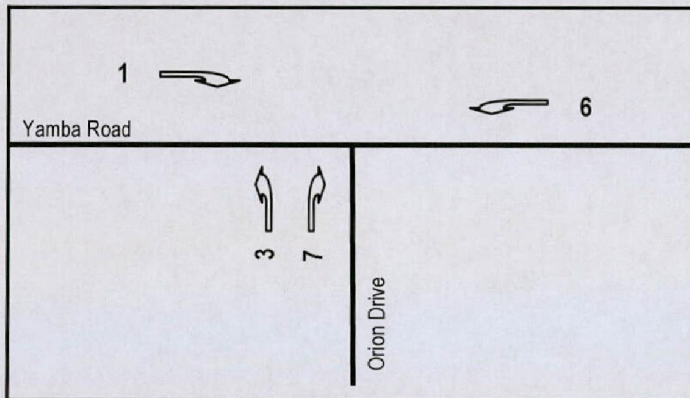


Figure 3.1: Predicted Peak Hour Traffic Movements Generated by the Proposed Development

Figure 3.2 combines the expected additional traffic with the existing traffic volumes observed in the morning peak period.

Oyster Cove

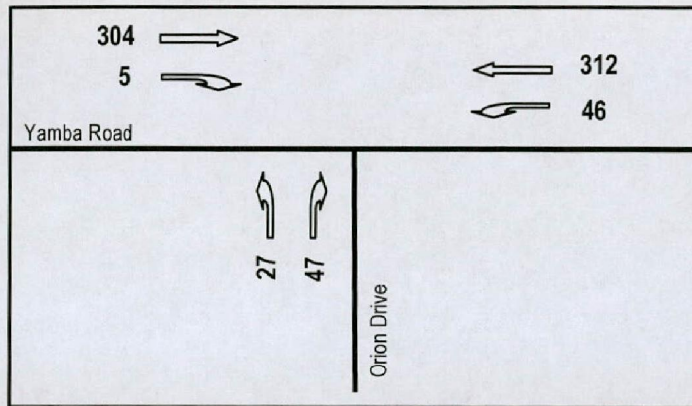


Figure 3.2: Expected Peak Hour Traffic Movements Following the Proposed Development

4. TRAFFIC ASSESSMENT

4.1 INTERSECTION ANALYSIS

The existing intersection performance was assessed using aaSIDRA. One of the major performance measures calculated by aaSIDRA is the degree of saturation (DoS), which is the ratio of the volume of traffic observed making a particular movement compared to the maximum capacity for that movement.

As a guide intersection operating conditions under various degrees of saturation can be defined as:

- DoS < 0.6 Excellent operating conditions
- 0.6 < DoS < 0.7 Very good operating conditions
- 0.7 < DoS < 0.8 Good operating conditions
- 0.8 < DoS < 0.9 Acceptable operating conditions
- 0.9 < DoS 1.0 Poor operating conditions
- DoS > 1.0 Very poor operating conditions

Whilst rated as 'poor', it is considered acceptable for some critical movements in an intersection to operate in the range of 0.9 to 1.0 during the high peak periods, reflecting actual conditions in a significant proportion of urban signalised intersections.

4.1.1 Existing Conditions

The existing conditions were modelled using aaSidra for the morning peak period, based on peak traffic volumes shown in Figure 2.5, with results shown in Table 4.1 below.

Table 4.1: Existing Intersection Performance

Approach	AM Peak		
	DoS	Average Delay (secs)	Longest Queue (m)
Yamba Road (west)	0.164	2.7	0
Yamba Road (east)	0.168	3.3	0
Orion Drive	0.138	15.5	4

The DoS indicates that the intersection currently operates under excellent conditions.

4.1.2 Proposed Traffic Conditions

The expected peak hour traffic movements shown in Figure 3.2 were then modelled to assess the additional traffic impact of the proposed development, with results shown in Table 4.2 below.

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Table 4.2: Intersection Performance with Development Traffic

Approach	AM Peak		
	DoS	Average Delay (secs)	Longest Queue (m)
Yamba Road (west)	0.164	2.7	0
Yamba Road (east)	0.168	3.3	0
Orion Drive	0.162	15.7	5

The DoS indicates that the intersection will continue to operate under excellent conditions with the proposed development traffic.

4.1.3 Sensitivity Analysis

A sensitivity analysis was undertaken to represent ultimate development of the Orion Drive precinct and increased peak hour traffic volumes on Yamba Road, based on the following assumptions:

- 108 standard residential dwellings;
- 232 seniors living (154 approved + 78 proposed);
- Peak hour represents 10% AADT on Yamba Road; and
- 10% pa growth rate on Yamba Road from 2004 to 2007 resulting in AADT of 12,137 and peak hour volume of 1,214.

Based on the above, the estimated intersection turning movements and the intersection analysis are shown in Figure 4.1 and Table 4.3 respectively:

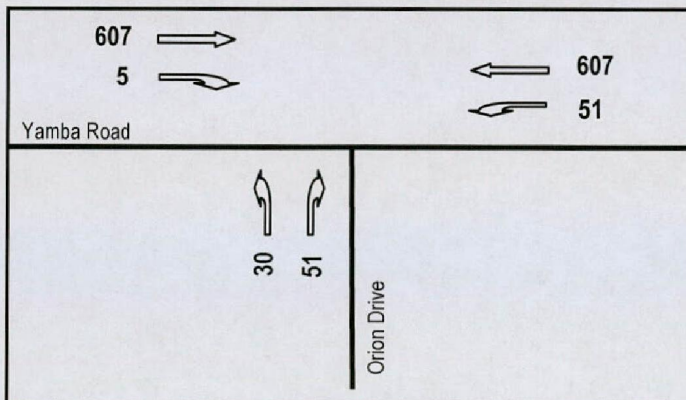


Figure 4.1: Maximum development Peak Hour Turning Movements

Table 4.3: Intersection Performance – Maximum Development

Approach	AM Peak		
	DoS	Average Delay (secs)	Longest Queue (m)
Yamba Road (west)	0.328	2.7	0
Yamba Road (east)	0.328	3.1	0
Orion Drive	0.659	58	23

Figure 4.1: Maximum development Peak Hour Turning Movements

The results show that the intersection continues to perform under very good to excellent operating conditions even with increase traffic loadings.

4.2 INTERSECTION SIGHT DISTANCE

Austrroads Guide to Traffic Engineering Traffic Part 5 – Intersection at Grade designates sight distance criteria standards for urban and rural intersection. These criteria include:

- Approach Site Distance (ASD) which is the minimum requirement to provide the driver of a vehicle adequate distance to observe the intersection layout, in sufficient time to react and stop if necessary before entering the conflict area;
- Entering Sight Distance (ESD) is the sight distance require for minor road drivers to enter a major road via a left of right turn, such that traffic on the major road is unimpeded;
- Safe Intersection Sight Distance (SISD) is the minimum standard which should be provided on the major road to observe a vehicle from a minor road approach moving into a collision situation, and to decelerate to a stop before reaching the collision point; and
- Where the provision of full ESD is impractical, SISD should be provided an effort should be made to achieve as much sight distance above this as practical.

Based on a 60km/h operational speed which is appropriate for this situation, the following sight distance criteria apply.

- ASD - 65m ($R_T = 2.0s$, no grade correction required);
- ESD - 160 m
- SISD - 115m

The sight distances assessment was undertaken in accordance with Austrroads procedures. Approach sight distance (ASD) along Orion Drive was measured at 193m which satisfies ASD criteria. Intersection sight distances were measured from 5m behind the through traffic lane to the east bound traffic lane facing left and to the westbound traffic lane facing right. Actual sight distances were measured at 170m to the west and 250m+ to the east, which satisfy ESD and SISD criteria.

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5. DEVELOPMENT DETAILS

5.1 DEVELOPMENT ACCESS

A single access to the development is proposed on Orion Drive approximately 350m south of its intersection with Yamba Road. Figure 5.1 shows the proposed access arrangements to the proposed development.

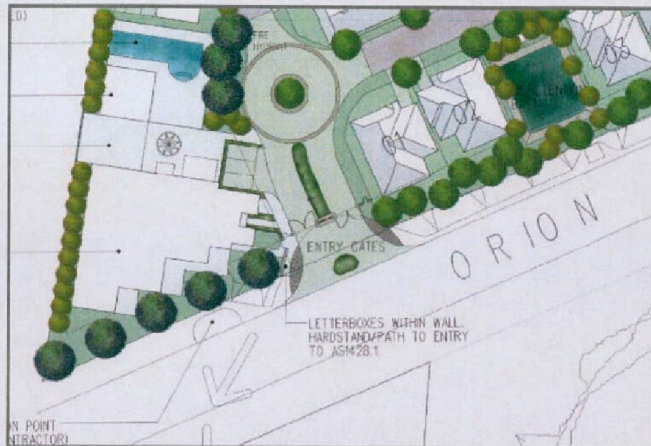


Figure 5.1: Proposed Access Arrangements

Given the relatively low traffic volumes on Orion Drive and minimal traffic generation expected by the development, the proposed access arrangements are considered appropriate.

5.2 PARKING AND SERVICE VEHICLE PROVISION

The Clarence Valley DCP set the following car parking requirements for seniors living and caretaker's residence:

- Seniors Living – 0.5 spaces per bedroom; and
- Caretakers residence – 1 covered space per dwelling

The development proposes 5 types of manufactured homes to be used one site ranging from one to two bedrooms. Each home will be constructed with covered parking spaces (either garage or carport) which satisfies the DCP parking requirements. In addition 26 visitor parking spaces are provided in three parking areas across the site.

Undercover parking will also be provided for the caretakers residence.

The DCP has no specific provision for service vehicles for a seniors living estate. However it is considered that the internal road system will more than adequately manage service deliveries without impacting on the external road network.

CONCLUSION

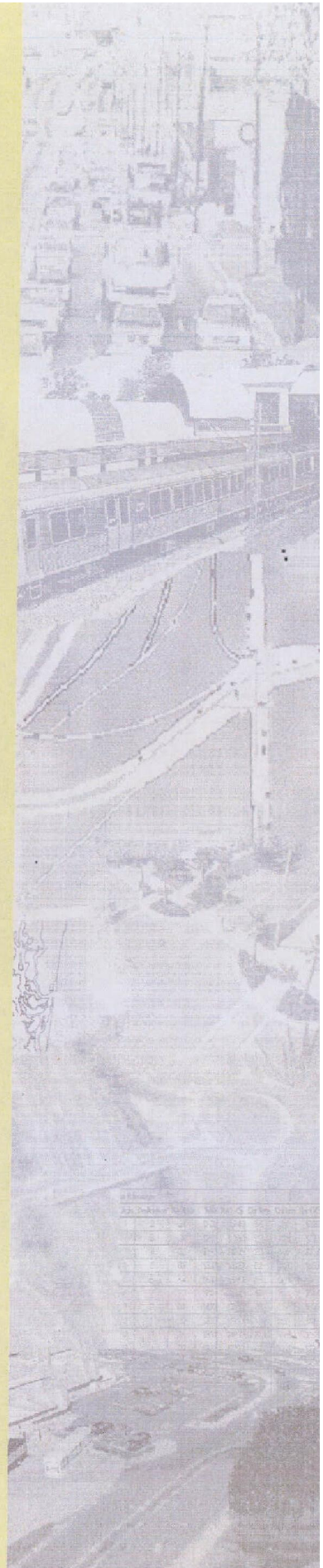
Bitzios Consulting has undertaken a traffic impact assessment of the proposed senior living development at Lot 2 & 3 DP83711 Orion Drive, Yamba. The proposed development comprises 78 seniors living dwelling and a caretakers residence, resulting in an estimated traffic generation of 168 vehicles per day or 17 vehicles per hour in the peak period.

The intersection of Orion Drive and Yamba Road has been analysed using aaSidra for the expected traffic demands and was found to operate under excellent conditions.

Sight distances at the above intersection were also assessed and deemed to comply with Austroads Standards.

APPENDIX A

INTERSECTION PERFORMANCE SUMMARY REPORT



Oyster Cove – Appendix A


**SIDRA
INTERSECTION**

Movement Summary

Yamba Road - Orion Drive

2007 AM Peak

Give-way

Vehicle Movements

Mov ID	Turn	Dem Flow (veh/h)	%HV	Deg of Satn (v/c)	Aver Delay (sec)	Level of Service	95% Back of Queue (m)	Prop. Queued	Eff. Stop Rate	Aver Speed (km/h)
Orion Drive										
1	L	25	3.8	0.032	10.1	LOS B	1	0.40	0.68	47.0
3	R	42	2.4	0.138	18.8	LOS C	4	0.69	0.90	39.6
Approach		68	2.9	0.138	15.5	LOS C	4	0.58	0.82	42.1
Yamba Road (east)										
4	L	42	4.8	0.022	8.4	LOS A	0	0.00	0.67	49.0
5	T	328	4.9	0.168	2.6	LOS A	0	0.00	0.23	71.0
Approach		370	4.9	0.168	3.3	LOS A		0.00	0.28	67.6
Yamba Road (west)										
11	T	320	5.0	0.164	2.6	LOS A	0	0.00	0.23	71.0
12	R	4	20.0	0.006	10.4	LOS B	0	0.44	0.64	46.7
Approach		325	5.2	0.164	2.7	LOS A	0	0.01	0.23	70.4
All Vehicles		763	4.8	0.168	4.1	Not Applicable	4	0.05	0.31	65.2

Symbols which may appear in this table:

Following Degree of Saturation
 # x = 1.00 for Short Lane with resulting Excess Flow
 * x = 1.00 due to minimum capacity

Following LOS
 # - Based on density for continuous movements

Following Queue
 # - Density for continuous movement


SIDRA SOLUTIONS

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Oyster Cove – Appendix A



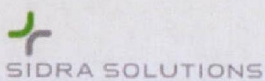
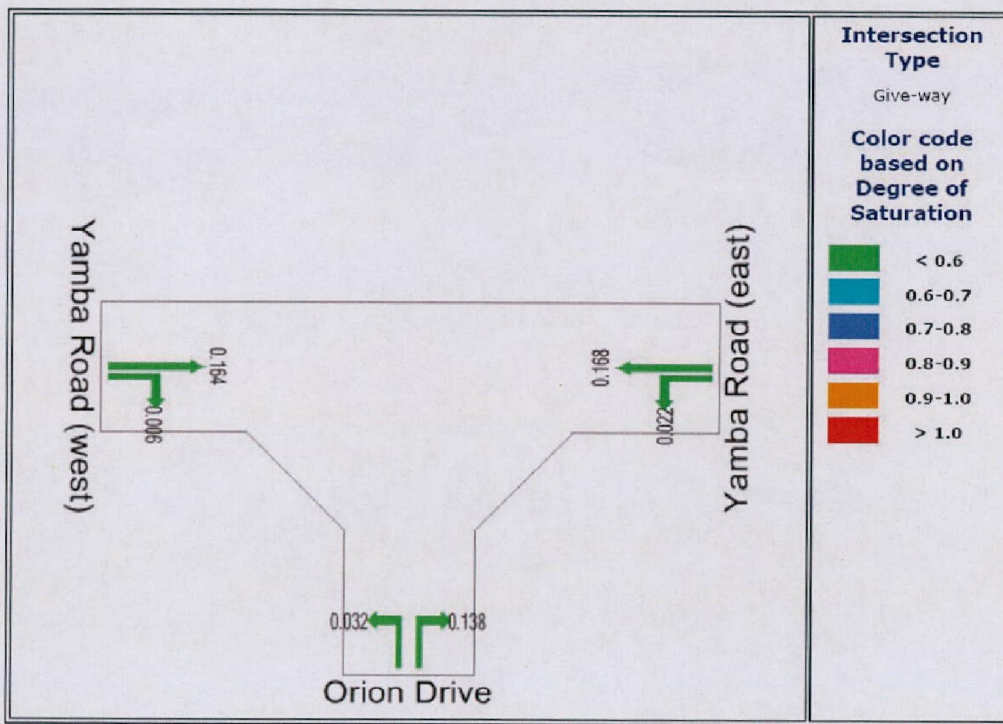
SIDRA INTERSECTION

Degree of Saturation

Demand Volume / Capacity (v/c) ratio

Yamba Road - Orion Drive

2007 AM Peak



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**SIDRA
INTERSECTION**

Movement Summary

Yamba Road - Orion Drive

2007 AM Peak with Development

Give-way

Vehicle Movements

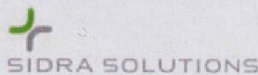
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Orion Drive										
1	L	28	3.4	0.035	10.1	LOS B	1	0.41	0.68	47.0
3	R	49	2.0	0.162	19.0	LOS C	5	0.70	0.91	39.4
Approach		78	2.6	0.162	15.7	LOS C	5	0.59	0.82	41.9
Yamba Road East										
4	L	48	4.2	0.025	8.4	LOS A	0	0.00	0.67	49.0
5	T	328	4.9	0.168	2.6	LOS A	0	0.00	0.23	71.0
Approach		376	4.8	0.168	3.3	LOS A		0.00	0.28	67.2
Yamba Road West										
11	T	320	5.0	0.164	2.6	LOS A	0	0.00	0.23	71.0
12	R	5	16.7	0.007	10.2	LOS B	0	0.43	0.64	47.0
Approach		326	5.2	0.164	2.7	LOS A	0	0.01	0.23	70.3
All Vehicles		780	4.7	0.168	4.3	Not Applicable	5	0.06	0.32	64.5

Symbols which may appear in this table:

Following Degree of Saturation
 # x = 1.00 for Short Lane with resulting Excess Flow
 * x = 1.00 due to minimum capacity

Following LOS
 # - Based on density for continuous movements

Following Queue
 # - Density for continuous movement



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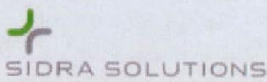
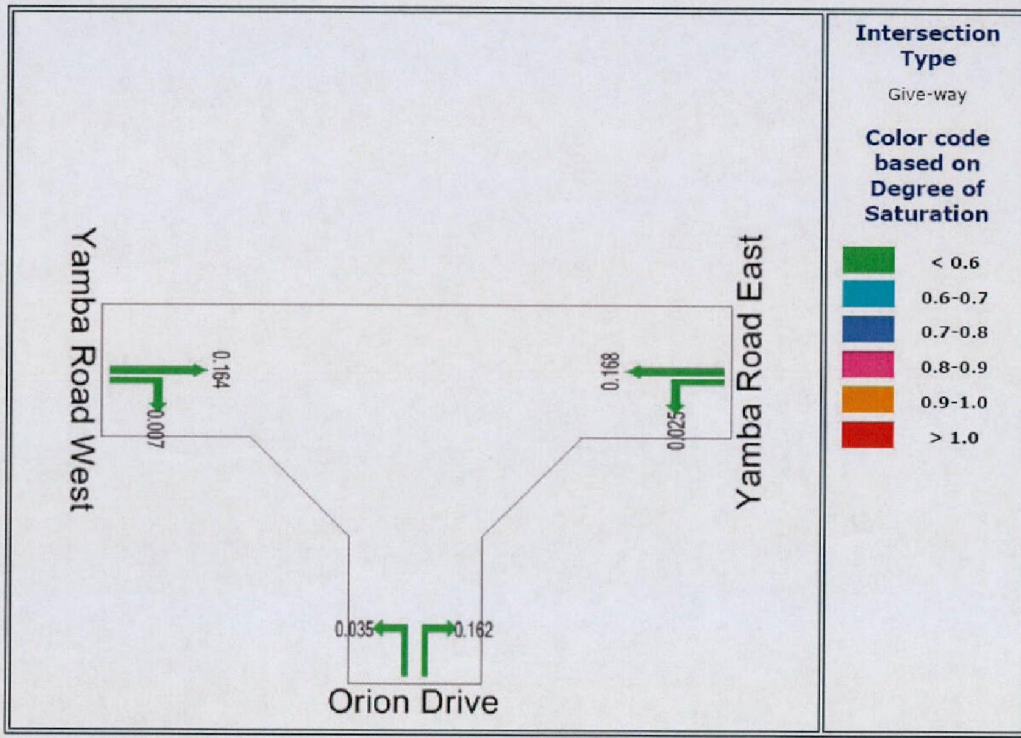
SIDRA
INTERSECTION

Degree of Saturation

Demand Volume / Capacity (v/c) ratio

Yamba Road - Orion Drive

2007 AM Peak with Development



Site: 2007 With development traffic
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Oyster Cove – Appendix A



SIDRA INTERSECTION

Movement Summary

Yamba Road - Orion Drive

2007 AM Peak - ultimate development

Give-way

Vehicle Movements

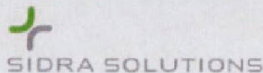
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Orion Drive										
1	L	32	3.1	0.058	12.9	LOS B	2	0.56	0.81	44.4
3	R	54	3.7	0.659	85.2	LOS F	23	0.97	1.11	17.9
Approach		86	3.5	0.656	58.3	LOS F	23	0.81	1.00	23.0
Yamba Road East										
4	L	54	5.6	0.028	8.4	LOS A	0	0.00	0.67	49.0
5	T	639	5.0	0.328	2.6	LOS A	0	0.00	0.23	71.0
Approach		693	5.1	0.328	3.1	LOS A		0.00	0.26	68.6
Yamba Road West										
11	T	639	5.0	0.328	2.6	LOS A	0	0.00	0.23	71.0
12	R	5	16.7	0.011	12.9	LOS B	0	0.58	0.73	44.4
Approach		645	5.1	0.328	2.7	LOS A	0	0.01	0.23	70.6
All Vehicles		1424	5.0	0.659	6.2	Not Applicable	23	0.05	0.29	62.0

Symbols which may appear in this table:

Following Degree of Saturation
 # x = 1.00 for Short Lane with resulting Excess Flow
 * x = 1.00 due to minimum capacity

Following LOS
 # - Based on density for continuous movements

Following Queue
 # - Density for continuous movement



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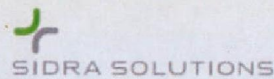
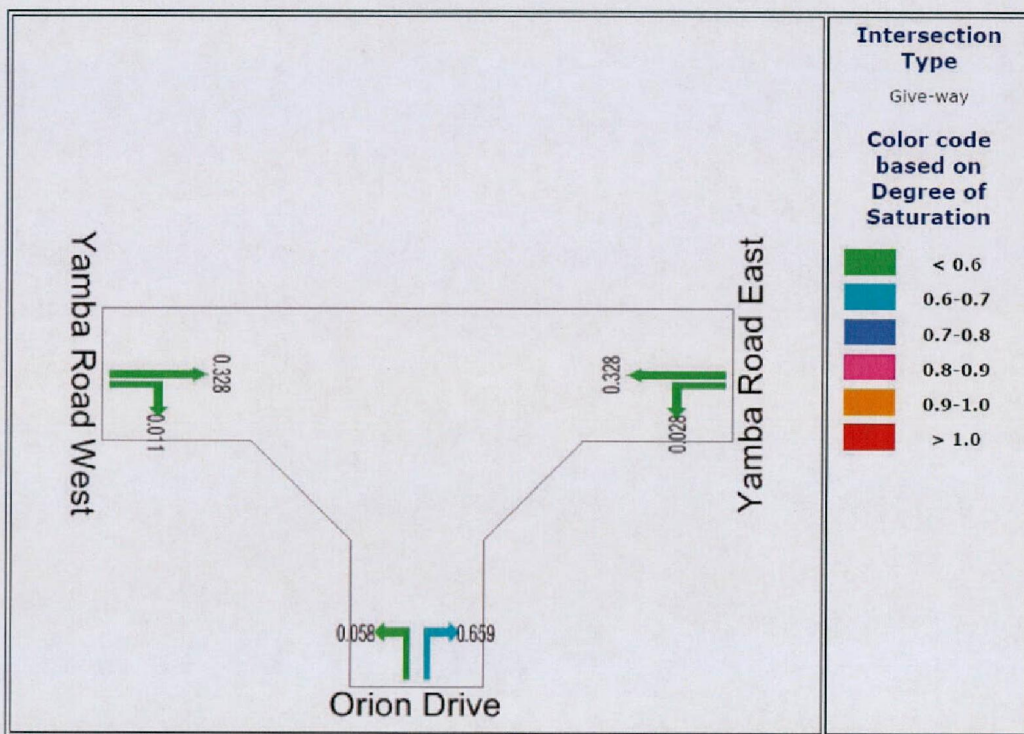
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INTERSECTION**

Degree of Saturation

Demand Volume / Capacity (v/c) ratio

Yamba Road - Orion Drive

2007 AM Peak - ultimate development



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1.2020.0022 REVIEW OF DETERMINATION TIS



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Your reference:

28 February 2022

Matilda Kaveney
Palm Lake Works Pty Ltd
9 Lawson Street
SOUTHPORT QLD 4215

Attention: **Matilda Kaveney**

Sent via email: MatildaK@palllake.com.au

Dear Matilda,

**RE: TRAFFIC IMPACT STATEMENT FOR REVIEW OF DETERMINATION
PROPOSED DEVELOPMENT AT 3 ORION DRIVE, YAMBA NSW 2464**

Bitzios Consulting has been engaged by Palm Lake Works Pty Ltd (Client) to prepare a letter in support of a Review of Determination for application (ref: *MD07/0884*) issued by the Clarence Valley Council (Council) on the 23rd of November 2021.

1.0 INTRODUCTION

1.1. Overview

This letter is provided as additional information (requested by Council) to support the traffic analysis of the Yamba Road / Orion Drive intersection completed as part of the Development Application (DA) (ref: *DA2007/0884*) for a proposed retirement living estate on 3 Orion Drive, Yamba (formally described as Lot 2 and 3 on DP883711).

It summarises a conservative, focused analysis specifically relating to any potential impact to the right-turn out of Orion Drive within the 10-year design horizon and the impact the future Witonga Drive roundabout may have on this movement's capacity. Relevant inputs for the analysis have been developed and agreed upon in partnership with Council officers.

1.2. Application History

The following summarises the relevant project history:

- DA submitted (ref: *DA2007/0884*) with Bitzios Consulting Technical Note on 14th August 2019 (ref: *P4239.001T Yamba Road Orion Drive Intersection Assessment Technical Note*)
- Information Request (IR) received from Council on 12th July 2021 (ref: *MOD2021/0029*)
- Information Request (IR) response issued by Bitzios Consulting on 20th August 2021 (ref: *P5285.001L 3 Orion Drive Yamba IR Response*)
- Notice of Determination of Application received by Council on 23rd November 2021 (ref: *MD07/0884*)
- Meetings held with Council attended by Bitzios to discuss traffic related determination items on the 20th January 2022, 4th February 2022 and 22nd February 2022. Meeting minutes from the most recent meeting with Council are available at **Attachment B**.

This letter specifically relates to Condition 49 of the Determination of Application.



Condition 49

Upgrading of the intersection of Yamba Road and Orion Drive shall be provided in accordance with Austroads 'Part 5 Intersections at Grade' for the speed zone applicable to the intersecting roads and the traffic volumes generated by the subdivision development. Plans for the intersection shall be submitted to and approved by Council prior to the issue of a Construction Certificate for the works. The design proposed shall specifically be aimed at reducing the current and future delay times and queue lengths for vehicles turning right into Yamba Road from Orion Drive. Delay times shall be limited to an absolute maximum of 15 seconds per vehicle and queue lengths shall be limited to 6 vehicles. Intersection improvement works shall form part of the required development works for the site.

1.3. Context of Assessment

As outlined above this letter provides additional information to previous traffic assessments (ref: P5285.001L and P4239.001T) to assist in reviewing Condition 49 set out in the notice of determination. It focuses on traffic queries in relation to the need for upgrading of the Yamba Road / Orion Drive intersection to cater for the right turn out of Orion Drive and whether any upgrade is warranted. The basis for this additional analysis stems from discussions with Council's designated engineers addressing to the following four (4) points:

- *In addition to IR responses, provide justification around why a requested 3.5% growth rate is un-realistic and not an accurate representation of traffic growth within the region*
- *Provide sensitivity analysis using a 1.5% traffic growth rate on Yamba Road and agreed upon future conservative Orion Drive traffic levels (using background traffic rates agreed upon with Council officers) without the Witonga Drive roundabout*
- *Provide additional conservative sensitivity analysis for the 10-year design horizon with a growth rate of 3.5% on Yamba Road with the Witonga Drive roundabout included*
- *Discuss appropriateness of the current intersection form (specifically in relation to the right turn out of Orion Drive).*

It was also noted during meetings with Council officers that any further traffic data / scenarios requested by Council would be unreasonable within the scope of this development application and the Orion drive / Yamba Road intersection.

2.0 YAMBA ROAD GROWTH RATE

2.1. Summary from Previous Assessments

The following key points have been summarised from previous reports (ref: P5285.001L and P4239.001T) regarding the proposed 3.5% p.a. compounding growth requested for use in analysis along Yamba Road:

- Previous reports tested a conservative 3.5% p.a. traffic growth scenario of the 2030 projected design and background traffic on Yamba Road and resulted in a delay-based level of service D (LOS) for the right turn manoeuvre out of Orion Drive

While LOS D indicates that the movement will still be operating within capacity, this test was provided for comparative information purposes only and does not accurately represent the likely traffic growth in the area
- Analysis of historical traffic surveys taken at the nearby Yamba Road / Carrs Drive intersection, including survey data from December 2014 and April 2015, determined a varying average growth rate from -1% to +2%p.a. from 2014 – 2018



- A 3.5% p.a. growth rate exceeds some of the fastest growth areas in Australia (e.g. Northern Gold Coast)
- The West Yamba Urban Release Area (WYURA) makes up the majority of anticipated growth in the Yamba region and considering the size of this release area, development will likely take more than 20 years to achieve ultimate demands (i.e. all development built, sold and operating at capacity). This is well outside the development applications required 10-year design period
- For development assessments, growth is applied out to a 10-year horizon, this level of high growth cannot be consistently maintained in the Yamba region compounding each year
- Population forecasts (profile.id) estimate growth of approximately 1% p.a. for the region out to 2030.

2.2. Additional Growth Rate Review

Points for further consideration regarding the proposed 3.5% p.a. growth rate include:

- A 3.5% p.a. growth rate would result in more than doubling the level of traffic along Yamba Road within 10 years
- It assumes that all proposed developments in the region are built and at housing capacity within 10 years
- It is equivalent to Yamba growing in population 10 times more within the next year than over the last 8 years combined
 - Based on current population data of Yamba on Profile.id, a growth rate of 3.5% p.a would cause the population to grow by 220 persons per annum. Whereas the existing growth in population considering all available historical population data over the past 8 years on Profile.id is 19 (2.4 persons per annum).
- Migration patterns to the Clarence Valley region has seen a population growth of 0.14%p.a. in the past 10 years, therefore a 3.5% p.a. growth would assume that traffic will grow 25 times faster than the actual migration to the region
- Gold Coast is noted by the Australian Bureau of Statistics (ABS) as the fastest growing region in Australia (outside capital cities) in the 2019/2020 financial year with a growth of 2.38%. The region also has had a growth of 2.3% p.a. over the last 10 years.

Traffic growth should consider recent survey data, historical growth patterns in the region, and future planning for the area (within the 10-year design horizon). Considering the above, applying 3.5% p.a. compounding growth to through traffic on Yamba Road is considered unrealistic.

Notwithstanding this, at the request of Council officers, an analysis applying the 3.5% p.a. (compounding) growth has been undertaken under the 'with Witonga Drive roundabout' scenario to provide additional network sensitivity information.



3.0 TRAFFIC ANALYSIS

3.1. Parameters and Scenarios

The parameters applied within the sensitivity tests at the Yamba Road / Orion Drive intersection are as follows:

- An assumed year of opening of 2022 (consistent with previous assessments) and a design year of 2032
- No changes to the existing intersection layout of Yamba Road / Orion Drive
- Scenario 1 applies a growth rate of 1.5% p.a. compounding on Yamba Road
- Scenario 2 applies a growth rate of 3.5% p.a. compounding on Yamba Road
- Traffic surveys within the more central areas of Yamba were used to develop a traffic generation rate to apply to existing residential/retirement dwellings on Orion Drive. This was applied at the request of Council to test the impact of potential conservative theoretical background traffic on Orion Drive. The resulting volumes are greater than those surveyed during 2019 as part of the original development application assessment. Survey data utilised to establish these rates included:
 - Clarence Valley Council (Council) provided Average Annual Daily Traffic (AADT) at Gumnut Road (Between Acacia Circuit and Melaleuca Drive). These traffic counts were undertaken in 2010
 - Traffic survey volumes sourced from a traffic assessment prepared by Bitzios Consulting (DA2018/0373) at the Somerset Place / Yamba Road priority-controlled intersection
- 2019 surveys were utilised to determine 'existing' volumes for Yamba Road and to assist in distribution of theoretical traffic volumes from Orion Drive
- Witonga Drive roundabout shall be constructed and operating within the next 10 years (i.e. the design horizon 2032). Data for the level of existing traffic that will likely utilise this roundabout was supplied by Council. It has been assumed that this traffic will no longer utilise the Yamba Road / Treelands Drive intersection and would no longer pass the Orion Drive intersection once the roundabout is in place.

Traffic volumes utilised in intersection analysis are provided at **Attachment A**. The two (2) scenarios tested within SIDRA intersection modelling software include:

1. 1.5% growth rate on Yamba Road and theoretical Orion Drive traffic, for 2022 and 2032 design traffic (i.e. with development built), AM and PM peak hours
2. 3.5% growth rate on Yamba Road, and theoretical Orion Drive traffic, with Witonga Drive roundabout for 2032 design traffic AM and PM peak hours.

3.2. SIDRA Analysis - Scenario 1

Scenario 1 uses a growth rate of 1.5% p.a. on Yamba Road and the theoretical traffic volume on Orion Drive to test the impact on the Yamba Road intersection. Analysis of the sensitivity test focused particularly on the right turn exiting Orion Drive onto Yamba Road as the worst performing movement at the intersection.

Table 3.1 provides a summary table for the opening year of 2022 and design year of 2032 SIDRA results, full movement summaries are provided at **Attachment A**.

**Table 3.1: Scenario 1 (1.5%p.a.) SIDRA Results Summary**

Approach	AM Peak			PM Peak		
	LOS	Delay (s)	Queue (veh)	LOS	Delay (s)	Queue (veh)
2022 Design Traffic						
L Orion Drive (S)	A	6.8	0.1	A	6.4	0
R Orion Drive (S)	B	19.5	1.3	B	18.5	0.3
L Yamba Road (E)	A	4.6	0	A	4.6	0
T Yamba Road (E)	A	0.1	0	A	0.1	0
T Yamba Road (W)	A	0.1	0	A	0.1	0
R Yamba Road (W)	A	6.9	0	A	6.7	0.1
2032 Design Traffic						
L Orion Drive (S)	A	7.3	0.1	A	6.8	0.1
R Orion Drive (S)	B	27.7	1.7	B	243	0.4
L Yamba Road (E)	A	4.6	0	A	4.6	0
T Yamba Road (E)	A	0.1	0	A	0.1	0
T Yamba Road (W)	A	0.1	0	A	0.1	0
R Yamba Road (W)	A	7.4	0	A	7.2	0.1

As shown, the Yamba Road and Orion Drive intersection is well within capacity for this scenario, with a worst delay of only 27.7 seconds during the AM peak period.

3.3. SIDRA Analysis - Scenario 2

Scenario 2 used the theoretical growth rate of 3.5%p.a. on Yamba Road provided by Council and the theoretical traffic volume on Orion Drive to test the worst-case scenario for the Yamba Road intersection (i.e. the 10-year design horizon plus Witonga Drive intersection). The 2019 survey data for Yamba Road at the Orion Drive intersection has been reduced based on the level of traffic using the Witonga Drive roundabout, refer to **Attachment A**, noting that this process has been agreed upon by Council officers.

Table 3.2: Scenario 2 (3.5% p.a. + Witonga Drive roundabout) SIDRA Results Summary

Approach	AM Peak			PM Peak		
	LOS	Delay (s)	Queue (veh)	LOS	Delay (s)	Queue (veh)
2032 Design Traffic						
L Orion Drive (S)	A	7.3	0.1	A	7.5	0.1
R Orion Drive (S)	C	37.7	2.1	B	28.5	0.5
L Yamba Road (E)	A	4.6	0	A	4.6	0
T Yamba Road (E)	A	0.1	0	A	0.1	0
T Yamba Road (W)	A	0.2	0	A	0.2	0
R Yamba Road (W)	A	7.5	0	A	7.8	0.1

As shown, the Yamba Road and Orion Drive intersection is within capacity for this scenario, with a maximum delay of 61.5 seconds and approximately 3 vehicles during the AM peak period which is considered acceptable.



3.4. SIDRA Analysis - Summary

Sensitivity testing of both scenarios with vast differences in growth rates has shown that the intersection shall remain within capacity. The movement of concern (i.e. right turn out of Orion Drive onto Yamba Road) also remains within capacity with acceptable delays under both scenarios.

Regardless it is reiterated that Scenario 2, which tests a growth rate of 3.5% p.a. compounding, is considered unrealistic and such compounding growth in this particular region cannot be sustained over a 10-year period, nor will it be realised for the reasons outlined in Section 2.0. As such, Scenario 1 shall be given a greater level of consideration opposed to Scenario 2 on the basis that it represents a more realistic growth scenario (at least for Yamba Road), commensurate with the historic and projected growth in the region.

4.0 CONCLUDING STATEMENT

Given the assessment included herein, it is recommended to remove Condition 49 from the Notice of Determination and no upgrades or improvements are deemed warranted at the intersection as a result of the development traffic when considering realistic growth scenarios.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Ben James', is positioned below the text 'Yours faithfully'.

Ben James

Senior Traffic Engineer / Transport Planner

BITZIOS CONSULTING

Attachments:

A. *Traffic Volumes and SIDRA Results*

1 0200.0022 REVIEW OF DETERMINATION T13



Attachment A: Traffic Volumes and SIDRA Results

Scenario 1 - Traffic Volumes

Surveyed Traffic Volumes

Bitzios Consulting

P5285 - 3 Orion Drive Yamba Traffic Analysis

AM Peak: 8:00-9:00

PM Peak: 3:30-4:30

All:

		PM	AM					
Yamba Rd		469	410	T				
		12	5	R				Yamba Rd
				L				
				R	T	390	339	
	AM		13	53	L	27	47	
	PM		11	20		AM	PM	
					Orion Dr			

Scenario 1 - Traffic Volumes

From Council Gumnut Road (Between Acacia Crct and Melaleuca Dr)

Total Dwellings west of Witonga Dr	237				
AADT	1663				
Peak Traffic	166.3				
AM Peak Rate	0.70				
PM Peak Rate	0.33				
					AADT from data from Council From P5271 (conservative analysis)
Total Dwellings Orion Dr	106				
AM Traffic Gen at Orion Dr	74				
PM Traffic Gen	35				
Total Existing Palm Lake Resort	184				
Traffic Rate	0.2				
Traffic Gen	36.8				Based on RTA Trip Gen Guide Housing for Seniors 2009 - Network Peak
		AM		PM	
		In	Out	In	Out
Traffic Gen		30%	70%	70%	30%
		33	78	50	22

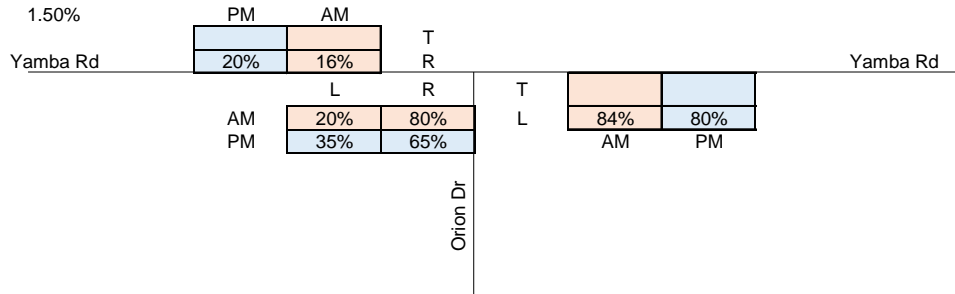
Scenario 1 - Traffic Volumes

2022 Background Traffic Volume

Bitzios Consulting

P5285 - 3 Orion Drive Yamba Traffic Analysis

AM Peak: 8:00-9:00
 PM Peak: 3:30-4:30
 Future Year 2022
 Base Year 2019
 Growth Rate 1.50%



AM	IN	32	33%
	OUT	66	67%
PM	IN	59	66%
	OUT	31	34%

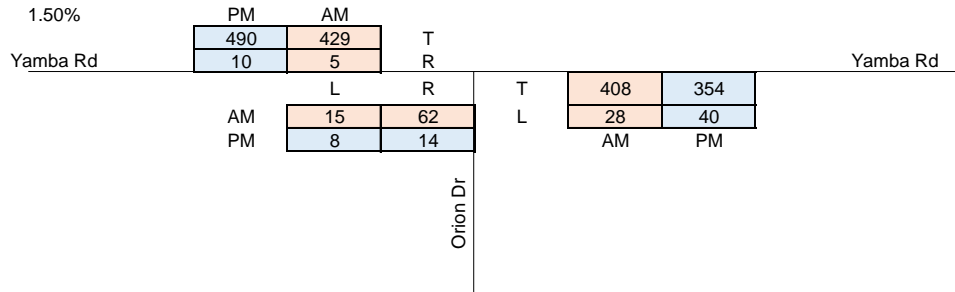
Scenario 1 - Traffic Volumes

2022 Background Traffic Volume

Bitzios Consulting

P5285 - 3 Orion Drive Yamba Traffic Analysis

AM Peak: 8:00-9:00
 PM Peak: 3:30-4:30
 Future Year 2022
 Base Year 2019
 Growth Rate 1.50%



Scenario 1 - Traffic Volumes

2032 Background Traffic Volume

Bitzios Consulting

P5285 - 3 Orion Drive Yamba Traffic Analysis

AM Peak: 8:00-9:00
 PM Peak: 3:30-4:30
 Future Year 2032
 Base Year 2019
 Growth Rate 1.50%

Yamba Rd	569	498	T		
	10	5	R		
			L	R	
AM	15	62			
PM	8	14			
				T	473
				L	411
					28
					40
					AM
					PM
			Orion Dr		

Scenario 1 - Traffic Volumes

Development Traffic

Bitzios Consulting

P5285 - 3 Orion Drive Yamba Traffic Analysis

Background growth	
1.5%	Compounding

Land Use	Quantity	AM Rate	PM Rate	AM Trips	PM Trips
Medium Density Res	78	0.5	0.5	39	39

AM Directionality		PM Directionality		AM Trips		PM Trips	
IN	OUT	IN	OUT	IN	OUT	IN	OUT
30%	70%	70%	30%	11.7	27.3	27.3	11.7

Scenario 1 - Traffic Volumes

Development Traffic Distribution

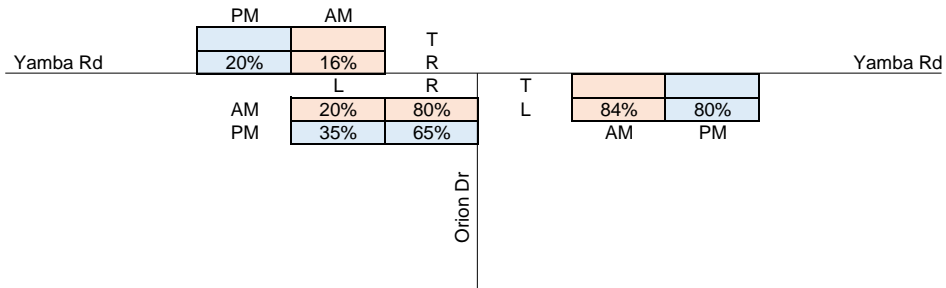
Bitzios Consulting

P5285 - 3 Orion Drive Yamba Traffic Analysis

AM Peak: 8:00-9:00

PM Peak: 3:30-4:30

All:



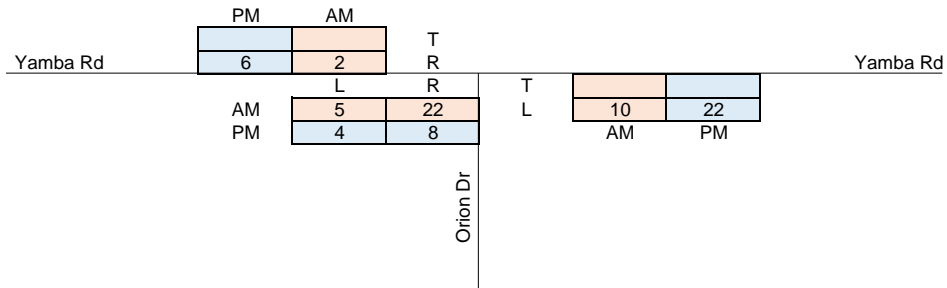
Scenario 1 - Traffic Volumes

Development Traffic

Bitzios Consulting
 P5285 - 3 Orion Drive Yamba Traffic Analysis

AM Peak: 8:00-9:00
 PM Peak: 3:30-4:30

All:



Scenario 1 - Traffic Volumes

2022 Design Traffic Volume

Bitzios Consulting

P5285 - 3 Orion Drive Yamba Traffic Analysis

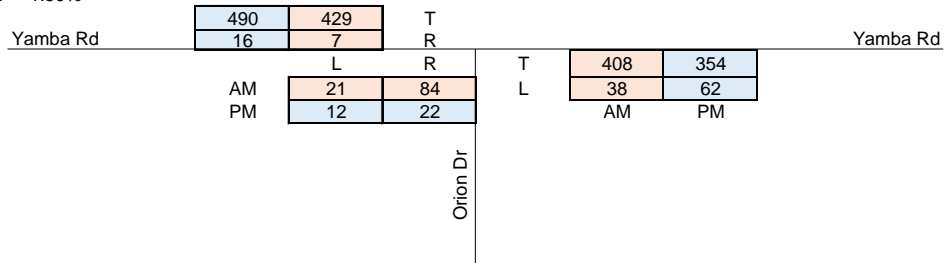
AM Peak: 8:00-9:00

PM Peak: 3:30-4:30

Future Year 2022

Base Year 2019

Growth Rate 1.50%



Scenario 1 - Traffic Volumes

2032 Design Traffic Volume

Bitzios Consulting

P5285 - 3 Orion Drive Yamba Traffic Analysis

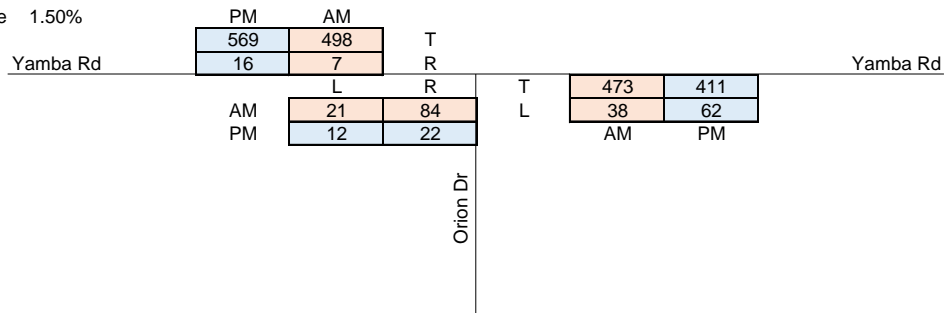
AM Peak: 8:00-9:00

PM Peak: 3:30-4:30

Future Year 2032

Base Year 2019

Growth Rate 1.50%

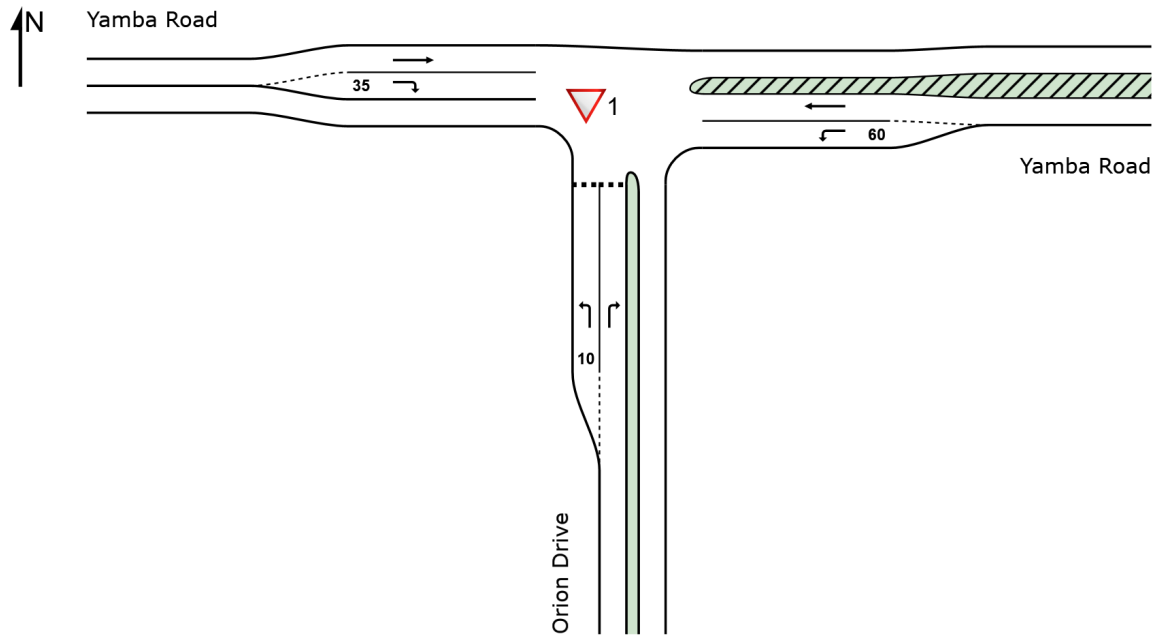


SITE LAYOUT

▽ Site: 1 [2022 DES AM 1.5% (Site Folder: General)]

Yamba Road / Orion Drive Priority-Controlled Intersection
2022 Design Traffic
AM Peak Hour
Site Category: (None)
Give-Way (Two-Way)

Layout pictures are schematic functional drawings reflecting input data. They are not design drawings.



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MOVEMENT SUMMARY

▽ Site: 1 [2022 DES AM 1.5% (Site Folder: General)]

Yamba Road / Orion Drive Priority-Controlled Intersection

2022 Design Traffic

AM Peak Hour

Site Category: (None)

Give-Way (Two-Way)

Vehicle Movement Performance														
Mov ID	Turn	INPUT VOLUMES		DEMAND FLOWS		Deg. Satn	Aver. Delay	Level of Service	95% BACK OF QUEUE		Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed
		[Total veh/h	HV] %	[Total veh/h	HV] %				[Veh. veh	Dist] m				
South: Orion Drive														
1	L2	21	5.0	22	5.0	0.027	6.8	LOS A	0.1	0.7	0.44	0.62	0.44	45.3
3	R2	84	1.0	88	1.0	0.321	19.5	LOS B	1.3	9.0	0.81	0.97	0.98	39.0
Approach		105	1.8	111	1.8	0.321	17.0	LOS B	1.3	9.0	0.74	0.90	0.88	40.1
East: Yamba Road														
4	L2	38	3.0	40	3.0	0.022	4.6	LOS A	0.0	0.0	0.00	0.53	0.00	46.6
5	T1	408	4.0	429	4.0	0.226	0.1	LOS A	0.0	0.0	0.00	0.00	0.00	49.9
Approach		446	3.9	469	3.9	0.226	0.5	NA	0.0	0.0	0.00	0.04	0.00	49.6
West: Yamba Road														
11	T1	429	6.0	452	6.0	0.241	0.1	LOS A	0.0	0.0	0.00	0.00	0.00	49.9
12	R2	7	5.0	7	5.0	0.009	6.9	LOS A	0.0	0.2	0.48	0.60	0.48	45.0
Approach		436	6.0	459	6.0	0.241	0.2	NA	0.0	0.2	0.01	0.01	0.01	49.8
All Vehicles		987	4.6	1039	4.6	0.321	2.1	NA	1.3	9.0	0.08	0.12	0.10	48.5

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

Delay Model: SIDRA Standard (Geometric Delay is included).

Queue Model: SIDRA Standard.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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MOVEMENT SUMMARY

▽ Site: 1 [2022 DES PM 1.5% (Site Folder: General)]

Yamba Road / Orion Drive Priority-Controlled Intersection

2022 Design Traffic

PM Peak Hour

Site Category: (None)

Give-Way (Two-Way)

Vehicle Movement Performance														
Mov ID	Turn	INPUT VOLUMES		DEMAND FLOWS		Deg. Satn	Aver. Delay	Level of Service	95% BACK OF QUEUE		Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed
		[Total veh/h	HV] %	[Total veh/h	HV] %				[Veh. veh	Dist] m				
South: Orion Drive														
1	L2	12	5.0	13	5.0	0.015	6.4	LOS A	0.0	0.4	0.41	0.58	0.41	45.5
3	R2	22	5.0	23	5.0	0.096	18.5	LOS B	0.3	2.3	0.79	0.90	0.79	39.4
Approach		34	5.0	36	5.0	0.096	14.2	LOS A	0.3	2.3	0.66	0.79	0.66	41.4
East: Yamba Road														
4	L2	62	2.0	65	2.0	0.036	4.6	LOS A	0.0	0.0	0.00	0.53	0.00	46.6
5	T1	354	6.0	373	6.0	0.199	0.1	LOS A	0.0	0.0	0.00	0.00	0.00	49.9
Approach		416	5.4	438	5.4	0.199	0.7	NA	0.0	0.0	0.00	0.08	0.00	49.4
West: Yamba Road														
11	T1	490	5.0	516	5.0	0.275	0.1	LOS A	0.0	0.0	0.00	0.00	0.00	49.9
12	R2	16	5.0	17	5.0	0.019	6.7	LOS A	0.1	0.5	0.46	0.61	0.46	45.1
Approach		506	5.0	533	5.0	0.275	0.3	NA	0.1	0.5	0.01	0.02	0.01	49.7
All Vehicles		956	5.2	1006	5.2	0.275	1.0	NA	0.3	2.3	0.03	0.07	0.03	49.2

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

Delay Model: SIDRA Standard (Geometric Delay is included).

Queue Model: SIDRA Standard.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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MOVEMENT SUMMARY

▽ Site: 1 [2032 DES AM 1.5% (Site Folder: General)]

Yamba Road / Orion Drive Priority-Controlled Intersection
 2032 Design Traffic
 AM Peak Hour
 Site Category: (None)
 Give-Way (Two-Way)

Vehicle Movement Performance														
Mov ID	Turn	INPUT VOLUMES		DEMAND FLOWS		Deg. Satn	Aver. Delay	Level of Service	95% BACK OF QUEUE		Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed
		[Total veh/h]	[HV %]	[Total veh/h]	[HV %]				[Veh. veh]	[Dist m]				
South: Orion Drive														
1	L2	21	5.0	22	5.0	0.030	7.3	LOS A	0.1	0.7	0.48	0.66	0.48	45.0
3	R2	84	2.0	88	2.0	0.429	27.7	LOS B	1.7	12.3	0.88	1.03	1.17	35.9
Approach		105	2.6	111	2.6	0.429	23.6	LOS B	1.7	12.3	0.80	0.96	1.03	37.4
East: Yamba Road														
4	L2	38	4.0	40	4.0	0.022	4.6	LOS A	0.0	0.0	0.00	0.53	0.00	46.6
5	T1	473	4.0	498	4.0	0.262	0.1	LOS A	0.0	0.0	0.00	0.00	0.00	49.9
Approach		511	4.0	538	4.0	0.262	0.4	NA	0.0	0.0	0.00	0.04	0.00	49.6
West: Yamba Road														
11	T1	498	6.0	524	6.0	0.279	0.1	LOS A	0.0	0.0	0.00	0.00	0.00	49.9
12	R2	7	5.0	7	5.0	0.010	7.4	LOS A	0.0	0.3	0.51	0.63	0.51	44.7
Approach		505	6.0	532	6.0	0.279	0.2	NA	0.0	0.3	0.01	0.01	0.01	49.8
All Vehicles		1121	4.8	1180	4.8	0.429	2.5	NA	1.7	12.3	0.08	0.11	0.10	48.2

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

Delay Model: SIDRA Standard (Geometric Delay is included).

Queue Model: SIDRA Standard.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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MOVEMENT SUMMARY

▽ Site: 1 [2032 DES PM 1.5% (Site Folder: General)]

Yamba Road / Orion Drive Priority-Controlled Intersection

2032 Design Traffic

PM Peak Hour

Site Category: (None)

Give-Way (Two-Way)

Vehicle Movement Performance														
Mov ID	Turn	INPUT VOLUMES		DEMAND FLOWS		Deg. Satn	Aver. Delay	Level of Service	95% BACK OF QUEUE		Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed
		[Total veh/h	HV] %	[Total veh/h	HV] %				[Veh. veh	Dist] m				
South: Orion Drive														
1	L2	12	5.0	13	5.0	0.016	6.8	LOS A	0.1	0.4	0.45	0.61	0.45	45.3
3	R2	22	5.0	23	5.0	0.129	24.3	LOS B	0.4	3.0	0.85	0.93	0.85	37.1
Approach		34	5.0	36	5.0	0.129	18.1	LOS B	0.4	3.0	0.71	0.82	0.71	39.6
East: Yamba Road														
4	L2	62	2.0	65	2.0	0.036	4.6	LOS A	0.0	0.0	0.00	0.53	0.00	46.6
5	T1	411	6.0	433	6.0	0.231	0.1	LOS A	0.0	0.0	0.00	0.00	0.00	49.9
Approach		473	5.5	498	5.5	0.231	0.7	NA	0.0	0.0	0.00	0.07	0.00	49.4
West: Yamba Road														
11	T1	569	5.0	599	5.0	0.319	0.1	LOS A	0.0	0.0	0.00	0.00	0.00	49.8
12	R2	16	5.0	17	5.0	0.021	7.2	LOS A	0.1	0.6	0.50	0.64	0.50	44.9
Approach		585	5.0	616	5.0	0.319	0.3	NA	0.1	0.6	0.01	0.02	0.01	49.7
All Vehicles		1092	5.2	1149	5.2	0.319	1.0	NA	0.4	3.0	0.03	0.06	0.03	49.2

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

Delay Model: SIDRA Standard (Geometric Delay is included).

Queue Model: SIDRA Standard.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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Project: P:\P5285 3 Orion Drive Yamba RFI\Technical Work\Models\P5285.001M Yamba Orion Theoretical Test.sip9

Scenario 2 - Traffic Volumes

Surveyed Traffic Volumes

Bitzios Consulting
 P5285 - 3 Orion Drive Yamba Traffic Analysis
 2019
 AM Peak: 8:00-9:00
 PM Peak: 3:30-4:30

All:

Yamba Rd	PM	469	AM	410	T		
		12		5			
			L	R		390	339
	AM		13	53	T		
	PM		11	20	L	27	47
						AM	PM

Orion Dr

Scenario 2 - Traffic Volumes

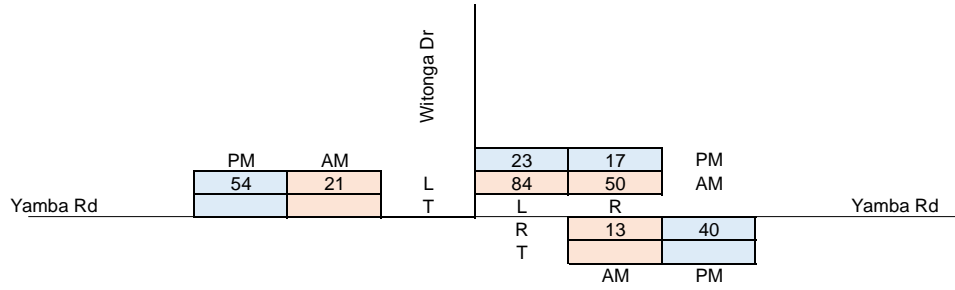
Existing Witonga Roundabout Background Traffic Volume

Bitzios Consulting

P5285 - 3 Orion Drive Yamba Traffic Analysis

AM Peak: 8:00-9:00

PM Peak: 3:30-4:30



Scenario 2 - Traffic Volumes

Surveyed Traffic Volumes

Bitzios Consulting

P5285 - 3 Orion Drive Yamba Traffic Analysis

Modified to account for Witonga Drive roundabout

AM Peak: 8:00-9:00

PM Peak: 3:30-4:30

All:

		PM	AM					
		432	439	T				
Yamba Rd		12	5	R				Yamba Rd
					T	306	316	
	AM		L	R	L	27	47	
	PM					AM	PM	
			13	53				
			11	20				
					Orion Dr			

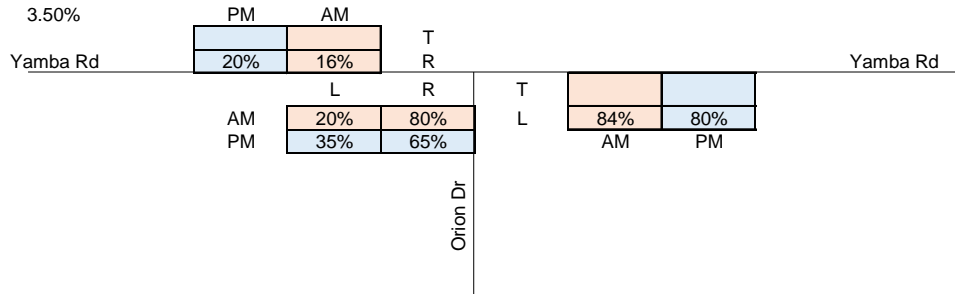
Scenario 2 - Traffic Volumes

2022 Background Traffic Volume

Bitzios Consulting

P5285 - 3 Orion Drive Yamba Traffic Analysis

AM Peak: 8:00-9:00
 PM Peak: 3:30-4:30
 Future Year 2022
 Base Year 2019
 Growth Rate 3.50%



AM	IN	32	33%
	OUT	66	67%
PM	IN	59	66%
	OUT	31	34%

Scenario 2 - Traffic Volumes

2022 Background Traffic Volume

Bitzios Consulting

P5285 - 3 Orion Drive Yamba Traffic Analysis

Survey volumes discarded for Councils theoretical max volume on Orion Drive

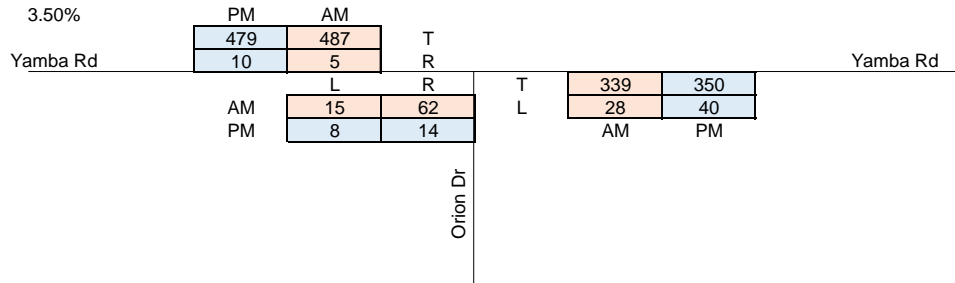
AM Peak: 8:00-9:00

PM Peak: 3:30-4:30

Future Year 2022

Base Year 2019

Growth Rate 3.50%



Scenario 2 - Traffic Volumes

2032 Background Traffic Volume

Bitzios Consulting

P5285 - 3 Orion Drive Yamba Traffic Analysis

Survey volumes discarded for Councils theoretical max volume on Orion Drive

AM Peak: 8:00-9:00

PM Peak: 3:30-4:30

Future Year 2032

Base Year 2019

Growth Rate 3.50%

Yamba Rd	676	687	T				
	10	5	R				
			L	R	T	479	494
AM		15		62	L	28	40
PM		8		14	AM		PM
			Orion Dr				

Scenario 2 - Traffic Volumes

Development Traffic Distribution

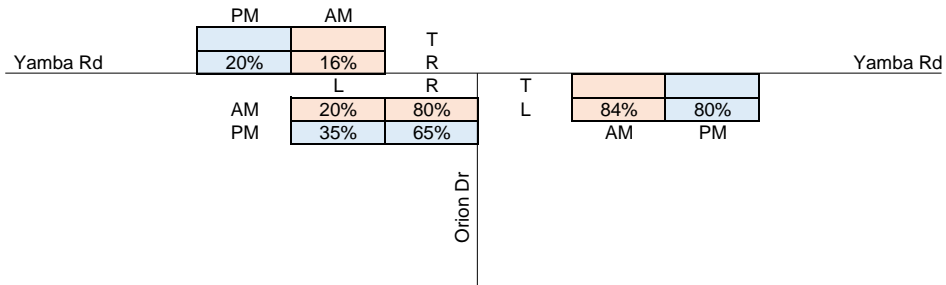
Bitzios Consulting

P5285 - 3 Orion Drive Yamba Traffic Analysis

AM Peak: 8:00-9:00

PM Peak: 3:30-4:30

All:



Scenario 2 - Traffic Volumes

Development Traffic

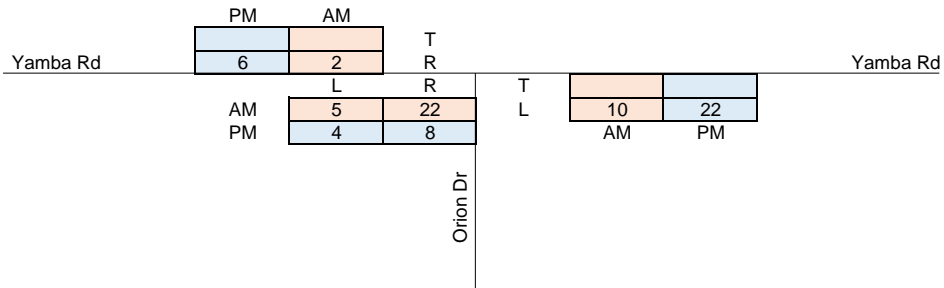
Bitzios Consulting

P5285 - 3 Orion Drive Yamba Traffic Analysis

AM Peak: 8:00-9:00

PM Peak: 3:30-4:30

All:



Scenario 2 - Traffic Volumes

2022 Design Traffic Volume

Bitzios Consulting

P5285 - 3 Orion Drive Yamba Traffic Analysis

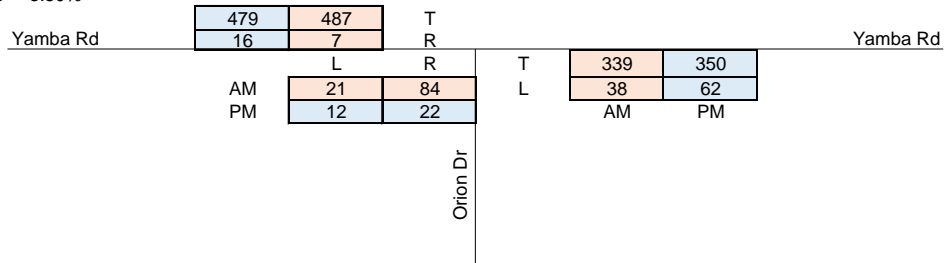
AM Peak: 8:00-9:00

PM Peak: 3:30-4:30

Future Year 2022

Base Year 2019

Growth Rate 3.50%



Scenario 2 - Traffic Volumes

2032 Design Traffic Volume

Bitzios Consulting

P5285 - 3 Orion Drive Yamba Traffic Analysis

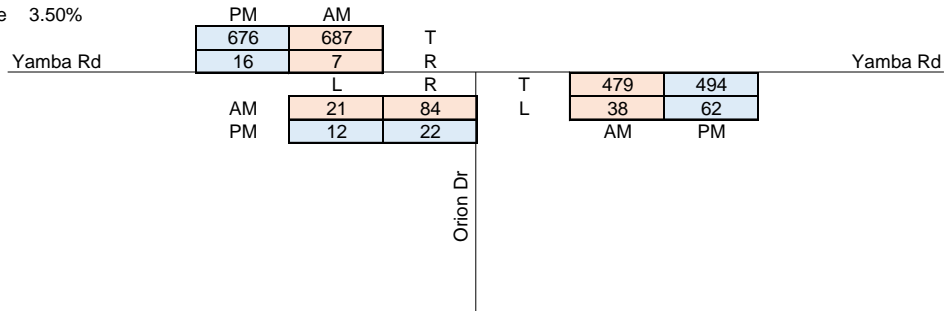
AM Peak: 8:00-9:00

PM Peak: 3:30-4:30

Future Year 2032

Base Year 2019

Growth Rate 3.50%



SITE LAYOUT

▽ Site: 1 [2032 DES AM 3.5%_Witonga (Site Folder: General)]

Yamba Road / Orion Drive Priority-Controlled Intersection

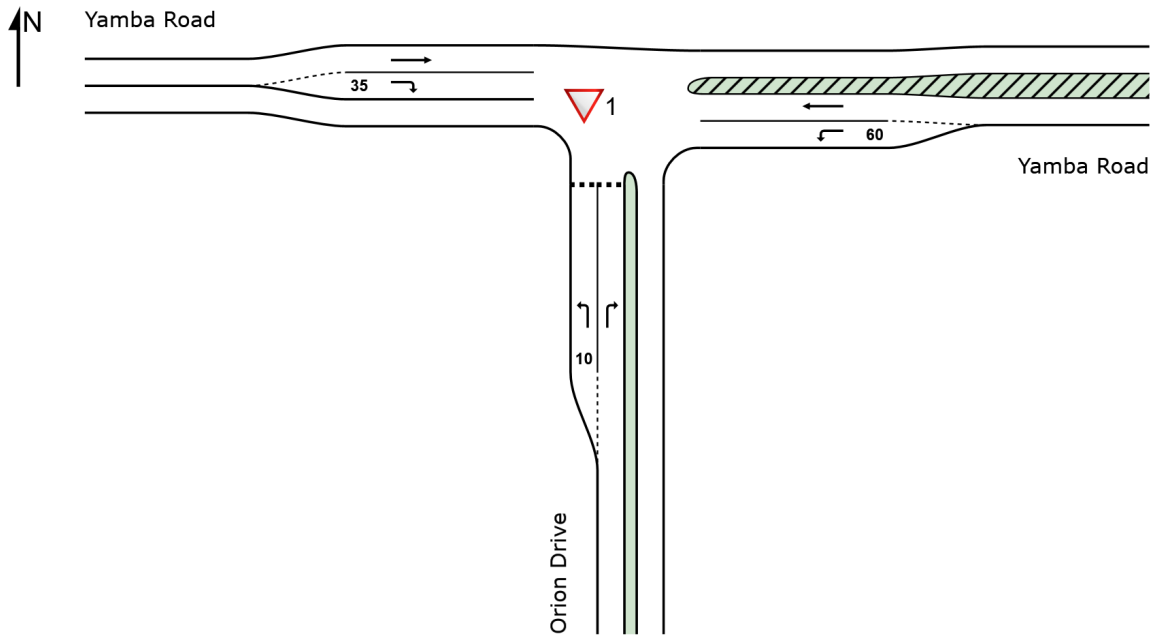
2032 Design Traffic

AM Peak Hour

Site Category: (None)

Give-Way (Two-Way)

Layout pictures are schematic functional drawings reflecting input data. They are not design drawings.



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MOVEMENT SUMMARY

▽ Site: 1 [2032 DES AM 3.5%_Witonga (Site Folder: General)]

Yamba Road / Orion Drive Priority-Controlled Intersection

2032 Design Traffic

AM Peak Hour

Site Category: (None)

Give-Way (Two-Way)

Vehicle Movement Performance														
Mov ID	Turn	INPUT VOLUMES		DEMAND FLOWS		Deg. Satn	Aver. Delay	Level of Service	95% BACK OF QUEUE		Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed
		[Total veh/h]	[HV %]	[Total veh/h]	[HV %]				[Veh. veh]	[Dist] m				
South: Orion Drive														
1	L2	21	4.0	22	4.0	0.030	7.3	LOS A	0.1	0.7	0.48	0.66	0.48	45.0
3	R2	84	2.0	88	2.0	0.562	37.7	LOS C	2.1	15.2	0.93	1.09	1.35	32.6
Approach		105	2.4	111	2.4	0.562	31.6	LOS C	2.1	15.2	0.84	1.00	1.18	34.5
East: Yamba Road														
4	L2	38	3.0	40	3.0	0.022	4.6	LOS A	0.0	0.0	0.00	0.53	0.00	46.6
5	T1	479	4.0	504	4.0	0.265	0.1	LOS A	0.0	0.0	0.00	0.00	0.00	49.9
Approach		517	3.9	544	3.9	0.265	0.4	NA	0.0	0.0	0.00	0.04	0.00	49.6
West: Yamba Road														
11	T1	687	6.0	723	6.0	0.385	0.2	LOS A	0.0	0.0	0.00	0.00	0.00	49.8
12	R2	7	5.0	7	5.0	0.010	7.5	LOS A	0.0	0.3	0.52	0.63	0.52	44.7
Approach		694	6.0	731	6.0	0.385	0.2	NA	0.0	0.3	0.01	0.01	0.01	49.7
All Vehicles		1316	4.9	1385	4.9	0.562	2.8	NA	2.1	15.2	0.07	0.10	0.10	48.0

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

Delay Model: SIDRA Standard (Geometric Delay is included).

Queue Model: SIDRA Standard.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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MOVEMENT SUMMARY

▽ Site: 1 [2032 DES PM 3.5%_Witonga (Site Folder: General)]

Yamba Road / Orion Drive Priority-Controlled Intersection

2032 Design Traffic

PM Peak Hour

Site Category: (None)

Give-Way (Two-Way)

Vehicle Movement Performance														
Mov ID	Turn	INPUT VOLUMES		DEMAND FLOWS		Deg. Satn	Aver. Delay	Level of Service	95% BACK OF QUEUE		Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed
		[Total veh/h	HV %	[Total veh/h	HV %				[Veh. veh	Dist] m				
South: Orion Drive														
1	L2	12	5.0	13	5.0	0.018	7.5	LOS A	0.1	0.4	0.49	0.65	0.49	44.9
3	R2	22	5.0	23	5.0	0.160	28.5	LOS B	0.5	3.4	0.88	0.95	0.90	35.6
Approach		34	5.0	36	5.0	0.160	21.1	LOS B	0.5	3.4	0.75	0.84	0.75	38.4
East: Yamba Road														
4	L2	62	2.0	65	2.0	0.036	4.6	LOS A	0.0	0.0	0.00	0.53	0.00	46.6
5	T1	494	6.0	520	6.0	0.277	0.1	LOS A	0.0	0.0	0.00	0.00	0.00	49.9
Approach		556	5.6	585	5.6	0.277	0.6	NA	0.0	0.0	0.00	0.06	0.00	49.5
West: Yamba Road														
11	T1	676	5.0	712	5.0	0.379	0.2	LOS A	0.0	0.0	0.00	0.00	0.00	49.8
12	R2	16	2.0	17	2.0	0.023	7.8	LOS A	0.1	0.6	0.53	0.68	0.53	44.6
Approach		692	4.9	728	4.9	0.379	0.3	NA	0.1	0.6	0.01	0.02	0.01	49.7
All Vehicles		1282	5.2	1349	5.2	0.379	1.0	NA	0.5	3.4	0.03	0.06	0.03	49.2

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

Delay Model: SIDRA Standard (Geometric Delay is included).

Queue Model: SIDRA Standard.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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1 0200.0022 REVIEW OF DETERMINATION T13



Attachment B: Council Meeting Minutes 22/02/2022

Palm Lake Resort Yamba
Traffic Engineering Meeting
22th February 2022



Meeting Minutes | Orion Drive, Yamba

Project:	Palm Lake Resort Yamba
Application:	Review of Determination (PAN-180873, REV2021/0013)
Applicant:	Palm Lake Works Pty Ltd (PLW)
Location:	Orion Drive, Yamba
Property Description:	Lot 2 on DP833711 Lot 3 on DP833711
Land Owner:	Palm Lake Resort Pty Ltd
Development Consents:	MOD2021/0029
PLW & Consultant Attendees	Matilda Kaveney – Project Coordinator (PLW) Alex Elms – Town Planner (PLW) Ben James – Senior Traffic Engineer (Bitzios)
Council Officers Attendees Requested	James Hamilton – Development Planner Chris Dear – Development Engineer

Item for Discussion

The purpose of the meeting is to determine the extent of documentation required to be provided to assist Council in assessing and determining the deletion of requirements to upgrade the Orion Drive, Yamba Road intersection (specifically relating to the right turn out of Orion Drive) as a result of traffic generated by the proposed development.

Item No.	Discussion
1.	<p><u>Summary notes from meeting discussion</u></p> <p>BJ: opening discussion and providing a summary on the information provided to date including the 1.5% growth rate along Yamba Road without the Witonga Drive. We have run a scenario with the 3.5% growth rate along Yamba Road <u>with</u> the Witonga Drive roundabout as per Chris's email (dated 16/2/22). This scenario still demonstrates the Orion Drive/Yamba Road intersection runs within capacity and does not require upgrading.</p> <p>CD: it may be worth providing the 3.5% growth rate scenario <u>without</u> the Witonga Drive roundabout to ensure and allow Council to be confident in allowing no upgrades are required to the Orion Drive/Yamba Road Intersection.</p> <p>MK: We consider this to be beyond the scope of what should be required for the purposes of assessment for the proposed development. This appears to be traffic data that does not relate to this development and should not form part of the assessment as part of this review.</p> <p>BJ: a 3.5% growth rate more than doubles the growth of Yamba over a 10 year period, equivalent to Yamba doubling in size in terms of completed (and fully housed) development. There is no need to provide a scenario for a 10 year planning horizon at</p>

Item No.	Discussion
----------	------------

a growth rate of 3.5% without the Witonga Drive roundabout, as Council are confident the roundabout will be constructed in the next few years.

CD: We agree that the 3.5% growth rate is a very conservative 'for sensitivity testing only' growth rate. We are on the path to no upgrades being required to the Orion Drive/Yamba Road intersection.

BJ: provided a summary of the way data has been input into the latest model, a 10 year planning horizon with a growth rate of 3.5% with the Witonga Drive roundabout included

CD: Acknowledged being satisfied with the data entry explanation for this model.

Agreement of additional information required to be provided to Council

A consolidated traffic analysis that provides the following:

1. In addition to RFI responses, provide justification around why the 3.5% growth rate is un-realistic and not an accurate representation of traffic growth within the region;
 2. Provide the sensitivity analyses already completed for the 1.5% traffic growth rate on Yamba Road and previously agreed upon Orion Drive traffic without the Witonga Drive roundabout;
 3. Provide additional conservative sensitivity analysis for the 10 year planning horizon with a growth rate of 3.5% on Yamba Road with the Witonga Drive roundabout included;
 4. Provide letter with further justification in relation to the appropriateness of the current intersection form (specifically in relation to the right turn out of Orion Drive) noting that any further traffic data/scenario's requested by Council would be unreasonable within the scope of this development and the Orion Drive/Yamba Road intersection.
-

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Your reference: MOD2021/0029

20 August 2021

Alexander Elms
Palm Lake Works Pty Ltd
9 Lawson Street
SOUTHPORT QLD 4215

Attention: **Alexander Elms**

Sent via email: alexanderE@palllake.com.au

Dear Alexander,

**RE: COUNCIL INFORMATION REQUEST RESPONSE
3 ORION DRIVE, YAMBA NSW 2464**

1.0 INTRODUCTION

Bitzios Consulting has been engaged by Palm Lake Works Pty Ltd (Client) to prepare a response to the transport items raised by the Clarence Valley Council (Council) in an Information Request (IR) on the 12 July 2021. This letter specifically addressed transport items 6 and 49 as well as additional commentary from Council regarding traffic assessment processes in Bitzios' intersection assessment for the proposed development (File: P4239.001T dated 14/08/2019).

2.0 INFORMATION REQUEST ITEMS

2.1. Item 6

A Pedestrian Access and Mobility Plan (PAMP) to demonstrate options for senior pedestrians to gain access to existing facilities such as the bus stop, shopping centre and medical facilities shall be submitted in accordance with the requirements of the SEPP and approved by the RTA and Council prior to the issue of the Construction Certificate for Civil Works.

Response:

Bitzios Consulting has provided a PAMP report named "P4239.001R 3 Orion Drive Yamba PAMP Report" dated 16/08/2019 in accordance with the requirements of the SEPP. We understand that has been referred to Council Civil Services for comment



2.2. Item 49

Upgrading of the intersection of Yamba Road and Orion Drive shall be provided in accordance with Austroads 'Part 5 Intersections at Grade' for the speed zone applicable to the intersecting roads and the traffic volumes generated by the subdivision development. Plans for the intersection shall be submitted to and approved by Council prior to the issue of a Construction Certificate for the works. The design proposed shall specifically be aimed at reducing the current and future delay times and queue lengths for vehicles turning right into Yamba Road from Orion Drive. Delay times shall be limited to an absolute maximum of 15 seconds per vehicle and queue lengths shall be limited to 6 vehicles. Intersection improvement works shall form part of the required development works for the site.

Response:

The proposed limitation of a maximum 15 seconds per vehicle delay time on all intersection legs is considered onerous. Single intersection analysis in NSW is guided by the criteria in *Traffic Modelling Guidelines (2013) – Chapter 14*. Single intersections are recommended to be modelled in SIDRA with Level of Service (LoS) definitions based on acceptable delay times for vehicles outlined in the RMS Guide to traffic generating developments (2002). These criteria were adopted for Bitzios' intersection assessment and are shown in Table 2.1.

Table 2.1: Intersection Level of Service Criteria

Level of Service	Average Delay (sec/veh)	Traffic Signals and Roundabouts	Give Way and Stop Signs
A	< 14	Good operation and spare capacity	Good operation and spare capacity
B	15 to 28	Good with acceptable delays and spare capacity	Acceptable delays and spare capacity
C	29 to 42	Satisfactory	Satisfactory, but accident study required
D	43 to 56	Operating near capacity	Near capacity and accident study required
E	57 to 70	At capacity; at signals, incidents will cause excessive delays Roundabouts require other control mode	At capacity, requires other control mode
F	> 70	Flow breakdown; forced flow	Intersection failure

Source: RMS Traffic Modelling Guidelines (2013), Chapter 14 and Roads and Maritime Guide to Traffic Generating Developments (2002) Table 4.2

As shown in Table 2.1, a delay per vehicle of less than 15 seconds demonstrates an intersection with good operation and lots of spare capacity, priority-controlled (Give-way) type intersections not near capacity until the delay is over 43 seconds.

Updated SIDRA model analysis of the Yamba Road / Orion Drive intersection results in a worst case (i.e. worst performing peak intersection movements during the forecast design year of 2031) delay of 25.6 seconds for vehicles turning right out of Orion Drive for the 2031 AM Peak Design Traffic. This results in an LoS of B (15 – 28 seconds), indicating the intersection will operate with acceptable delays and available spare capacity. Updated SIDRA outputs for 2031 Design AM and PM based on the proposed development use and traffic output are provided at **Attachment B**.



The intersection will continue to operate under an acceptable level of service into the future. As such, it is recommended that the proposed restriction of a 15 second delay is removed. Intersection capacity and delays should remain consistent with guidelines.

Note that the proposed maximum queue length of 6 vehicles is acceptable. Conservative design scenario SIDRA outputs (Design year 2031) in **Attachment B** demonstrate the maximum queue will not exceed 1.5 vehicles in length.

2.3. Traffic Generation

The application refers to a document: 'Bitzios Intersection Assessment File P4239.001T dated 14/08/2019' which has not been provided with the application, however this document is available for assessment. The provided document does not adequately address the impacts of the proposal on the existing Orion Drive and Yamba Road intersection.

The provided PAMP which was submitted with the application has been referred to Civil Services for comment.

The following comments are made with respect to the Bitzios Intersection Assessment File P4239.001T dated 14/08/2019.

Traffic Generation Rates (proposed development):

78 Additional Lots @ 7.4 trips per dwelling (TDT2013/04a)

= 577.2 AADT

Weekday AM Peak 78 @ 0.71 (TDT2013/04a)

= 56 (55.38)

Weekday PM Peak 78 @ 0.78 (TDT2013/04a)

= 61 (60.84)

Traffic Generation Rates (existing):

The report does not adopt a growth rate for background traffic contributing to Orion Drive on the basis that no further growth would occur within this catchment. This being said, the background traffic assessment does not acknowledge the vehicle trips generated by the existing development within this catchment. The background assessment only accounts for a total AM peak trip generation of 99 (66 + 33) vehicles and 90 (31 + 59) vehicles for the PM. This is only representative of approx. 140 dwellings in the AM and 116 dwellings for the PM. There are approx. 125 lots within the Orion Drive catchment, not including the existing manufactured home estate. Considering the traffic generated by the manufactured home estate, this would equate to 0.4 (peak hour trips) @ 173 (approx.) = 70 (69.2) peak hour trips. This trip generation rate has been adopted based on TDT2013/04a for housing for seniors.

Response:

We understand the proposed development is for **Seniors Living** and as such applying 'low-density residential' trip rates of 7.4 trips per dwelling would be onerous. The previous report provided by Bitzios Consulting (P4239.001T on 14/08/2019) sourced development traffic generation rates for Medium Density Dwellings from the *Roads and Maritime Services (RMS) Guide to Traffic Generating*



Developments (RMS Guide 2002). While a rate of 0.4 per dwelling for peak hour exists for Seniors Living (Housing for Seniors) within the RMS Guide's Technical Direction (2013), we have applied traffic generation rates for a medium-density residential land use (0.5 trips per lot for AM and PM) to provide a more conservative assessment.

Regarding background traffic and growth on Orion Drive, as per our previous report, given that Orion Drive forms a closed catchment (i.e. Orion Drive is a no-through road) and is fully-developed (excluding the subject site), no growth needs to be considered for future background traffic volumes on Orion Drive. Further, background traffic is captured in traffic surveys undertaken by Traffic and Data Control (TDC) on Thursday 1st August 2019

The subject site and the surrounding developments are shown in Figure 2.1 below.



Source: Nearmap

Figure 2.1: Subject Site Location



2.4. Traffic Split

The assessment has assumed 30/70 split for in/out movements respectively for the morning peak, and a 60/40 split for in/out movements respectively for afternoon peak. This is largely based on the existing directionality of background traffic movements. A directional split has not been applied to indicate if vehicles will be turning left or right out of Orion Drive onto Yamba Road. Applying the background traffic, traffic generated by the development, and existing traffic generated by the Orion Drive catchment:

- 3 -

		Rate		Peak		Clarence Valley Council			
Traffic generating development	Quantity	AM	PM	AM	PM	IN	OUT	IN	OUT
Proposal	78	0.71	0.78	56	61	17	40	37	25
Existing sub	125	0.71	0.78	89	98	27	63	59	40
Man. Home Estate	173	0.4		70	70	21	49	42	28
Total				215	229	65	152	138	93

Response:

The directional split of development traffic in Bitzios' assessment has been applied based on background traffic volumes obtained from the intersection survey of the Yamba Road / Orion Drive intersection by TDC undertaken on Thursday 1st August 2019 which demonstrates the typical movements of all existing traffic in the catchment. We do not expect that traffic from the proposed development will differ from current directional splits. The intersection survey results are provided in Attachment A of our previous report (P4239.001T on 14/08/2019). Development traffic splits are available at **Attachment A** of this letter.

Development traffic generation and development traffic in/out splits provided in our previous report (P4239.001T on 14/08/2019) are shown in Table 2.2 and Table 2.3 respectively.

Table 2.2: Development Traffic Generation

Land Use	Quantity	AM Rate	PM Rate	AM Trips	PM Trips
Medium-density residential (smaller unit and flats)	78 lots	0.5 trips per lot	0.5 trips per lot	39 trips	39 trips

Table 2.3: Development Traffic Directionality

Land Use	AM Proportion		PM Proportion		AM Trips (veh/h)		PM Trips (veh/h)	
	IN	OUT	IN	OUT	IN	OUT	IN	OUT
residential	30%	70%	60%	40%	12	27	23	16



2.5. Traffic Growth Rates

These values (without applying compound growth) are significantly higher than the data used in the assessment of the intersection and are representative of the values which should be used within the TIA. With this in mind, the provided report found that the 2030 projected design and background traffic resulted in a level of service D for the right turn manoeuvre onto Yamba Road. It is likely that, with the revised traffic generation rates, the intersection level of service will fall under the existing traffic impact assessment parameters. By applying correct methodology and analysis to the TIA, an accurate judgment can be made on the suitability of the existing intersection treatment to cater for the proposed development.

From this, it is recommended that any further TIA incorporate traffic generation rates as described in TDT2013/04a be used to determine the overall background traffic generated by the Orion Drive Catchment. This could be done without applying a compounding background growth of 1% to the Orion Drive catchment.

Traffic generation rates for the development (including peak hour rates) shall be adopted based on the figures for residential dwellings rates defined by the NSW Transport Technical Direction TDT2013/04a. The assessment must include SIDRA analysis of peak hour (AM and PM) traffic movements of the intersection for existing and combined traffic volumes generated by the proposal with 3% growth rate for Yamba Road (cumulative) over a design horizon of 10 years. The assessment must also include traffic generation rates for the existing Orion Drive catchment using previously described figures for existing development within this area.

Response:

As previously discussed, Orion Drive forms a closed catchment, background traffic growth will only occur on Yamba Road. Our previous report ran a conservative 3.5% per annum (p.a) traffic growth scenario test of the 2030 projected design and background traffic on Yamba Road which resulted in a level of service D for the right turn manoeuvre out of Orion Drive. This was provided for comparative information purposes only and does not accurately represent the likely traffic growth in the area.

This letter provides an amended analysis utilising a 1.5% per annum (p.a.) growth rate for background traffic volumes on Yamba Road. This growth rate is most appropriate considering the following:

- A historical analysis of traffic surveys taken at the nearby Yamba Road / Carrs Drive intersection, including survey data from December 2014 and April 2015, determined varying average growth rates from -1% to +2% per annum from 2014 to 2018
- A 3.5% per annum growth rate exceeds even some of the fastest growth areas in Australia (e.g. northern Gold Coast). The West Yamba Urban Release Area (WYURA) makes up the majority of anticipated growth in the region and considering the size of this release area development will take longer than 20 years to achieve ultimate demands (i.e. all development built, sold and operating at capacity). As such, it would be inappropriate to apply a growth that assumes ultimate traffic demands along Yamba Road will be reached in the 10-year design period required for assessment. For development assessments growth is applied out to a 10-year design horizon, it is not anticipated that high levels of growth could be consistently maintained in the region and compound each year
- Population forecasts (profile.id) estimate growth of approximately 1% per annum for the region.

Further, growth rates applied to determine the background traffic at the expected year of completion (year 2021) and the 10-year design horizon (year 2031) are considered a much more accurate measure than applying traffic generation rates from TDT2013/04A that are not applicable to all land



uses on Orion Drive. Traffic growth should consider recent survey data, historical growth patterns in the region, and future planning for the area.

Considering the above, an updated analysis applying a 1.5% per annum compounding growth to through traffic on Yamba Road has been undertaken. Results are provided at **Attachment B** and demonstrate the intersection remains within capacity.

2.6. Traffic Impact Assessment

In order to assess the proposed removal of the intersection upgrading requirements, the applicant is requested to provide a Traffic Impact Assessment prepared in accordance with the Austroads Guide to Traffic Management Part 12, Integrated Transport Assessment for Development to assess the proposals impact on the Orion Drive / Yamba Road intersection

Response:

Updated SIDRA analysis results provided in the attachments and findings from Bitzios' previous intersection assessment letter conclude that the existing intersection operates under acceptable capacity and that the proposals impact on the Orion Drive / Yamba Road intersection does not result in the need for any intersection upgrade requirements now or at a 10-year design horizon (2031).

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Ben James'.

Ben James

Senior Traffic Engineer / Transport Planner

BITZIOS CONSULTING

Attachments

A: Updated Traffic Assessment Volume and Distribution

B: Updated SIDRA Outputs



Attachment A

Updated Traffic Assessment Volume and Distribution

Development Traffic

Bitzios Consulting

P5285 - 3 Orion Drive Yamba Traffic Analysis

Background growth	
1.5%	Compounding

Land Use	Quantity	AM Rate	PM Rate	AM Trips	PM Trips
Medium Density Res	78	0.5	0.5	39	39

AM Directionality		PM Directionality		AM Trips		PM Trips	
IN	OUT	IN	OUT	IN	OUT	IN	OUT
30%	70%	60%	40%	11.7	27.3	23.4	15.6

Surveyed Traffic Volumes

Bitzios Consulting

P5285 - 3 Orion Drive Yamba Traffic Analysis

AM Peak: 8:00-9:00

PM Peak: 3:30-4:30

All:

	PM	AM					
Yamba Rd	469	410		T			
	12	5		R			
			L	R	T	390	339
	AM		13	53	L	27	47
	PM		11	20		AM	PM
					Orion Dr		

Surveyed Traffic Volumes - Heavy Vehicles

Bitzios Consulting

P5285 - 3 Orion Drive Yamba Traffic Analysis

AM Peak: 8:00-9:00

PM Peak: 3:30-4:30

HV:

	PM	AM					
Yamba Rd	25	25		T			
	3	2		R			
			L	R		16	22
	AM		2	1	T	1	1
	PM		6	1	L	AM	PM

HV% :

Yamba Rd	5%	6%		T			
	25%	40%		R			
			L	R		4%	6%
	AM		15%	2%	T	4%	2%
	PM		55%	5%	L	AM	PM

Orion Dr

2031 Background Traffic Volume

Bitzios Consulting

P5285 - 3 Orion Drive Yamba Traffic Analysis

AM Peak: 8:00-9:00

PM Peak: 3:30-4:30

Future Year 2031

Base Year 2019

Growth Rate 1.50%

Yamba Rd	561	490	T			
	12	5	R			
		L	R	T	466	405
AM		13	53	L	27	47
PM		11	20		AM	PM
				Orion Dr		

Development Traffic Distribution

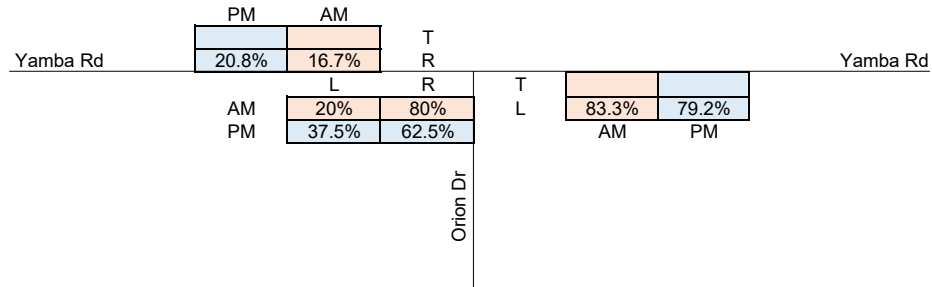
Bitzios Consulting

P5285 - 3 Orion Drive Yamba Traffic Analysis

AM Peak: 8:00-9:00

PM Peak: 3:30-4:30

All:

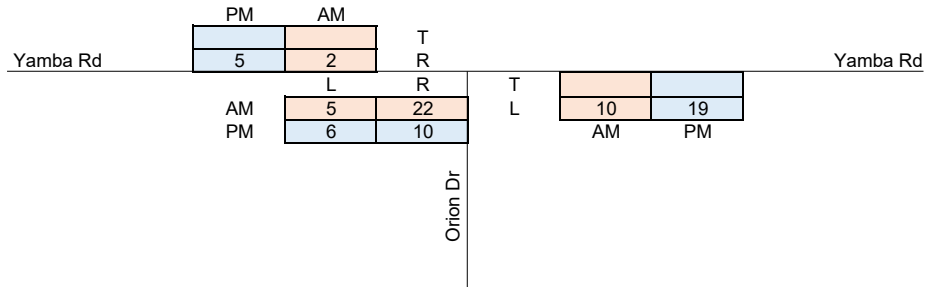


Development Traffic

Bitzios Consulting
 P5285 - 3 Orion Drive Yamba Traffic Analysis

AM Peak: 8:00-9:00
 PM Peak: 3:30-4:30

All:



2020 Design Traffic Volume

Bitzios Consulting

P5285 - 3 Orion Drive Yamba Traffic Analysis

AM Peak: 8:00-9:00

PM Peak: 3:30-4:30

Future Year 2021

Base Year 2019

Growth Rate 1.50%

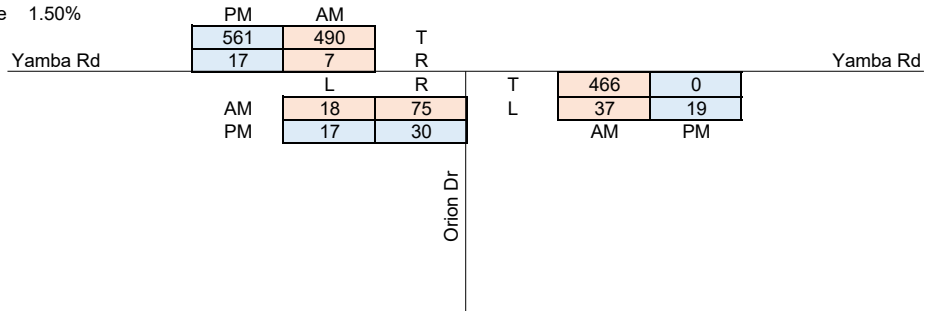
Yamba Rd		483	422	T			Yamba Rd	
		17	7	R				
				L	R	T	402	349
AM		18	75			L	37	66
PM		17	30				AM	PM
				Orion Dr				

2030 Design Traffic Volume

Bitzios Consulting

P5285 - 3 Orion Drive Yamba Traffic Analysis

AM Peak: 8:00-9:00
 PM Peak: 3:30-4:30
 Future Year 2031
 Base Year 2021
 Growth Rate 1.50%





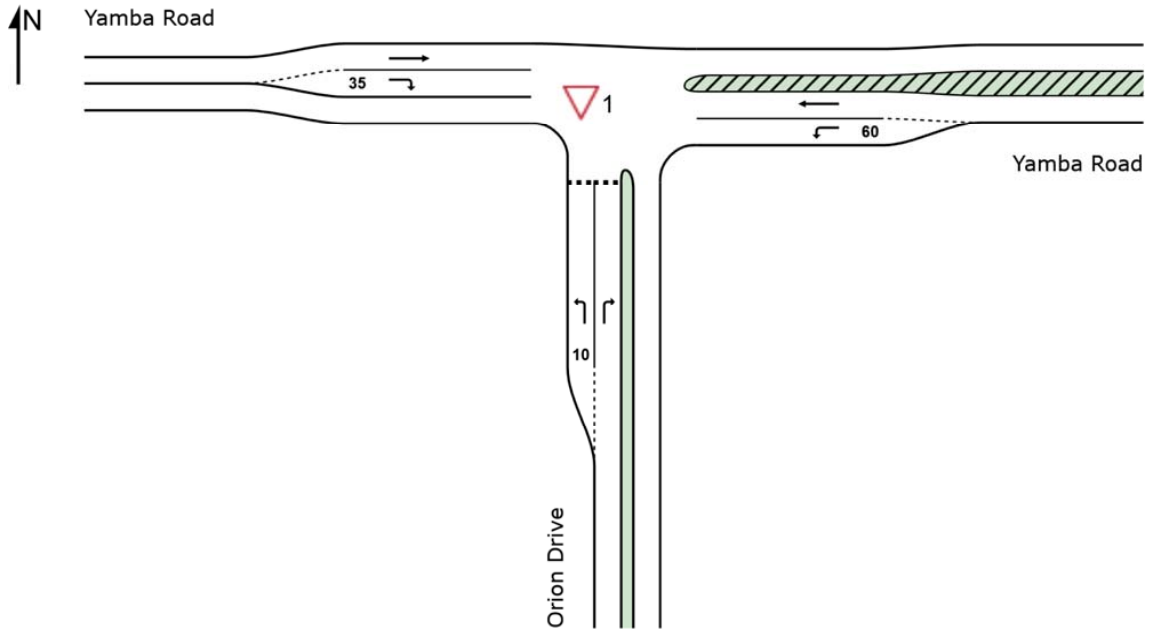
Attachment B

Updated SIDRA Outputs

SITE LAYOUT

▽ Site: 1 [2019 BG AM]

Yamba Road / Orion Drive Priority-Controlled Intersection
2019 Background Traffic
PM Peak Hour
Site Category: (None)
Giveaway / Yield (Two-Way)



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MOVEMENT SUMMARY

▽ Site: 1 [2019 BG AM]

Yamba Road / Orion Drive Priority-Controlled Intersection
 2019 Background Traffic
 PM Peak Hour
 Site Category: (None)
 Giveway / Yield (Two-Way)

Movement Performance - Vehicles												
Mov ID	Turn	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
South: Orion Drive												
1	L2	14	15.4	0.018	6.9	LOS A	0.1	0.5	0.44	0.61	0.44	45.1
3	R2	56	1.9	0.188	16.2	LOS B	0.7	4.7	0.77	0.90	0.78	40.4
Approach		69	4.5	0.188	14.4	LOS A	0.7	4.7	0.70	0.84	0.71	41.3
East: Yamba Road												
4	L2	28	3.7	0.016	4.6	LOS A	0.0	0.0	0.00	0.53	0.00	46.6
5	T1	411	4.1	0.216	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	50.0
Approach		439	4.1	0.216	0.3	NA	0.0	0.0	0.00	0.03	0.00	49.7
West: Yamba Road												
11	T1	432	6.1	0.230	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	50.0
12	R2	5	40.0	0.008	7.9	LOS A	0.0	0.3	0.50	0.61	0.50	44.1
Approach		437	6.5	0.230	0.1	NA	0.0	0.3	0.01	0.01	0.01	49.9
All Vehicles		945	5.2	0.230	1.3	NA	0.7	4.7	0.05	0.08	0.06	49.1

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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MOVEMENT SUMMARY

▽ Site: 1 [2019 BG PM]

Yamba Road / Orion Drive Priority-Controlled Intersection
 2019 Background Traffic
 PM Peak Hour
 Site Category: (None)
 Giveway / Yield (Two-Way)

Movement Performance - Vehicles												
Mov ID	Turn	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
South: Orion Drive												
1	L2	12	54.5	0.018	7.8	LOS A	0.1	0.6	0.45	0.61	0.45	44.3
3	R2	21	5.0	0.079	17.0	LOS B	0.3	1.9	0.77	0.89	0.77	40.0
Approach		33	22.6	0.079	13.7	LOS A	0.3	1.9	0.65	0.79	0.65	41.5
East: Yamba Road												
4	L2	49	2.1	0.027	4.6	LOS A	0.0	0.0	0.00	0.53	0.00	46.6
5	T1	357	6.5	0.191	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	50.0
Approach		406	6.0	0.191	0.6	NA	0.0	0.0	0.00	0.06	0.00	49.5
West: Yamba Road												
11	T1	494	5.3	0.264	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	50.0
12	R2	13	25.0	0.016	7.2	LOS A	0.1	0.5	0.47	0.61	0.47	44.7
Approach		506	5.8	0.264	0.2	NA	0.1	0.5	0.01	0.02	0.01	49.8
All Vehicles		945	6.5	0.264	0.8	NA	0.3	1.9	0.03	0.06	0.03	49.3

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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MOVEMENT SUMMARY

▽ Site: 1 [2021 BG AM]

Yamba Road / Orion Drive Priority-Controlled Intersection
 2020 Background Traffic
 AM Peak Hour
 Site Category: (None)
 Giveway / Yield (Two-Way)

Movement Performance - Vehicles												
Mov ID	Turn	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
South: Orion Drive												
1	L2	14	15.4	0.018	7.0	LOS A	0.1	0.5	0.45	0.61	0.45	45.1
3	R2	56	1.9	0.197	17.1	LOS B	0.7	5.0	0.78	0.91	0.81	40.0
Approach		69	4.5	0.197	15.1	LOS B	0.7	5.0	0.71	0.85	0.74	40.9
East: Yamba Road												
4	L2	28	3.6	0.016	4.6	LOS A	0.0	0.0	0.00	0.53	0.00	46.6
5	T1	423	4.1	0.223	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	50.0
Approach		452	4.1	0.223	0.3	NA	0.0	0.0	0.00	0.03	0.00	49.7
West: Yamba Road												
11	T1	444	6.1	0.237	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	50.0
12	R2	5	40.0	0.008	8.1	LOS A	0.0	0.3	0.50	0.61	0.50	44.1
Approach		449	6.5	0.237	0.1	NA	0.0	0.3	0.01	0.01	0.01	49.9
All Vehicles		971	5.2	0.237	1.3	NA	0.7	5.0	0.05	0.08	0.06	49.1

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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MOVEMENT SUMMARY

▽ Site: 1 [2021 BG PM]

Yamba Road / Orion Drive Priority-Controlled Intersection
 2020 Background Traffic
 PM Peak Hour
 Site Category: (None)
 Giveway / Yield (Two-Way)

Movement Performance - Vehicles												
Mov ID	Turn	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
South: Orion Drive												
1	L2	12	54.5	0.018	7.9	LOS A	0.1	0.6	0.46	0.61	0.46	44.3
3	R2	21	5.0	0.083	17.8	LOS B	0.3	2.0	0.78	0.90	0.78	39.7
Approach		33	22.6	0.083	14.3	LOS A	0.3	2.0	0.66	0.80	0.66	41.2
East: Yamba Road												
4	L2	49	2.1	0.027	4.6	LOS A	0.0	0.0	0.00	0.53	0.00	46.6
5	T1	367	6.5	0.196	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	50.0
Approach		417	6.0	0.196	0.6	NA	0.0	0.0	0.00	0.06	0.00	49.5
West: Yamba Road												
11	T1	508	5.3	0.272	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	50.0
12	R2	13	25.0	0.016	7.3	LOS A	0.1	0.5	0.47	0.61	0.47	44.7
Approach		521	5.8	0.272	0.2	NA	0.1	0.5	0.01	0.01	0.01	49.8
All Vehicles		971	6.4	0.272	0.8	NA	0.3	2.0	0.03	0.06	0.03	49.4

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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MOVEMENT SUMMARY

▽ Site: 1 [2031 BG AM]

Yamba Road / Orion Drive Priority-Controlled Intersection
 2030 Background Traffic
 AM Peak Hour
 Site Category: (None)
 Giveway / Yield (Two-Way)

Movement Performance - Vehicles												
Mov ID	Turn	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
South: Orion Drive												
1	L2	14	15.4	0.020	7.6	LOS A	0.1	0.5	0.49	0.65	0.49	44.8
3	R2	56	1.9	0.259	22.9	LOS B	0.9	6.6	0.84	0.96	0.95	37.6
Approach		69	4.5	0.259	19.9	LOS B	0.9	6.6	0.77	0.90	0.86	38.8
East: Yamba Road												
4	L2	28	3.6	0.016	4.6	LOS A	0.0	0.0	0.00	0.53	0.00	46.6
5	T1	491	4.1	0.258	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	50.0
Approach		519	4.1	0.258	0.3	NA	0.0	0.0	0.00	0.03	0.00	49.8
West: Yamba Road												
11	T1	516	6.1	0.275	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	50.0
12	R2	5	40.0	0.009	8.8	LOS A	0.0	0.3	0.54	0.64	0.54	43.7
Approach		521	6.4	0.275	0.1	NA	0.0	0.3	0.01	0.01	0.01	49.9
All Vehicles		1109	5.2	0.275	1.4	NA	0.9	6.6	0.05	0.07	0.06	49.0

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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MOVEMENT SUMMARY

▽ Site: 1 [2031 BG PM]

Yamba Road / Orion Drive Priority-Controlled Intersection
 2030 Background Traffic
 PM Peak Hour
 Site Category: (None)
 Giveway / Yield (Two-Way)

Movement Performance - Vehicles												
Mov ID	Turn	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
South: Orion Drive												
1	L2	12	54.5	0.020	8.6	LOS A	0.1	0.7	0.49	0.65	0.49	43.9
3	R2	21	5.0	0.112	23.2	LOS B	0.4	2.6	0.84	0.93	0.84	37.5
Approach		33	22.6	0.112	18.0	LOS B	0.4	2.6	0.72	0.83	0.72	39.5
East: Yamba Road												
4	L2	49	2.1	0.027	4.6	LOS A	0.0	0.0	0.00	0.53	0.00	46.6
5	T1	426	6.5	0.228	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	50.0
Approach		476	6.0	0.228	0.5	NA	0.0	0.0	0.00	0.05	0.00	49.6
West: Yamba Road												
11	T1	591	5.3	0.315	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	49.9
12	R2	13	25.0	0.018	7.8	LOS A	0.1	0.6	0.51	0.64	0.51	44.4
Approach		603	5.7	0.315	0.2	NA	0.1	0.6	0.01	0.01	0.01	49.8
All Vehicles		1112	6.4	0.315	0.9	NA	0.4	2.6	0.03	0.06	0.03	49.3

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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MOVEMENT SUMMARY

▽ Site: 1 [2021 DES AM]

Yamba Road / Orion Drive Priority-Controlled Intersection
 2020 Design Traffic
 AM Peak Hour
 Site Category: (None)
 Giveway / Yield (Two-Way)

Movement Performance - Vehicles												
Mov ID	Turn	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
South: Orion Drive												
1	L2	19	15.4	0.025	7.1	LOS A	0.1	0.7	0.45	0.63	0.45	45.1
3	R2	79	1.9	0.283	18.7	LOS B	1.1	7.7	0.80	0.95	0.93	39.3
Approach		98	4.5	0.283	16.4	LOS B	1.1	7.7	0.73	0.89	0.84	40.3
East: Yamba Road												
4	L2	39	3.6	0.022	4.6	LOS A	0.0	0.0	0.00	0.53	0.00	46.6
5	T1	423	4.1	0.223	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	50.0
Approach		462	4.1	0.223	0.4	NA	0.0	0.0	0.00	0.04	0.00	49.7
West: Yamba Road												
11	T1	444	6.1	0.239	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	50.0
12	R2	7	40.0	0.011	8.2	LOS A	0.0	0.4	0.51	0.63	0.51	44.0
Approach		452	6.7	0.239	0.2	NA	0.0	0.4	0.01	0.01	0.01	49.9
All Vehicles		1012	5.3	0.283	1.8	NA	1.1	7.7	0.07	0.11	0.08	48.7

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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MOVEMENT SUMMARY

▽ Site: 1 [2021 DES PM]

Yamba Road / Orion Drive Priority-Controlled Intersection
 2020 Design Traffic
 PM Peak Hour
 Site Category: (None)
 Giveway / Yield (Two-Way)

Movement Performance - Vehicles												
Mov ID	Turn	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
South: Orion Drive												
1	L2	18	54.5	0.028	7.9	LOS A	0.1	1.0	0.46	0.63	0.46	44.2
3	R2	32	5.0	0.129	18.5	LOS B	0.4	3.1	0.79	0.90	0.79	39.4
Approach		49	22.9	0.129	14.7	LOS B	0.4	3.1	0.67	0.81	0.67	41.0
East: Yamba Road												
4	L2	69	2.1	0.038	4.6	LOS A	0.0	0.0	0.00	0.53	0.00	46.6
5	T1	367	6.5	0.196	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	50.0
Approach		437	5.8	0.196	0.7	NA	0.0	0.0	0.00	0.08	0.00	49.4
West: Yamba Road												
11	T1	508	5.3	0.272	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	50.0
12	R2	18	25.0	0.024	7.4	LOS A	0.1	0.8	0.49	0.63	0.49	44.6
Approach		526	6.0	0.272	0.3	NA	0.1	0.8	0.02	0.02	0.02	49.8
All Vehicles		1013	6.7	0.272	1.2	NA	0.4	3.1	0.04	0.09	0.04	49.1

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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MOVEMENT SUMMARY

▽ Site: 1 [2031 DES AM]

Yamba Road / Orion Drive Priority-Controlled Intersection
 2030 Design Traffic
 AM Peak Hour
 Site Category: (None)
 Giveway / Yield (Two-Way)

Movement Performance - Vehicles												
Mov ID	Turn	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
South: Orion Drive												
1	L2	19	15.4	0.028	7.6	LOS A	0.1	0.7	0.49	0.66	0.49	44.7
3	R2	79	1.9	0.371	25.6	LOS B	1.4	10.2	0.87	1.01	1.09	36.6
Approach		98	4.5	0.371	22.1	LOS B	1.4	10.2	0.79	0.94	0.97	38.0
East: Yamba Road												
4	L2	39	3.6	0.022	4.6	LOS A	0.0	0.0	0.00	0.53	0.00	46.6
5	T1	491	4.1	0.258	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	50.0
Approach		529	4.1	0.258	0.4	NA	0.0	0.0	0.00	0.04	0.00	49.7
West: Yamba Road												
11	T1	516	6.1	0.277	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	50.0
12	R2	7	40.0	0.013	9.0	LOS A	0.0	0.4	0.54	0.66	0.54	43.6
Approach		523	6.6	0.277	0.2	NA	0.0	0.4	0.01	0.01	0.01	49.9
All Vehicles		1151	5.2	0.371	2.1	NA	1.4	10.2	0.07	0.10	0.09	48.5

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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MOVEMENT SUMMARY

▽ Site: 1 [2031 DES PM]

Yamba Road / Orion Drive Priority-Controlled Intersection
 2030 Design Traffic
 PM Peak Hour
 Site Category: (None)
 Giveway / Yield (Two-Way)

Movement Performance - Vehicles												
Mov ID	Turn	Demand Total	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles	Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
South: Orion Drive												
1	L2	18	54.5	0.031	8.7	LOS A	0.1	1.1	0.50	0.66	0.50	43.9
3	R2	32	5.0	0.173	24.4	LOS B	0.6	4.1	0.85	0.94	0.87	37.0
Approach		49	22.9	0.173	18.7	LOS B	0.6	4.1	0.72	0.84	0.73	39.2
East: Yamba Road												
4	L2	69	2.1	0.038	4.6	LOS A	0.0	0.0	0.00	0.53	0.00	46.6
5	T1	426	6.5	0.228	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	50.0
Approach		496	5.9	0.228	0.7	NA	0.0	0.0	0.00	0.07	0.00	49.5
West: Yamba Road												
11	T1	591	5.3	0.316	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	49.9
12	R2	18	25.0	0.026	8.0	LOS A	0.1	0.8	0.52	0.66	0.52	44.3
Approach		608	5.9	0.316	0.3	NA	0.1	0.8	0.02	0.02	0.02	49.8
All Vehicles		1154	6.6	0.316	1.2	NA	0.6	4.1	0.04	0.08	0.04	49.1

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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SECTION 4.15 EVALUATION FOR REV2021/0013
- Lot 2 DP 833711
- Lot 3 DP 833711- Orion Drive YAMBA NSW 2464

Proposal: The Applicant has lodged a Section 8.2 Review of MOD2021/0029 under the *Environmental Planning and Assessment Act 1979*. Modification Application MOD2021/0029 approved an amendment to DA2007/0884 – seniors living. The Application was lodged within the 28 day window, with the Application determined on 3/12/2021. The review seeks to amend and restructure the consent, these items were requested as part of the modification application however were not addressed. The review does not materially change the approved development other than seeking to amend conditions to give certainty to the developer of timing of requirements/reports during the construction process. The only significant change requested is in relation to removal of the intersection requirement.

BACKGROUND OF DEVELOPMENT CONSENT:

Clarence Valley Council approved DA2007/0884 at its Council meeting of 11/12/2007 for 78 Seniors Living dwellings, clubhouse, pool and gymnasium, including the clearing of vegetation and filling of land on Lot 2 & Lot 3 in DP833711, Orion Drive, Yamba. Council received and approved at the November 2021 Council meeting a request for modification of the development approval which proposes to amend the internal road layout, redesign of clubhouse, redesign of house types and removal of the small caravan/boat storage facility to provide room for a third bio-retention basin. The removal of the intersection requirement was not supported.

REQUESTED AMENDMENT: The applicant has submitted a Division 8.2 Application (REV2021/0013) requesting a review of advices and conditions (a full summary of the requested changes and assessment are in the below table).

The Applicant lodged 2 reviews to expedite the assessment time of some matters to enable their certifier to issue an approval to commence works on internal Civil Works. Following a meeting with Council officers, the Applicant has consolidated both reviews into a single application.

Amend Advice 2 to specify that the requirements only apply to the houses

Delete Advices 11-17 and replace with

Compliance with NCC series – Building Code of Australia” – All building work must be carried out in accordance with the requirements of the National Construction Code Series – Building Code of Australia, including access to the building for disabled persons (requirements of SEPP Housing for Seniors or People with a Disability) as in force on the date the application for the relevant construction certificate or complying development certificate was made.

Amend the following Conditions

- 3 – Insert that compliance has been achieved
- 6 – update the PAMP for the site
- 8 – removal prior approval from Council for storage in roadway
- 21 – Amend to refer to external civil works
- 22 – Insert Private Certifying Authority (PCA)
- 24 – Insert PCA
- 27 – Clarify that this is for external works

- 30 – Water/Sewer headworks – update to reflect credits for the site
- 32 – Certificate of Compliance for Water and sewer to also include works for these services
- 34 – Insert PCA
- 39 – rewording to reflect staging plan
- 41 – update condition to require during course of all works
- 42 – Insert PCA
- 46 – Reduce standard for internal roads
- 48 – reflect updated plan for intersection
- 50 – Insert PCA and update engineering guidelines
- 54 – Insert PCA
- 63 – Insert PCA
- 73 – Update to reflect ASS management plan submitted
- 74 – remove reference to aged care facility

Delete the following conditions

- 2 – Surrender of previous consents
- 12 – comply with senior SEPP
- 23 – no works to be undertaken before CC issued
- 27 – civil works defined as works that will become council
- 28 – stormwater to consider upstream and downstream
- 33 – Water reticulation
- 34 – Water Reticulation
- 37 – Civil works in accordance with guidelines and to be submitted with CC
- 38 – Sediment and Erosion Control before CC
- 47 – splays for subdivision
- 49 - Intersection works for Yamba Road Orion Drive
- 53 – vehicular access in accordance with
- 55 – Earthworks in accordance with NR2
- 56 – Damage to Council land to be rectified immediately
- 61 – sewer reticulation
- 64 – installation of sediment and erosion control measures
- 66 – Sediment fence
- 75 – works to be designed in accordance with current standards

Note – the Applicants request to delete some conditions is due to amendment/consolidation of some conditions to provide clear direction of what is required and when.

New Conditions

Separate Staging Plan to staging plan stamped as approved.

(1) Matters for consideration – General

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and**

The proposed amendments as a result of the Division 8.2 Review Application do not change compliance with the environmental planning instruments as considered under the original application of DA2007/0884 or the modification application MOD2021/0029.

- (ii) **any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and**

Nil.

- (iii) **any development control plan, and**

The proposed development is subject to consideration under the Residential Zones DCP. Overall the proposed development was considered to be not inconsistent with the controls of the plan. The proposed amendments as a result of the Division 8.2 Review Application do not change compliance with the DCP as considered under the original application of DA2007/0884 or the modification application MOD2021/0029.

- (iiia) **any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and**

N/A.

- (iv) **the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,**

The Division 8.2 Review complies with the matters prescribed within the regulations.

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.**

There will be no adverse impact on the natural or built environment from a review of conditions requested by the applicant.

- (c) the suitability of the site for the development,**

The site was deemed suitable for the proposed development as approved under DA2007/0884 and as assessed under the modification application, given the scope of the review, the requested changes do not change the suitability of the site.

- (d) any submissions made in accordance with this Act or the regulations,**

The initial application was notified and advertised under the Community Participation Plan, three (3) submissions were received during the exhibition period. The issues raised in submissions include:

- the need to retain parking and facilities to store recreational vehicles (caravans and boats),
- Concern regarding stormwater quality leaving the site,
- Management of cleared vegetation so that is mulched and not burnt,
- Making a contribution to offset cleared vegetation is not the most suitable method for offsetting, revegetation is a better option,
- Concerns regarding filling of land not causing impacts and management of acid sulfate soils during the course of works,
- Concern with permitting a private certifying authority and that they may not adhere to regulations,
- The development is not substantially the same development and that changing to double storey not being accessible,

The issues raised in regards to the review are beyond the scope of what is being requested by the Applicant. Council is unable to revisit items of the proposed development including stormwater, vegetation clearing, parking, filling and whether the modified development is substantially the same development.

(e) the public interest.

The proposed review is considered to be in the public interest by being generally consistent with relevant legislation and policies adopted by Council.

RECOMMENDATION: It is that the consent granted on 7 January 2008 be amended, pursuant to Division 8.2 of the Environmental Planning and Assessment Act 1979 by the details in the table below to clarify to the certifying authority what is necessary for each stage of the development so that a certifying authority can issue the construction certificate.

Officer: Carmen Landers, Acting Development Services Coordinator
Date: 1/03/2022

Table 5 – General Advices to Applicant

Section 1 – General Advices to Applicant			
Advice	Description	Proposed Change to Advice	Council Comments
2	<p>The following Information shall be submitted to the Council or Principal Certifying Authority prior to issue of a Construction Certificate:</p> <ul style="list-style-type: none"> a) Home Owners Warranty Certificate or copy of the Owner Builder Permit b) Structural Engineers details for footings/slabs/structural steel/tie downs and bracing. c) The name and licence number of the builder. 	<p>AMEND ADVICE 2</p> <p>The following Information shall be submitted to the Council or Principal Certifying Authority prior to issue of a Construction Certificate for houses:</p> <ul style="list-style-type: none"> a) Home Owners Warranty Certificate or copy of the Owner Builder Permit b) Structural Engineers details for footings/slabs/structural steel/tie downs and bracing. c) The name and licence number of the builder. 	<p>It is understood that the buildings will be relocatable.</p> <p>Having discussed with the Building Coordinator, the certifier will still bound by some requirements as some of the works are residential.</p> <p>Support change with prior to issue of Building CC to be reflected.</p>
11	All timber used shall comply with the Timber Framing Code AS 1684, in regard to size, spacing, span and method of fixing.	<p>DELETE ADVICES 11-17</p> <p>Compliance with NCC series – Building Code of Australia” – All building work must be carried out in accordance with the requirements of the National Construction Code Series – Building Code of Australia, including access to the building for disabled persons (requirements of SEPP Housing for Seniors or People with a Disability) as in force on the date the application for the relevant construction certificate or complying development certificate was made.</p>	Having discussed with the Building Coordinator, 12 and 13 will be retained
12	The floor level of habitable rooms is to be a minimum of 2.5 meters Australian Height Datum.		
13	<p>A Certificate indicating the height of habitable floors on the ground floor (related to Australian Height Datum) is to be forwarded to the Principal Certifying Authority;</p> <ul style="list-style-type: none"> • In the case of timber floors, on completion of the flooring framing; • In the case of concrete slabs when formwork is in place but prior to pouring concrete. <p>This Certificate is to be provided by a Licenced Surveyor, Certified Engineering Surveyor or Engineering Surveyor approved by the Deputy General Manager of Civil Corporate or the District Health & Building Surveyor.</p> <p>No further work is to be carried out on the building until such Certificate is provided to the Principal Certifying Authority.</p>		
14	The manufacture’s details of details of the Roof Trusses are to be submitted to Council prior to the commencement of this stage of construction.		
15	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 3.7.2 of the Building Code of Australia (Housing Provisions), shall to be installed in the dwelling(Delete)/in each dwelling unity. A licensed electrical contractor’s installation certificate is to be submitted to Council prior to occupation of the dwelling/s.		
16	<p>The construction certificate application must include the following information:</p> <ul style="list-style-type: none"> a) A structural Engineer’s design for all footings, floor slabs, concrete walls, columns, roof and stairs. b) A compliance certificate or other form of documentary evidence from a practicing Structural Engineer confirming the satisfactory fabrication and holding down requirement of the portal frames. c) A compliance certificate or other form of documentary evidence from a Structural Engineer’s certificate to 		

	<p>certify that the building complies with the requirements of the NSW Specification B1.3 of the Building Code of Australia.</p> <p>d) Details for wind bracing and tie down for the building.</p>		
<p>17</p>	<p>The concrete slab floor shall be treated against termites in accordance with AS 3660-1 (2000) (the standard) as follows:-</p> <p>a) NON CHEMICAL – where a non-chemical treatment (physical barriers) is to be used the applicant shall submit details to Council prior to any work commencing.</p> <p>b) CHEMICAL RETICULATION – where a chemical method of treatment is to be used by way of reticulation, details shall be provided to Council for approval prior to installation accompanied by a signed Maintenance Contract with a Pest Control Operator.</p> <p>NB: Applicants and owners are warned to ensure that annual inspection to determine need for treatment should be carried out.</p> <p>c) CHEMICAL TREATMENT – where a chemical method of treatment is to be used by way of hand spray treatment before laying the slab, details shall be provided to the Council for approval prior to installation.</p> <p>WARNING – Applicants and owners are warned that the expected life of the under floor barrier (chemical treatment) is only ten (10) years and of the external barrier (chemical treatment) is only five (5) years. The actual period of protection will depend on factors such as termite hazard, climate and soil conditions.</p> <p>RECOMMENDATION - Council recommends all cases of chemical treatment including chemical reticulation that regular annual inspection be carried out by a licensed Pest Control Operator to determine the need for re-treatment.</p> <p>d) 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 and in accordance with any specific requirements of the Council.</p> <p>e) A durable notice must be permanently fixed to the building in the electricity meter box indicating:</p> <ol style="list-style-type: none"> 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. 		

	NO: The Department of Fair Trading requires a whole house treatment to be carried out and you should contact them for detailed advice.	
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Table 6 – General Conditions of Consent

		Section 2 – General Conditions																																																																																						
Condition	Description	Proposed Change to Condition			Council comments																																																																																			
1	The development shall be completed In conformity with the Environmental planning & Assessment Act, 1979, the Regulations thereunder, and being generally in accordance with the Council approved stamped plan(s) submitted with the Development Application, or where modified by any conditions of this consent.	<p>AMEND CONDITION 1</p> <p>Condition to include supporting documents table. Development in accordance with approved plans;</p> <p>DA2007/0884 Approved 11/12/2007</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Plan Type/ Document</th> <th>Plan No. & Version</th> <th>Prepared By</th> <th>Replace With</th> <th>Reference</th> </tr> </thead> <tbody> <tr> <td>Master Plan</td> <td>DA00</td> <td>Zoran Architecture</td> <td>Palm Lake Works</td> <td>YA-CP-2018 Site Plan – Sheet 01/03</td> </tr> <tr> <td>Control Plan</td> <td>DA01</td> <td>Zoran Architecture</td> <td>Deleted.</td> <td>N/A.</td> </tr> <tr> <td>House Yard – Allotment Type</td> <td>DA04</td> <td>Zoran Architecture</td> <td>Deleted.</td> <td>N/A.</td> </tr> <tr> <td>Clubhouse Plan</td> <td>DA05-DA07</td> <td>Zoran Architecture</td> <td>Parups Waring Architecture</td> <td>20200011 SD900</td> </tr> <tr> <td>Sandalwood Design</td> <td>Sheet B(a,c)-2>5</td> <td>Zoran Architecture</td> <td rowspan="14">Palm Lake Works</td> <td>Antigua</td> </tr> <tr> <td>Riverbank Design</td> <td>Sheet C(a,c)-2>5</td> <td>Zoran Architecture</td> <td>Florenca</td> </tr> <tr> <td>Acacia Design</td> <td>Sheet D(a,c)-2>5</td> <td>Zoran Architecture</td> <td>Marquis</td> </tr> <tr> <td>Willow Design</td> <td>Sheet E(a,c)-2>5</td> <td>Zoran Architecture</td> <td>Palmira</td> </tr> <tr> <td>Pandanus Design</td> <td>Sheet H(a,c)-2>5</td> <td>Zoran Architecture</td> <td>Coolum 3</td> </tr> <tr> <td>Poinsiana Design</td> <td>Sheet I(a,c)-2>5</td> <td>Zoran Architecture</td> <td>Greenvale</td> </tr> <tr> <td>Riverview Design</td> <td>Sheet J(a,c)-2>5</td> <td>Zoran Architecture</td> <td>Harmony</td> </tr> <tr> <td>Riverside Design</td> <td>Sheet K(a,c)-2>5</td> <td>Zoran Architecture</td> <td>Manaboa</td> </tr> <tr> <td>The Vista Design (2-storey)</td> <td>Sheet Q (r,a)-2>5</td> <td>Zoran Architecture</td> <td>Paradise</td> </tr> <tr> <td>Outlook Design</td> <td>Sheet R(a)-2>5</td> <td>Zoran Architecture</td> <td>Retreat</td> </tr> <tr> <td>Gallery Design (2-storey)</td> <td>Sheet S(a)-2>5</td> <td>Zoran Architecture</td> <td>Seabreeze</td> </tr> <tr> <td>Wattle Design</td> <td>Sheet T(a)-2>5</td> <td>Zoran Architecture</td> <td>Surfside</td> </tr> <tr> <td>Banksia Design</td> <td>Sheet U(a,c)-2>5</td> <td>Zoran Architecture</td> <td>Tranquility</td> </tr> <tr> <td>Eucalyptus Design</td> <td>Sheet V(a,c)-</td> <td>Zoran Architecture</td> <td>Deleted.</td> <td>N/A</td> </tr> </tbody> </table>			Plan Type/ Document	Plan No. & Version	Prepared By	Replace With	Reference	Master Plan	DA00	Zoran Architecture	Palm Lake Works	YA-CP-2018 Site Plan – Sheet 01/03	Control Plan	DA01	Zoran Architecture	Deleted.	N/A.	House Yard – Allotment Type	DA04	Zoran Architecture	Deleted.	N/A.	Clubhouse Plan	DA05-DA07	Zoran Architecture	Parups Waring Architecture	20200011 SD900	Sandalwood Design	Sheet B(a,c)-2>5	Zoran Architecture	Palm Lake Works	Antigua	Riverbank Design	Sheet C(a,c)-2>5	Zoran Architecture	Florenca	Acacia Design	Sheet D(a,c)-2>5	Zoran Architecture	Marquis	Willow Design	Sheet E(a,c)-2>5	Zoran Architecture	Palmira	Pandanus Design	Sheet H(a,c)-2>5	Zoran Architecture	Coolum 3	Poinsiana Design	Sheet I(a,c)-2>5	Zoran Architecture	Greenvale	Riverview Design	Sheet J(a,c)-2>5	Zoran Architecture	Harmony	Riverside Design	Sheet K(a,c)-2>5	Zoran Architecture	Manaboa	The Vista Design (2-storey)	Sheet Q (r,a)-2>5	Zoran Architecture	Paradise	Outlook Design	Sheet R(a)-2>5	Zoran Architecture	Retreat	Gallery Design (2-storey)	Sheet S(a)-2>5	Zoran Architecture	Seabreeze	Wattle Design	Sheet T(a)-2>5	Zoran Architecture	Surfside	Banksia Design	Sheet U(a,c)-2>5	Zoran Architecture	Tranquility	Eucalyptus Design	Sheet V(a,c)-	Zoran Architecture	Deleted.	N/A	Additional new condition to be inserted regarding staging plan.
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2	The applicant shall surrender the Development Consents DA93/3007 and DA95/174 in accordance with Section 97 of the Environmental Planning Assessment Regulations 2000 prior to the release of the Construction Certificate for Civil works.	N/A				This should be retained and not deleted. Provide separate to certify that this has been satisfied.
3	The Permit under the Fisheries Management Act for the compensatory wetland area on Part Lot 11 in DP 1029899 shall be approved by the Department of Primary Industries prior to the release of the Construction Certificate for Civil Works.	AMEND CONDITION 3 The development must be carried out in compliance with the conditions detailed in Department of Primary Industries permit 04/196. Compliance with this condition has been satisfied as per documentation listed; <ul style="list-style-type: none"> - Department of Primary Industries letter OUT12/12408 dated 07 June 2012. 				This condition to be retained. Provide separate to certify that this has been satisfied and that there may be responsibilities to be adhered to during works and for plans.
12	The development shall comply with the requirements of SEPP (Housing for Seniors or People with a Disability) 2004.	DELETE CONDITION 12 This is noted in recommendation with conditions 11-17.				Not supported – as the development has been lodged under this the development is required to comply with the SEPP.

Table 7 – Conditions of Consent Prior to the Issue of a Construction Certificate (Section 138) External Works

Section 3 – Prior to the Issue of a Construction Certificate (Section 138) External Works			
Condition	Description	Proposed Change to Condition	Council comment
6	A Pedestrian Access and Mobility Plan (PAMP) to demonstrate options for senior pedestrians to gain access to existing facilities such as the bus stop, shopping centre and medical facilities shall be submitted in accordance with the requirements of the SEPP and approved by the RTA and Council prior to the issue of the Construction Certificate for Civil Works.	AMEND CONDITION 6 The development must be carried out in compliance with Pedestrian Access and mobility plan dated 16 August 2019 prepared by Bitzios Consulting and in accordance with NSW Road and Maritime Services guidelines. Prior to the issue of an occupation certificate, all pathways must be completed to Council's satisfaction. [Internal Note: Footpath connection to be installed section of Yamba rd 250m, Orion drive 400m]	Changed in amended consent under MOD2021/0029- however won't stamp PAMP. Detailed plans will need to be submitted with a Public Works Certificate for works in road reserve before works commence.
21	Occupation of the road reservation is to	AMEND CONDITION 21	No change supported.

	be minimised and where absolutely necessary the appropriate approvals for traffic management and construction traffic shall be obtained and shall be in accordance with the consent conditions of this approval. Any approval shall be in accordance with Section 130 of the Roads Act.	Prior to the issue of an occupation certificate, all road, drainage and civil works, required by the road reserve on Orion Drive must be completed to Council's satisfaction. Each work must be carried out in accordance with council's standard drawings.	Approval from Council is only required if occupation of road reserve by builders, machinery, etc. this does not include works in the road reserve.
22	The control of erosion and silt discharge will involve works and measure on site, and possible additional silt retention works. Detail of proposed control works are to be submitted to and approved by Council prior to the issue of any Construction Certificate.	<u>REV2021/0013</u> Prior to the issue of a Construction Certificate for internal civil works, an erosion and sediment control plan, prepared by a suitably quality person must be submitted to and approved by the principle certifying authority. Control over discharge of stormwater and containment of run-off and pollutants leaving the site must be undertaken through installation of those control devices.	Agree to insert PCA however it will need to also be for works external to the site.
27	Throughout the advices and conditions civil works shall mean works that shall become Council owned and maintained infrastructure.	Delete Condition	To be retained - Can clarify that this is for external works, this is a general advice and is read as such.
39	The payment to Council of the schedule fee for development construction certificate/supervision is required in accordance with the adopted fees and charges current at the time signing the Construction Certificate.	AMEND CONDITION 39 Prior to the issuing of a Civil or Building Construction Certificate for each stage of development, payment of the associated registration fees are to be made in accordance with the Council's current Schedule of Fees and Charges register.	Not supported, retain as is. General advice and this is a general advice and is read as such.
41	Where occupation of the road reserve is proposed a Traffic Control Plan must be prepared and submitted to Council showing how vehicle and pedestrian traffic will be safely managed within the road reserve. This plan must be prepared by a person authorised by the RTA to prepare Traffic Control Plans and must be approved by Council prior to the occupation of the road reserve.	AMEND CONDITION 41 Prior to the commencement of work, a traffic control plan on Orion Drive during construction of the development must be submitted to and approved by Council. The traffic control plan must be designed in accordance with the requirements of the Roads and Traffic Authority's Manual, Traffic Control at Work Sites Version 2, and Australian Standard Australian Standard AS 1742.3: Manual of uniform traffic control devices - Traffic control for works on roads'. The plan must incorporate measures to ensure that motorists using the road adjacent to the development, residents and pedestrians in the vicinity of the development are subjected to minimal time delays due to construction on the site or adjacent to the site. The traffic control plan must be prepared by an accredited person trained in the use of the current version of RTA Traffic Control at Work Sites manual. The approved Construction Traffic Management Plan must be implemented prior to the commencement of work. [Internal Note: Refer to Bitzos	Retain condition as is, TCP only required if occupation of the road reserve proposed.

		Consulting Preliminary Construction Traffic Management Plan dated 23 August 2019.]	
48	The intersection of the internal access road and Orion Drive shall be designed in accordance with Austroads 'Part 5 Intersections at Grade' for the speed zone applicable to Orion Drive and the traffic volumes generated by the subdivision development. Plans for the intersection shall be submitted to and approved by Council prior to the issue of a Construction Certificate for the works. Intersection construction shall form part of the required development works for the site.	<p>AMEND CONDITION 48</p> <p>Prior to the issue of a construction certificate, a turning path plan must be submitted to and approved by the certifying authority.</p> <p>Refer to Westera Partners drawing N18/124 TP dated October 2019.</p> <p>Refer to Bitzos Consulting Preliminary Construction Traffic Management Plan, Appendix B Swept Path Diagrams.</p>	Agree - Remove reference to Austroads and subdivision, require access in accordance with AS2890.1 and swept paths for maximum vehicle. Plan required to be submitted with PWC/driveway application for works in road reserve.
49	Upgrading of the intersection of Yamba Road and Orion Drive shall be provided in accordance with Austroads 'Part 5 Intersections at Grade' for the speed zone applicable to the intersecting roads and the traffic volumes generated by the subdivision development. Plans for the intersection shall be submitted to and approved by Council prior to the issue of a Construction Certificate for the works. The design proposed shall specifically be aimed at reducing the current and future delay times and queue lengths for vehicles turning right into Yamba Road from Orion Drive. Delay times shall be limited to an absolute maximum of 15 seconds per vehicle and queue lengths shall be limited to 6 vehicles. Intersection improvement works shall form part of the required development works for the site.	<p>DELETE CONDITION 49</p> <p>Intersection not necessary based on Bitzos Intersection Assessment File P4239.001T dated 14/08/2019.</p>	Refer to full comments below.
50	All stormwater is to be collected within the property and discharged in accordance with NR2 and the relevant Clarence Valley Council Development Control Plans (Including Paris F, G, H & R). Detailed plans of site drainage and Stormwater Management Plan shall be submitted for assessment and approval by Council prior to issue of a Construction Certificate.	<p>AMEND CONDITION 50</p> <p>All stormwater is to be collected within the property and discharged in accordance with NR2 and the relevant Clarence Valley Council Development Control Plans (Including Paris F, G, H & R). Detailed plans of site drainage and Stormwater Management Plan shall be submitted for assessment and approval by Council prior to issue of a Construction Certificate.</p>	Agree to PCA and to update NR2 to NRDC being the current engineering guidelines.

Table 8 – Conditions of Consent Prior to the Issue of a Construction Certificate for Internal Civil Works

Section 4 – Prior to the Issue of a Construction Certificate for Internal Civil Works			
Condition	Description	Proposed Change to Condition	
23	No work on the site including the removal of vegetation or topsoil may be undertaken until a construction certificate is issued by Council.	<p>DELETE CONDITION 23</p> <p>Internal works will not commence until a construction certificate is issued by certifying authority. Council have notified PLW they will not be issuing a CC for internal works.</p>	To be deleted. Covered by other conditions.
24	The civil works shall be designed and constructed in accordance with Council's Engineering Standards current at the time of approval of Engineering Plans. Approval of Engineering Plans will be current for	<p>AMEND CONDITION 24</p> <p>Prior to the issue of a construction certificate, the engineering plans and specifications must be designed by a qualified practicing civil engineer and to be submitted to the certifying authority for approval. These plans</p>	Council won't stamp plans and these will need to come in with the relevant S68 for works/connection. Will clarify that this is for external works only and

	a period of two years after which time council may require the alteration to Engineering Design to comply with standards current at that date.	must be in accordance with Councils DCP and NRDC.	amend.
25	<p>The current Engineering Standards are ;</p> <ul style="list-style-type: none"> - The Northern Rivers Local Government Development and Design Manual Version 2 (AUS-SPEC) - The Northern Rivers Local Government Construction Manual Version 2 (AUS-SPEC) - The Northern Rivers Local Government Handbook of Stormwater Drainage Design- Draft Version 1. - Sewerage Code of Australia (WSA 02 - 2002) - Water supply code of Australia (WSA03 – 2002 and are referred to hereafter in this document as NR2. 	<p>DELETE CONDITION 25</p> <p>This condition is covered in the above amendment.</p>	<p>Was deleted in modified consent.</p>
30	<p>The following contributions are required for approval under section 68 of the Local Government Act for water reticulation works being new works, upgrading or augmentations that will be of benefit to the development:</p> <p>Payment to Council of the following contribution pursuant to Section 68 of the Local Government Act, 1693:</p> <p>Proposed number of houses.</p> <p>Water Headworks - \$ 4,231 x 76 = \$ 321,556.00</p> <p>Sewer Headworks - \$ 8,482 x 37 = \$ 323,094.00</p> <p>Proposed clubhouse & gym</p> <p>Water Headworks- \$4,231x008x631m2 -\$ 21,358.09</p> <p>Sewer Headworks- \$8,462.00x,013x631m2= \$ 90,754.85</p> <p>Total water Headworks- \$342,914.09</p> <p>Total Sewer Headworks - \$413,848.95</p>	<p>AMEND CONDITION 30</p> <p>The sewer contributions have been paid and noted on letter reference DWS/786356 dated 14 September 2011.</p>	<p>The credit for sewer has been credited on the site in the sewer headworks being half of the water headworks. Council will review the ETs applicable for the development and advice at what time/how many houses are released before Sewer is paid.</p> <p>It is understood all dwellings will be 3 bedroom units.</p> <p>Consistent with current Council adopted rates and assessment of communal facilities in similar types of development, Council does not charge additional headworks for these amenities and facilities as they are only for use by residents, these are to be removed accordingly.</p>
34	<p>A detailed Water Reticulation Management Plan shall be submitted for assessment and approval by Clarence Valley Council, prior to the issue of a Construction Certificate. This shall include details of the internal water reticulation scheme, the hydraulic details and an assessment of the existing water supply to ensure sufficient flows are available for the proposed development including firefighting</p>	<p>AMEND CONDITION 34</p> <p>Prior to the issue of a construction certificate, a detailed water reticulation management plan must be submitted to the certifying authority for approval.</p>	<p>This will need to be submitted with the Section 68 application to demonstrate capacity and hydraulic assessment. Section 68 to be submitted before CC is issued.</p>

	flows. Amended by MOD2008/0018 on 26 March 2008		
37	Full plans showing details of all civil works designed in accordance with NR2 and prepared by a professional engineer or land surveyor approved by the Deputy General Manager Civil and Corporate shall be submitted to Council for assessment and approval, prior to the issuing of a Construction Certificate.	DELETE CONDITION 37 This condition is a duplicate and is covered in amending 24.	Update to clarify for external works only and NR2 to current NRDC requirements.
38	A detailed erosion and sediment control plan which has been prepared by a specialist professional in the area of soil and water management must be submitted to and approved by Council before the Construction Certificate is issued.	DELETE CONDITION 38 This is a duplicate condition.	Agree, duplicate of 22.
42	A Construction Management Plan documenting the proposed method of work within the construction site boundaries with regard to the health and safety of the public and affect on the road reserve must be submitted to and approved by Council prior to the issue of the civil and building construction certificates. If any part of the road reserve or public land is proposed for long term (exceeding 24 hours) inclusion in the construction site boundaries this area must be Identified in the Construction Management Plan. The road reserve is classed as the property boundary to opposite property boundary and includes roadway, nature strip and footpath.	AMEND CONDITION 42 Prior to the issue of a Construction Certificate for internal civil works, obtain approval from the Principle Certifying Authority for a Construction Management Plan documenting the proposed method of work for the applicable stage of development.	Agree to insert PCA.
46	The internal access roads shall have full road construction, 30mm minimum depth of compacted asphaltic concrete surface over a minimum compacted pavement depth of 300mm. The AC mix and depth of pavement shall be designed in accordance with the estimated maximum traffic loading or the ESAs specified in NR2 whichever is the greater.	AMEND CONDITION 46 Internal roads are required to be designed by a civil engineer, with a minimum of 150mm subbase and 150mm thick concrete pavement in accordance with AS3600. Rigid pavement may be amended at the consulting engineers discretion due to site conditions	Car parking, driveways, manoeuvring and access areas must be constructed, sealed, line marked and drained in accordance with AS2890, the relevant parts of the applicable Council DCP and NRDC
47	The provision and dedication of minimum 3 metre by 3 metre splays at the street intersections in the subdivision is required.	The approved seniors housing development was never a subdivision. This condition is outdated and requested to be deleted.	This can be deleted if Orion/Yamba road intersection deleted.
54	The Internal road layout (including turning path) shall be designed to ensure there is adequate provision for domestic and service vehicles to manoeuvre in a forward manner to comply with AS2890.1 Off Street Car Parking. The designs shall be submitted to and approved by Council prior to the issue of a Construction Certificate for any works on the site.	AMEND CONDITION 54 Prior to the issue of a construction certificate, the internal road layout must be designed to ensure adequate provision for domestic and service vehicles to manoeuvre in a forward manner to comply with AS2890.1 Off Street Car Parking and submitted to certifying authority for approval.	Refer to comment for 46 Above, to be a single condition.

55	All earthworks are to be designed and detailed in accordance with NR2 and the relevant Clarence Valley Council Development Control Plans (including Parts F, G, H & R). Detailed plans of earthworks Including an Earthworks Management Plan which should include or be included within the Soil and Water Management Plan shall be submitted to Council for assessment and approval by Council prior to issue of a Construction Certificate. The scope of earthworks should be minimised as much as possible due to the erodible nature of the natural soils.	DELETE CONDITION 55 This condition is a duplicate and can be covered in Condition 24.	Not supported, these are a different set of requirements to condition 24. Agree to update NRDC or accredited PCA
56	The applicant or party acting upon this development consent is to ensure that vehicles or plant associated with the works do not adversely impact on the roadways to such an extent that cause them to become un-trafficable for other road users particularly during wet weather. Any such damage is to be rectified immediately.	DELETE CONDITION 56 This condition is included in a section 138 construction certificate application.	Not supported, this is a general requirement on all applications should the contractors damage the road reserve during the course of works.
61	A detailed Sewerage Reticulation Management plan shall be submitted for assessment and approval by Council, prior to the issue of a Construction Certificate.	DELETE CONDITION 61 Restricts a private certifier from signing off private sewer should be able to be signed off by the principle certifying authority Results in a duplicate of conditions 32-34. Proposed amended condition 32 covers requirements under condition 61.	Not supported. This will need to be submitted with the Section 68 application to demonstrate capacity and hydraulic assessment. S68 to be approved before issue of CC.

Table 9 – Conditions of Consent Prior to the Commencement of Works

Section 4 – Prior to the Commencement of Works			
Condition	Description	Proposed Change to Condition	
63	No work on the site including the removal of vegetation or topsoil may be undertaken until the erosion and sediment controls are in place in accordance with the approved erosion and sediment control plan.	AMEND CONDITION 63 Prior to the issue of a construction certificate, an erosion and sediment control plan prepared by a suitably qualified person must be submitted to and approved by the certifying authority. Control over discharge of stormwater and pollutants leaving the site must be undertaken through the installation of erosion control devices such as filter fences, hay bale barriers, sedimentation basins.	No change supported.
66	A sediment control fence must be installed at the down slope perimeters of the disturbed area to prevent sediment and other debris from leaving the site.	DELETE CONDITION 66 This condition is covered in amending 63.	Deletion supported – controls to be installed as per approved plan.

Table 10 – Conditions of Consent to be Satisfied During Works

Section 5 – Conditions to be Satisfied During Works			
Condition	Description	Proposed Change to Condition	
8	Site Safety Preparation and Management Building equipment	AMEND CONDITION 8 Site Safety Preparation and	Not supported, this is a general requirement of all developments

	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.	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.	that if occupation of the road reserve is required for material, machinery and the like prior approval from CVC as roads authority is required.
64	All sediment and erosion control measures are to be constructed to prevent sediment from leaving the site or entering downstream properties, drainage lines, watercourses or environmentally sensitive areas. Control measures are to be constructed in accordance with the approved Erosion and Sediment Control Plan for the site.	DELETE CONDITION 64 This condition is covered in amending Condition 63.	Change not supported as this requires installation of sed/eros measures in accordance with approved plans.
65	Disturbance of the site must only occur on areas indicated on the approved plans.	DELETE CONDITION 65 If this condition is to remain, reword or combine with earthworks conditions.	Already deleted in notice of determination

Table 11 – Conditions of Consent Prior to the Issue of an Occupation Certificate

Section 6 – Prior to the Issue of an Occupation Certificate			
Condition	Description	Proposed Change to Condition	
32	A certificate shall be submitted to Clarence Valley Council stating that the development complies with the requirements under Part 3 Clause 16 of the Local Government (Water Services) Regulation 1999, In regard to water supply.	This condition has no timing allocation to demonstrate compliance and is duplicated in conditions 33 and 34. We propose the condensing of conditions 32-34.	This refers to certificate compliance which is Council's current method of Tracking Sewer/Water Contributions and required before OC. To be updated accordingly. To be deleted and included in Condition 30.
45	The applicant must provide at their own cost, underground electricity to the requirements of Country Energy or other recognized electricity provider to all dwellings within the development site Prior to the Issue of any Occupation Certificate, Council will require satisfactory evidence that all contributions to Country Energy for underground electricity have been lodged and all requirements of that Authority have been compiled with for the whole development site.	AMEND CONDITION 45 Prior to the issue of an occupation certificate, the applicant is responsible to provide underground electricity in accordance with the requirements of the electricity supply authority.	Already amended in notice of determination

New Conditions			
Condition	Description	Proposed Change to Condition	Council comments
73	Where the development is subject to acid sulfate soils, the appropriate treatment of the works shall be detailed in accordance with Council and the NSW Acid Sulfate Soil Management Advisory Committee requirements and Acid Sulfate Soils Manual		To be updated to reflect ASS management plan submitted with MOD2021/0029.
74	An amended waste management plan for the ongoing operation of the aged care facility shall be submitted to Clarence Valley Council and approved prior to issue of the Building Construction Certificate. The approved waste	This condition refers to the development being an aged care facility. This is incorrect, we would appreciate 'aged care facility' being amended to refer to 'development' or 'seniors living estate' as defined by the approval land use.	Agree to change in definition and to insert relevant stage.

	management plans shall be complied with during the demolition, construction and ongoing operation of the aged care facility. All waste management facilities in the development shall be in place prior to the issue of the Occupation Certificate		
75	The civil works shall be designed and constructed in accordance with Council's Engineering Standards current at the time of approval of Engineering Plans. Approval of Engineering Plans will be current for a period of two years after which time Council may require the alteration to Engineering Design to comply with standards current at that date.		Delete. This is a duplicate of an existing condition.
76	All building construction below habitable flood levels shall be of flood compatible materials.		
77	The dwellings shall comply with the Australian Building Codes Board Standard for Construction of Buildings in Flood Hazard Areas. A Structural Engineers certificate shall be submitted prior to issue of the construction certificate to verify the dwellings will withstand the likely forces imposed on them by a 1:100 year flood event including hydrostatic, hydrodynamic, debris, wave, erosion and scour actions.		
78			New Condition to be inserted regarding development to be carried out in accordance with the approved staging plan.

Comments regarding Condition 49:

The significant request of both the modification and current review relates to Condition 49 requiring Orion Drive/Yamba Road intersection works. The Applicant has requested this be deleted and has not offered any works to compensate the removal.

49. *Upgrading of the intersection of Yamba Road and Orion Drive shall be provided in accordance with Austroads 'Part 5 Intersections at Grade' for the speed zone applicable to the intersecting roads and the traffic volumes generated by the subdivision development. Plans for the intersection shall be submitted to and approved by Council prior to the issue of a Construction Certificate for the works. The design proposed shall specifically be aimed at reducing the current and future delay times and queue lengths for vehicles turning right into Yamba Road from Orion Drive. Delay times shall be limited to an absolute maximum of 15 seconds per vehicle and queue lengths shall be limited to 6 vehicles. Intersection improvement works shall form part of the required development works for the site.*

Condition 49 is specific as it requires works to reduce wait times for a right turn from Orion Drive onto Yamba Road. The original condition required a form of upgrading to the Orion Drive and Yamba Road intersection in order to achieve a maximum delay time of 15 seconds for the right

turn movement as well as a maximum queue length of 6 vehicles. This was consistent with the existing modelled condition for the Orion Drive and Yamba Road intersection as documented in the original traffic assessment report (see attachments) . The original report estimated that with the additional development traffic, the maximum delay would increase to 58 seconds. With this in mind, the condition was likely imposed so that the existing delay time would be maintained so that the post development delay time was no worse than the pre development wait time i.e. no impact on the intersection.

The original traffic study submitted in 2008 was presented to Council's Traffic Committee, a representative of the RTA attended the meeting. The committee identified the intersection of Yamba Road and Orion Drive has an existing protected right turn bay and a left turn deceleration lane. Yamba road infrastructure was considered adequate for the proposed development. However, at peak times it would become difficult to turn right out of Orion Drive to travel east into Yamba Road. This issue is confirmed in the traffic modelling undertaken as part of the traffic study. The proposed construction of the roundabout on Yamba Road just to the west of Orion Drive will allow residents turning out of Orion Drive to turn left and utilise the roundabout to turn around to travel east.

Both the original report and the current iteration indicate that the maximum 15 second wait time can not be achieved with the current intersection treatment. It is noted that the degree of saturation of the intersection, is within good operating conditions. It was considered at the time that the only treatment that would improve this intersection would be construction of a roundabout at the Orion Drive/Yamba Road intersection.

Council at their November 2021 meeting resolved to support the recommendation of staff to not support removal of Condition 49 on the basis that the intersection would be at capacity and require upgrading. This decision was based on the report prepared by the Applicant which underestimated traffic growth on Yamba Road and background traffic from the Orion Drive catchment.

As part of this review, Council officers have liaised with the Applicant to set the parameters required to analyse both the current level of service for the intersection, the development and future growth on Yamba Road. Council has consistently adopted a cumulative 3.5% traffic growth rate for Yamba Road when considering all development within the Yamba Road traffic catchment. This is representative of the traffic nature and context of Yamba which generates additional peak traffic volumes around public and school holidays which is due to influxes of visitors to the Yamba area. In addition to this, the 3.5% growth rate has been adopted to consider the additional traffic generated through the future development of West Yamba Urban Release Area and Yamba Quays development.

The applicant has completed a revised traffic impact assessment and intersection analysis based on Council's requested updated background traffic surveys within the more central areas of Yamba to provide a more conservative and accurate representation of the potential traffic volumes for the Orion Drive catchment. The two (2) scenarios modelled are discussed below.

Results:

Scenario 1:

Analysis of the sensitivity test focused particularly on the right turn exiting Orion Drive onto Yamba Road as the worst performing movement at the intersection.

Table 3.1: Scenario 1 (1.5%p.a.) SIDRA Results Summary

Approach	AM Peak			PM Peak		
	LOS	Delay (s)	Queue (veh)	LOS	Delay (s)	Queue (veh)
2022 Design Traffic						
L Orion Drive (S)	A	6.8	0.1	A	6.4	0
R Orion Drive (S)	B	19.5	1.3	B	18.5	0.3
L Yamba Road (E)	A	4.6	0	A	4.6	0
T Yamba Road (E)	A	0.1	0	A	0.1	0
T Yamba Road (W)	A	0.1	0	A	0.1	0
R Yamba Road (W)	A	6.9	0	A	6.7	0.1
2032 Design Traffic						
L Orion Drive (S)	A	7.3	0.1	A	6.8	0.1
R Orion Drive (S)	B	27.7	1.7	B	243	0.4
L Yamba Road (E)	A	4.6	0	A	4.6	0
T Yamba Road (E)	A	0.1	0	A	0.1	0
T Yamba Road (W)	A	0.1	0	A	0.1	0
R Yamba Road (W)	A	7.4	0	A	7.2	0.1

Figure: Bitzios Traffic Impact Statement

Based on the above analysis, under the 1.5% growth rate for Yamba Road, the intersection will operate at a level of service B for the right turn movement. It is noted that the delay for the right turn movement reaches a maximum of 27.7 seconds in the AM peak, 12.7 seconds over the maximum 15 seconds specified in the original condition.

Scenario 2:

Analysis used a theoretical growth rate of 3.5%p.a. on Yamba Road and the theoretical traffic volume on Orion Drive to test the worst-case scenario for the Yamba Road intersection (i.e. the 10-year design horizon plus Witonga Drive intersection). Yamba Road traffic at the Orion Drive intersection has been reduced based on the level of traffic using the future Witonga Drive roundabout to determine the reduced impacts on the intersection. This is considered acceptable.

Table 3.2: Scenario 2 (3.5% p.a. + Witonga Drive roundabout) SIDRA Results Summary

Approach	AM Peak			PM Peak		
	LOS	Delay (s)	Queue (veh)	LOS	Delay (s)	Queue (veh)
2032 Design Traffic						
L Orion Drive (S)	A	7.3	0.1	A	7.5	0.1
R Orion Drive (S)	C	37.7	2.1	B	28.5	0.5
L Yamba Road (E)	A	4.6	0	A	4.6	0
T Yamba Road (E)	A	0.1	0	A	0.1	0
T Yamba Road (W)	A	0.2	0	A	0.2	0
R Yamba Road (W)	A	7.5	0	A	7.8	0.1

Figure: Bitzios Traffic Impact Statement

Analysis used a theoretical growth rate of 3.5%p.a. on Yamba Road and the theoretical traffic volume on Orion Drive to test the worst-case scenario for the Yamba Road intersection (i.e. the 10-year design horizon plus Witonga Drive intersection). Yamba Road traffic at the Orion Drive intersection has been reduced based on the level of traffic using the future Witonga Drive roundabout to determine the reduced impacts on the intersection. The analysis under the 3.5% growth rate for Yamba Road with reduced traffic movements based on the Witonga Drive roundabout, the intersection will operate at a level of service C for the right turn movement. It is noted that the delay for the right turn movement reaches a maximum of 37.7 seconds in the AM peak, 22.7 seconds over the maximum 15 seconds specified in the original condition.

Based on previous reports provided with the modification application, it is known that the right turn movement mentioned in condition 49 for the Orion Drive / Yamba Road intersection will operate at capacity (Level of Service D) , assuming the 3.5% compounding growth over a design horizon of 10 years. Level of Service is a term used to categorise what length of delay at an intersection is acceptable before treatment to that intersection is required i.e. turning lanes, traffic lights, roundabout or an additional lane. However delay times for each type intersection is different and considered on merit by factoring in but not limited to queue length, type of intersection (give way, stop, signalised, roundabout), number of lanes, traffic flow, type of road (urban, major, minor or rural) and heavy vehicle use. It is desirable that any intersection design achieve a Level of Service C during weekdays and Level of Service D on weekends however this is not mandatory.

As noted above, the wait time for the right turn movement in question is directly affected by the westbound traffic along Yamba Road and can only be improved by either changing the intersection treatment (turning lanes, roundabout or traffic lights) or reducing the traffic volumes. Based on previous reports provided with the modification application, it is known that the right turn movement mentioned in condition 49 for the Orion Drive / Yamba Road intersection will operate at a Level of Service D or at capacity if left untreated, assuming the 3.5% compounding growth over a design horizon of 10 years.

The construction of the future round-a-bout at Witonga Drive / Yamba Road to the west of the Orion Drive / Yamba Road intersection will have a beneficial impact by reducing wait times for right turn movements out of Orion Drive (critical movement) through an increase in spacing and gap length of vehicles travelling along Yamba Road and reducing wait time for right turn movements out of Orion Drive. Thus achieving a better level of service. It is also worth noting that the traffic modelling indicates that the existing intersection treatment is operating well within the maximum vehicle delay of 6 (analysis shows 2.1 vehicles for right turn movement).

The additional analysis shows that with the construction of the Witonga Drive roundabout, likely to occur within the design horizon of 10 years (as modelled), will reduce the wait times for the right turn movement and thus reduces the level to within capacity (Level of service to C). Council staff are currently assessing a Subdivision Works Certificate for the construction of the round-a-bout and it is likely that the proposed roundabout will be operational within the next 2 to 3 years.

The existing intersection treatment at Orion Drive and Yamba road has limited possibility in alteration to improve the delay for the right turn movement. To achieve significant reduction in delay time would require upgrade to a roundabout or installation of traffic lights. With this in mind, it is unclear the implications and effects that traffic lights or an additional roundabout would have on the local network and its functionality. The only possible alteration of the existing intersection treatment would be to formalise the right turn and left turn lanes in Orion Drive. This would

eliminate some vehicles turning left from the total queue, thus slightly reducing delays and queue lengths for the right turn movement.

The removal of condition 49 has been requested by the applicant based on the level of service C and wait time of 37.7 seconds being an acceptable operating condition which is reliant on the installation and operation of the Witonga drive roundabout within the 10 year design horizon.

It is acknowledged that the original requirements of condition 49 have been put on the development to ensure that the intersection of Orion Drive and Yamba road will operate within an acceptable level of service withstanding that the installation of the future Witonga Drive roundabout will result in the existing intersection treatment to be sufficient. The additional information and intersection analysis have confirmed this as the modelling, along with supplementary reports, shows that the installation of the Witonga Drive roundabout results in a decrease in delay for the right turn movement.

Based on the above, it is considered that additional line marking and formalisation of right turn and left turn lanes out of Orion Drive onto Yamba Road, as per Figure 1 below, will alleviate effects on the intersection right turn movement as a result of the development in addition to the future installation of the Witonga Drive roundabout, as originally foreseen with the original development application. Additionally, the installation of a roundabout at the Orion Drive and Yamba Road intersection is no longer supported due to installation and locations of the Witonga and Treelands Drive roundabouts. As such, Condition 49 is not supported for removal but recommended to be amended to provide certainty as to the required works as follows:

49. *Upgrading of the intersection of Yamba Road and Orion Drive **to provide for formalized right and left turn lanes, of appropriate lengths, on Orion Drive** shall be provided in accordance with Austroads 'Part 5 Intersections at Grade' for the speed zone applicable to the intersecting roads and the traffic volumes generated by the subdivision development. Plans for the intersection shall be submitted to and approved by Council prior to the issue of a **PWC Construction Certificate for the works**. The design proposed shall specifically be **aimed armed** at reducing the current and future delay times and queue lengths for vehicles turning right into Yamba Road from Orion Drive. **Delay times shall be limited to an absolute maximum of 15 seconds per vehicle and queue lengths shall be limited to 6 vehicles.** Intersection improvement works shall form part of the required development works for the site **prior to Stage 1A.***

ITEM 07.22.040 MOD2021/0085 - MODIFICATION OF SUB2006/0017 TO ALTER LOT SIZES - 46 MCHUGH STREET, GRAFTON

Meeting	Council	22 March 2022
Directorate	Environment & Planning	
Prepared by	Trainee Planner, Alex Clark	
Attachments	A. Proposed Plan ↓ B. Section 4.55 Amendment Report ↓ C. Development Consent SUB2006/0017 ↓	

SUMMARY

<i>Applicant</i>	A. Fletcher & Associates Pty Ltd
<i>Owner</i>	Hallmark Grafton Pty Ltd
<i>Address</i>	46 McHugh Street Grafton
<i>Submissions</i>	Nil

Council has received a Section 4.55(1A) application MOD2021/0085 to modify Development Consent SUB2006/0017 for a boundary adjustment (two (2) lots) previously determined by resolution at Council's Ordinary Meeting on Tuesday 18 April 2006. The proposal is to alter the approved boundaries and lot sizes, removing the need to demolish the existing dwelling.

As the proposed modification seeks to change an approval previously made by Council, a recommendation is provided for Council's consideration in accordance the currently delegations of authority.

OFFICER RECOMMENDATION

That Council approve Section 4.55 Application MOD2021/0085 to subject to the draft Advices and Conditions contained in Schedule 1.

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership

Objective We will have a strong, accountable and representative Government

KEY ISSUES

Development Application SUB2006/0017 for a Boundary Adjustment between two (2) lots was determined by resolution at Council's Ordinary Meeting on Tuesday 18 April 2006. Consistent with the limits to Council's officer delegations, the Development Application was determined by Council, and requires Council determination for the modification application.

The modification application seeks to reduce the size of Lot 40 from 762.50m² to 516.60m², with a commensurate increase in size to Lot 41, and increase the width of the access handle of Lot 41 from 5m to 8.145m. The changes to the approved boundary adjustment will result in the existing dwelling and double garage being retained and not requiring demolition. The proposed 516.60m² is considered to be acceptable and in keeping with the character of the area, with numerous lots approximating 500m² located in the McHugh Street vicinity.

The proposal is minor in nature, resulting in substantially the same development and has a reduced impact by removing the need for demolition. Other conditions are recommended to be deleted or amended that relate to the previously proposed demolition. Therefore, the Section 4.55(1A) modification application is recommended for approval.

BACKGROUND

Council provided the applicant written confirmation of commencement of SUB2006/0017 by letter dated 14 December 2011, meaning the approval has not lapsed and remains in effect.

MOD2021/0085 was lodged with Council on 31 January 2022 to modify Development Consent SUB2006/0017 and proposes changes to the approved lot sizes and access handle width. The subject land is zoned R1 General Residential and is located within a heritage conservation area under *Clarence Valley Local Environmental Plan 2011* (the LEP). The R1 zone does not have a minimum lot size.

The modification did not require notification under Council's Community Participation Plan and as such, no submissions were received.

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 and Regulation

Environmental Planning and Assessment Act, 1979
Environmental Planning and Assessment Regulation 2000
State Environmental Planning Policy No 55 - Remediation of Land
Clarence Valley Local Environmental Plan 2011
Residential Zones Development Control Plan (DCP)

Consultation

N/A

Legal and Risk Management

Should the Applicant be dissatisfied with Council's decision, they have a right to 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*. Native Title has been extinguished because the land is private freehold, therefore Native Title is not impacted by the proposal.

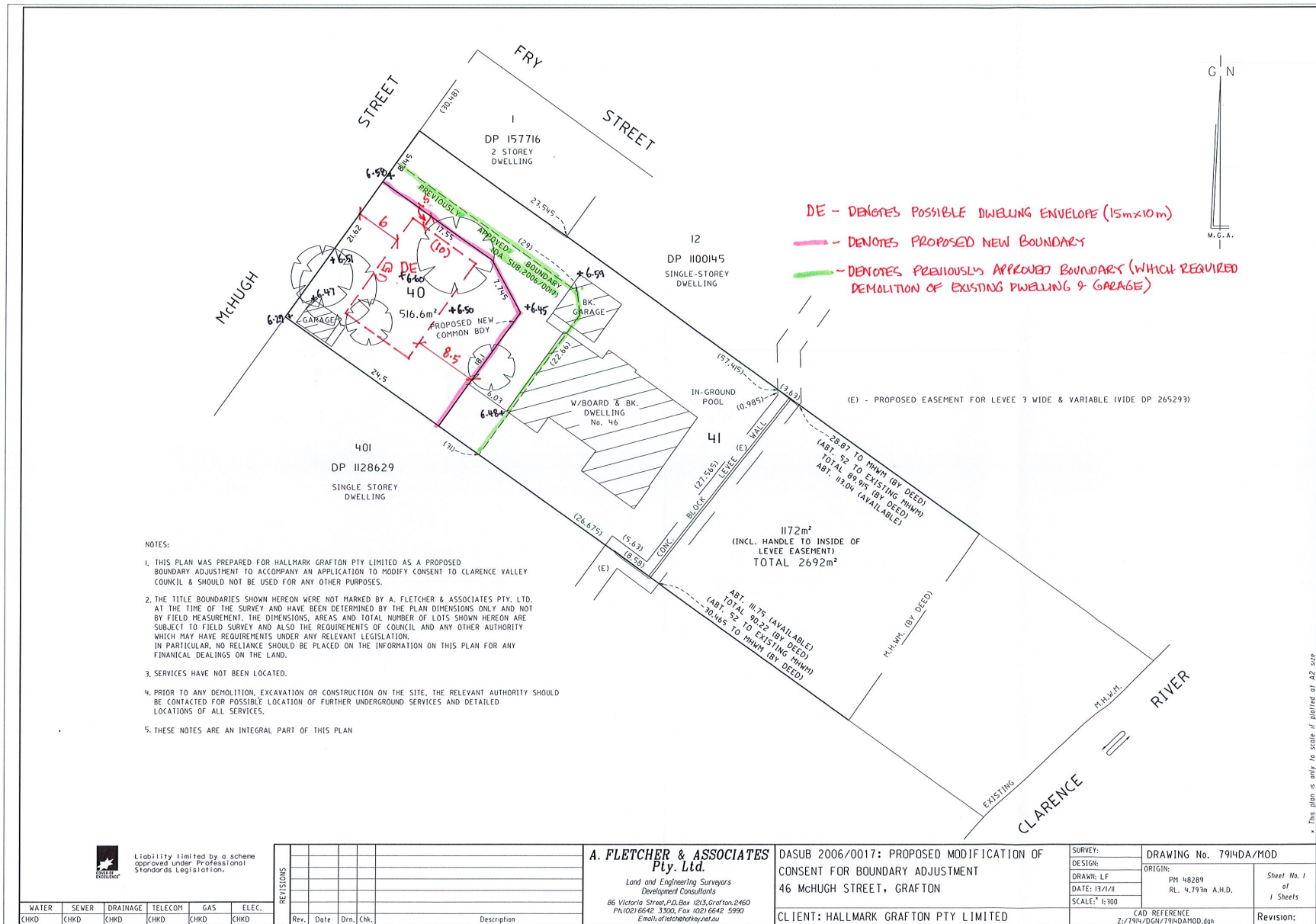
Climate Change

The alterations to lot sizes subject of the amendment, will enable retention of the existing dwelling therefore, not requiring demolition or construction of a new dwelling which will result in a reduced carbon footprint on climate change than that originally approved.

Schedule 1 – Draft Advices and Conditions

- Delete advice A3.31
- A3.34 ~~Demolition of the building is to be carried out in accordance with the provisions of AS2601.~~
- Delete advice A3.30
- A3.30 ~~Asbestos sheeting is to be removed and disposed of to the requirements of the EPA and Workcover.~~
- Amend condition 1 to include the modified stamped plans.
- 1 The development being completed in conformity with the Environmental Planning & Assessment Act, 1979, the Regulations thereunder, the Building Code of Australia and being generally in accordance with Drawing numbered 7914 DA/MOD (~~Revision A~~), dated ~~4 December 2005~~ 13/1/11, one (1) sheet, drawn by A Fletcher & Associates Pty Ltd, as amended in red, or where modified by any conditions of this consent.
- (Reason: To comply with Legislative requirements).*
- Delete condition 2, 3, 4, 5, 6, 7, 8, 9
- 2 ~~Site Safety Preparation and 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.~~
- (Reason: To ensure minimal disruption to pedestrian and vehicular traffic).*
- 3 ~~Toilet Facilities: 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:~~
- i. A standard flushing toilet, connected to a public sewer, or
 - ii. An approved temporary chemical closet.
- ~~The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.~~
- (Reason: To ensure adequate toilet facilities are provided).*
- 4 ~~Signage: A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:~~
- a) ~~Stating that unauthorised entry to the work site is prohibited, and~~
 - b) ~~Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside of working hours.~~
 - c) ~~Any such sign is to be removed when the work has been completed.~~
- (Reason: To ensure visitors are aware of entry requirements and provided a contact number for enquiries).*
- 5 ~~A sediment control fence must be installed at the downslopes perimeter of the disturbed area to prevent sediment and other debris from leaving the site.~~
- 6 ~~Adequate fencing shall be erected during demolition works to prevent unauthorised access to the site.~~
- (Reason: Safety)*

- 7 ~~Demolition materials shall be reused wherever possible or taken to a second-hand timber yard or similar (eg. Weatherboards, sandstock bricks, roof tiles etc).~~
~~1.—~~
~~2.— (Reason: Reduction in waste to landfill)~~
- 8 ~~A suitable enclosure shall be provided on site, during construction, for depositing waste materials that could become wind blown.~~
~~(Reason: Litter prevention)~~
- 9 ~~Where the work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves enclosure of a public place, the following must be provided:~~
~~— A hoarding or fence must be erected between the work site and the public place.~~
~~— If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.~~
~~— The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.~~
~~— Any such hoarding, fence or awning is to be removed when the work has been completed.~~
~~A garbage receptacle fitted with a tight fitting lid for the reception of all food scraps and papers from the site shall be provided prior to building work commencing and shall be maintained and serviced for the duration of the work.~~
~~(Reason: To ensure that pedestrian traffic is directed safely around the work site and to protect the amenity of the surrounding area).~~
- Amend condition 14 and 15 to remove mention of Construction Certificate.
- 14 ~~The amount of contributions payable pursuant to Condition Numbers 15 and 16 shall remain fixed for a period of 12 months from the date of this consent. Thereafter, the amount payable shall be in accordance with the current rate adopted by Council at the time that the Construction Certificate or Subdivision Certificate is submitted to Council.~~
~~(Reason: To ensure that contributions reflect costs at time of developments in accordance with Council's Section 94 Contributions Plan).~~
- 15 ~~Payment to Council of a non-refundable contribution of \$744.00 for the provision of recreational and cultural facilities by the Council. Such contribution to be paid prior to the release of the Subdivision Certificate/Construction Certificate.~~
~~(Reason: To assist Council in providing for the recreational and community needs of the increased population resulting from this development cont).~~
- Amend condition 16 and insert prior to issue of the Subdivision Certificate.
- 16 ~~Payment to Council of a non-refundable contribution of \$36.00 towards the future provision of bus shelters in the area prior to issue of the Subdivision Certificate.~~
~~(Reason: To assist Council in the provision of bus shelters to cater for the increased population density in the area).~~
- Delete condition 19
- 19 ~~The dwelling house and brick garage buildings shall be demolished prior to issue of a Subdivision Certificate.~~
~~(Reason: Building Code of Australia)~~



This plan is only to scale if plotted at A2 size

**SECTION 4.55 AMENDMENT
FILE REPORT FORM**

FILE NO:	SUB2006/0017
APPLICATION:	MOD2021/0085
APPLICANT:	R A. Fletcher & Associates Pty Ltd
OWNER:	Hallmark Grafton Pty Ltd
LEGAL DESCRIPTION:	Lot 46 DP 1098182
PROPERTY ADDRESS:	46 McHugh Street GRAFTON NSW 2460
APPROVED DEVELOPMENT:	SUB2006/0017 – Boundary Adjustment (2 lots)

REQUESTED AMENDMENT: The applicant has requested an Amendment under Section 4.55(1A) of the Environmental Planning & Assessment Act, in relation to:

- Reduce the size of Lot 40 from 762.50m² to 516.60m², with a commensurate increase in the size of Lot 41.
- Increase the width of the access handle of Lot 41 from 5m to 8.145m.
- Not requiring demolition of the existing dwelling and double garage.

ADVERTISING REQUIRED UNDER DCP OR REGULATION?

No, the modification application was not notified in accordance with Council's Community Participation Plan (CPP). Therefore, no submissions to the modification were received.

DETAILS:

The applicant seeks to modify the notice of determination by the following:

- Reduce the size of Lot 40 from 762.50m² to 516.60m², with a commensurate increase in the size of Lot 41.
- Increase the width of the access handle of Lot 41 from 5m to 8.145m.
- Not requiring demolition of the existing dwelling and double garage.

BACKGROUND OF DEVELOPMENT CONSENT:

Development Application SUB2006/0017 for boundary adjustment (2 lots) was approved 12 May 2006 by resolution at Council's Ordinary Meeting on Tuesday 18 April 2006.

SECTION 4.15 EVALUATION:

(1) **Matters for consideration—general**

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:

(i) any environmental planning instrument, and

Clarence Valley Local Environmental Plan 2011

The subject land is zoned R1 General Residential under the LEP and the proposed development was deemed to comply under the assessment for SUB2006/0017 approved 12 May 2006.

Clause 2.6: Subdivision – consent requirements:

The changes proposed will alter the lot sizes and are greater than 10% not meeting the exempt requirements for R1 zoned land under the exempt SEPP. The proposed changes will reduce the impact of the overall proposal.

Clause 4.1: Minimum subdivision lot size

No minimum lot size applicable to R1 zone, proposed lot size changes will not result in an undersize lot.

Clause 4.3: Height of Buildings:

No changes proposed.

Clause 5.10: Heritage Conservation:

The subject land is within a Heritage Conservation Area therefore the proposed works require consent under subclause (2) (f).

An assessment of the heritage provisions was undertaken as part of the assessment for SUB2006/0017, although the subdivision will alter the surrounding streetscape and built environment, the proposed modification is minor and likely to reduce the overall impact of the development.

In conclusion, there is no significant impact resulting from the proposal due to the minor nature of the amendments to the lot sizes, an improved planning outcome may result from the changes because there will be no requirement for demolition of the existing dwelling.

Clause 5.21: Flood planning:

The proposed modifications are deemed to be minor in nature. The proposal is unlikely to result in an increased risk to human life or property and not create flood impacts or change existing flood behaviours.

Part 6: Urban Release Areas:

Not located in an urban release area.

Clause 7.1: Acid Sulfates Soils:

The proposed modification will not result in any disturbance or impact on acid sulfate soils.

Clause 7.2: Earthworks:

No earthworks proposed. The original subdivision proposal will require excavation for provision of services; however, this is likely to be minor works.

Clause 7.4: Floodplain Risk Management:

The proposed modifications are deemed to be minor in nature. The proposal is unlikely to result in an increased risk to human life or property and not create flood impacts or change existing flood behaviours.

Clause 7.8: Essential Services:

Access via the handle will be improved by the increase in width, no further changes proposed.

State Environmental Planning Policy (Coastal Management) 2018

The proposal is considered consistent with the SEPP and there have been no changes that would adversely impact the river foreshore access, view loss and visual amenity. Furthermore, the lot size changes are deemed to be minor in nature and will not adversely impact the surrounding built environment.

- (ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and

N/A – There were no draft EPIs relevant to the proposal during the assessment process and there no current draft EPIs.

- (iii) any development control plan, and

Residential Zones Development Control Plan

The proposed development was deemed to comply with the Residential DCP under the assessment for SUB2006/0017 and the proposed modification does not result in any non-compliance. There are no significant changes to the approved development, and the changes to lot sizes will not result in non-compliance with the provisions of Part C such as setbacks, landscaped area, private open space as demonstrated by the provision of a 15m x 10m dwelling envelope on the proposed plan of subdivision. Therefore, the modification is considered consistent with the Residential Zones DCP.

- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

N/A

- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates

The proposal to change the lot sizes removing the requirement to demolish the existing dwelling and double garage is deemed to be minor in nature and result in an improved planning and sustainable outcome. Due to the minor nature of the modification the development will remain substantially the same as originally approved.

Therefore, the proposal is not inconsistent with the *Environmental Planning and Assessment Regulation 2000 – Clause 115 Application for modification of development consent and Clause 117 Modification of consent involving minimal environmental impact*.

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

The proposed modification will enable improved provision of access via the handle and remove the requirement for demolition of the existing dwelling and double garage. The minor nature of the changes to the lot sizes and boundary locations are deemed to improve development outcomes within the built environment and heritage conservation area. The modified proposal is not considered to have significant impacts.

- (c) the suitability of the site for the development,

Site suitability for the development was assessed under SUB2006/0017 and determined suitable by Council resolution. The modification is not considered to change the suitability of the site for the development.

- (d) any submissions made in accordance with this Act or the regulations,

The proposed modification application was not notified in accordance with Council's Community Participation Plan (CPP) due to the minor nature of the proposed modifications. No submissions to the modification were received.

- (e) the public interest.

The proposed modification is minor in nature, changing the approved lots sizes to allow retention of the existing dwelling and double garage, removing the need for demolition of the dwelling and double garage, creating new construction. The proposed modification is deemed to be in the public interest.

SECTION 4.55(1A): Section 4.55 provides that where the development, the subject of consent, will be substantially the same, the consent may be amended. The requested amendment is reasonable and does not substantially change the approved development. In this instance the consent can therefore be amended under section 4.55(1A).

RECOMMENDATION: It is recommended that the consent granted on 12 May 2006 be amended, pursuant to section 4.55(1A) of the Environmental Planning and Assessment Act 1979, by modifying the development consent and approved plans. The consent will be modified by:

- Delete advice A3.31
- ~~A3.31 Demolition of the building is to be carried out in accordance with the provisions of AS2604.~~
- Delete advice A3.30
- ~~A3.30 Asbestos sheeting is to be removed and disposed of to the requirements of the EPA and Workcover.~~
- Amend condition 1 to include the modified stamped plans.
- 1 The development being completed in conformity with the Environmental Planning & Assessment Act, 1979, the Regulations thereunder, the Building Code of Australia and being generally in accordance with Drawing numbered 7914 DA/MOD (~~Revision A~~), dated ~~4 December 2005~~ 13/1/11, one (1) sheet, drawn by A Fletcher & Associates Pty Ltd, as amended in red, or where modified by any conditions of this consent.
- (Reason: To comply with Legislative requirements).*
- Delete condition 2, 3, 4, 5, 6, 7, 8, 9
- ~~2 Site Safety Preparation and 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.~~
- (Reason: To ensure minimal disruption to pedestrian and vehicular traffic).*
- ~~3 Toilet Facilities: 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:~~
- ~~i. A standard flushing toilet, connected to a public sewer, or~~
- ~~ii. An approved temporary chemical closet.~~
- ~~The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.~~
- (Reason: To ensure adequate toilet facilities are provided).*
- ~~4 Signage: A sign must be erected in a prominent position on any work site on which~~

~~work involved in the erection or demolition of a building is being carried out:~~

- ~~a) Stating that unauthorised entry to the work site is prohibited, and~~
- ~~b) Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside of working hours.~~
- ~~c) Any such sign is to be removed when the work has been completed.~~

~~(Reason: To ensure visitors are aware of entry requirements and provided a contact number for enquiries).~~

- 5 ~~A sediment control fence must be installed at the downslopes perimeter of the disturbed area to prevent sediment and other debris from leaving the site.~~

- 6 ~~Adequate fencing shall be erected during demolition works to prevent unauthorised access to the site.~~

~~(Reason: Safety)~~

- 7 ~~Demolition materials shall be reused wherever possible or taken to a second-hand timber yard or similar (eg. Weatherboards, sandstock bricks, roof tiles etc).~~

~~(Reason: Reduction in waste to landfill)~~

- 8 ~~A suitable enclosure shall be provided on site, during construction, for depositing waste materials that could become wind blown.~~

~~(Reason: Litter prevention)~~

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

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

~~A garbage receptacle fitted with a tight fitting lid for the reception of all food scraps and papers from the site shall be provided prior to building work commencing and shall be maintained and serviced for the duration of the work.~~

~~(Reason: To ensure that pedestrian traffic is directed safely around the work site and to protect the amenity of the surrounding area).~~

- Amend condition 14 and 15 to remove mention of Construction Certificate.

- 14 The amount of contributions payable pursuant to Condition Numbers 15 and 16 shall remain fixed for a period of 12 months from the date of this consent. Thereafter, the amount payable shall be in accordance with the current rate adopted by Council at the time that the ~~Construction Certificate~~ or Subdivision Certificate is submitted to Council.

(Reason: To ensure that contributions reflect costs at time of developments in accordance with Council's Section 94 Contributions Plan).

- 15 Payment to Council of a non-refundable contribution of \$744.00 for the provision of recreational and cultural facilities by the Council. Such contribution to be paid prior to the release of the Subdivision Certificate/~~Construction Certificate.~~

(Reason: To assist Council in providing for the recreational and community needs of the increased population resulting from this development cont).

- Amend condition 16 and insert prior to issue of the Subdivision Certificate.

- 16 Payment to Council of a non-refundable contribution of \$36.00 towards the future provision of bus shelters in the area ~~prior to issue of the Subdivision Certificate.~~

(Reason: To assist Council in the provision of bus shelters to cater for the increased population density in the area).

- Delete condition 19

- ~~19 The dwelling house and brick garage buildings shall be demolished prior to issue of a Subdivision Certificate.~~

~~*(Reason: Building Code of Australia)*~~

- Insert condition

- 16 Prior to the issue of any Subdivision Certificate, certification is to be provided to Council by a registered surveyor, confirming that all infrastructure (including services, pipelines, access ways and drainage paths) are contained within the respective lots or easements for the lands to be subdivided.

A new notice of consent outlining the amended conditions and new stamped plans are to be issued.

Report prepared by: Alexander Clark, Trainee Planner
Date: 15 February 2022

Reference: D19518 SL:MH
Contact: Scott Lenton

12 May 2006

A Fletcher & Associates Pty Ltd
PO Box 1213
GRAFTON 2460

Dear Sir

Notice of Determination of Development Application No. SUB2006/0017

Development Application No.:	SUB 2006/0017
Applicant:	A Fletcher & Associates Pty Ltd
Owner:	Bowra Pastoral Co Pty Ltd
Property Description:	Lots 3 & 4 Section 58 DP 758470, 46 McHugh Street, Grafton
Subject Development:	Boundary Adjustment (2 lots)
Zoning:	2(a)
Builder:	N/A
Class:	N/A

DEVELOPMENT CONSENT

Pursuant to Section 81(1)(a) of the Environmental Planning and Assessment Act, 1979, notice is hereby given that Council has considered your application for the subject Development. The subject determination is an **"operational"** consent which is effective from the date appearing on the bottom of each page of the formal notice.

The Development Application has been determined by:
Consenting to the development with conditions

Determination of the application was made:
By resolution at Council's Ordinary Meeting on Tuesday 18 April 2006.

THE DEVELOPMENT SHALL COMPLY WITH THE PLANS LODGED WITH THE APPLICATION AND AS MAY BE AMENDED BY THE FOLLOWING CONDITIONS OF CONSENT AND/OR BY AMENDED PLANS AND DETAILS.

Advice to Applicant

Council in determining the subject application requests you to take note of the following advice and where pertinent to convey the advice to future owners or tenants:

- A3.31 Demolition of the building is to be carried out in accordance with the provisions of AS 2601.
- A3.30 Asbestos sheeting is to be removed and disposed of to the requirements of the EPA and Workcover.

Conditions of Consent

- 1 The development being completed in conformity with the Environmental Planning & Assessment Act, 1979, the Regulations thereunder, the Building Code of Australia and being generally in accordance with Drawing numbered 7914 DA (Revision A), dated 4 December 2005, one (1) sheet, drawn by A Fletcher & Associates Pty Ltd, as amended in red, or where modified by any conditions of this consent.
(Reason: To comply with Legislative requirements).
- 2 Site Safety Preparation and 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.
(Reason: To ensure minimal disruption to pedestrian and vehicular traffic).
- 3 Toilet Facilities: 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:
 - i. A standard flushing toilet, connected to a public sewer, or
 - ii. An approved temporary chemical closet.The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.
(Reason: To ensure adequate toilet facilities are provided).
- 4 Signage: A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a) Stating that unauthorised entry to the work site is prohibited, and
 - b) Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside of working hours.
 - c) Any such sign is to be removed when the work has been completed.*(Reason: To ensure visitors are aware of entry requirements and provided a contact number for enquiries).*
- 5 A sediment control fence must be installed at the downslopes perimeter of the disturbed area to prevent sediment and other debris from leaving the site.
- 6 Adequate fencing shall be erected during demolition works to prevent unauthorised access to the site.
(Reason: Safety)
- 7 Demolition materials shall be reused wherever possible or taken to a second-hand timber yard or similar (eg. Weatherboards, sandstock bricks, roof tiles etc).
(Reason: Reduction in waste to landfill)

- 8 A suitable enclosure shall be provided on site, during construction, for depositing waste materials that could become wind blown.

(Reason: Litter prevention)

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

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

A garbage receptacle fitted with a tight fitting lid for the reception of all food scraps and papers from the site shall be provided prior to building work commencing and shall be maintained and serviced for the duration of the work.

(Reason: To ensure that pedestrian traffic is directed safely around the work site and to protect the amenity of the surrounding area).

- 10 The developer is to construct sewer sideline and junction and water meter to each lot, at own cost, in accordance with the Northern Rivers Local Government Development and Design Guidelines and in accordance with the Construction Certificate issued by Council and under the supervision of an engineer or surveyor approved by the Director of Engineering Services. The Council will hold the Subdivision Certificate or a bond in an amount to be determined against the construction and maintenance of the works until such time as Council is satisfied to take over the system.

(Reason: To ensure that the public service infrastructure is provided and/or upgraded having regard to the additional likely demand generated by the development).

- 11 Applicant being aware that the **bond** amount noted in Condition numbered 10 represent a fair estimate of the value of the respective works, and the applicant agreeing that if the work secured by the bonds is not done or is not done to Council's satisfaction, Council may enter upon the land and carry out the work or that part of the work not done, and recoup the cost thereof from the bond amount held.

(Reason: To ensure that public utility infrastructure required as a result of the development is provided in timing with the public demand for those services).

- 12 Submission of Work as Executed Plans in the preferred digital form (dxf) or in transparency form for works covered in Condition 10 above and a certification from the supervising engineer or surveyor that the works have been constructed in accordance with the approved plans and specifications, prior to the release of the linen plan or any bond held by Council.

(Reason: To ensure works are in compliance with approved plan and to facilitate the design of future augmentation and maintenance works).

13 Section 64- Sewer and Water Head Works Charges Conditions required for approval under section 68 of the Local Government Act for water and/or sewer reticulation works being new works, upgradings or augmentations that will be of benefit to the development:

1. Payment to Council of the following contributions pursuant to Section 68 of the Local Government Act, 1993:
 - a. Water Headworks - \$4000
 - b. Sewer Headworks - \$4000

(Payment shall be made prior to the Linen Plan/prior to the issue of the Construction Certificate/prior to commencement of the development).

2. The obtaining from Clarence Valley Council of a certificate stating that the development complies with the requirements under Part 3 Clause 16 of the Local Government (Water Services) Regulation 1999, in regard to Water and/or Sewerage; and
3. The construction of water/sewerage works is a condition of consent for the subject development. All water/sewerage works to serve the development are to be in accordance with the specifications of the Director Engineering Services.

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.

- (Reason: a) To provide for adequate sewage management facilities.
b) To provide for reticulated water management facilities).*

14 **The amount of contributions payable pursuant to Condition Numbers 15 and 16** shall remain fixed for a period of 12 months from the date of this consent. Thereafter, the amount payable shall be in accordance with the current rate adopted by Council at the time that the Construction Certificate or Subdivision Certificate is submitted to Council.

(Reason: To ensure that contributions reflect costs at time of developments in accordance with Council's Section 94 Contributions Plan).

15 Payment to Council of a non-refundable contribution of \$744.00 for the provision of recreational and cultural facilities by the Council. Such contribution to be paid prior to the release of the Subdivision Certificate/Construction Certificate.

(Reason: To assist Council in providing for the recreational and community needs of the increased population resulting from this development cont).

16 Payment to Council of a non-refundable contribution of \$36.00 towards the future provision of bus shelters in the area.

(Reason: To assist Council in the provision of bus shelters to cater for the increased population density in the area).

17 Council must be provided with a written Pre-Provisioning Confirmation, or similar written advice, issued by Telstra or other recognised telecommunications service provider confirming that arrangements have been made with the relevant developer to have these services provided to the particular development prior to issue of Subdivision Certificate.

(Reason: To ensure that telephone services are available and adequate for the increased intensity of land use proposed).

18 Applicant providing, at own cost, electricity reticulation to the requirements of Country Energy or other recognised electricity provider to all lots within the subdivision and prior to the release of the Subdivision Certificate or the bond, Council will require satisfactory evidence that all contributions to that authority for electricity reticulation have been lodged and all requirements of that Authority have been complied with.

(Reason: To ensure that electricity services are available and adequate for the increased intensity of land use proposed).

19 The dwelling-house and brick garage buildings shall be demolished prior to issue of a Subdivision Certificate.

(Reason: Building Code of Australia)

20 The Frangipanni tree adjacent to the front boundary shall not be removed or damaged prior to issue of the Subdivision Certificate.

(Reason: To provide opportunity for tree to be incorporated into design of new development and reduce streetscape impact)

Approvals under S.68, Local Government Act, 1993

Consent has also been granted under Section 78A(5) of the Environmental Planning & Assessment Act for the following activities listed under Section 68 of the Local Government Act, 1993:

Sewer Connection – Refer to Condition No 10, 11 and 12

Right of Appeal and Validity of Consent

Section 82A of the Act provides that you may request a review of your determination by Council. The review must be requested within 12 months of the date of this notice and must be accompanied by the prescribed fee.

Section 97 of the Act provides that you have a right of appeal to the Land and Environment Court against Council’s decision in the matter, exercisable within 12 months after receipt of this notice.

Consent becomes effective from the consent validation date appearing at the bottom of each page. Section 95 of the Act provides for the period of validity of consent, and it is the applicant’s responsibility to ensure that commencement of the development is carried out within the prescribed period. The consent period for this application will be five (5) years.

Should you require any assistance in regard to this notice of determination please contact Scott Lenton of Council’s Environment and Planning Department.

Signed on behalf of the consent authority:



.....
Scott Lenton
Environmental Planning Co-Ordinator

ITEM 07.22.041 REV2021/0012 - DIVISION 8.2 REVIEW OF REFUSAL FOR DA2021/0374 - THREE (3) MULTI DWELLING HOUSING UNITS AND STRATA SUBDIVISION - 11 HIGH STREET, YAMBA

Meeting	Council	22 March 2022
Directorate	Environment & Planning	
Prepared by	A/Development Services Coordinator, Carmen Landers	
Attachments	A. Plans (Separate Cover) ⇒ B. Submissions ↓ C. Section 4.15 Assessment ↓	

SUMMARY

<i>Applicant</i>	Newton Denny Chapelle
<i>Owner</i>	Headlands Nominees Pty Ltd
<i>Address</i>	11 High Street, Yamba
<i>Submissions</i>	Yes – Four (4)

Development Application DA2021/0374 for a Multi Dwelling Housing development comprising three (3) units and strata subdivision at 11 High Street, Yamba was refused by Council at the meeting of 26 October 2021 (Item 6B.21.080) as the development did not meet the side setbacks, landscaping and car parking requirements of the Residential Zone Development Control Plan (DCP).

The applicant has now submitted a Division 8.2 Application (REV2021/0012) requesting a review of Council's decision to refuse the application. As a result of the refusal, the application has been amended to comply with the DCP as follows:

- Compliance with landscaped area requirements;
- Compliance with side boundary setbacks; and
- Compliance with secondary street frontage setbacks.

The development application continues to seek a variation to the DCP allow a stacked (tandem) carparking arrangement.

The review application was placed on exhibition and three (3) submissions were received during the exhibition period. The matters raised in the submissions are discussed in detail under the Key Issues section of this report.

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

OFFICER RECOMMENDATION

That Council:

1. Support a variation to Clause G2(9) of the Residential Zones Development Control Plan and allow stacked parking for one car space per unit; and
2. Approve the development under REV2021/0374 subject to the draft Advices and Conditions contained in Schedule 1.

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership

Objective We will have a strong, accountable and representative Government

KEY ISSUES**1. Division 8.2 Review**

The applicant has sought a Division 8.2 Review of Council's determination to refuse DA2021/0374 at Council's 26 October 2021 Meeting (Item 6B.21.080). The application was refused as the development did not meet the side setbacks, landscaping and car parking requirements of the DCP.

The proposed design has now been amended to comply with the side setbacks and landscaping requirements of the DCP, however the applicant has sought a variation to Clause G2(9) of the DCP which states that stacked parking is not acceptable. Each of the matters for refusal given under DA2021/0374 are assessed in detail below.

Side setbacks

As part of the proposed building design lodged under DA2021/0374, the applicant sought variations to a part reduced side setback of 0.97m on two sides of the development where the height increases above 9m to a maximum height of 10m due to the slope of the land. For building heights above 9m a side setback of 1.5m is required under part C16 of the DCP.

In response to Council’s reasons for refusal of DA2021/0374, the applicant has amended the design to provide compliant side setbacks relevant to the 9m height of the building in accordance with Table C5 of the DCP as follows (also refer to **Figures 1 and 2** below):

Table C5 and Proposed Development setbacks

Maximum height of building	Minimum side & rear setbacks	Proposed Development
Up to 6.5m	900mm	970mm – complies
Over 6.5m and up to 9m	1.5 metres	1.5m - complies
Over 9m and up to 12m	3 metres	Over 3m – complies



Figure 1 - Plan showing locations of amendments to original design (Amended building setbacks)

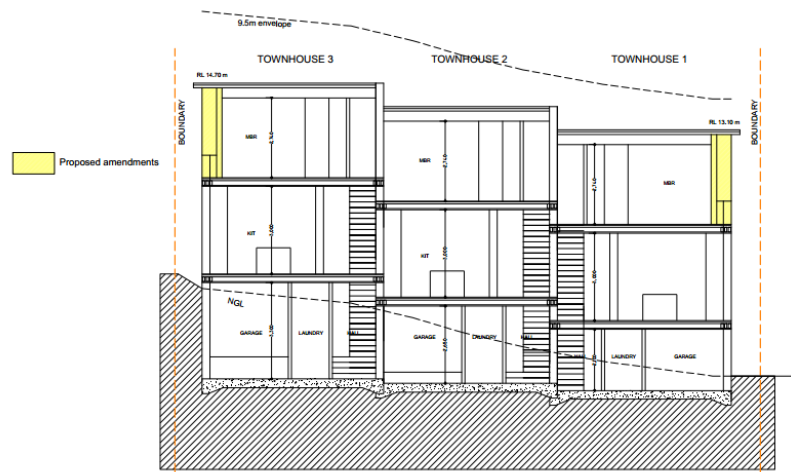


Figure 2 - Section Plan showing locations of amendments to original design (Upper level side boundary setbacks)

Landscaping

Clause C19.2 of the DCP requires 35% of the site area to be provided as landscaped area. For information purposes, the Clarence Valley Local Environmental Plan 2011 (the LEP) defines landscaped area as a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

The original plan submitted under the application that was refused by Council only provided a landscaped area of 33%. An amended landscape plan has been submitted and 35% of the site area is available for appropriate landscaping that meets the LEP definition. An additional draft condition of consent has been included to ensure landscaping complies with submitted landscape plan.

Car Parking

Three (3) parking spaces for each unit are required under Clause W5 of the Yamba Hill DCP controls, however, stacked parking is proposed for one of the parking spaces for each unit. Clause G2(9) of the DCP states that stacked parking will not be accepted (Subclause G2(9)).

The applicant has provided the following reasons in support of their request to vary Clause G2(9) of the DCP:

- *The stacked parking arrangement has been proposed to reduce the required earthworks and also to reduce the overall bulk of the building;*
- *The stacked parking arrangement will not adversely affect the functioning of the car parking spaces with no conflict between dwellings occurring. In this regard, vehicles will not be required to be moved to facilitate parking for adjoining dwellings;*
- *The dwellings are 3 bedrooms only with 3 vehicles utilising each dwelling unlikely. It is likely that there will be one spare space for visitors and the like;*
- *The site is in proximity to essential services and recreational facilities. As such, vehicle use to access these services is likely to be reduced;*
- *The number of car parking spaces required (i.e three spaces per dwelling) is provided to each dwelling. Traditionally, the prohibition of stacked parking spaces is adopted to remove conflict between unknown owners of vehicles. In this regard, each car park will be located within the confines of each dwelling and as such unknown vehicles cannot park in the spaces provided.*

Comment

As stated within the original report to Council, Clause A9 of DCP provides that Council can grant consent to a development proposal that does not comply with the specific requirements of the DCP after considering the particular merits of a development proposal.

Discussions with the architect for the development indicated that the current design was required to eliminate the need for a very large basement area with manoeuvring areas, required excavation and increased height of the buildings.

The variation to the parking design is limited to one (1) stacked car parking space per unit. Whilst discouraged by the DCP, is considered to be an appropriate design outcome given the sloping site, reduced excavation and provision of the required number of car parking spaces per unit. The proposed development is located within walking distance to amenities and services in Yamba's CBD, meaning residents will have reduced reliance on vehicles for some daily trips, which further supports the proposed limited stacked car parking arrangement. The manoeuvring diagrams provided in **Figure 3** demonstrate that the spaces can be suitably accessed and allow for a vehicle to leave in a forward direction. For these reasons, a variation to this DCP requirement is considered acceptable given the particular merits of the development application.

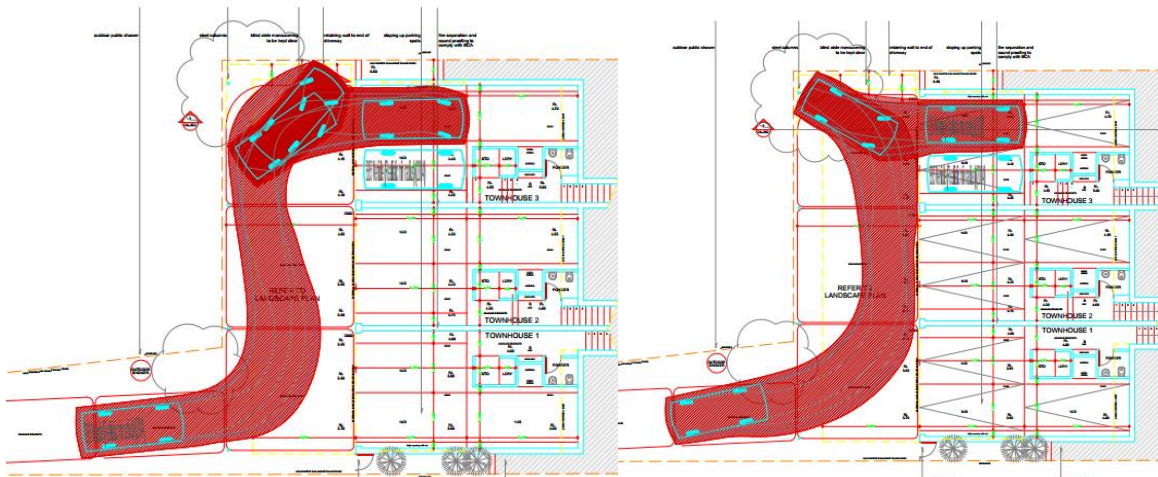


Figure 3 Manoeuvring diagram parking space for townhouse 3

Comparison to approved development under DA2010/0400

The site currently benefits from an existing approval under DA2010/0400 for three (3) townhouses and demolition of a residential dwelling and car port, which remains in effect.

In considering this review, it is important to note the comparison between the existing approval issued under DA2010/0400 to the proposed development subject to this assessment report. The current proposal under REV2021/0012 clearly provides for an overall reduction in bulk, scale, height and excavation when compared to DA2010/0400.

As part of this review, and to assist with demonstrating the new proposed development will have less impacts to adjoining residents than the approved development, the applicant prepared comparison drawings which are provided below in **Figures 4 to 7**:

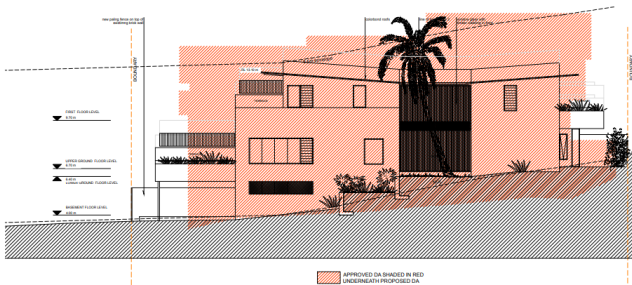


Figure 4 South Elevation

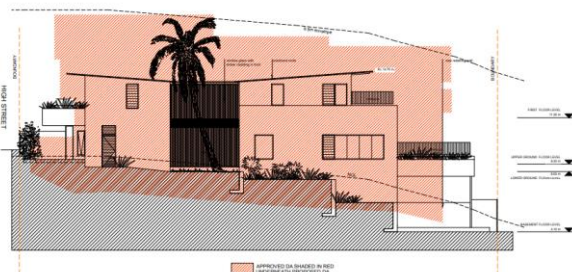


Figure 5 North Elevation

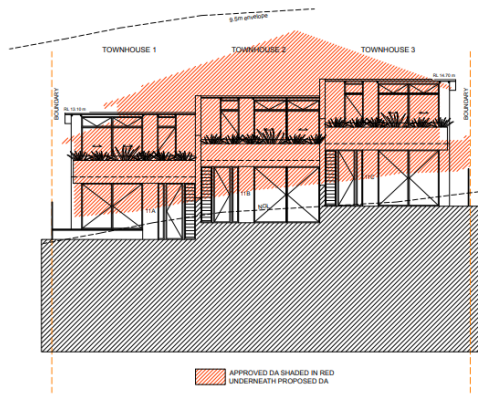


Figure 6 East Elevation

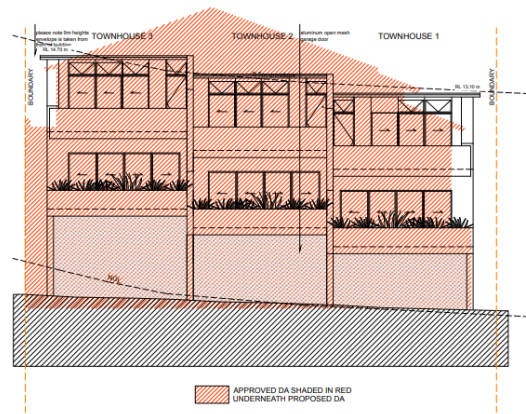


Figure 7 West Elevation

Summary

Due to an amendment of the application to comply with the side setbacks and landscaped area set out in the DCP, and suitable justification has been provided to support stacked parking for reasons provided above, the development is recommended for approval for the following reasons:

- The amended design will reduce the impacts of the original approved development under DA2010/0040 through reduced bulk and scale and reduction in overshadowing.
- The development is consistent with the following objectives of the R3 Medium Density Zone:
 - to provide for the housing needs of the community within a medium density residential environment,
 - to provide a variety of housing types within a medium density residential environment.
- A variation to the car parking controls in Clause G2(9) to allow the stacked car parking for one space per unit has been adequately justified on planning grounds
- The development complies with all other aspects of the LEP and DCP
- Suitable conditions are contained in Schedule 1 to provide certainty around stormwater management for the site to adjoining land owners.

2. Submissions

The review application, including the amended proposal plans, was placed on public exhibition in accordance with Community Participation Plan from 7 December 2021 until 14 January 2022. Three (3) submissions were received during the exhibition period which raised the following matters:

a. Stormwater

Concern has been raised with regard to underground and overflows from properties upstream of the development. The concern is that the proposed retaining walls and underground footings will intercept and divert water runoff towards the property at 12 Wooli Street. The landowner sought an independent review of the stormwater management plan, of which the assessment indicated that additional field inlet pits should be installed downstream of the retaining wall.

Comment

It can be seen from the photo in **Figure 8** that there is an existing retaining wall along the upstream boundary of the property shared with 9 High Street. This existing retaining wall would currently be intercepting any overland or underground stormwater flows upstream of the development lot. This water is currently being directed toward 11 High Street and 12 High Street.

Based on the information provided with the development application, the proposed new retaining wall between the boundary of the development site and 12 Wooli Street will be of minimal height. Site plans indicate that the retaining wall will be located close to the upstream boundary of 12 Wooli Street for adequate manoeuvring area. Given its proximity to the boundary, it is unlikely that additional pits could be accommodated between the boundary and proposed retaining wall. Further to this, any surface inlet pits installed on the downstream side retaining wall would capture minimal surface runoff and would have no real benefit. As such, no additional pits downstream of the retaining wall will be required.

Overall, the development will reduce runoff from the site and will not result in any additional water being directed to 12 Woolli Street. Current runoff from properties upstream of the site will remain as is. However, to provide certainty to the adjoining land owner, the following conditions have been included in the Schedule 1 – Draft Advices and Conditions to ensure that adequate stormwater management is provided and detailed plans will be required and reviewed prior to issue of the building Construction Certificate:

- Design of the proposed driveway and manoeuvring areas would need to be designed such that runoff from these areas is captured and detained as per the stormwater management plan. Detailed plans of the driveway are to be submitted for approval with the building construction certificate.
- Details of the proposed retaining wall will need to be provided for approval with the building Construction Certificate. This will need to provide details on its proximity to the zone of influence for the existing sewer main. This will also need to include provision for drainage around the retaining wall.



Figure 8 – Photo of site taken from High Street on 1 March 2022

b. Setbacks

The development has been amended so that the component of the building over 6.5m in height provides a side setback of 1.5m and component of building (western elevation) greater than 9m provides a side setback of 3m. As such, the setbacks for the proposed development now comply with the provisions of Clause C16 of the DCP.

c. High density development and floor space ratios

One of the submissions raised concerns that the development provides a high density development not characteristic of the surrounding area compared to the floor space ratios of nearby dwellings.

The Clarence Valley Local Environmental Plan and Residential Zones DCP do not set a maximum floor space ratio for developments such as this. The density of development is determined through a combination of the DCP controls relating to landscaping, private open space, height and setbacks. The applicant has demonstrated that the development meets these requirements and provides for 35% landscaped area for R3 medium density zones, 50m² of private open space for each units, compliant setbacks and height.

d. Inadequate car parking

As discussed above under the car parking considerations, the development is required to provide three (3) car parking spaces per unit in line with part W5 of the Yamba Hill Controls. The proposed development provides three (3) spaces per unit which complies with the requirements of Clause W5 of the plan, noting the assessment of the stacked car parking arrangement herewith. The manoeuvring diagrams provided with the application demonstrate that the spaces can be suitably accessed and allow for a vehicle to leave in a forward direction.

e. Lack of landscaped area

The amended design now demonstrates compliance with Clause C19.2 of the DCP which requires 35% of the site area for land zoned R3 Medium Density. Landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

f. Retaining wall height

One of the submissions stated that they had received informal independent engineering advice and that a six (6) metre retaining wall is required between No. 9 and 11 High Street however the proposed architectural plans indicate a maximum retaining wall height of approximately 2.9 metres on the northern elevation.

g. Possible dilapidation of adjoining buildings during construction and removal of existing retaining wall

Dilapidation can occur to adjoining buildings on any site during construction and it is common practice that suitable conditions of consent be included to address this issue should any damage occur from works on adjoining sites. To mitigate any risk, the following conditions have been included in the draft advices and conditions contained in Schedule 1.

15. A dilapidation report containing internal and external photographs shall be submitted to Council for adjoining buildings prior to construction works commencing. This will provide a basis for comparison should any damage occur to these buildings as a result of the demolition/construction works.
21. **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).

22. In the event shoring, sheet piling, pile driving or similar is proposed, the design and method shall be certified by a practising structural engineer and provided to the certifier prior to the issue of a construction certificate.
23. Certification from a practising structural engineer confirming all proposed works including demolition will not negatively impact No 9 and No 13 High Street Yamba shall be provided to the certifier prior to the issue of a construction certificate.

h. Review of detailed engineering drawings

The review of detailed engineering drawings is considered as an unreasonable request and expense for the applicant to engage the services of a structural engineering prior to the determination of the application as the proposal may not be supported in its current form.

BACKGROUND

Development Application DA2021/0374 for a Multi Dwelling Housing development comprising three (3) units and strata subdivision at 11 High Street, Yamba was refused by Council at the meeting of 26 October 2021 (Item 6B.21.080) as the development did not meet the side setbacks, landscaping and car parking requirements of the DCP.

The site is zoned R3 Medium Density and Multi Dwelling Housing is permitted in this zone. The lot has an area of 722m² and is currently vacant. The property has frontage to High Street which forms the south eastern boundary and frontage to Wooli Street which forms the north western boundary.

The site has an existing approval for 3 townhouses under DA2010/0400, which approved the construction of three (3) townhouses and demolition of a residential dwelling and car port. Notably, the consent issued under

DA2010/0400 was physically commenced and the approval for that development has not lapsed i.e. these units could be constructed if a Construction Certificate is sought. If the subject consent is approved, Council will require the surrender of the approval under DA2010/0400 which will provide certainty for the site's re-development.

Division 8.2 of the *Environmental Planning and Assessment Act 1979* (EP&A act), allows an applicant to request a review of their determination within six (6) months of the date of determination if they are not satisfied with the outcome.

COUNCIL IMPLICATIONS

Budget/Financial

The processing and administration of the application utilises staff resources funded through existing recurrent budgets. These budgets are supplemented by income through payment of development application and related fees. All services to the development will be supplied at full cost to the developer.

Asset Management

N/A

Policy and Regulation

Environmental Planning and Assessment Act, 1979
 Environmental Planning and Assessment Regulation 2000
 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
 State Environmental Planning Policy (Coastal Management) 2018
 Clarence Valley Local Environmental Plan 2011
 Residential Zones Development Control Plan (DCP)

Consultation

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

<i>Internal Section or Position</i>	<i>Comment</i>
Development Engineer	Supported with conditions
Health & Building	Supported with conditions

Legal and Risk Management

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

In the case of this review, it is noted that development application complies with all relevant considerations under the LEP and DCP, apart from the variation to the DCP for the restriction on stacked parking, noting that under section 4.15(3A) of the EP&A Act the consent authority:

.....is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development.

Council staff have undertaken a complete assessment of the review application under s4.15 of the EP&A Act.

Climate Change

The State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 requires a BASIX Certificate to be submitted for all BASIX affected development; the proposal triggers the need for this certificate. A valid BASIX Certificate has been submitted with the application which sets out the obligations of the Applicant in regards to the proposal to reduce greenhouse gas emissions, energy efficiency and reduce potable water consumption.

Compliance that these commitments have been met will be required to be demonstrated prior to issue of the Occupation Certificate. In general terms, the provision of additional medium density housing in an established urban area with suitable access to commercial, recreational and other opportunities reduces the generation of carbon emissions associated with transport and servicing the development.

Schedule 1 - Draft Advices and Conditions

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 Clarence Valley Council 'MUSIC' Guidelines (Draft)
- g Clarence Valley Council Street lighting Strategy

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'. For 'MUSIC' guidelines and policy documents contact Council's development engineer.

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. 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.
2. The proposed development has been assessed as contributing an additional 1.4 ET demand on Council's water supply, and an additional 2.0 ET loading on Council's sewerage system. This includes an applicable credit for pre-existing uses. The headworks charges at 2021/22 financial year rates are:

Water Headworks \$5,017.00 x 1.4 additional ET = \$7,023.80

Sewer Headworks \$12,269.00 x 2.0 additional ET = \$24,538.00

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 Consumer Price Index (CPI) current at the time of payment.

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

3. 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.
4. The Earthworks Management Plan must include an initial site inspection report. This report should include:
 - a Inspection and verification of an appropriate preparation of the foundation for placement of fill, including the provision of surface drainage arrangements and a geotechnical assessment of factors that can influence the site. This is to be provided by a competent Geotechnical Authority.

- b Certification that the land created by the development will be suitable for its intended purpose (e.g. residential, commercial or industrial buildings) including any parts of the land that will be left in its natural state or modified by the development.
- c Identify any problem areas on or adjacent to the development land (e.g. potential land slip areas, hanging swamps, very high water tables, salt affected land, highly eroded sites etc) and advise if engineering solutions, acceptable to Council, are available to enable structures to be built on the affected parts of the land.

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

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

The Earthworks Management Plan must:

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

The following information will be required for earthworks undertaken:

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

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

- 5. The building must not be occupied until an Occupation Certificate has been issued.
- 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. As of 1 November 2021, changes to the State Environmental Planning Policy (Affordable Rental Housing) 2009 come into effect that regulate short term rental housing.

Should the units be leased for short term rental accommodation it is the responsibility of the property owner to ensure that the premises are registered on the NSW Planning Portal and the minimum fire safety standards are installed.

8. No construction is to be commenced until a Construction Certificate has been issued.
9. Prior to work commencing on a development the applicant must give notice to Council of their intention to commence work. Such notice shall be submitted to Council at least two (2) days before work commences.

Conditions

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

Plan	Drawn by	Date	No.	Rev.
Cover sheet and BASIX commitments	A77 Designs Pty Ltd	17/11/2021	DA-001	B
Site Plan	A77 Designs Pty Ltd	17/11/2021	DA-102	B
Strata Subdivision Plan	A77 Designs Pty Ltd	17/11/2021	DA-104	B
Basement	A77 Designs Pty Ltd	17/11/2021	DA-201	C
Ground Floor Plan	A77 Designs Pty Ltd	17/11/2021	DA-202	B
First Floor Plan	A77 Designs Pty Ltd	17/11/2021	DA-203	B
Roofs Plan	A77 Designs Pty Ltd	17/11/2021	DA-204	B
East and West Elevation and Section AA	A77 Designs Pty Ltd	17/11/2021	CDC-301	C
North and South Elevation	A77 Designs Pty Ltd	17/11/2021	CDC-302	B
Section BB	A77 Designs Pty Ltd	17/11/2021	CDC-303	B
Landscape Concept Plan	LANDSITE Pty Ltd	23/06/2021	SK01	-
Landscape Concept Plan	LANDSITE Pty Ltd	23/06/2021	SK02	-

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

Rate per other Residential Accommodation dwelling
Coastal \$2,638.15 x 2 = \$5,276.30 GL S94CVCOSCoastal

Clarence Valley Contributions Plan 2011 Community Facilities

Rate per other Residential Accommodation dwelling
Macleans surrounds \$2,638.15 x 2 = \$5,276.30 GL S94CVCCFMacleans

Clarence Valley Contributions Plan 2011 Plan of Management

Rate per Other Residential Accommodation Dwelling: \$49.75 x 2 = \$99.50
GL S94CVCPoMRResAcco

Yamba Urban By-pass and Urban Intersections Contributions Plan 2000

Yamba Town Centre \$349.57 x 2 persons x 2 = \$1,398.28
GLS94YBPYambaTownCt

Urban Drainage

Area 1 (Yamba Hill) \$23.50 x 534m² add. Hard area = \$12,549.00
GL S94DrainageYamba
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. A Certificate of Compliance for Water and or Sewer works must be obtained from Council prior to issue of the Building Occupation Certificate, for each and every stage of the development. This may require payment of a fee.
4. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
5. 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**.

The SWMP must consider any adjacent property or infrastructure affected by the development. Design details of the drainage system and point of discharge must be submitted with the Stormwater Management Plan for approval by Council and/or accredited private certifier prior to issue of the Building Construction Certificate. Connection to the public drainage system requires the approval of Council under the NSW Local Government Act.

The Stormwater Management Plan must include a management plan for any **WSUD** systems. The management plan must consider construction and operational phases.

On-site detention (OSD) and water quality control systems 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. A Section 88E easement, 88B easement, Positive Covenant or Restriction-as-to-User encumbrance for stormwater management on the land title of the new allotments is required to ensure future building development compliance.

6. Prior to the issue of any Subdivision Certificate, certification is to be provided to Council by a registered surveyor, confirming that all infrastructure (including services, WSUD components, pipelines, road batters, access ways and drainage paths) are contained within the respective lots, common property or easements for the lands to be subdivided.
7. Car parking, driveways, manoeuvring and access areas must be constructed, surfaced and drained in accordance with the approved plan and made available thereafter. The car parking classification is Class 1 for the internal parking and is to be designed in accordance with AS2890, the relevant parts of the applicable Council DCP and **NRDC**.
8. A detailed plan of the proposed driveway including longitudinal section, road levels, garage levels, property boundaries and other site specific considerations must be submitted for approval with the Building Construction Certificate to demonstrate that access to the development is provided in accordance with **NRDC**.

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

Design plans must show location of any services or retaining walls in relation to the existing Council Sewer. Any existing Council sewer manholes located within the proposed access carriageway shall be fitted with trafficable lids. Construction joints shall be provided in the construction of the access to enable future maintenance of the sewer.

9. Detailed plans of earthworks including an Earthworks Management Plan must be submitted to Council or accredited private certifier for assessment and approval prior to the issue of a Building Construction Certificate.

The Earthworks Management Plan is to be prepared in accordance with Council's guidelines. The guidelines are listed in the Advices section of this Notice.
10. Any fill earthworks to be undertaken on the site must be carried out in accordance with the placement and compaction of fill described in AS 3798, Level 1 inspection and testing and NRDC.
11. Any excavation resulting in disturbance of more than one tonne of soil at a depth of greater than 2m below natural ground surface, or work that is likely to lower the watertable beyond 2m below natural surface shall comply with Council's Acid Sulfate Soil management provisions.
12. 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.
13. During dry weather, standard dust suppressions methods are to be used as often as it necessary to ensure that adjoining properties are not adversely affected by undue dust.
14. All disturbed areas shall be stabilised and revegetated. Turf, seeding or other approved method shall be undertaken in conjunction with or immediately following completion of earthworks. Topsoil shall be preserved for site revegetation. All sediment and erosion control measures must be regularly inspected and maintained to ensure they operate to the design specifications and meet the requirements of the NSW Protection of the Environment Operations Act 1997. Weather patterns must be monitored and be coordinated in with the inspection and maintenance procedures. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion. Person/s responsible for managing sedimentation and erosion controls for the development must be nominated to Council or accredited private certifier in writing together with full 24 hour per day contact details.
15. A dilapidation report containing internal and external photographs shall be submitted to Council for adjoining buildings prior to construction works commencing. This will provide a basis for comparison should any damage occur to these buildings as a result of the demolition/construction works.
16. Where verandahs or windows that over-look living areas of a neighbouring property balustrades and/or windows are to have adequate screening or other treatment to protect privacy. Details are to be provided to Council for approval prior to the issue of the Construction Certificate.
17. Development Application DA2010/0400 is to be surrendered prior to the issue of an Occupation Certificate for the development.

Building Conditions

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

7.00 am to 6.00 pm Monday to Friday

8.00 am to 1.00 pm Saturdays

No work permitted on Sundays and public holidays

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

20. **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.

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

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

22. In the event shoring, sheet piling, pile driving or similar is proposed, the design and method shall be certified by a practising structural engineer and provided to the certifier prior to the issue of a construction certificate.
23. Certification from a practising structural engineer confirming all proposed works including demolition will not negatively impact No 9 and No 13 High Street Yamba shall be provided to the certifier prior to the issue of a construction certificate.
24. Prior to commencement of works, a sign must be erected in a prominent position on any work site on which work is being carried out:
- Stating that unauthorised entry to the work site is prohibited, and
 - Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside of working hours, and
 - Showing the name, address and telephone number of the principal certifying authority for the work, and

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

25. 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.
26. **TOILET FACILITIES** - are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
- A standard flushing toilet, connected to a public sewer, or
 - An approved temporary chemical closet.

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

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

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

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

29. 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.
30. All erosion and sediment control measures are to be installed and maintained in accordance with the Statement for Sediment and Erosion Control that was submitted with the development application.
31. The waste management plan submitted with this application shall be complied with during demolition/construction work and all measures required for the ongoing use of waste management facilities in the development shall be in place prior to the issue of the Occupation Certificate.
32. A minimum height of 150mm shall be maintained between the top of the sewer overflow gully riser and the lowest fixture connected to the drain. The overflow gully shall also be 75mm above surrounding ground level, except if located in a path where it shall finish at a level so as to prevent the ponding and ingress of water.
33. All landscaping works are to be completed in accordance with the approved plan prior to the Occupation Certificate being issued.

From:
Sent: Mon, 17 Jan 2022 12:24:56 +1100
To: "Council Email" <Council@clarence.nsw.gov.au>
Subject: FW: REV2021/0012 - 11 High Street Yamba - review of DA2021/0374
Attachments: 11 High Street Submission to REV2021-0012.pdf

Hi Clarence Valley Council

I have attached a submission in relation to REV2021/0012. I was originally advised by council staff to lodge my submission via your website however the website would only accept submissions listed on a drop down list which contained no more than four items none of which was related to my submission. I spoke again with council staff who despite all attempts were unable to resolve the matter for me with the 4.00pm deadline fast approaching. I received notification of the REV2021/0012 by email from planning support on 7 December so I replied to that email including attaching my submission. I have this morning received the email below advising me to send my submission to this email. Please accept the submission despite it now being outside of the time for submissions as my original submission was in fact made within time as noted above.

If you have any issues with my submission particularly in the first instance of being lodged on time, please call me to discuss. I would appreciate confirmation of receipt of my submission and that it as been accepted as validly made.

Regards

The information contained in this email is intended only for the person/s named above and may contain information that is confidential. If you are not the intended recipient of this message please contact Brian Hickey immediately and delete this email. Any loss or damage incurred by using this material is not the sender's responsibility.

13 January 2022

Clarence Valley Council
Locked Bag 23
Grafton NSW 2460

**Submission against Development Application REV2021/0012
11 High Street, Yamba**

Dear Sir

I refer you to my prior submission dated 11 June 2021. I hereby make a further submission to the amended plans of development as follows:

Excavation and Water Flow Issues

I previously made a submission on the water impacts of the development on my property and did not receive a response direct nor was it addressed in the council's decision notice. I have subsequently sought the opinion of a local engineer, Brady Inman. He has reviewed the DA and stormwater plan and provided by email the following comments and recommended addition of two storm water pits to pick up all stormwater.

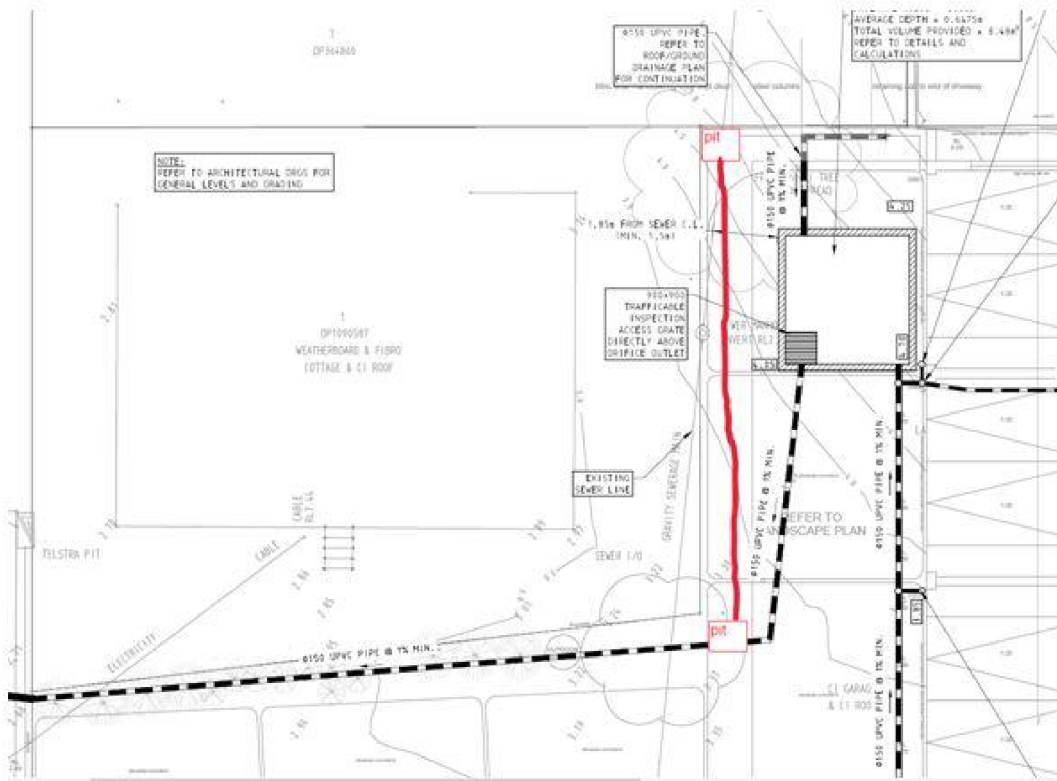
Gday Brian,

I have reviewed the Stormwater plan for the adjacent property, as far as its management of rain landing on the actual site I believe it is well covered.

I do see your point regarding the retaining wall rerouting an overland flow and agree it should be addressed.

They should put a pit at the end of the wall (toe) to capture these flows.

not sure where the retaining wall ends but something like this.



Brady Inman, ENGINEER
 Tel: 0437 904 790
 Web: www.NRSC.com.au



Yamba Office
 Unit 7-11, 18 Coldstream Street, Yamba NSW 2464
 PH: (02) 6645 2637

Byron Bay Office
 5/51 Centennial Circuit, Byron Bay 2481
 PH: (02) 6680 7510

The drawings do not show the extent of the blockwork along their eastern boundary other than in the driveway area. A fence is shown noted as being constructed over a block wall along the entire eastern boundary. The northern elevation plan shows their building and car park area along the entire northern elevation (uphill side) are all below natural ground level compared to their boundary.

Around six metres of their eastern boundary is shared with my side boundary and is in the 3.0 metre excavation area. The shared northern boundary of the subject site will also be excavated to around a metre underground on the higher end. In the car park area, their block work abuts my boundaries. It is submitted both the block wall to their car park area on both the northern and eastern boundary of their site and the block work under the fence

will both create a barrier to over and under land water flow diverting it instead into my property.

Water falls across and down the hill between High and Wooli Streets not directly down their boundary line. Under the town plan all retaining walls must be set in from the boundaries and drainage provided within the site to capture all water flow and treated within the site and not allowed to be dammed or concentrated to adjoining properties. While their stormwater plan appears effective in capturing water that falls within the site, the block work will divert significant water into my site.

This area is already subject to considerable water flow in heavy rain events and includes sub surface water that continues to flow for numerous days after a rain event to the rear of my property.

A complete hydraulic assessment of the site and surrounding areas particularly to the uphill side of the site and Wooli Street is required to ensure all water flow is picked up within their site and not simply diverted along the exterior of their property boundary into my property. This point is critical.

Setbacks

In relation to the boundary setbacks, my reading of the town plan is front setback of 6.0m, side for a building height of up to 6.5m is 900mm, 6.5m to 9.0m is 1.5m and over 9.0m is 3.0m. The proposal is compliant for the lower levels of the building however achieves only 1.5m on the top floor only. Council in their recommendation to council noted that the building reaches a height of 10m.

Despite an increase in setbacks from the original proposal it remains that the impact is extensive on the adjacent properties. Even without the benefit of the complete shadow diagram (it is truncated) it is evident the building will cast a shadow over the dwelling at 13 High Street until sometime after 12 midday.

Reasons provided for allowing a relaxation are not achieved. Redesigning to be in accordance with the setbacks within the town plan would be easily achieved, would have virtually no impact on the overall appeal of the design while providing a significant reduction on the adverse impact the buildings bulk on adjoining properties. The design is appealing, it is just it is too big for the land, setbacks of 970mm on the sides, 1.5m at the rear (really its street front) and 1.5m off my rear boundary is crazy and all seemed to be based on a driveway to Wooli Street which gives landscaping area despite only being a grass driveway.

I further submit the development does not comply with setback requirements to Wooli Street and request the terraces be substantially reduced in width and landscaping incorporated in this area thereby providing actual open space.

Landscaping

I note in Part C24.5 of the town plan that all lots must be serviced by a sealed constructed vehicular access and submit that the driveway as proposed does not comply with that requirement.

I note that there is no provision for any landscaping along my rear boundary and little along the driveway. As this is the area where cars will be attempting to back in and out, headlights on at night, etc, a reasonable green buffer is important for acoustic and amenity purposes. Provision needs to be made for deep plantings along the length of this area. All bedrooms in my building run along the driveway and rear boundary side of the house so to have a nine-car garage and hard stand butt up to my boundary is an unaccepted planning outcome and will create conflict between owners.

I have previously raised my concerns about vegetation not being able to grow in most areas other than along the driveway and in the small beds in the north facing terraces due to lack of sunlight as demonstrated by the shadow diagrams. Importantly most landscaping is in fringe beds with little to no area that allows for dense planting of trees or shrubs, only ground cover. Intrusion into the garden areas for maintenance and painting with limited side access is also highly likely to render a large portion of the gardens borderline useless.

Summary

If the relaxations are allowed this will set a precedent for future applications for all lots in the surrounding area. With the number of properties consisting of single dwelling houses in this part of Yamba, it may be easy to consider this development will have a small impact however when the adjoining properties are all developed using the same relaxations, it would be to the significant detriment of the area and set a dangerous precedent for the future.

While I appreciate this is medium density zoned, it remains critical that the amenity of what is currently a unique area of Yamba and indeed Australia is upheld. I refer to the ten key issues for NSW coastal design guidelines contained within Part W3 of the town plan. I believe the development does little to reinforce the village character, is not sympathetic to the whole streetscape, has an adverse impact on the microclimate, has misplaced open spaces, takes away visual and acoustic privacy from neighbours, has inadequate mature trees, vegetation and soil areas and is not in keeping with the existing height bulk and scale of the surrounding area.

The owner purchased the property only recently it would appear with the intention of immediately developing the property. Therefore, they would have been aware of the town planning constraints before purchasing and would have done feasibilities for the development without the relaxations. There is no argument to allow any relaxations given the site can easily accommodate three units within the constraints of the town plan and granting the relaxations does not lead to a better design outcome, quite the contrary.

Please call if you require further information or clarification on any point raised.

Yours faithfully

11 January 2022

Clarence Valley Council
council@clarence.nsw.gov.au

RE: Development Application REV2021/0012

Dear Councillors

Thank you for your invitation for our further input on this amended DA.

We continue to be opposed to the DA. We believe that the development that would arise from it is grossly at odds with the traditional and ongoing density and style of houses and yards in High Street, particularly on the northern side of the street.

Most importantly, **it would amount to being a high-density development**. The block would be chock-a-block with town houses. While the amended DA allows for slightly wider side setbacks, and this is welcomed, the overall floor space ratio (FSR) is still very high at 0.73:1. And more realistically, according to a lay person's calculations, the FSR looks to be over 0.80:1.

We suggest that you contrast FSRs of these orders of magnitude with the FSRs of the other seven residential properties on the northern side of High Street. The two properties that we own, 5 and 7 High Streets, have FSRs of approximately 0.25:1 and 0.35:1 respectively. The average FSR across the seven properties is under 0.30:1. Most of the other 70% of the blocks is lawn and garden.

Even the infamous Yamba Towers, the most dense development on High Street and across the street from the proposed development, has a footprint on the ground level of comfortably under 0.50:1 (and this estimate includes overhanging balconies within the footprint).

Clearly the proposed development at 11 High Street would represent a major move towards high-density development relative to the existing properties.

Our second major concern with the amended DA is that it does very little to overcome the **impractical car parking plan** that was proposed originally. As detailed in our submission of 8 June 2021, it is totally implausible due to turning circles and tandem parking that nine cars would routinely be parked within 11 High Street.

As a result of these issues, our assessment is that residents' cars will be parked in the streets. There is virtually no parking in High Street, and the alleyway at the front of the

property cannot be used for vehicles by the residents of 11 High Street as it is the sole vehicular access for the residents in 9 High Street, and access for those in 7 High Street as well, and passing is definitely impossible. Indeed, any successful DA for 11 High Street should prohibit use of the alleyway for its residents' and guests' vehicles.

On Wooli Street there are no parks adjacent to 11 High Street's accessway, so the residents of the proposed development will probably park on Wooli Street in the quite limited spaces available in front of 12 Wooli Street, the rear of 7 and 5 High Streets, and across the northern side of Wooli Street. During holiday times there won't be enough spaces. This represents a major negative amenity for existing property owners, such as us. Furthermore, that end of Wooli Street already carries a surprisingly high number of vehicle movements because so many visitors don't realise it is a dead end, so they go up and back again. This already creates a pedestrian safety issue near the public toilets and park down towards Yamba Street.

On the basis of these issues, we urge Council to reject the DA again and insist on major changes that downgrade the proposed development from high- to medium-density.

Regards

Sent: Mon, 10 Jan 2022 20:12:53 +1100
To: "Patrick Ridgway" <Patrick.Ridgway@clarence.nsw.gov.au>; "Jim Simmons" <jim.simmons@clarence.nsw.gov.au>
Subject: Fwd: REV2021/0012 - 11 High Street Yamba - review of DA2021/0374
Attachments: Objection to Proposed Development2.pdf

FYI

Begin forwarded message:

Subject: Re: REV2021/0012 - 11 High Street Yamba - review of DA2021/0374
Date: 9 January 2022 at 17:11:52 GMT+11
To: Planning Support <planningsupport@clarence.nsw.gov.au>, Councillors@clarence.nsw.gov.au

Dear Planning Support and Councillors
Please see attached my objection letter to the re-submitted DA2021/0374 for a proposed development at 11 High Street, Yamba.
regards

On 7 Dec 2021, at 12:21, Planning Support
<planningsupport@clarence.nsw.gov.au> wrote:

—
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<Notification plans.pdf><Notification letter.pdf>



DA2021/0374 - Multi Dwelling Housing (3 units), Strata Subdivision and Earthworks, 11 High Street, Yamba - Objection to Revised DA

Dear Council

I am writing again with concern about the proposed approval for HIGH DENSITY development at 11 High street on a block zoned for MEDIUM DENSITY. The council agreed with the concerned residents of High Street in rejecting the proposal late last year, and should be commended for protecting the interests of the community against greedy developers focussed on profit, not community. Once again we call upon the council to reject this proposed development which is virtually identical to the one rejected last year.

1. DA Revisions

The plans for this site have been barely changed – the setbacks have reverted to those allowable by the DCP, but the condition for 25% landscaping is still not satisfied by these plans. The DA seeks to satisfy the landscaping requirement by leaving a strip less than a metre wide around the building. Much of this landscaping area will be shaded 90% of the time due to being in between a 9.5M building and a large retaining wall. The plans also seek to call internal courtyards landscaping, when these will be effectively walled off and not visible from the exterior of the building and will have no ameliorating affect on the density of the development. The original plans proposed ‘reinforced grass’ as a poor (and improper under the DCP) excuse for landscaping and the developer still seems intent to take advantage of a highly trafficked, narrow driveway entry to the site as landscaping.

It is clear to see that much of this ‘landscaping’ will end up being either gravel paths for accessing plumbing/drainage services or dead grass beside driveway that needs to deal with 20-30 car movements per day.

Even Yamba Towers (as seen from the aerial photo in the DA pack) does not take up the entire block it sits on. For this development to be approved it should satisfy the 25% landscaping condition with REAL landscaping that falls within the definition provided by the DCP.

2. Existing DA

11 High street already has a DA, so there can be no complaint from the developer that they are being denied the opportunity to develop. The existing DA manages to easily fit the definition of medium density, unlike the proposed plan:

	Existing DA	Proposed DA
Sympathetic to streetscape	yes	no
Car spaces	6 unstacked	9 stacked
Impact on neighbours	Low – villas follow natural ground slope	High – entire block covered, to each boundary and max height



landscaping	More than 25%	Virtually non-existent
Density	Medium	HIGH

In all likelihood the current owner will simply 'flip' the site in order to make a quick buck. If this development is ever constructed it will need to use very poor materials and construction methods (cutting corners) to be economical. The problems that result from this poorly conceived design will be felt by the community for many years after the developer is long gone.

3. Parking

There are no examples in Yamba, or even NSW, of 9 car parks in 3 x 3 stacks. This design will be massively cumbersome for occupants of the building, who will no doubt seek to park in Woolli Street and the grass slip road that provides the only access to 9 High Street.

Why would the council consider such an experimental and unworkable parking design? I have never seen such a plan, even in the inner city... because IT SIMPLY WONT WORK.

The developer has wisely deleted the drawings showing how difficult it would be for occupants to access the most easterly car parking spaces. The computer plan showed a car would need to reverse/forward more than 5 times to access these spaces. Who would ever want to be the first to park in this stack if it takes your house mate 10 minutes of hard work to leave the flat, walk down stairs and do some car ballet to get out. What a nightmare... this design is totally unworkable in the real world, untested in Yamba or anywhere else in NSW and will simply put more pressure on already tight parking on High and Woolli streets.

4. Engineering for Retaining wall

The residents of High Street have received informal engineering advice that the proposed development will require a retaining wall at least 6 metres in height between 11 and 9 High Street. We have been advised that the demolition of the old retaining wall will place the uphill properties on High Street in danger of severe damage. The engineer advised that the method of construction for such walls is usually to 'pile drive' metal stanchions into the ground. He advised that the reverberation will cause damage to the very old cottage at 9 High Street.

We urge the council to review detailed engineering drawings to ensure that this development is even feasible before granting any application. Such a process is normal in a strata or semi development where there is a party wall and is very analogous to this situation. A horrendous retaining wall was recently constructed on Woolli Street that never would have gone ahead if this step was taken.

I urge Council to continue to stand by community and against greedy developers and reject this application. The existing DA should stand as the only compliant development proposal for development of this site.



Yours faithfully

SECTION 4.15 EVALUATION FOR REV2021/0012
 - Lot 2 DP 833711
 - Lot 3 DP 833711- Orion Drive YAMBA NSW 2464

Proposal:

The Applicant has lodged a Section 8.2 Review of DA2021/0374 under the *Environmental Planning and Assessment Act 1979*. The Application was lodged on 19 November 2021 within the six (6) month timeframe from date of determination. The review seeks Council approval for the proposed multi dwelling housing units originally refused under DA2021/0374.

BACKGROUND OF DEVELOPMENT CONSENT:

Development Application DA2021/0374 for a Multi Dwelling Housing development comprising three (3) units and strata subdivision at 11 High Street, Yamba was refused by Council at their Meeting of 26 October 2021 (Item 6B.21.080) as the development did not meet the side setbacks, landscaping and car parking requirements of the Residential Zone Development Control Plan (DCP).

The review application was placed on exhibition and three (3) submissions were received during the exhibition period.

REQUESTED AMENDMENT: The applicant has submitted a Division 8.2 Application (REV2021/0012) requesting a review of Council's decision to refuse DA2021/0374 and has amended the design to:

- Comply with the 35% landscaped area for R3 Medium Density Zones
- Comply with Side Setbacks relative to the height of the building; and
- Comply with secondary street frontage setbacks.

The application is also seeking a relaxation to Clause G2(9) of the DCP in relation to stacked parking so that one of the car parks for each units can be provided as stacked parking.

(1) Matters for consideration – General

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

State Environmental Planning Policy 55 – Remediation of Land

Clause 7 of the SEPP states that a consent authority must not consent to the carrying out of any development in land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The previous known use of the land is residential as the land contains an existing dwelling and has historically been used for residential purposes. It is unlikely to be contaminated and is suitable for continued residential use, as this use is not one of the potentially contaminated land uses listed in Table 1 of the Contaminated Land Planning Guidelines.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The SEPP requires new residential development, as well as alterations and additions to existing residential development valued at over \$50,000, to meet water and energy efficiency targets. A valid BASIX certificate was submitted with the development application. All commitments listed in the BASIX certificate are required to be completed/ satisfied prior to the issue of the Occupation Certificate.

Clarence Valley Local Environmental Plan 2011

The subject land is zoned R3 Medium Density Residential under the provisions of the *Clarence Valley Local Environmental Plan 2011* (herein referred to as “the LEP”). The proposed alterations and additions are permissible with consent in the zone. The proposed development is considered to be consistent with the objectives of the zone:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To enable serviced apartments while maintaining the medium density residential character and amenity of a locality.*

The proposal provides for the housing needs of the community and is consistent with the character of medium density residential development.

Clause 4.3 Height of Buildings

A maximum building height of 12m applies to the land under Clause 4.3 of the LEP and as shown on the Height of Buildings Map. The proposed development complies with the maximum building height.

Clause 7.2: Earthworks:

There are significant earthworks proposed as a result of this proposal requiring cutting into the hill. Detailed information is required under an Earthworks Management Plan, including geotechnical assessment and erosion and sediment control. A dilapidation report is also required to ensure that any adjoining properties are not impacted by the works. Appropriate conditions have been included in the Draft Schedule of Advices and Conditions to ensure that works do not impact on adjoining properties and that appropriate measures are undertaken should any damage occur during construction works.

Clause 7.8: Essential Services:

The subject site has access to reticulated water, electricity and sewer. Storm water will be discharged into Council's drainage system. The site has access to Woolli Street, a Council maintained road.

- (ii) **any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and**

Nil.

- (iii) **any development control plan, and**

The proposed development is subject to consideration under the Residential Zones DCP ("the DCP").

A2. Aims of the plan

The aim of the DCP is to support and complement the Clarence Valley Local Environmental Plan 2011 (CVLEP 2011) and to encourage well designed, high quality development within residential zones in the Clarence Valley.

Clause	Control	Complies
C.4: Streetscape Requirements	Presentation to the street, setbacks, building height, roofing, fences and walls, landscaping.	The townhouses present to High Street and meet most requirements except for a proportion of the buildings side setbacks and a reduction to the landscaping requirements. These are discussed below.
C5: Building Design Requirements	Siting, cut and fill, energy efficiency, materials and colours, carports and garages, privacy.	Yes - The development siting has been designed to present to the street and address constraints of the site. BASIX certificates have been submitted to address water and energy efficiency. Cut and fill is proposed in order to meet with the slope of the site. Garages are proposed with one parking space stacked behind another – comments on this are provided below.
C.6 NSW Coastal Policy and NSW Coastal Design Guidelines	Focus to promote ecologically sustainable development on the NSW coastline.	The Coastal Policy has been replaced by the Coastal Management Act 2016. The impacts of the proposal on the existing environment can be suitably managed and as such have minimal impact on surrounding agricultural activities, the river and floodplain, rural dwelling houses and the natural environment. The development is

Clause	Control	Complies
		<p>consistent with the framework and objectives for managing developments in the coastal zone.</p> <p>The proposed development is well designed and is below the building height for the Yamba R3 zone. The design is considered to be consistent with the NSW Coastal Design Guidelines in that it meets with medium density coastal village zone controls and compliments a mixed contrast of old and new development in the vicinity. The design provides higher density development in closer proximity to the town center and in context is not inconsistent with the surrounding streetscapes and developments.</p>
C.7 Potential impact on coastal views	Potential to affect coastal views from buildings adjoining or adjacent.	The subject site is not located opposite ocean views. View lines through the property are not considered to create an adverse impact given there are single storey dwellings on either side of the lot and the adjoining buildings on the southern side of High Street are upslope and essentially overlook the proposed buildings.
C.8 Types of residential development	R3 Medium Density Residential	Yes – multi dwelling housing is permitted
C.13 Building Height	12m maximum building height.	Yes – the proposed maximum roof height is ~10m from the ground surface.
C.16 Setbacks	Front setback of 6m, rear and side setback of 900mm and a setback of 1.5m from services	Yes – amended design submitted showing compliance with clause
C.19 Landscaped Area Requirements	Minimum of 35%	Yes – 35% landscaped area provided
C.20 Private Open Space Requirements	An area of 50m ² in one parcel with a dimension of 4.5m minimum.	Yes the proposed development is acceptable.
C.22 Landscaping plans	Is a landscaping plan required	Yes has been provided
C.24 Provision of Services	Access to sewer, electricity, water and Council road. Also storm water management	Yes - the lot has access to water, sewer, telecommunications, electricity and stormwater management. The lot has frontage to a Council maintained road.
C.29 Waste Management	Dispose of waste suitably	A waste management plan is to be provided prior to issue of the CC.

Clause	Control	Complies
		During the occupation phase of the dwelling the site will be serviced by Council's waste service.
G.2 Car parking requirements	1 covered space per dwelling	Parking numbers to be provided in accordance with Clause W5 below
G2(9)	Stacked car parking not acceptable	No – see variation considerations below ¹
I.2 Erosion and sediment controls	Prevent land degradation and soil erosion	Yes – and required through conditions of consent
W2 Objectives	Responsive to site constraints Complement existing street scape Reflect nth Coast character and minimise adverse impacts on adjoining properties	Yes – the proposed development is considered to be consistent with the evolving character of the Yamba Hill area which is transitioning from small beach cottages to larger dwellings and unit development consistent with the medium density zoning on which the land is located. The amended design reduces the height, scale and bulk of the original approved design issued under DA2010/0400 which will have benefits to adjoining properties
W3 Coastal Design Guidelines		See comments above C6 & C7
W4 – minimum site area	400m ² for multi dwelling housing	Yes
W5 – Parking	3 & 4 BR = 3 spaces pre unit	Yes – see comments regarding proposed stacked spaces below
W6 Building Height	12m	Yes
W7 Shadow Diagrams		Yes - provided

¹ Car Parking

Three (3) parking spaces for each unit are required under Clause W5 of the Yamba Hill DCP controls, however, stacked parking is proposed for one of the parking spaces for each unit. Clause G2(9) of the DCP states that stacked parking will not be accepted (Subclause G2(9)).

The applicant has provided the following reasons in support of their request to vary Clause G2(9) of the DCP:

- *The stacked parking arrangement has been proposed to reduce the required earthworks and also to reduce the overall bulk of the building;*
- *The stacked parking arrangement will not adversely affect the functioning of the car parking spaces with no conflict between dwellings occurring. In this regard, vehicles will not be required to be moved to facilitate parking for adjoining dwellings;*
- *The dwellings are 3 bedrooms only with 3 vehicles utilising each dwelling unlikely. It is likely that there will be one spare space for visitors and the like;*
- *The site is in proximity to essential services and recreational facilities. As such, vehicle use to access these services is likely to be reduced;*

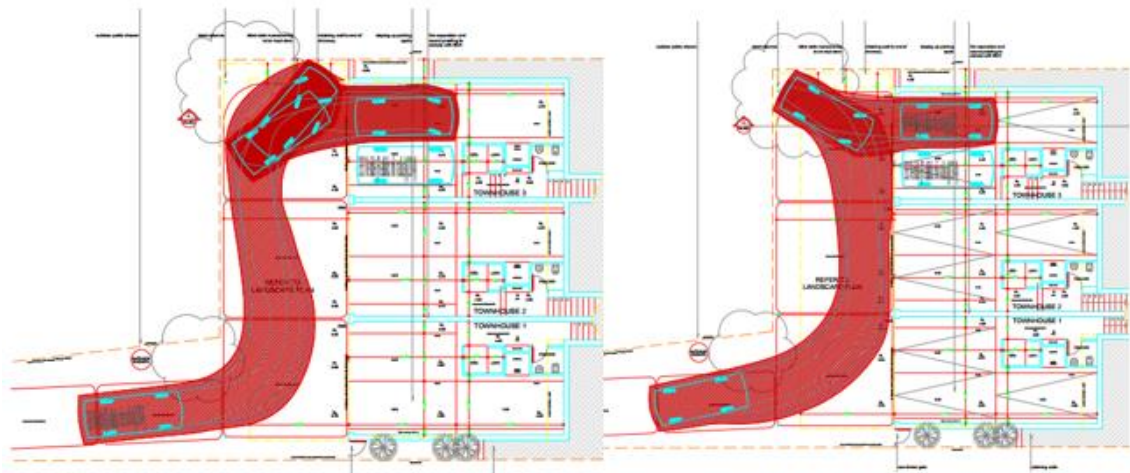
- *The number of car parking spaces required (i.e three spaces per dwelling) is provided to each dwelling. Traditionally, the prohibition of stacked parking spaces is adopted to remove conflict between unknown owners of vehicles. In this regard, each car park will be located within the confines of each dwelling and as such unknown vehicles cannot park in the spaces provided.*

Comment

As stated within the original report to Council, Clause A9 of DCP provides that Council can grant consent to a development proposal that does not comply with the specific requirements of the DCP after considering the particular merits of a development proposal.

Discussions with the architect for the development indicated that the current design was required to eliminate the need for a very large basement area with manoeuvring areas, required excavation and increased height of the buildings.

The variation to the parking design is limited to one (1) stacked parking space per unit. Whilst discouraged by the DCP, is considered to be an appropriate design outcome given the sloping site, reduced excavation and provision of the required number of car parking spaces per unit. The proposed development is located in walking distance to amenities and services in Yamba's CBD, meaning residents will have reduced reliance on vehicles for some daily trips, which further supports the proposed limited stacked car parking arrangement. The manoeuvring diagrams provided in **Figure 3** demonstrate that the spaces can be suitably accessed and allow for a vehicle to leave in a forward direction. For these reasons, a variation to this DCP requirement is considered acceptable given the particular merits of the development application.



- (iii) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

N/A.

- (iv) **the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,**

The Division 8.2 Review complies with the matters prescribed within the regulations.

- (b) **the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.**

There will be no adverse impact on the natural or built environment from a review of conditions requested by the applicant.

- (c) **the suitability of the site for the development,**

Due to an amendment of the application to now comply with the side setbacks and landscaped area set out in the DCP, and suitable justification has been provided to support stacked parking for reasons provided above, the site is considered suitable for the proposed development for the following reasons:

- The amended design will reduce the impacts of the original approved development under DA2010/0040 through reduced bulk and scale and reduction in overshadowing.
- The development is consistent with the following objectives of the R3 Medium Density Zone:
 - *to provide for the housing needs of the community within a medium density residential environment,*
 - *to provide a variety of housing types within a medium density residential environment.*
- A variation to the car parking controls in Clause G2(9) to allow the stacked car parking for one space per unit has been adequately justified on planning grounds
- The development complies with all other aspects of the development
- Suitable conditions are contained in Schedule 1 to provide certainty around stormwater management for the site to adjoining land owners

- (d) **any submissions made in accordance with this Act or the regulations,**

Three (3) submissions were received during the exhibition period which raised the following matters:

a. Stormwater

Concern has been raised with regard to underground and overflows from properties upstream of the development. The concern is that the proposed retaining walls and underground footings will intercept and divert water runoff towards the property at 12 Woolli Street. The landowner sought an independent review of the stormwater management plan, of which the assessment determined that additional field inlet pits are required downstream of the retaining wall.



Figure 8 – Photo of site taken from High Street on 1 March 2022

It can be seen from the photo in **Figure 8** that there is an existing retaining wall along the upstream boundary of the property shared with 9 High Street. This existing retaining wall would currently be intercepting any overland or underground stormwater flows from upstream of the development lot. This water is currently being directed toward 11 High Street and 12 High Street.

Based on the information provided with the development application, the proposed new retaining wall between the boundary of the development site and 12 Wooli Street will be of minimal height. Site plans indicate that the retaining wall will be located close to the upstream boundary of 12 Wooli Street for adequate manoeuvring area. Given its proximity to the boundary, it is unlikely that additional pits would be able to be installed between the boundary and proposed retaining wall.

The development will reduce runoff from the site and will not result in any additional water being directed to 12 Wooli Street. Current runoff from properties upstream of the site will remain as is. However, to provide certainty to the adjoining land owner, the following conditions have been included in the Draft Schedule to ensure that adequate stormwater management is provided and detailed plans will be required and reviewed prior to issue of the building Construction Certificate:

- Design of the proposed driveway and manoeuvring areas would need to be designed such that runoff from these areas is captured and detained as per the stormwater management plan. Detailed plans of the driveway are to be submitted for approval with the building construction certificate.
- Details of the proposed retaining wall will need to be provided for approval with the building Construction Certificate. This will need to provide details on its proximity to the zone of influence for the existing sewer main. This will also need to include provision for drainage around the retaining wall.

b. Setbacks

The development has been amended so that the component of the building over 6.5m in height provides a side setback of 1.5m and component of building (western elevation) greater than 9m provides a side setback of 3m. As such, the setbacks for the proposed development now comply with the provisions of Clause C16 of the DCP.

c. High density development and floor space ratios

One of the submissions raised concerns that the development provides a high density development not characteristic of the surrounding area compared to the floor space ratios of nearby dwellings.

The Clarence Valley Local Environmental Plan and Residential Zones DCP do not set a maximum floor space ratio for developments such as this. The density of development is determined through a combination of the DCP controls relating to landscaping, private open space, height and setbacks. The applicant has demonstrated that the development meets these requirements and provides for 35% landscaped area for R3 medium density zones, 50m² of private open space for each units, compliant setbacks and height.

d. Inadequate car parking

As discussed above under the car parking considerations, the development is required to provide 3 space per unit in line with part W5 of the Yamba Hill Controls. The proposed development provides 3 spaces per unit which complies with the requirements of Clause W5 of the plan. The manoeuvring diagrams provided with the application demonstrate that the spaces can be suitably accessed and allow for a vehicle to leave in a forward direction.

e. Lack of landscaped area

The amended design now demonstrates compliance with Clause C19.2 of the DCP which requires 35% of the site area for land zoned R3 Medium Density. Landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

f. Retaining wall height

One of the submissions stated that they had received informal independent engineering advice and that a six (6) metre retaining wall is required between No. 9 and 11 High Street however the proposed architectural plans indicate a maximum retaining wall height of approximately 2.9 metres on the northern elevation.

g. Possible dilapidation of adjoining buildings during construction and removal of existing retaining wall

Dilapidation can occur to adjoining buildings on any site during construction and it is common practice that suitable conditions of consent be included to address this issue should any damage occur from works on adjoining sites. To mitigate any risk, the following conditions have been included in the draft advices and conditions contained in Schedule 1.

15. A dilapidation report containing internal and external photographs shall be submitted to Council for adjoining buildings prior to construction works commencing. This will provide a basis for comparison should any damage occur to these buildings as a result of the demolition/construction works.
21. **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).

22. In the event shoring, sheet piling, pile driving or similar is proposed, the design and method shall be certified by a practising structural engineer and provided to the certifier prior to the issue of a construction certificate.
23. Certification from a practising structural engineer confirming all proposed works including demolition will not negatively impact No 9 and No 13 High Street Yamba shall be provided to the certifier prior to the issue of a construction certificate.
- h. Review of detailed engineering drawings

The review of detailed engineering drawings is considered as an unreasonable request and expense for the applicant to engage the services of a structural engineering prior to the determination of the application as the proposal may not be supported in its current form.

(e) the public interest.

The proposed review is considered to be in the public interest by being generally consistent with relevant legislation and policies adopted by Council. Additionally, the development is considered to be consistent with the objectives of the Act.

RECOMMENDATION: It is that the refusal issued by Council on 2 November 2021 be approved pursuant to Division 8.2 Review of the Environmental Planning and Assessment Act 1979 subject to the imposition of suitable advices and conditions.

Officer: Carmen Landers, Acting Development Services Coordinator
Date: 3 March 2021

Table 5 – General Advices to Applicant

Section 1 – General Advices to Applicant			
Advice	Description	Proposed Change to Advice	Council Comments
2	<p>The following Information shall be submitted to the Council or Principal Certifying Authority prior to issue of a Construction Certificate:</p> <ol style="list-style-type: none"> Home Owners Warranty Certificate or copy of the Owner Builder Permit Structural Engineers details for footings/slabs/structural steel/tie downs and bracing. The name and licence number of the builder. 	<p>AMEND ADVICE 2</p> <p>The following Information shall be submitted to the Council or Principal Certifying Authority prior to issue of a Construction Certificate for houses:</p> <ol style="list-style-type: none"> Home Owners Warranty Certificate or copy of the Owner Builder Permit Structural Engineers details for footings/slabs/structural steel/tie downs and bracing. The name and licence number of the builder. 	<p>It is understood that the buildings will be relocatable.</p> <p>Having discussed with the Building Coordinator, the certifier will still bound by some requirements as some of the works are residential.</p> <p>Support change with prior to issue of Building CC to be reflected.</p>
11	All timber used shall comply with the Timber Framing Code AS 1684, in regard to size, spacing, span and method of fixing.	<p>DELETE ADVICES 11-17</p> <p>Compliance with NCC series – Building Code of Australia” – All building work must be carried out in accordance with the requirements of the National Construction Code Series – Building Code of Australia, including access to the building for disabled persons (requirements of SEPP Housing for Seniors or People with a Disability) as in force on the date the application for the relevant construction certificate or complying development certificate was made.</p>	Having discussed with the Building Coordinator, 12 and 13 will be retained
12	The floor level of habitable rooms is to be a minimum of 2.5 meters Australian Height Datum.		
13	<p>A Certificate indicating the height of habitable floors on the ground floor (related to Australian Height Datum) is to be forwarded to the Principal Certifying Authority;</p> <ul style="list-style-type: none"> In the case of timber floors, on completion of the flooring framing; In the case of concrete slabs when formwork is in place but prior to pouring concrete. <p>This Certificate is to be provided by a Licenced Surveyor, Certified Engineering Surveyor or Engineering Surveyor approved by the Deputy General Manager of Civil Corporate or the District Health & Building Surveyor.</p> <p>No further work is to be carried out on the building until such Certificate is provided to the Principal Certifying Authority.</p>		
14	The manufacture’s details of details of the Roof Trusses are to be submitted to Council prior to the commencement of this stage of construction.		
15	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 3.7.2 of the Building Code of Australia (Housing Provisions), shall be installed in the dwelling(Delete)/in each dwelling unity. A licensed electrical contractor’s installation certificate is to be submitted to Council prior to occupation of the dwelling/s.		
16	<p>The construction certificate application must include the following information:</p> <ol style="list-style-type: none"> A structural Engineer’s design for all footings, floor slabs, concrete walls, columns, roof and stairs. A compliance certificate or other form of documentary evidence from a practicing Structural Engineer confirming the satisfactory fabrication and holding down requirement of the portal frames. 		

	<ul style="list-style-type: none"> c) A compliance certificate or other form of documentary evidence from a Structural Engineer's certificate to certify that the building complies with the requirements of the NSW Specification B1.3 of the Building Code of Australia. d) Details for wind bracing and tie down for the building. 		
17	<p>The concrete slab floor shall be treated against termites in accordance with AS 3660-1 (2000) (the standard) as follows:-</p> <ul style="list-style-type: none"> a) NON CHEMICAL – where a non-chemical treatment (physical barriers) is to be used the applicant shall submit details to Council prior to any work commencing. b) CHEMICAL RETICULATION – where a chemical method of treatment is to be used by way of reticulation, details shall be provided to Council for approval prior to installation accompanied by a signed Maintenance Contract with a Pest Control Operator. <p>NB: Applicants and owners are warned to ensure that annual inspection to determine need for treatment should be carried out.</p> <ul style="list-style-type: none"> c) CHEMICAL TREATMENT – where a chemical method of treatment is to be used by way of hand spray treatment before laying the slab, details shall be provided to the Council for approval prior to installation. <p>WARNING – Applicants and owners are warned that the expected life of the under floor barrier (chemical treatment) is only ten (10) years and of the external barrier (chemical treatment) is only five (5) years. The actual period of protection will depend on factors such as termite hazard, climate and soil conditions.</p> <p>RECOMMENDATION - Council recommends all cases of chemical treatment including chemical reticulation that regular annual inspection be carried out by a licensed Pest Control Operator to determine the need for re-treatment.</p> <ul style="list-style-type: none"> d) 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 and in accordance with any specific requirements of the Council. e) A durable notice must be permanently fixed to the building in the electricity meter box indicating: <ul style="list-style-type: none"> 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. NO: The Department of Fair Trading requires a whole house treatment to be carried out and you should contact them for detailed advice.		
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Table 6 – General Conditions of Consent

Section 2 – General Conditions																																																																																		
Condition	Description	Proposed Change to Condition	Council comments																																																																															
1	The development shall be completed in conformity with the Environmental planning & Assessment Act, 1979, the Regulations thereunder, and being generally in accordance with the Council approved stamped plan(s) submitted with the Development Application, or where modified by any conditions of this consent.	<p>AMEND CONDITION 1</p> <p>Condition to include supporting documents table. Development in accordance with approved plans;</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="5" style="background-color: #4F81BD; color: white;">DA2007/0884 Approved 11/12/2007</th> </tr> <tr style="background-color: #4F81BD; color: white;"> <th>Plan Type/ Document</th> <th>Plan No. & Version</th> <th>Prepared By</th> <th>Replace With</th> <th>Reference</th> </tr> </thead> <tbody> <tr> <td>Master Plan</td> <td>DA00</td> <td>Zoran Architecture</td> <td>Palm Lake Works</td> <td>YA-CP-2018 Site Plan – Sheet 01/03</td> </tr> <tr> <td>Control Plan</td> <td>DA01</td> <td>Zoran Architecture</td> <td>Deleted.</td> <td>N/A.</td> </tr> <tr> <td>House Yard – Allotment Type</td> <td>DA04</td> <td>Zoran Architecture</td> <td>Deleted.</td> <td>N/A.</td> </tr> <tr> <td>Clubhouse Plan</td> <td>DA05-DA07</td> <td>Zoran Architecture</td> <td>Parups Waring Architecture</td> <td>2020011 SD900</td> </tr> <tr> <td>Sandalwood Design</td> <td>Sheet B(a,c)-2>5</td> <td>Zoran Architecture</td> <td rowspan="10">Palm Lake Works</td> <td>Antigua</td> </tr> <tr> <td>Riverbank Design</td> <td>Sheet C(a,c)-2>5</td> <td>Zoran Architecture</td> <td>Florencia</td> </tr> <tr> <td>Acacia Design</td> <td>Sheet D(a,c)-2>5</td> <td>Zoran Architecture</td> <td>Marquis</td> </tr> <tr> <td>Willow Design</td> <td>Sheet E(a,c)-2>5</td> <td>Zoran Architecture</td> <td>Palmira</td> </tr> <tr> <td>Pandanus Design</td> <td>Sheet H(a,c)-2>5</td> <td>Zoran Architecture</td> <td>Coolum 3</td> </tr> <tr> <td>Poinsiana Design</td> <td>Sheet I(a,c)-2>5</td> <td>Zoran Architecture</td> <td>Greenvale</td> </tr> <tr> <td>Riverview Design</td> <td>Sheet J(a,c)-2>5</td> <td>Zoran Architecture</td> <td>Harmony</td> </tr> <tr> <td>Riverside Design</td> <td>Sheet K(a,c)-2>5</td> <td>Zoran Architecture</td> <td>Manaboa</td> </tr> <tr> <td>The Vista Design (2-storey)</td> <td>Sheet Q(r,a)-2>5</td> <td>Zoran Architecture</td> <td>Paradise</td> </tr> <tr> <td>Outlook Design</td> <td>Sheet R(a)-2>5</td> <td>Zoran Architecture</td> <td>Retreat</td> </tr> <tr> <td>Gallery Design (2-storey)</td> <td>Sheet S(a)-2>5</td> <td>Zoran Architecture</td> <td>Seabreeze</td> </tr> <tr> <td>Wattle Design</td> <td>Sheet T(a)-2>5</td> <td>Zoran Architecture</td> <td>Surfside</td> </tr> </tbody> </table>	DA2007/0884 Approved 11/12/2007					Plan Type/ Document	Plan No. & Version	Prepared By	Replace With	Reference	Master Plan	DA00	Zoran Architecture	Palm Lake Works	YA-CP-2018 Site Plan – Sheet 01/03	Control Plan	DA01	Zoran Architecture	Deleted.	N/A.	House Yard – Allotment Type	DA04	Zoran Architecture	Deleted.	N/A.	Clubhouse Plan	DA05-DA07	Zoran Architecture	Parups Waring Architecture	2020011 SD900	Sandalwood Design	Sheet B(a,c)-2>5	Zoran Architecture	Palm Lake Works	Antigua	Riverbank Design	Sheet C(a,c)-2>5	Zoran Architecture	Florencia	Acacia Design	Sheet D(a,c)-2>5	Zoran Architecture	Marquis	Willow Design	Sheet E(a,c)-2>5	Zoran Architecture	Palmira	Pandanus Design	Sheet H(a,c)-2>5	Zoran Architecture	Coolum 3	Poinsiana Design	Sheet I(a,c)-2>5	Zoran Architecture	Greenvale	Riverview Design	Sheet J(a,c)-2>5	Zoran Architecture	Harmony	Riverside Design	Sheet K(a,c)-2>5	Zoran Architecture	Manaboa	The Vista Design (2-storey)	Sheet Q(r,a)-2>5	Zoran Architecture	Paradise	Outlook Design	Sheet R(a)-2>5	Zoran Architecture	Retreat	Gallery Design (2-storey)	Sheet S(a)-2>5	Zoran Architecture	Seabreeze	Wattle Design	Sheet T(a)-2>5	Zoran Architecture	Surfside	<p>Additional new condition to be inserted regarding staging plan.</p>
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		Eucalyptus Design	Sheet V(a,c)-2>5	Zoran Architecture	Deleted.	N/A	
		Bath/Ens Plans	SK	Zoran Architecture	Deleted.	N/A	
2	The applicant shall surrender the Development Consents DA93/3007 and DA95/174 In accordance with Section 97 of the Environmental Planning Assessment Regulations 2000 prior to the release of the Construction Certificate for Civil works.	N/A					This should be retained and not deleted. Provide separate to certifier that this has been satisfied.
3	The Permit under the Fisheries Management Act for the compensatory wetland area on Part Lot 11 in DP 1029899 shall be approved by the Department of Primary Industries prior to the release of the Construction Certificate for Civil Works.	<p>AMEND CONDITION 3</p> <p>The development must be carried out in compliance with the conditions detailed in Department of Primary Industries permit 04/196. Compliance with this condition has been satisfied as per documentation listed;</p> <ul style="list-style-type: none"> - Department of Primary Industries letter OUT12/12408 dated 07 June 2012. 					This condition to be retained. Provide separate to certifier that this has been satisfied and that there may be responsibilities to be adhered to during works and for plans.
12	The development shall comply with the requirements of SEPP (Housing for Seniors or People with a Disability) 2004.	<p>DELETE CONDITION 12</p> <p>This is noted in recommendation with conditions 11-17.</p>					Not supported – as the development has been lodged under this the development is required to comply with the SEPP.

Table 7 – Conditions of Consent Prior to the Issue of a Construction Certificate (Section 138) External Works

Section 3 – Prior to the Issue of a Construction Certificate (Section 138) External Works			
Condition	Description	Proposed Change to Condition	Council comment
6	A Pedestrian Access and Mobility Plan (PAMP) to demonstrate options for senior pedestrians to gain access to existing facilities such as the bus stop, shopping centre and medical facilities shall be submitted in accordance with the requirements of	<p>AMEND CONDITION 6</p> <p>The development must be carried out in compliance with Pedestrian Access and mobility plan dated 16 August 2019 prepared by Bitzios Consulting and in accordance with NSW Road</p>	Changed in amended consent under MOD2021/0029- however won't stamp PAMP. Detailed plans will need to be submitted with a Public Works Certificate

	the SEPP and approved by the RTA and Council prior to the issue of the Construction Certificate for Civil Works.	and Maritime Services guidelines. Prior to the issue of an occupation certificate, all pathways must be completed to Council's satisfaction. [Internal Note: Footpath connection to be installed section of Yamba rd 250m, Orion drive 400m]	for works in road reserve before works commence.
21	Occupation of the road reservation is to be minimised and where absolutely necessary the appropriate approvals for traffic management and construction traffic shall be obtained and shall be in accordance with the consent conditions of this approval. Any approval shall be in accordance with Section 130 of the Roads Act.	AMEND CONDITION 21 Prior to the issue of an occupation certificate, all road, drainage and civil works, required by the road reserve on Orion Drive must be completed to Council's satisfaction. Each work must be carried out in accordance with council's standard drawings.	No change supported. Approval from Council is only required if occupation of road reserve by builders, machinery, etc. this does not include works in the road reserve.
22	The control of erosion and silt discharge will involve works and measure on site, and possible additional silt retention works. Detail of proposed control works are to be submitted to and approved by Council prior to the issue of any Construction Certificate.	<u>REV2021/0013</u> Prior to the issue of a Construction Certificate for internal civil works, an erosion and sediment control plan, prepared by a suitably quality person must be submitted to and approved by the principle certifying authority. Control over discharge of stormwater and containment of run-off and pollutants leaving the site must be undertaken through installation of those control devices.	Agree to insert PCA however it will need to also be for works external to the site.
27	Throughout the advices and conditions civil works shall mean works that shall become Council owned and maintained infrastructure.	Delete Condition	To be retained - Can clarify that this is for external works, this is a general advice and is read as such.
39	The payment to Council of the schedule fee for development construction certificate/supervision is required in accordance with the adopted fees and charges current at the time signing the Construction Certificate.	AMEND CONDITION 39 Prior to the issuing of a Civil or Building Construction Certificate for each stage of development, payment of the associated registration fees are to be made in accordance with the Council's current Schedule of Fees and Charges register.	Not supported, retain as is. General advice and this is a general advice and is read as such.
41	Where occupation of the road reserve is proposed a Traffic Control Plan must be prepared and submitted to Council showing how vehicle and pedestrian traffic will be safely managed within the road reserve. This plan must be prepared by a person authorised by the RTA to prepare Traffic Control Plans and must be approved by Council prior to the occupation of the road reserve.	AMEND CONDITION 41 Prior to the commencement of work, a traffic control plan on Orion Drive during construction of the development must be submitted to and approved by Council. The traffic control plan must be designed in accordance with the requirements of the Roads and Traffic Authority's Manual, Traffic Control at Work Sites Version 2, and Australian Standard Australian Standard AS 1742.3: Manual of uniform traffic control devices - Traffic control for works on roads'. The plan must incorporate measures to ensure that motorists using the road adjacent to the development, residents and pedestrians in the vicinity of the development are subjected to minimal time delays due to construction on the site or adjacent to the site.	Retain condition as is, TCP only required if occupation of the road reserve proposed.

		<p>The traffic control plan must be prepared by an accredited person trained in the use of the current version of RTA Traffic Control at Work Sites manual.</p> <p>The approved Construction Traffic Management Plan must be implemented prior to the commencement of work.</p> <p>[Internal Note: Refer to Bitzos Consulting Preliminary Construction Traffic Management Plan dated 23 August 2019.]</p>	
48	<p>The intersection of the internal access road and Orion Drive shall be designed in accordance with Austroads 'Part 5 Intersections at Grade' for the speed zone applicable to Orion Drive and the traffic volumes generated by the subdivision development. Plans for the intersection shall be submitted to and approved by Council prior to the issue of a Construction Certificate for the works. Intersection construction shall form part of the required development works for the site.</p>	<p>AMEND CONDITION 48</p> <p>Prior to the issue of a construction certificate, a turning path plan must be submitted to and approved by the certifying authority.</p> <p>Refer to Westera Partners drawing N18/124 TP dated October 2019.</p> <p>Refer to Bitzos Consulting Preliminary Construction Traffic Management Plan, Appendix B Swept Path Diagrams.</p>	<p>Agree - Remove reference to Austroads and subdivision, require access in accordance with AS2890.1 and swept paths for maximum vehicle. Plan required to be submitted with PWC/driveway application for works in road reserve.</p>
49	<p>Upgrading of the intersection of Yamba Road and Orion Drive shall be provided in accordance with Austroads 'Part 5 Intersections at Grade' for the speed zone applicable to the intersecting roads and the traffic volumes generated by the subdivision development. Plans for the intersection shall be submitted to and approved by Council prior to the issue of a Construction Certificate for the works. The design proposed shall specifically be aimed at reducing the current and future delay times and queue lengths for vehicles turning right into Yamba Road from Orion Drive. Delay times shall be limited to an absolute maximum of 15 seconds per vehicle and queue lengths shall be limited to 6 vehicles. Intersection improvement works shall form part of the required development works for the site.</p>	<p>DELETE CONDITION 49</p> <p>Intersection not necessary based on Bitzos Intersection Assessment File P4239.001T dated 14/08/2019.</p>	<p>Removal supported, referral to comments from engineering referral for full comments, additional comments below.</p>
50	<p>All stormwater is to be collected within the property and discharged in accordance with NR2 and the relevant Clarence Valley Council Development Control Plans (Including Paris F, G, H & R). Detailed plans of site drainage and Stormwater Management Plan shall be submitted for assessment and approval by Council prior to issue of a Construction Certificate.</p>	<p>AMEND CONDITION 50</p> <p>All stormwater is to be collected within the property and discharged in accordance with NR2 and the relevant Clarence Valley Council Development Control Plans (Including Paris F, G, H & R). Detailed plans of site drainage and Stormwater Management Plan shall be submitted for assessment and approval by Council prior to issue of a Construction Certificate.</p>	<p>Agree to PCA and to update NR2 to NRDC being the current engineering guidelines.</p>

Table 8 – Conditions of Consent Prior to the Issue of a Construction Certificate for Internal Civil Works

Section 4 – Prior to the Issue of a Construction Certificate for Internal Civil Works	
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Condition	Description	Proposed Change to Condition	
23	No work on the site including the removal of vegetation or topsoil may be undertaken until a construction certificate is issued by Council.	DELETE CONDITION 23 Internal works will not commence until a construction certificate is issued by certifying authority. Council have notified PLW they will not be issuing a CC for internal works.	To be deleted. Covered by other conditions.
24	The civil works shall be designed and constructed in accordance with Council's Engineering Standards current at the time of approval of Engineering Plans. Approval of Engineering Plans will be current for a period of two years after which time council may require the alteration to Engineering Design to comply with standards current at that date.	AMEND CONDITION 24 Prior to the issue of a construction certificate, the engineering plans and specifications must be designed by a qualified practicing civil engineer and to be submitted to the certifying authority for approval. These plans must be in accordance with Councils DCP and NRDC.	Council won't stamp plans and these will need to come in with the relevant S68 for works/connection. Will clarify that this is for external works only and amend.
25	The current Engineering Standards are ; <ul style="list-style-type: none"> - The Northern Rivers Local Government Development and Design Manual Version 2 (AUS-SPEC) - The Northern Rivers Local Government Construction Manual Version 2 (AUS-SPEC) - The Northern Rivers Local Government Handbook of Stormwater Drainage Design- Draft Version 1. - Sewerage Code of Australia (WSA 02 - 2002) - Water supply code of Australia (WSA03 – 2002) and are referred to hereafter in this document as NR2. 	DELETE CONDITION 25 This condition is covered in the above amendment.	Was deleted in modified consent.
30	The following contributions are required for approval under section 68 of the Local Government Act for water reticulation works being new works, upgrading or augmentations that will be of benefit to the development: Payment to Council of the following contribution pursuant to Section 68 of the Local Government Act, 1693: Proposed number of houses. Water Headworks - \$ 4,231 x 76 = \$ 321,556.00 Sewer Headworks - \$ 8,482 x 37 = \$ 323,094.00 Proposed clubhouse & gym Water Headworks- \$4,231x008x631m2 -\$ 21,358.09	AMEND CONDITION 30 The sewer contributions have been paid and noted on letter reference DWS/786356 dated 14 September 2011.	The credit for sewer has been credited on the site in the sewer headworks being half of the water headworks. Council will review the ETs applicable for the development and advice at what time/how many houses are released before Sewer is paid. It is understood all dwellings will be 3 bedroom units. Consistent with current Council adopted rates and assessment of communal facilities in similar types of development, Council does not charge additional headworks for these amenities and facilities as

	<p>Sewer Headworks- \$8,462.00x,013x631m2= \$ 90,754.85</p> <p>Total water Headworks- \$342,914.09</p> <p>Total Sewer Headworks - \$413,848.95</p>		<p>they are only for use by residents, these are to be removed accordingly.</p>
34	<p>A detailed Water Reticulation Management Plan shall be submitted for assessment and approval by Clarence Valley Council, prior to the issue of a Construction Certificate. This shall include details of the internal water reticulation scheme, the hydraulic details and an assessment of the existing water supply to ensure sufficient flows are available for the proposed development including firefighting flows.</p> <p>Amended by MOD2008/0018 on 26 March 2008</p>	<p>AMEND CONDITION 34 Prior to the issue of a construction certificate, a detailed water reticulation management plan must be submitted to the certifying authority for approval.</p>	<p>This will need to be submitted with the Section 68 application to demonstrate capacity and hydraulic assessment. Section 68 to be submitted before CC is issued.</p>
37	<p>Full plans showing details of all civil works designed in accordance with NR2 and prepared by a professional engineer or land surveyor approved by the Deputy General Manager Civil and Corporate shall be submitted to Council for assessment and approval, prior to the issuing of a Construction Certificate.</p>	<p>DELETE CONDITION 37 This condition is a duplicate and is covered in amending 24.</p>	<p>Update to clarify for external works only and NR2 to current NRDC requirements.</p>
38	<p>A detailed erosion and sediment control plan which has been prepared by a specialist professional in the area of soil and water management must be submitted to and approved by Council before the Construction Certificate is issued.</p>	<p>DELETE CONDITION 38 This is a duplicate condition.</p>	<p>Agree, duplicate of 22.</p>
42	<p>A Construction Management Plan documenting the proposed method of work within the construction site boundaries with regard to the health and safety of the public and affect on the road reserve must be submitted to and approved by Council prior to the issue of the civil and building construction certificates. If any part of the road reserve or public land is proposed for long term (exceeding 24 hours) inclusion in the construction site boundaries this area must be identified in the Construction Management Plan. The road reserve is classed as the property boundary to opposite property boundary and includes roadway, nature strip and footpath.</p>	<p>AMEND CONDITION 42 Prior to the issue of a Construction Certificate for internal civil works, obtain approval from the Principle Certifying Authority for a Construction Management Plan documenting the proposed method of work for the applicable stage of development.</p>	<p>Agree to insert PCA.</p>
46	<p>The internal access roads shall have full road construction, 30mm minimum depth of compacted asphaltic concrete surface over a minimum compacted pavement</p>	<p>AMEND CONDITION 46 Internal roads are required to be designed by a civil engineer, with a minimum of 150mm subbase and 150mm thick concrete pavement in accordance with AS3600. Rigid</p>	<p>Car parking, driveways, manoeuvring and access areas must be constructed, sealed, line marked and drained in accordance with</p>

	depth of 300mm. The AC mix and depth of pavement shall be designed in accordance with the estimated maximum traffic loading or the ESAs specified in NR2 whichever is the greater.	pavement may be amended at the consulting engineers discretion due to site conditions	AS2890, the relevant parts of the applicable Council DCP and NRDC
47	The provision and dedication of minimum 3 metre by 3 metre splays at the street intersections in the subdivision is required.	The approved seniors housing development was never a subdivision. This condition is outdated and requested to be deleted.	This can be deleted if Orion/Yamba road intersection deleted.
54	The Internal road layout (including turning path) shall be designed to ensure there is adequate provision for domestic and service vehicles to manoeuvre in a forward manner to comply with AS2890.1 Off Street Car Parking. The designs shall be submitted to and approved by Council prior to the issue of a Construction Certificate for any works on the site.	AMEND CONDITION 54 Prior to the issue of a construction certificate, the internal road layout must be designed to ensure adequate provision for domestic and service vehicles to manoeuvre in a forward manner to comply with AS2890.1 Off Street Car Parking and submitted to certifying authority for approval.	Refer to comment for 46 Above, to be a single condition.
55	All earthworks are to be designed and detailed in accordance with NR2 and the relevant Clarence Valley Council Development Control Plans (including Parts F, G, H & R). Detailed plans of earthworks Including an Earthworks Management Plan which should include or be included within the Soil and Water Management Plan shall be submitted to Council for assessment and approval by Council prior to issue of a Construction Certificate. The scope of earthworks should be minimised as much as possible due to the erodible nature of the natural soils.	DELETE CONDITION 55 This condition is a duplicate and can be covered in Condition 24.	Not supported, these are a different set of requirements to condition 24. Agree to update NRDC or accredited PCA
56	The applicant or party acting upon this development consent is to ensure that vehicles or plant associated with the works do not adversely impact on the roadways to such an extent that cause them to become un-trafficable for other road users particularly during wet weather. Any such damage is to be rectified immediately.	DELETE CONDITION 56 This condition is included in a section 138 construction certificate application.	Not supported, this is a general requirement on all applications should the contractors damage the road reserve during the course of works.
61	A detailed Sewerage Reticulation Management plan shall be submitted for assessment and approval by Council, prior to the issue of a Construction Certificate.	DELETE CONDITION 61 Restricts a private certifier from signing off private sewer should be able to be signed off by the principle certifying authority Results in a duplicate of conditions 32-34. Proposed amended condition 32 covers requirements under condition 61.	Not supported. This will need to be submitted with the Section 68 application to demonstrate capacity and hydraulic assessment. S68 to be approved before issue of CC.

Table 9 – Conditions of Consent Prior to the Commencement of Works

Section 4 – Prior to the Commencement of Works			
Condition	Description	Proposed Change to Condition	
63	No work on the site including the removal of vegetation or topsoil may be undertaken until the erosion and sediment controls are in place in	AMEND CONDITION 63 Prior to the issue of a construction certificate, an erosion and sediment control plan prepared by a suitably qualified person must be submitted to	No change supported.

	accordance with the approved erosion and sediment control plan.	and approved by the certifying authority. Control over discharge of stormwater and pollutants leaving the site must be undertaken through the installation of erosion control devices such as filter fences, hay bale barriers, sedimentation basins.	
66	A sediment control fence must be installed at the down slope perimeters of the disturbed area to prevent sediment and other debris from leaving the site.	DELETE CONDITION 66 This condition is covered in amending 63.	Deletion supported – controls to be installed as per approved plan.

Table 10 – Conditions of Consent to be Satisfied During Works

Section 5 – Conditions to be Satisfied During Works			
Condition	Description	Proposed Change to Condition	
8	Site Safety Preparation and 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.	AMEND CONDITION 8 Site Safety Preparation and 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.	Not supported, this is a general requirement of all developments that if occupation of the road reserve is required for material, machinery and the like prior approval from CVC as roads authority is required.
64	All sediment and erosion control measures are to be constructed to prevent sediment from leaving the site or entering downstream properties, drainage lines, watercourses or environmentally sensitive areas. Control measures are to be constructed in accordance with the approved Erosion and Sediment Control Plan for the site.	DELETE CONDITION 64 This condition is covered in amending Condition 63.	Change not supported as this requires installation of sed/eros measures in accordance with approved plans.
65	Disturbance of the site must only occur on areas indicated on the approved plans.	DELETE CONDITION 65 If this condition is to remain, reword or combine with earthworks conditions.	Already deleted in notice of determination

Table 11 – Conditions of Consent Prior to the Issue of an Occupation Certificate

Section 6 – Prior to the Issue of an Occupation Certificate			
Condition	Description	Proposed Change to Condition	
32	A certificate shall be submitted to Clarence Valley Council stating that the development complies with the requirements under Part 3 Clause 16 of the Local Government (Water Services) Regulation 1999, In regard to water supply.	This condition has no timing allocation to demonstrate compliance and is duplicated in conditions 33 and 34. We propose the condensing of conditions 32-34.	This refers to certificate compliance which is Council's current method of Tracking Sewer/Water Contributions and required before OC. To be updated accordingly. To be deleted and included in Condition 30.
45	The applicant must provide at their own cost, underground electricity to the requirements of Country Energy or other recognized electricity provider to all dwellings within the development site Prior to the Issue of any Occupation Certificate, Council will require satisfactory evidence that all contributions to Country Energy for underground electricity have been	AMEND CONDITION 45 Prior to the issue of an occupation certificate, the applicant is responsible to provide underground electricity in accordance with the requirements of the electricity supply authority.	Already amended in notice of determination

	lodged and all requirements of that Authority have been compiled with for the whole development site.		
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New Conditions			
Condition	Description	Proposed Change to Condition	Council comments
73	Where the development is subject to acid sulfate soils, the appropriate treatment of the works shall be detailed in accordance with Council and the NSW Acid Sulfate Soil Management Advisory Committee requirements and Acid Sulfate Soils Manual		To be updated to reflect ASS management plan submitted with MOD2021/0029.
74	An amended waste management plan for the ongoing operation of the aged care facility shall be submitted to Clarence Valley Council and approved prior to issue of the Building Construction Certificate. The approved waste management plans shall be complied with during the demolition, construction and ongoing operation of the aged care facility. All waste management facilities in the development shall be in place prior to the issue of the Occupation Certificate	This condition refers to the development being an aged care facility. This is incorrect, we would appreciate 'aged care facility' being amended to refer to 'development' or 'seniors living estate' as defined by the approval land use.	Agree to change in definition and to insert relevant stage.
75	The civil works shall be designed and constructed in accordance with Council's Engineering Standards current at the time of approval of Engineering Plans. Approval of Engineering Plans will be current for a period of two years after which time Council may require the alteration to Engineering Design to comply with standards current at that date.		Delete. This is a duplicate of an existing condition.
76	All building construction below habitable flood levels shall be of flood compatible materials.		
77	The dwellings shall comply with the Australian Building Codes Board Standard for Construction of Buildings in Flood Hazard Areas. A Structural Engineers certificate shall be submitted prior to issue of the construction certificate to verify the dwellings will withstand the likely forces imposed on them by a 1:100 year flood event including hydrostatic, hydrodynamic, debris, wave, erosion and scour actions.		
78			New Condition to be inserted regarding development to be carried out in accordance with the approved staging plan.

Comments regarding Condition 49:

The applicant has completed a revised traffic impact assessment and intersection analysis based on Council's requested updated background traffic for Orion Drive based on Traffic surveys within the more central areas of Yamba to provide a more conservative and accurate representation of the potential traffic volumes for the Orion drive catchment.

The analysis included 2 scenarios:

1. *1.5% growth rate on Yamba Road and theoretical Orion Drive traffic, for 2022 and 2032 design traffic (i.e. with development built), AM and PM peak hours*
2. *3.5% growth rate on Yamba Road, and theoretical Orion Drive traffic, with Witonga Drive roundabout for 2032 design traffic AM and PM peak hours.*

Scenario 2 assumes Witonga Drive roundabout shall be constructed and operating within the next 10 years (i.e. the design horizon 2032). Data for the level of existing traffic that will likely utilise this roundabout was supplied by Council based on the endorsed traffic impact assessment submitted with the Yamba Quays Round a Bout design.

Results:

Scenario 1:

Analysis of the sensitivity test focused particularly on the right turn exiting Orion Drive onto Yamba Road as the worst performing movement at the intersection.

Table 3.1: Scenario 1 (1.5%p.a.) SIDRA Results Summary

Approach	AM Peak			PM Peak		
	LOS	Delay (s)	Queue (veh)	LOS	Delay (s)	Queue (veh)
2022 Design Traffic						
L Orion Drive (S)	A	6.8	0.1	A	6.4	0
R Orion Drive (S)	B	19.5	1.3	B	18.5	0.3
L Yamba Road (E)	A	4.6	0	A	4.6	0
T Yamba Road (E)	A	0.1	0	A	0.1	0
T Yamba Road (W)	A	0.1	0	A	0.1	0
R Yamba Road (W)	A	6.9	0	A	6.7	0.1
2032 Design Traffic						
L Orion Drive (S)	A	7.3	0.1	A	6.8	0.1
R Orion Drive (S)	B	27.7	1.7	B	243	0.4
L Yamba Road (E)	A	4.6	0	A	4.6	0
T Yamba Road (E)	A	0.1	0	A	0.1	0
T Yamba Road (W)	A	0.1	0	A	0.1	0
R Yamba Road (W)	A	7.4	0	A	7.2	0.1

Figure: Bitzios Traffic Impact Statement

Based on the above analysis, under the 1.5% growth rate for Yamba Road, the intersection will operate at a level of service B for the right turn movement. It is noted that the delay for the right turn movement reaches a maximum of 27.7 seconds in the AM peak, 12.7 seconds over the maximum 15 seconds specified in the original condition.

Scenario 2:

Analysis used a theoretical growth rate of 3.5%p.a. on Yamba Road and the theoretical traffic volume on Orion Drive to test the worst-case scenario for the Yamba Road intersection (i.e. the 10-year design horizon plus Witonga Drive intersection). Yamba Road traffic at the Orion Drive intersection has been reduced based on the level of traffic using the future Witonga Drive roundabout to determine the reduced impacts on the intersection. This is considered acceptable.

Table 3.2: Scenario 2 (3.5% p.a. + Witonga Drive roundabout) SIDRA Results Summary

Approach	AM Peak			PM Peak		
	LOS	Delay (s)	Queue (veh)	LOS	Delay (s)	Queue (veh)
2032 Design Traffic						
L Orion Drive (S)	A	7.3	0.1	A	7.5	0.1
R Orion Drive (S)	C	37.7	2.1	B	28.5	0.5
L Yamba Road (E)	A	4.6	0	A	4.6	0
T Yamba Road (E)	A	0.1	0	A	0.1	0
T Yamba Road (W)	A	0.2	0	A	0.2	0
R Yamba Road (W)	A	7.5	0	A	7.8	0.1

Figure: Bitzios Traffic Impact Statement

Based on the above analysis, under the 3.5% growth rate for Yamba Road with reduced traffic movements based on the Witonga Drive round about, the intersection will operate at a level of service C for the right turn movement. It is noted that the delay for the right turn movement reaches a maximum of 37.7 seconds in the AM peak, 22.7 seconds over the maximum 15 seconds specified in the original condition.

Existing condition 49:

It is noted that the wait time for the right turn movement in question is directly affected by the westbound traffic along Yamba Road and can only be improved by either changing the intersection treatment or reducing the traffic volumes on the main road.

The original condition required a form of upgrading to the Orion Drive and Yamba Road intersection in order to achieve a maximum delay time of 15 seconds for the right turn movement as well as a maximum queue length of 6 vehicles. This was consistent with the existing modelled condition for the Orion Drive and Yamba Road intersection as documented in the original traffic assessment report submitted with the application which found delay to be 15.5 seconds. The original report estimated that with the additional of the development traffic, the maximum delay would increase to 58 seconds.

With this in mind, the condition was likely imposed so that the existing delay time would be maintain so that the post development delay time was no worse that the pre development wait time i.e. no impact on the intersection. Comments received from the local traffic committee meeting concluded that "*the intersection was suitable with the assumption that Witonga Drive roundabout was built*" however this roundabout was not installed prior to operation of the development, "*a roundabout will be necessary at Orion/Yamba Road*".

Both the original report and the current iteration indicate that this can not be achieved with the current intersection treatment, noting that the current report has reduced daily vehicle trip generation for the development by approximately half. However, it is noted that the degree of saturation or the intersection, taking into account both delay and queue length, is within good operating conditions (as per original report).

Comments:

As noted above, the wait time for the right turn movement in question is directly affected by the westbound traffic along Yamba Road and can only be improved by either changing the intersection treatment or reducing the traffic volumes. As shown, the future Witonga roundabout will reduce the through traffic on Yamba Road at the Orion Drive intersection, and therefore reduce the wait time for the right turn movement. It is also worth noting that the traffic modelling indicates that the existing intersection treatment is operating well within the maximum vehicle delay of 6 (analysis shows 2.1 vehicles for right turn movement).

Based on previous reports provided with the modification application, it is known that the right turn movement mentioned in condition 49 for the Orion Drive / Yamba Road intersection will operate at a Level of Service D or at capacity, assuming the 3.5% compounding growth over a design horizon of 10 years.

The additional analysis shows that with the construction of the Witonga Drive roundabout, likely to occur within the design horizon of 10 years (as modelled), this will reduce the wait times for the right turn movement and thus reduces the level of service to C or within capacity. It is noted that it is likely that the proposed roundabout will be operation within the next 2 to 3 years.

The existing intersection treatment at Orion Drive and Yamba road has limited possibility in alteration to improve the delay for the right turn movement. To achieve significant reduction in delay time would require upgrade to a roundabout or installation of traffic lights. With this in mind, it is unclear the implications and effects that traffic lights or an additional roundabout would have on the local network and its functionality. The only possible alteration of the existing intersection treatment would be to formalize the right turn and left turn lanes in Orion Drive. This would eliminate some vehicles turning left from the total queue, thus slightly reducing delays and queue lengths for the right turn movement.

Base on the provided additional analysis, the removal of condition 49 has been requested by the applicant based on the level of service C and wait time of 37.7 seconds being an acceptable operating condition based on the installation and operation of the Witonga drive roundabout within the 10 year design horizon. The applicant does not agree that the 3.5% growth rate for Yamba Road is accurate nor realistic.

It is acknowledged that the original requirements of condition 49 have been put on the development to ensure that the intersection of Orion Drive and Yamba road will operate within an acceptable level of service withstanding that the installation of the future Witonga Drive roundabout would result in the existing intersection treatment to be sufficient. This ultimately required installation of a roundabout at the intersection of Orion Drive and Yamba Road if the development proceeded to operation prior to the installation of the Witonga Drive roundabout. The additional information and intersection analysis have confirmed this as the modelling, along with supplementary reports, shows that the installation of the Witinga Drive roundabout results in a decrease in delay for the right turn movement.

Based in the above, it will be required that the existing intersection be upgraded to provide additional line marking and formalization of right turn and left turn lanes out of Orion Drive onto Yamba Road. This will alleviate effects on the intersection right turn movement as a result of the development in addition to the future installation of the Witinga Drive roundabout, as originally foreseen with the original development application

ITEM 07.22.042 PLANNING PROPOSAL REZ2021/0001 - LOT 2 DP839420, SPRING STREET, SOUTH GRAFTON

Meeting	Council	22 March 2022
Directorate	Environment & Planning	
Prepared by	Strategic Planner, Jasmine Oakes	
Attachments	A. Submissions ↓ B. Updated Planning Proposal and supporting reports (Separate Cover) ⇒ C. Gateway Determination ↓	

SUMMARY

<i>Applicant</i>	Clarence Valley Council
<i>Owner</i>	Clarence Valley Council
<i>Address</i>	Lot 2 DP 839420, 2 Spring Street, South Grafton (former Visitor Information Centre site)
<i>Submissions</i>	3 Submissions received

Planning Proposal (REZ2021/0001) seeks to rezone Lot 2 DP 839420, 2 Spring Street, South Grafton (the former Visitor Information Centre). The proposal is to rezone the site from SP3 Tourist to B5 Business Development to enable the site to be used for purposes consistent with the surrounding area and relates to the proposed sale of this Council land.

The planning proposal was publicly exhibited from 11 January to 8 February 2022 and three (3) public submissions have been received opposing the rezoning. Two (2) agency submissions have been received which do not raise any concerns.

OFFICER RECOMMENDATION

That Council:

1. Note the submissions received (Attachment A) regarding the exhibited planning proposal;
2. Support the planning proposal to rezone the subject land from SP3 Tourist to B5 Business;
3. Note that the relevant strategies and plans will be considered with any future development applications, including the Business Zones DCP and the Grafton Precinct Plan to ensure a quality design outcome to support an attractive southern entrance to Grafton;
4. Note that adequate provision of flood storage during flood events will be considered as part of future development applications; and
5. Exercise its delegated authority as local plan-making authority pursuant to section 3.36(2) of the *Environmental Planning and Assessment Act 1979* to take all necessary steps to make and finalise the amendment to the *Clarence Valley Local Environmental Plan 2011*.

LINKAGE TO OUR COMMUNITY PLAN

Theme Environment

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

KEY ISSUES**Submissions**

The planning proposal to rezone Lot 2 DP 839420 from SP3 Tourist to B5 Business Development was placed on public exhibition from 11 January 2022 to 8 February 2022. Three (3) submissions were received from the local community via Council's 'on exhibition' webpage during the public exhibition period:

The key concerns raised include:

- Site location is the gateway to Grafton and the wider Clarence Valley
- The Visitor Information Centre is symbolic to Grafton and easily accessed for visitors to our region
- The purchase of the building was partly funded by the community for the purpose of a Visitor Information Centre

- Local knowledge provided at Visitor Information Centre's is more valuable and specific than available via website/social media
- The Council would lose the opportunity to promote local businesses / Art / Crafts to visitors.

Two (2) agency submissions were received from:

1. Transport for NSW – no objection – considers that there will be no significant impact on the nearby classified (State) road network (Gwydir Highway) and noting that Council is the Roads Authority for the surrounding network
2. Biodiversity and Conservation Division of the Department of Planning, Industry and Environment (DPIE) – No issues to raise with respect to biodiversity – adequate provision of flood storage during extreme flood events to be considered in future Development Applications

A copy of the submissions received are included as Attachment A.

Suitability of B5 Business Zone

While the site and the adjoining McDonalds are currently zoned SP3 Tourist, the surrounding land uses are primarily B5 Business, or zoned SP2 Infrastructure for the former Pacific Highway and the Railway. The area is predominantly hardware and building supplies, light industries or service stations and other land uses consistent with the B5 Business zone. With the closure of the Visitor Information Centre, a change in land use to be consistent with the surroundings is considered appropriate. It is important to note that this is a prominent site at the 'gateway' to Grafton and appropriate design, landscaping and other issues will be key considerations for any future development applications.



Figure 3: Current Zoning

The proposal to rezone the site to B5 Business means a wide range of uses could be permitted with consent (subject to a Development Application) for the following uses:

Boarding houses; Centre-based child care facilities; Dwelling houses; Garden centres; Hardware and building supplies; Landscaping material supplies; Liquid fuel depots; Oyster aquaculture; Passenger transport facilities; Respite day care centres; Roads; Shop top housing; Specialised retail premises; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 4.

Uses that are Prohibited in the B5 zone include:

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Heavy industries; Helipads; Industrial training facilities; Marinas; Mooring pens; Pond-based aquaculture; Port facilities; Recreation facilities (major); Research stations; Residential accommodation; Rural industries; Sex services premises; Sewage treatment plants; Vehicle body repair workshops; Waste or resource management facilities; Water recreation structures; Water storage facilities; Water treatment facilities; Wharf or boating facilities.

Grafton Precinct Plan

The Grafton Precinct Plan (Precinct Plan) and supporting Transport Strategy and Car Parking Audit were adopted by Council in July 2021. The Precinct Plan was focussed on Prince Street and the Grafton CBD, but also addressed the main entrances into Grafton. The Plan identifies Grafton as a ‘Gateway’ to the stunning natural environment and adventure playground of the Clarence Valley hinterland” with an “objective to encourage visitors to stop, discover Grafton and in turn boost its local economy prior to exploring the regions surrounding unique natural assets”

The Precinct Plan states that “the importance of connections into and within a landscape cannot be understated”, and “the journey into a town is what starts to define the potential experiences waiting at the destination”. “Enhancing these connections, it not only draws people into a space” it “provides a sense of arrival”.

The Precinct Plan states that the entrance into South Grafton from the highway lacks identifiable character due to the vehicular and industrial nature and scale and details planning principles that aim to improve the sense of arrival and assist in establishing Grafton as a regional city.

The planning principles contained in the Precinct Plan are relevant considerations for future development applications over the site, and will assist in ensuring any proposed development is well designed and makes a positive contribution to the southern Gateway of Grafton.

Business Zones Development Control Plan 2011

The Business Zones Development Control Plan 2011 (DCP) details controls for new development within the business zones of the Clarence Valley, and covers a wide range of urban design, amenity, character, landscaping and other requirements. The objectives of the DCP are to:

- a) encourage development which will *enhance the appearance and function of retail and commercial centres* and neighbourhoods within the Clarence Valley LGA
- b) encourage development that is an appropriate scale, height, and form to minimise adverse impacts on adjacent properties
- c) improve the quality of access for everyone within business zones.

Any development application that follows this rezoning proposal will need to address the requirements of the Business Zones DCP.

Engineering Considerations

Access

The site, Lot 2 DP 839420, is accessed via a shared access with the adjacent Lot 1 of DP 839420 on Spring Street. The site is bordered by Spring Street on the north, Iolanthe Street on the east, Ryan Street on the south, and Lot 1 on the west.

The current traffic configuration for the two lots permits access via this shared access, with vehicles exiting from the north-western corner of Lot 1 to Spring Street. Left and right turning movements are permitted for the access and egress points, with adequate sight distance in both cases. Heavy vehicles are permitted on the surrounding road network and accommodated for internally, with bus/caravan parking bays on Lot 2 and a loading bay for delivery of goods on Lot 1. This access arrangement is supported in the Deposited Plan. Future development of the site may wish to modify the current access, parking and manoeuvring of vehicles through the site. Due to the existing access/exit points and the proximity of the site to the existing intersections with Iolanthe Street (state maintained), any additional accesses would require referral to Transport for NSW and are unlikely to be supported.

Future development of the site should consider the existing configurations and design should be sympathetic of adjoining uses.

Parking

The Right of Carriageway over Lot 1 includes shared access to 20 formalised off-street carparking spaces at the west of the site. Lot 1 benefits from shared access to line-marked long vehicle/bus spaces which are located on-site adjacent to the northern boundary.

Stormwater

Stormwater captured on-site is directed to the piped system via swale drainage channels which border Ryan Street and Spring Street frontages to a twin cell culvert on Iolanthe Street.

Water

The reticulated water main network is located immediately east of the site, with a 50mm line provided to the north-east corner of the site from this line. Council's Property and Rating information for the site do not show an existing meter but show a current 40mm connection. Future use which exceeds the ET credit of the 40mm connection will be subject to non-residential high consumption water and sewer charges.

Sewer

Council mapping data shows that the site is adjacent to sewer infrastructure on Spring Street, with an indicated average depth of 4.65m. An existing sewer junction to the site is shown from this main and services the existing building on the site. No sewer main infrastructure is shown through the lot.

Flooding

Council's Business DCP requires all floor levels to be no lower than the 5-year flood level plus freeboard (500mm). The site is not subject to the 5-year design event, and these controls would not apply.

The Biodiversity Conservation Division (of DPIE) advises in their submission that the site lies in an area affected by the 1:100 year flood event and may provide a backwater flood storage with low velocity flows that should be addressed in future development applications. Clause 5.21 of the *Clarence Valley Local Environmental Plan 2011* and the Business zones DCP provisions will ensure that any proposed development at the site is required to address potential impacts on flood behaviour, including impacts on flood storage.

Additional items

The submitted Soil Report from Regional Geotech Solutions (RGS) states, *The assessment concluded that for all soil samples tested heavy metals, TPH, BTEX, PAH, OC/OP pesticides, PCBs were either at concentrations below the laboratory detection limits or at concentrations below the adopted health assessment criteria for commercial / industrial land use. The testing also indicated that no asbestos was present within any of the samples tested.*

Water quality testing carried out on-site indicated all heavy metals tested (excluding mercury) exceeded adopted thresholds. Additional water samples indicated water was below drinking water criteria for all contaminants tested but exceeded criteria for zinc. RGS further stating, *the site is proposed to be rezoned as B5 Business Development and is located within an industrial area with no sensitive ecosystems nearby. Future developments will typically be of an industrial/commercial nature and involve minimal vegetation, therefore the elevated zinc levels would have negligible impact to the surrounding environment. Potential human health impacts associated with the elevated zinc would be negligible. If the pond water is to be disposed of offsite it should not be introduced to any freshwater sites without prior treatment.*

Summary

Based on the above items, the site satisfies the objectives of B5 zoning and is viewed to be suitable from an engineering perspective. As the future use of the site is unknown, no conditions have been provided in this referral, but will be assessed at DA stage on the above merits.

BACKGROUND

The site at Lot 2 DP 839420, 2 Spring Street, South Grafton (formerly the Visitor Information Centre) was zoned SP2 Tourist under the 2011 Standard Template Local Environmental Planning process. The majority of the area surrounding Lot 2 is zoned B5 Business Development, with the main use being light industrial. The site has remained vacant since Council's Visitor Information Centre ceased operation in January 2018.

On 28 July 2020, Council considered a report (Item 6c.20.109) on an offer for purchase of Lot 2 DP 839420, Spring Street, South Grafton. One of the resolutions made by Council was that “*Council appoint an independent party to prepare the Planning Proposal to rezone the land to B5 Business Development*”.

Consequently, a planning proposal was prepared for the site and was reported to Council for endorsement to seek a Gateway determination at its meeting held 27 July 2021. At this meeting Council resolved:

COUNCIL RESOLUTION – 6b.21.052

Kingsley/Lysaught

That Council:

- 1. As the Planning Proposal Authority, endorse the planning proposal and seek a Gateway Determination to amend the Clarence Valley Local Environmental Plan 2011 to rezone Lot 2 DP 839420, 2 Spring Street, South Grafton from SP3 Tourist to B5 Business Development;**
- 2. Forward the planning proposal to the Department requesting a ‘Gateway’ Determination, pursuant to Section 3.34 (1) of the Environmental Planning and Assessment Act 1979; and**
- 3. Not seek to be the local plan-making authority for this matter under Section 3.36 of the Environmental Planning and Assessment Act 1979.**

Voting recorded as follows:

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

Against: Nil

CARRIED

On 23 August 2021, the planning proposal was lodged on the NSW Planning Portal (ref – PP-2021-5238). A Gateway determination to proceed was issued on 24 September 2021.

The Gateway determination enabled the planning proposal to proceed to public exhibition subject to a number of conditions, summarised as follows:

- Update the planning proposal to include a contamination report for the site confirming the site suitable for land uses permitted under the B5 zone
- Public exhibition for a minimum of 28 days, in accordance with EP&A Act provisions
- Agency consultation to include Transport for NSW and NSW Biodiversity Conservation Division (of DPIE), allowing a minimum of 21 days for comment
- The local plan-making authority was conditioned to Council to exercise the functions under s3.36(2) of the EP&A Act subject to the conditions of the Gateway determination, consistency with section 9.1 Directions and no outstanding agency objections.

The planning proposal was updated to include a contamination report and the process of agency consultation and public exhibition has been completed in accordance with the Gateway determination conditions.

The planning proposal as amended (REZ2021/0001), and Gateway determination are included as Attachment B & C respectively.

Disposal

A disposal - progress report for the property was brought to Council on 22 February 2022 (item 07.22.004) advising Council that “*In late 2021, Council received an offer for Lot 2 DP 839420 that fell within the delegation of the General Manager to accept and contracts have been exchanged, conditional on the gazettal of a Local Environmental Plan giving effect to the Planning Proposal.*”

COUNCIL IMPLICATIONS

Budget/Financial

Council will continue to have operational costs relating to the property until the property is disposed. The engagement of a consultant to prepare the Planning Proposal was expended from FP 995005 Property

Management. Project management of the Planning Proposal has been administered by the existing Strategic Planning team's staff budget.

The rezoning of the property to B5 may improve the profitability of the land returning a higher price, which will have benefits for Council's budget.

Asset Management

The property is currently listed on Council's asset and maintenance register and will remain under Council asset management responsibilities until the property is disposed of.

Policy and Regulation

Environmental Planning and Assessment Act, 1979
Environmental Planning and Assessment Regulation 2000
Clarence Valley Local Environmental Plan 2011
Business Zones Development Control Plan (DCP)

Consultation

The planning proposal was publicly exhibited from 11 January to 8 February 2022 being a minimum of 28 days as required by the Gateway Determination. Further community and agency consultation details are as follows:

1. Exhibition of the planning proposal on Council's 'On exhibition' webpage and notification on Council's noticeboard
2. Exhibition of the planning proposal on the NSW Planning Portal
3. Referral to Transport for NSW and the Biodiversity Conservation Division (of DPIE).

Feedback has been summarised in the 'Key Issues' section above.

Legal and Risk Management

As the land is already classified as operational there is no need to conduct a public hearing under the Local Government Act. It is not anticipated that any other legal risks will arise with the rezoning process. The drafting of changes to the Clarence Valley Local Environmental Plan and map changes will follow the usual process.

Climate Change

The proposed rezoning from SP3 tourist to B5 business will not in and of itself give rise to any concerns regarding the mitigation of or adaptation to climate change.

Submission 1

From: "noreply@clarence.nsw.gov.au" <noreply@clarence.nsw.gov.au>
Sent: Fri, 14 Jan 2022 12:57:33 +1100
To: "Submissions" <submissions@clarence.nsw.gov.au>
Subject: Submission - Planning Proposal - Lot 2 Spring Street, South Grafton
 (REZ2021/0001) - Wendy Prowd
Attachments: SubmissionReceipt-MakeASubmission-98.pdf



Submission - Planning Proposal - Lot 2 Spring Street, South Grafton (REZ2021/0001) - Wendy Prowd

Contact details	
First name	Wendy
Last name	Prowd
Email	
Phone number	
Address	
Suburb	SOUTH GRAFTON
State	NSW
Postcode	2460
Submission details	

Item on public submission	Planning Proposal - Lot 2 Spring Street, South Grafton (REZ2021/0001)
Comments	<p>The building at the entrance to Grafton formally used as a Visitor Information Centre should be reopened as a Visitor Information Centre for the following reasons:</p> <p>This building is ideally located for this purpose as the site is highly visible on the main Big River Way road entrance to town</p> <p>The site has carparking suitable for travellers with caravans or other larger vehicles</p> <p>The building was financed by the community to be used as a Visitor Information Centre</p> <p>Grafton now has no visible and easily accessible Visitor Information Centre</p> <p>The Clarence Valley wants to encourage visitors to our region and a Visitor Information Centre is critical to this</p> <p>It provides a symbolic welcome to the Clarence Valley</p> <p>A Visitor Information Centre provides an outlet for promoting local businesses, arts and crafts</p> <p>Most local residents support the reinstatement of this facility</p>
Please upload any additional supporting documents	

Make a submission



Submission date: **14 January 2022, 12:57PM**
Receipt number: **98**
Related form version: **37**

Contact details

First name **Wendy**

Last name **Prowd**

Email

Phone number

Address

Suburb **SOUTH GRAFTON**

State **NSW**

Postcode **2460**

Submission details

Item on public submission **Planning Proposal - Lot 2 Spring Street, South Grafton
(REZ2021/0001)**

Comments

The building at the entrance to Grafton formally used as a Visitor Information Centre should be reopened as a Visitor Information Centre for the following reasons:

This building is ideally located for this purpose as the site is highly visible on the main Big River Way road entrance to town

The site has carparking suitable for travellers with caravans or other larger vehicles

The building was financed by the community to be used as a Visitor Information Centre

Grafton now has no visible and easily accessible Visitor Information Centre

The Clarence Valley wants to encourage visitors to our region and a Visitor Information Centre is critical to this

It provides a symbolic welcome to the Clarence Valley

A Visitor Information Centre provides an outlet for promoting local businesses, arts and crafts

Most local residents support the reinstatement of this facility

Please upload any additional supporting documents

Submission 2

From: "noreply@clarence.nsw.gov.au" <noreply@clarence.nsw.gov.au>
Sent: Fri, 14 Jan 2022 13:15:17 +1100
To: "Submissions" <submissions@clarence.nsw.gov.au>
Subject: Submission - Planning Proposal - Lot 2 Spring Street, South Grafton
 (REZ2021/0001) - John Atkins
Attachments: SubmissionReceipt-MakeASubmission-99.pdf



Submission - Planning Proposal - Lot 2 Spring Street, South Grafton (REZ2021/0001) - John Atkins

Contact details	
First name	John
Last name	Atkins
Email	
Phone number	
Address	
Suburb	Grafton
State	New South Wales
Postcode	2460
Submission details	
Item on public	Planning Proposal - Lot 2 Spring Street, South Grafton (REZ2021/0001)

submission	
Comments	The site would make an ideal Tourist Information Centre. I understand the council is very much against supplying tourist information to the traveling public, but Grafton has been screaming for an information centre for the last few years and this is the perfect opportunity.
Please upload any additional supporting documents	

Make a submission



Submission date: **14 January 2022, 1:15PM**
Receipt number: **99**
Related form version: **37**

Contact details

First name **John**

Last name **Atkins**

Email

Phone number

Address

Suburb **Grafton**

State **New South Wales**

Postcode **2460**

Submission details

Item on public submission **Planning Proposal - Lot 2 Spring Street, South Grafton (REZ2021/0001)**

Comments **The site would make an ideal Tourist Information Centre. I understand the council is very much against supplying tourist information to the traveling public, but Grafton has been screaming for an information centre for the last few years and this is the perfect opportunity.**

Submission 3

①

~~SUBMISSION RE THE REZONING OF THE FORMER
TOURIST INFORMATION SITE AT SOUTH GRAFTON~~

DOC#	
DOC LOG	
M	8 FEB 2022
CLARENCE VALLEY COUNCIL	

7.2.22

11 Ocean Rd

Brooms Head

To Whom It May Concern,

We wish to lodge our objection to the rezoning of the Tourist Information site at South Grafton.

As members of the "grey nomads" group travelling around Australia, we advocate for the reinstatement of the site, as a Tourist Information Centre for the Clarence Valley, for the following reasons.

Firstly, we have found the local knowledge provided by volunteers in the centres we have visited across every state in Australia, is more specific and valuable than any website can provide. (if available).

Secondly, the position of the

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②

site is more suitable access to parking for travellers who are towing vans, rather than having to negotiate the busier CBD area to access either the Grafton Gallery or the CVC Offices to get information. Also, being located on the Big River Way, makes it easier to access other parts of the Clarence Valley from it.

Thirdly, its position is the gateway to Grafton & the Clarence Valley. It needs to be kept as an iconic feature, which travellers, to our beautiful area, can relate to and not changed to another fast food outlet or similar retail outlet.

partly
^ funded by donations from the community and the land was purchased for the specific purpose of a tourist information centre, so how can it be rezoned & be sold for another purpose?

Yours sincerely,
Paul & Robyn Sharp.



Submission 3 - Transport for NSW

CR2022.000110
SF2022/008012
Callista Harris

31 January 2022

General Manager
Clarence Valley Council
Locked Bag 23
Grafton 2460

CHARLES STREET (HW10): PLANNING PROPOSAL (PP-2021-5238), REZONING, LOT 2 DP 839420, 2 SPRING ST GRAFTON

I refer to the abovementioned planning proposal (PP-2021-5238) referred to Transport for NSW (TfNSW) on 5 January 2022 for comment in accordance with section 3.34(2)(d) of the EP&A Act.

TfNSW key interests are the safety and efficiency of the transport network, the needs of our customers and the integration of land use and transport in accordance with Future Transport Strategy 2056.

Gwydir Highway (HW12) is a classified State road and Spring Street is a local road. Council is the roads authority for both roads and all other public roads in the area, in accordance with Section 7 of the *Roads Act 1993*.

TfNSW has reviewed the information provided and raises no objection to or requirements for the proposed rezoning as it is considered there will be no significant impact on the nearby classified (State) road network.

On Council's determination of this matter, please forward a copy of the Notice of Determination to TfNSW for our records. Should you require further information please contact Callista Harris, Development Services Case Officer, on 02 4908 7688 or (02) 8650 1789 or by emailing development.north@transport.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink that reads 'Marg Johnston'.

Marg Johnston
Team Leader Development Services
North Region | Community & Place
Regional & Outer Metropolitan

Transport for NSW
6 Stewart Avenue, Newcastle West NSW 2302
Locked Bag 2030, Newcastle West NSW 2302
T - (02) 4908 7688

Level 1, 76 Victoria Street, Grafton NSW 2460
PO Box 576, Grafton NSW 2460
T - (02) 6640 1362

1 of 1

Submission 5 - Biodiversity Conservation Division (of DPE)



Planning,
Industry &
Environment

Our Ref: DOC22/4171
Your Ref: PP-2021-5238

General Manager
Clarence Valley Council
Locked Bag 23
Grafton NSW 2460

Attention: Mr Stephen Timms

Dear Mr Lindsay

RE: Planning Proposal – 2 Spring Street, South Grafton

Thank you for your referral via the NSW Planning Portal dated 5 January 2022 about the planning proposal at 2 Spring Street, South Grafton, seeking comments from the Biodiversity and Conservation Division (BCD) of the Biodiversity, Conservation and Science Directorate in the Environment, Energy and Science Group of the Department of Planning and Environment. I appreciate the opportunity to provide input.

We have reviewed the planning proposal prepared by Bennell and Associates dated 5 January 2022. Given the site's current SP3 (Tourist) zone, the developed nature of the site and surrounding land, and a lack of High Environmental Values present, we have no issues to raise with respect to biodiversity, National Parks and Wildlife Service estate, climate change, sustainability or coastal and estuary matters.

The planning area lies within the area affected by a 1:100 year flood event, but given the current uses and the proposed business uses for the land we acknowledge that flooding issues can be addressed through existing planning controls. However, although the planning area is not a floodway, it may represent a backwater flood storage with low velocity flows. Consequently, the Clarence Valley Council should ensure future Development Applications for the land include adequate provision of flood storage during extreme flooding events.

If you have any questions about this advice, please do not hesitate to contact Mr Don Owner, Senior Conservation Planning Officer, at don.owner@environment.nsw.gov.au or 6659 8239.

Yours sincerely

A handwritten signature in blue ink that reads 'Dimitri Young'.

25 January 2022

DIMITRI YOUNG
Senior Team Leader Planning, North East Branch
Biodiversity and Conservation



Gateway Determination

Planning proposal (Department Ref: PP-2021-5238): to rezone Lot 2 DP 839420, 2 Spring St, Grafton from SP3 Tourist to B5 Business Development.

I, the Director, Northern Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Clarence Valley Local Environmental Plan (LEP) 2011 to rezone Lot 2 DP 839420, 2 Spring St, Grafton from SP3 Tourist to B5 Business Development should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to include a contamination report for the land that confirms the site is suitable for all land uses permitted with or without consent under the B5 Business Development zone.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Transport for NSW; and
 - NSW Biodiversity and Conservation Division (of DPIE).

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 24 day of September 2021.



Jeremy Gray
Director, Northern Region
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces

PP-2021-5238 (IRF 21/3506)

ITEM 07.22.043 ALTERNATE MEMBER FOR NORTHERN REGIONAL PLANNING PANEL

Meeting	Council	22 March 2022
Directorate	Environment & Planning	
Prepared by	Manager Development & Land Use Planning, Murray Lane	
Attachments	Nil	

SUMMARY

This report seeks a Council resolution to appoint an additional alternate member to the Northern Regional Planning Panel (the NRPP). The NRPP is established under the *Environmental Planning and Assessment Act 1979* (EP&A Act) which includes specific requirements about panel membership.

OFFICER RECOMMENDATION

That Council appoint one (1) additional alternative member to the Northern Regional Planning Panel, in accordance with the *Environmental Planning and Assessment Act 1979* and for a period until the commencement of the current Council's caretaker period in September 2024.

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership

Objective We will have a strong, accountable and representative Government

KEY ISSUES

At its extraordinary meeting on 20 January 2022, Council resolved as follow:

COUNCIL RESOLUTION – 6A.22.009 (2)**Day/Toms**

That Council appoint two (2) members, Mayor Tiley and Deputy Mayor Cr Clancy, and one (1) alternative member, Cr Johnstone, to the Northern Regional Planning Panel, in accordance with the Environmental Planning and Assessment Act 1979 and for a period until the commencement of the current Council's caretaker period in September 2024.

Voting recorded as follows

For: Clancy, Day, Novak, Johnstone, Pickering, Smith, Tiley, Toms, Whaites

Against: Nil

CARRIED

Since the appointment of Mayor Tiley, Deputy Mayor Councillor Clancy and Councillor Johnson as panel members, training has occurred with the NSW Government's panel officers and NRPP chairperson about the operation of the panel under the [Sydney District and Regional Planning Panels - Operational Procedures](#) and the [Code of Conduct for Local Planning Panel Members](#).

To ensure the unbiased principles of the Planning Panel are upheld, it is possible that the elected councillors may from time-to-time have to excuse themselves from panel representation to avoid an actual, potential or reasonably perceived conflict of interest. Reasons may include a councillor's prior voting record, memberships of groups outside of Council, or public comments made on a particular matter.

It is recommended that Council consider a second alternate panel member to ensure Council has representation on all future NR Planning Panel meetings. Nothing prevents Council from appointing a suitably qualified person as panel member from the wider community or outside of the Clarence Valley LGA.

BACKGROUND

The Planning Panels were introduced in NSW on 1 July 2009 to strengthen decision making for regionally significant development and certain other planning functions under the EP&A Act. The panels are

independent bodies representing the Crown and are not subject to the direction of the Minister, except in some limited circumstances.

There are nine Planning Panels across NSW, including the NRPP. A Planning Panel may:

- determine regionally significant development applications (DAs), certain other DAs and related modification applications, which include:
 - Regional development, as outlined in Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011
 - DAs with a capital investment value over \$30 million
 - Council-related DAs with a capital investment value over \$5 million
- act as the Planning Proposal Authority when directed
- undertake rezoning reviews
- provide advice on other planning and development matters when requested
- determine site compatibility certificates under the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

Division of the 2.4 EP&A Act provides that the Planning Panel comprise five (5) members, (3) three being appointed by the Minister and two (2) members for the applicable Council area who are:

- Councillors
- Members of council staff, or
- Other persons nominated by the council.

The EP&A Act requires that council nominees meet the following criteria:

- Council nominates two (2) members, and may appoint an alternative member.
- At least one of the council nominees is to be a person who has expertise in at least one area of planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.
- Property developers and real estate agents are not eligible to be members of a Planning Panel.
- If a council fails to nominate one or more council members, or if all council appointees cannot attend a panel meeting, a Planning Panel may still exercise its functions.

COUNCIL IMPLICATIONS

Budget/Financial

There is a budget under Project 991001 for members to attend planning panel meetings and provides for reimburse of travel expenses only.

Councils determine the fees to pay panel members. Such payment may be applicable if members of the community were proposed to be appointed. Currently council has no budget or policy about fee payment as prior panel membership was held by councillors.

Asset Management

N/A

Policy and Regulation

Environmental Planning and Assessment Act 1979

Sydney District and Regional Planning Panels - Operational Procedures, August 2020

Sydney District and Regional Planning Panels – Code of Conduct, August 2020

Consultation

Council may consult externally in determining membership, which may be a member of the community or a particular target group, as determined by Council.

Legal and Risk Management

N/A

Climate Change

N/A

ITEM 07.22.044 DRAFT DIGGERS HEADLAND RESERVE VEGETATION MANAGEMENT PLAN - CROWN LAND

Meeting	Council	22 March 2022
Directorate	Corporate & Governance	
Prepared by	Natural Resource Management Officer, Heather Mitchell	
Attachments	A. Draft Vegetation Management Plan - Diggers Headland Reserve ↓	

SUMMARY

The draft *Diggers Headland Reserve Vegetation Management Plan* emphasises the importance and purpose of vegetation management programs and actions relating to the protection of natural heritage in the reserve, in a way that meets the future needs and expectations of the community, including local residents and visitors alike.

OFFICER RECOMMENDATION

That Council place the draft *Diggers Headland Reserve Vegetation Management Plan* on public exhibition for a minimum period of 28 days and if there are no submissions or comment received that the Plan be adopted.

LINKAGE TO OUR COMMUNITY PLAN

Theme Environment

Objective We will preserve and enhance our natural environment

KEY ISSUES

In general, the Diggers Headland Reserve (Crown Land Reserve 44430 managed by Council) is in relatively good health through consistent restoration works carried out by the local community and contractors over the last 10 years. Council recognises this effort as a positive outcome and will be supporting future volunteer groups and contractual works for the maintenance and restoration of the reserve. This plan will guide the restoration and rehabilitation actions on the reserve for the next 5 years, after which time a review will be undertaken.

BACKGROUND

The existing vegetation management plan for Diggers Headland Reserve was adopted under Council resolution 13.283/13, and identified for review in 2020.

The primary aim of the draft Plan (attached) is to provide a framework for the management of vegetation for the protection of native flora and fauna, while providing for public recreation. It contains management actions to ensure appropriate weed control methods and maintain native vegetation health in association with the Aboriginal cultural sites.

The draft Plan is linked to the *CVC Community Land, Crown Reserves and Other Public Places (Generic Plan of Management)* as the reserve is managed as Community Land under the *Local Government Act 1993*. It is consistent with the *CVC Biodiversity Strategy 2020-2025* objectives, in particular Action 3.7 - *Prepare vegetation management plans for Council managed lands*.

The Diggers Headland Reserve is a natural landscape, popular with those seeking a basic camping experience, and giving a backdrop to a secluded community lifestyle. The Reserve also serves as an important link between the Diggers Camp village and Yuraygir National Park, with a variety of vegetation types, representative of coastal plant communities that are in decline elsewhere in the state.

The Plan reinforces the importance of maintaining good relationships with the local community and volunteers working under Diggers Camp Dunecare interested in restoration and protection of the Reserve's natural values.

The plan identifies management zones and vegetation management actions applicable to each zone, particularly weed management.

COUNCIL IMPLICATIONS

Budget/Financial

Council activities identified in the plan will be funded annually through the Sub Service Parks Reserve – project number 945111 – Bush Regeneration. Funding opportunities through external grants will be sought by Council and or the local community volunteer group/s from time to time to compliment other operational activities linked to the plan.

Asset Management

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

The Draft Plan does not provide management direction for any non-natural Council assets on the Reserve.

Policy and Regulation

- *Crown Land Management Act 2016*
- *Biodiversity Conservation Act 2016*
- *Biosecurity Act 2015*
- *Local Government Act 1993*
- *Native Title Act 1993 (Cwlth)*

Consultation

The draft Plan is to be placed on public exhibition for 28 days for comments. Council will also refer the plan directly to NTSCorp and Yaegl Traditional Owners Aboriginal Corporation RNTBC for comment as Native Title is determined to exist on the reserve. Preparation of the draft Plan has been informed through discussions and experience obtained through several years of active partnership between Council and the local community volunteers.

Legal and Risk Management

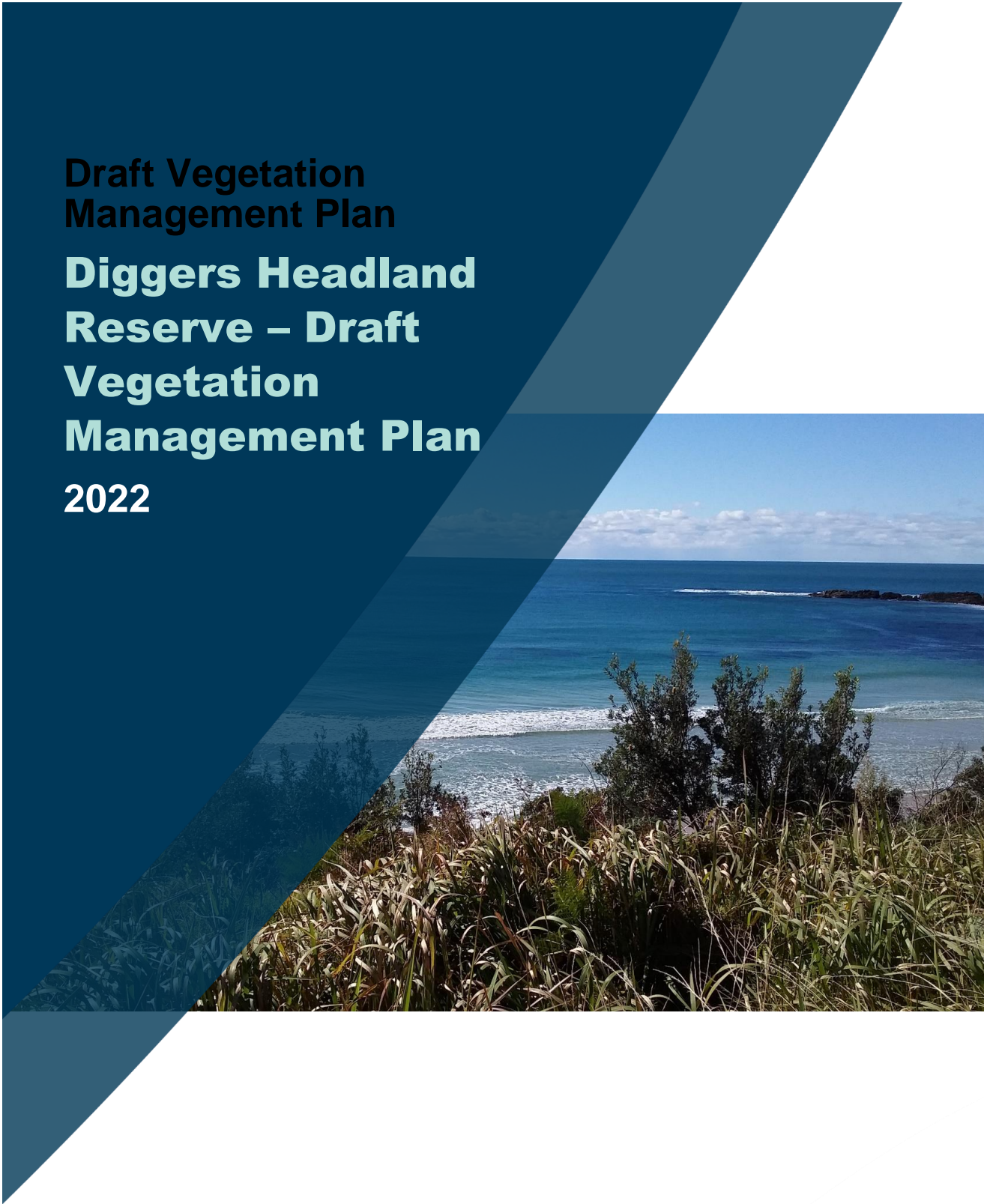
This vegetation management plan has been written to provide for the management of Crown land having regard to the principles of Crown land management and community expectations. Consultation has been made with Council's Senior Strategic Planner (Public Land/Native Title).

Any works that impact Native Title rights and interests may be compensable under *Native Title Act 1993 (Cwlth)*.

Climate Change

Maintaining and improving our natural environment assists in increasing ecosystem resilience to changes brought about by climate change. A healthy and stable environment assists in maintaining healthy atmospheric conditions and less production of CO₂-equivalent emissions which is compatible with the anticipated future.

**Draft Vegetation
Management Plan**
**Diggers Headland
Reserve – Draft
Vegetation
Management Plan**
2022



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1. SUMMARY

Diggers Headland Reserve is a picturesque Crown recreation reserve surrounding the small coastal hamlet of Diggers Camp on the North Coast of New South Wales. It is a special place appreciated by locals and visitors for over a century and is a unique drawcard for locals and visitors to the Clarence Valley with its magnificent coastal setting and outstanding scenery. The Reserve is integral to the nature-based tourist attractions of the region being surrounded by Yuraygir National Park and overlooking the Solitary Islands Marine Park.

Clarence Valley Council is appointed as Crown Land Manager of Diggers Reserve and is responsible for care, control and management of the reserve. The challenge for management is to carefully integrate public recreation with the important environmental values of the reserve and adjacent environs and to guide its use and development in a way that meets the future needs and expectations of the community, including local residents and visitors alike, and the NSW Minister for Water, Property & Housing.

Diggers Headland Reserve situated on the north coast of New South Wales (**Figure 1**) is 45km southeast of the regional centre of Grafton.

The Reserve includes 44 freehold residential allotments and associated Public road reserves that make up the village of Diggers Camp. The resident population is small but increases dramatically during holiday periods. The village has no power, water, or sewerage however there is a telephone service and regular garbage collection. Several houses on the western side benefit from elevated water tanks and other structures that encroach on the Reserve. The surrounding Reserve and National Park is a major constraint to any future expansion or servicing of Diggers Camp.

The Diggers Camp Dunecare group was established in 1990 and have worked many thousands of hours on weed control on the Council managed Reserve. Over the years, the group has been successful in attracting funding which has extended across tenures into National Park securing an extensive weed control buffer (2km) around the village.

The proximity of residential development places environmental and social pressures on many of the significant values of the reserve. The impacts of weeds, domestic animals, septic systems, encroachments, and social pressures relating to public use of the reserve are some of the management issues recognised in this plan.

The land is zoned RE1 – public recreation and native title determination by the Yaegl Traditional Owners Aboriginal Corporation exists over the Crown Land portion.



2. INTRODUCTION

This Vegetation Plan of Management is a guide to the management of vegetation on the Reserve. As the Reserve provides a range of outdoor recreational opportunities for the local community and visitors alike; from camping, picnicking, bushwalking and sightseeing with good access to popular water-based activities such as fishing, swimming and surfing at Diggers Camp Beach, the maintenance of native vegetation, including weeds, fire and vegetation and are the key components of the plan.

In addition to providing for the recreational needs of the community, the Reserve has vital strategic importance as a buffer between Diggers Camp and the adjoining Parks.

3. AIMS AND OBJECTIVES

The primary aim of the Plan is to provide a framework for the management of the Reserve for the protection of native flora and fauna and for public recreation, in line with CVC's Biodiversity Strategy 2020-2025 objectives. The Diggers Headland Reserve is a natural landscape, popular with those seeking a basic camping experience, and giving a backdrop to a secluded community lifestyle. The Reserve also serves as an important link between the Village and the National Park, with a variety of vegetation types representative of coastal plant communities that are in decline elsewhere in the state.

Aboriginal cultural sites are located on the Reserve and recorded with the Department of Planning, Industry, & Environment NSW sites records. As such, restricted access, weed control and native vegetation health are some of the important management actions in this plan associated with cultural sites.

The Plan reinforces the importance of maintaining good relationships with the local community and volunteers interested in restoration and protection of the Reserve's natural values.

The objectives of the Diggers Headland Reserve Vegetation Management Plan are:

1. Manage the natural environments and their processes to ensure their care, maintenance, preservation and conservation while providing for holiday camping, and passive recreational pursuits
2. Protect life and property through implementing the NSW RFS Diggers Camp Village Protection Strategy (May 2018)

3. Maintain biodiversity through appropriate fire regimes
4. Council to continue to maintain grass in open space areas for passive recreational use and camping area maintenance
5. Preserve and improve the vegetation at the base of the foredune to replace vegetation damaged by beach erosion and vandalism
6. Council to maintain escarpment view areas balanced with biodiversity/and local native tree species
7. Use endemic or local seed native plantings when planting is required
8. Identify future needs of the Reserve, especially in terms of the effects of climate change
9. Investigate unauthorised activities on the Reserve
10. Liaise with Diggers Dunecare through regular group planning meetings and provide support to develop weed control and restoration plans
11. Monitor recreational use & bushland habitat vegetation encroachment
12. Monitor biodiversity and the health of the Reserve
13. Continue to seek external funding to help manage biodiversity
14. Support Dunecare, contractors and volunteers with weed control and planting when necessary

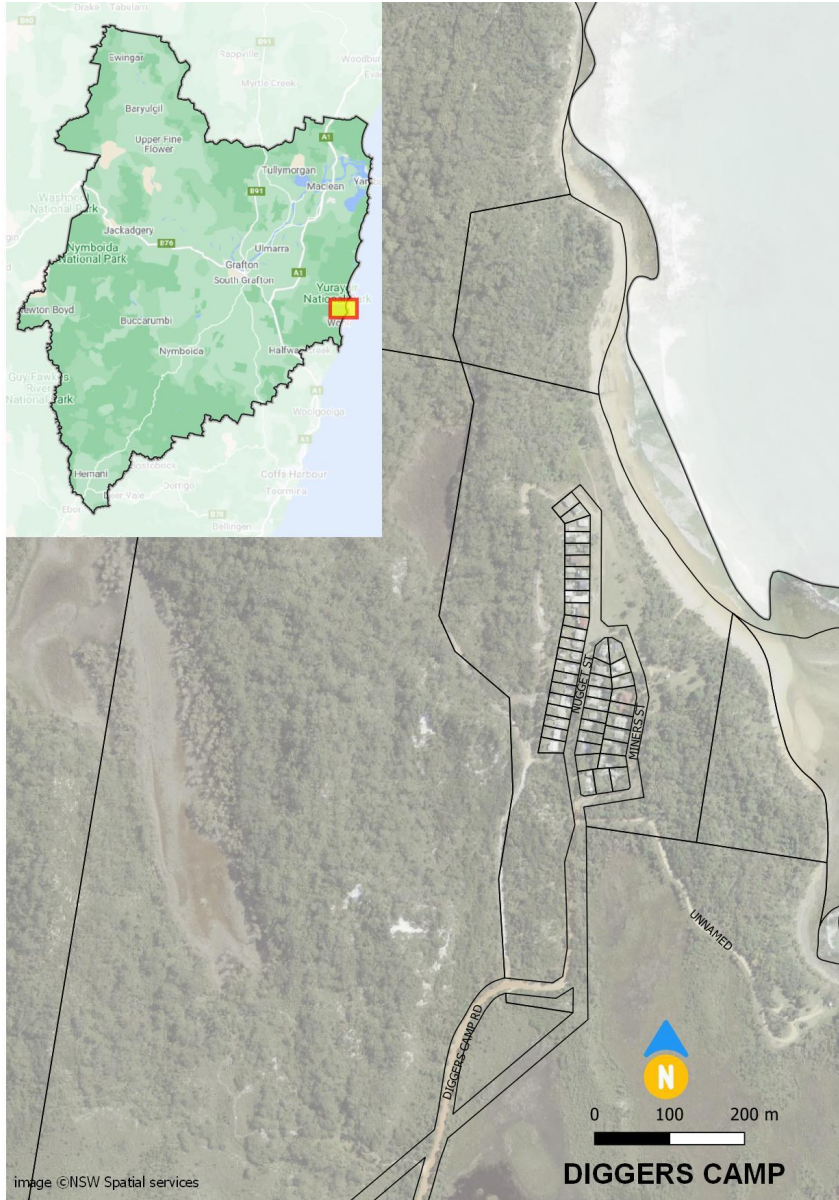
4. LOCATION

Diggers Headland Reserve is situated at Diggers Camp on the north Coast of New South Wales approximately 45 kilometres southeast of the regional centre of Grafton, in the Clarence Valley Council area.

Diggers Camp is adjoined by Yuraygir National Park complex which covers over 38,000 hectares and contains the longest stretch of undeveloped coastline in NSW with some of the States most isolated and unspoilt beaches. The magnificent scenery and wide range of recreational opportunities attract thousands of visitors each year. The Park contains several designated public camping areas including Boorkoom Camping Area located a short distance from Diggers Camp. The access track to Boorkoom commences within Diggers Headland Reserve.

On the seaward side of the Reserve the Solitary Islands Marine Park contains the most significant and diverse group of island reefs along the NSW coast. It provides habitat for over 280 species of fish and up to 90 species of coral. The Marine Park is also home to several species of marine mammals and is visited by migrating humpback whales. It is important to ensure that all activities on Diggers Headland Reserve are conducted in such a way that any potential impacts on these significant surrounding environments are minimised.

Figure 1: Diggers Reserve, Clarence Valley NSW



4.1. Vegetation management issues

Clarence Valley Council is Trustee Manager of Diggers Headland Reserve. Diggers Headland Reserve is Crown Land under ownership and control by the Department of Planning, Industry & the Environment. Council staff maintains grassed open spaces and native vegetation on the Reserve to provide for passive open space recreation, biodiversity and ecological processes to occur. For management purposes the Reserve has 4 identified management zones, see tables 3 and 4 for management actions in each zone.

4.2. Vegetation controls

Any works undertaken in the Reserve are under the auspice of Council whereby; no person can undertake work on the Reserve without prior approval and consent from Council. It is a serious offence for anyone found to undertake works, vegetation control, poisoning of native vegetation or causing damage, erosion or pollution on Crown Land Reserve, and the following points apply:

1. Nature strips located between the roadway and dwellings at Diggers Camp are under the authority of Council. Residents wishing to plant further trees on the nature strip must obtain approval from Council before conducting any works. Resident's mowing the nature strip between Miners and Nugget Street and their property is permissible.
2. Tree removal on Miners and Nugget Street verge or any part of the Crown Reserve is not permissible without Council approval. The nature strip on Diggers Headland is located between the dwellings and Miners Street north to the fire trail gate. Nugget Street verge does not include the APZ across the road. Grass management east of the roadway on the headland is Council's responsibility.
3. No person apart from Council staff can conduct works on the Diggers Headland east of Miners Street or the "Escarpment" Area or APZ's. Non-native vegetation planted in the road verge can be gradually removed and replaced with native species only with Council and the adjacent resident agreement.
4. Any existing road verge native plantings should allow reasonable pedestrian passage. A community group or individual shall not dictate road verge management to adjacent property owners as this is the roll of Council to facilitate.
5. Crown Land located between APZ's and the rear of private property (Miner Street) or any APZ (Nugget Street) is under Council management. Private property owners with fire concerns in these areas must consult with Council and not undertake vegetation or any works, mowing, shrub or tree works on Crown Land without written Council approval.



6. Due to fire concerns, and possible seed dispersal of non-native or non-local species, property owners are also discouraged from planting in the reserve adjacent to their properties and must seek approval for any planting in this area.

7. Council is responsible for delivering open space, recreational use and environmental protection on Diggers Headland Reserve. Under this responsibility Council has the authority to issue Penalty Infringements to individuals removing Native Vegetation or causing damage to the reserve.

4.3. View Maintenance

Poisoning, removal or damaging native vegetation or carrying out unauthorised works by a person on Crown Land - living opposite or adjacent or found to be closely associated with and benefiting through position, advantaged view or carrying out works benefiting private lands may incur a maximum penalty infringement.

Zone 2 has been impacted through tree poisoning for improved ocean views. This criminal act has cost Council time and money investigating the reoccurring issue. It has created community upheaval and resentment among residents. Council has been proactive in changing this illegal activity and promoting a balanced approach to the escarpment management through promoting natural growth of trees and managed lopping of some trees to maintain balanced ocean views with a balanced tree scape. This process will help stabilise this steep dune prone to slumping if no deep-rooted tree species are present.

Placing bollards to delineate the mowing zone will impede the scenic amenity of the escarpment and create more costly infrastructure management of grass around posts. Council staff will manage the escarpment mowing to the required areas. No one other than Council staff are to carry out mowing or whipper snipper work on the reserve outside of the resident/road verge agreed areas. Anyone found mowing or doing any unauthorised work including tree works in Zone 2 or anywhere on the reserve will face criminal proceedings.

5. THREATENED SPECIES AND COMMUNITIES

There are a range of threatened species and threatened ecological communities on the Reserve, highlighting the importance of implementing the actions in this Plan which aim to protect and conserve these species.

An ecological community is a naturally occurring group of native plants, animals and other organisms living in a unique habitat (DPIE, 2021). Under NSW Government legislation, species and Threatened Ecological Communities (TEC's) are listed under the Biodiversity Conservation Act 2016, and federally under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

Protection of native vegetation on the Reserve is the responsibility of the public, Department of Industry & Environment, Council and Crown Lands. Clearing of Native Vegetation is an offence under the Crown Lands Act, Environmental Planning and Assessment Act 1979, Protection of the Environment and Operations Act 1997 and the Biodiversity Conservation Act 2016.

Unauthorised clearing or damage to native vegetation or threatened species on Diggers Headland Reserve may attract a maximum penalty.

Note that the listing of some vegetation types and species as 'endangered or threatened ecological communities' may change as more information about the flora and fauna at Diggers Headland becomes apparent through specific studies or surveys, and this Plan will be updated accordingly.



5.1. Coastal Emu

The Coastal Emu is listed as the endangered '*Emu population in the New South Wales North Coast Bioregion and Port Stephens local government area*' under the NSW Biodiversity Conservation Act 2016.

Recent reports show a contraction in the emu range in the Clarence and an associated decline in the population. Several localities have lost their subpopulations. For example, no coastal emus have been recorded in Yamba since 2015, Minnie Water and Wooli since 2014, Station Creek and Pebbly Beach since 2011, Bundjalung since 2006, or in Corindi since 2004. This photo was taken in 2012 by M. Swain, with one of the last sightings of an emu in Diggers Reserve in 2014.



5.2. Square-stemmed Olax (Zone 1)

Square-stemmed Olax (*Olax angulata*) is an upright shrub, which may be parasitic on the roots of other plants. Its stiff branches are often yellowish in colour, with prominent U-shaped ridges. The branchlets are square in cross-section and are yellow-green or blue-green like the leaves. The leaves are stalkless, arranged alternately, and are smooth, brittle and oval-shaped with a tiny point at the end. Small white flowers are often present with the fleshy, egg-shaped, one-seeded fruits (DPIE 2021). Olax is classed as Vulnerable in NSW, and Vulnerable on the EPBC act. It has a small distribution in areas east of Grafton such as Diggers Reserve, Minnie Water and Wooli, mainly in Yuraygir National Park and on nearby leasehold land. Also known from an area north of Grafton in Banyabba Nature Reserve, Fortis Creek National Park and adjoining freehold land (DPIE 2021). At Diggers Reserve is it found as individual plants along fire trails in heath land.

5.3. Littoral Rainforest (Zone 3)

There are patches of littoral rainforest on the Reserve (see Figure 2), and 'Littoral Rainforest in the New South Wales North Coast, Sydney Basin and South East Corner Bioregions' is an endangered ecological community (EEC) listed on the NSW Biodiversity Conservation Act 2016, and listed as Critically Endangered under the federal Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

5.4. Themeda Grasslands (Zones 1 & 2)

Themeda triandra (formerly *Themeda australis*) or kangaroo grass, is a native grass that can occur as a specific plant community on headlands along the NSW coast. There are sections of Themeda grassland at Diggers Headland which is classed as an Endangered Ecological Community in NSW (*Themeda grassland on seacliffs and coastal headlands in the NSW North Coast, Sydney Basin and South East Corner Bioregions*).

5.5. Swamp Forest (Zones 1, 3 & 4)

Swamp forest, or as it's scientifically known "Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions" is listed as an EEC in NSW. It is a

mid-high closed forest occurring near semi permanent creeks, springs and around perched lakes, located in moist and inundated swales or perched lakes.

5.6. Other Threatened Flora & Fauna

Threatened fauna on the Reserve also includes the Beach Stone Curlew, Eastern Osprey, Glossy Black Cockatoo and Scaly Breasted Lorikeet. Other threatened flora species are listed in Table 3.

6. MANAGEMENT ZONES AND PRIORITIES

Management Zones are used for strategic coordination of works, with the overall area separated into smaller manageable units, or ‘zones’. These zones are also used to communicate between stakeholders a history of works that have been conducted in particular areas and for planning for future works. The priorities for works in these Zones will depend on the severity of weed infestations in each zone. As a rule, priority weeds will be initially targeted across the Reserve. Table 1 describes general actions that are applicable across all the zones, and Table 2 specifies actions for each zone. See Table 6 for a list of weeds in each zone.

Figure 2: Management Zones - Diggers Headland Reserve

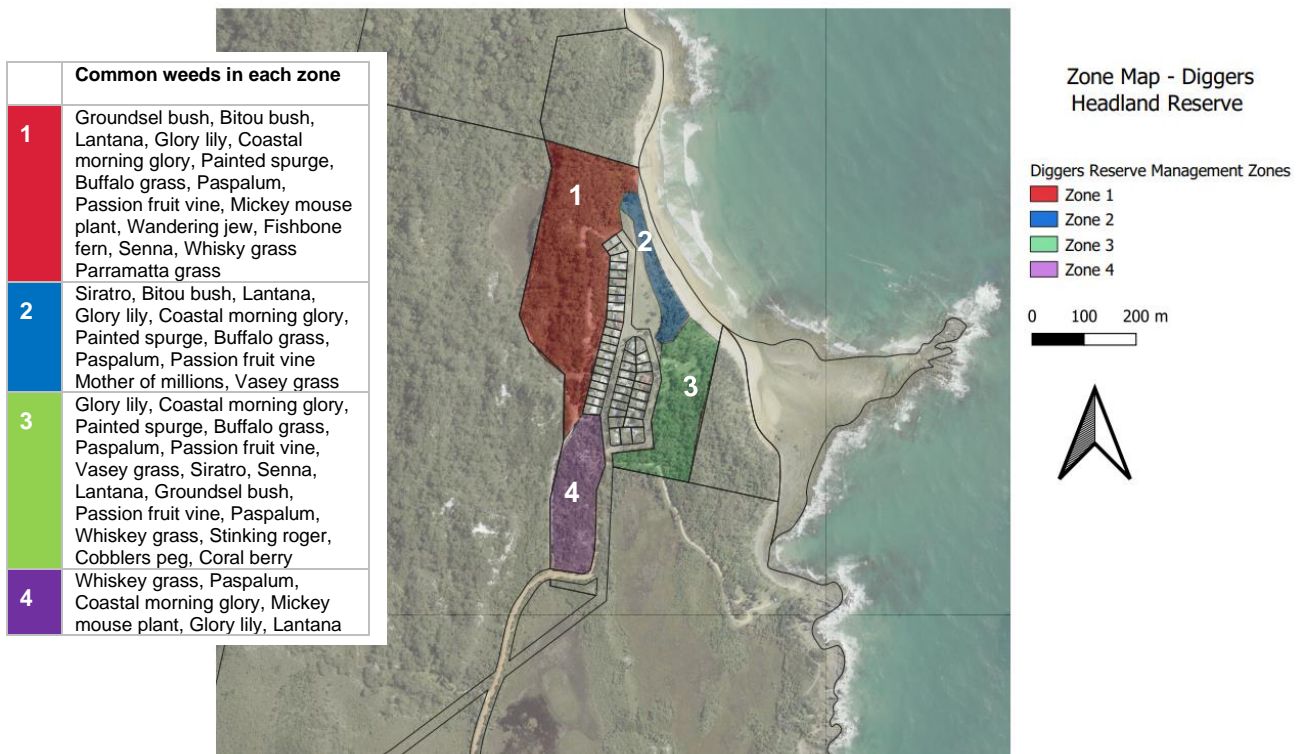


Table 1: General Management Actions

There are general actions in Table 1 below which are to be carried out across the Reserve, in all Zones.

General	Action	Description	Responsibility	Priority
These are general actions, that are applicable across all zones on the Reserve	1	Monitor and manage APZ's and fuel loads in bushland areas	CVC	High
	2	Map weed infestations	CVC/Landcare	High
	3	Council to wash down mowers before working on Diggers Reserve	CVC	High
	4	Monitor and report weed outbreaks	Community/ Landcare/CVC	High
	5	Map and date any fire occurrences in plant communities	CVC/Landcare	Medium
	6	Systematically work through zones, working in 10m strips and ensure all weeds are controlled before moving to next strip. Cut, scrape and paint woody weeds such as lantana, bitou bush and groundsel.	CVC/Landcare	Medium
	7	Spot spray to control buffalo grass, other introduced grasses and ground cover weeds. Take care not to spray native grasses, sedges and groundcovers. Lop cut stems into billets and leave on site as mulch. For further weed control methods, refer to Section 9 in this plan	CVC/Landcare	Medium
	8	Check for outbreaks and spot spray to control scattered glory lily (<i>Gloriosa superba</i>) in October-December with a follow up in March-April.	CVC/Landcare	Medium
	9	Council to notify residents prior to undertaking spraying.	CVC	High



General	Action	Description	Responsibility	Priority
	10	Works should include biannual walk through to identify and control weed outbreaks.	CVC/Landcare	Medium
	11	Target Senna pendula when in flower (yellow) for easy spotting.	CVC/Landcare	High
	12	Weed work should be undertaken in a methodical transect using ribbon or tape to maintain a straight line and makes easy to return to the same location the next day. Control other weeds as they present. Annual weeds will persist as they appear seasonally and in exposed areas.	CVC/Landcare	Medium
	13	When annual weeds present in large infestations plant native species to help shade and slow annual weed growth. Follow up with further control and plantings. Weed control methods for listed weeds are in Appendix 8.	CVC/Landcare	Medium

Table 2: Management Zones and Actions

Zone 1	Action	Description	Responsibility	Priority
Vegetation types: Swamp forest, Dune vegetation, Open Sclerophyll Forest and Tall Closed Heathland See Table 1 for species present in each plant community	14	Spray/hand pull identified weeds for maintenance of healthy vegetation. Weeds in this area include groundsel bush, bitou bush, lantana, winter senna, coastal morning glory, and glory lily, ochna, painted spurge, Paramatta grass, whiskey grass and garden escapees.	Landcare/CVC	High
	15	Regular inspections and control are necessary in this Zone to ensure weeds are continually suppressed.	Landcare/CVC Three monthly	High
	16	Garden escapees are to be targeted in the area behind the houses, east of the fire trail. Remove rubbish and fruit trees on Crown Reserve.	CVC/Landcare	High
	17	The area west of the fire trail is in good condition with minimal weeds that are generally restricted to the edges. A periodic survey (every 3 months) for weed outbreaks is necessary. No planting is required in this zone	CVC/Landcare – check every 3 months	Low - moderate



Zone 2		Description	Responsibility	Priority
Vegetation Types: Open woodland, Low to Tall Closed Sedgeland of <i>Carex pumila</i> , Sedge / Fernland See Table 2 for species present in each plant community	18	Spray/hand pull identified weeds for maintenance of healthy vegetation. Council to notify residents prior to undertaking spraying.	Landcare/CVC	High
	19	Encourage the regrowth, natural recruitment of planting of banksia trees that were previously illegally poisoned.	CVC	Medium
	20	Zone 2 is much degraded with often sparse canopy and dense ground cover grasses and weeds. Removal of groundcover vegetation could cause erosion of the steep escarpment and control should be gradual. For example replacing exotic grasses with endemic species such as Kangaroo Grass or Lomandra.	Landcare/CVC	High
	21	Target siratro (<i>Macropitium atropurpureum</i>) vine as a priority in this zone where it occurs. Other vines include morning glory (cut & wind up) and the cutting back of Smilax if too dominant.	Landcare/CVC	High
	22	Systematically work through the area commencing at the northern beach access track. Work the sequence below through in 10m strips and ensure all weeds are controlled before moving to next strip.	Landcare/CVC	High
	23	Refer to Section 9 for methods to remove painted spurge, mother of millions, siratro, coastal morning glory, buffalo grass, glory lily and other emerging and dominant weeds	Landcare/CVC	High

Zone 2		Description	Responsibility	Priority
	24	Spot spray selected areas around existing native trees to control buffalo grass, other introduced grasses and groundcover weeds. Take care not to spray native grasses such as sedges.	Landcare/CVC	Medium

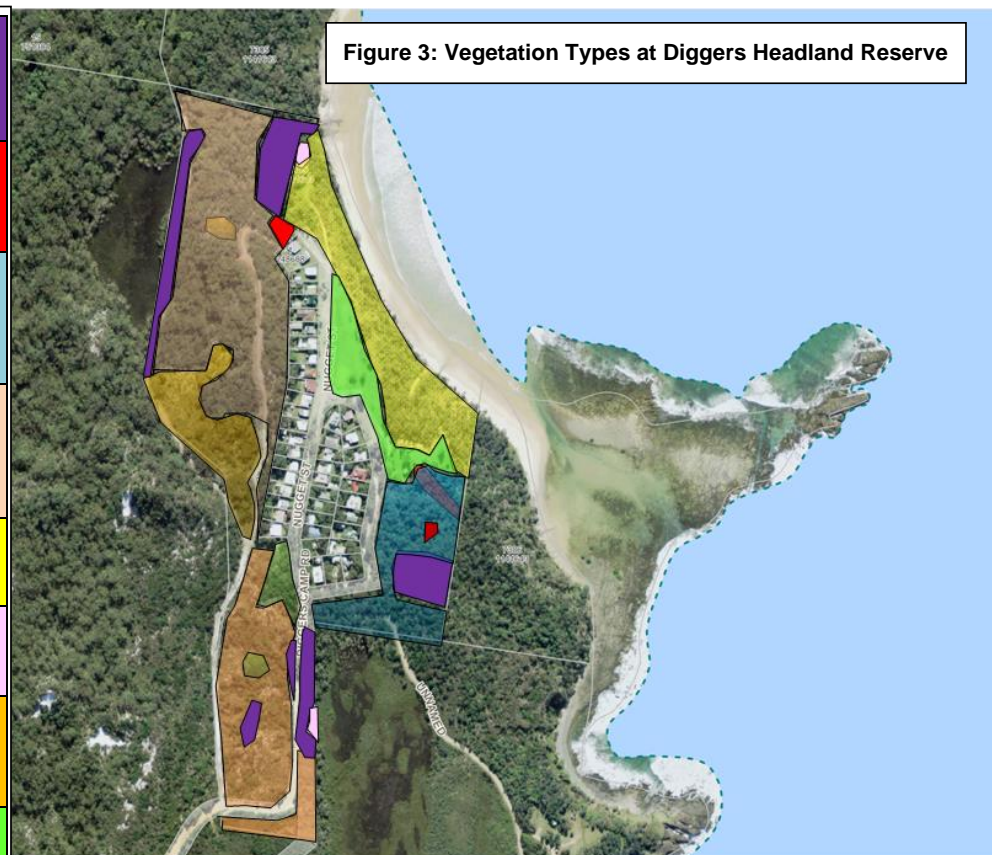
Zone 3		Description	Responsibility	Priority
Vegetation Types: Swamp forest, Dune vegetation, Dry Sclerophyll Forest, and Dry Heath See Table 2 for species present in each plant community	25	Spray/hand pull identified weeds for maintenance of healthy vegetation. Council to notify residents prior to undertaking spraying.	Landcare/CVC	High
	26	The Camping management plan for Diggers Headland is to clearly state that no guy ropes are to be tied to vegetation.	CVC	High
	27	Glory lily persists within the zone and requires annual treatment along the east side of the dune.	Landcare/CVC	High
	28	Council is to maintain the mowing in this area (not residents) to maintain natural vegetation at a low height and to minimise the introduction of weeds through the use of unwashed mowers.	CVC	High
	29	An Aboriginal site "Midden" is located in Zone 3. This site is significant to the Gumbaingirr people and must be recognised prior to working in the area.	CVC	High



Zone 3		Description	Responsibility	Priority
		Consultation with Council for the location and proposed works is necessary in Zone 3 prior to undertaking any restoration works.		
	30	A patch of Closed Forest – Turpentine (<i>Syncarpia glomulifera</i>) forest occupies a small area in the southeast of this zone. This isolated and small patch of Turpentine is a remnant and was possibly part of a larger community now consumed by sea level rise over thousands of years, care is to be taken when working in this area.	CVC/Landcare	High
	31	This zone is prone to garden escapee plants. Remove rubbish and fruit trees on Crown Reserve. Working from one end to the other along the contours is possibly the easiest method cutting native <i>Smilax</i> vines if impenetrable. Seek control advice from Council for garden escapes found in this area.	CVC/Landcare	High
	32	The area west of the fire trail (previously area 7) is in good condition with minimal weeds that are generally restricted to the edges. A periodic survey for weeds outbreaks is necessary No planting required in this zone	CVC/Landcare – check every 6 months	Low - moderate

Zone 4		Description	Responsibility	Priority
<p><u>Vegetation Types:</u> Dry Heath, Melaleuca Swamp Forest, Wet Heath.</p> <p>See Table 2 for species present in each plant community</p>	33	<p>This Zone is generally in good condition with weeds restricted to the road and fire trail edges. Introduced grasses including Parramatta and Whisky grass are located on the fire trail brought in by mowers and vehicles. Works should include bi-annual walk through to identify and control weed outbreaks.</p>	Landcare/CVC	High
	34	<p>Importantly Cypress pine (<i>Callitris macleayana</i>) and epiphytes are found in this zone. These species are susceptible to wildfire attack. Prescribed fire for fuel reduction should consider these species by implementing a cool burn or no burn in some locations.</p>	CVC	Medium
	35	<p>Planting may be required in areas of this zone where residents have removed trees illegally, see Council for further information</p>	Landcare/CVC	Low
	36	<p>This zone should be inspected for ochna, bitou bush, lantana, winter senna, coastal morning glory, glory lily, (refer to Section 9 in this Plan for weed control methods)</p>	Landcare/CVC	
	37	<p>The area to the east of the fire trail is prone to encroachment from residents including planting of fruit trees and invasive garden plants, hence these should be monitored for re-emergence as well.</p>	Landcare/CVC	
	38	<p>The Western side of the fire trail (previous Area 7) has very low weed infestations hence little restoration work has been required. The vegetation is in relatively good condition. There has been irregular fire in this area.</p>	CVC/Landcare – check every 6 months	Low - moderate

<p>Melaleuca Swamp Forest A mid-high closed forest in semi permanent creeks, dune springs dominated by; <i>Melaleuca quinquenervia</i>, <i>Pandanus pectorius</i>. Understorey includes; <i>Gahnia aspera</i>, <i>Blechnum indicum</i>, <i>Gleichenia dicarpa</i>, <i>Geitonoplesium cymosum</i>, <i>Crinum pedunculatum</i></p>	
<p>Littoral Rainforest Medium Closed Forest dominated by tuckeroo. <i>Cupaniopsis anacardioides</i>, <i>Syzygium oleosum</i>, <i>Ficus rubiginosa</i>, <i>Euroschinus falcata</i>, mid storey; <i>Elaeocarpus reticulatus</i>, <i>Smilax australis</i>, <i>Glochidion ferdinandi</i>, <i>Persoonia stradbrogensis</i>, <i>P. tenifolia</i></p>	
<p>Sclerophyll forest <i>Corymbia intermedia</i> <i>Lophostemon suaveolens</i>, <i>Melaleuca quinquenervia</i>, <i>Syncarpia glomulifera</i> <i>Banksia integrifolia</i>, <i>B. eumula</i>, <i>Cupaniopsis anacardioides</i>, <i>Syzygium oleosum</i>, <i>Ficus rubiginosa</i>, <i>Euroschinus falcata</i>, Mid storey; <i>Elaeocarpus reticulatus</i>, <i>Smilax australis</i>, <i>Glochidion ferdinandi</i>, <i>Persoonia stradbrogensis</i>, <i>P. tenifolia</i></p>	
<p>Dry sclerophyll Medium Open Forest species dominance depends on soil moisture and slope including; <i>Angophora costata</i>, <i>Corymbia intermedia</i> <i>Eucalyptus pilularis</i>, <i>E. planchoniana</i>. Closed Understorey <i>Banksia aemula</i>, <i>B.integrifolia</i>, <i>Casuarina littoralis</i> <i>Themeda triandra</i>, <i>Pimelia linifolia ssp linifolia</i>, <i>P. esculentum</i>, <i>Xanthorrhoea glauca</i></p>	
<p>Dune vegetation A tall-closed shrubland to mid-high closed forest dominated by Coastal <i>Banksia integrifolia</i>, <i>Casuarina equisetifolia var. incana</i>. <i>Acacia sophorae</i> <i>Carex pumila</i>, <i>Phylla nodiflora</i>, <i>Lomandra longifolia</i>. <i>Themeda triandra</i> & <i>Imperata cylindric</i></p>	
<p>Wet heath Mid-high closed wet heath; <i>Xanthorrhoea glauca</i> subsp. <i>glauca</i>, <i>Kunzea capitata</i>, <i>Melaleuca nodosa</i>, <i>Leptospermum liversidgei</i>, <i>Pimelia linifolia ssp linifolia</i>, <i>Dillwynia sieberi</i>, <i>Sprengelia sprengelioides</i>, <i>Epacris microphylla</i></p>	
<p>Dry heath Tall closed heath land dominated by <i>Banksia aemula</i>, <i>Casuarina littoralis</i>, <i>Callitris macleayana</i> <i>Acacia sophorae</i> <i>Leptospermum</i> spp, mid storey; <i>Actinotus helianthi</i>, <i>Themeda triandra</i>, <i>Pimelia linifolia ssp Linifolia</i>, <i>Pteridium esculentum</i>, <i>Xanthorrhoea glauca</i> subsp <i>glauca</i> , <i>Harndenbergia violacea</i></p>	
<p>Grassed area Mixed introduced and <i>Themeda</i> grass on Headland Escarpment & Open Forest/shrub lands; Including Blade grass Lower: <i>Themeda triandra</i>, <i>Cynodon dactylon</i>, <i>Lomandra</i> and <i>Dianella</i> spp, various exotic grasses such as <i>Parramatta</i>, <i>paspalum</i> and <i>buffalo</i></p>	



6.1. New Legislation & Plans of Management

New legislation (the *Crown Land Management Act 2016*) came into effect regarding the management of Crown lands under the care, control and management by local councils. One of the most significant changes of this new Act is that the land must be managed as if it were public land under the Local Government Act 1993 (LG Act) on Crown reserves where a council is the appointed Crown land manager.

As a result, Clarence Valley Council is currently updating the *Clarence Valley Community Land, Crown Reserves and other Public Places Generic Plan of Management 2014 – 2023* (also called the “generic PoM”) to provide clear direction for the ongoing development, management and use of all Council controlled parks and reserves, which include Diggers Headland.

The purpose of updating the generic PoM is to:

- Ensure compliance with the LG Act, and other legislation and planning instruments such as the *Environmental Planning and Assessment Act 1979* (EP&A Act) and *Clarence Valley Local Environmental Plan 2011* (CVLEP);
- contribute to the council’s broader strategic goals and vision as set out in the community strategic plan – the Clarence 2027;
- assign a management category to newly acquired community land to be included under the generic PoM;
- provide a framework and clear direction in the development, use and management of all public land covered by the generic PoM; and
- ensure consistent management that supports a unified approach to meeting the varied needs of the community.



Table 3: Flora List for Diggers Headland Reserve (after Swain & Edwards, 2013).

Scientific Name	Common Name	Scientific Name	Common Name
<i>Acacia longifolia</i> subsp <i>sophorae</i>	Coastal Wattle	<i>Juncus planifolius</i>	
<i>Acacia suaveolens</i>	Sweet Wattle	<i>Kennedia rubicunda</i>	Running Postman
<i>Acacia ulicifolia</i>	Prickly Moses	<i>Laxmannia gracilis</i>	Slender Wire Lily
<i>Actinotus helianthi</i>	Flannel Flower	<i>Leptospermum liversidgei</i>	Olive Tea-tree
<i>Allocasuarina littoralis</i>	Black Sheoak	<i>Leptospermum trinervium</i>	Flaky-barked Tea-tree
<i>Angophora costata</i>	Smooth-barked Apple	<i>Leucopogon ericoides</i>	Pink Beard-heath
<i>Aotus lanigera</i>	Woolly Aotus	<i>Leucopogon juniperinus</i>	Prickly Beard-heath
<i>Aristidaramosa varscaberula</i>	Spear grass	<i>Leucopogon lanceolatus</i>	White Beard
<i>Asplenium austraticum</i>	Bird's nest fern	<i>Leucopogon leptospermoides</i>	
<i>Astroloma pinifolia</i>	Pine Heath	<i>Lissanthe species</i>	
<i>Austromyrtus du/cis</i>	Midgen berry	<i>Lobelia aiata</i>	Angled Lobelia
<i>Baekea frutescens</i>			
<i>Banksia integrifolia</i>	Coastal Banksia	<i>Lomandra longifolia</i>	Spiny-headed Mat-rush
<i>Banksia oblongifolia</i>	Fern-leaved Banksia		
<i>Banksia serrata</i>	Saw Banksia	<i>Lomandra muitiflora</i>	Many-headed Mat-rush
<i>Machaerina articulata</i>	Jointed Twig-rush	<i>Lophostemon suaveolens</i>	Swamp turpentine
<i>Blechnum indicum</i>	Swamp Water Fern	<i>Lygodium microphyllum</i>	Climbing snake fern
<i>Blechnum wattsi</i>	Hard water fern	<i>Macrozamia fawcettii</i>	
<i>Bossiaea ensata</i>	Sword Bossiaea	<i>Melaleuca nodosa</i>	Prickly-leaved Paperbark
<i>Bossiaea heterophylla</i>	Variable Bossiaea	<i>Melaleuca quinquenervia</i>	Broad-leaved Paperbark
<i>Brachyloma daphnoides</i>	Daphne-heath		
<i>Callitris macleayana</i>	Brush Cypress Pine	<i>Meiastoma affine</i>	Blue tongue
<i>Canavalia rosea</i>	Coastal Jack Bean		Common Onion
<i>Carpobrotus edulis</i>	Pig Face	<i>Microtis unifolia</i>	Orchid
<i>Cassytha filiformis</i>	Love vine	<i>Mitrasacme paludosa</i>	
<i>Cassytha glabella</i>	Devil's Twine	<i>Mitrasacme polymorpha</i>	
<i>Cassytha pubescens</i>	Dodder-laurel	<i>Monotoca elliptica</i>	Tree Broom-heath
<i>Casuarina glauca</i>	Swamp Oak	<i>Notelaea longifolia</i>	Long-leaved mock olive
<i>Caustis blakei</i>	Foxtails	<i>Noteiaea ovata</i>	Mock olive
<i>Caustis flexuosa</i>	Curly Wig	<i>Olox angulata</i>	Minne Waters Olax
<i>Caustis pentandra</i>	Thick Twist-rush	<i>Ottochioa graciiima</i>	Shade grass

Scientific Name	Common Name	Scientific Name	Common Name
<i>Caustis recurvata</i>	Curly sedge	<i>Oxalis rubens</i>	Dune wood sorrell
<i>Cenchrus caliculatus</i>	Hillside Burrgrass	<i>Ozothamnus diosmifolius</i>	White Dogwood
<i>Chloanthus parviflora</i>		<i>Pandanus tectorius</i>	Screw Pine
<i>Choretrum species</i>	Sour Bush sp.	<i>Pandorea pandorana</i>	Wonga Wonga Vine
<i>Chorizandra sphaerocephala</i>	Roundhead Bristle-sedge	<i>Panicum simile</i>	Two-coloured panic
<i>Cissus hypogiauca</i>	Giant water vine	<i>Parsonsia straminea</i>	Silk Pod Vine
<i>Cladium procerum</i>	Leafy Twig-rush	<i>Paspalidium distans</i>	Shot grass
<i>Commelina cyanea</i>	Scurvey weed	<i>Patersonia glabrata</i>	Leafy purple-flag
<i>Conospermum taxifolium</i>	Variable Smoke Bush	<i>Patersonia sericea</i>	Purple flag
<i>Corymbia intermedia</i>	Pink Bloodwood	<i>Persoonia stradbrogensis</i>	Geebung
<i>Crinum pedunculatum</i>	Swamp Lily	<i>Persoonia tenuifolia</i>	Prickly Geebung
<i>Cyclosorus interruptus</i>		<i>Petrophie puicheia</i>	Conestick
<i>Cyperus sphaeroideus</i>		<i>Pimela linifolia ssp linifolia</i>	Slender rice flower
<i>Dampiera stricta</i>		<i>Platysace ericoides</i>	
<i>Oxytes brachypoda (was Desmodium brachypodum)</i>	Large Tick-trefoil	<i>Platysace lanceolata</i>	Shrubby platysace
<i>Maekawaea rhytidophylla (was Desmodium rhytidophyllum)</i>		<i>Plectranthus sp</i>	
<i>Dianella caerulea</i>	Blue Flax Lilly	<i>Podolobium scandens</i>	Netted Shaggy-pea
<i>Dichelachne micrantha</i>	Shorthair plumgrass	<i>Pomax umbellata</i>	
<i>Dichondra repens</i>	Kidney Weed	<i>Poranthra microphylla</i>	
<i>Dillwynia glaberrima</i>	An Egg and Bacon	<i>Pteridium esculentum</i>	Bracken Fern
<i>Dillwynia sieberi</i>	Pea	<i>Pultenaea retusa</i>	Notched bush-pea
<i>Dipodium variegatum</i>	Hyacinth orchid	<i>Restionaceae spx2</i>	
Granite Donkey	Orchidaceae	<i>Restio tetraphyllus</i>	Australian reed
<i>Diuris chrysantha</i>	Orchid	<i>Ricinocarpus pinifolius</i>	Wedding bush
<i>Dodonaea triquetra</i>	Large-leaf Hop-bush	<i>Rubus parvifolius</i>	Native Raspberry
<i>Drosera binata</i>	Forked Sundew	<i>Schizea dichotoma</i>	Branched comb fern
<i>Echinopogon ovatus</i>	Forest hedgehog	<i>Schoenus brevifolius</i>	Zig-zag bog-rush
<i>Elaeocarpus reticulatus</i>	Blueberry Ash	<i>Schoenus ericetorum</i>	Heath bog-rush
<i>Entolasia stricta</i>	Wiry Panic	<i>Smilax australis</i>	Sarsaparilla
<i>Epacris microphylla</i>	Coast Coral Heath	<i>Smilax glycyphylla</i>	Sarsaparilla vine
<i>Eriocaulon australe</i>	Pipewort	<i>Stephania japonica</i>	Snake Vine
<i>Eucalyptus microcorys</i>	Tallow wood	<i>Styphelia viridis ssp brevifolia</i>	Green Five-corners
<i>Eucalyptus pilularis</i>	Blackbutt	<i>Syzygium oleosum</i>	Blue Lilly Pilly
<i>Eucalyptus planchoniana</i>	Needlebark stringybark	<i>Tetragonia tetragonioides</i>	Warrigal greens
<i>Eustrephus latifolius</i>	Wombat berry	<i>Tetratheca thymifolia</i>	Black-eyed Susan
<i>Ficus rubiginosa</i>	Port Jackson Fig	<i>Themeda triandra</i>	Kangaroo Grass
<i>Fimbristylis dichotoma</i>	Fringe sedge	<i>Todea barbara</i>	King fern
<i>Fimbristylis nutans</i>	Nodding grass	<i>Trachymene incisa</i>	Native parsnip
<i>Gahnia aspera</i>	Sword-grass	<i>Trema aspera</i>	Native peach
<i>Geitonoplesium cymosum</i>	Scrambling Lily	<i>Tricoryne elatior</i>	Yellow Autumn lily

Scientific Name	Common Name	Scientific Name	Common Name
Gleichenia dicarpa	Coral fern	Triglochin striatum	Streaked arrowgrass
Glochidion ferdinandi	Cheese tree	Vernonia cineria	Purple fleabane
Gompholobium virgatum	Leafy Wedge Pea	Liparophyllum exaltatum	
Gonocarpus teucrioides	Raspwort	Viola hederacea form G	Ivy leaved violet
Goodenia bellidifolia ssp argentea		Wahlenbergia gracilis	Native bluebell
Goodenia paniculata	Branched Goodenia	<i>Wollastonia uniflora</i> (previously Melanthera biflora)	
Haemodorum planifolium	Blood root	Woollisia pungens	
Hardenbergia vio/acea	Happy wanderer	Xanthorrhoea giauca subsp giauca	Grass tree
Hibbertia acuminata	A Guinea Flower	Zieria smithii	Sandfly zieria
Hibbertia fasciculata			
Hibbertia scandens	Climbing Guinea Flower		
Hibbertia vestita	A Guinea Flower		
Histiopteris incisa	Bat's Wing Fern		
Homoranthus virgatus			
Hydrocotyle bonariensis			
(Introduced)	A Pennywort		
Hydrocotyle sibthorpioides			
Imperata cylindrica	Bladey Grass		
Ipomoea brasiliensis	Native morning glory		

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8. APPENDIX 1 - GENERAL VEGETATION RESTORATION MANAGEMENT

8.1. Restoration Aims

1. To maintain and improve biodiversity through restoring vegetation communities to their natural state and protecting threatened species and communities through the reduction of weed species and promotion of native vegetation in all Zones.
2. Provide community education regarding the conservation values, and environmental impacts from garden waste dumping, tree poisoning and lopping for views
3. To rationalise access and restore endemic vegetation on areas used inconsistently with the Diggers Reserve Vegetation Management plan.

8.2. Restoration Objectives

Vegetation restoration at the Reserve has the ability to;

1. Reduce weed infestations impacting on native vegetation, threatened species and Ecological Endangered Communities on the Reserve.
2. Provide healthy wildlife habitat links, connecting with the surrounding Yuraygir National Park.
3. Maintain visual aesthetics and amenity of the Reserve for suitably passive recreational pursuits.
4. Reduce the potential or severity of slumping and mass movement of sand on steep slopes and protect foredunes against storm damage.

8.3. Recording and Monitoring

Monitoring is a useful tool for recording the history of a regeneration site over time. This also helps in analysis to improve methods for future projects. Observations that can be monitored are;

- Fixed site before and after photographs (photopoints)
- Record keeping of plantings - plant species location and numbers
- Plant survival rates
- Annual plant growth
- Watering and fertiliser regimes
- Weed control activities and chemical application record sheets

8.4. Bushland Regeneration Principles

Two types of restoration approaches apply to native vegetation management -

1. Natural Regeneration (would not effectively stabilise dunes within a short time frame)
2. Assisted Regeneration (rapidly stabilise the dunes removing weeds and planting local gene pool native stock)

Both Natural and Assisted Regeneration apply to Reserve depending on the condition of the site. Assisted regeneration is particularly useful for those sites that are in poor condition with low numbers of naturally regenerating native species.

8.5. Local Gene Pool Species

The use of local indigenous species grown from local seed compliments other native plants and animals in the area and promotes genetic and ecological sustainability in the local vegetation.

Seed collection should continue throughout the life of a restoration project for seasonal availability and replacement plantings. Importantly species planted, in a specific area, should correlate with the vegetation types described in Table 5.

8.6. Seed Collection

Local gene pool seed collection from the site is important to maintain a local diversity. The following should be observed;

- Seed collection to be no more than 10% quantity from any one plant
- Maintain record of seed type, location and quantity collected.
- Label seedling trays with collection locations.

8.7. Propagation and Planting

Propagation by seed, cuttings or division from local gene pool plant stock are to be carried out as appropriate;

- Standard planting techniques include mulching and use of water crystals when planting.
- Install hessian or jute mesh in areas prone to slippage or slump.
- Generous initial watering of tube stock with use of water crystals.
- Use bags if follow up spraying is necessary to protect seedlings from being sprayed. Bags are better suited to cool seasons, as extreme heat will cause a high percentage to burn off and die.
- Survival rate for plantings will increase during early spring and late summer.
- Limit the use of fertilizers on native species to promote better root spread and depth. Heath plants require low phosphate fertilizers.

8.8. Maintenance

Maintenance of a site is necessary until plants are established and the ecosystem can support itself.

Maintenance works include:

1. Water plants only when needed. Test soil moistures with test kit.
2. In hot weather check soil moisture each week until plants are established.
3. Water plants early in morning or evening to minimise evaporation.
4. Less frequent deep soaking is better than frequent light watering. This encourages deep root systems rather than shallow root systems vulnerable to surface soil drying.
5. Tree guards can be used in high wind areas. However, they can cause leaf burn from high temperatures in hind dune areas.
6. A silt fence is recommended to lower wind velocities and promote sand trap at the seaward side or front of the dune.
7. Fertilise plants after they are well established with strong root systems preventing shallow rooting and tree fall.
8. Follow up weed controls regularly to minimise competition with natives. Hand pull weeds where possible to reduce chemical use and to prevent spray drift.
9. A 10% replenishment of failed plantings may be necessary after 2 months particularly if conditions are dry and hot, or in harsh dune environments.

Avoid removing, or breaking tops, of trees that could result in disease and dieback

8.9. Site Assessment and Risk Analysis

Prior to commencement of restoration works at a work site, an assessment is carried out to identify safety aspects for the application of a Risk Analysis in order to meet the requirements of the Work Health & Safety Act 2011. All potential risks are identified and a High, Medium or Low value is applied.

The site is generally considered a lesser risk, however, must be assessed in relation to specific regeneration activities conducted on each project site, particularly persons using chainsaws, tools and herbicide. The necessary qualifications to lead a restoration team on the Reserve are mandatory.

A work activity analysis and risk assessment must be carried out on any work site prior to commencement of any project works undertaken by CVC Staff, volunteers, residents, contractors or project leaders.

All restoration, planting or work activities on the Reserve are to be Council approved and must comply with adopted safe work methods and legislative requirements prior to commencement of any works. All works undertaken on the Reserve must be in accordance with this plan.

Removal of native vegetation on the Reserve without authorisation will incur severe penalties under the Biodiversity Conservation Act 2016.



9. APPENDIX 2 WEED CONTROL TECHNIQUES

Before undertaking any weed removal, it is important to be able to identify the significant weeds in the remnant or planting area and the effects of their removal on fauna habitat. Assistance on local weeds is available from Landcare members, professional bush regenerators and state government agencies. The following guidelines will help in planning and carrying out a weed removal program.

Undertake weed control work systematically. Work thoroughly through an area before starting work in a new area. Aim to link these worked areas together.

Do not weed a larger area than you can maintain on a regular basis to avoid allowing later weed growth to destroy the values of earlier work. Some weed control can take years to maintain. Consider the fauna habitat that weeds provide, for example, removal of all the Lantana or all the Camphor Laurel in one attempt could displace fauna.

Existing weeds can be utilised in regeneration. Some weeds such as Tobacco Bush can be useful for short periods by providing shade, humidity and leaf litter for the establishment of rainforest seedlings. Lantana can be useful for protecting native seedlings from frost, wallabies and excess sunlight. Bitou strips along the foredune is also used to block sea spray and onshore winds burning off planted hind dune seedlings. Other weeds can have different benefits, especially less invasive weeds that provide to competition to more serious weeds.

It is usually better to remove the ground weeds before removing canopy weeds such as Camphor Laurels. The shade of canopy trees suppresses other weeds. Once removed the once suppressed weeds grow rapidly due to increased light, moisture and nutrients and can quickly out compete any existing native seedlings on the site.

Remain flexible in your approach. Consistently monitor results and try different methods if need be. Keep informed about "best practice" methods. Above all, keep maintaining the site on a regular basis.

Table 4: Weed Control Methods for Diggers Headland Reserve

Bitou bush <i>Chrysanthemoides monilifera</i>	Pulse, near Kangaroo Grass. Brushoff is used near Kangaroo grasses when controlling bitou. Brushoff does not control grasses. Control in Winter at 250:1 Roundup Hand weed or spray (1:250) Glyphosate or 1gm to 10 L of Brushoff+
Lantana <i>Lantana camara</i>	Folia spray 10gm -100lts Brushoff & Pulse Hand weed or Cut, Scrape and Paint 1:1.5 Roundup larger stems
Winter Senna <i>Senna pendula</i>	CSP Glyphosate 1:1.5
Gloriosa Lily <i>Gloriosa superba</i>	50:1 Roundup + Brushoff 1gm/10lts + 1% Pulse. Control 2 times per summer season December and February
Painted spurge <i>Euphorbia cyathophora</i>	Hand removal before seeding, spray 1gm – 10lts Brushoff + Pulse large areas. Hand-remove painted spurge and remove from site if seeding
Groundsel bush <i>Baccharis halimifolia</i>	Low CSP 1:1.5 Roundup or spray Amicide 500 Lo 40mls to 10lts
Ground asparagus fern <i>Protasparagus aethiopicus</i>	Crown out corms with a knife leaving water tubers and leaves on site. Remove corms from site in a bag and dispose in certified garden waste dump. Spray with Brushoff 1gm : 10lt + pulse when over 40% ground cover.
Morning Glory <i>Ipomoea cairica</i>	Cut scrape vines glyphosate, pull runners and roll up vines and hang. There is a infestation of morning glory, hand remove smaller coastal morning glory by winding up the stem and removing roots. Larger plants cut stem at head height and roll the lower stem to the base. Cut at base and scrape and apply herbicide. Hang rolled stem in fork of tree so that it does not reshoot.
Ochna <i>Ochna serrulata</i>	Basal bark Diesel Starane 20:1, CSP and paint on Diesel and Starane. Or CSP Roundup 1: 1.5
Madeira Vine <i>Anredera cordifolia</i>	Spray 1:50 Glyphosate. Scrape-paint vines with Glyphosate 1:1, do not cut vines as they need to translocate Roundup to tree canopy height to reach potato tubers. Bag any tubers and remove from site to certified garden waste dump.
Wandering Jew <i>Tradescantia fluminensis</i>	Spray glyphosate 1:50 with Pulse follow up regularly
Umbrella tree <i>Schefflera actinophylla</i>	Remove Umbrella tree parts from site. Follow up within 3 months. Most trees will respond to cut stump, scrape and paint with Roundup 1:1.5
Coral tree <i>Erythrina X sykesii</i>	Drill and inject roundup 1:1 or hatchet trunk circumference of tree stem and pour on Roundup 1:1.5 with spray pack nozzle.
Fishbone fern <i>Nephrolepis cordifolia</i>	Hand pull and stack or spray Brushoff 1g: 10Lt



Mothers of millions <i>Bryophyllum delagoensis</i>	Hand remove or spray large infestations 1gm : 10lts Brushhoff + Pulse. Bag up and remove from site to certified garden waste dump.
Brazilian Cherry <i>Eugeniauniflora</i>	CSP stems with 1:1.5 Glyphosate - inject larger plants with 1:1.5 Glyphosate.
Golden wattle <i>Acacia saligna</i>	CSP stems with 1:1.5 Glyphosate - inject larger plants with 1:1.5 Glyphosate.
Turkey Rhubarb <i>Acetosa sagittata</i>	Spray 100:1 Roundup with 1gm:10lts Brushhoff + Pulse
Cobblers peg <i>Bidens pilosa</i>	Hand pull plants
Gazania <i>Gazania rigens</i>	Remove by hand or Back pack spray Brushhoff + Pulse
Coastal Tea Tree <i>Leptospermum laevigatum</i>	Cut down tree to stump level no poison needed. Use smaller branches for brush for dune stabilization
Siratro <i>Macroptilium atropurpureum</i>	Follow vine to tuber and dig out or cut tuber and paint on Roundup 1:1. Does not spray well, will always sprout from tuber unless tuber is treated directly with herbicide. Cut or halve siratro tubers with a knife and apply 50/50 roundup.
Buffalo grass <i>Stenotaphrum secundatum</i>	Spray out grass with Roundup 1: 100 + Pulse. Follow up and Plant out with natives Same as Paspalum spp. And other unwanted weed grasses including Guinea Grass Spot spray to control buffalo grass, other introduced grasses and ground cover weeds. Take care not to spray native grasses, sedges and groundcovers.
Singapore daisy <i>Wedelia trilobata</i>	Spray vine with 1gm to 100lts Brushhoff with Pulse as a surfactant, follow up regularly.
Mother in Laws Tongue <i>Sansevieria trifasciata</i>	Hand pull plants and remove from site to an approved waste depot. Backpack spray with 1gm : 10lts Brushhoff + Pulse.
Other weeds include:	Castor oil, Ross River burr, Banana Tree, Mango, mulberry and P. Lucerne.

9.1. Chemical Rates Used

Glyphosate is the main chemical used by bush-regenerators and Landcare groups due to its relative safety. All users are required by law to read the instructions and rates on the label before spraying.

The NSW Weed Wise website is very useful for identifying weeds and control options and can be found here <https://weeds.dpi.nsw.gov.au/>.

The two main rates of spraying are 1:100, 1 part glyphosate to 100 parts water. That is 10 mls of glyphosate per litre of water or 100 mm of glyphosate to 10 litres of water. This is mainly used on easy to kill plants such as grasses, Mist Weed, Blue Billygoat Weed, Farmers Friends, small Lantana and Coral Berry.

The other main rate is 1:50 or 20 mls of glyphosate to 1 litre of water or 200 mm to 10 litres of water. This is the strongest dose rate and is used for plants such as Wandering Jew, Morning Glory, Madeira Vine and Asparagus Fern.

Some of these weeds are very hard to kill and the addition of Brush-off[®] (Metasulfuron) to glyphosate solutions is allowed as they are compatible. This is very effective on Glory Lilly. Brush-off[®] is used at 1.5 grams to 10 litres. Read the instructions on the label before use.

Some weeds that Brush-off[®] could be used on are : Canna Lilly, Ochna, Madeira Vine, Morning Glory, Wandering Jew, Cats Claw Creeper, Glory Lilly, Mother-in-laws Tongue, Kudzu, White Glycine, Syngonium, Coral Tree suckers, Guava, Brazilian Cherry and Hairy Commelina, as well as other succulent weed plant species.

In addition to these two chemicals, a surfactant needs to be added. This will help the chemical stick to the leaves, is rain-fast within minutes and helps spread the chemical evenly over the plant. Oils are used for this purpose. Brush-off will not work properly without a surfactant.

Marker-dye can also be used. This comes in different forms such as Spraymate[®], which is a hot pink colour, and in liquid form. There is White Lightening[®], a white coloured powder that is mixed in the backpack with the other ingredients. Marker-dyes are very useful because you can see clearly where you have sprayed. This saves chemical by not spraying the same area twice and identifies any accidental spraying of non-target species.

Always wear proper safety equipment while mixing chemicals and read all the safety directions before mixing. Do not spray on windy days and/or if there is chance of rain.

9.2. Weed Removal Techniques

Below is a list of weed removal techniques. Some methods are more useful in particular situations. It is site-dependent as to which method should be used at a particular site. Slow and steady progress will achieve the most significant results over time.

1. Cut-scrape-paint method (C.S.P.):

This method applies to most woody weeds with the base of the trunk up to approx. 100 mm diameter. These include Camphor Laurel, Large and Small-leaved Privet, Lantana, Senna, Tobacco Bush and Bitou Bush.

(a) Clean around the base of the plant for access and to expose any roots.



(b) Cut the plant low to the ground using secateurs, loppers or a hand saw.

Apply glyphosate to the stump immediately after cutting with a paint brush approx. 15 mm wide at a rate of 1 glyphosate to 1 water, 1:1

Note: Do not let the paintbrush touch the soil as this could deactivate or lessen the effect. The faster you apply the chemical to the cut the better the effect.

(d) Scrape the sides of the stump with a knife to expose the cambium and sap wood layers. Apply chemical as above.

(e) Scrape any exposed roots and apply chemical as above.

(f) The plant top can be disposed of in many ways. It can be placed in a fork of a tree to dry out, chopped up into small pieces and used as mulch or removed from the site.

2. Scrape-paint method (S.P.):

This applies to some woody weed seedlings up to approx. 100 mm diameter that can have the ability to survive the C.S.P method, such as: Guava, Brazilian Cherry and Ochna. It is also used on Madeira Vine.

Woody Weeds

- Remove small side branches and twiggy bits for approximately two thirds of the height of the plant or up to head height starting at the base.
- Hold the top of the plant and scrape one side of the trunk from the base to at least 60 cm.
- Apply undiluted glyphosate with a paintbrush immediately.
- Scrape and paint at least two more times.
- Note: Make sure that each scrape does not touch another, as this will only ringbark the plant and will not be effective. There must be some foliage on the plant to help transport the chemical around the plant.

Vines

- Find the base of the vine and any other shoots. Remove any aerial tubers on the stems to head height and bag for disposal. Proceed to scrape the vines carefully with a knife, (same as for woody weeds.) Apply undiluted glyphosate with a paintbrush.
- Repeat the process and scrape up to 3-4 sides of the vine depending on how thick it is.

Note: When removing any tubers or leaves from the stems do not let these fall onto the ground (they will re-shoot). It is best to bag these and remove from the site.

3. Tree Injection:

This is used on many woody trees and large shrubs that are over 100 mm diameter , such as Camphor Laurel, Small and Large-leaved Privet, Celtis, African Tulip Tree and Coral Trees;

- Clear around the base of the plant for access and expose any roots.
- With the tomahawk, make a cut the width of the blade at a slight angle into the trunk as close to the ground as possible. It is important to make deep cuts to get to the white sap wood. Apply glyphosate to the cut immediately with a tree injector or injecting device at a rate of 1 part glyphosate to 1 part water 1:1 for trunk diameters up to 25cm and use undiluted glyphosate for trunks over 25cm.
- Note: For Coral Trees the rate is undiluted for any size trunk.
- Repeat the cuts approx. 100 mm apart in a brick like pattern for at least 3 rows around the entire trunk (it will not work if you leave any longitudinal gaps.
- Treat any exposed roots by chopping or scraping the roots and applying chemical.
- Note: It is wise to fill up the cuts at least 3 times slowly to make sure the chemical is being taken up by the plant. Do not allow the chemical to spill from the sides of the cuts, if possible.

4. Tree Injection- Drill

Same as the tomahawk method but using a cordless drill or chainsaw fence borer with 3/4bit. Drill into trunk at least 50 - 80mm deep. Fill up the holes with chemical at least 3 times 1:1rate.

5. Spraying

This is generally carried out using a 15 litre back pack spray unit but can be used by other spraying equipment. There are different application methods for different situations.

Spot Spraying. This method is used when there is native seedlings in amongst the weeds. Wandering Jew in the shade under rainforest canopy is one example of where spot spraying should be used.

Before spraying locate native seedlings and hand weed around each one at least 100 mm. If only a few native seedlings are present these can also be tagged using brightly coloured flagging tape.

Spray the weeds being careful not to spray any natives. Use low pressure to spray the weeds.

If you have accidentally sprayed a native, wash the plant with water immediately. You should always carry a water atomiser at all times when spraying for this purpose. You could also cut off the sprayed section of the plant. Note: Be careful not to spray near any ferns as they are highly susceptible to chemical spray drift. It is best to hand weed around all ferns.



6. Over spraying

This method should be used for large open areas of weeds such as Lantana or Bitou patches, grass areas or areas where there are little or no natives or non-target species.

7. Gouge-paint

This is mainly used on Madeira Vine and Climbing Asparagus. These have a fleshy root systems called tubers in Madeira vine and rhizomes in Asparagus. The gouge-paint method is very useful because there is less disturbance to the soil and surrounding areas than if you were to dig the whole tuber or rhizome out by hand. With Madeira Vine, it is nearly impossible to dig the entire tuber system out of the ground without leaving small pieces behind.

Clean around the base of the plant and check the extent of the tuber or rhizome system using a knife. Gouge out a section of the tuber or rhizome with a knife.

Apply glyphosate undiluted with a paintbrush to the cut area. If it is possible, gouge a hole, then carefully pour a small amount of chemical into the hole.

Note: Make sure that all parts of Madeira Vine are removed carefully from the site.

8. Crowning

This method is used on plants that have underground growing points such as corms, bulbs, rhizomes, clumping or fibrous root systems. These include plant species such as Asparagus ferns, Fishbone ferns, Madeira Vine and grasses.

- Hold the leaves or stems of the plant up and expose the base of the plant.
- Insert a sharp knife close to the base of the plant near the growing point.
- Cut through the roots all round the base of the plant pulling up the plant as you cut.
- Remove the plant. Make sure that the entire growing point of the plant is removed.

9. Bagging

This term is used for bagging or collecting seed, tubers, flowers or any weed propagules, and removing these from the site. It is especially useful in preventing re-infestations of weeds. This can be done before you commence CSP or during spray preparation or anytime that weed seeds are seen. Common species that this has been used on include Winter and Smooth Senna, Privets, Madeira Vine tubers, Ochna seeds and weedy passionfruits.

10. Hand-weeding



This method is very useful for small areas of weed infestations. It is best done while the ground is moist as it is easier to pull out deep-rooted weeds. This method should be used around all fern species, as they are very susceptible to chemical sprays. It is also to be used in areas that have a high number of native seedlings in a small area. Always wear gloves and grab the weed by the base as close to the ground as possible, get a firm hold and pull the plant out. Do not leave any part of the weed on the ground as it may re-shoot.




Plants unsuitable for hand weeding, due to their long taproot, are Ochna, Brazilian Cherry, Silver-leaved Desmodium and Cats Claw Creeper. Other weeds with brittle stems including Wandering Jew and Hairy Commelina are difficult to completely control by hand in large areas, so additional spot-spraying may be required.

10. VEGETATION COMMUNITIES

Diggers Reserve Headland has a variety of vegetation communities (see Figure 2). Eight different types have been recorded in the reserve, and Table 5 below gives a summary of the common species found in each community.

Table 5: Vegetation Types

Vegetation Type	Vegetation Structure	Common Species
<p><u>Frontal Dune</u> A tall-closed shrubland to mid-high closed forest</p>		<p>Upper: Coastal banksia <i>Banksia integrifolia</i>, Coastal sheoak <i>Casuarina equisetifolia</i> var. <i>incana</i>.</p> <p>Mid: Coastal wattle <i>Acacia sophorae</i></p> <p>Lower: <i>Carex pumila</i>, <i>Phylla nodiflora</i>, <i>Lomandra longifolia</i>, <i>Themeda triandra</i> & <i>Imperata cylindrica</i></p>
<p><u>Dry Sclerophyll forest</u> Medium Open Forest - species dominance depends on soil moisture and slope</p>		<p>Upper: <i>Angophora costata</i>, <i>Corymbia intermedia</i>, <i>Eucalyptus pilularis</i>, <i>E. planchoniana</i>.</p> <p>Lower: <i>Banksia aemula</i>, <i>B. integrifolia</i>, <i>Casuarina littoralis</i>, <i>Themeda triandra</i>, <i>Pimelia linifolia</i> P. <i>esculentum</i>, <i>Xanthorrhoea glauca</i> subsp <i>glauca</i>, <i>Hardenbergia violacea</i></p>

Vegetation Type	Vegetation Structure	Common Species
<p><u>Melaleuca Swamp Forest</u></p> <p>A mid-high closed forest in semi permanent creeks, dune springs</p>		<p>Upper: <i>Melaleuca quinquenervia</i>, <i>Pandanus pectorius</i>.</p> <p>Lower: <i>Gahnia aspera</i>, <i>Blechnum indicum</i>, <i>Gleichenia dicarpa</i>, <i>Geitonoplesium cymosum</i>, <i>Crinum pedunculatum</i>.</p>
<p><u>Littoral Rainforest</u></p> <p>Medium closed forest</p>		<p>Upper: <i>Tuckeroo cupaniopsis anacardioides</i>, <i>Syzygium oleosum</i>, <i>Ficus rubiginosa</i>, <i>Euroschinus falcata</i>,</p> <p>Mid: <i>Elaeocarpus reticulates</i>, <i>Smilax australis</i>, <i>Glochidian ferdinandi</i>, <i>Persoonia stradbrokeensis</i>, <i>P. tenifolia</i></p>
<p><u>Sclerophyll Forest</u></p> <p>An open eucalypt forest dominated by bloodwoods and swamp box</p>		<p>Upper: <i>Corymbia intermedia</i>, <i>Lophostemon suaveolens</i>, <i>Melaleuca quinquenervia</i>, (<i>Syncarpia glomulifera</i> (pink on Veg. map), <i>Banksia integrifolia</i>, <i>B. eumula</i>, <i>Cupaniopsis anacardioides</i>, <i>Syzygium oleosum</i>, <i>Ficus rubiginosa</i>, <i>Euroschinus falcata</i>,</p> <p>Mid: <i>Elaeocarpus reticulates</i>, <i>Smilax australis</i>, <i>Glochidian ferdinandi</i>, <i>Persoonia stradbrokeensis</i>,</p>

Vegetation Type	Vegetation Structure	Common Species
<p>Dry Heath Dry Heath Tall closed heath land</p>		<p>Upper: <i>Banksia aemula</i>, <i>Casuarina littoralis</i>, <i>Callitris macleayana</i> <i>Acacia sophorae</i>, <i>Leptospermum spp</i>,</p> <p>Mid: <i>Actinotus helianthi</i>, <i>Themeda australis</i>,</p> <p>Lower: <i>Pimelia linifolia ssp linifolia</i>, <i>Pteridium esculentum</i>, <i>Xanthorrhoea glauca subsp glauca</i>, <i>Hardenbergia violacea</i></p>
<p>Wet Heath Mid-high closed wet heath</p>		<p>Mid: <i>Xanthorrhoea glauca subsp. glauca</i>, <i>Kunzea capitata</i>, <i>Melaleuca nodosa</i>, <i>Leptospermum liversidgei</i>,</p> <p>Lower: <i>Pimelia linifolia ssp linifolia</i>, <i>Dillwynia sieberi</i>, <i>Sprengelia sprengelioides</i>, <i>Epacris microphylla</i></p>
<p>Grassed area Mixed introduced and <i>Themeda</i> grass on Headland Escarpment & Open Forest/ shrub lands; Including Blady grass</p>		<p>Lower: Kangaroo grass <i>Themeda triandra</i>, Common couch <i>cynodon dactylon</i>, <i>Lomandra</i> and <i>Dianella spp</i>, various exotic grasses such as Parramatta, paspalum and buffalo grass.</p>

Table 6: List of Weeds in Each Zone

Zone	Weeds present	Scientific name
1	Groundsel bush	<i>Baccharisha limifolia</i>
	Bitou bush	<i>Chrysanthemoides moniiiferasub. Rotunda</i>
	Lantana	<i>Lantana camara</i>
	Glory lily	<i>Gloriosa superba</i>
	Coastal morning glory	<i>Ipomoea cairica</i>
	Painted spurge	<i>Euphorbia cyathophora</i>
	Buffalo grass	<i>Stenotaphrum secundatum</i>
	Paspalum	<i>Paspalum dilatum</i>
	Passion fruit vine	<i>Passiflora edulis</i>
	Mickey mouse plant	<i>Ochna serrulata</i>
	Wandering jew	<i>Tradescantia fluminensis</i>
	Fishbone fern	<i>Naphroiepis cordifoia</i>
	Senna	<i>Senna pendula</i>
	Whisky grass	<i>Andropogon virginicu</i>
	Parramatta grass	<i>Sporobolus africanus</i>
Many other unlisted garden escapes from private Lots have entered the reserve		
2	Siratro	<i>Macroptilium atropurpureum</i>
	Bitou bush	<i>Chrysanthemoides moniiiferasub. Rotunda</i>
	Lantana	<i>Lantana camara</i>
	Glory lily	<i>Gloriosa superba</i>
	Coastal morning glory	<i>Ipomoea cairica</i>
	Painted spurge	<i>Euphorbia cyathophora</i>
	Buffalo grass	<i>Stenotaphrum secundatum</i>
	Paspalum	<i>Paspalum dilatum</i>
	Passion fruit vine	<i>Passiflora edulis</i>
	Mother of millions	<i>Bryophyllum delogoensis</i>
	Vasey grass	<i>Paspalum urvillei</i>
3	Glory lily	<i>Gloriosa superba</i>
	Coastal morning glory	<i>Ipomoea cairica</i>
	Painted spurge	<i>Euphorbia cyathophora</i>



Zone	Weeds present	Scientific name
	Buffalo grass	<i>Stenotaphrum secundatum</i>
	Paspalum	<i>Paspalum dilatatum</i>
	Passion fruit vine	<i>Passiflora edulis</i>
	Vasey grass	<i>Paspalum urvillei</i>
	Siratro	<i>Macroptilium atropurpureum</i>
	Senna	<i>Senna pendula</i>
	Lantana	<i>Lantana camara</i>
	Groundsel bush	<i>Baccharis halimifolia</i>
	Passion fruit vine	<i>Passiflora edulis</i>
	Paspalum	<i>Paspalum dilatatum</i>
	Whiskey grass	<i>Andropogon virginicus</i>
	Stinking roger	<i>Tagetes minuta</i>
	Cobblers peg	<i>Bidens pilosa</i>
	Coral berry	<i>Ardisia crenata</i>
4	Whiskey grass	<i>Andropogon virginicus</i>
	Paspalum	<i>Paspalum dilatatum</i>
	Coastal morning glory	<i>Ipomoea cairica</i>
	Mickey mouse plant	<i>Ochna serrulata</i>
	Glory lily	<i>Gloriosa superba</i>
	Lantana	<i>Lantana camara</i>

ITEM 07.22.045 2021/22 MONTHLY FINANCIAL REPORT - FEBRUARY 2022

Meeting	Council	22 March 2022
Directorate	Corporate & Governance	
Prepared by	Manager Finance & Systems, Kate Maginnity	
Attachments	A. 2021/22 Monthly Income & Expenditure Statements by Service - February 2022 ↓	
	B. Monthly Grant Application Summary - February 2022 ↓	

SUMMARY

The purpose of this report is to provide financial data at the end of each month for actual income and expenditure, for all funds and provide advance notice of potential budget variations. This report is submitted to Council in addition to the statutory reporting requirements of the Quarterly Budget Review Statements. Budget variations identified in this report do not impact the General Fund, nor do they impact the balance of funds held in our Financial Reserves.

OFFICER RECOMMENDATION

That Council:

1. Note the monthly financial information report for February 2022, attached to this report.
2. Endorse the proposed variations, which have a net zero impact on both the Financial Reserves and Budgeted General Fund Result for inclusion in the March Quarterly Budget Review Statement to be reported in April 2022.
3. Note and endorse the grant applications as identified in Attachment B.

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership

Objective We will have an effective and efficient organisation

KEY ISSUES**Major Budget Variations Proposed**

Following is a list of the major proposed variations identified during the month of February 2022.

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
221	<p>Service – Information Services Sub-Service – Information Technology Allocate Black Summer Bushfire Recovery grant funding as follows:</p> <ul style="list-style-type: none"> • <u>NearMaps for Preparedness & Awareness of Disaster Recovery & Resilience Clarence Valley NSW</u> Implement NearMaps software to assist in resilience forecasting, strategic planning, and compliance and collaboration during natural disaster events. (\$108,625) 	\$Nil	\$Nil	N/A
321	<p>Service – Regional Airport Sub-Service – Regional Airport Allocate Black Summer Bushfire Recovery grant funding as follows:</p>			

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"> <u>Grafton Airport Water Supply Supporting Aerial Firefighting Clarence Valley NSW</u> Construct a 150mm watermain and 0.2ML reservoir (\$1,542,000) 	\$Nil	\$Nil	N/A
341	<p>Service – Open Spaces & Reserves Sub-Service – Parks & Reserves Allocate funding to new Playground renewal projects.</p> <ul style="list-style-type: none"> <u>Lions Park Yamba</u> Total Cost \$35,000 funded as follows: <ul style="list-style-type: none"> - Everyone Can Play Grant (\$35,000) - Council Contribution – (\$35,000) (PJ 550323 – Playground Renewal Program) <u>Wherrett Park Maclean</u> Total Cost \$175,000 funded as follows: <ul style="list-style-type: none"> - Everyone Can Play Grant (\$175,000) - Council Contribution (\$175,000) (PJ 550323 – Playground Renewal Program) 	\$Nil	\$Nil	6a.21.024
342	<p>Service – Natural Resource Management Sub-Service – Natural Resource Management Allocate Black Summer Bushfire Recovery grant funding as follows:</p> <ul style="list-style-type: none"> <u>Agricultural Drones for Weed Control & Bushfire Resilience Clarence Valley NSW</u> Purchase of agricultural drones to assist in mitigating weed invasion in inaccessible areas. (\$131,000) 	\$Nil	\$Nil	N/A
343	<p>Service – Building & Facilities Sub-Service – Buildings & Facilities Allocate Black Summer Bushfire Recovery grant funding as follows:</p> <ul style="list-style-type: none"> <u>Revitalising Public Facilities for Community Recovery & Resilience</u> to fund improvements and upgrades to various Community Halls - 3 year funding program – (20/21 \$284,600) <u>Revitalising Rural Community Halls for Disaster Resilience</u> to fund improvements and upgrades to various Community Halls – 3 year funding program – (20/21 \$958,955) <u>Revitalising Disaster resilience Facilities for Community Benefit Clarence Valley NSW</u> to fund improvements and upgrades to various community facilities – 3 year funding program – (20/21 \$727,451) 	\$Nil	\$Nil	N/A
	TOTAL Proposed General Fund / Reserve Balance Impact	\$Nil	\$Nil	

Explanation of Attachment

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

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

BACKGROUND

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

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

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

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

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

COUNCIL IMPLICATIONS

Budget/Financial

General Fund Budget (Surplus)/Deficit

Original Budget Adopted by Council June 2021	(\$103,608)	Surplus
Q1 Revised Budget - September	\$218,000	Deficit
Q2 Revised Budget - December	(\$187,000)	Surplus
Q3 Proposed Budget Variations – February	\$Nil	Surplus
Proposed Movement of General Fund 2021/22 Budget Result February 2022	(\$72,608)	Surplus

Proposed Impact on External and Internal Financial Reserve Funds Result

Reserve Movements

Original Budget Adopted by Council June 2021	\$26,958,747	Decrease
Q1 Revised Budget - September	\$4,882,085	Decrease
Q2 Revised Budget - December	(\$229,049)	Increase
Q3 Proposed Budget Variations – February	\$Nil	Decrease
Proposed Movement of Reserve Funds 21/22 Budget Result – February 2022	\$31,611,783	Decrease

Asset Management

N/A

Policy and Regulation

Section 202 of the *Local Government (General) Regulation*

Consultation

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

Legal and Risk Management

N/A

Climate Change

N/A

ATTACHMENT A

Clarence Valley Council

2021/22 Monthly Income & Expenditure Statements by Service - February 2022



"Discover the Clarence"

Clarence Valley Council

Monthly Income & Expenditure Statement - February 2022
Service: 1000 - Office of General Manager



Description	Adopted Annual Budget	Actual YTD Figures
Income		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	0	0
General User Fees	0	0
Interest Income	0	0
Operating Grants & Contributions	0	97,636
Other Revenue	0	(95)
Internal Income	0	0
Internal Plant Hire	0	0
Total Income	0	97,541
Expenditure		
Salaries, Wages & Oncosts	1,331,459	729,977
Other Employee Costs	4,000	0
Borrowing Costs	0	0
Materials	18,800	9,708
Contracts & Consultancies	183,000	86,636
Legal Expenses	0	0
Depreciation	779	0
Insurance Expenses	0	0
Donations, Contributions & Taxes	0	0
Administration Expenses	0	0
Other Operating Expenses	0	764
Subscriptions & Memberships	4,536	0
Internal Expenses	8,000	5,333
Internal Plant Hire	0	0
Total Expenditure	1,550,574	832,419
Net Operating Result for the year before Grants & Contributions provided for capital purposes		
	1,550,574	929,960
Capital Grants & Contributions	0	0
NET RESULT	1,550,574	929,960
Balance Sheet Movements / Non-Cash Adjustments		
Capital Works - New	0	0
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	0	0
Depreciation	(779)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	32,849
Loan Funds Received	0	0
Loan Repayments (Principal Only)	0	0
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	(1,144,642)	0
Total Balance Sheet Movements / Non-Cash Adjustments	(1,145,421)	32,849
Adjust for Transfers to/from Reserves		
Internal Reserves	0	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
Total Transfers to/from Reserves	0	0
ADJUSTED NET RESULT	405,153	962,809

Clarence Valley Council

Monthly Income & Expenditure Statement - February 2022
Service: 1010 - Elected Members



Description	Adopted Annual Budget	Actual YTD Figures
Income		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	0	0
General User Fees	0	0
Interest Income	0	0
Operating Grants & Contributions	0	0
Other Revenue	0	(1,801)
Internal Income	0	0
Internal Plant Hire	0	0
Total Income	0	(1,801)
Expenditure		
Salaries, Wages & Oncosts	759	621
Other Employee Costs	40,000	0
Borrowing Costs	0	0
Materials	16,200	7,617
Contracts & Consultancies	6,000	925
Legal Expenses	0	0
Depreciation	0	0
Insurance Expenses	0	0
Donations, Contributions & Taxes	0	0
Administration Expenses	316,304	279,956
Other Operating Expenses	383,000	120
Subscriptions & Memberships	56,524	56,348
Internal Expenses	8,000	5,333
Internal Plant Hire	0	0
Total Expenditure	826,787	350,920
Net Operating Result for the year before Grants & Contributions provided for capital purposes		
	826,787	349,119
Capital Grants & Contributions	0	0
NET RESULT	826,787	349,119
Balance Sheet Movements / Non-Cash Adjustments		
Capital Works - New	0	0
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	0	0
Depreciation	0	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	0	0
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	(564)
Net ABC Recovery	238,521	0
Total Balance Sheet Movements / Non-Cash Adjustments	238,521	(564)
Adjust for Transfers to/from Reserves		
Internal Reserves	(208,000)	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
Total Transfers to/from Reserves	(208,000)	0
ADJUSTED NET RESULT	857,308	348,555

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Clarence Valley Council

Monthly Income & Expenditure Statement - February 2022
Service: 2000 - Corporate & Governance



Description	Adopted Annual Budget	Actual YTD Figures
Income		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	0	0
General User Fees	0	0
Interest Income	0	0
Operating Grants & Contributions	0	0
Other Revenue	0	0
Internal Income	0	0
Internal Plant Hire	0	0
Total Income	0	0
Expenditure		
Salaries, Wages & Oncosts	944,510	565,644
Other Employee Costs	4,000	2,024
Borrowing Costs	0	0
Materials	70,000	10,984
Contracts & Consultancies	0	155,996
Legal Expenses	0	0
Depreciation	1,787	0
Insurance Expenses	0	0
Donations, Contributions & Taxes	0	18,999
Administration Expenses	0	560
Other Operating Expenses	0	0
Subscriptions & Memberships	1,950	3,407
Internal Expenses	21,500	16,500
Internal Plant Hire	0	0
Total Expenditure	1,043,747	774,114
Net Operating Result for the year before Grants & Contributions provided for capital purposes		
	1,043,747	774,114
Capital Grants & Contributions	0	0
NET RESULT	1,043,747	774,114
Balance Sheet Movements / Non-Cash Adjustments		
Capital Works - New	0	0
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	0	0
Depreciation	(1,787)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	139,916
Loan Funds Received	0	0
Loan Repayments (Principal Only)	0	0
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	(482,592)	0
Total Balance Sheet Movements / Non-Cash Adjustments	(484,379)	139,916
Adjust for Transfers to/from Reserves		
Internal Reserves	0	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	(177,304)	0
S64 / S94 Contribution Reserves	0	0
Total Transfers to/from Reserves	(177,304)	0
ADJUSTED NET RESULT	382,064	914,030

Clarence Valley Council

Monthly Income & Expenditure Statement - February 2022
Service: 2010 - Property Services



Description	Adopted Annual Budget	Actual YTD Figures
Income		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	0	0
General User Fees	0	0
Interest Income	0	0
Operating Grants & Contributions	0	(8,818)
Other Revenue	(264,924)	(56,736)
Internal Income	0	0
Internal Plant Hire	0	0
Total Income	(264,924)	(65,554)
Expenditure		
Salaries, Wages & Oncosts	254,289	103,511
Other Employee Costs	0	3,148
Borrowing Costs	241	105
Materials	0	0
Contracts & Consultancies	6,800	56,943
Legal Expenses	0	20,838
Depreciation	0	0
Insurance Expenses	18,157	0
Donations, Contributions & Taxes	0	0
Administration Expenses	0	0
Other Operating Expenses	5,005	3,286
Subscriptions & Memberships	0	0
Internal Expenses	25,558	28,802
Internal Plant Hire	0	0
Total Expenditure	310,050	216,633
Net Operating Result for the year before Grants & Contributions provided for capital purposes		
	45,126	151,079
Capital Grants & Contributions	0	0
NET RESULT	45,126	151,079
Balance Sheet Movements / Non-Cash Adjustments		
Capital Works - New	0	0
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	0	0
Depreciation	0	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	464	228
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	(41,500)
Net ABC Recovery	9,686	0
Total Balance Sheet Movements / Non-Cash Adjustments	10,150	(41,272)
Adjust for Transfers to/from Reserves		
Internal Reserves	(174,389)	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
Total Transfers to/from Reserves	(174,389)	0
ADJUSTED NET RESULT	(119,113)	109,807

Clarence Valley Council

Monthly Income & Expenditure Statement - February 2022
Service: 2020 - Community & Industry Engagement



Description	Adopted Annual Budget	Actual YTD Figures
Income		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	0	0
General User Fees	0	(2,273)
Interest Income	0	0
Operating Grants & Contributions	(2,000)	(8,660)
Other Revenue	0	(625)
Internal Income	0	0
Internal Plant Hire	0	0
Total Income	(2,000)	(11,558)
Expenditure		
Salaries, Wages & Oncosts	634,279	390,065
Other Employee Costs	1,000	611
Borrowing Costs	199	140
Materials	144,900	95,677
Contracts & Consultancies	192,009	46,492
Legal Expenses	0	0
Depreciation	12,263	0
Insurance Expenses	56	0
Donations, Contributions & Taxes	140,000	47,529
Administration Expenses	207,982	79,085
Other Operating Expenses	0	0
Subscriptions & Memberships	57,152	15,850
Internal Expenses	8,095	22,339
Internal Plant Hire	3,265	0
Total Expenditure	1,401,200	697,788
Net Operating Result for the year before Grants & Contributions provided for capital purposes		
	1,399,200	686,230
Capital Grants & Contributions	(30,000)	(15,000)
NET RESULT	1,369,200	671,230
Balance Sheet Movements / Non-Cash Adjustments		
Capital Works - New	0	0
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	0	110,921
Depreciation	(12,263)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	1,501	1,115
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	(56,200)	0
Total Balance Sheet Movements / Non-Cash Adjustments	(66,962)	112,036
Adjust for Transfers to/from Reserves		
Internal Reserves	0	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
Total Transfers to/from Reserves	0	0
ADJUSTED NET RESULT	1,302,238	783,267

Clarence Valley Council

Monthly Income & Expenditure Statement - February 2022
Service: 2100 - Finance & Supply



Description	Adopted Annual Budget	Actual YTD Figures
Income		
Rates Income	(35,744,946)	(36,463,768)
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	(142,800)	(104,395)
General User Fees	(31,166)	(30,293)
Interest Income	(524,834)	(942,258)
Operating Grants & Contributions	(10,271,588)	(3,678,689)
Other Revenue	(240,210)	(9,893)
Internal Income	(6,802,026)	0
Internal Plant Hire	0	0
Total Income	(53,757,570)	(41,229,296)
Expenditure		
Salaries, Wages & Oncosts	7,125,704	2,538,675
Other Employee Costs	138,155	121,614
Borrowing Costs	0	150
Materials	4,400	5,885
Contracts & Consultancies	170,440	(9,210)
Legal Expenses	209,760	(35,001)
Depreciation	202	0
Insurance Expenses	0	0
Donations, Contributions & Taxes	0	0
Administration Expenses	745,040	393,633
Other Operating Expenses	2,500	2,340
Subscriptions & Memberships	504	0
Internal Expenses	239,800	186,534
Internal Plant Hire	7,881	0
Total Expenditure	8,644,386	3,204,619
Net Operating Result for the year before Grants & Contributions provided for capital purposes		
	(45,113,184)	(38,024,677)
Capital Grants & Contributions	0	0
NET RESULT	(45,113,184)	(38,024,677)
Balance Sheet Movements / Non-Cash Adjustments		
Capital Works - New	0	0
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	0	0
Depreciation	(202)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	2,794,715
Loan Funds Received	0	0
Loan Repayments (Principal Only)	0	0
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	(1,932,638)	0
Total Balance Sheet Movements / Non-Cash Adjustments	(1,932,840)	2,794,715
Adjust for Transfers to/from Reserves		
Internal Reserves	5,425,821	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
Total Transfers to/from Reserves	5,425,821	0
ADJUSTED NET RESULT	(41,620,203)	(35,229,961)

Clarence Valley Council

Monthly Income & Expenditure Statement - February 2022
Service: 2200 - Information Services



Description	Adopted Annual Budget	Actual YTD Figures
Income		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	(60,710)	(47,160)
General User Fees	(1,126)	(26)
Interest Income	0	0
Operating Grants & Contributions	0	0
Other Revenue	0	0
Internal Income	0	(324)
Internal Plant Hire	0	0
Total Income	(61,836)	(47,510)
Expenditure		
Salaries, Wages & Oncosts	2,662,148	1,308,986
Other Employee Costs	0	5,127
Borrowing Costs	4,717	2,162
Materials	22,830	3,741
Contracts & Consultancies	90,260	75,280
Legal Expenses	0	0
Depreciation	452,967	0
Insurance Expenses	3,346	18,310
Donations, Contributions & Taxes	0	0
Administration Expenses	109,294	39,946
Other Operating Expenses	1,946,504	1,216,359
Subscriptions & Memberships	50,950	3,190
Internal Expenses	0	0
Internal Plant Hire	0	0
Total Expenditure	5,343,016	2,673,100
Net Operating Result for the year before Grants & Contributions provided for capital purposes		
	5,281,180	2,625,590
Capital Grants & Contributions	0	0
NET RESULT	5,281,180	2,625,590
Balance Sheet Movements / Non-Cash Adjustments		
Capital Works - New	200,000	198,742
Capital Works - Upgrade	300,000	138,015
Capital Works - Expansion	0	0
Capital Works - Renewal	458,600	244,010
Depreciation	(452,967)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	47,039
Loan Funds Received	0	0
Loan Repayments (Principal Only)	11,225	6,245
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	(3,299,043)	0
Total Balance Sheet Movements / Non-Cash Adjustments	(2,782,185)	634,051
Adjust for Transfers to/from Reserves		
Internal Reserves	(122,874)	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
Total Transfers to/from Reserves	(122,874)	0
ADJUSTED NET RESULT	2,376,121	3,259,641

Clarence Valley Council

Monthly Income & Expenditure Statement - February 2022
Service: 2300 - Governance & Business Improvement



Description	Adopted Annual Budget	Actual YTD Figures
Income		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	(1,535)	(1,098)
General User Fees	(2,028)	0
Interest Income	0	0
Operating Grants & Contributions	0	0
Other Revenue	(60,000)	(5,370)
Internal Income	0	0
Internal Plant Hire	0	0
Total Income	(63,563)	(6,468)
Expenditure		
Salaries, Wages & Oncosts	402,799	286,610
Other Employee Costs	0	0
Borrowing Costs	0	0
Materials	1,000	12,404
Contracts & Consultancies	183,983	11,420
Legal Expenses	100,000	12,103
Depreciation	1,314	0
Insurance Expenses	866,727	1,541,323
Donations, Contributions & Taxes	0	0
Administration Expenses	0	3,780
Other Operating Expenses	43,900	0
Subscriptions & Memberships	18,804	40,614
Internal Expenses	8,000	5,333
Internal Plant Hire	0	0
Total Expenditure	1,626,527	1,913,587
Net Operating Result for the year before Grants & Contributions provided for capital purposes		
	1,562,964	1,907,119
Capital Grants & Contributions	0	0
NET RESULT	1,562,964	1,907,119
Balance Sheet Movements / Non-Cash Adjustments		
Capital Works - New	0	0
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	0	0
Depreciation	(1,314)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	0	0
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	(927,922)	0
Total Balance Sheet Movements / Non-Cash Adjustments	(929,236)	0
Adjust for Transfers to/from Reserves		
Internal Reserves	0	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
Total Transfers to/from Reserves	0	0
ADJUSTED NET RESULT	633,728	1,907,119

Clarence Valley Council

Monthly Income & Expenditure Statement - February 2022
Service: 2310 - People, Culture, Risk & Safety



Description	Adopted Annual Budget	Actual YTD Figures
Income		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	0	0
General User Fees	0	0
Interest Income	0	0
Operating Grants & Contributions	(146,754)	(253,999)
Other Revenue	0	0
Internal Income	0	0
Internal Plant Hire	0	0
Total Income	(146,754)	(253,999)
Expenditure		
Salaries, Wages & Oncosts	877,228	610,750
Other Employee Costs	475,488	185,830
Borrowing Costs	0	0
Materials	20,700	4,980
Contracts & Consultancies	251,795	51,317
Legal Expenses	10,000	43,075
Depreciation	486	0
Insurance Expenses	0	0
Donations, Contributions & Taxes	0	0
Administration Expenses	22,889	29,936
Other Operating Expenses	0	0
Subscriptions & Memberships	25,000	29,509
Internal Expenses	0	0
Internal Plant Hire	0	0
Total Expenditure	1,683,586	955,397
Net Operating Result for the year before Grants & Contributions provided for capital purposes		
	1,536,832	701,398
Capital Grants & Contributions	0	0
NET RESULT	1,536,832	701,398
Balance Sheet Movements / Non-Cash Adjustments		
Capital Works - New	0	0
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	0	0
Depreciation	(486)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	16,668
Loan Funds Received	0	0
Loan Repayments (Principal Only)	0	0
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	(1,335,168)	0
Total Balance Sheet Movements / Non-Cash Adjustments	(1,335,654)	16,668
Adjust for Transfers to/from Reserves		
Internal Reserves	35,000	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
Total Transfers to/from Reserves	35,000	0
ADJUSTED NET RESULT	236,178	718,066

Clarence Valley Council

Monthly Income & Expenditure Statement - February 2022
Service: 3000 - Works & Civil Management



Description	Adopted Annual Budget	Actual YTD Figures
Income		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	0	0
General User Fees	(314,421)	(960)
Interest Income	0	0
Operating Grants & Contributions	(3,237,435)	4,234,223
Other Revenue	(303,960)	(160,320)
Internal Income	(1,389,425)	(888,528)
Internal Plant Hire	(7,875,783)	(4,918,932)
Total Income	(13,121,024)	(1,734,518)
Expenditure		
Salaries, Wages & Oncosts	1,095,675	988,285
Other Employee Costs	4,000	2,671
Borrowing Costs	676	295
Materials	5,944,260	2,606,542
Contracts & Consultancies	345,921	1,299,611
Legal Expenses	0	5,395
Depreciation	2,925,244	0
Insurance Expenses	521,715	392,557
Donations, Contributions & Taxes	0	0
Administration Expenses	0	43
Other Operating Expenses	0	23,244
Subscriptions & Memberships	1,836	1,250
Internal Expenses	352,419	165,771
Internal Plant Hire	415	130,146
Total Expenditure	11,192,161	5,615,810
Net Operating Result for the year before Grants & Contributions provided for capital purposes		
	(1,928,863)	3,881,292
Capital Grants & Contributions	(2,072,919)	(942,529)
NET RESULT	(4,001,782)	2,938,763
Balance Sheet Movements / Non-Cash Adjustments		
Capital Works - New	836,126	0
Capital Works - Upgrade	500,000	(30,379)
Capital Works - Expansion	0	0
Capital Works - Renewal	9,308,294	6,648,753
Depreciation	(2,925,244)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	1,298	638
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	(1,240,382)	(1,255,839)
Net ABC Recovery	151,613	0
Total Balance Sheet Movements / Non-Cash Adjustments	6,631,705	5,363,173
Adjust for Transfers to/from Reserves		
Internal Reserves	(2,722,150)	0
External Reserves	1,097,525	0
Unspent Loans	0	0
Unexpended Grant Reserves	(180,000)	0
S64 / S94 Contribution Reserves	0	0
Total Transfers to/from Reserves	(1,804,625)	0
ADJUSTED NET RESULT	825,298	8,301,936

Clarence Valley Council

Monthly Income & Expenditure Statement - February 2022
Service: 3010 - Emergency Services



Description	Adopted Annual Budget	Actual YTD Figures
Income		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	0	0
General User Fees	0	0
Interest Income	0	0
Operating Grants & Contributions	(597,320)	241,177
Other Revenue	0	0
Internal Income	0	0
Internal Plant Hire	0	0
Total Income	(597,320)	241,177
Expenditure		
Salaries, Wages & Oncosts	0	11,327
Other Employee Costs	0	2,824
Borrowing Costs	1,277	557
Materials	462,690	195,435
Contracts & Consultancies	2,700	21,609
Legal Expenses	0	0
Depreciation	155,316	0
Insurance Expenses	37,968	1,706
Donations, Contributions & Taxes	1,171,512	606,080
Administration Expenses	10,250	3,359
Other Operating Expenses	89,834	45,107
Subscriptions & Memberships	0	0
Internal Expenses	19,916	27,683
Internal Plant Hire	0	204
Total Expenditure	1,951,463	915,891
Net Operating Result for the year before Grants & Contributions provided for capital purposes		
	1,354,143	1,157,068
Capital Grants & Contributions	0	156,901
NET RESULT	1,354,143	1,313,969
Balance Sheet Movements / Non-Cash Adjustments		
Capital Works - New	0	0
Capital Works - Upgrade	0	(64,641)
Capital Works - Expansion	0	0
Capital Works - Renewal	0	0
Depreciation	(155,316)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	2,453	1,205
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	0	0
Total Balance Sheet Movements / Non-Cash Adjustments	(152,863)	(63,436)
Adjust for Transfers to/from Reserves		
Internal Reserves	0	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
Total Transfers to/from Reserves	0	0
ADJUSTED NET RESULT	1,201,280	1,250,533

Clarence Valley Council

Monthly Income & Expenditure Statement - February 2022
Service: 3100 - Roads Infrastructure



Description	Adopted Annual Budget	Actual YTD Figures
Income		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	(35,564)	(60,058)
General User Fees	(4,272,796)	58,891
Interest Income	(4,509)	0
Operating Grants & Contributions	(5,907,476)	(4,513,624)
Other Revenue	(41,493)	(11,661)
Internal Income	(200,000)	0
Internal Plant Hire	0	0
Total Income	(10,461,838)	(4,526,452)
Expenditure		
Salaries, Wages & Oncosts	4,988,976	3,457,965
Other Employee Costs	0	822
Borrowing Costs	436,308	204,791
Materials	1,810,582	745,686
Contracts & Consultancies	1,823,705	1,618,764
Legal Expenses	0	45,278
Depreciation	18,945,411	0
Insurance Expenses	2,352	6,105
Donations, Contributions & Taxes	0	0
Administration Expenses	2,773	8,747
Other Operating Expenses	319,931	342,375
Subscriptions & Memberships	8,196	4,550
Internal Expenses	328,797	939,123
Internal Plant Hire	4,882,220	1,612,846
Total Expenditure	33,549,251	8,987,053
Net Operating Result for the year before Grants & Contributions provided for capital purposes		
	23,087,413	4,460,601
Capital Grants & Contributions	(27,376,881)	(6,135,043)
NET RESULT	(4,289,468)	(1,674,442)
Balance Sheet Movements / Non-Cash Adjustments		
Capital Works - New	600,000	577,569
Capital Works - Upgrade	17,594,009	10,078,723
Capital Works - Expansion	0	0
Capital Works - Renewal	20,600,500	5,538,194
Depreciation	(18,945,413)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	1,151,481	664,914
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	5,500
Net ABC Recovery	2,029,133	0
Total Balance Sheet Movements / Non-Cash Adjustments	23,029,710	16,864,900
Adjust for Transfers to/from Reserves		
Internal Reserves	(3,000,852)	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	(3,612,978)	0
S64 / S94 Contribution Reserves	(679,148)	0
Total Transfers to/from Reserves	(7,292,978)	0
ADJUSTED NET RESULT	11,447,264	15,190,459

Clarence Valley Council

Monthly Income & Expenditure Statement - February 2022
Service: 3110 - Regional Airport



Description	Adopted Annual Budget	Actual YTD Figures
Income		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	0	0
General User Fees	(36,202)	(20,775)
Interest Income	0	0
Operating Grants & Contributions	(16,078)	(8,610)
Other Revenue	(6,405)	(4,106)
Internal Income	0	0
Internal Plant Hire	0	0
Total Income	(58,685)	(33,491)
Expenditure		
Salaries, Wages & Oncosts	158,941	164,924
Other Employee Costs	0	0
Borrowing Costs	17,261	8,426
Materials	26,100	1,189
Contracts & Consultancies	56,474	4,844
Legal Expenses	0	0
Depreciation	220,002	0
Insurance Expenses	3,275	0
Donations, Contributions & Taxes	0	0
Administration Expenses	0	0
Other Operating Expenses	27,433	7,230
Subscriptions & Memberships	204	2,153
Internal Expenses	18,469	21,767
Internal Plant Hire	15,104	1,882
Total Expenditure	543,263	212,415
Net Operating Result for the year before Grants & Contributions provided for capital purposes		
	484,578	178,924
Capital Grants & Contributions	0	0
NET RESULT	484,578	178,924
Balance Sheet Movements / Non-Cash Adjustments		
Capital Works - New	0	0
Capital Works - Upgrade	50,000	0
Capital Works - Expansion	0	0
Capital Works - Renewal	300,000	284,399
Depreciation	(220,002)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	121,491	60,758
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	20,613	0
Total Balance Sheet Movements / Non-Cash Adjustments	272,102	345,157
Adjust for Transfers to/from Reserves		
Internal Reserves	0	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	(350,000)	0
S64 / S94 Contribution Reserves	0	0
Total Transfers to/from Reserves	(350,000)	0
ADJUSTED NET RESULT	406,680	524,081

Clarence Valley Council

Monthly Income & Expenditure Statement - February 2022
Service: 3120 - Quarries



Description	Adopted Annual Budget	Actual YTD Figures
Income		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	0	0
General User Fees	(319,548)	0
Interest Income	(2,850)	0
Operating Grants & Contributions	0	0
Other Revenue	0	0
Internal Income	0	0
Internal Plant Hire	0	0
Total Income	(322,398)	0
Expenditure		
Salaries, Wages & Oncosts	104,663	60,374
Other Employee Costs	0	0
Borrowing Costs	0	0
Materials	124,000	4,917
Contracts & Consultancies	50,200	465,945
Legal Expenses	0	0
Depreciation	29,631	0
Insurance Expenses	0	0
Donations, Contributions & Taxes	0	0
Administration Expenses	0	0
Other Operating Expenses	0	0
Subscriptions & Memberships	0	0
Internal Expenses	13,670	16,357
Internal Plant Hire	50,930	0
Total Expenditure	373,094	547,593
Net Operating Result for the year before Grants & Contributions provided for capital purposes		
	50,696	547,593
Capital Grants & Contributions	(13,979)	0
NET RESULT	36,717	547,593
Balance Sheet Movements / Non-Cash Adjustments		
Capital Works - New	0	0
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	83,000	0
Depreciation	(29,631)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	0	0
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	9,161	0
Total Balance Sheet Movements / Non-Cash Adjustments	62,530	0
Adjust for Transfers to/from Reserves		
Internal Reserves	(113,226)	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	13,979	0
Total Transfers to/from Reserves	(99,247)	0
ADJUSTED NET RESULT	0	547,593

Clarence Valley Council

Monthly Income & Expenditure Statement - February 2022
Service: 3200 - Parks & Open Spaces



Description	Adopted Annual Budget	Actual YTD Figures
Income		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	(6,190)	(101)
General User Fees	(484,890)	(173,703)
Interest Income	0	0
Operating Grants & Contributions	0	(141,429)
Other Revenue	(243,180)	(154,734)
Internal Income	(1,000,000)	(663)
Internal Plant Hire	0	0
Total Income	(1,734,260)	(470,630)
Expenditure		
Salaries, Wages & Oncosts	2,282,240	1,695,478
Other Employee Costs	0	716
Borrowing Costs	86,178	41,482
Materials	617,849	224,593
Contracts & Consultancies	2,759,614	1,889,030
Legal Expenses	0	0
Depreciation	2,327,971	0
Insurance Expenses	210,257	1,496
Donations, Contributions & Taxes	29,527	29,527
Administration Expenses	4,000	7,131
Other Operating Expenses	189,753	74,597
Subscriptions & Memberships	2,676	1,737
Internal Expenses	560,155	1,182,536
Internal Plant Hire	1,170,339	814,517
Total Expenditure	10,240,559	5,962,839
Net Operating Result for the year before Grants & Contributions provided for capital purposes		
	8,506,299	5,492,209
Capital Grants & Contributions	(10,568,200)	(2,107,903)
NET RESULT	(2,061,901)	3,384,306
Balance Sheet Movements / Non-Cash Adjustments		
Capital Works - New	7,553,000	894,729
Capital Works - Upgrade	4,306,690	442,565
Capital Works - Expansion	0	0
Capital Works - Renewal	3,423,472	929,182
Depreciation	(2,327,971)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	242,672	145,264
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	834,046	0
Total Balance Sheet Movements / Non-Cash Adjustments	14,031,909	2,411,740
Adjust for Transfers to/from Reserves		
Internal Reserves	(2,473,344)	0
External Reserves	(25,000)	0
Unspent Loans	0	0
Unexpended Grant Reserves	(856,508)	0
S64 / S94 Contribution Reserves	(471,100)	0
Total Transfers to/from Reserves	(3,825,952)	0
ADJUSTED NET RESULT	8,144,056	5,796,046

Clarence Valley Council

Monthly Income & Expenditure Statement - February 2022
Service: 3210 - Natural Resource Management



Description	Adopted Annual Budget	Actual YTD Figures
Income		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	0	0
General User Fees	0	0
Interest Income	0	0
Operating Grants & Contributions	(422,386)	(76,228)
Other Revenue	0	0
Internal Income	0	0
Internal Plant Hire	0	0
Total Income	(422,386)	(76,228)
Expenditure		
Salaries, Wages & Oncosts	617,326	341,773
Other Employee Costs	0	1,288
Borrowing Costs	0	0
Materials	137,816	23,167
Contracts & Consultancies	115,804	113,670
Legal Expenses	0	0
Depreciation	183	0
Insurance Expenses	0	0
Donations, Contributions & Taxes	0	0
Administration Expenses	0	0
Other Operating Expenses	0	0
Subscriptions & Memberships	0	0
Internal Expenses	17,242	87,190
Internal Plant Hire	63,416	80,926
Total Expenditure	951,787	648,015
Net Operating Result for the year before Grants & Contributions provided for capital purposes		
	529,401	571,786
Capital Grants & Contributions	(8,000)	(8,000)
NET RESULT	521,401	563,786
Balance Sheet Movements / Non-Cash Adjustments		
Capital Works - New	28,000	14,905
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	0	0
Depreciation	(183)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	0	0
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	129,441	0
Total Balance Sheet Movements / Non-Cash Adjustments	157,258	14,905
Adjust for Transfers to/from Reserves		
Internal Reserves	(91,089)	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
Total Transfers to/from Reserves	(91,089)	0
ADJUSTED NET RESULT	587,570	578,692

Clarence Valley Council

Monthly Income & Expenditure Statement - February 2022
Service: 3220 - Buildings & Facilities



Description	Adopted Annual Budget	Actual YTD Figures
Income		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	0	0
General User Fees	0	0
Interest Income	0	0
Operating Grants & Contributions	0	0
Other Revenue	(229,933)	(116,376)
Internal Income	0	0
Internal Plant Hire	0	0
Total Income	(229,933)	(116,376)
Expenditure		
Salaries, Wages & Oncosts	412,327	351,529
Other Employee Costs	0	2,780
Borrowing Costs	12,470	6,005
Materials	87,400	32,639
Contracts & Consultancies	1,043,743	474,761
Legal Expenses	0	1,983
Depreciation	720,169	0
Insurance Expenses	155,924	0
Donations, Contributions & Taxes	0	0
Administration Expenses	0	168
Other Operating Expenses	145,760	83,854
Subscriptions & Memberships	0	0
Internal Expenses	501,793	103,486
Internal Plant Hire	5,164	1,198
Total Expenditure	3,084,750	1,058,403
Net Operating Result for the year before Grants & Contributions provided for capital purposes		
	2,854,817	942,027
Capital Grants & Contributions	(16,370,490)	(2,250)
NET RESULT	(13,515,673)	939,777
Balance Sheet Movements / Non-Cash Adjustments		
Capital Works - New	0	0
Capital Works - Upgrade	13,932,000	3,919,748
Capital Works - Expansion	0	0
Capital Works - Renewal	12,010,490	221,923
Depreciation	(720,169)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	34,259
Loan Funds Received	0	0
Loan Repayments (Principal Only)	35,713	21,517
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	(82,898)	0
Total Balance Sheet Movements / Non-Cash Adjustments	25,175,136	4,197,446
Adjust for Transfers to/from Reserves		
Internal Reserves	(9,317,000)	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	(230,000)	0
S64 / S94 Contribution Reserves	0	0
Total Transfers to/from Reserves	(9,547,000)	0
ADJUSTED NET RESULT	2,112,463	5,137,223

Clarence Valley Council



Monthly Income & Expenditure Statement - February 2022
Service: 3230 - Waste Services

Description	Adopted Annual Budget	Actual YTD Figures
Income		
Rates Income	0	0
Annual Charges	(10,713,572)	(9,348,089)
User Charges	0	0
Statutory & Regulatory User Charges	0	0
General User Fees	(8,951,896)	(3,103,081)
Interest Income	(147,680)	(28,188)
Operating Grants & Contributions	(209,100)	(864,432)
Other Revenue	(562,466)	(479,930)
Internal Income	(3,343,962)	(211,687)
Internal Plant Hire	0	0
Total Income	(23,928,676)	(14,035,407)
Expenditure		
Salaries, Wages & Oncosts	1,231,154	788,136
Other Employee Costs	0	320
Borrowing Costs	327,131	143,950
Materials	104,300	64,643
Contracts & Consultancies	7,147,134	4,121,966
Legal Expenses	0	233
Depreciation	1,281,689	0
Insurance Expenses	18,559	0
Donations, Contributions & Taxes	3,600,000	1,879,310
Administration Expenses	15,903	21,722
Other Operating Expenses	12,767	40,015
Subscriptions & Memberships	46,460	47,045
Internal Expenses	3,285,279	360,667
Internal Plant Hire	328,523	2,776
Total Expenditure	17,398,899	7,470,782
Net Operating Result for the year before Grants & Contributions provided for capital purposes		
	(6,529,777)	(6,564,625)
Capital Grants & Contributions	0	(100,000)
NET RESULT	(6,529,777)	(6,664,625)
Balance Sheet Movements / Non-Cash Adjustments		
Capital Works - New	600,000	61,429
Capital Works - Upgrade	3,607,142	159,628
Capital Works - Expansion	0	0
Capital Works - Renewal	0	0
Depreciation	(1,281,689)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	649,984	326,657
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	(57,662)	0
Net ABC Recovery	513,669	0
Total Balance Sheet Movements / Non-Cash Adjustments	4,031,444	547,714
Adjust for Transfers to/from Reserves		
Internal Reserves	2,482,664	0
External Reserves	15,669	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
Total Transfers to/from Reserves	2,498,333	0
ADJUSTED NET RESULT	0	(6,116,912)

Clarence Valley Council

Monthly Income & Expenditure Statement - February 2022
Service: 3240 - Cemeteries



Description	Adopted Annual Budget	Actual YTD Figures
Income		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	0	0
General User Fees	(620,000)	(327,817)
Interest Income	0	0
Operating Grants & Contributions	0	0
Other Revenue	(1,428)	(426)
Internal Income	0	0
Internal Plant Hire	0	0
Total Income	(621,428)	(328,243)
Expenditure		
Salaries, Wages & Oncosts	365,009	258,477
Other Employee Costs	0	78
Borrowing Costs	199	140
Materials	67,870	12,315
Contracts & Consultancies	63,439	58,459
Legal Expenses	0	0
Depreciation	75,988	0
Insurance Expenses	995	0
Donations, Contributions & Taxes	0	0
Administration Expenses	0	0
Other Operating Expenses	0	0
Subscriptions & Memberships	0	0
Internal Expenses	67,871	90,027
Internal Plant Hire	18,987	1,579
Total Expenditure	660,358	421,075
Net Operating Result for the year before Grants & Contributions provided for capital purposes		
	38,930	92,832
Capital Grants & Contributions	0	0
NET RESULT	38,930	92,832
Balance Sheet Movements / Non-Cash Adjustments		
Capital Works - New	0	0
Capital Works - Upgrade	70,000	159
Capital Works - Expansion	0	0
Capital Works - Renewal	0	0
Depreciation	(75,988)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	1,501	1,115
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	51,652	0
Total Balance Sheet Movements / Non-Cash Adjustments	47,165	1,274
Adjust for Transfers to/from Reserves		
Internal Reserves	(60,000)	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
Total Transfers to/from Reserves	(60,000)	0
ADJUSTED NET RESULT	26,095	94,106

Clarence Valley Council



Monthly Income & Expenditure Statement - February 2022
Service: 3250 - Saleyards

Description	Adopted Annual Budget	Actual YTD Figures
Income		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	0	0
General User Fees	(329,474)	(170,363)
Interest Income	(2,309)	0
Operating Grants & Contributions	0	0
Other Revenue	(1,228)	(733)
Internal Income	0	0
Internal Plant Hire	0	0
Total Income	(333,011)	(171,095)
Expenditure		
Salaries, Wages & Oncosts	91,433	98,947
Other Employee Costs	0	0
Borrowing Costs	1,993	1,405
Materials	4,105	2,262
Contracts & Consultancies	117,915	58,474
Legal Expenses	0	0
Depreciation	74,581	0
Insurance Expenses	3,827	0
Donations, Contributions & Taxes	0	0
Administration Expenses	0	0
Other Operating Expenses	10,601	4,669
Subscriptions & Memberships	4,440	0
Internal Expenses	18,319	41,367
Internal Plant Hire	0	0
Total Expenditure	327,214	207,123
Net Operating Result for the year before Grants & Contributions provided for capital purposes		
	(5,797)	36,028
Capital Grants & Contributions	(100,000)	0
NET RESULT	(105,797)	36,028
Balance Sheet Movements / Non-Cash Adjustments		
Capital Works - New	657,458	458,950
Capital Works - Upgrade	618,650	114,160
Capital Works - Expansion	0	0
Capital Works - Renewal	198,480	165,738
Depreciation	(74,581)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	15,017	11,154
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	22,072	0
Total Balance Sheet Movements / Non-Cash Adjustments	1,437,096	750,002
Adjust for Transfers to/from Reserves		
Internal Reserves	(432,299)	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	(899,000)	0
S64 / S94 Contribution Reserves	0	0
Total Transfers to/from Reserves	(1,331,299)	0
ADJUSTED NET RESULT	0	786,030

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Clarence Valley Council



Monthly Income & Expenditure Statement - February 2022
Service: 3260 - Holiday Parks

Description	Adopted Annual Budget	Actual YTD Figures
Income		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	0	0
General User Fees	(7,278,009)	(4,758,129)
Interest Income	(1,180)	0
Operating Grants & Contributions	(40,290)	(18,252)
Other Revenue	(10,200)	0
Internal Income	0	0
Internal Plant Hire	0	0
Total Income	(7,329,679)	(4,776,381)
Expenditure		
Salaries, Wages & Oncosts	117,576	88,037
Other Employee Costs	0	0
Borrowing Costs	0	0
Materials	293,850	209,667
Contracts & Consultancies	2,322,445	1,146,206
Legal Expenses	0	0
Depreciation	470,467	0
Insurance Expenses	36,273	0
Donations, Contributions & Taxes	319,700	162,402
Administration Expenses	141,035	60,720
Other Operating Expenses	329,710	206,785
Subscriptions & Memberships	8,628	8,673
Internal Expenses	1,318,171	242,986
Internal Plant Hire	3,591	1,600
Total Expenditure	5,361,446	2,127,076
Net Operating Result for the year before Grants & Contributions provided for capital purposes		
	(1,968,233)	(2,649,304)
Capital Grants & Contributions	(6,339,744)	(93,577)
NET RESULT	(8,307,977)	(2,742,882)
Balance Sheet Movements / Non-Cash Adjustments		
Capital Works - New	6,430,000	8,943
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	1,805,000	69,043
Depreciation	(470,467)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	0	0
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	124,164	0
Total Balance Sheet Movements / Non-Cash Adjustments	7,888,697	77,986
Adjust for Transfers to/from Reserves		
Internal Reserves	0	0
External Reserves	479,536	0
Unspent Loans	0	0
Unexpended Grant Reserves	(60,256)	0
S64 / S94 Contribution Reserves	0	0
Total Transfers to/from Reserves	419,280	0
ADJUSTED NET RESULT	0	(2,664,896)

Clarence Valley Council

Monthly Income & Expenditure Statement - February 2022
Service: 3300 - Watercycle



Description	Adopted Annual Budget	Actual YTD Figures
Income		
Rates Income	0	0
Annual Charges	(2,639,993)	(2,716,927)
User Charges	(13,127,655)	(7,822,363)
Statutory & Regulatory User Charges	(13,031)	(26,705)
General User Fees	(1,499,080)	(178,224)
Interest Income	(345,952)	(36,744)
Operating Grants & Contributions	(949,260)	(170,660)
Other Revenue	(165,827)	(89,954)
Internal Income	(621,373)	(179,604)
Internal Plant Hire	0	0
Total Income	(19,362,171)	(11,221,181)
Expenditure		
Salaries, Wages & Oncosts	2,163,308	1,086,854
Other Employee Costs	400	(129)
Borrowing Costs	1,485,952	979,366
Materials	1,999,593	506,544
Contracts & Consultancies	2,529,614	457,349
Legal Expenses	0	5,636
Depreciation	6,142,519	0
Insurance Expenses	74,568	17,920
Donations, Contributions & Taxes	0	0
Administration Expenses	20,976	2,183
Other Operating Expenses	895,561	196,533
Subscriptions & Memberships	16,728	17,010
Internal Expenses	1,525,902	378,656
Internal Plant Hire	581,999	201,589
Total Expenditure	17,437,120	3,849,511
Net Operating Result for the year before Grants & Contributions provided for capital purposes		
	(1,925,051)	(7,371,670)
Capital Grants & Contributions	(2,308,386)	(904,956)
NET RESULT	(4,233,437)	(8,276,626)
Balance Sheet Movements / Non-Cash Adjustments		
Capital Works - New	10,340,000	188,990
Capital Works - Upgrade	854,584	291,018
Capital Works - Expansion	0	0
Capital Works - Renewal	8,779,030	2,479,646
Depreciation	(6,142,519)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	1,169,065	831,348
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	(380,135)	(50,446)
Net ABC Recovery	2,559,113	0
Total Balance Sheet Movements / Non-Cash Adjustments	17,179,138	3,740,555
Adjust for Transfers to/from Reserves		
Internal Reserves	0	0
External Reserves	(14,754,087)	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	1,808,386	0
Total Transfers to/from Reserves	(12,945,701)	0
ADJUSTED NET RESULT	0	(4,536,071)

Clarence Valley Council

Monthly Income & Expenditure Statement - February 2022
Service: 3310 - Sewer Services



Description	Adopted Annual Budget	Actual YTD Figures
Income		
Rates Income	0	46
Annual Charges	(18,451,648)	(19,212,218)
User Charges	(1,626,675)	(1,110,431)
Statutory & Regulatory User Charges	(6,448)	(26,257)
General User Fees	(1,022,336)	(483)
Interest Income	(161,517)	(68,992)
Operating Grants & Contributions	(188,303)	(194,454)
Other Revenue	(21,197)	(31,096)
Internal Income	(380,202)	(103,892)
Internal Plant Hire	0	0
Total Income	(21,858,326)	(20,747,778)
Expenditure		
Salaries, Wages & Oncosts	1,283,597	786,726
Other Employee Costs	0	2,568
Borrowing Costs	3,587,134	2,224,466
Materials	1,400,827	585,784
Contracts & Consultancies	2,348,642	511,573
Legal Expenses	0	0
Depreciation	8,929,578	0
Insurance Expenses	0	0
Donations, Contributions & Taxes	0	0
Administration Expenses	158	578
Other Operating Expenses	878,541	436,538
Subscriptions & Memberships	0	0
Internal Expenses	338,410	457,366
Internal Plant Hire	676,279	204,536
Total Expenditure	19,443,166	5,210,134
Net Operating Result for the year before Grants & Contributions provided for capital purposes		
	(2,415,160)	(15,537,644)
Capital Grants & Contributions	(997,862)	(1,274,007)
NET RESULT	(3,413,022)	(16,811,650)
Balance Sheet Movements / Non-Cash Adjustments		
Capital Works - New	2,629,846	333,250
Capital Works - Upgrade	1,481,000	458,715
Capital Works - Expansion	0	0
Capital Works - Renewal	5,807,967	1,859,232
Depreciation	(8,929,578)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	4,716,715	2,611,194
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	(82,055)	(36,678)
Net ABC Recovery	36,918	0
Total Balance Sheet Movements / Non-Cash Adjustments	5,660,813	5,225,714
Adjust for Transfers to/from Reserves		
Internal Reserves	0	0
External Reserves	(3,245,653)	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	997,862	0
Total Transfers to/from Reserves	(2,247,791)	0
ADJUSTED NET RESULT	0	(11,585,936)

Clarence Valley Council

Monthly Income & Expenditure Statement - February 2022
Service: 3320 - Floodplain & Estuary Management



Description	Adopted Annual Budget	Actual YTD Figures
Income		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	0	0
General User Fees	0	0
Interest Income	0	0
Operating Grants & Contributions	(91,200)	4,370
Other Revenue	0	0
Internal Income	(614,859)	0
Internal Plant Hire	0	0
Total Income	(706,059)	4,370
Expenditure		
Salaries, Wages & Oncosts	894,060	414,182
Other Employee Costs	0	101
Borrowing Costs	36,026	17,899
Materials	140,650	24,894
Contracts & Consultancies	697,633	135,030
Legal Expenses	0	0
Depreciation	1,553,979	0
Insurance Expenses	0	0
Donations, Contributions & Taxes	0	0
Administration Expenses	157	168
Other Operating Expenses	15,459	5,573
Subscriptions & Memberships	0	2,265
Internal Expenses	31,500	90,890
Internal Plant Hire	66,650	53,294
Total Expenditure	3,436,114	744,297
Net Operating Result for the year before Grants & Contributions provided for capital purposes		
	2,730,055	748,667
Capital Grants & Contributions	(350,000)	(35,505)
NET RESULT	2,380,055	713,163
Balance Sheet Movements / Non-Cash Adjustments		
Capital Works - New	0	0
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	1,281,745	720,960
Depreciation	(1,553,979)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	592
Loan Funds Received	0	0
Loan Repayments (Principal Only)	114,710	71,718
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	208,235	0
Total Balance Sheet Movements / Non-Cash Adjustments	50,711	793,270
Adjust for Transfers to/from Reserves		
Internal Reserves	(400,633)	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
Total Transfers to/from Reserves	(400,633)	0
ADJUSTED NET RESULT	2,030,133	1,506,433

Clarence Valley Council

Monthly Income & Expenditure Statement - February 2022
Service: 4000 - EP&C Management



Description	Adopted Annual Budget	Actual YTD Figures
Income		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	0	0
General User Fees	0	0
Interest Income	0	0
Operating Grants & Contributions	0	0
Other Revenue	0	0
Internal Income	(45,004)	0
Internal Plant Hire	0	0
Total Income	(45,004)	0
Expenditure		
Salaries, Wages & Oncosts	426,664	205,704
Other Employee Costs	4,000	0
Borrowing Costs	0	0
Materials	0	0
Contracts & Consultancies	0	0
Legal Expenses	0	0
Depreciation	0	0
Insurance Expenses	0	230
Donations, Contributions & Taxes	0	0
Administration Expenses	0	0
Other Operating Expenses	0	0
Subscriptions & Memberships	1,848	0
Internal Expenses	8,000	4,000
Internal Plant Hire	0	0
Total Expenditure	440,512	209,934
Net Operating Result for the year before Grants & Contributions provided for capital purposes		
	395,508	209,934
Capital Grants & Contributions	0	0
NET RESULT	395,508	209,934
Balance Sheet Movements / Non-Cash Adjustments		
Capital Works - New	0	0
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	0	0
Depreciation	0	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	0	0
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	5,330	0
Total Balance Sheet Movements / Non-Cash Adjustments	5,330	0
Adjust for Transfers to/from Reserves		
Internal Reserves	(90,009)	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
Total Transfers to/from Reserves	(90,009)	0
ADJUSTED NET RESULT	310,829	209,934

Clarence Valley Council

Monthly Income & Expenditure Statement - February 2022
Service: 4010 - Community Development



Description	Adopted Annual Budget	Actual YTD Figures
Income		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	0	0
General User Fees	(47,830)	(10,257)
Interest Income	(11,939)	0
Operating Grants & Contributions	(145,781)	(97,913)
Other Revenue	0	0
Internal Income	0	(283)
Internal Plant Hire	0	0
Total Income	(205,550)	(108,454)
Expenditure		
Salaries, Wages & Oncosts	762,016	468,235
Other Employee Costs	0	127
Borrowing Costs	0	0
Materials	56,218	11,624
Contracts & Consultancies	228,013	63,192
Legal Expenses	0	0
Depreciation	148,502	0
Insurance Expenses	25,462	0
Donations, Contributions & Taxes	105,000	64,796
Administration Expenses	24,658	13,362
Other Operating Expenses	15,525	6,733
Subscriptions & Memberships	15,696	26,192
Internal Expenses	17,262	7,550
Internal Plant Hire	0	0
Total Expenditure	1,398,352	661,810
Net Operating Result for the year before Grants & Contributions provided for capital purposes		
	1,192,802	553,356
Capital Grants & Contributions	(327,428)	(682,131)
NET RESULT	865,374	(128,774)
Balance Sheet Movements / Non-Cash Adjustments		
Capital Works - New	0	0
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	0	0
Depreciation	(148,502)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	0	0
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	296,235	0
Total Balance Sheet Movements / Non-Cash Adjustments	147,733	0
Adjust for Transfers to/from Reserves		
Internal Reserves	0	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	327,428	0
Total Transfers to/from Reserves	327,428	0
ADJUSTED NET RESULT	1,340,535	(128,774)

Clarence Valley Council



Monthly Income & Expenditure Statement - February 2022
Service: 4020 - Library Services

Description	Adopted Annual Budget	Actual YTD Figures
Income		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	0	0
General User Fees	(17,114)	(7,849)
Interest Income	(18,320)	0
Operating Grants & Contributions	(455,144)	(406,176)
Other Revenue	(16,238)	(3,110)
Internal Income	(1,066,068)	(177)
Internal Plant Hire	0	0
Total Income	(1,572,884)	(417,312)
Expenditure		
Salaries, Wages & Oncosts	1,415,004	970,306
Other Employee Costs	0	1,937
Borrowing Costs	2,291	1,001
Materials	46,157	9,538
Contracts & Consultancies	107,629	43,973
Legal Expenses	0	0
Depreciation	321,476	0
Insurance Expenses	31,300	0
Donations, Contributions & Taxes	0	0
Administration Expenses	45,400	15,028
Other Operating Expenses	184,591	120,281
Subscriptions & Memberships	140,166	75,713
Internal Expenses	1,120,667	28,361
Internal Plant Hire	0	0
Total Expenditure	3,414,681	1,266,138
Net Operating Result for the year before Grants & Contributions provided for capital purposes		
	1,841,797	848,825
Capital Grants & Contributions	0	0
NET RESULT	1,841,797	848,825
Balance Sheet Movements / Non-Cash Adjustments		
Capital Works - New	18,000	11,339
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	337,477	156,227
Depreciation	(321,476)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	4,403	2,164
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	(2,709)
Net ABC Recovery	432,759	0
Total Balance Sheet Movements / Non-Cash Adjustments	471,163	167,020
Adjust for Transfers to/from Reserves		
Internal Reserves	0	0
External Reserves	(52,672)	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
Total Transfers to/from Reserves	(52,672)	0
ADJUSTED NET RESULT	2,260,288	1,015,846

Clarence Valley Council

Monthly Income & Expenditure Statement - February 2022
Service: 4030 - Cultural Services



Description	Adopted Annual Budget	Actual YTD Figures
Income		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	0	0
General User Fees	(97,279)	(52,061)
Interest Income	0	0
Operating Grants & Contributions	(75,000)	(100,000)
Other Revenue	(4,330)	(10,206)
Internal Income	(2,352)	0
Internal Plant Hire	0	0
Total Income	(178,961)	(162,267)
Expenditure		
Salaries, Wages & Oncosts	400,501	280,034
Other Employee Costs	0	0
Borrowing Costs	6,295	2,747
Materials	81,400	88,456
Contracts & Consultancies	219,353	73,947
Legal Expenses	0	0
Depreciation	11,215	0
Insurance Expenses	34,883	9,370
Donations, Contributions & Taxes	26,000	0
Administration Expenses	43,450	18,956
Other Operating Expenses	32,083	27,514
Subscriptions & Memberships	3,924	2,308
Internal Expenses	15,642	16,729
Internal Plant Hire	0	0
Total Expenditure	874,746	520,062
Net Operating Result for the year before Grants & Contributions provided for capital purposes		
	695,785	357,795
Capital Grants & Contributions	(50,000)	0
NET RESULT	645,785	357,795
Balance Sheet Movements / Non-Cash Adjustments		
Capital Works - New	24,000	3,109
Capital Works - Upgrade	0	153,737
Capital Works - Expansion	0	0
Capital Works - Renewal	0	0
Depreciation	(11,215)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	12,091	5,941
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	106,649	0
Total Balance Sheet Movements / Non-Cash Adjustments	131,525	162,787
Adjust for Transfers to/from Reserves		
Internal Reserves	0	0
External Reserves	(15,000)	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
Total Transfers to/from Reserves	(15,000)	0
ADJUSTED NET RESULT	762,310	520,582

Clarence Valley Council

Monthly Income & Expenditure Statement - February 2022
 Service: 4100 - Environment, Development & Strategic Plannin



Description	Adopted Annual Budget	Actual YTD Figures
Income		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	(2,807,764)	(2,439,893)
General User Fees	(154,728)	(148,678)
Interest Income	(28,425)	0
Operating Grants & Contributions	(47,287)	(12,712)
Other Revenue	(35,450)	(14,465)
Internal Income	0	(20,855)
Internal Plant Hire	0	0
Total Income	(3,073,654)	(2,636,604)
Expenditure		
Salaries, Wages & Oncosts	4,133,092	2,145,839
Other Employee Costs	0	2,182
Borrowing Costs	0	0
Materials	49,500	1,008
Contracts & Consultancies	534,136	120,908
Legal Expenses	0	2,688
Depreciation	11,685	0
Insurance Expenses	0	0
Donations, Contributions & Taxes	208,000	112,874
Administration Expenses	1,000	555
Other Operating Expenses	0	0
Subscriptions & Memberships	26,328	0
Internal Expenses	139,000	105,454
Internal Plant Hire	0	0
Total Expenditure	5,102,741	2,491,509
Net Operating Result for the year before Grants & Contributions provided for capital purposes		
	2,029,087	(145,094)
Capital Grants & Contributions	(124,702)	(142,099)
NET RESULT	1,904,385	(287,193)
Balance Sheet Movements / Non-Cash Adjustments		
Capital Works - New	0	0
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	0	0
Depreciation	(11,685)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	0	0
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	1,261,310	0
Total Balance Sheet Movements / Non-Cash Adjustments	1,249,625	0
Adjust for Transfers to/from Reserves		
Internal Reserves	(237,033)	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	44,702	0
Total Transfers to/from Reserves	(192,331)	0
ADJUSTED NET RESULT	2,961,679	(287,193)

Clarence Valley Council

Monthly Income & Expenditure Statement - February 2022
Service: 4110 - Regulatory Services



Description	Adopted Annual Budget	Actual YTD Figures
Income		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	(15,075)	(8,179)
General User Fees	0	0
Interest Income	0	0
Operating Grants & Contributions	0	0
Other Revenue	(168,116)	(120,369)
Internal Income	0	0
Internal Plant Hire	0	0
Total Income	(183,191)	(128,547)
Expenditure		
Salaries, Wages & Oncosts	826,709	987,486
Other Employee Costs	0	0
Borrowing Costs	803	475
Materials	18,155	4,971
Contracts & Consultancies	53,787	17,223
Legal Expenses	0	0
Depreciation	673	0
Insurance Expenses	235	0
Donations, Contributions & Taxes	0	0
Administration Expenses	1,712	2,412
Other Operating Expenses	5,979	8,864
Subscriptions & Memberships	0	0
Internal Expenses	90,314	80,793
Internal Plant Hire	0	0
Total Expenditure	998,367	1,102,225
Net Operating Result for the year before Grants & Contributions provided for capital purposes		
	815,176	973,678
Capital Grants & Contributions	0	0
NET RESULT	815,176	973,678
Balance Sheet Movements / Non-Cash Adjustments		
Capital Works - New	0	12,800
Capital Works - Upgrade	18,000	7,938
Capital Works - Expansion	0	0
Capital Works - Renewal	0	0
Depreciation	(673)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	4,152	2,922
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	220,783	0
Total Balance Sheet Movements / Non-Cash Adjustments	242,262	23,660
Adjust for Transfers to/from Reserves		
Internal Reserves	0	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
Total Transfers to/from Reserves	0	0
ADJUSTED NET RESULT	1,057,438	997,337

Clarence Valley Council



Monthly Income & Expenditure Statement - February 2022

Service: -

Description	Adopted Annual Budget	Actual YTD Figures
Income		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	0	0
General User Fees	0	0
Interest Income	0	0
Operating Grants & Contributions	0	0
Other Revenue	0	0
Internal Income	0	0
Internal Plant Hire	0	0
Total Income	0	0
Expenditure		
Salaries, Wages & Oncosts	0	0
Other Employee Costs	0	0
Borrowing Costs	0	0
Materials	0	0
Contracts & Consultancies	0	0
Legal Expenses	0	0
Depreciation	0	0
Insurance Expenses	0	0
Donations, Contributions & Taxes	0	0
Administration Expenses	0	0
Other Operating Expenses	0	0
Subscriptions & Memberships	0	0
Internal Expenses	0	0
Internal Plant Hire	0	0
Total Expenditure	0	0
Net Operating Result for the year before Grants & Contributions provided for capital purposes		
	0	0
Capital Grants & Contributions	0	0
NET RESULT	0	0
Balance Sheet Movements / Non-Cash Adjustments		
Capital Works - New	0	0
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	0	0
Depreciation	0	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	0	0
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	0	0
Total Balance Sheet Movements / Non-Cash Adjustments	0	0
Adjust for Transfers to/from Reserves		
Internal Reserves	0	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
Total Transfers to/from Reserves	0	0
ADJUSTED NET RESULT	0	0

Grant Application Summary – February 2022

This document aims to summarise the current grant application activities during the month ended 28 February 2022.

Proposed Grant Applications for Endorsement

There are currently no grant applications requiring Council endorsement from Council.

Grant Applications Pending Announcement

The following grants have been applied for Council is currently awaiting announcement as to whether we have been successful in our bid to source these funds.

Grant: TfNSW Walking & Cycling Funding Program - \$1,452,600 – 2022/23

Funding has been sought to progress the below footpath and pedestrian mobility related projects as identified in the Pedestrian Access Mobility Plan 2015. Should funding be received, work would be scheduled for completion in 2022/23.

- **Shared User Path to connect along Cameron Street from Jubilee Street to Maclean CBD Concept & Detailed Design - \$40,000**
This project is the number one highest priority in the Clarence Valley Pedestrian Access and Mobility Plan 2015.
- **Footpath Gumnut Drive, Yamba - \$900,000**
Construction of a 1.8Km footpath connecting The Halyard and the Mainbrace to Shores Drive
- **Construction of missing links pathways in South Grafton- \$512,600**
Locations include: Tyson Street- Bent Street to Armidale Street (440m), Armidale Street- Ryan Street to Vere Street (215m), Vere Street- Armidale Road to Kelly Street (125m), Ryan Street Armidale To Kelly Street (95m)

Grant: 2021-23 Country Passenger Transport Infrastructure Grants Scheme - \$73,500 - 2022/23

Council has applied for funding under the biennial CPTIGS grant scheme to build new, or upgrade existing bus shelters and surrounding infrastructure, which will make it easier for our rate payers to access public transport. Locations have been determined in consultation with our local bus companies and /or nomination after completion of a passenger transport infrastructure audit. Should funding be received, work would be scheduled for completion in 2022/23.

- **New Bus Shelters - \$46,000** – Locations include: Craig St Grafton, Treelands Drive Yamba, Skinner St Grafton, Spring St South Grafton
- **Accessibility Upgrades - \$27,500** – Locations include: Yamba Road Yamba, Coldstream St Yamba, Bent St Sth Grafton, Armidale Road South Grafton, Arthur Street Grafton

Grant: TfNSW Safer Roads Program - \$3,894,000 – 2022/23

Funding has been sought to provide road safety improvement works at the below locations. Should funding be received, work would be scheduled to begin in 2022/23.

- **McPhersons Crossing Rd & Ellis Rd Braunstone - \$384,000**
Intersection realignment works
- **Yamba Road – Micalo Island - \$2,000,000**
Road safety improvement works, design and project development works to be completed in 22/23 with construction occurring in 23/24
- **Iluka Road – Woombah to Iluka- \$1,510,000**
Road safety improvement works, design and project development works to be completed in 22/23 with construction occurring in 23/24

Successful Grant Applications

Council has been successful in the following recent funding applications:

Grant Program: Everyone Can Play - \$200,000

Council endorsed (resolution 6a.21.024) the submission for funding of two projects to enhance the project scope for playground renewal projects at Lions Park in Yamba and Wherrett Park in Maclean. The additional funds will increase accessibility, allow greater scope for inclusive play scape items and connect various park elements.

The additional funding is consistent with Council disability action plan and playground policies.

Project Name	Total Project Value	Grant Value	CVC Contribution	In Kind Contribution
Wherrett Park Maclean - Playground Upgrade	\$369,995	\$175,000	\$175,000	\$19,995
Lions Park, Yamba – Playground Upgrade	\$76,100	\$35,000	\$35,000	\$6,100

Grant Program: 21-22 Floodplain Management Program - Voluntary House Raising Scheme

- **Clarence Valley House Raising (VHR) Project**

The Clarence Valley contains many flood prone dwellings that are subject to over-floor flooding in minor and moderate flood events. The economic and social burden of flooding on the community can be reduced by raising these dwellings to increase their flood immunity.

The Voluntary House Raising (VHR) is a flood risk management tool which involves raising a home above the minimum flood design level or relocating a home within its

current lot to higher ground. Funding is only available for residential properties and must be applied for by Council.

Council has been successful in gaining access to the 21-22 pool of funds under the NSW Government Voluntary House Raising Scheme. It is anticipated that the available funding will be allocated to support the raising of two dwellings in line with Council's Policy at a funding ratio of 2:1, whereby the grant funds received will constitute 66% of the cost of each house raising project and the remaining costs will be funded by the individual homeowner.

Grant Program: Black Summer Bushfire Recovery Grants Program - \$6,709,139

- **NearMaps for Preparedness & Awareness of Disaster Recovery & Resilience Clarence Valley NSW - \$108,625**

NearMaps is a leading aerial imagery and geospatial technology provider, delivering mapping content at scale and covering large urban and rural regions. The NearMaps software for CVC will be used extensively and will be a very valuable tool in resilience forecasting for strategic planning, compliance, but also prediction of vulnerabilities to council's land, roads and infrastructure, the environment, and importantly in the disaster space.

Implementing NearMaps in CVC will enhance and strengthen mechanisms that enable us to work cooperatively, and in collaboration with, emergency management on a national and state level, when disasters impact our LGA.

- **Agricultural Drones for Weed Control & Bushfire Resilience Clarence Valley NSW - \$131,000**

Agricultural Industrial Drones are desperately needed to address the overwhelming weed invasion in the Clarence Valley LGA. This is a result of the Black Summer Bushfires and the 4 concurrent Emergency Declared flood events from 2019 to April 2021. Clarence Valley Council's Natural Resources Management Department have started an initiative for improved fire management and risk reduction in the area of weed control. However, much of the CVC LGA has geographically challenging topography and biophysical elements, which prevent staff physically reaching many areas of concern on foot, let alone in a vehicle.

Reducing the invasive weeds in inaccessible areas can help reduce the bushfire risk, which are also in areas that are high risk zones for bushfires which encroach into townships and farming properties. CVC needs resources to address this rapidly escalating problem.

- **Grafton Airport Water Supply Supporting Aerial Firefighting Clarence Valley NSW - \$1,542,000**

Grafton airport is a major regional base for aerial firefighting, with approximately 1.66ML of water used for firefighting purposes between August and November 2019. A current dam at the airport holds about 0.5ML, with the balance of any water needing to be carted to the site.

The dam is open and due to weed growth the water in the dam is not always suitable for adding firefighting retardant. The nearest water carter fill point is located in Grafton approximately 13km from the airport, and the RFS water carting costs during the 2019/20 Section 44 declaration were \$177,840. A water main servicing the Clarence Correctional

Centre is located approximately 7km from the airport, and hydraulic modelling of Council's water reticulation system has indicated that to support aerial firefighting activities a 150mm water main with a 0.2ML reservoir at the airport would be required.

The NSW State Government has just announced a new fire control centre is to be constructed in the Clarence Valley, most likely at the Grafton Regional airport, and this project will provide potable water to the centre. The pipeline will also permit initial development of current unserviced "employment" zoned land located near the airport

Council has engaged a consultant to undertake concept development of the pipeline route.

- **Revitalizing Public Facilities for Community Recovery and Resilience Clarence Valley NSW - \$711,499 (over 3 years)**

The project will improve public facilities to benefit the community in terms of economic, social and tourism recovery. Community halls within the LGA are great benefit as they facilitate social interaction between different groups in a community and help to nurture and develop networks, linkages, and cooperation. The project will ensure that community halls in low risk bushfire areas are functional to continue to provide a focus for connection and socialization, learning and access to key services. Key activities of the project include museum improvements and community hall upgrades such as building, environmental and accessibility improvements to help make the Clarence Valley a more vibrant place to live, work and visit. The community facilities and halls benefiting from the grant include Calliope Hall, Maclean Museum, Schaeffer House, Southgate Hall, Swan Creek Hall, and Tucabia Hall.

- **Revitalising Rural Community Halls for Disaster Resilience Clarence Valley NSW - \$2,397,388 (over 3 years)**

The proposed project aims to undertake improvement works on public halls located in communities directly affected by the 2019 Black Summer bushfires. Key activities will include building amenities and kitchen upgrades; drainage & water supply improvements; fire egress and resilience upgrades; accessibility improvements; solar power, battery system and back-up generators and air conditioning installations. Community halls in the Clarence Valley have played a key role in community recovery processes since the Black Summer bushfires devastated many of our rural areas. The outcomes from the proposed project will enhance facilities for community use by providing necessary amenities enable community socialization, learning and access to key services for recovery processes. The community halls benefiting from the grant include Coaldale, Dundurrabin, Ewingar, Glenreagh, Ilarwill, Kungala Lanitza, Jackadgery, Nymboida, and Wooloweyah.

- **Revitalising Disaster Resilience Facilities for Community Benefit Clarence Valley NSW - \$1,818,627 (over 3 years)**

The proposed project aims to undertake improvement works on community facilities located within the LGA that provide emergency resources and facilities, health support services and a refuge for communities directly affected by the 2019 Black Summer Bushfires. The project will improve these facilities functionality by undertaking activities such as roof infrastructure upgrades, increased storage and access improvements, air flow and temperature enhancements and general building modifications to improve the facilities usefulness and serviceability. The facilities benefiting from the grant include

Grafton Regional Airport, New School of the Arts South Grafton, Ulmarra SES, Grafton CWA, Grafton Hockey Centre, and Grafton Headspace.

ITEM 07.22.046 CI ANYWHERE CLOUD MIGRATION

Meeting	Council	22 March 2022
Directorate	Corporate & Governance	
Prepared by	Coordinator Corporate Systems, Matt Davidson	
Attachments	A. CONFIDENTIAL - TechnologyOne SaaS Contract (Confidential)	

SUMMARY

Council's primary corporate systems are currently on-premise, this platform is becoming end of life and now needs to be upgraded to the TechnologyOne Cloud. The cost of the upgrade is a net \$472,454 and will commence in the 2022/2023 financial year and will be reviewed in 5 years. This report requests Council endorse the upgrade and allocate funds in its draft 2022/2023 budget for the upgrade and subsequent years for the ongoing software support and licencing costs.

OFFICER RECOMMENDATION

That Council,

1. Accept the TechnologyOne Cloud Contract
2. Delegate execution of the contract to the Acting General Manager
3. Endorse the required values to support the upgrade of our Corporate Systems to be included in the 2022/2023 Capital & Operating budgets into the future.

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership

Objective We will have an effective and efficient organisation

KEY ISSUES

Council's primary corporate system provider TechnologyOne has advised that our on-premise environment will become end of life in October 2024, with no further product development and a transition of support from compliance and regulatory support to priority one support only, in the final year.

A migration path to Software as a Service (SaaS) with TechnologyOne has been prepared with a subscription based license model. TechnologyOne has recognised Council's long-term relationship and provided a substantial discounted rate on the new hosted service and license subscription, approximately \$260k per annum if the March offer is accepted.

This hosted service and subscription upgrade includes modules for future development including customer portals to make doing business with council easier, provision of a mobile platform for application officers enabling application processing and inspection in the field as well as a single interface for all corporate applications.

BACKGROUND

TechnologyOne is a leading provider of local government solutions in Australia and has provided enterprise software to Clarence Valley Council for over 16 years. TechnologyOne currently delivers software for the following business solutions to Council:

- financial services including procurement and inventory, asset management, payroll, human services
- land and property
- regulatory
- customer request management
- integrated planning and reporting; and
- electronic document management (records management)
- Spatial services – internal and external

To date the provision of this technology has been provided by Council using infrastructure located within Councils premises and fully managed by Council staff. This is known as an on-premise environment.

Council staff are responsible for all aspects of providing this service including the recurring maintenance of software and hardware in this environment.

TechnologyOne have given advice that the on-premise version of their software is end of life in October 2024. Council has been provided with the transition of support levels between now and October 2024 which currently only allows for compliance and regulatory support until October 2023. Additionally, the on-premise version is not being developed any further by TechnologyOne and any new functionality is not available to on premise environments. Council staff have been working strategically to upgrade all modules to the latest version and functionality to increase efficiency.

Currently the Property and Rating system has no upgrade option for on-premise environments to move to the new CiAnywhere platform, this upgrade will enable future development a customer based system with client access portals for request management, water and land rates, debtor accounts and payments. Additional module development of integrated rates modelling, enhancements in application processing and DA portal 2.0, embedded mapping creating a centralised mapping database and enabling integration to NearMap and other spatial services.

Council has received a proposal from TechnologyOne to transition the delivery and maintenance of their software solution from an on-premise environment to the TechnologyOne Software as a Service (SaaS) platform. The SaaS platform is a subscription-based model including licensing, maintenance and support, which replaces the current perpetual license and maintenance and support contract.

There are significant benefits transitioning to SaaS, among these are improved accessibility and performance, increased scalability, increased capability for online service delivery, greater cybersecurity prevention and a robust business continuity capability. TechnologyOne uses a Cloud provider, Amazon Web Services (AWS), to provide the computer power, storage and database service. AWS is a leading Cloud services company with server infrastructure located across the world, including multiple locations in Australia.

TechnologyOne's strategic direction states that the focus of their business is shifting from perpetual on-premise licensing to SaaS and subscription licencing. The product roadmap further supports this direction, with new product development exclusively available for SaaS delivery only.

Due to the length of time Council has used the TechnologyOne software, Council has already made significant investment into product development and has extensive corporate knowledge across the existing product which has a proven history of being reliable, fit for purpose and its development aligns with various business strategies within Council. This relationship with TechnologyOne has allowed Council to negotiate a very competitive proposal both financially and for implementation timelines.

Additionally, moving to SaaS allows Council to accelerate the rollout of CiAnywhere which is the next evolution of TechnologyOne's software. CiAnywhere delivers the entire enterprise suite through one centralised and integrated solution, transforming how we do business and interact with our customers and community, for example:

- All staff can instantly access information they need to do their job efficiently, available anywhere, any time
- enhance our customer service with 24/7 online self-service functionality
- consolidation of corporate systems provides a single source of truth permitting us to simplify and streamline routine tasks, further improving data accuracy and availability for trend analysis, performance benchmarking and management reporting
- removal of data duplication and reduced processing times increasing efficiencies and improving our bottom line; and
- less back-office administration gives staff the flexibility to respond promptly to evolving business and customer demands, monitoring of and improving quality levels of service.

COUNCIL IMPLICATIONS

Budget/Financial

Due to the anticipated level of expenditure, exceeding the legislative threshold over the life of the contract with TechnologyOne Limited, Council would be required to publicly invite tenders for the services in accordance with Section 55(1) of the Local Government Act 1993. However, Section 55(3)(i) of the Local Government Act 1993, details that the requirements for tendering under Section 55(1) do not apply to a contract where because of the unavailability of competitive tenders, and Council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders.

Should the contract be approved, 2022/23 Capital and operating budgets will be updated in line with contract pricing and future year budgets will be updated in line with fixed CPI of 2.5%.

Asset Management

N/A

Policy and Regulation

N/A

Consultation

TechnologyOne, executive and council officers, other councils, Thomas Noble & Russell (Auditors),

Legal and Risk Management

TechnologyOne's SaaS platform is accredited with the following ISO standards:

- ISO27001 – Information Security Management
- ISO27017 – Cloud Security
- ISO27018 – Protection of personally identifiable information

The backup and disaster recovery policy of TechnologyOne SaaS aligns with our internal policies, providing hourly backups, daily and weekly for up to 3 months. Being hosted with Amazon Web Services provides multiple redundant servers within Australia with cyber security actively monitored for breaches.

Climate Change

N/A

ITEM 07.22.047 SUPPLY & DELIVERY OF STATIONERY

Meeting	Council	22 March 2022
Directorate	Corporate & Governance	
Prepared by	Procurement Coordinator, Trevor Pate	
Attachments	A. Council report Tender Provision for the Supply & Delivery of Stationery (Confidential) B. Supply & Delivery of Stationery Tender Recommendation Report (Confidential) C. Tender Evaluation Matrix (Confidential)	

SUMMARY

This report recommends Council's acceptance of a "Panel of Suppliers" for the supply & delivery of Stationery for the period 1 April 2022 to 31 March 2024. The Tender (T522122OROC) was called by Regional Procurement Initiative ® on behalf of Richmond Valley and Clarence Valley Councils.

OFFICER RECOMMENDATION

That:

- Council accepts the tender offers from the following (2) tenderers for the period 1 April 2022 to 31 March 2024:
 - Dolphin Stationery Pty Ltd
 - Winc Australia Pty Ltd
- The Acting General Manager be delegated authority to execute the Deed of Agreement on behalf of Council and subject to satisfactory supplier performance the Acting General Manager be delegated authority to extend these agreements for a further 12 months which may take these contracts through to 1 April 2025.

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership

Objective We will have an effective and efficient organisation

KEY ISSUES

TWO (2) tenders in total were received for the Supply and Delivery of Stationery from:

- Winc Australia Pty Ltd
- Dolphin Stationery Pty Ltd

The tender evaluation was based on a list of goods supplied by Clarence Valley Council and other council's and given to Regional Procurement. These items are listed with pricing in the Tender Evaluation.

BACKGROUND

Council is a member of Regional Procurement Initiative®, a Division of Hunter Councils Inc., which was established in response to a need for a collaborative approach to regional tendering and contracting. On behalf of Clarence Valley Council Regional Procurement® has called an open Panel Source by Council tender for the Supply & Delivery of Stationery T522122OROC. By actively participating in this Regional Procurement tender on behalf of Clarence Valley Council, Council manages any risk in relation to breaching the Local Government (General) Regulation 2005 - Section 7 Tendering, for annual expenditure over \$250,000.

This tender was advertised on Tenderlink on 30 November 2021.

COUNCIL IMPLICATIONS**Budget/Financial**

It is anticipated that Council's spend on the Provision of Stationery for the duration of the period of the contract will exceed \$250,000 and as a result a Council resolution is required to accept the Tender. Some of the items within the Stationery Tender are Inventory items within Council and these are costed to maintenance & capital projects.

Asset Management

N/A

Policy and Regulation

The tendering process followed is consistent with the requirement of the Local Government Act and Regulation and Council's Sustainable Policy – Supporting Local Business.

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

- Tender specifications were structured so local suppliers and / or contractors were not excluded from being the prime supplier / contractor

Consultation

- Dolphin Stationery Pty Ltd - Helen Camidge, Jason Camidge Director
- Winc Australia Pty Ltd - Eva Kalawaski, Mary Ann Sigler, Mary Tucker, Troy Swan Director

Legal and Risk Management

N/A

Climate Change

N/A

ITEM 07.22.048 SUPPLY & DELIVERY OF READY MIXED CONCRETE

Meeting	Council	22 March 2022
Directorate	Corporate & Governance	
Prepared by	Procurement Coordinator, Trevor Pate	
Attachments	A. CVC Evaluation Matrix Confidential (Confidential) B. Council Tender Recommendation Report (Confidential)	

SUMMARY

This report recommends Council's acceptance of a Tender for the Supply & Delivery of Ready Mixed Concrete for the period 1 April 2022 to 31 March 2024. The Tender was called by Regional Procurement Initiative ® on behalf of Richmond Valley and Clarence Valley Councils.

That:

1. Council accepts the tendered prices from Boral Limited, Holcim Australia Pty Ltd & Grahams Concrete Pty Ltd for the Supply & Delivery of Ready Mixed Concrete (Regional Procurement Initiative ® Tender T492122RTC) for the period 1 April 2022 to 31 March 2024.
2. A provision be allowed for a 12 month extension based on satisfactory supplier performance, which may take this contract through to 31/03/2025.

LINKAGE TO OUR COMMUNITY PLAN

Theme Infrastructure

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

KEY ISSUES

Four (4) tenders were received from the following companies for the Supply & Delivery of Ready Mixed Concrete:

- Boral Limited
- Holcim Australia Pty Ltd
- Hanson Construction Materials Pty Ltd (Lismore Only)
- Grahams Concrete Pty Ltd

BACKGROUND

Council is a member of Regional Procurement Initiative ®, a Division of Hunter Councils Inc, which was established in response to a need for a collaborative approach to regional tendering and contracting. There are currently 49 NSW Councils who are members of the Regional Procurement Initiative ®.

On behalf of Richmond Valley and Clarence Valley Councils Regional Procurement Initiative ® called a tender for the Supply & Delivery of Ready Mixed Concrete (T492122RTC).

COUNCIL IMPLICATIONS**Budget/Financial**

It is anticipated that Council's spend on Supply & Delivery of Ready Mixed Concrete for the duration of the period of the contract will exceed \$250,000 and as a result a Council resolution is required to accept the Tender. The provision of Supply & Delivery of Ready Mixed Concrete is funded from existing Council maintenance and capital budgets.

Asset Management

N/A

Policy and Legislation

The tendering process followed is consistent with the requirement of the Local Government Act and Regulation and Council's Sustainable Procurement Policy – Supporting Local Business.

In accordance with Council's Sustainable Procurement Policy the following processes were undertaken:
Tender specifications were structured so local suppliers and/or contractors were not excluded from being the prime supplier/contractor.

Consultation

Regional Procurement is in contact with the companies prior to the tender closing.

Legal and Risk Management

N/A

Climate Change

N/A

ITEM 07.22.049 MONTHLY INVESTMENT REPORT - FEBRUARY 2022

Meeting	Council	22 March 2022
Directorate	Corporate & Governance	
Prepared by	Acting Financial Accountant, Kirsty Gooley	
Attachments	A. Movement of funds between months ↓	

SUMMARY

The purpose of this report is to inform Council of the details of Council's investment funds at the end of each month.

OFFICER RECOMMENDATION

That the report indicating Council's funds investment position as at 28 February 2022 be noted.

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership
Objective We will have an effective and efficient organisation

KEY ISSUES**Source of Funds Invested**

The funds invested are funds held under internal and external restrictions. External restrictions 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 2021 figures, funds have been sourced from the following areas:

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

Portfolio Credit Limits

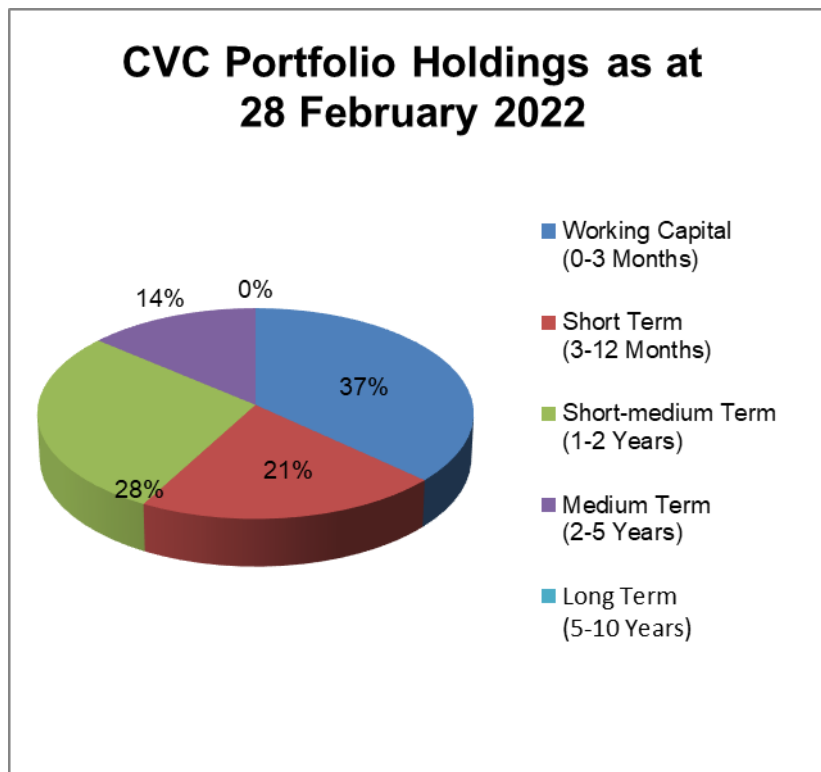
Tabled below is a summary of Council's investments as at 28 February 2022 which details compliance with Council's Investment Policy Portfolio Credit Limits.

Portfolio Credit Limits as at 28 February 2022				
Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
AAA	100.00%	4,990,257	3.62%	Yes
AA	100.00%	60,911,002	44.19%	Yes
A	60.00%	8,250,000	5.98%	Yes
BBB	50.00%	63,701,040	46.21%	Yes
TOTAL INVESTMENTS		137,852,299	100.00%	

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

Portfolio Holdings by Maturity

Illustrated and tabled below is a summary of Council's investments by maturity as at 28 February 2022. Excluding "at-call" working capital, 36.89% of Council's investments are maturing within the next twelve months.



Individual Institution or Counterparty Limits

Tabled below is a summary of Council's investments as at 28 February 2022 which details compliance with Council's Investment Policy Counterparty Limits.

Individual Institution or Counterparty Limits as at 28 February 2022					
Financial Institution	Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
TERM DEPOSITS					
AMP	BBB	15.00%	8,000,000	5.80%	Yes
BoQ	BBB+	15.00%	11,000,000	7.98%	Yes
Bendigo	BBB+	15.00%	-	0.00%	Yes
CBA	AA-	30.00%	-	0.00%	Yes
Credit Union Australia	BBB	15.00%	2,000,000	1.45%	Yes
Defence	BBB	15.00%	8,000,000	5.80%	Yes
ING Direct	A	15.00%	3,000,000	2.18%	Yes
ME Bank	BBB+	15.00%	15,000,000	10.88%	Yes
NAB	AA-	30.00%	23,000,000	16.68%	Yes
NTTC	AA-	30.00%	3,000,000	2.18%	Yes
P&N	BBB	15.00%	13,000,000	9.43%	Yes
RaboDirect	A+	15.00%	6,000,000	4.35%	Yes
Westpac	AA-	30.00%	12,000,000	8.70%	Yes
TOTAL TERM DEPOSITS			104,000,000	75.44%	
MANAGED FUNDS					
TCorp	AAA	40.00%	490,257	0.36%	Yes
TOTAL MANAGED FUNDS			490,257	0.36%	
FUNDS AT CALL					
AMP	BBB	15.00%	8,388,456	6.09%	Yes
AMP	BBB	15.00%	1,062,584	0.77%	Yes
ANZ	AA-	30.00%	6,790,605	4.93%	Yes
CBA	AA-	30.00%	10,058,444	7.30%	Yes
CBA	AA-	30.00%	7,061,953	5.12%	Yes
TOTAL FUNDS AT CALL			33,362,042	24.20%	
TOTAL INVESTMENTS			137,852,299	100.00%	

Register of Investments - Clarence Valley Council as at 28 February 2022					
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	490,257	0.36%	At-Call	0.00%	AAA
AMP Bank Ltd	8,388,456	6.09%	At-Call	0.55%	BBB
AMP Bank Ltd	1,062,584	0.77%	At-Call	0.50%	BBB
ANZ Banking Group Ltd	6,790,605	4.93%	At-Call	0.05%	AA-
Commonwealth Bank of Australia	10,058,444	7.30%	At-Call	0.00%	AA-
Commonwealth Bank of Australia	7,061,953	5.12%	At-Call	0.05%	AA-
AMP Bank Ltd	3,000,000	2.18%	05/03/2022	0.95%	BBB
Bank Of Queensland Ltd	1,000,000	0.73%	09/05/2022	3.60%	BBB+
ME Bank Ltd	2,000,000	1.45%	03/03/2022	0.45%	BBB
ME Bank Ltd	2,000,000	1.45%	09/05/2022	0.50%	BBB
ME Bank Ltd	3,000,000	2.18%	11/05/2022	0.50%	BBB
P&N Bank	2,000,000	1.45%	29/11/2021	1.70%	BBB
Westpac Bank	3,000,000	2.18%	12/11/2021	1.22%	AA-
Westpac Bank	1,000,000	0.73%	16/11/2021	1.63%	AA-
TOTAL WORKING CAPITAL (0-3 MONTHS)	50,852,299	36.89%		0.48%	
SHORT TERM (3-12 MONTHS)					
AMP Bank Ltd	2,000,000	1.45%	14/11/2022	0.55%	BBB
Bank Of Queensland Ltd	1,000,000	0.73%	03/08/2022	3.60%	BBB+
Bank Of Queensland Ltd	2,000,000	1.45%	08/02/2023	3.55%	BBB+
Credit Union Australia	2,000,000	1.45%	07/07/2022	0.37%	BBB
Defence Bank	2,000,000	1.45%	21/11/2022	0.62%	BBB
Defence Bank	2,000,000	1.45%	02/12/2022	0.64%	BBB
ING	1,000,000	0.73%	04/10/2022	3.66%	A
ME Bank Ltd	5,000,000	3.63%	09/06/2022	0.47%	BBB
ME Bank Ltd	1,000,000	0.73%	06/07/2022	0.50%	BBB
National Australia Bank	2,000,000	1.45%	18/11/2022	0.60%	AA-
National Australia Bank	2,000,000	1.45%	01/12/2022	0.60%	AA-
National Australia Bank	2,000,000	1.45%	02/12/2022	0.60%	AA-
RaboDirect (Australia) Ltd	2,000,000	1.45%	13/09/2022	3.40%	A+
RaboDirect (Australia) Ltd	1,000,000	0.73%	05/12/2022	3.21%	A+
Westpac Bank	2,000,000	1.45%	18/07/2022	1.12%	AA-
TOTAL SHORT TERM (3-12 MONTHS)	29,000,000	21.04%		1.29%	

Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
SHORT - MEDIUM TERM (1-2 YEARS)					
AMP Bank Ltd	2,000,000	1.45%	02/06/2023	1.00%	BBB
AMP Bank Ltd	1,000,000	0.73%	31/08/2023	0.75%	BBB
Bank Of Queensland Ltd	2,000,000	1.45%	21/08/2023	3.60%	BBB+
Bank Of Queensland Ltd	3,000,000	2.18%	21/02/2024	1.71%	BBB+
Defence Bank	2,000,000	1.45%	03/03/2023	0.50%	BBB
Defence Bank	2,000,000	1.45%	09/03/2023	0.53%	BBB
ING	2,000,000	1.45%	02/03/2023	0.55%	A
ME Bank Ltd	2,000,000	1.45%	15/06/2023	0.50%	BBB
National Australia Bank	2,000,000	1.45%	06/03/2023	0.60%	AA-
National Australia Bank	2,000,000	1.45%	05/06/2023	0.55%	AA-
National Australia Bank	2,000,000	1.45%	15/06/2023	0.55%	AA-
National Australia Bank	2,000,000	1.45%	10/08/2023	0.60%	AA-
National Australia Bank	2,000,000	1.45%	10/09/2023	0.65%	AA-
P&N Bank	3,000,000	2.18%	13/03/2023	0.55%	BBB
P&N Bank	2,000,000	1.45%	11/12/2023	1.25%	BBB
P&N Bank	3,000,000	2.18%	12/02/2024	1.73%	BBB
RaboDirect (Australia) Ltd	1,000,000	0.73%	17/08/2023	3.40%	A+
RaboDirect (Australia) Ltd	2,000,000	1.45%	19/09/2023	3.40%	A+
Westpac Bank	2,000,000	1.45%	13/03/2023	0.98%	AA-
TOTAL SHORT-MEDIUM TERM (1-2 YEARS)	39,000,000	28.29%		1.20%	
MEDIUM TERM (2-5 YEARS)					
Bank Of Queensland Ltd	2,000,000	1.45%	02/12/2024	1.60%	BBB+
National Australia Bank	2,000,000	1.45%	08/07/2024	0.80%	AA-
National Australia Bank	2,000,000	1.45%	12/01/2026	1.00%	AA-
National Australia Bank	3,000,000	2.18%	22/02/2027	2.40%	AA-
Northern Territory Treasury Corp	3,000,000	2.18%	15/12/2026	1.50%	AA-
P&N Bank	2,000,000	1.45%	17/12/2024	1.62%	BBB
P&N Bank	1,000,000	0.73%	16/02/2026	2.49%	BBB
Westpac Bank	1,000,000	0.73%	20/06/2024	0.85%	AA-
Westpac Bank	3,000,000	2.18%	15/10/2024	1.00%	AA-
TOTAL MEDIUM TERM (2-5 YEARS)	19,000,000	13.78%		1.48%	
TOTAL INVESTMENTS	137,852,299	100.00%		0.99%	

BACKGROUND

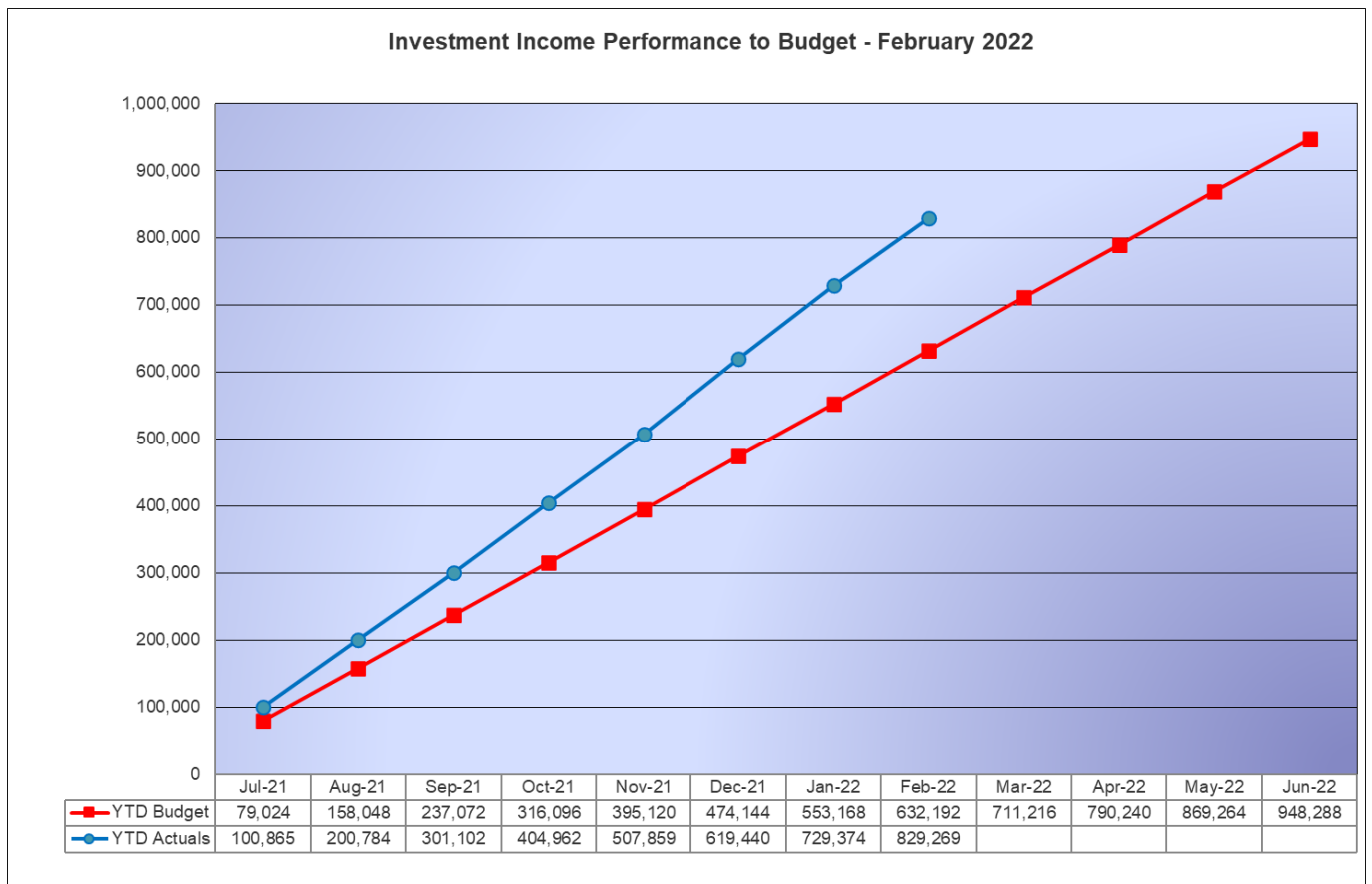
This report has been completed in accordance with the *Local Government Act 1993*, part 9, Division 5, Clause 212 of the *Local Government (General Regulation 2005)*, and Council's Investment Policy, which requires a monthly report to Council. The report is to include the source and amount of funds invested,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

COUNCIL IMPLICATIONS

Budget/Financial

Portfolio Investment Returns to 28 February 2022			
	Actual	Budget 2020/21	Over/(Under)
This Month			
Cash Deposits & FRNs	\$109,935	\$78,974	\$30,961
Managed Funds	(\$1)	\$50	(\$51)
	\$109,934	\$79,024	\$30,910
Year to Date			
Cash Deposits & FRNs	\$839,333	\$631,792	\$207,541
Managed Funds	(\$25)	\$400	(\$425)
	\$839,308	\$632,192	\$207,116

- Actual results have shown that total interest income to 28 February 2022 is \$207k above the 2021-22 YTD budget of \$632k

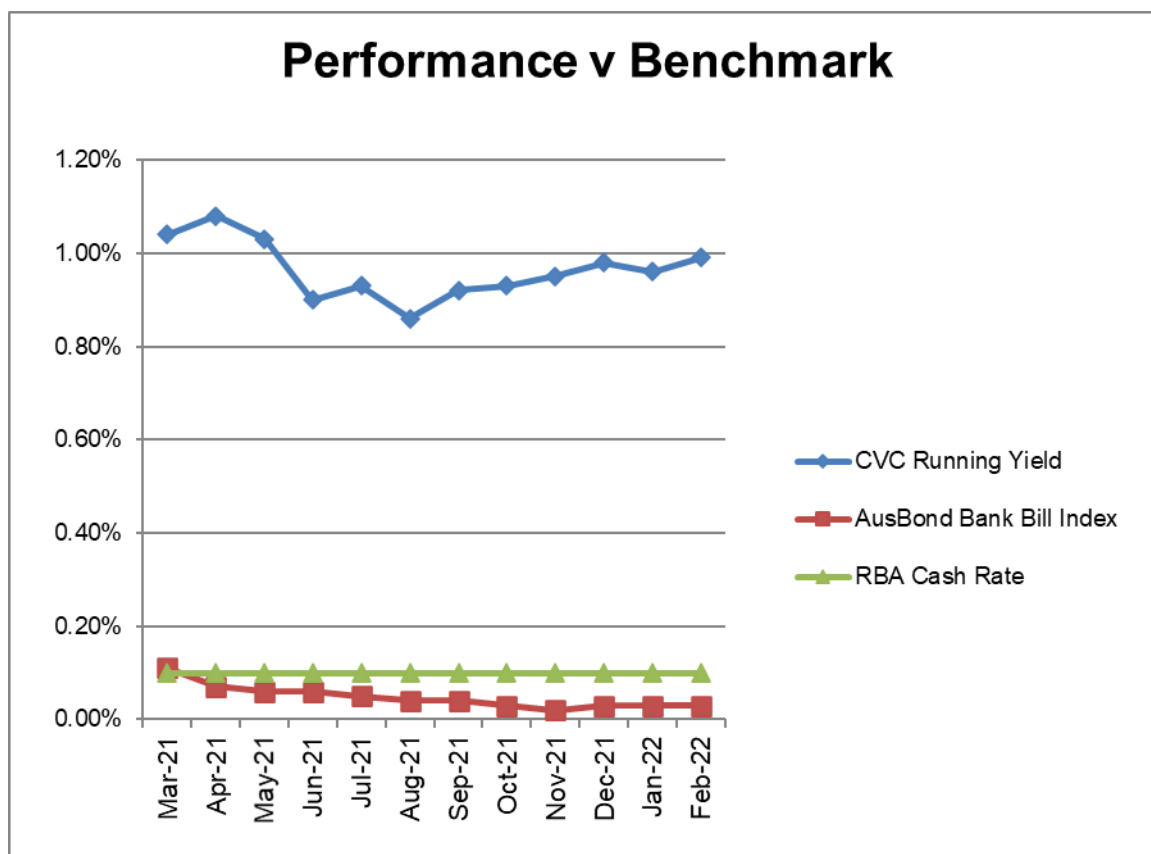


- Running yields* to 28 February 2022 have been:

AMP Business	0.50%
AMP 31 Day Notice	0.55%
ANZ Premium Business	0.05%
CBA General	0.00%
24hr Call Account	0.05%
T-CorpIM Cash Fund	0.00%
Term Deposits	<u>1.26%</u>
Total	0.99%

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

- The RBA cash rate at the end of February was 0.10%. The benchmark AusBond Bank Bill Index was 0.03% for February.
- The current running yield of the total investment portfolio remains at elevated levels above the cash rate. At month-end, it stood at +0.99% (January 0.92%)



The following investments were transacted during February:

- ING \$3.0m TD matured 11/02/2022 – redeemed
- New P&N Bank \$3.0m TD invested 11/02/2022 at 1.73% for 2 years – matures 12/02/2024
- ME bank \$1.0m D matured 15/02/2022 – redeemed
- New P&N Bank \$1.0m TD invested 15/02/2022 at 2.49% for 4 years – matures 16/02/2006
- ING \$3.0m TD matured 21/02/2021 – redeemed
- ING \$2.0m TD matured 21/02/2021 – redeemed
- New BOQ \$3.0m TD invested 21/02/2022 at 1.71% for 2 years – matures 21/02/2024
- New NAB \$3.0m TD invested 21/02/2022 at 2.40% for 5 years – matures 21/02/2027

Asset Management

N/A

Policy and 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 impacts of the current investment portfolio are now being considered as each investment matures. In line with section 5.11 of the current Investment Policy, preference is given to Financial Institutions that publicly state that they do not invest in nor finance the fossil fuel industry. It should be noted that investments under this section of the policy will only be made providing that the rate of return is equivalent or more favourable and that the investment does not increase the overall risk of Council's investment portfolio.

Movement of funds between months

Portfolio Credit Limits - movement over the reporting month						
Credit Rating Long Term	Total Investments Held (Current Month)	% of Total Investments (Current Month)	Total Investments Held (Previous Month)	% of Total Investments (Previous Month)	Movement \$	Movement %
AAA	4,990,257	3.62%	4,990,257	3.69%	-	-
AA	60,911,002	44.19%	56,341,889	41.65%	4,569,113	8.11%
A	8,250,000	5.98%	16,250,000	12.01%	(8,000,000)	(49.23%)
BBB	63,701,040	46.21%	57,697,096	42.65%	6,003,944	10.41%
TOTAL INVESTMENTS	137,852,299	100.00%	135,279,242	100.00%	2,573,057	1.90%

Individual Institution or Counterparty Limits - movement over the reporting month						
Financial Institution	Total Investments Held (Current Month)	% of Total Investments (Current Month)	Total Investments Held (Previous Month)	% of Total Investments (Previous Month)	Movement \$	Movement %
TERM DEPOSITS						
AMP	8,000,000	5.80%	8,000,000	5.91%	-	-
BoQ	11,000,000	7.98%	8,000,000	5.91%	3,000,000	37.50%
Bendigo	-	0.00%	-	0.00%	-	-
CBA	-	0.00%	-	0.00%	-	-
Credit Union Australia	2,000,000	1.45%	2,000,000	1.48%	-	-
Defence	8,000,000	5.80%	8,000,000	5.91%	-	-
ING Direct	3,000,000	2.18%	11,000,000	8.13%	(8,000,000)	(72.73%)
ME Bank	15,000,000	10.88%	16,000,000	11.83%	(1,000,000)	(6.25%)
NAB	23,000,000	16.68%	20,000,000	14.78%	3,000,000	15.00%
NTTC	3,000,000	2.18%	3,000,000	2.22%	-	-
P&N Bank	13,000,000	9.43%	9,000,000	6.65%	4,000,000	44.44%
RaboDirect	6,000,000	4.35%	6,000,000	4.44%	-	-
Westpac	12,000,000	8.70%	12,000,000	8.87%	-	-
TOTAL TERM DEPOSITS	104,000,000	75.44%	103,000,000	73.31%	1,000,000	0.97%
MANAGED FUNDS						
TCorp	490,257	0.36%	490,257	0.36%	-	-
TOTAL MANAGED FUNDS	490,257	0.36%	490,257	0.36%	-	-
FUNDS AT CALL						
AMP	8,388,456	6.09%	8,384,919	6.20%	3,537	0.04%
AMP	1,062,584	0.77%	1,062,177	0.90%	407	0.04%
ANZ	6,790,605	4.93%	6,790,360	5.02%	245	0.00%
CBA	10,058,444	7.30%	8,489,630	6.28%	1,568,814	18.48%
CBA	7,061,953	5.12%	7,061,899	5.22%	54	0.00%
TOTAL FUNDS AT CALL	33,362,042	24.20%	3,788,985	23.50%	1,573,057	41.52%
TOTAL INVESTMENTS	137,852,299	100.00%	135,279,242	100.00%	2,573,057	1.90%

Other Internal Reserves (detail)

Other Internal Reserves	
Environmental & Noxious Weeds Projects	0.57%
Software Implementation Reserves	0.49%
Maclean & District Improvements	0.46%
Public Pool Improvements	0.41%
Coastal and Estuary Management	0.38%
Sporting Facilities Improvements	0.32%
Other Parks Improvements	0.31%
Floodplain Management Reserves	0.31%
Saleyards Asset Replacement	0.26%
Election Cost Reserve	0.18%
Insurance Reserves	0.14%
Emergency Services Reserves	0.12%
Strategic Development Programs	0.10%
Unspent General Loans	0.06%
Regional Development & Tourism Projects	0.03%
Council s7.11 Development Funds	0.02%
Public Toilet Refurbishment Program	0.02%
Community Cultural & Heritage Programs	0.02%
Miscellaneous Administrative Reserves	0.01%
Mobile & Public Library Projects	0.01%
CCS - General Fund	1.51%
Total Other Internal Reserves	5.73%

ITEM 07.22.050 INDEPENDENT COMMITTEE MEMBERS FOR THE AUDIT, RISK AND IMPROVEMENT COMMITTEE (ARIC)

Meeting	Council	22 March 2022
Directorate	Corporate & Governance	
Prepared by	Internal Audit Officer, Kallet Ward	
Attachments	A. Expression of Interest 1 (Confidential) B. Expression of Interest 2 (Confidential) C. Expression of Interest 3 (Confidential)	

SUMMARY

This report requires Council to consider the appointment of 2 independent committee members for the Audit, Risk and Improvement Committee (ARIC). The ARIC provides independent advice on council's risk management, control, governance, internal audit, organisational performance and external responsibilities.

OFFICER RECOMMENDATION

That Council

1. Appoint Barry Ford as an independent committee member of the Audit, Risk and Improvement Committee for the term of the Council.
2. Appoint Christine Tyler as an independent committee member of the Audit, Risk and Improvement Committee for the term of the Council.

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership

Objective We will have a strong, accountable and representative Government

KEY ISSUES

Council received three (3) expressions of interest for the position of an independent committee member to its Audit, Risk and Improvement Committee (ARIC).

The proposed appointment of Barry Ford and Christine Tyler as independent members of the ARIC is recommended as they both demonstrated in their expression of interest a range of skills, experience, and qualifications to fulfill the role. The three expressions of interest are detailed in the Confidential attachments.

Barry Ford has a Bachelor of Business (Accounting) with a Master of Business Administration and a Post Graduate Diploma in Strategic Management. He is a Chartered Accountant and Graduate Member of the Australian Institute of Company Directors. He has over thirty year's experience as a Board member dealing with all aspects of operations, strategic planning, financial and annual reporting.

In addition, Barry has over 8 years experience as an ARIC committee member. He is currently an ARIC member on other local Councils, and he has been the Chair of the Coffs Harbour City Council ARIC for 8 years.

Christine Tyler has an extensive industry experience in Finance, Business Accounting, Financial Planning, Banking, Business Management (small to medium size), Mortgage Broking, Sales (property), Tourism Construction, Risk management and Business Audits. She is currently the President of Maclean Business Chamber since July 2021 and prior she was the secretary since 2018.

Other roles include:

- Manager Director- Tailored Investment Solutions, Consolidated Credit Services Pty Ltd
- Credit Manager (Finance) - Finance Group Australia
- Accounting and Administration Manager- PowerCo Pty Ltd

A panel was formed, including, the Chair, Council's Internal Audit Officer and nominated Councillor to assist in the selection and recommended appointment of Barry Ford and Christine Tyler as independent committee members of the ARIC.

If Council adopts the recommendation to appoint Barry Ford and Christine Tyler as independent committee members of the ARIC, the CVC Audit, Risk and Improvement Committee will be established.

BACKGROUND

The Local Government Act (section 428A) requires each council to establish an Audit, Risk and Improvement Committee to continuously review and provide independent advice to the general manager and the governing body of the council on:

- whether the council is complying with all necessary legislation, regulations and other legal requirements
- the adequacy and effectiveness of the council's risk management framework, fraud and corruption prevention activities, financial management processes, and the council's financial position and performance
- the council's governance arrangements
- the achievement by the council of the goals set out in the council's community strategic plan, delivery program, operational plan and other strategies
- how the council delivers local services and how it could improve the performance of its functions more generally
- the collection of performance measurement data by the council, and
- any other matters prescribed by the Local Government Regulation (including internal audit).

The Committee meets four times throughout the year (additional extra-ordinary meetings may be called from time to time) and consists of three independent members (one of which is the chair) and 1 non-voting councillor (optional).

The ARIC independent committee member must:

- have integrity and demonstrate commitment to the independence of their role to provide with robust, objective, and unbiased advice about how the council is functioning.
- have high level of financial and business knowledge/ experience.
- have functional skills and experience in areas such as: business, financial and legal compliance, risk management, internal audit, IT skills/experience, another relevant subject matter.
- be eligible for prequalification as a committee member under the NSW Government's Prequalification Scheme: Audit and Risk Committee independent Chairs and Members (prequalification scheme).

COUNCIL IMPLICATIONS

Budget/Financial

The Independent Committee member fee rates are \$1,621 per meeting day.

A meeting day is defined as a minimum of three hours but is typically the equivalent of a normal business day. This includes preparation and meeting time.

Asset Management

N/A

Policy and Regulation

Local Government Act and Regulation

Consultation

The assessment of expressions of interest was conducted by the Internal Audit Officer, the Chair and the nominated Councillor in consultation with the A/Director Corporate & Governance and the recommendation advised to the A/General Manager.

Legal and Risk Management

The primary role of the ARIC is to provide independent assurance to Council in regard to risk management.

Climate Change

N/A

ITEM 07.22.051 CHECKLIST MEETING SCHEDULE - UPDATES ON ACTIONS TAKEN

Meeting	Council	22 March 2022
Directorate	Corporate & Governance	
Prepared by	Corporate Support Assistant, Karlie Chevalley	
Attachments	A. Outstanding checklist items from 22.2.22 ↓ B. Completed checklist items from 22.2.22 ↓ C. Past rolling checklist from 2019 - Jan 2022 ↓	

SUMMARY

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

OFFICER RECOMMENDATION

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

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership

Objective We will have a strong, accountable and representative Government

KEY ISSUES

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

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

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

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.

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy and Regulation

Local Government Act 1993 S355 (1)

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

ACTION SCHEDULE FROM COUNCIL MEETING

For Action - Open/Confidential - Outstanding

Meeting Date	Item No.	Report Title	Council Resolution	Officer	Comments	Status	ECM No
22/02/2022		Minutes of Extraordinary Meeting of Council dated 3 December 2021	That the Minutes of Extraordinary Meeting of Council dated 3 December 2021, copies of which have been circulated, be noted with the following amendments: 1. Remove 19:06 from Motion (page 2) 2. Add wording in italics (page 2): Point of Order (1) – Cr Toms - <i>Why are we going into confidential session as the Ombudsman's letter is not a Council document it is addressed to Mr and Mrs Cairns.</i> 3. Remove Point of Order (4 (could not be heard on microphone) (page 3) Point of Order (4) – Cr Lysaught – Cr Clancy is not speaking to the amendment. Clancy disagrees and asks not to be interrupted. The Chair rules against the point of order and asks Cr Clancy not to raise his voice and allows him to continue debate. 4. Amend time from 4.47pm - Council moved into open forum at 4.57pm. (page 3) 5. Amend spelling from Moition to Motion (page 4) 6. Amend Cr Baker to Cr Williamson in Point of Orders 11 and 12 (page 4) Point of Order (11) – Cr Clancy – Cr Baker Cr Williamson is totally out of line. The Chair upheld the Point of Order and advised Cr Baker Cr Williamson his words were a bit strong. 7. Add new Point of Order between Points of Orders 13 and 14 (page 4) Point of Order – Cr Williamson – Cr Novak, it is in the Proposed Motion that was signed by two Councillors. The Chair upheld the Point of Order 8. Remove the word Government (page 4) Point of Order (15) – Cr Baker - If the report tells us that there were discussions with Local Government Area Command comment then it is reporting something true and if Cr Toms says its untrue and can prove it then she is fine to do so if not then she is out of order. 9. Points of Orders to be renumbered as a result of deletion and additions. Further noting that Council's Minutes are not a transcript, they are an abbreviation of decisions made.	Debbie McGilvray		Outstanding	
22/02/2022		Motion	That letters of condolence be sent to the families of the late Frank Mack and Baillieu Myer.	Christine George		Outstanding	
22/02/2022	07.22.002	Significant Projects and allocation of Local Roads and Community Infrastructure Program	That Council 1. Adopt the priority order of the significant projects as identified in the attached significant projects book. 2. Refer the significant projects book to the Local State Member for Clarence and the Federal Member for Page. 3. Conduct annual reviews of the significant projects book as projects are funded and new ones are designed. 4. Make application for the allocation of Local Roads and Community Infrastructure Program funds totalling \$4,102,732 as follows: Clarence Valley Culture and Community Precinct (Maclean) - \$3,000,000 Pedestrian Access and Mobility Plan outcomes - \$500,000 Road renewal - \$602,732.	Jamie Fleeting	25 Feb 2022 4:52pm Laura Black - Reallocation Action reassigned to Jamie Fleeting by Laura Black - Lodgement of LRCIP applications. 25 Feb 2022 4:50pm Laura Black State and Federal Members notified of the resolution. Item referred to Director W&C to oversee lodgement of LRCIP applicaiton.	Outstanding	
22/02/2022	07.22.004	Lot 2 DP 839420 (2 Spring Street, South Grafton)	1. That the information in the report regarding progress with the disposal of Lot 2 DP 839420, be noted. 2. That Councillors be provided, in confidence, with full details of the contract sale.	Laura Black	25 Feb 2022 4:53pm Laura Black Legal advice sought but not received regarding distribution of cotntract prior to settlement.	Outstanding	

ACTION SCHEDULE FROM COUNCIL MEETING

For Action - Open/Confidential - Outstanding

		Disposal - Progress Report					
22/02/2022	07.22.006	MOD2021/0053 - Modify location of Advertising Sign - BP Service Station - 113 River Street, Maclean	That Council 1. Approve Section 4.55(1A) Application MOD2021/0053 to modify DA2014/0586 subject to the amended condition contained in Schedule 1. 2. Request the applicant to have a dimming mechanism from 10pm to 6am to reduce the impact on the neighbours including the caravan park and residents.	Carmen Landers	04 Mar 2022 10:12am Carmen Landers Draft modification completed. Waiting on applicant regarding condition on dimmer switch	Outstanding	
22/02/2022	07.22.007	DA2021/0558 - Multi Dwelling Housing (136 Dwellings, exhibition Home, Community Facilities & Associated Infrastructure) - No. 8 Park Avenue, Yamba	That Council note the submission of Council's Assessment Report to the Northern Regional Planning Panel for determination of DA2021/0558 for the proposed Multi Dwelling Housing development.	Carmen Landers	04 Mar 2022 10:12am Carmen Landers Noted	Outstanding	
22/02/2022	07.22.008	Clarence Valley Local Environmental Plan 2011. Housekeeping Amendment 2021. REZ2021/0005	That Council: 1. As the Planning Proposal authority, adopt the Planning Proposal for the Housekeeping Amendments 2021, reference REZ2021/0005, to the <i>Clarence Valley Local Environmental Plan 2011</i> (Attachment B); 2. As the Planning Proposal authority, advise the Department of Planning, Industry and Environment that Council will use the local plan-making delegations under Section 3.36 of the <i>Environmental Planning and Assessment Act 1979</i> to finalise the amendments to the <i>Clarence Valley Local Environmental Plan 2011</i> ; and 3. Explore opportunities for heritage interpretation in the Clarence Valley, particularly in association with relevant Council projects.	Deborah Wray		Outstanding	
22/02/2022	07.22.009	Draft Rural Lands Strategy - for Exhibition	That Council: 1. endorse the draft Rural Lands Strategy for public exhibition and associated community consultation and engagement; for a minimum of 28 days; 2. delegate authority to the General Manager to make any minor amendments to the draft Rural Land Strategy for publishing purposes prior to public exhibition; and 3. note that all submissions received, any recommended changes to the draft Rural Land Strategy and other supporting material will be reported to Council for approval following the exhibition period.	Stephen Timms		Outstanding	
22/02/2022	07.22.011	RFT 21/42 Evaluation Report - Supply and installation of additional Solar battery storage	That Council accept the tender from Jarcon Pty Ltd trading as Harelec Services for RFT 21/42 - PV Solar, Battery Storage and Standby Generator and car park shelter at the Rushforth Road Works Depot (RRWD) at a cost of \$855,363.64 (GST exclusive) to be funded from PJ 995188 CAP00241 RRWD Solar Power Upgrade and PJ 994653 Renewable Energy & Energy Efficiency.	Ken Wilson		Outstanding	

ACTION SCHEDULE FROM COUNCIL MEETING

For Action - Open/Confidential - Outstanding

22/02/2022	07.22.025	Property 113466 Sewer Connection Fee	That Council approve a variation to the 2021/22 adopted fees and charges for Property 113466 and only charge the "Sewer Connection Application" fee being \$279 and exclude the capital component fee of \$11,979.	Greg Mashiah		Outstanding	
22/02/2022	07.22.026	Notice of Motion to LGNSW Special Conference - Floodplain Maintenance Funding	That Council endorse the following Motion submitted to the LGNSW Special Conference: <i>That Local Government NSW lobbies the NSW Government to amend Section 59A and 191A of the Local Government Act to give councils power of entry to construct and maintain flood mitigation works.</i>	Greg Mashiah		Outstanding	
22/02/2022	07.22.027	Contract T20/21 - Shannon Creek Dam Remediation of Tailwater Dam - Foreshadowed Variation	That Council notes: 1. The foreshadowed variation for Contract T20/21 due to adverse ground conditions, and 2. The final variation will be included in the Q3 budget adjustment.	Greg Mashiah		Outstanding	
22/02/2022	07.22.033	Clarence and Lower Clarence Sports Committees – Minutes of Meetings	That Council receive and note the Minutes from Monday 15 November 2021 Clarence Sports Committee and Lower Clarence Sports Committee meetings.	Gavin Beveridge	25 Feb 2022 10:34am Gavin Beveridge Noted.	Outstanding	

ACTION SCHEDULE FROM COUNCIL MEETING

For Action - Open/Confidential - Completed

Meeting Date	Item No.	Report Title	Council Resolution	Officer	Comments	Status
22/02/2022	06.22.001	AMENDMENT to investment policy	That Council: 1. Include in the draft Investment Policy the following section: 5.11 Investments in Financial Institutions that do not support the Fossil Fuel Industry. Subject to consideration of the Risk Management Guidelines of this Policy, preference will be given to financial institutions that publicly state that they do not invest in or finance the fossil fuel industry if: a. The investment is compliant with Council's Investment Policy; b. The investment rate of return is equivalent to or more favourable to Council relative to other similar investments that may be offered to Council at the time of investment; c. It does not increase the overall risk of Council's investment portfolio and reduce the diversification with regards to counterparty, credit quality and its maturity profile. 2. Identify in the monthly investment Report investments that comply with the above, once the draft Investment Policy has been adopted. 3. Review the draft Policy and Strategy to reflect the current economic situation and place the documents on public exhibition for a period of 28 days and report to Council for consideration on completion.	Bligh Grant	03 Mar 2022 3:55pm Bligh Grant - Completion Completed by Bligh Grant (action officer) on 03 March 2022 at 3:55:07 PM - The policy and strategy have now been placed on public exhibition for the statutory period < https://www.clarence.nsw.gov.au/On-exhibition/Revised-Investment-Policy-Strategy >.	Completed
22/02/2022	07.22.001	General Manager's Performance Review Panel	That 1. Council nominate a Councillor to be the Council nominated representative on the General Manager's Performance Review Panel. 2. By Close of Business on Wednesday 23 February, the Acting General Manager advise the Council of the General Manager's nominated Councillor representative. 3. The draft Performance Management – General Manager Policy be placed on public exhibition for a period of 28 days and subject to there being no feedback that changes the intent of the amendment, it be adopted.	Laura Black	25 Feb 2022 4:50pm Laura Black - Completion Completed by Laura Black (action officer) on 25 February 2022 at 4:50:13 PM - A/GM advised councillors of selection 23/2/2022 per resolution. 25 Feb 2022 4:48pm Laura Black A/GM advised councillors of selection on 23/2/2022 per resolution.	Completed
22/02/2022	07.22.003	Draft Disaster Resilience Framework	That Council note 1. the information contained in this report. 2. the additional information provided by the consultant, being the Physical Climate Risk Assessment Summary for Policymakers and endorse the extension of the public exhibition period for the Draft Disaster Resilience Framework.	Laura Black	25 Feb 2022 4:53pm Laura Black - Completion Completed by Laura Black (action officer) on 25 February 2022 at 4:53:27 PM - Noted. 25 Feb 2022 4:53pm Laura Black Noted.	Completed
22/02/2022	07.22.005	DA2019/053 9 - Monthly Market - Harbour Street, Yamba (Whiting Beach Carpark)	That Council approve Development Application DA2019/0539 subject to the draft Advices and Conditions of Consent contained in Schedule 1.	James Hamilton	03 Mar 2022 3:18pm James Hamilton - Completion Completed by James Hamilton (action officer) on 03 March 2022 at 3:18:17 PM - determination issued 28/02/2022 and submitters advised of Council resolution. 28 Feb 2022 8:57am James Hamilton Notice of Determination issued and submitters notified of Council resolution.	Completed
22/02/2022	07.22.012	Advisory and section 355 committees establishment and	That Council: 1. adopt the recommended advisory committees be established. 2. call for an Expression of interest from the community for nomination to be on these advisory committees in accordance with the relevant Terms of Reference. 3. appoint councillor representatives for the following Advisory Committees:	Bligh Grant	03 Mar 2022 2:26pm Bligh Grant - Completion Completed by Bligh Grant (action officer) on 03 March 2022 at 2:26:25 PM - Recommendations 1-7 and recommendation 10 have been completed; Recommendation 8, i.e., formation of (i) a Biodiversity Advisory Committee and (ii) the	Completed

ACTION SCHEDULE FROM COUNCIL MEETING

For Action - Open/Confidential - Completed

		Councillor participation	<p>Clarence Coast & Estuary Management Committee – Clancy (Chair) and Smith (Councillor)</p> <p>Clarence Sports Committee – Novak (Chair) and Whaites (Councillor)</p> <p>Lower Clarence Sports Committee – Whaites (Chair) and Novak (Councillor)</p> <p>Clarence Valley Aboriginal Advisory Committee – 1 Chair and 4 Councillor</p> <p>Clarence Valley Access Committee – Toms (Chair) and Pickering (Councillor)</p> <p>Clarence Valley Climate Change Committee – Clancy (Chair) and Smith (alternate)</p> <p>Clarence Valley Community and Cultural Committee – Whaites (Chair) and Smith (Councillor)</p> <p>Saleyards (Grafton) Advisory Committee – Novak (Chair) and Johnstone (alternate)</p> <p>Floodplain Risk Management Committee – Novak (Councillor) and Tiley (alternate)</p> <p>4. adopt the recommended section 355 committees be established.</p> <p>5. call for an Expression of interest from the community for nomination to be on the section 355 committees in accordance with Terms of Reference.</p> <p>6. appoint councillor representation for the following External Committees: Bushfire Management Committee – Novak (Councillor) [Vote Novak – 6/Clancy – 3]</p> <p>Arts Northern Rivers – Pickering (Councillor)</p> <p>NPWS Iluka Community Consultation Forum – Toms (Councillor)</p> <p>7. appoint councillors representation for the following Statutory Committees: Clarence Regional Library – Toms & Johnstone (Councillors)</p> <p>Local Traffic Committee – Johnstone (Councillor) and Pickering (alternate)</p> <p>8. form a Biodiversity Advisory Committee and an Economic Development and Tourism Advisory Committee:</p> <p>a. with Terms of Reference being prepared for the March Workshop; and</p> <p>b. thereafter Expressions of Interest being called for membership; and</p> <p>c. appoint Clancy (Chair) and Johnstone (alternate) to the Biodiversity Advisory Committee</p> <p>d. appoint Day (Chair) and Smith (Councillor) representative to the Economic Development and Tourism Advisory Committee</p> <p>9. consider other advisory committees at future workshop to provide guidance on the preparation of Terms of Reference including proposed purpose and membership.</p> <p>10. defer establishment of the Clarence Valley Aboriginal Advisory Committee pending discussion with local Aboriginal communities and organisations.</p>		further establishment of the Economic Development and Tourism Advisory Committee are ongoing.	
22/02/2022	07.22.013	OLG Independent Review of Processes and Procedures for Councillor Misconduct:	<p>That Council make a submission to the Office of Local Government’s review of the councillor misconduct framework in NSW identifying the following points as detailed further in the report:</p> <ul style="list-style-type: none"> Clarify the gravity of misconduct to enable lower level breaches to be dealt with by the organisation to reduce costs a separate Code of Conduct is required for councillors and staff the General Manager should be removed from the initial handling of Code of Conduct complaints about elected members. the cost impact of Code of Conduct assessments. 	Bligh Grant	03 Mar 2022 3:02pm Bligh Grant - Completion Completed by Bligh Grant (action officer) on 03 March 2022 at 3:02:17 PM - This item has been emailed to the OLG as a submission to the Review. See ECM 2333263.	Completed

ACTION SCHEDULE FROM COUNCIL MEETING

For Action - Open/Confidential - Completed

		Information and Council Submission				
22/02/2022	07.22.014	Policy Report: Council reports for exhibition or endorsement	<p><i>That:</i></p> <ol style="list-style-type: none"> Council endorse the following policies to be placed on public exhibition and brought back to Council to be adopted, such policies are as follows: <ul style="list-style-type: none"> Code of Conduct policy V9 (Attachment A) Councillor Attendance at Conferences policy V5.1 (Attachment B) Draft Councillor and Staff Interaction Policy V4.0 (Attachment C) Draft Social Media policy V3.0 (Attachment D) Draft Internal Reporting and Public Interest Disclosures (PID) policy V1.0 (Attachment E) Draft Equal Employment Opportunity and Anti-Discrimination Policy V1 (Attachment G) Item 6, the Draft Managing Unreasonable Conduct by Complainants Policy V3 (Attachment F), be deferred and that the UCC Policy be the subject of a Councillors workshop. 	Bligh Grant	<p>03 Mar 2022 2:14pm Bligh Grant - Completion Completed by Bligh Grant (action officer) on 03 March 2022 at 2:14:14 PM - The following policies have now been placed on exhibition until 30/03/2022:</p> <p>25 Feb 2022 11:50am Alex Moar - Reallocation Action reassigned to Bligh Grant by Alex Moar - For exhibition Completed by Bligh Grant (action officer) on 03 March 2022 at 2:17:28 PM - The following policies have now been place on exhibition until 30/03/22: Code of Conduct 9.0; Social Media Policy 3.0; Performance Management GM-February; UCCV3; EEO & Anti-Discrimination V1; Councillor Attendance at Conferences V5.1; Councillor-Staff interaction policy 4.0; Internal Reporting & PIDs V1.0. See here < https://www.clarence.nsw.gov.au/On-exhibition >.</p>	Completed
22/02/2022	07.22.015	Independent Chair for the Audit, Risk and Improvement Committee (ARIC)	<p>That Council</p> <ol style="list-style-type: none"> appoint Neville Parsons as Chair of the Audit, Risk and Improvement Committee for the term of the Council. seek the assistance of the Chair in assessing and recommending appointment of other independent members of the Audit, Risk, and Improvement Committee. appoint a councillor as an observer to the Audit, Risk, and Improvement Committee for the term of the council. <p>That Cr Johnstone be appointed as the observer to the Audit, Risk, and Improvement Committee for the term of the council.</p>	Kallet Ward	<p>08 Mar 2022 11:18am Kallet Ward - Completion Completed by Kallet Ward (action officer) on 08 March 2022 at 11:18:04 AM - Completed</p> <p>08 Mar 2022 11:11am Kallet Ward COUNCIL RESOLUTION - 07.22.015a, Noted. Cr Johnstone has been accepted as the observer of the ARIC</p> <p>08 Mar 2022 11:01am Kallet Ward COUNCIL RESOLUTION - 07.22.015, 1. Neville Parsons has accepted the offer to be the chair of the ARIC. 2. Noted. Chair has been assisting with the appointment of other independent members, 3. Noted. Cr Johnstone has been appointed as the observer of the ARIC</p>	Completed
22/02/2022	07.22.016	2021/2022 Special Events Sponsorship Program - Round 2	That Council adopt the recommendations for the provision of funding to applicants as listed in the attached schedule to the value of \$37,250 and authorise the processing of these sponsorships in accordance with the adopted Event Sponsorship Policy.	Alicia Savelloni	<p>04 Mar 2022 11:43am Alicia Savelloni - Completion Completed by Alicia Savelloni (action officer) on 04 March 2022 at 11:43:14 AM - Sponsorship agreements sent to all applicants.</p> <p>02 Mar 2022 4:01pm Alicia Savelloni Sponsorship agreements sent to all applicants for signing. Action complete.</p>	Completed
22/02/2022	07.22.017	Draft Community Strategic Plan 'The Clarence 2032' for exhibition	That Council endorse the Draft Community Strategic Plan 'The Clarence 2032' for public exhibition until 6 May 2022.	Alex Moar	<p>03 Mar 2022 12:52pm Alex Moar - Completion Completed by Alex Moar (action officer) on 03 March 2022 at 12:52:52 PM - CSP placed on exhibition until 16/5/22</p> <p>03 Mar 2022 12:49pm Alex Moar - Email Action Item - Draft Community Strategic Plan 'The Clarence 2032' for exhibition</p>	Completed

ACTION SCHEDULE FROM COUNCIL MEETING

For Action - Open/Confidential - Completed

22/02/2022	07.22.018	Council Meeting Checklist - Update on Actions Taken	That the schedule of actions taken on Council resolutions be noted and those resolutions marked as complete be removed from the checklist.	Karlie Chevalley	24 Feb 2022 3:53pm Karlie Chevalley - Completion Completed by Karlie Chevalley (action officer) on 24 February 2022 at 3:53:23 PM - Items updated 24 Feb 2022 3:51pm Karlie Chevalley Items being updated.	Completed
22/02/2022	07.22.019	2021/22 Quarterly Budget Review Statement - December 2021	That Council: 1. Receive and note the information in the Quarterly Budget Review Statement to December 2021. 2. Approve General Fund variations detailed in this report totalling (\$187,000), which results in a projected General Fund budget surplus of \$72,608 for the year. 3. Approve the variations for the Financial Reserves as detailed in this report totalling \$10,000, which results in a projected decrease in the External and Internal Reserves Funds of \$31,611,783. 4. Note and endorse the receipt of funds due to successful grant applications as detailed in the body of this report.	Kate Maginnity	04 Mar 2022 8:17am Kate Maginnity - Completion Completed by Kate Maginnity (action officer) on 04 March 2022 at 8:17:38 AM - Noted - Budget Variations processed in Corporate Systems accordingly	Completed
22/02/2022	07.22.020	2020/21 Audited Financial Statements	That Council receive and note the Audited 2020/21 Annual Financial Statements.	Kirsty Gooley	04 Mar 2022 1:17pm Kirsty Gooley - Completion Completed by Kirsty Gooley (action officer) on 04 March 2022 at 1:17:12 PM - Noted	Completed
22/02/2022	07.22.021	Monthly Investment Report - November 2021	That the report indicating Council's funds investment position as at 30 November 2021 be received and noted.	Kirsty Gooley	04 Mar 2022 1:17pm Kirsty Gooley - Completion Completed by Kirsty Gooley (action officer) on 04 March 2022 at 1:17:21 PM - Noted	Completed
22/02/2022	07.22.022	Monthly Investment Report - December 2021	That the report indicating Council's funds investment position as at 31 December 2021 be received and noted.	Kirsty Gooley	04 Mar 2022 1:17pm Kirsty Gooley - Completion Completed by Kirsty Gooley (action officer) on 04 March 2022 at 1:17:28 PM - Noted	Completed
22/02/2022	07.22.023	Monthly Investment Report - January 2022	That the report indicating Council's funds investment position as at 31 January 2022 be received and noted.	Kirsty Gooley	04 Mar 2022 1:17pm Kirsty Gooley - Completion Completed by Kirsty Gooley (action officer) on 04 March 2022 at 1:17:34 PM - Noted	Completed
22/02/2022	07.22.024	2021/2022 Operational Plan - Quarterly Review as at 31 December 2021	That the Quarterly Operational Plan outcomes as at 31 December 2021 be noted.	Alex Moar	11 Mar 2022 9:38am Alex Moar - Completion Completed by Alex Moar (action officer) on 11 March 2022 at 9:38:31 AM - Noted 03 Mar 2022 2:56pm Alex Moar - Target Date Revision Target date changed by Alex Moar from 08 March 2022 to 08 March 2022 - To be place on website 03 Mar 2022 2:23pm Alex Moar - Email Action Item - 2021/2022 Operational Plan - Quarterly Review as at 31 December 2021	Completed
22/02/2022	07.22.028	Classification of Lot 179 DP1279607	That Council proceed with classifying Lot 179 in DP 1279607 as Operational Land.	Eloise Casson	03 Mar 2022 3:19pm Eloise Casson - Completion	Completed

ACTION SCHEDULE FROM COUNCIL MEETING

For Action - Open/Confidential - Completed

		as Operational			Completed by Eloise Casson (action officer) on 03 March 2022 at 3:19:13 PM - Noted. Records have been updated.	
22/02/2022	07.22.029	Proposed Road Closure - Part Road Reserve Off Orara Way, Glenreagh	<ol style="list-style-type: none"> 1. That Council <ol style="list-style-type: none"> i. permanently close part of the road reserve off Orara Way, Glenreagh, adjoining Lot 4 DP 247797 (figure 1) ii. classify the newly created lot as 'operational' land iii. transfer the newly created lot to the adjoining landowner for \$10,000.00 plus GST if applicable iv. affix the Common Seal to the survey and transfer documentation v. authorise the General Manager to execute all documents related to the closure and sale to affect the above requirements. 2. That the Landowner meet all costs associated with the road closure. 	Eloise Casson	03 Mar 2022 3:19pm Eloise Casson - Completion Completed by Eloise Casson (action officer) on 03 March 2022 at 3:19:24 PM - Noted. Applicants have been notified and Solicitor engaged to prepare the DOA.	Completed
22/02/2022	07.22.030	Proposed Road Closure - Part Skinners Road, Pillar Valley	<ol style="list-style-type: none"> 1. That Council <ol style="list-style-type: none"> i. permanently close part of Skinners Road, Pillar Valley, adjoining Lot 1 DP 240931 (Figure 1) subject to a survey confirming that the shed located on Lot 185 DP 709485 is not encroaching onto the road reserve. ii. classify the newly created lot as 'operational' land. iii. Transfer the newly created lot to the adjoining landowner for \$3,000.00 plus GST if applicable and consolidate with the applicant's adjoining Lot. iv. affix the Common Seal to the survey and transfer documentation. v. authorise the General Manager to execute all documents relating to the closure and sale to affect the above requirements. 2. The landowner is to meet all costs associated with the road closure. 	Eloise Casson	03 Mar 2022 3:19pm Eloise Casson - Completion Completed by Eloise Casson (action officer) on 03 March 2022 at 3:19:30 PM - Noted. Applicants have been notified and Solicitor engaged to prepare the DOA.	Completed
22/02/2022	07.22.031	Proposed Road Closure - Part Chatsworth Street, Maclean	<ol style="list-style-type: none"> 1. That Council, <ol style="list-style-type: none"> i. permanently close part of Chatsworth Street, Maclean, adjoining Lot 351 DP 1269387 (figure 1) ii. classify the newly created lot as 'operational' land iii. transfer the newly created lot to the adjoining landowner for \$8,000.00 plus GST if applicable and consolidate with Lot 351 DP 1269387 iv. affix the Common Seal to the survey and transfer documentation v. authorise the General Manager to execute all documents related to the closure and sale to affect the above requirements. 2. That the landowner meet all costs associated with the road closure 	Eloise Casson	03 Mar 2022 3:19pm Eloise Casson - Completion Completed by Eloise Casson (action officer) on 03 March 2022 at 3:19:35 PM - Noted. Applicants have been notified and Solicitor engaged to prepare the DOA.	Completed
22/02/2022	07.22.032	Proposed Road Closure - Part Tancred Lane, Clarenza	<ol style="list-style-type: none"> 1. That Council <ol style="list-style-type: none"> i. permanently close part of Tancred Lane, Clarenza, bisecting Lot 6 DP748364 (figure 1) ii. classify the newly created lot as 'operational' land iii. transfer the newly created lot to the adjoining landowner for \$3,000.00 plus GST if applicable and consolidate with Lot 6 DP748364 iv. affix the Common Seal to the survey and transfer documentation v. authorise the General Manager to execute all documents related to the closure and sale to affect the above requirements. 2. The landowner is to meet all costs associated with the road closure 	Eloise Casson	03 Mar 2022 3:19pm Eloise Casson - Completion Completed by Eloise Casson (action officer) on 03 March 2022 at 3:19:40 PM - Noted. Applicants have been notified and Solicitor engaged to prepare the DOA.	Completed

ACTION SCHEDULE FROM COUNCIL MEETING – 15 December 2020

STATUS LEGEND: A – Action required; B – Being progressed; C – Completed

Meeting Date	Item No.	Report Title	Council Resolution	Officer	Actioned Date	Comments	Status
22/10/19	6a.19.027	Strategic Road Improvement Reserve	That Council: 1. Undertake further analysis to identify specific projects on Clarence Way, Armidale Road and Orara Way for future funding. 2. Undertake Route Corridor Reviews into all of the identified sealed roads and prioritise the project outcomes from these reviews. 3. Undertake further technical and Benefit Ratio assessments of all unsealed roads to develop a prioritised road upgrading list. 4. Allocate up to \$150,000 to be equally funded from Section 7.11 and recurrent funds to undertake a high-level feasibility assessment for a bypass of Yamba along the reserved corridor.	Jamie Fleeting / Adam Cameron	9/12/19 31/08/20 21.12.21	AD - Items 1, 2 and 3 are in progress. AD - Items 1, 2 and 3 are still in progress. AC – Item 4 - Work on scoping the required technical studies has commenced. JF – Item 1 Clarence Way Sealing to commence 2022 (Smartygrants \$4m) Armidale Road has been identified under priority round 1 by TfNSW for transfer (regional to State road management) An application for Bluff bridge (Orara Way) replacement has been submitted under Fixing Country bridges (FCB) Item 2 – A condition assessment for CVC sealed road network is due early in 2022 that will guide preparation of a forward works program. May 2021 Business paper (6c.21.067) outlines roads strategy for both unsealed and sealed road network. Item 3 – Refer Unsealed roads Material Trials – update report March 2021 (Item 6c.21.032)	B
17/12/19	6c.19.100	Acquisition of Part Crown Reserve for Stormwater Infrastructure	That Council: 1. Acquire an easement over the stormwater pipes located on Lot 3 DP 1005547. 2. Enter into a Deed of Agreement with the landowner of Lot 104 DP 1047026 setting out that the landowner is to meet all costs associated with the acquisition and that the easement will be registered separately to the subdivision.	Kylee Baker Elle Casson / Paula McLennan	6/2/2020 22/6/20 3/8/2020 31/08/2020 29/09/2020 7/12/2020 30/4/2021 30/8/2021 23/12/2021 07/03/2022	No action commenced yet. PWA engaged to action. Waiting on deed of agreement. Deed of agreement executed. Application lodged with Crown Lands for consent. Application is with Crown Lands for consideration. Application is with Crown Lands for consideration. Application is with Crown Lands for consideration Waiting on Crown Lands for consideration No updates No updates No Updates	B

ACTION SCHEDULE FROM COUNCIL MEETING – 15 December 2020

STATUS LEGEND: A – Action required; B – Being progressed; C – Completed

17/12/19	6c.19.101	Acquisition of Land for Road Purposes	<p>That Council:</p> <ol style="list-style-type: none"> 1. Acquire part Lots - Lot 96 DP 751373, Lot 1 DP 826316, Lot 501 DP 703273, Lot 113 DP 751373, Lot 4 DP 746328, Lot 5 DP 115528 and Lot 5 DP 746328 at Harwood as public road. 2. Acquire Lots 1-2 DP 126896 and part Lots – Lot 1 DP 435557 and Lot 2 DP 523333 at Palmers Island as public road. 3. Acquire part Lots – Lot 101 DP 1188377, Lot 2 DP 576021, Lot 1 DP 1078824 at Yamba as public road. 4. Meet all survey and legal costs. 5. Delegate authority to the General Manager to execute the documents associated with the survey and acquisition of the above mentioned Lots. 	<p>Kylee Baker Elle Casson / Paula McLennan</p>	<p>6/2/2020 22/6/20 3/8/2020 31/08/2020 29/09/2020 7/12/2020 30/4/2021 30/8/2021 23/12/2021 07/03/2022</p>	<p>Matters progressing. Landowners consulted. Some at survey stage. Harwood – pending survey Palmers Island – contracts to exchange Yamba – pending survey</p> <p>Matters progressing. Landowners consulted. Some at survey stage. Harwood – pending registration of survey plans Palmers Island – contracts exchanged. Settlement pending. Yamba – pending survey commencement.</p> <p>Harwood – pending registration of survey plans Palmers Island – contracts exchanged. Settlement pending. Yamba – Surveyor engaged and survey in progress</p> <p>Harwood – pending registration of survey plans Palmers Island – completed. Yamba – currently being surveyed</p> <p>No further progress</p> <p>Harwood – 1 complete. 2 pending registration of survey plans 1 pending finalisation by solicitor Palmers Island – complete. Yamba – 1 landowner still negotiating agreement</p> <p>1 plan registered solicitor finalising</p> <p>Harwood – 2 complete. 1 pending registration of survey plans 1 pending finalisation by solicitor Palmers Island – complete.</p> <p>Yamba – 1 landowner still negotiating agreement 1 complete No update</p> <p>Yamba – 1 Plan finalised. 2 survey plans completed, waiting on agreement from the tenant of one plan before registering both</p>	<p>B</p>
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ACTION SCHEDULE FROM COUNCIL MEETING – 15 December 2020

STATUS LEGEND: A – Action required; B – Being progressed; C – Completed

17/12/19	6c.19.102	Closure and Sale of Part Queen Street Iluka Road Reserve – Concept Design Plan	That: 1. Council approve the concept design plan as per Attachment A subject to: a) A minimum of 40 car parking spaces being provided as public car parking area. b) The car parking area being constructed to Council standards and including kerb and guttering. c) The inclusion of suitable street landscaping. d) A foot path being incorporated into the design. e) The existing water main being relocated. f) The construction of the car parking being completed within 5 years from the date of settlement of the transfer of the road reserve or as part of the development of the premise on the adjoining land Lots 4-5 Section 2 DP 758535, whichever occurs first. 2. Council proceed with the closure, survey and sale of the road reserve as per Points 1-7 of Item 15.216/18 of 11 December 2018 meeting. 3. Income received from the sale of the road be retained for roadworks within the village of Iluka.	Kylee Baker Elle Casson / Paula McLennan	23/12/19 6/2/2020 22/6/20 3/8/2020 31/08/2020 29/09/2020 7/12/2020 30/4/2021 30/8/2021 23/12/2021 07/03/2021	CB - Future budget variation noted to account for income relating to 3. KB – Applicant advised. Solicitor is preparing legal documents Pending legal documents. KB – Contracts executed. To be exchanged and then survey commenced. KB - Contracts exchanged. Surveyor engaged and survey in progress. KB – Surveyor engaged and survey in progress Currently being surveyed KB – closure survey registered, closure gazetted, pending survey for lot consolidation Lots consolidated, pending settlement Landowners passed away, waiting for probate to be granted so that the matter can settle Waiting on new amended Contract from Solicitor with updated purchaser details	B
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Item No.	Report Title	Council Resolution – 28 July 2020	Officer	Date	Comments	Status
6a.20.026	Market Scoping Study - Harwood Marine Precinct	That Council: 1. Notes it continues in-principle support for the establishment of Clarence Valley marine-related industry including the current basic concept of a Harwood Marine Precinct. 2. Advise the Department of Regional NSW that it will make no contribution toward a Market Sounding or any market development initiatives on the basis that Council considers the cost of private developer market research should not be met by Council. 3. Receive a report at the earliest opportunity outlining the constraints and opportunities of a marine precinct in the Clarence Valley.	Adam Cameron	6/10/20	Have met with Harwood Marine who have engaged a consultant (their funds) to prepare a plan to stage development of the newly zoned land dealing with flooding (some fill needed) and other infrastructure provision issues for the site	B

Item No.	Report Title	Council Resolution 27 October 2020	Officer	Date	Comments	Status
6c.20.153	Disposal of Council Property – Lot 1 DP 1154607 Known as Flood Levee Grafton	That Council 1. Subdivide Lot 1 DP 1154607 into lots matching the current lot layout and register on title an appropriate easement for access and protection of flood infrastructure, 2. Approach adjoining landowners to purchase the adjacent lot as per the terms set out in the confidential attachment A. 3. Delegate authority to the General Manager to execute documents associated with the subdivision and transfers.	Kylee Baker Elle Casson / Paula McLennan	7/12/2020 30/4/2021 30/8/2021 23/12/2021 07/03/2022	Solicitor engaged, preparing letters of offer Pending final figures from surveyor so GM can liaise with landowner representative Landowners agreed. Solicitor finalising deed of agreement. Landowners have entered into the deed of agreement & monies have been paid. Surveyor has been instructed to finalise the 88b. No update	B

ACTION SCHEDULE FROM COUNCIL MEETING – 15 December 2020

STATUS LEGEND: A – Action required; B – Being progressed; C – Completed

Item No.	Report Title	Council Resolution 15 December 2020	Officer	Date	Comments	Status
6b.20.096	Review of Grafton and South Grafton Flood Planning Level (or Residential Habitable Floor Level Requirements) & Amendment to Development Control Plans	That: 1. The floodplain management provisions for all lots approved by development application after the adoption of the amended floodplain management provisions in all relevant Clarence Valley Development Control Plans are amended to require that: i. all new residential development must have a primary habitable floor level of a minimum of 500mm above the 1% flood height for the site of the development; and ii. flood compatible building materials be used for any part of such premises that are below the level of the minimum primary habitable floor level; and iii. any other necessary amendments to effect these changes are drafted; 2. The proposed DCP amendments are publicly exhibited for a period of at least 28 days; 3. A report be prepared for Council's consideration as soon as practical after completion of the public exhibition period; and 4. Advice of Council's resolution on the abovementioned report be referred to the CVC Floodplain Committee for information.	Scott Lenton	12/1/21 6/9/21	Preparation of draft DCP amendments to be commenced in late-January. Public exhibition will follow once draft DCP completed. Preparation of Draft DCP delayed due to other strategic planning priorities. Effect of Council resolution does not result in substantive change to existing DCP controls.	B
6b.20.098	Ngayundi Yamba Sports Complex – Draft Plan of Management	That Council: 1. Authorise the General Manager to refer the draft plan to the NSW Department of Planning, Industry and Environment (DPIE) as owner of Ngayundi Yamba Sports Complex (Reserve 98072) for comment using Form B (<i>Notice of plan of management for Crown reserve—Alteration of categorisation or additional/new categorisation</i>); 2. Place the draft plan of management on public exhibition (after it has been returned by DPIE and any corrections regarding Ngayundi Yamba Sports Complex are made) for a period not less than 28 days as required under the <i>Local Government Act 1993</i> . 3. Conduct a public hearing regarding the proposed addition of extra categories of 'community' land effectively altering the category(s) assigned by the Minister. 4. Accept submissions on the draft plan of management for a period not less than 42 days from the date the plan is placed on public exhibition as required under the <i>Local Government Act 1993</i> . 5. Prepare a report to Council on the draft plan of management in consideration of public submissions after the public exhibition period has closed for consideration of its adoption or re-exhibition as per the requirements of section 40 of the <i>Local Government Act 1993</i> .	Danny Parkin	22/12/2020 3/03/2021 8/04/2021 6/6/2021 6/7/2021 Early August 2021 30/8/2021 24/12/21	1. Draft POM referred to DPIE under the A/GMs signature 2-5. In progress – still waiting on Crown Lands to review and give permission to place draft PoM on public exhibition Crown Lands have advised that there are 21 draft PoMs in front of Council's PoM – no date given for when they expect to review draft PoM Advised by Crown Lands that the draft PoM had progressed in the queue Sent request for update on progress – no reply received Spoke with Jane Adam who advised that the draft PoM was still in the queue No change from above entry. Significant delay in turnaround of Draft PoM (ie 9 months). Staff regularly follow-up status with DPIE. PoM on exhibition until 17 Jan 2022	B

ACTION SCHEDULE FROM COUNCIL MEETING – 26 October 2021

STATUS LEGEND: A – Action required; B – Being progressed; C – Completed

Item No.	Report Title	Council Resolution – 30 March 2021	Officer	Date	Comments	Status
6a.21.012	Unauthorised Freedom Camping Program - Extension and Conclusion of Working Group	That: <ol style="list-style-type: none"> Council allocate budget of \$3,000 for two Variable Messaging Signs (VMS) for use over Easter holidays to be funded from Ranger Operations – contractors (PJ 994190-7353-2201). Council approve the installation of “No Parking Midnight-5am” signage along Clarence Street near Flinders Park to be funded from Parks Signage Renewals (PJ 550203). Council consider “No Parking Midnight-5.00am” signage along The Crescent at Angourie as part of a future parking study. The Working Group on Campers group conclude following the proposed May 2021 meeting. Council convey its deepest thanks to the staff and community participants on this committee for the work and time they committed to assist with an issue that has become a problem in many of our towns and villages during holiday periods. 	Adam Cameron	27/4/21	VMS advanced warning signs installed over Easter using available resources and budgets Clarence Street signage is currently scheduled to be implemented in May 2021 May 2021 meeting of Working Group on Campers to be arranged	B
6a.21.014	Acquisition of Part Reserve 95853 Grafton – Part Frank McGuren Park	That Council: <ol style="list-style-type: none"> Proceed with the compulsory acquisition of the land described as Lots 1 and 2 DP 1270948 being part of Lots 197 and 202 DP 751371 for the purpose of resolving the existing encroachment of a Council owned building on Crown Land in accordance with the requirements of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>. Agree to the acquisition by agreement in accordance with the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> for an agreed value of \$78,300.00 (including GST). Make an application to the Minister and the Governor for approval to acquire Lots 1 and 2 DP 1270948 being part of Lots 197 and 202 DP 751371 by compulsory process under section 186(1) of the <i>Local Government Act 1993</i>. Classify the land as operational land. 	Kylee Baker Elle Casson / Paula McLennan	30/4/2021 30/8/2021 17/12/2021	Crown Lands accepted compensation. Application to Minister being prepared for acquisition. Pending legal advice on Native Title. PAN's have been issued by the solicitor & 90 day notice period commenced	B
6c.21.025	Permanent Road Closures – Unused Roads off Boormans Lane Southgate	That Council: <ol style="list-style-type: none"> Note the requirement for preservation of dwelling eligibility for Dwelling-Eligible Lots that would otherwise lose that eligibility on 23 December 2021 under CVC LEP 2011 is: Development Application for dwelling on the applicant's Lot 78 DP 851836 must be lodged with Council on or before 23 December 2021, and further notes that is contrary to the advice shown in the report Key Issues part of paragraph 2 wherein it is stated: “..... requires a development application for a dwelling to be lodged and approved prior to this date.” Approve the closure of the roads and subsequent sale to the applicant subject entirely to the applicant giving to Council an irrevocable undertaking to register on the applicant's title or titles a Limited Right of Way that allows access only when Grafton-Lawrence Road is closed during times of a local emergency. Transfer the 2 closed roads to the applicant on receipt of the irrevocable undertaking required at point 2 of this resolution at a consideration of one-tenth of the amount shown in the confidential attachment with the reduction in consideration given to partially account for the cost of preparation and registration of the Limited Right of Way. 	Kylee Baker Elle Casson / Paula McLennan	30/4/2021 30/8/2021 17/12/2021 07/03/2022	Crown Lands accepted compensation. Application to Minister being prepared for acquisition. Pending legal advice on Native Title. PAN's have been issued by the solicitor & 90 day notice period commenced No update	B

ACTION SCHEDULE FROM COUNCIL MEETING – 26 October 2021

STATUS LEGEND: A – Action required; B – Being progressed; C – Completed

Item No.	Report Title	Council Resolution – 27 April 2021	Officer	Date	Comments	Status
6b.21.017	Clarence Valley Council Generic Plan of Management (Draft)	<p>That Council:</p> <ol style="list-style-type: none"> Note the preparation of this draft <i>Clarence Valley Community Land, Crown Reserves and other Public Places Generic Plan of Management 2021 – 2030</i> (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. 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 <i>Initial categorisation – written notice of assigned categorisation form</i>. 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 (<i>Notice of plan of management for Crown reserve—Alteration of categorisation or additional/new categorisation</i>) to alter the categories assigned to particular Crown reserves detailed at Schedule 2AA of the draft generic PoM. 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. 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 <i>Local Government Act 1993</i>. 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). 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 <i>Local Government Act 1993</i>. 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 <i>Local Government Act 1993</i>. 	Danny Parkin & Jasmine Oakes	28/4/2021 10/5/2021 24/6/2021 30/8/2021 24/12/21	<p>1. Noted</p> <p>2. 3 & 4. Letter signed by GM sent to DPIE for Ministerial consideration and consent to matters listed</p> <p>5 – 8. In progress waiting on DPIE Council CLM unit to process/reply to Council</p> <p>5 – 8. In progress waiting on DPIE Council CLM unit to process/reply to Council. Staff regularly follow-up status with DPIE.</p> <p>5 – 8. Remains in progress</p>	B
6c.21.065	Acquisition of Land for Road Purposes - McIntyres Lane, Gulmarrad	<p>That Council:</p> <ol style="list-style-type: none"> Acquire part of Lot 2 DP 327815 for road purposes (approximately 1828m²) and offer a compensation amount as detailed in the confidential attachment. Replace and reinstate the affected fence to a standard agreed with the landowner. Delegate authority to the General Manager to execute all documents associated with the land acquisition. 	Dylan Kelly	1/02/22 9/6/21 2/9/21	<p>Subdivision certificate received.</p> <p>Acquisition process started.</p> <p>Acceptance from landowner. Survey and property team progressing.</p>	B
6b.21.038	Draft Fisher Park Plan of Management	<p>That Council:</p> <ol style="list-style-type: none"> Note the preparation of the draft plan of management for Fisher Park, Grafton; Place the draft plan of management on public exhibition for a period of not less than 28 days as required under the <i>Local Government Act 1993</i>; Accept written submissions on the draft plan of management for a period of not less than 42 days from when the plan of management is placed on public exhibition as required under the <i>Local Government Act 1993</i>; and Adopt the draft plan of management at the end of the exhibition period provided there is no submission received that requires a review of the intent and substantial changes to be made to the draft plan of management, as exhibited. 	Danny Parkin	25/6/2021 25/6/2021 30/8/2021 17/1/2022	<p>1. Noted</p> <p>2-3. Draft Fisher Park PoM placed on public exhibition from 25 June until 9 August 2021</p> <p>4. Submissions still being reviewed and amendments to draft plan being made</p> <p>4. Waiting on Open Spaces to provide advice on encroachment of tennis complex on adjoining Showground</p>	B

ACTION SCHEDULE FROM COUNCIL MEETING – 26 October 2021

STATUS LEGEND: A – Action required; B – Being progressed; C – Completed

Item No.	Report Title	Council Resolution – July 2021	Officer	Date	Comments	Status						
6b.21.052	Planning Proposal REZ2021/0001 - Lot 2 DP 839420, 2 Spring Street, South Grafton	That Council: 1. As the Planning Proposal Authority, endorse the planning proposal and seek a Gateway Determination to amend the Clarence Valley Local Environmental Plan 2011 to rezone Lot 2 DP 839420, 2 Spring Street, South Grafton from SP3 Tourist to B5 Business Development; 2. Forward the planning proposal to the Department requesting a 'Gateway' Determination, pursuant to Section 3.34 (1) of the Environmental Planning and Assessment Act 1979; and 3. Not seek to be the local plan-making authority for this matter under Section 3.36 of the Environmental Planning and Assessment Act 1979.	Ferry Dwyer Stephen Timms	31/08/21 24/12/21	The matter was lodged with DPIE via the NSW Planning Portal on 6 August 2021 and then again on 23 August 2021. Awaiting assessment and issue of Gateway determination. Gateway rec. 24/9/21. Soil contamination report required as a condition – rec. Dec 21; to be exhibited Jan 22.	B						
6b.21.054	Clarenza Urban Release Area Draft DCP and Road Contributions Plan	That Council: 1. Endorses the Draft DCP Chapter for Clarenza Urban Release Area and places the Draft DCP on public exhibition in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000. 2. Provides notification of the Draft DCP to property owners within and adjacent to the Clarenza Urban Release Area (URA) and other relevant stakeholders; and 3. Prepares a Contributions Plan to enable developer contributions to be collected (on a per lot basis) to cover costs associated with preparation of the Contributions Plan and the future construction of the proposed link road connecting the north and south villages of the Clarenza URA.	Deborah Wray/ Scott Lenton	22/12/21 7/3/2022	The Draft DCP was placed on public exhibition from 30 August to 27 September 2021 and now has the status of a Draft DCP under the EPA Act 1979. 6 Submissions were received. These will be reported to a Council meeting in 2022. Budget funding will be required for the preparation of a contributions plan and design of the proposed link road. A report will be prepared for future Council report but it is still waiting for input from Engineering.	B						
6b.21.055	Clarence Valley Local Environmental Plan 2011 – Proposed Housekeeping Amendment 2021	That Council as the Planning Proposal authority: 1. Prepare a Planning Proposal for CVLEP Housekeeping Amendments 2021 for the matters described in Schedule 1; 2. Forward the Planning Proposal to the Department of Planning Industry and Environment requesting a Gateway Determination, pursuant to Section 3.34 (1) of the Environmental Planning and Assessment Act 1979; and 3. Advise the Department that should the Gateway Determination allow the Planning Proposal to proceed, that it will accept any local plan-making delegations offered under Section 3.36 of the Environmental Planning and Assessment Act, 1979.	Ferry Dwyer Stephen Timms	5/08/21 31/8/21 24/12/21	Planning Proposal to be drafted for submission to DPIE via the NSW Planning Portal. Planning Proposal currently being drafted for submission to DPIE via the NSW Planning Portal. Exhibition completed Dec 21; submission assessment pending	B						
6c.21.098	Naming of Road "Shirley Adams Way"	That Council 1. Receive and note the information provided in the report, regarding progress with naming the roadway on the Summerland Way from the roundabout on Big River Way, South to the traffic lights at the Clarence Street intersection "Shirley Adams Way". 2. Once the process of naming the new Grafton Bridge is complete, Council proceed to name the roadway on the Summerland Way from the roundabout on Big River Way, South Grafton to the traffic lights at the Clarence Street intersection "Shirley Adams Way".	Jamie Fleeting									
6b.21.060	Proposed LEP Amendment to Correct Error in Land Descriptions for 3 Council Owned Lots at Swan Creek	That: 1. Council prepare a request to consider an expedited amendment under Section 3.22 of the Environmental Planning and Assessment Act 1979 (the Act) which aims to correct the land descriptions for three (3) lots at Swan Creek in Schedule 4 Classification and reclassification of public land, Part 1 Land classified, or reclassified, as operational land - no interests changed of the CVLEP 2011, as indicated below: <table border="1" data-bbox="645 1246 1323 1308"> <thead> <tr> <th>Locality</th> <th>Change from</th> <th>Change to</th> </tr> </thead> <tbody> <tr> <td>Swan Creek</td> <td>Lot 1, DP 1109372, being the residence at School Drive</td> <td>Lot 1, DP 1190372, being the residence at School Drive</td> </tr> </tbody> </table>	Locality	Change from	Change to	Swan Creek	Lot 1, DP 1109372, being the residence at School Drive	Lot 1, DP 1190372, being the residence at School Drive	Ferry Dwyer Stephen Timms	9/9/21 7/3/2022	No action taken as of 9/9/21. Investigation to commence from new officer.	A
Locality	Change from	Change to										
Swan Creek	Lot 1, DP 1109372, being the residence at School Drive	Lot 1, DP 1190372, being the residence at School Drive										

ACTION SCHEDULE FROM COUNCIL MEETING – 26 October 2021

STATUS LEGEND: A – Action required; B – Being progressed; C – Completed

Item No.	Report Title	Council Resolution – August 2021	Officer	Date	Comments	Status																		
		<table border="1"> <tr> <td>Swan Creek</td> <td>Lot 2, DP 1109372, being the former school at School Drive</td> <td>Lot 2, DP 1190372, being the former school at School Drive</td> </tr> <tr> <td>Swan Creek</td> <td>Lot 3, DP 1109372, being vacant land at School Drive</td> <td>Lot 3, DP 1190372, being vacant land at School Drive</td> </tr> </table> <p>2. In the event of an expedited amendment under Section 3.22 of the Act not being successful, that Council prepare a planning proposal under Section 3.33 of the Act which aims to correct the land descriptions for three (3) lots at Swan Creek in Schedule 4 Classification and reclassification of public land, Part 1 Land classified, or reclassified, as operational land - no interests changed of the CVLEP 2011, as indicated below:</p> <table border="1"> <thead> <tr> <th>Locality</th> <th>Change from</th> <th>Change to</th> </tr> </thead> <tbody> <tr> <td>Swan Creek</td> <td>Lot 1, DP 1109372, being the residence at School Drive</td> <td>Lot 1, DP 1190372, being the residence at School Drive</td> </tr> <tr> <td>Swan Creek</td> <td>Lot 2, DP 1109372, being the former school at School Drive</td> <td>Lot 2, DP 1190372, being the former school at School Drive</td> </tr> <tr> <td>Swan Creek</td> <td>Lot 3, DP 1109372, being vacant land at School Drive</td> <td>Lot 3, DP 1190372, being vacant land at School Drive</td> </tr> </tbody> </table> <p>3. Authorise the General Manager to forward the expedited amendment request to the Minister requesting the making of an amending local environmental plan under Section 3.22 of the Act. 4. Authorise the General Manager to forward a planning proposal to the Minister requesting the issue of a Gateway Determination under Section 3.34 (1) of the Act if an expedited amendment is not accepted. 5. Not seek to be the local plan-making authority for this matter under Section 3.36 of the Act.</p>	Swan Creek	Lot 2, DP 1109372, being the former school at School Drive	Lot 2, DP 1190372, being the former school at School Drive	Swan Creek	Lot 3, DP 1109372, being vacant land at School Drive	Lot 3, DP 1190372, being vacant land at School Drive	Locality	Change from	Change to	Swan Creek	Lot 1, DP 1109372, being the residence at School Drive	Lot 1, DP 1190372, being the residence at School Drive	Swan Creek	Lot 2, DP 1109372, being the former school at School Drive	Lot 2, DP 1190372, being the former school at School Drive	Swan Creek	Lot 3, DP 1109372, being vacant land at School Drive	Lot 3, DP 1190372, being vacant land at School Drive				
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6c.21.104	Acquisition of Part Ellis State Forest and Part Clouds Creek State Forest for Road Purposes	<p>That Council:</p> <ol style="list-style-type: none"> Proceed with the compulsory acquisition of the land described as part of Lot 57 DP 752840 located in Ellis State Forest and part Lot 6-7 DP 752851 located in Clouds Creek State Forest for the purpose of road in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991. Make an application to the Minister and the Governor for approval to acquire part of Lot 57 DP 752840 located in Ellis State Forest and part Lot 6-7 DP 752851 located in Clouds Creek State Forest by compulsory process under section 177(1) of the Roads Act 1993. In addition to dot points 1 and 2, the General Manager is given delegated authority to decide to proceed to rectify the alignment of that part of Armidale Road bordered by the Clouds Creek and Ellis State Forests, by a road opening and closing process under Part 1 and Part 4 of the Roads Act 1993. Any portions of former public road are to be given as compensation to the Forestry Corporation of NSW under section 44 of the Roads Act 1993. Enter into a deed of agreement and memorandum of understanding (MOU) with Forestry Corporation NSW for early access to the subject land to commence works prior to the acquisition being completed. Delegate authority to the General Manager to execute documents relating to the deed of agreement, memorandum of understanding, acquisition of the land and the road opening and closing. 	<p>Kylee Baker</p> <p>Elle Casson / Paula McLennan</p>	<p>30/8/2021</p> <p>23/12/2021</p> <p>07/03/2022</p>	<p>Deed being reviewed by Forestry Corp.</p> <p>Awaiting a letter of confirmation from Forestry regarding compensation before deed is signed</p> <p>Waiting on Survey plans</p>	B																		
Item No.	Report Title	Council Resolution – September 2021	Officer	Date	Comments	Status																		
6b.21.073	Update to Council's Application to the Minister for Lands and Forestry to Classify Certain Crown	<p>That Council:</p> <ol style="list-style-type: none"> Note the outcome of its request as Crown Land Manager for Ministerial consent to classify certain Crown reserves under its control as 'Operational' land for the purpose of the reserve's management under the <i>Local Government Act 1993</i>; 	Danny Parkin	5/10/2021	<ol style="list-style-type: none"> Noted Noted. Will continue to resolve outstanding matters 	B																		

ACTION SCHEDULE FROM COUNCIL MEETING – 26 October 2021

STATUS LEGEND: A – Action required; B – Being progressed; C – Completed

Item No.	Report Title	Council Resolution – September 2021	Officer	Date	Comments	Status
	Reserves as 'Operational' Land	2. As a Crown Land Manager continue to negotiate an appropriate outcome for the remaining reserves under consideration by the Minister's delegate; 3. As Crown Land Manager make a separate application to the Minister for Water, Property and Housing under the General Manager's signature to become the Crown Land Manager of R1093 (Lake Minnie Water) and R1094 (Lake Hiawatha) and request the Minister to consent to the classification of these reserves as 'Operational'; and 4. In its capacity as the Local Roads Authority prepare a separate report, to be brought back to Council at a later date, detailing the process and cost to compulsorily acquire the land on which the public roads that traverse the Crown Reserves detailed in this report.		14/10/2021 22/10/2021 17/1/2022	3. Noted. Draft letter commenced 4. Noted. Currently seeking direction on who will be the best person to action this, noting that current Property Coordinator has resigned. 4. Advised by PC that this task would need to wait until new Prop Coord appointed. 3. Letter prepared for GMs signature. To be sent once signed (on 25/10) 3. Still waiting to hear from Crown Lands regarding Council's application 4. Still waiting for a Property Coordinator to be appointed to discuss this matter	

Item No.	Report Title	Council Resolution – OCTOBER 2021	Officer	Date	Comments	Status
6c.21.129	Petition - Taloumbi Ring Drain	That Council: 1. Note the attached landowner proposal and petition regarding the Taloumbi ring drain system. 2. Note that Action 1 as detailed in the landowner proposal will require investigation prior to construction to determine whether this will be effective. 3. Following investigation, consider an allocation during preparation of the 2022/23 draft budget. 4. Repurpose \$60,000 from the Open Drain Maintenance - Mechanical budget PJ941015 and the Open Drain Maintenance – Vegetation Control PJ941016 budget to clean out silt blockages in Radial Drain No.1 and adjacent sections of the Taloumbi ring drain on an urgent basis to restore capacity to hold, carry, discharge and exchange water and that this be reflected in the Q2 Quarterly Budget Review Statement to be tabled in February 2022 and where available make partnership arrangements with any affected landowner capable of carrying out this work to Council's satisfaction. 5. Lobby the NSW Government (again) to increase the "Floodplain Management Program: Maintenance Grants" which have remained at the same dollar value for nearly 25 years and therefore have significantly reduced in value over time in real terms. 6. Investigate opportunities for funding under the Infrastructure Betterment Fund or any other funding available from state and federal agencies.	Greg Mashiah	1/11/2021 12/01/2022	Resolution points noted and being actioned 4. Conditions have been too wet to undertake work on the Ring Drain. 5. The Mayor has written to the Minister (cc Chris Gulaptis MP) regarding restoring funding in real terms	B
6e.21.025	T21/04 Ulmarra Riverside and Village Upgrades	That Council as the Local Roads Authority and the owner of Bailey Park: 1. Reject all tenders and enter into negotiations with Alder Construction Pty Ltd, one of the tenderers or any other person for a revised scope of works in line with the tender RFT21/04 Ulmarra Riverside and Village Upgrades below the budget of \$2,413,928 (Incl GST) to be funded from Ulmarra Riverside and Village Upgrades (FP 540105 Sub Service 341). a. Reasons for determining to enter into negotiations with the persons include - i. Alder Construction Pty Ltd offered value for money on the Grafton Waterfront Precinct Tender RFT21-03, being only 8% above the pretender cost estimate ii. The scope of works is very similar to that of the Grafton Waterfront Precinct, Civil & Landscaping. iii. Further costs savings could be found using one contractor across both projects.	Andy Seaman	4/11/2021	Negotiations progressing	B

ACTION SCHEDULE FROM COUNCIL MEETING – 26 October 2021

STATUS LEGEND: A – Action required; B – Being progressed; C – Completed

		<ul style="list-style-type: none"> iv. Alder Construction Pty Ltd have the non price requirements, such as accredited ISO standard OHS, Environmental and Quality management systems. v. A contract could be awarded by the end of December 2021. b. Decline to call fresh tenders on the basis that: <ul style="list-style-type: none"> i. on an open tender situation would likely attract similar priced tenders that have already shown to price above the market. ii. An Expression of Interest (EOI) should be undertaken to narrow the market to select tenders, this would add 4-6 months to the project, as Council would need to endorse the EOI, at the February 2022 meeting before the fresh tenders could be called and potentially awarded in April/May 2022. This would be a significant delay in the project. This would still be achievable within the grant funding timelines. <p>2. Authorise to the General Manager to award the negotiated contract up to a maximum budget of \$2,413,928 (Incl GST) to be funded from Ulmarra Riverside & Village Precinct (FP 540105 Sub Service 341).</p> <p>3. Authorise to the General Manager to approve variations up to 10% of the contract value.</p>				
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Item No.	Report Title	Council Resolution – NOVEMBER 2021	Officer	Date	Comments	Status
6b.21.088	(Draft) Flinders Park Plan of Management (R85724)	That Council as Crown Land Manager of Flinders Park (Reserve 85724): 1. Authorise the General Manager to make an application to the Hon. Melinda Pavey MP, Minister for Water, Property and Housing, for consent to adopt the draft Flinders Park Plan of Management; 2. Adopt the draft Flinders Park Plan of Management, subject to the Minister granting consent to adopt the plan of management; and 3. Give public notice of the adoption, after receiving the consent of the Minister to adopt the PoM.	Danny Parkin	25/11/2021 17/1/2022	1. Application and letter under GMs signature sent 25/11 2-3. waiting for response from Crown Lands Council CLM team 2. Minister gave consent for Council to adopt draft PoM on the 10/12/2021 3. Notice of adoption of PoM placed on the Noticeboard on the 17 December 2021	C
6c.21.146	2021/22 Monthly Financial Report – October 2021	That Council: 1. Receive and note the monthly financial information report for October 2021, attached to this report. 2. Endorse the proposed variations, which decrease Financial Reserves by \$4,449,010 for inclusion in the December Quarterly Budget Review Statement to be reported in February 2022.	Kirsty Gooley	2/2/2022	Noted – Corporate Systems updated accordingly	C
6c.21.148	Classification of Lot 179 in Plan of Subdivision of Lot 2 in DP1248516 as Operational	That Council: 1. Publicly exhibits its intention to classify Lot 179 in plan of subdivision of Lot 2 in DP1248516 Parish Yamba; County Clarence located at Yamba (figure 1) as 'Operational'. 2. Subject to no submissions being received requiring Council to consider this matter further, classify the land as 'Operational' at the end of the exhibition period if the Subdivision Plan has been registered or if not, on the date that the Subdivision Plan is registered.	Elle Casson	23/12/2021 07/03/2022	Currently on public exhibition, submissions close on 5 January 2022 at 4pm Lot 179 has been classified as operational land via Council resolution. This matter has completed.	B
6c.21.149	Proposed Permanent Road Closure – Part Old Watters Road, Rushforth	That Council: 1. Permanently close part of Old Watters Road, Rushforth, adjoining Lot 67 DP751370 (figure 1). 2. Classify the newly created lot as 'operational' land. 3. Transfer the newly created lot to the adjoining landowner for \$9,000.00 plus GST if applicable. 4. The landowner is to meet all costs associated with the road closure. 5. Affix the Common Seal to the survey and transfer documentation. 6. Authorise the General Manager to execute all documents related to the closure and sale to affect the above requirements.	Elle Casson	23/12/2021 07/03/2022	Awaiting quotes to be submitted by surveyors for the applicants approval Waiting on DOA from Solicitor	B
6c.21.150	Proposed Permanent Road Closure – Part Stanley Street, Maclean Road Reserve	That Council: 1. Permanently close part of Stanley Street, Maclean, road reserve adjoining Lot 1 DP386844 subject to an easement being created for Telstra access to their existing assets. 2. Classify the newly created lot as 'operational' land. 3. Transfer the newly created lot to the adjoining landowner for \$5,900.00 plus GST if applicable.	Elle Casson	23/12/2021 07/03/2022	Awaiting quotes to be submitted by surveyors for the applicants approval Waiting on DOA from solicitor	B

ACTION SCHEDULE FROM COUNCIL MEETING – 26 October 2021

STATUS LEGEND: A – Action required; B – Being progressed; C – Completed

		<ol style="list-style-type: none"> 4. The landowner is to meet all costs associated with the road closure. 5. Affix the Common Seal to the survey and transfer documentation. 6. Authorise the General Manager to execute all documents related to the closure and sale to affect the above requirements. 				
6e.21.027	Expression of Interest - Fixing Country Bridges (Group 2 Bridges)	<p>That Council invite the following contractors to submit tenders for nine bridges referred to as 'Group 2' of the Fixing Country Bridges program:</p> <ol style="list-style-type: none"> 1. Arenco (NSW) / Daracon Contractors JV 2. Ark Construction Group Pty Ltd 3. Civil Mining & Construction Pty Ltd 4. Fortec Australia Pty Ltd 5. GC Civil Contracting Pty Ltd 6. Hazell Bros (Qld) Pty Ltd 7. Quickway Constructions Pty Ltd 8. Saunders Civilbuild 9. Tobco 	John Wells	07/03/22	Tenders Closed on 24 January. Awaiting outcome of FCB funding reallocation request from TfNSW to award contracts.	B

Item No.	Report Title	Council Resolution – 20 JAN 2022	Officer	Date	Comments	Status
6a.22.008 (2)	Code of Meeting Practice and Council Meeting Cycle	<p>That</p> <ol style="list-style-type: none"> 1. Council note the draft Code of Meeting Practice provides the venue for the meetings of the Ordinary Council Meeting (OCM) rotates between Grafton and Maclean. 2. The February 2022 Ordinary Council Meeting be held in Maclean. 3. The Council Meeting cycle be one Ordinary Council Meeting held each month on the fourth Tuesday of the month, commencing at 2:00pm. 4. Council place on public exhibition the draft Code of Meeting Practice for a period of 28 days, with submissions being received for up to 42 days. 5. Prior to public exhibition, the draft Code of Meeting Practice be amended to reflect the resolution of Council to include the Ordinary Meeting cycle identified in this resolution of Council. 6. Presentations to Council be invited from community groups and representatives of government on the morning of the Ordinary Meeting, with full details being made available on Council's website. 7. A live streamed Public Forum will be held between 11am and 1pm prior to the Ordinary Meeting to hear deputations to items on the business paper before the Council on that day, with full details being made available on Council's website. 8. An information (workshop) session be provided to Councillors on the Friday morning before the OCM. 9. On-site inspections for Development Applications listed in the OCM business paper, be conducted following the information session on the Friday before the OCM 10. OCM business papers be provided to Councillors on the Tuesday prior to the OCM. 11. Officer reports on DA's be also provided on the Tuesday to persons who have expressed an interest in a DA, to enable time for those persons to prepare for on-site presentations. 12. Part 8.1.1 of the Code of Meeting Practice be amended so that Notices of Motion are considered before Officers Reports. 	Bligh Grant / Karlie Chevalley	21/01/2022	Meeting cycle dates noted (Karlie Chevalley)	B
10.22.001	Personal Assistant to the Mayor and Councillors	<p>That</p> <ol style="list-style-type: none"> 1. Council provide additional funds as identified in the report, to the General Manager to provide additional personal assistant support to the Mayor and Councillors. 2. Funds required for the position in 2021/2022 be covered by existing vacancies. 3. Funds required for the position ongoing be reflected in the draft 2022/2023 Budget currently being prepared. 	Laura Black / Christine George	31/01/2022 7/03/2022	PD and advertising be completed by acting director corporate & governance. Interviews will take place next week.	B

ITEM 07.22.052 CONFERENCE ATTENDANCE FOR 2022

Meeting	Council	22 March 2022
Directorate	Corporate & Governance	
Prepared by	Corporate Support Assistant, Karlie Chevalley	
Attachments	Nil	

SUMMARY

The purpose of this report is to plan the attendance by Councillors at conferences for three (3) conferences being held in 2022

OFFICER RECOMMENDATION

That Council:

1. Nominate councillor(s) to attend the following conferences being held in 2022:
 - NSW Coastal Conference;
 - National General Assembly;
 - LGNSW Annual Conference
2. Nominate four (4) voting delegates to the LGNSW Annual Conference.

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership

Objective We will have a strong, accountable and representative Government

KEY ISSUES

Council recognises the value of Councillors attending conferences to enable them to be both knowledgeable and up-to-date on particular issues to ensure that they can perform their duties and represent residents to the best of their ability.

Conference attending councillors must provide a report on attendance within two (2) months of the conference.

BACKGROUND

NSW Coastal Conference will be holding a conference in Kingscliff from 31 May – 2 June 2022.

The conference is a three-day event comprising a plenary session, concurrent session, panel discussions, workshops, field trips (addressing some of the local coastal, estuary and marine management issues), networking events and the Annual NSW Coastal Management Awards. The brochure for the conference is available here: [29th NSW Coastal Conference](#)

Registration: \$800

National General Assembly (NGA) will be holding a conference in Canberra from 19 – 22 June 2022. There will only be one (1) Councillor voting at this conference. The name of the voting delegate can be decided prior to or on the day of the event. There is no formal process to nominate a voting delegate and Councillors can attend the voting sessions and vote even if a motion has not been submitted from the Clarence Valley Council.

Convened annually by the Australian Local Government Association (ALGA), the National General Assembly (NGA) of Local Government is the peak annual event for Local Government, attracting in excess of 800 Mayors and Councillors each year. This event provides a unique opportunity for Local Government to engage directly with the Federal Government, to develop national policy, and to influence the future direction of our councils and our communities. A brochure for 2022 is not yet available, to gain an understanding of the timeline and order of the conference please view the 2021 brochure: [27th NGA Brochure](#)

Registration: \$425

The **2022 LGNSW Annual Conference** will be held from 23 – 25 October 2022 at the Crowne Plaza Hunter Valley. The Annual Conference Business Paper is expected to be available on the LGNSW website and forwarded to members (in electronic format) approximately two weeks prior to the Conference. A brochure for 2022 is also not yet available. You can view the 2020 brochure for an understand of the timeline and order for this conference as well: [2020 LGNSW Annual Conference Brochure](#)

Council holds four (4) voting delegations.

Registration: Unknown.

The **Australian Coastal Council Association** conference in late 2022 is still in the planning stage and does not have a confirmed date or location available and will be reported to council once announced. It is scheduled to be held in Freemantle.

COUNCIL IMPLICATIONS

Budget/Financial

The cost of attendance at conferences by Councillors is met by PJ: 991001-7001-2565. Travel, accommodation and sustenance is covered in accordance with the Councillor Attendance at Conferences Policy.

Asset Management

N/A

Policy and Regulation

- Councillor attendance at conferences
- Expenses and the provision of facilities for Councillors
- LGNSW Association Rules

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

ITEM 07.22.053 CULTURAL AND SPORTS TRUST FUND

Meeting	Council	22 March 2022
Directorate	Corporate & Governance	
Prepared by	Administration Officer, Christine Bultitude	
Attachments	Nil	

SUMMARY

Requests for assistance from the Clarence Valley Cultural and Sports Trust fund has been received from Martina Williams and Mackenna Ensbey.

OFFICER RECOMMENDATION

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

1. \$300 to assist Martina Williams, who has been selected to represent NSW at the 2022 National U18 Hockey Championships in Cairns Qld from 6-14 April 2022; and
2. \$300 to assist Mackenna Ensbey, who has been selected to represent NSW at the 2022 National U18 Hockey Championships in Cairns Qld from 6-14 April 2022.

LINKAGE TO OUR COMMUNITY PLAN

Theme Society

Objective We will have a safe, active and healthy region

KEY ISSUES

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

BACKGROUND

Martina Williams of Grafton has been selected to represent NSW in the U18 Girls Field Blues Team at the Australian National Hockey Championships from 6-14 April 2022 in Cairns, Qld. This funding will assist with player levy, travel, accommodation and competition costs.

Mackenna Ensbey of Lower Southgate has been selected to represent NSW in the U18 Girls Field Blues Team at the Australian National Hockey Championships from 6-14 April 2022 in Cairns, Qld. This funding will assist with player levy, travel, accommodation and competition costs.

COUNCIL IMPLICATIONS**Budget/Financial**

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

This recommendation for support can be funded from PJ 997113-7012-2534.

Asset Management

N/A

Policy and Regulation

Cultural and Sports Trust Fund Policy V6.0

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

ITEM 07.22.054 REQUEST FOR RATES DONATION - LAWRENCE HISTORICAL SOCIETY INC.

Meeting	Council	22 March 2022
Directorate	Corporate & Governance	
Prepared by	Administration Officer, Christine Bultitude	
Attachments	A. Letter Cllr Ian Tiley Mayor ↓	

SUMMARY

A request has been received from the Lawrence Historical Society (LHS) for Council to consider a full donation of rates for one year, in total approximately \$2000.

OFFICER RECOMMENDATION

That Council:

1. Vary the Donations Policy criteria in this instance to approve the donation of the outstanding balance of the rates and annual charges for 2021/2022 (balance owing \$1,022) to Lawrence Historical Society.
2. Consider additional requests for donations for the 2022/2023 financial year by the Lawrence Historical Society in line with Policy provisions.

LINKAGE TO OUR COMMUNITY PLAN

Theme Society

Objective We will have proud and inviting communities

KEY ISSUES

A request for full donation of rates for Lawrence Historical Society (LHS) does not meet the criteria of the Council's Donations Policy. However, due to the current circumstances faced by the Lawrence Historical Society Inc and in support of the ongoing longevity of the Society, it is recommended Council donate an amount equal to the outstanding Rates and Annual Charges for the current 2021/2022 financial year balance.

BACKGROUND

Lawrence Historical Society Inc. (LHS) owns and operates the Lawrence Museum in the former 2NR Broadcast Station and has requested Council consider a full donation of rates and annual charges. The current outstanding balance is \$1022.00. The 2021/2022 rates levied on Property 110853; 2 Merton St Lawrence are:

Charge Type	Amount	Current Balance
RatResOrd	660.00	0.00
SewResConP	1,163.00	911.06
WatNon20mm	127.00	63.46
WstDomVac	30.00	15.00
WstManLevy	65.00	32.48
	2,045.00	1,022.00

In accordance with Donations Policy clause 8.2, LHS was successful in its application for donation of the general component of rates with Council approving this allocation in 22 June 2021, Item 6b.21.039. They also received a \$620 cash contribution towards blinds to protect museum displays.

As indicated in the following table and in accordance with the Donations Policy, Council has supported LHS through the Community Initiatives Program for a number of years.

Fin year	CM	Donated Amount	Purpose
2011-12	14-Jun-11 12.095/11	\$442.00	Rates 11/12: Property No. 110853 Lawrence Historical Society, 2 Merton St Lawrence (<i>General Rates only</i>)
2012-13	16-Oct-12 12.150/12	\$458.00	Rates 12/13: Property No. 110853 Lawrence Historical Society, 2 Merton St Lawrence (<i>General Rates only</i>)

2013-14	25-Jun-13 13.119/13	\$474.00	Rates 13/14: Property No. 110853 Lawrence Historical Society, 2 Merton St Lawrence (<i>General Rates only</i>)
2014-15	24-Jun-14 13.108/14	\$485.00	Rates 14/15: Property No. 110853 Lawrence Historical Society, 2 Merton St Lawrence (<i>General Rates only</i>)
2015-16	23-Jun-15 13.080/15	\$497.00	Rates 15/16: Property No. 110853 Lawrence Historical Society, 2 Merton St Lawrence (<i>General Rates only</i>)
2016-17	28 Jun 2016 14.058/16	\$506.00	Rates 16/17: Property No. 110853 Lawrence Historical Society, 2 Merton St Lawrence (<i>General Rates only</i>)
	19-Jul-16 14.076/16	\$310.59	refund of 30% DA fees to construct a new shed for storage & displays at Museum at 2 Merton Street, Lawrence
	21-Feb-17 14.008.17	\$724.71	refund of remainder 70% DA fees to construct a new shed for storage & displays at Museum at 2 Merton Street, Lawrence
2017-18	27 Jun 2017 14.056/17	\$514.00	Rates 17/18: Property No. 110853 Lawrence Historical Society, 2 Merton St Lawrence (<i>General Rates only</i>)
2018-19	26 Jun 2018 14.067/18	\$540.00	Cash: to replace old and broken roller blinds to protect the museum collection from sun damage
	26 Jun 2018 14.067/18	\$555.00	Rates 18/19: Property No. 110853 Lawrence Historical Society, 2 Merton St Lawrence (<i>General Rates only</i>)
	25 Jun 2019 6b.19.008	\$ 58.50	30% DA amendment fees for installation of lift in new shed
2019-20	25 Jun 2019 6b.19.008	0	CASH: to cover the cost of a laptop computer for research and digital collection purposes \$529 (<i>Ineligible</i>).
	25 Jun 2019 6b.19.008	\$599.00	Rates 19/20: Property No. 110853 Lawrence Historical Society, 2 Merton St Lawrence (<i>General Rates only</i>)
	17 Dec 2019 6b.19.060	\$321.00	DA Fee Waiver (100%) for placement of cane barge and ferry at Lot12 DP1034955 Havelock St Lawrence
2020-21	23 Jun 2020 6b.20.050	\$955.00	CASH: to replace kitchen/dining room carpet with vinyl flooring for visiting groups and volunteer
	23 Jun 2020 6b.20.050	\$647.00	Rates 20/21: Property No. 110853, 2 Merton Street Lawrence (<i>General Rates only</i>)
2021-22	22-Jun-21 6b.21.039	\$620.00	Cash - Blinds to protect museum displays;
	22-Jun-21 6b.21.039	\$660.00	Rates 21/22: Property No. 110853, 2 Merton Street Lawrence (<i>General Rates only</i>)
	23-Nov-21 6a.21.055	\$788.00	DA Fee Waiver 100% refund DA & CC charges for construction of volunteer's workshop shed

If Council does not agree to vary its Policy in this instance, an alternative motion is:

That having donated funds to the Lawrence Historical Society in the 2021/2022 application round, Council not vary its Donations Policy in this instance.

COUNCIL IMPLICATIONS

Budget/Financial

Should Council approve this donation request, there is sufficient funds held in Sub Service 410 budget, PJ # 997113-7043-2534.

Asset Management

N/A

Policy and Regulation

Donations Policy V10.0

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A



Lawrence Historical Society Inc.
PO Box 4058
Kings Creek Road
Lawrence NSW 2460
Tel: 6647 7588
www.facebook.com/lawrencemuseum

2 March 2022

Cllr Ian Tiley, Mayor
Clarence Valley Council
Locked Bag
Grafton NSW 2460

Dear Ian

Re: Lawrence Historical Society Request for Waiver of Rates

As you are aware, Lawrence Historical Society Inc. is struggling financially as a result of imposed Covid closures, since 2019.

We are endeavouring to be financially prudent by taking a number of measures to prevent insolvency.

One of the measures was to request Clarence Valley Council waive the rates for one year, approximately \$2,000. This would assist us enormously, whilst we get back on our feet. Note, even whilst closed to Covid, we have paid rates over the past 2 years, depleting our savings.

We wrote to Clarence Valley Council, the acting General Manager, and to all councillors explaining our position. Yourself and some of the councillors made time to visit the museum. This was much appreciated.

Unfortunately, the Acting general Manager, Ms Laura Black, did not take the time to consider this request or respond personally.

The request was passed to Sammy Lovejoy, Community Projects Officer, who advised us we could apply for a Community Initiatives Grant, for rates waiver from 1st July 2022.

The C.I. G program, of course, is not a given for any application, it has a maximum of \$1,000 for any applicant, and starts from July 1 2022. To date we have only received waiver of rates for one quarter's rates.

We are fully aware of the Community Initiatives Grant program, and have been grateful recipients over past years. We included this program in our considerations, but it does not alleviate the burden of finding \$2,000 plus for payment of the council rates for the coming 12 months.

You may note other Clarence Valley Museums are on council property and do not have this financial burden.

We would not have made this special request to Council, had it not been urgent and necessary for us to plan our way forward to avoid insolvency.

It is important to note that prior to Covid closure, we were in a strong financial position, generating sufficient funds to maintain and operate the Lawrence Museum as a valuable tourism attraction, whilst preserving and presenting our local history.

We are disappointed at the response received, and that the request was not taken to council for full consideration. We seek your assistance and advice to take this matter to council

Kind regards,

Roz Jones

Roz Jones
Vice President
Lawrence Historical Society Inc.

ITEM 07.22.055 GOVERNANCE REPORT Q2 2021-22

Meeting	Council	22 March 2022
Directorate	Corporate & Governance	
Prepared by	Governance Officer, Bligh Grant	
Attachments	A. Disclosures of Interest for new Councillors ↓ B. Disclosures of Interest - staff updates ↓	

SUMMARY

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

OFFICER RECOMMENDATION

That:

1. Council note the Governance report for the period 1 October 2021 to 1 December 2021.
2. The Disclosures of Interest Returns for the new Council and the updated returns and exit return for designated persons be placed on Council's website.

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership

Objective We will have a strong, accountable and representative Government

KEY ISSUES*Legal Activities*

Legal advice was sought by Council across a broad range of its activities, including road construction and upgrades; property management; people and culture operations; park administration; and rating. There were no proceedings taken by or against Council to be reported.

Complaints Management

Council dealt with three referrals of complaints from the NSW Ombudsman. These concerned:

- Council's responses to queries about the development at Carrs Drive Yamba;
- Water meter reading at a property at Brooms Head, and;
- Development assessment compliance for a property in Townsend.

The complaints were substantively responded to within the guidelines set out by the Ombudsman (four weeks) or within a timeframe agreed to by the Ombudsman and/or the Complainant.

Council continued to work with the IPC (Information and Privacy Commission) fine-tuning its processes and information is compliant to open access requirements, particularly since transitioning to the 'Open Cities' website.

Government Information (Public Access) (GIPA) Applications

During the period eight (8) GIPA formal applications for information were decided. These were for information pertaining to:

- Menacing dogs (x2)
- Road maintenance (x 2)
- Footpath maintenance in Fitzroy Street, Grafton
- Aquaculture on Palmers Island
- Development assessment
- An insurance report.

Partial access was decided for the eight applications. The basis of withholding information was either personal information or business information under Section 14 of the GIPA Act. A summary of information provided for these applications is available on Council's 'Disclosure log of access applications' page.

Currently one GIPA application sits with Council.

Council is also participating in the Information and Privacy Commission's forthcoming Privacy Awareness Week (PAW) week, 2-8 May.

Disclosures of Interests Returns

Updated Disclosures of Interest (DoI) returns were called for in February. The nine (9) newly-elected Councillors provided returns (Attachment A); six (6) senior Council Officers (Designated Persons) provided updates (including three newly-appointed managers and exit disclosure—Attachment B);

Insurance Claims

To reduce Council's exposure to risk, Council maintains insurance cover for protection against financial loss, damage and legal liabilities.

There were 28 claims lodged for the period.

INSURANCE CLAIMS 1 October 2021 TO 31 December 2021

Activity	Total Claims	Not Pursued	Declined	Settled	Pending	Notification	Total Amount (excl GST)
Motor Vehicle Claims	8	0	0	8	0	0	8,000.00
Public Liability (Property)	20	2	6	8	1	3	4,131.79
Public Liability (Injury)	0	0	0	0	0	0	0.00
Property	0	0	0	0	0	0	0.00
Total	28	2	6	16	1	3	12,131.79

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 V5.0 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 business 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;
- 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.

Declarations 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 interests of councillors and designated persons) – September 2019. 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.

COUNCIL IMPLICATIONS

Budget/Financial

Legal advice and 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 and 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

PRIMARY RETURN


DISCLOSURE OF INTERESTS


ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
 LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU

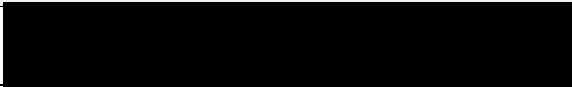
For further information please read the
[Office of Local Government's Self help guide for completion of returns](#)

MY FULL NAME	GIVEN NAME: WILLIAM	SURNAME: DAY
RETURN DATE: 08/02/202	 A TIP: This form must be lodged within 3 months of commencement with Council as a Councillor or Designated Person	

A REAL PROPERTY

 **A TIP:** You must include: (i) either the postal addresses OR particulars of Title, i.e. Lot and DP (or SP) of properties **anywhere** in Australia that you had an interest in **at any time during** the Return Period; (ii) the Nature of your Interest, i.e. Owner, Part Owner, Lessee, Beneficiary, Occupier or Other

Address of each parcel of real property in which I had an interest at any time during the Return Period	Nature of my Interest: Select from the drop-down list 
---	--

MY PLACE(S) OF RESIDENCE:		
	Lot & DP:	Owner
Suburb: Palmers Channel	State: NSW	
No:	Street:	Lot & DP:
Suburb:	State:	SELECT FROM LIST BELOW

OTHER REAL PROPERTY POSTAL ADDRESS DETAILS:

No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	


If insufficient space, please attach a schedule to this form. Please tick if adding an attachment

PRIMARY RETURN

DISCLOSURE OF INTERESTS

ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU


B SOURCES OF INCOME


 **A TIP:** Only provide information where the amount of income from an occupation, a Trust or other source, exceeded \$500.**1 SOURCES OF MY INCOME FROM AN OCCUPATION(S)**
(sources, *not amounts*, of income I received from my Occupation(s) at any time during the Return Period)



Description of my Occupation(s) e.g. Labourer, Cadet, Project Officer, Manager, etc.	Name and Address of Employer or Description of Office held (if applicable)	Name of Partnership (if applicable)
--	---	--

Occupations include: (i) an employee of Council; (ii) an employee of other organisations; (iii) self-employed; (iv) a consultant; (v) an Office holder in a Company

Councillor	CLARENCE VALLEY COUNCIL 2 Prince Street GRAFTON NSW 2460	




2 SOURCES OF MY INCOME FROM A TRUST
(sources of income, *not amounts*, I received from a Trust during the Return Period)If you have Nothing to Declare, select the word 'Nil' in the adjacent Box  **NIL**

 A TIP: The 'Settlor' is the name of a person who created the Trust	NAME AND ADDRESS OF TRUSTEE
NAME AND ADDRESS OF SETTLOR	

3 OTHER SOURCES OF MY INCOME
(sources of other income, *not amounts*, I received at any time during the Return Period) **TIPS:** a Other Sources of Income may include income from rental property, investments, business activities, welfare payments;
b You must include a description sufficient to identify the person, property or business activity from whom, or the circumstances in which, that income was received.If you have Nothing to Declare, select the word 'Nil' in the adjacent Box  **Refer Below**

Various shares and investments including Self Managed Super Fund	

C GIFTS

 **A TIP:** Only include description of a single gift or multiple gifts from the same donor, the total value of which exceeded \$50If you have Nothing to Declare, select the word 'Nil' in the adjacent Box  **NIL**
and move to Section DIf you declare a gift  then you MUST also complete a Gifts and Benefits Declaration Form in the Councillor's Dropbox or located on [Councils' Intranet](#)

DESCRIPTION OF EACH GIFT RECEIVED BY ME AT ANY TIME DURING THE RETURN PERIOD	NAME AND ADDRESS OF GIFT DONOR
---	--------------------------------

PRIMARY RETURN

DISCLOSURE OF INTERESTS

ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU


***** NOT REQUIRED FOR PRIMARY RETURNS *****

PRIMARY RETURN

DISCLOSURE OF INTERESTS

ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
 LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU


D CONTRIBUTIONS TO TRAVEL

 **A TIP:** Do not include payments by Council for your work-related travel

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section E




NIL

If you declare a gift  then you MUST also complete a Gifts and Benefits Declaration Form in the Councillor's Dropbox or located on [Councils' Intranet](#)

NAME AND ADDRESS OF EACH PERSON WHO MADE GREATER THAN \$250 FINANCIAL OR OTHER CONTRIBUTION TO ANY TRAVEL UNDERTAKEN BY ME DURING THE RETURN PERIOD	DATES TRAVEL WAS UNDERTAKEN	NAME OF STATES, TERRITORIES OF THE COMMONWEALTH AND OTHER COUNTRIES IN WHICH TRAVEL WAS UNDERTAKEN
---	-----------------------------	--

*** **NOT REQUIRED FOR PRIMARY RETURNS** ***


E INTERESTS AND POSITIONS IN CORPORATIONS

 **TIPS:** (i) Declare only if your shareholding was greater than 10% of voting rights in the corporation (ii) You must declare any position (not Shareholder) you held in a Corporation (including not-for-profit corporation) such as Director, whether or not you held shares in the Corporation or the position was a paid position

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section F




NIL

If you declare a Position  you held in a Corporation that had a relationship with Council, you MUST complete a Conflict of Interests Disclosure Form in the Councillors Dropbox or located on [Councils' Intranet](#)

NAME AND ADDRESS OF EACH CORPORATION IN WHICH I HAD AN INTEREST OR HELD A POSITION AT ANY TIME DURING THE RETURN PERIOD	NATURE OF INTEREST (IF ANY) EG SHAREHOLDER	DESCRIPTION OF POSITION (IF ANY) EG DIRECTOR, COMPANY SECRETARY	PRINCIPAL OBJECTS OF CORPORATION (EXCEPT IN CASE OF LISTED COMPANY)

F PROPERTY DEVELOPER

 **TIPS:** In this section, you must disclose if you are a 'property developer' or a close associate of an individual or corporation that is a 'property developer' for the purposes of the *Electoral Funding Act 2018*. (i) You will be a close associate of a person who is a property developer if you are (a) the spouse of the person, or (b) where the person has made a 'relevant planning application' that is pending, you are in a joint venture or partnership with the person in connection with the 'relevant planning application' and you are likely to obtain a financial gain if it is approved or carried out. (ii) You will be a close associate of a corporation that is a property developer if (a) you or your spouse are a director or officer of the corporation (b) you or your spouse have voting power in the corporation or a related body corporate of the corporation that is greater than 20% (c) where the corporation is a trustee, manager or responsible entity in relation to a trust, you hold more than 20% of the units in the trust (in the case of a unit trust) or you are a beneficiary of the trust (in the case of a discretionary trust), or (d) where the corporation has made a 'relevant planning application' that is pending, you are in a joint venture or partnership with the corporation in connection with the 'relevant planning application' and you are likely to obtain a financial gain if it is approved or carried out.

Were you a property developer or a close associate of a property developer on the return date?


No


PRIMARY RETURN

DISCLOSURE OF INTERESTS

ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU

G POSITIONS IN TRADE UNIONS OR PROFESSIONAL OR BUSINESS ASSOCIATIONS

 **A TIP:** Do not include general membership but include details of any positions held whether remunerated or not


If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section H 


NIL

NAME OF EACH TRADE UNION AND EACH PROFESSIONAL OR BUSINESS ASSOCIATION IN WHICH I HELD ANY POSITION (WHETHER REMUNERATED OR NOT) AT ANY TIME DURING THE RETURN PERIOD

DESCRIPTION OF POSITION

H DEBTS

 **A TIP:** You **do not** need to provide information on (i) the amounts; (ii) debts for less than \$500; (iii) debts to any relative, bank, building society, credit union or other financial institution such as for your home mortgage, credit card or department store

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section I 


NIL

NAME AND ADDRESS OF EACH PERSON OR ORGANISATION (CREDITOR) TO WHOM I WAS LIABLE TO PAY ANY DEBT AT ANY TIME DURING THE RETURN PERIOD


NAME OF CREDITOR

ADDRESS OF CREDITOR

I DISPOSITIONS OF REAL PROPERTY

 **TIPS:** You must disclose details:

- of each disposal of real property since your last return was made by which you wholly or partly retained the use or benefit of the property or the right to repurchase the property;
- of each disposal of real property by other persons or entities whereby you wholly or partly obtained the use of the property;
- disposal includes –
 - grant of a lease or licence for all or part of the land,
 - mortgage over your land,
 - grant of easement over land by which you retain the ability to use the land,
 - sale of land (or grant of option by you) with (i) a lease or licence granted to you or a right for you to repurchase the land, (ii) or an easement or covenant over the land in favour of you
- creation of an option to purchase land in favour of you;
- creation by you of a charge over your land;
- transfer by you of an interest in your land to a Trustee of a Trust of which you are a beneficiary;
- transfer of land to your spouse or by your spouse to a third party whereby you continue to occupy the land;
- transfer of title of your land subject to you continuing to receive a benefit, e.g. rent from the land.

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section J 

NIL


Should you require more detailed explanation on the information to be provided in this Section, you should refer to Clauses 188(1) and 188(2) of the Local Government (General) Regulation 2005 or consult your solicitor

 **1 PARTICULARS OF EACH DISPOSITION OF REAL PROPERTY BY ME AT ANY TIME DURING THE RETURN PERIOD AS A RESULT OF WHICH I RETAINED, EITHER WHOLLY OR IN PART, THE USE AND BENEFIT OF THE PROPERTY OR THE RIGHT TO REACQUIRE THE PROPERTY AT A LATER DATE**

PRIMARY RETURN**DISCLOSURE OF INTERESTS**ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU***** NOT REQUIRED FOR PRIMARY RETURNS *****

- ➔ 2 PARTICULARS OF EACH DISPOSITION OF REAL PROPERTY TO A PERSON BY ANOTHER PERSON UNDER ARRANGEMENTS MADE BY ME, BEING DISPOSITIONS MADE AT ANY TIME DURING THE RETURN PERIOD, AS A RESULT OF WHICH I OBTAINED EITHER WHOLLY OR IN PART, THE USE AND BENEFIT OF THE PROPERTY

***** NOT REQUIRED FOR PRIMARY RETURNS *******J DISCRETIONARY DISCLOSURES**

 **A TIP:** To be completed if you wish to make any additional disclosures

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and go to Sign and Date to complete this Return



NIL

MY SIGNATURE:**DATE SIGNED:**

08/02/2022

NEXT STEPS:


- Ensure that wherever you had nothing to declare, that you have selected the word 'NIL' from the drop-down lists.
- Electronically sign and date this page.
- Save your completed form and forward it by e-mail to executivesupport@clarence.nsw.gov.au

PRIMARY RETURN

DISCLOSURE OF INTERESTS


ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU

For further information please read the
[Office of Local Government's Self help guide for completion of returns](#)

MY FULL NAME	GIVEN NAME: GREGORY	SURNAME: CLANCY
RETURN DATE: 09/02/2022	 A TIP: This form must be lodged within 3 months of commencement with Council as a Councillor or Designated Person	

A REAL PROPERTY

A TIP: You must include: (i) either the postal addresses OR particulars of Title, i.e. Lot and DP (or SP) of properties **anywhere** in Australia that you had an interest in **at any time during** the Return Period; (ii) the Nature of your Interest, i.e. Owner, Part Owner, Lessee, Beneficiary, Occupier or Other

Address of each parcel of real property in which I had an interest at any time during the Return Period	Nature of my Interest: Select from the drop-down list 
---	--

MY PLACE(S) OF RESIDENCE:

		Part Owner
Suburb: Coutts Crossing		State: NSW
No:	Street:	Lot & DP:
		SELECT FROM LIST BELOW
Suburb:		State:

OTHER REAL PROPERTY POSTAL ADDRESS DETAILS:

No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	

If insufficient space, please attach a schedule to this form.

Please tick if adding an attachment

PRIMARY RETURN


DISCLOSURE OF INTERESTS


ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU



B SOURCES OF INCOME

 **A TIP:** Only provide information where the amount of income from an occupation, a Trust or other source, exceeded \$500.**1 SOURCES OF MY INCOME FROM AN OCCUPATION(S)**
(sources, *not amounts*, of income I received from my Occupation(s) at any time during the Return Period)

Description of my Occupation(s) e.g. Labourer, Cadet, Project Officer, Manager, etc.	Name and Address of Employer or Description of Office held (if applicable)	Name of Partnership (if applicable)
Occupations include: (i) an employee of Council; (ii) an employee of other organisations; (iii) self-employed; (iv) a consultant; (v) an Office holder in a Company		
Councillor	CLARENCE VALLEY COUNCIL 2 Prince Street GRAFTON NSW 2460	




2 SOURCES OF MY INCOME FROM A TRUST
(sources of income, *not amounts*, I received from a Trust during the Return Period)If you have Nothing to Declare, select the word 'Nil' in the adjacent Box  **NIL**

 A TIP: The 'Settlor' is the name of a person who created the Trust	NAME AND ADDRESS OF TRUSTEE
NAME AND ADDRESS OF SETTLOR	

3 OTHER SOURCES OF MY INCOME
(sources of other income, *not amounts*, I received at any time during the Return Period) **TIPS:** a Other Sources of Income may include income from rental property, investments, business activities, welfare payments;
b You must include a description sufficient to identify the person, property or business activity from whom, or the circumstances in which, that income was received.If you have Nothing to Declare, select the word 'Nil' in the adjacent Box  **Refer Below**

IAG shares	

C GIFTS

 **A TIP:** Only include description of a single gift or multiple gifts from the same donor, the total value of which exceeded \$50If you have Nothing to Declare, select the word 'Nil' in the adjacent Box  **NIL**
and move to Section DIf you declare a gift  then you MUST also complete a Gifts and Benefits Declaration Form in the Councillor's Dropbox or located on [Councils' Intranet](#)

DESCRIPTION OF EACH GIFT RECEIVED BY ME AT ANY TIME DURING THE RETURN PERIOD	NAME AND ADDRESS OF GIFT DONOR
---	--------------------------------


***** NOT REQUIRED FOR PRIMARY RETURNS *****

PRIMARY RETURN

DISCLOSURE OF INTERESTS

ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU


D CONTRIBUTIONS TO TRAVEL

 **TIP:** Do not include payments by Council for your work-related travel

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section E



NIL

If you declare a gift  then you MUST also complete a Gifts and Benefits Declaration Form in the Councillor's Dropbox or located on [Councils' Intranet](#)


NAME AND ADDRESS OF EACH PERSON WHO MADE GREATER THAN \$250 FINANCIAL OR OTHER CONTRIBUTION TO ANY TRAVEL UNDERTAKEN BY ME DURING THE RETURN PERIOD

DATES TRAVEL WAS UNDERTAKEN

NAME OF STATES, TERRITORIES OF THE COMMONWEALTH AND OTHER COUNTRIES IN WHICH TRAVEL WAS UNDERTAKEN

***** NOT REQUIRED FOR PRIMARY RETURNS *****


E INTERESTS AND POSITIONS IN CORPORATIONS

 **TIPS:** (i) Declare only if your shareholding was greater than 10% of voting rights in the corporation (ii) You must declare any position (not Shareholder) you held in a Corporation (including not-for-profit corporation) such as Director, whether or not you held shares in the Corporation or the position was a paid position

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section F



NIL

If you declare a Position  you held in a Corporation that had a relationship with Council, you MUST complete a Conflict of Interests Disclosure Form in the Councillors Dropbox or located on [Councils' Intranet](#)


NAME AND ADDRESS OF EACH CORPORATION IN WHICH I HAD AN INTEREST OR HELD A POSITION AT ANY TIME DURING THE RETURN PERIOD

NATURE OF INTEREST (IF ANY)
EG SHAREHOLDER

DESCRIPTION OF POSITION (IF ANY)
EG DIRECTOR, COMPANY SECRETARY

PRINCIPAL OBJECTS OF CORPORATION (EXCEPT IN CASE OF LISTED COMPANY)

F PROPERTY DEVELOPER

 **TIPS:** In this section, you must disclose if you are a 'property developer' or a close associate of an individual or corporation that is a 'property developer' for the purposes of the *Electoral Funding Act 2018*. (i) You will be a close associate of a person who is a property developer if you are (a) the spouse of the person, or (b) where the person has made a 'relevant planning application' that is pending, you are in a joint venture or partnership with the person in connection with the 'relevant planning application' and you are likely to obtain a financial gain if it is approved or carried out. (ii) You will be a close associate of a corporation that is a property developer if (a) you or your spouse are a director or officer of the corporation (b) you or your spouse have voting power in the corporation or a related body corporate of the corporation that is greater than 20% (c) where the corporation is a trustee, manager or responsible entity in relation to a trust, you hold more than 20% of the units in the trust (in the case of a unit trust) or you are a beneficiary of the trust (in the case of a discretionary trust), or (d) where the corporation has made a 'relevant planning application' that is pending, you are in a joint venture or partnership with the corporation in connection with the 'relevant planning application' and you are likely to obtain a financial gain if it is approved or carried out.

Were you a property developer or a close associate of a property developer on the return date?


No

PRIMARY RETURN

DISCLOSURE OF INTERESTS

ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
 LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU

G POSITIONS IN TRADE UNIONS OR PROFESSIONAL OR BUSINESS ASSOCIATIONS

 **A TIP:** Do not include general membership but include details of any positions held whether remunerated or not

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section H




NIL

NAME OF EACH TRADE UNION AND EACH PROFESSIONAL OR BUSINESS ASSOCIATION
 IN WHICH I HELD ANY POSITION (WHETHER REMUNERATED OR NOT)
 AT ANY TIME DURING THE RETURN PERIOD

DESCRIPTION OF POSITION

H DEBTS

 **A TIP:** You **do not** need to provide information on (i) the amounts; (ii) debts for less than \$500; (iii) debts to any relative, bank, building society, credit union or other financial institution such as for your home mortgage, credit card or department store

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section I




NIL

NAME AND ADDRESS OF EACH PERSON OR ORGANISATION (CREDITOR) TO WHOM I WAS LIABLE TO PAY ANY DEBT AT ANY TIME
 DURING THE RETURN PERIOD

NAME OF CREDITOR

ADDRESS OF CREDITOR

I DISPOSITIONS OF REAL PROPERTY

 **TIPS:** You must disclose details:

- of each disposal of real property since your last return was made by which you wholly or partly retained the use or benefit of the property or the right to repurchase the property;
- of each disposal of real property by other persons or entities whereby you wholly or partly obtained the use of the property;
- disposal includes –
 - grant of a lease or licence for all or part of the land,
 - mortgage over your land,
 - grant of easement over land by which you retain the ability to use the land,
 - sale of land (or grant of option by you) with (i) a lease or licence granted to you or a right for you to repurchase the land, (ii) or an easement or covenant over the land in favour of you
- creation of an option to purchase land in favour of you;
- creation by you of a charge over your land;
- transfer by you of an interest in your land to a Trustee of a Trust of which you are a beneficiary;
- transfer of land to your spouse or by your spouse to a third party whereby you continue to occupy the land;
- transfer of title of your land subject to you continuing to receive a benefit, e.g. rent from the land.

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section J



NIL

Should you require more detailed explanation on the information to be provided in this Section, you should refer to Clauses 188(1) and 188(2) of the Local Government (General) Regulation 2005 or consult your solicitor

 **1 PARTICULARS OF EACH DISPOSITION OF REAL PROPERTY BY ME AT ANY TIME DURING THE RETURN PERIOD AS A RESULT OF WHICH I RETAINED, EITHER WHOLLY OR IN PART, THE USE AND BENEFIT OF THE PROPERTY OR THE RIGHT TO REACQUIRE THE PROPERTY AT A LATER DATE**

PRIMARY RETURN

DISCLOSURE OF INTERESTS


ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
 LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU

***** NOT REQUIRED FOR PRIMARY RETURNS *****

➡ 2 PARTICULARS OF EACH DISPOSITION OF REAL PROPERTY TO A PERSON BY ANOTHER PERSON UNDER ARRANGEMENTS MADE BY ME, BEING DISPOSITIONS MADE AT ANY TIME DURING THE RETURN PERIOD, AS A RESULT OF WHICH I OBTAINED EITHER WHOLLY OR IN PART, THE USE AND BENEFIT OF THE PROPERTY

***** NOT REQUIRED FOR PRIMARY RETURNS *****

J DISCRETIONARY DISCLOSURES

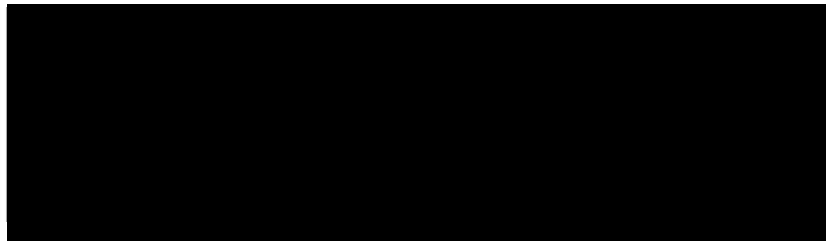
 **A TIP:** To be completed if you wish to make any additional disclosures

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and go to Sign and Date to complete this Return



NIL

MY SIGNATURE:



DATE SIGNED:

09/02/2022

NEXT STEPS:


- Ensure that wherever you had nothing to declare, that you have selected the word 'NIL' from the drop-down lists.
- Electronically sign and date this page.
- Save your completed form and forward it by e-mail to executivesupport@clarence.nsw.gov.au




PRIMARY RETURN

DISCLOSURE OF INTERESTS

ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
 LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU

For further information please read the
[Office of Local Government's Self help guide for completion of returns](#)

MY FULL NAME	GIVEN NAME: IAN	SURNAME: Tiley
RETURN DATE: 1 February 2022	 A TIP: This form must be lodged within 3 months of commencement with Council as a Councillor or Designated Person	

A REAL PROPERTY			
 A TIP: You must include: (i) either the postal addresses OR particulars of Title, i.e. Lot and DP (or SP) of properties anywhere in Australia that you had an interest in at any time during the Return Period; (ii) the Nature of your Interest, i.e. Owner, Part Owner, Lessee, Beneficiary, Occupier or Other			
Address of each parcel of real property in which I had an interest at any time during the Return Period			Nature of my Interest: Select from the drop-down list 
MY PLACE(S) OF RESIDENCE:			
		Lot & DP:	Owner
Suburb: Maclean		State:	
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	
OTHER REAL PROPERTY POSTAL ADDRESS DETAILS:			
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	

If insufficient space, please attach a schedule to this form.

Please tick if adding an attachment



PRIMARY RETURN

DISCLOSURE OF INTERESTS


ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN LODGE, BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU

B SOURCES OF INCOME		
A TIP: Only provide information where the amount of income from an occupation, a Trust or other source, exceeded \$500.		
1 SOURCES OF MY INCOME FROM AN OCCUPATION(S) <i>(sources, not amounts, of income I received from my Occupation(s) at any time during the Return Period)</i>		
Description of my Occupation(s) e.g. Labourer, Cadet, Project Officer, Manager, etc.	Name and Address of Employer or Description of Office held (if applicable)	Name of Partnership (if applicable)
Occupations include: (i) an employee of Council; (ii) an employee of other organisations; (iii) self-employed; (iv) a consultant; (v) an Office holder in a Company		
Mayor/Councillor	CLARENCE VALLEY COUNCIL 2 Prince Street GRAFTON NSW 2460	
2 SOURCES OF MY INCOME FROM A TRUST <i>(sources of income, not amounts, I received from a Trust during the Return Period)</i>		
If you have Nothing to Declare, select the word 'Nil' in the adjacent Box		NIL
A TIP: The 'Settlor' is the name of a person who created the Trust	NAME AND ADDRESS OF TRUSTEE	
NAME AND ADDRESS OF SETTLOR		
3 OTHER SOURCES OF MY INCOME <i>(sources of other income, not amounts, I received at any time during the Return Period)</i>		
TIPS: a Other Sources of Income may include income from rental property, investments, business activities, welfare payments; b You must include a description sufficient to identify the person, property or business activity from whom, or the circumstances in which, that income was received.		
If you have Nothing to Declare, select the word 'Nil' in the adjacent Box		Select option from this list
Share dividends approximating \$5000 per annum		

C GIFTS	
A TIP: Only include description of a single gift or multiple gifts from the same donor, the total value of which exceeded \$50	
If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section D	
If you declare a gift then you MUST also complete a Gifts and Benefits Declaration Form in the Councillor's Dropbox or located on Councils' Intranet	
DESCRIPTION OF EACH GIFT RECEIVED BY ME AT ANY TIME DURING THE RETURN PERIOD	NAME AND ADDRESS OF GIFT DONOR
*** NOT REQUIRED FOR PRIMARY RETURNS ***	

PRIMARY RETURN**DISCLOSURE OF INTERESTS**ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU**D CONTRIBUTIONS TO TRAVEL** **TIP:** Do not include payments by Council for your work-related travelIf you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section E 



NIL

If you declare a gift  then you MUST also complete a Gifts and Benefits Declaration Form in the Councillor's Dropbox or located on [Councils' Intranet](#)


NAME AND ADDRESS OF EACH PERSON WHO MADE GREATER THAN \$250 FINANCIAL OR OTHER CONTRIBUTION TO ANY TRAVEL UNDERTAKEN BY ME DURING THE RETURN PERIOD

DATES TRAVEL WAS UNDERTAKEN

NAME OF STATES, TERRITORIES OF THE COMMONWEALTH AND OTHER COUNTRIES IN WHICH TRAVEL WAS UNDERTAKEN

***** NOT REQUIRED FOR PRIMARY RETURNS *******E INTERESTS AND POSITIONS IN CORPORATIONS** **TIPS:** (i) Declare only if your shareholding was greater than 10% of voting rights in the corporation (ii) You must declare any position (not Shareholder) you held in a Corporation (including not-for-profit corporation) such as Director, whether or not you held shares in the Corporation or the position was a paid positionIf you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section F 


NIL

If you declare a Position  you held in a Corporation that had a relationship with Council, you MUST complete a Conflict of Interests Disclosure Form in the Councillors Dropbox or located on [Councils' Intranet](#)

NAME AND ADDRESS OF EACH CORPORATION IN WHICH I HAD AN INTEREST OR HELD A POSITION AT ANY TIME DURING THE RETURN PERIOD

NATURE OF INTEREST (IF ANY)
EG SHAREHOLDERDESCRIPTION OF POSITION (IF ANY)
EG DIRECTOR, COMPANY SECRETARY

PRINCIPAL OBJECTS OF CORPORATION (EXCEPT IN CASE OF LISTED COMPANY)

F PROPERTY DEVELOPER **TIPS:** In this section, you must disclose if you are a 'property developer' or a close associate of an individual or corporation that is a 'property developer' for the purposes of the *Electoral Funding Act 2018*. (i) You will be a close associate of a person who is a property developer if you are (a) the spouse of the person, or (b) where the person has made a 'relevant planning application' that is pending, you are in a joint venture or partnership with the person in connection with the 'relevant planning application' and you are likely to obtain a financial gain if it is approved or carried out. (ii) You will be a close associate of a corporation that is a property developer if (a) you or your spouse are a director or officer of the corporation (b) you or your spouse have voting power in the corporation or a related body corporate of the corporation that is greater than 20% (c) where the corporation is a trustee, manager or responsible entity in relation to a trust, you hold more than 20% of the units in the trust (in the case of a unit trust) or you are a beneficiary of the trust (in the case of a discretionary trust), or (d) where the corporation has made a 'relevant planning application' that is pending, you are in a joint venture or partnership with the corporation in connection with the 'relevant planning application' and you are likely to obtain a financial gain if it is approved or carried out.

Were you a property developer or a close associate of a property developer on the return date?

No

PRIMARY RETURN

DISCLOSURE OF INTERESTS

ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU

G POSITIONS IN TRADE UNIONS OR PROFESSIONAL OR BUSINESS ASSOCIATIONS

 **A TIP:** Do not include general membership but include details of any positions held whether remunerated or not

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section H



Select option from this list


NAME OF EACH TRADE UNION AND EACH PROFESSIONAL OR BUSINESS ASSOCIATION
IN WHICH I HELD ANY POSITION (WHETHER REMUNERATED OR NOT)
AT ANY TIME DURING THE RETURN PERIOD

DESCRIPTION OF POSITION

Local Government Professionals NSW

Retired Fellow

H DEBTS

 **A TIP:** You do not need to provide information on (i) the amounts; (ii) debts for less than \$500; (iii) debts to any relative, bank, building society, credit union or other financial institution such as for your home mortgage, credit card or department store

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section I




NIL

NAME AND ADDRESS OF EACH PERSON OR ORGANISATION (CREDITOR) TO WHOM I WAS LIABLE TO PAY ANY DEBT AT ANY TIME
DURING THE RETURN PERIOD

NAME OF CREDITOR

ADDRESS OF CREDITOR

I DISPOSITIONS OF REAL PROPERTY

 **TIPS:** You must disclose details:


- of each disposal of real property since your last return was made by which you wholly or partly retained the use or benefit of the property or the right to repurchase the property;
- of each disposal of real property by other persons or entities whereby you wholly or partly obtained the use of the property;
- disposal includes –
 - grant of a lease or licence for all or part of the land,
 - mortgage over your land,
 - grant of easement over land by which you retain the ability to use the land,
 - sale of land (or grant of option by you) with (i) a lease or licence granted to you or a right for you to repurchase the land, (ii) or an easement or covenant over the land in favour of you
- creation of an option to purchase land in favour of you;
- creation by you of a charge over your land;
- transfer by you of an interest in your land to a Trustee of a Trust of which you are a beneficiary;
- transfer of land to your spouse or by your spouse to a third party whereby you continue to occupy the land;
- transfer of title of your land subject to you continuing to receive a benefit, e.g. rent from the land.

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section J



NIL


Should you require more detailed explanation on the information to be provided in this Section, you should refer to Clauses 188(1) and 188(2) of the Local Government (General) Regulation 2005 or consult your solicitor

 **1 PARTICULARS OF EACH DISPOSITION OF REAL PROPERTY BY ME AT ANY TIME DURING THE RETURN PERIOD AS A RESULT OF WHICH I RETAINED, EITHER WHOLLY OR IN PART, THE USE AND BENEFIT OF THE PROPERTY OR THE RIGHT TO REACQUIRE THE PROPERTY AT A LATER DATE**

PRIMARY RETURN**DISCLOSURE OF INTERESTS**ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU***** NOT REQUIRED FOR PRIMARY RETURNS *****

- 2 PARTICULARS OF EACH DISPOSITION OF REAL PROPERTY TO A PERSON BY ANOTHER PERSON UNDER ARRANGEMENTS MADE BY ME, BEING DISPOSITIONS MADE AT ANY TIME DURING THE RETURN PERIOD, AS A RESULT OF WHICH I OBTAINED EITHER WHOLLY OR IN PART, THE USE AND BENEFIT OF THE PROPERTY

***** NOT REQUIRED FOR PRIMARY RETURNS *******J DISCRETIONARY DISCLOSURES**

 **A TIP:** To be completed if you wish to make any additional disclosures

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and go to Sign and Date to complete this Return



NIL

MY SIGNATURE:**DATE SIGNED:**

1 FEBRUARY 2022

NEXT STEPS:


- Ensure that wherever you had nothing to declare, that you have selected the word 'NIL' from the drop-down lists.
- Electronically sign and date this page.
- Save your completed form and forward it by e-mail to executivesupport@clarence.nsw.gov.au

PRIMARY RETURN


DISCLOSURE OF INTERESTS


ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU

For further information please read the Office of Local Government's Self help guide for completion of returns

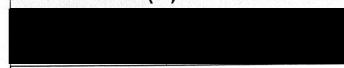
MY FULL NAME	GIVEN NAME: JEFFREY	SURNAME: SMITH
RETURN DATE:	 A TIP: This form must be lodged within 3 months of commencement with Council as a Councillor or Designated Person	

A REAL PROPERTY

 **A TIP:** You must include: (i) either the postal addresses OR particulars of Title, i.e. Lot and DP (or SP) of properties **anywhere** in Australia that you had an interest in **at any time during** the Return Period; (ii) the Nature of your Interest, i.e. Owner, Part Owner, Lessee, Beneficiary, Occupier or Other

Address of each parcel of real property in which I had an interest at any time during the Return Period	Nature of my Interest: Select from the drop-down list 
---	--


MY PLACE(S) OF RESIDENCE:

	Lot & DP:	Part Owner
Suburb: Grafton	State: NSW	
No:	Street:	SELECT FROM LIST BELOW
Suburb:	State:	

OTHER REAL PROPERTY POSTAL ADDRESS DETAILS:



No: 59-61	Street: Queen St	Lot & DP:	Part Owner
Suburb: Grafton		State: NSW	
No: 68	Street: Dobie St	Lot & DP:	Part Owner
Suburb: Grafton		State: NSW	
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	

If insufficient space, please attach a schedule to this form. Please tick if adding an attachment



PRIMARY RETURN**DISCLOSURE OF INTERESTS**ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU**B SOURCES OF INCOME** **A TIP:** Only provide information where the amount of income from an occupation, a Trust or other source, exceeded \$500.**1 SOURCES OF MY INCOME FROM AN OCCUPATION(S)***(sources, not amounts, of income I received from my Occupation(s) at any time during the Return Period)*


Description of my Occupation(s) e.g. Labourer, Cadet, Project Officer, Manager, etc.	Name and Address of Employer or Description of Office held (if applicable)	Name of Partnership (if applicable)
Occupations include: (i) an employee of Council; (ii) an employee of other organisations; (iii) self-employed; (iv) a consultant; (v) an Office holder in a Company		
Councillor	CLARENCE VALLEY COUNCIL 2 Prince Street GRAFTON NSW 2460	
Self Employed	Owner I Scream Cafe	R & J Smith



2 SOURCES OF MY INCOME FROM A TRUST*(sources of income, not amounts, I received from a Trust during the Return Period)*

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box 	Select option from this list
 A TIP: The 'Settlor' is the name of a person who created the Trust	
NAME AND ADDRESS OF SETTLOR	NAME AND ADDRESS OF TRUSTEE

3 OTHER SOURCES OF MY INCOME*(sources of other income, not amounts, I received at any time during the Return Period)*

 TIPS: a Other Sources of Income may include income from rental property, investments, business activities, welfare payments; b You must include a description sufficient to identify the person, property or business activity from whom, or the circumstances in which, that income was received.	
If you have Nothing to Declare, select the word 'Nil' in the adjacent Box 	Select option from this list
Rent from [REDACTED] Grafton	
Rent from [REDACTED] Grafton	

C GIFTS **A TIP:** Only include description of a single gift or multiple gifts from the same donor, the total value of which exceeded \$50

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section D 	NIL
If you declare a gift  then you MUST also complete a Gifts and Benefits Declaration Form in the Councillor's Dropbox or located on Councils' Intranet	
DESCRIPTION OF EACH GIFT RECEIVED BY ME AT ANY TIME DURING THE RETURN PERIOD	NAME AND ADDRESS OF GIFT DONOR


***** NOT REQUIRED FOR PRIMARY RETURNS *****

PRIMARY RETURN

DISCLOSURE OF INTERESTS

ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU


D CONTRIBUTIONS TO TRAVEL

 **A TIP:** Do not include payments by Council for your work-related travel

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section E



NIL

If you declare a gift  then you MUST also complete a Gifts and Benefits Declaration Form in the Councillor's Dropbox or located on [Councils' Intranet](#)


NAME AND ADDRESS OF EACH PERSON WHO MADE GREATER THAN \$250 FINANCIAL OR OTHER CONTRIBUTION TO ANY TRAVEL UNDERTAKEN BY ME DURING THE RETURN PERIOD

DATES TRAVEL WAS UNDERTAKEN

NAME OF STATES, TERRITORIES OF THE COMMONWEALTH AND OTHER COUNTRIES IN WHICH TRAVEL WAS UNDERTAKEN

***** NOT REQUIRED FOR PRIMARY RETURNS *****


E INTERESTS AND POSITIONS IN CORPORATIONS

 **TIPS:** (i) Declare only if your shareholding was greater than 10% of voting rights in the corporation (ii) You must declare any position (not Shareholder) you held in a Corporation (including not-for-profit corporation) such as Director, whether or not you held shares in the Corporation or the position was a paid position

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section F



Select option from this list

If you declare a Position  you held in a Corporation that had a relationship with Council, you MUST complete a Conflict of Interests Disclosure Form in the Councillors Dropbox or located on [Councils' Intranet](#)

NAME AND ADDRESS OF EACH CORPORATION IN WHICH I HAD AN INTEREST OR HELD A POSITION AT ANY TIME DURING THE RETURN PERIOD

NATURE OF INTEREST (IF ANY)
EG SHAREHOLDER

DESCRIPTION OF POSITION (IF ANY)
EG DIRECTOR, COMPANY SECRETARY

PRINCIPAL OBJECTS OF CORPORATION (EXCEPT IN CASE OF LISTED COMPANY)


Charity Creek Properties Pty Ltd

Shareholder

Director


Rental Property Ownership

F PROPERTY DEVELOPER

 **TIPS:** In this section, you must disclose if you are a 'property developer' or a close associate of an individual or corporation that is a 'property developer' for the purposes of the *Electoral Funding Act 2018*. (i) You will be a close associate of a person who is a property developer if you are (a) the spouse of the person, or (b) where the person has made a 'relevant planning application' that is pending, you are in a joint venture or partnership with the person in connection with the 'relevant planning application' and you are likely to obtain a financial gain if it is approved or carried out. (ii) You will be a close associate of a corporation that is a property developer if (a) you or your spouse are a director or officer of the corporation (b) you or your spouse have voting power in the corporation or a related body corporate of the corporation that is greater than 20% (c) where the corporation is a trustee, manager or responsible entity in relation to a trust, you hold more than 20% of the units in the trust (in the case of a unit trust) or you are a beneficiary of the trust (in the case of a discretionary trust), or (d) where the corporation has made a 'relevant planning application' that is pending, you are in a joint venture or partnership with the corporation in connection with the 'relevant planning application' and you are likely to obtain a financial gain if it is approved or carried out.

Were you a property developer or a close associate of a property developer on the return date?


No

PRIMARY RETURN**DISCLOSURE OF INTERESTS**ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU**G POSITIONS IN TRADE UNIONS OR PROFESSIONAL OR BUSINESS ASSOCIATIONS** **A TIP:** Do not include general membership but include details of any positions held whether remunerated or notIf you have Nothing to Declare, select the word 'Nil' in the adjacent Box
and move to Section H

Select option from this list

NAME OF EACH TRADE UNION AND EACH PROFESSIONAL OR BUSINESS ASSOCIATION
IN WHICH I HELD ANY POSITION (WHETHER REMUNERATED OR NOT)
AT ANY TIME DURING THE RETURN PERIOD

DESCRIPTION OF POSITION


H DEBTS **A TIP:** You do not need to provide information on (i) the amounts; (ii) debts for less than \$500; (iii) debts to any relative, bank, building society, credit union or other financial institution such as for your home mortgage, credit card or department storeIf you have Nothing to Declare, select the word 'Nil' in the adjacent Box
and move to Section I

Select option from this list

NAME AND ADDRESS OF EACH PERSON OR ORGANISATION (CREDITOR) TO WHOM I WAS LIABLE TO PAY ANY DEBT AT ANY TIME
DURING THE RETURN PERIOD

NAME OF CREDITOR


ADDRESS OF CREDITOR

I DISPOSITIONS OF REAL PROPERTY **TIPS:** You must disclose details:

- of each disposal of real property since your last return was made by which you wholly or partly retained the use or benefit of the property or the right to repurchase the property;
- of each disposal of real property by other persons or entities whereby you wholly or partly obtained the use of the property;
- disposal includes –
 - grant of a lease or licence for all or part of the land,
 - mortgage over your land,
 - grant of easement over land by which you retain the ability to use the land,
 - sale of land (or grant of option by you) with (i) a lease or licence granted to you or a right for you to repurchase the land, (ii) or an easement or covenant over the land in favour of you
- creation of an option to purchase land in favour of you;
- creation by you of a charge over your land;
- transfer by you of an interest in your land to a Trustee of a Trust of which you are a beneficiary;
- transfer of land to your spouse or by your spouse to a third party whereby you continue to occupy the land;
- transfer of title of your land subject to you continuing to receive a benefit, e.g. rent from the land.

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box
and move to Section J**NIL**

Should you require more detailed explanation on the information to be provided in this Section, you should refer to Clauses 188(1) and 188(2) of the Local Government (General) Regulation 2005 or consult your solicitor

 **1 PARTICULARS OF EACH DISPOSITION OF REAL PROPERTY BY ME AT ANY TIME DURING THE RETURN PERIOD AS A RESULT OF WHICH I RETAINED, EITHER WHOLLY OR IN PART, THE USE AND BENEFIT OF THE PROPERTY OR THE RIGHT TO REACQUIRE THE PROPERTY AT A LATER DATE**

PRIMARY RETURN

DISCLOSURE OF INTERESTS


ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU

***** NOT REQUIRED FOR PRIMARY RETURNS *****

⇒ 2 PARTICULARS OF EACH DISPOSITION OF REAL PROPERTY TO A PERSON BY ANOTHER PERSON UNDER ARRANGEMENTS MADE BY ME, BEING DISPOSITIONS MADE AT ANY TIME DURING THE RETURN PERIOD, AS A RESULT OF WHICH I OBTAINED EITHER WHOLLY OR IN PART, THE USE AND BENEFIT OF THE PROPERTY

***** NOT REQUIRED FOR PRIMARY RETURNS *****

J DISCRETIONARY DISCLOSURES

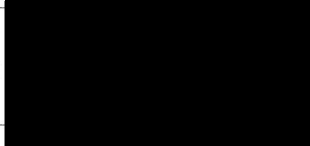
 **A TIP:** To be completed if you wish to make any additional disclosures

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and go to Sign and Date to complete this Return



Select option from this list

Grafton Jacaranda Festival	Member
Grafton Chamber of Commerce	Member
Grafton Midday Rotary Club	Member

MY SIGNATURE:	 
DATE SIGNED:	22-2-22

NEXT STEPS:


- Ensure that wherever you had nothing to declare, that you have selected the word 'NIL' from the drop-down lists.
- Electronically sign and date this page.
- Save your completed form and forward it by e-mail to executivesupport@clarence.nsw.gov.au

PRIMARY RETURN

DISCLOSURE OF INTERESTS

ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
 LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU


For further information please read the
[Office of Local Government's Self help guide for completion of returns](#)

MY FULL NAME	GIVEN NAME: KAREN	SURNAME: TOMS
RETURN DATE: 15 FEBRUARY 2022	 A TIP: This form must be lodged within 3 months of commencement with Council as a Councillor or Designated Person	

A REAL PROPERTY



A TIP: You must include: (i) either the postal addresses OR particulars of Title, i.e. Lot and DP (or SP) of properties **anywhere** in Australia that you had an interest in **at any time during** the Return Period; (ii) the Nature of your Interest, i.e. Owner, Part Owner, Lessee, Beneficiary, Occupier or Other

Address of each parcel of real property in which I had an interest at any time during the Return Period	Nature of my Interest: Select from the drop-down list 
---	--

MY PLACE(S) OF RESIDENCE:

[REDACTED]			Part Owner
Suburb: YAMBA		NSW	SELECT FROM LIST BELOW
No:	Street:	Lot & DP:	
Suburb:		State:	

OTHER REAL PROPERTY POSTAL ADDRESS DETAILS:

[REDACTED]			Part Owner
Suburb: YAMBA		NSW	SELECT FROM LIST BELOW
No:	Street:	Lot & DP:	
Suburb:		State:	
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	
No:	Street:	Lot & DP:	
Suburb:		State:	SELECT FROM LIST BELOW
No:	Street:	Lot & DP:	
Suburb:		State:	
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	
No:	Street:	Lot & DP:	
Suburb:		State:	SELECT FROM LIST BELOW
No:	Street:	Lot & DP:	
Suburb:		State:	

If insufficient space, please attach a schedule to this form.

Please tick if adding an attachment

PRIMARY RETURN

DISCLOSURE OF INTERESTS

ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU

B SOURCES OF INCOME

A TIP: Only provide information where the amount of income from an occupation, a Trust or other source, exceeded \$500.

1 SOURCES OF MY INCOME FROM AN OCCUPATION(S) (sources, *not amounts*, of income I received from my Occupation(s) at any time during the Return Period)

Description of my Occupation(s) e.g. Labourer, Cadet, Project Officer, Manager, etc.	Name and Address of Employer or Description of Office held (if applicable)	Name of Partnership (if applicable)
Occupations include: (i) an employee of Council; (ii) an employee of other organisations; (iii) self-employed; (iv) a consultant; (v) an Office holder in a Company		
COUNCILLOR	CLARENCE VALLEY COUNCIL 2 Prince Street GRAFTON NSW 2460	
DIRECTOR SELF EMPLOYED	JKT & SONS PTY LTD C/- IGNITE ACCOUNTING SUITE 1/45 CINDERELLA DVE SPRINGWOOD QLD 4127	

2 SOURCES OF MY INCOME FROM A TRUST (sources of income, *not amounts*, I received from a Trust during the Return Period)

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box		NIL
NAME AND ADDRESS OF SETTLOR A TIP: The 'Settlor' is the name of a person who created the Trust	NAME AND ADDRESS OF TRUSTEE	

3 OTHER SOURCES OF MY INCOME (sources of other income, *not amounts*, I received at any time during the Return Period)

TIPS: a Other Sources of Income may include income from rental property, investments, business activities, welfare payments;
b You must include a description sufficient to identify the person, property or business activity from whom, or the circumstances in which, that income was received.

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box		Select option from this list
RENTAL PROPERTY	██████████	YAMBA NSW 2464

C GIFTS

A TIP: Only include description of a single gift or multiple gifts from the same donor, the total value of which exceeded \$50


If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section D		NIL
If you declare a gift then you MUST also complete a Gifts and Benefits Declaration Form in the Councillor's Dropbox or located on Councils' Intranet		
DESCRIPTION OF EACH GIFT RECEIVED BY ME AT ANY TIME DURING THE RETURN PERIOD	NAME AND ADDRESS OF GIFT DONOR	

PRIMARY RETURN



DISCLOSURE OF INTERESTS

ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU

***** NOT REQUIRED FOR PRIMARY RETURNS *****

PRIMARY RETURN**DISCLOSURE OF INTERESTS**ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU**D CONTRIBUTIONS TO TRAVEL** **TIP:** Do not include payments by Council for your work-related travel


If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section E

**NIL**If you declare a gift  then you MUST also complete a Gifts and Benefits Declaration Form in the Councillor's Dropbox or located on [Councils' Intranet](#)NAME AND ADDRESS OF EACH PERSON WHO MADE
GREATER THAN \$250 FINANCIAL OR OTHER
CONTRIBUTION TO ANY TRAVEL UNDERTAKEN BY ME
DURING THE RETURN PERIODDATES TRAVEL WAS
UNDERTAKENNAME OF STATES, TERRITORIES
OF THE COMMONWEALTH AND
OTHER COUNTRIES IN WHICH
TRAVEL WAS UNDERTAKEN***** NOT REQUIRED FOR PRIMARY RETURNS *******E INTERESTS AND POSITIONS IN CORPORATIONS** **TIPS:** (i) Declare only if your shareholding was greater than 10% of voting rights in the corporation (ii) You must declare any position (not Shareholder) you held in a Corporation (including not-for-profit corporation) such as Director, whether or not you held shares in the Corporation or the position was a paid position

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section F



Select option from this list


If you declare a Position  you held in a Corporation that had a relationship with Council, you MUST complete a Conflict of Interests Disclosure Form in the Councillors Dropbox or located on [Councils' Intranet](#)NAME AND ADDRESS OF EACH CORPORATION IN
WHICH I HAD AN INTEREST OR HELD A POSITION
AT ANY TIME DURING THE RETURN PERIODNATURE OF INTEREST
(IF ANY)
EG SHAREHOLDERDESCRIPTION OF
POSITION (IF ANY)
EG DIRECTOR, COMPANY
SECRETARYPRINCIPAL OBJECTS OF
CORPORATION (EXCEPT IN
CASE OF LISTED COMPANY)CLARENCE VALLEY COMMUNITY FINANCIAL
SERVICES LIMITED

DIRECTOR

BENDIGO COMMUNITY
BANK SOUTH GAFTON

JKT & SONS PTY LTD

DIRECTOR

CONTRACT MANAGERS
OF ILUKA RIVERSIDE
HOLIDAY PARK**F PROPERTY DEVELOPER** **TIPS:** In this section, you must disclose if you are a 'property developer' or a close associate of an individual or corporation that is a 'property developer' for the purposes of the *Electoral Funding Act 2018*. (i) You will be a close associate of a person who is a property developer if you are (a) the spouse of the person, or (b) where the person has made a 'relevant planning application' that is pending, you are in a joint venture or partnership with the person in connection with the 'relevant planning application' and you are likely to obtain a financial gain if it is approved or carried out. (ii) You will be a close associate of a corporation that is a property developer if (a) you or your spouse are a director or officer of the corporation (b) you or your spouse have voting power in the corporation or a related body corporate of the corporation that is greater than 20% (c) where the corporation is a trustee, manager or responsible entity in relation to a trust, you hold more than 20% of the units in the trust (in the case of a unit trust) or you are a beneficiary of the trust (in the case of a discretionary trust), or (d) where the corporation has made a 'relevant planning application' that is pending, you are in a joint venture or partnership with the corporation in connection with the 'relevant planning application' and you are likely to obtain a financial gain if it is approved or carried out.

Were you a property developer or a close associate of a property developer on the return date?


No

PRIMARY RETURN

DISCLOSURE OF INTERESTS

ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
 LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU

G POSITIONS IN TRADE UNIONS OR PROFESSIONAL OR BUSINESS ASSOCIATIONS

 **A TIP:** Do not include general membership but include details of any positions held whether remunerated or not

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section H




NIL

NAME OF EACH TRADE UNION AND EACH PROFESSIONAL OR BUSINESS ASSOCIATION
 IN WHICH I HELD ANY POSITION (WHETHER REMUNERATED OR NOT)
 AT ANY TIME DURING THE RETURN PERIOD

DESCRIPTION OF POSITION

H DEBTS

 **A TIP:** You **do not** need to provide information on (i) the amounts; (ii) debts for less than \$500; (iii) debts to any relative, bank, building society, credit union or other financial institution such as for your home mortgage, credit card or department store

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section I




NIL

NAME AND ADDRESS OF EACH PERSON OR ORGANISATION (CREDITOR) TO WHOM I WAS LIABLE TO PAY ANY DEBT AT ANY TIME
 DURING THE RETURN PERIOD

NAME OF CREDITOR

ADDRESS OF CREDITOR

I DISPOSITIONS OF REAL PROPERTY

 **TIPS:** You must disclose details:

- of each disposal of real property since your last return was made by which you wholly or partly retained the use or benefit of the property or the right to repurchase the property;
- of each disposal of real property by other persons or entities whereby you wholly or partly obtained the use of the property;
- disposal includes –
 - grant of a lease or licence for all or part of the land,
 - mortgage over your land,
 - grant of easement over land by which you retain the ability to use the land,
 - sale of land (or grant of option by you) with (i) a lease or licence granted to you or a right for you to repurchase the land, (ii) or an easement or covenant over the land in favour of you
- creation of an option to purchase land in favour of you;
- creation by you of a charge over your land;
- transfer by you of an interest in your land to a Trustee of a Trust of which you are a beneficiary;
- transfer of land to your spouse or by your spouse to a third party whereby you continue to occupy the land;
- transfer of title of your land subject to you continuing to receive a benefit, e.g. rent from the land.

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section J



NIL

Should you require more detailed explanation on the information to be provided in this Section, you should refer to Clauses 188(1) and 188(2) of the Local Government (General) Regulation 2005 or consult your solicitor

 **1 PARTICULARS OF EACH DISPOSITION OF REAL PROPERTY BY ME AT ANY TIME DURING THE RETURN PERIOD AS A RESULT OF WHICH I RETAINED, EITHER WHOLLY OR IN PART, THE USE AND BENEFIT OF THE PROPERTY OR THE RIGHT TO REACQUIRE THE PROPERTY AT A LATER DATE**

PRIMARY RETURN**DISCLOSURE OF INTERESTS**ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU***** NOT REQUIRED FOR PRIMARY RETURNS *****

- ➔ 2 PARTICULARS OF EACH DISPOSITION OF REAL PROPERTY TO A PERSON BY ANOTHER PERSON UNDER ARRANGEMENTS MADE BY ME, BEING DISPOSITIONS MADE AT ANY TIME DURING THE RETURN PERIOD, AS A RESULT OF WHICH I OBTAINED EITHER WHOLLY OR IN PART, THE USE AND BENEFIT OF THE PROPERTY

***** NOT REQUIRED FOR PRIMARY RETURNS *******J DISCRETIONARY DISCLOSURES****🔔 A TIP:** To be completed if you wish to make any additional disclosures

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and go to Sign and Date to complete this Return



Select option from this list

ON LINE BUSINESS ALL ABOUT CAMPING

BUSINESS OF JKT & SONS PTY LTD

PRESIDENT YAMBA EVENING VIEW CLUB

P.O.BOX 359 YAMBA NSW 2464

MY SIGNATURE:**DATE SIGNED:**

15 FEBRUARY 2022

NEXT STEPS:


- Ensure that wherever you had nothing to declare, that you have selected the word 'NIL' from the drop-down lists.
- Electronically sign and date this page.
- Save your completed form and forward it by e-mail to executivesupport@clarence.nsw.gov.au

PRIMARY RETURN

DISCLOSURE OF INTERESTS

ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
 LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU


For further information please read the
[Office of Local Government's Self help guide for completion of returns](#)

MY FULL NAME	GIVEN NAME: Peter	SURNAME: Johnstone
RETURN DATE: 2/2/22	 A TIP: This form must be lodged within 3 months of commencement with Council as a Councillor or Designated Person	

A REAL PROPERTY



A TIP: You must include: (i) either the postal addresses OR particulars of Title, i.e. Lot and DP (or SP) of properties **anywhere** in Australia that you had an interest in **at any time during** the Return Period; (ii) the Nature of your Interest, i.e. Owner, Part Owner, Lessee, Beneficiary, Occupier or Other

Address of each parcel of real property in which I had an interest at any time during the Return Period	Nature of my Interest: Select from the drop-down list 
---	--

MY PLACE(S) OF RESIDENCE

[REDACTED]		Lot & DP:	Occupier
Suburb: South Grafton		State: NSW	
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	

OTHER REAL PROPERTY POSTAL ADDRESS DETAILS:

[REDACTED]		Lot & DP:	Part Owner
Suburb: Toowong		State: QLD	
[REDACTED]		Lot & DP:	Part Owner
Suburb: Wavell Heights		State: QLD	
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	

If insufficient space, please attach a schedule to this form.

Please tick if adding an attachment

PRIMARY RETURN

DISCLOSURE OF INTERESTS

ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
 LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU

B SOURCES OF INCOME

A TIP: Only provide information where the amount of income from an occupation, a Trust or other source, exceeded \$500.

➡ 1 SOURCES OF MY INCOME FROM AN OCCUPATION(S) (sources, *not amounts*, of income I received from my Occupation(s) at any time during the Return Period)

Description of my Occupation(s) e.g. Labourer, Cadet, Project Officer, Manager, etc.	Name and Address of Employer or Description of Office held (if applicable)	Name of Partnership (if applicable)
Occupations include: (i) an employee of Council; (ii) an employee of other organisations; (iii) self-employed; (iv) a consultant; (v) an Office holder in a Company		
Councillor	CLARENCE VALLEY COUNCIL 2 Prince Street GRAFTON NSW 2460	
Casual Teacher	NSW Department of Education	

➡ 2 SOURCES OF MY INCOME FROM A TRUST (sources of income, *not amounts*, I received from a Trust during the Return Period)

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box	➡	NIL
NAME AND ADDRESS OF SETTLOR A TIP: The 'Settlor' is the name of a person who created the Trust	NAME AND ADDRESS OF TRUSTEE	

➡ 3 OTHER SOURCES OF MY INCOME (sources of other income, *not amounts*, I received at any time during the Return Period)

TIPS: a Other Sources of Income may include income from rental property, investments, business activities, welfare payments;
 b You must include a description sufficient to identify the person, property or business activity from whom, or the circumstances in which, that income was received.

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box	➡	Refer Below
Rental income		
Private Mathematics Tutoring		

C GIFTS

A TIP: Only include description of a single gift or multiple gifts from the same donor, the total value of which exceeded \$50

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section D	➡	NIL
If you declare a gift then you MUST also complete a Gifts and Benefits Declaration Form in the Councillor's Dropbox or located on Councils' Intranet		
DESCRIPTION OF EACH GIFT RECEIVED BY ME AT ANY TIME DURING THE RETURN PERIOD	NAME AND ADDRESS OF GIFT DONOR	


*** **NOT REQUIRED FOR PRIMARY RETURNS** ***

PRIMARY RETURN

DISCLOSURE OF INTERESTS

ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU


D CONTRIBUTIONS TO TRAVEL

 **A TIP:** Do not include payments by Council for your work-related travel


If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section E



NIL

If you declare a gift  then you MUST also complete a Gifts and Benefits Declaration Form in the Councillor's Dropbox or located on [Councils' Intranet](#)NAME AND ADDRESS OF EACH PERSON WHO MADE
GREATER THAN \$250 FINANCIAL OR OTHER
CONTRIBUTION TO ANY TRAVEL UNDERTAKEN BY ME
DURING THE RETURN PERIODDATES TRAVEL WAS
UNDERTAKENNAME OF STATES, TERRITORIES
OF THE COMMONWEALTH AND
OTHER COUNTRIES IN WHICH
TRAVEL WAS UNDERTAKEN*** **NOT REQUIRED FOR PRIMARY RETURNS** ***


E INTERESTS AND POSITIONS IN CORPORATIONS

 **TIPS:** (i) Declare only if your shareholding was greater than 10% of voting rights in the corporation (ii) You must declare any position (not Shareholder) you held in a Corporation (including not-for-profit corporation) such as Director, whether or not you held shares in the Corporation or the position was a paid position

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section F



Refer Below

If you declare a Position  you held in a Corporation that had a relationship with Council, you MUST complete a Conflict of Interests Disclosure Form in the Councillors Dropbox or located on [Councils' Intranet](#)NAME AND ADDRESS OF EACH CORPORATION IN
WHICH I HAD AN INTEREST OR HELD A POSITION
AT ANY TIME DURING THE RETURN PERIODNATURE OF INTEREST
(IF ANY)
EG SHAREHOLDERDESCRIPTION OF
POSITION (IF ANY)
EG DIRECTOR, COMPANY
SECRETARYPRINCIPAL OBJECTS OF
CORPORATION (EXCEPT IN
CASE OF LISTED COMPANY)


Grafton Supa Oldie Soccer

Secretary

Grafton City Rural Fire Brigade

Member

F PROPERTY DEVELOPER

 **TIPS:** In this section, you must disclose if you are a 'property developer' or a close associate of an individual or corporation that is a 'property developer' for the purposes of the *Electoral Funding Act 2018*. (i) You will be a close associate of a person who is a property developer if you are (a) the spouse of the person, or (b) where the person has made a 'relevant planning application' that is pending, you are in a joint venture or partnership with the person in connection with the 'relevant planning application' and you are likely to obtain a financial gain if it is approved or carried out. (ii) You will be a close associate of a corporation that is a property developer if (a) you or your spouse are a director or officer of the corporation (b) you or your spouse have voting power in the corporation or a related body corporate of the corporation that is greater than 20% (c) where the corporation is a trustee, manager or responsible entity in relation to a trust, you hold more than 20% of the units in the trust (in the case of a unit trust) or you are a beneficiary of the trust (in the case of a discretionary trust), or (d) where the corporation has made a 'relevant planning application' that is pending, you are in a joint venture or partnership with the corporation in connection with the 'relevant planning application' and you are likely to obtain a financial gain if it is approved or carried out.

Were you a property developer or a close associate of a property developer on the return date?


No


PRIMARY RETURN

DISCLOSURE OF INTERESTS

ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU

G POSITIONS IN TRADE UNIONS OR PROFESSIONAL OR BUSINESS ASSOCIATIONS

 **A TIP:** Do not include general membership but include details of any positions held whether remunerated or not

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section H 

Refer Below


NAME OF EACH TRADE UNION AND EACH PROFESSIONAL OR BUSINESS ASSOCIATION IN WHICH I HELD ANY POSITION (WHETHER REMUNERATED OR NOT) AT ANY TIME DURING THE RETURN PERIOD


DESCRIPTION OF POSITION

Teachers Federation

Member

H DEBTS

 **A TIP:** You **do not** need to provide information on (i) the amounts; (ii) debts for less than \$500; (iii) debts to any relative, bank, building society, credit union or other financial institution such as for your home mortgage, credit card or department store

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section I 


NIL

NAME AND ADDRESS OF EACH PERSON OR ORGANISATION (CREDITOR) TO WHOM I WAS LIABLE TO PAY ANY DEBT AT ANY TIME DURING THE RETURN PERIOD


NAME OF CREDITOR

ADDRESS OF CREDITOR

I DISPOSITIONS OF REAL PROPERTY

 **TIPS:** You must disclose details:

- of each disposal of real property since your last return was made by which you wholly or partly retained the use or benefit of the property or the right to repurchase the property;
- of each disposal of real property by other persons or entities whereby you wholly or partly obtained the use of the property;
- disposal includes –
 - grant of a lease or licence for all or part of the land,
 - mortgage over your land,
 - grant of easement over land by which you retain the ability to use the land,
 - sale of land (or grant of option by you) with (i) a lease or licence granted to you or a right for you to repurchase the land, (ii) or an easement or covenant over the land in favour of you
- creation of an option to purchase land in favour of you;
- creation by you of a charge over your land;
- transfer by you of an interest in your land to a Trustee of a Trust of which you are a beneficiary;
- transfer of land to your spouse or by your spouse to a third party whereby you continue to occupy the land;
- transfer of title of your land subject to you continuing to receive a benefit, e.g. rent from the land.

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section J 

NIL


Should you require more detailed explanation on the information to be provided in this Section, you should refer to Clauses 188(1) and 188(2) of the Local Government (General) Regulation 2005 or consult your solicitor

 **1 PARTICULARS OF EACH DISPOSITION OF REAL PROPERTY BY ME AT ANY TIME DURING THE RETURN PERIOD AS A RESULT OF WHICH I RETAINED, EITHER WHOLLY OR IN PART, THE USE AND BENEFIT OF THE PROPERTY OR THE RIGHT TO REACQUIRE THE PROPERTY AT A LATER DATE**

PRIMARY RETURN**DISCLOSURE OF INTERESTS**ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU***** NOT REQUIRED FOR PRIMARY RETURNS *****

- ➔ 2 PARTICULARS OF EACH DISPOSITION OF REAL PROPERTY TO A PERSON BY ANOTHER PERSON UNDER ARRANGEMENTS MADE BY ME, BEING DISPOSITIONS MADE AT ANY TIME DURING THE RETURN PERIOD, AS A RESULT OF WHICH I OBTAINED EITHER WHOLLY OR IN PART, THE USE AND BENEFIT OF THE PROPERTY

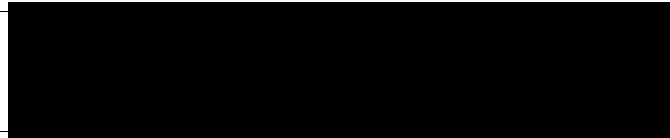
***** NOT REQUIRED FOR PRIMARY RETURNS *******J DISCRETIONARY DISCLOSURES**

 **A TIP:** To be completed if you wish to make any additional disclosures

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and go to Sign and Date to complete this Return



NIL

MY SIGNATURE:**DATE SIGNED:**

2/2/22

NEXT STEPS:


- Ensure that wherever you had nothing to declare, that you have selected the word 'NIL' from the drop-down lists.
- Electronically sign and date this page.
- Save your completed form and forward it by e-mail to executivesupport@clarence.nsw.gov.au

PRIMARY RETURN

DISCLOSURE OF INTERESTS


ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU

For further information please read the
[Office of Local Government's Self help guide for completion of returns](#)


MY FULL NAME	GIVEN NAME: STEVE	SURNAME: PICKERING
RETURN DATE: 23 FEBRUARY 2022	 A TIP: This form must be lodged within 3 months of commencement with Council as a Councillor or Designated Person	

A REAL PROPERTY

A TIP: You must include: (i) either the postal addresses OR particulars of Title, i.e. Lot and DP (or SP) of properties **anywhere** in Australia that you had an interest in **at any time during** the Return Period; (ii) the Nature of your Interest, i.e. Owner, Part Owner, Lessee, Beneficiary, Occupier or Other

Address of each parcel of real property in which I had an interest at any time during the Return Period	Nature of my Interest: Select from the drop-down list 
---	--

MY PLACE(S) OF RESIDENCE:

	Lot & DP:	Owner
Suburb: Ulmarra	State: NSW	
No:	Street:	SELECT FROM LIST BELOW
Suburb:	State:	

OTHER REAL PROPERTY POSTAL ADDRESS DETAILS:

No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:	State:		
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:	State:		
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:	State:		
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:	State:		
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:	State:		
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:	State:		

If insufficient space, please attach a schedule to this form.


Please tick if adding an attachment

PRIMARY RETURN

DISCLOSURE OF INTERESTS



ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU


B SOURCES OF INCOME


 **A TIP:** Only provide information where the amount of income from an occupation, a Trust or other source, exceeded \$500.**1 SOURCES OF MY INCOME FROM AN OCCUPATION(S)**
(sources, *not amounts*, of income I received from my Occupation(s) at any time during the Return Period)

Description of my Occupation(s) e.g. Labourer, Cadet, Project Officer, Manager, etc.	Name and Address of Employer or Description of Office held (if applicable)	Name of Partnership (if applicable)
Occupations include: (i) an employee of Council; (ii) an employee of other organisations; (iii) self-employed; (iv) a consultant; (v) an Office holder in a Company		
Councillor	CLARENCE VALLEY COUNCIL 2 Prince Street GRAFTON NSW 2460	
Self-Employed	Steve Pickering 5 Coldstream Street ULMARRA NSW 2462	


2 SOURCES OF MY INCOME FROM A TRUST
(sources of income, *not amounts*, I received from a Trust during the Return Period)



If you have Nothing to Declare, select the word 'Nil' in the adjacent Box 	NIL
NAME AND ADDRESS OF SETTLOR  A TIP: The 'Settlor' is the name of a person who created the Trust	NAME AND ADDRESS OF TRUSTEE

3 OTHER SOURCES OF MY INCOME
(sources of other income, *not amounts*, I received at any time during the Return Period) **TIPS:** a Other Sources of Income may include income from rental property, investments, business activities, welfare payments;
b You must include a description sufficient to identify the person, property or business activity from whom, or the circumstances in which, that income was received.

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box 	NIL

C GIFTS

 **A TIP:** Only include description of a single gift or multiple gifts from the same donor, the total value of which exceeded \$50

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box  and move to Section D	NIL
If you declare a gift  then you MUST also complete a Gifts and Benefits Declaration Form in the Councillor's Dropbox or located on Councils' Intranet	
DESCRIPTION OF EACH GIFT RECEIVED BY ME AT ANY TIME DURING THE RETURN PERIOD	NAME AND ADDRESS OF GIFT DONOR

PRIMARY RETURN

DISCLOSURE OF INTERESTS

ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU


***** NOT REQUIRED FOR PRIMARY RETURNS *****

PRIMARY RETURN

DISCLOSURE OF INTERESTS

ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
 LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU


D CONTRIBUTIONS TO TRAVEL

 **TIP:** Do not include payments by Council for your work-related travel

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section E



NIL

If you declare a gift  then you MUST also complete a Gifts and Benefits Declaration Form in the Councillor's Dropbox or located on [Councils' Intranet](#)


NAME AND ADDRESS OF EACH PERSON WHO MADE
 GREATER THAN \$250 FINANCIAL OR OTHER
 CONTRIBUTION TO ANY TRAVEL UNDERTAKEN BY ME
 DURING THE RETURN PERIOD

DATES TRAVEL WAS
 UNDERTAKEN

NAME OF STATES, TERRITORIES
 OF THE COMMONWEALTH AND
 OTHER COUNTRIES IN WHICH
 TRAVEL WAS UNDERTAKEN

*** NOT REQUIRED FOR PRIMARY RETURNS ***


E INTERESTS AND POSITIONS IN CORPORATIONS

 **TIPS:** (i) Declare only if your shareholding was greater than 10% of voting rights in the corporation (ii) You must declare any position (not Shareholder) you held in a Corporation (including not-for-profit corporation) such as Director, whether or not you held shares in the Corporation or the position was a paid position

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section F



NIL

If you declare a Position  you held in a Corporation that had a relationship with Council, you MUST complete a Conflict of Interests Disclosure Form in the Councillors Dropbox or located on [Councils' Intranet](#)


NAME AND ADDRESS OF EACH CORPORATION IN
 WHICH I HAD AN INTEREST OR HELD A POSITION
 AT ANY TIME DURING THE RETURN PERIOD

NATURE OF INTEREST
 (IF ANY)
 EG SHAREHOLDER

DESCRIPTION OF
 POSITION (IF ANY)
 EG DIRECTOR, COMPANY
 SECRETARY

PRINCIPAL OBJECTS OF
 CORPORATION (EXCEPT IN
 CASE OF LISTED COMPANY)

F PROPERTY DEVELOPER

 **TIPS:** In this section, you must disclose if you are a 'property developer' or a close associate of an individual or corporation that is a 'property developer' for the purposes of the *Electoral Funding Act 2018*. (i) You will be a close associate of a person who is a property developer if you are (a) the spouse of the person, or (b) where the person has made a 'relevant planning application' that is pending, you are in a joint venture or partnership with the person in connection with the 'relevant planning application' and you are likely to obtain a financial gain if it is approved or carried out. (ii) You will be a close associate of a corporation that is a property developer if (a) you or your spouse are a director or officer of the corporation (b) you or your spouse have voting power in the corporation or a related body corporate of the corporation that is greater than 20% (c) where the corporation is a trustee, manager or responsible entity in relation to a trust, you hold more than 20% of the units in the trust (in the case of a unit trust) or you are a beneficiary of the trust (in the case of a discretionary trust), or (d) where the corporation has made a 'relevant planning application' that is pending, you are in a joint venture or partnership with the corporation in connection with the 'relevant planning application' and you are likely to obtain a financial gain if it is approved or carried out.

Were you a property developer or a close associate of a property developer on the return date?


No

PRIMARY RETURN

DISCLOSURE OF INTERESTS

ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU

G POSITIONS IN TRADE UNIONS OR PROFESSIONAL OR BUSINESS ASSOCIATIONS

 **A TIP:** Do not include general membership but include details of any positions held whether remunerated or not

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section H




NIL

NAME OF EACH TRADE UNION AND EACH PROFESSIONAL OR BUSINESS ASSOCIATION IN WHICH I HELD ANY POSITION (WHETHER REMUNERATED OR NOT) AT ANY TIME DURING THE RETURN PERIOD

DESCRIPTION OF POSITION

H DEBTS

 **A TIP:** You **do not** need to provide information on (i) the amounts; (ii) debts for less than \$500; (iii) debts to any relative, bank, building society, credit union or other financial institution such as for your home mortgage, credit card or department store

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section I




NIL

NAME AND ADDRESS OF EACH PERSON OR ORGANISATION (CREDITOR) TO WHOM I WAS LIABLE TO PAY ANY DEBT AT ANY TIME DURING THE RETURN PERIOD

NAME OF CREDITOR

ADDRESS OF CREDITOR

I DISPOSITIONS OF REAL PROPERTY

 **TIPS:** You must disclose details:

- of each disposal of real property since your last return was made by which you wholly or partly retained the use or benefit of the property or the right to repurchase the property;
- of each disposal of real property by other persons or entities whereby you wholly or partly obtained the use of the property;
- disposal includes –
 - grant of a lease or licence for all or part of the land,
 - mortgage over your land,
 - grant of easement over land by which you retain the ability to use the land,
 - sale of land (or grant of option by you) with (i) a lease or licence granted to you or a right for you to repurchase the land, (ii) or an easement or covenant over the land in favour of you
- creation of an option to purchase land in favour of you;
- creation by you of a charge over your land;
- transfer by you of an interest in your land to a Trustee of a Trust of which you are a beneficiary;
- transfer of land to your spouse or by your spouse to a third party whereby you continue to occupy the land;
- transfer of title of your land subject to you continuing to receive a benefit, e.g. rent from the land.

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section J



NIL


Should you require more detailed explanation on the information to be provided in this Section, you should refer to Clauses 188(1) and 188(2) of the Local Government (General) Regulation 2005 or consult your solicitor

 **1 PARTICULARS OF EACH DISPOSITION OF REAL PROPERTY BY ME AT ANY TIME DURING THE RETURN PERIOD AS A RESULT OF WHICH I RETAINED, EITHER WHOLLY OR IN PART, THE USE AND BENEFIT OF THE PROPERTY OR THE RIGHT TO REACQUIRE THE PROPERTY AT A LATER DATE**

PRIMARY RETURN**DISCLOSURE OF INTERESTS**ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU***** NOT REQUIRED FOR PRIMARY RETURNS *****

- ➔ 2 PARTICULARS OF EACH DISPOSITION OF REAL PROPERTY TO A PERSON BY ANOTHER PERSON UNDER ARRANGEMENTS MADE BY ME, BEING DISPOSITIONS MADE AT ANY TIME DURING THE RETURN PERIOD, AS A RESULT OF WHICH I OBTAINED EITHER WHOLLY OR IN PART, THE USE AND BENEFIT OF THE PROPERTY

***** NOT REQUIRED FOR PRIMARY RETURNS *******J DISCRETIONARY DISCLOSURES**

 **A TIP:** To be completed if you wish to make any additional disclosures

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and go to Sign and Date to complete this Return



Refer Below

Ulmarra Village Inc	Member (ex President)
South Grafton Progress Association	Member
Grafton Chamber of Commerce	Member

MY SIGNATURE:	
DATE SIGNED:	23 FEBRUARY 2022

NEXT STEPS:


- Ensure that wherever you had nothing to declare, that you have selected the word 'NIL' from the drop-down lists.
- Electronically sign and date this page.
- Save your completed form and forward it by e-mail to executivesupport@clarence.nsw.gov.au

PRIMARY RETURN


DISCLOSURE OF INTERESTS

ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU

For further information please read the **Office of Local Government's Self help guide for completion of returns**

MY FULL NAME	GIVEN NAME: ALLISON	SURNAME: WHAITES
RETURN DATE: 10/03/2022	 A TIP: This form must be lodged within 3 months of commencement with Council as a Councillor or Designated Person.	

A REAL PROPERTY

 **A TIP:** You must include: (i) either the postal addresses OR particulars of Title, i.e. Lot and DP (or SP) of properties **anywhere** in Australia that you had an interest in **at any time during** the Return Period; (ii) the Nature of your Interest, i.e. Owner, Part Owner, Lessee, Beneficiary, Occupier or Other

Address of each parcel of real property in which I had an interest at any time during the Return Period	Nature of my Interest: Select from the drop-down list <input type="button" value="U"/>
---	---

MY PLACE(S) OF RESIDENCE:

<input type="text" value="South Grafton"/>	Lot & DP:	Owner
Suburb:	State:	
No:	Street:	SELECT FROM LIST BELOW
Suburb:	State:	

OTHER REAL PROPERTY POSTAL ADDRESS DETAILS:

No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:	State:		
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:	State:		
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:	State:		
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:	State:		
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:	State:		
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:	State:		

If insufficient space, please attach a schedule to this form. Please tick if adding an attachment

PRIMARY RETURN

DISCLOSURE OF INTERESTS

ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU

B SOURCES OF INCOME

A TIP: Only provide information where the amount of income from an occupation, a Trust or other source, exceeded \$500.

1 SOURCES OF MY INCOME FROM AN OCCUPATION(S)
(sources, not amounts, of income I received from my Occupation(s) at any time during the Return Period)

Description of my Occupation(s) e.g. Labourer, Cadet, Project Officer, Manager, etc.	Name and Address of Employer or Description of Office held (if applicable)	Name of Partnership (if applicable)
Occupations include: (i) an employee of Council; (ii) an employee of other organisations; (iii) self-employed; (iv) a consultant; (v) an Office holder in a Company		
Councillor	CLARENCE VALLEY COUNCIL 2 Prince Street GRAFTON NSW 2460	
Real Estate	Bryant & Whaites Pty Ltd T/As Allison Whaites Estate Agent Suite 7, 150 Pacific Highway, Coffs Harbour NSW 2450	Allison Whaites

2 SOURCES OF MY INCOME FROM A TRUST
(sources of income, not amounts, I received from a Trust during the Return Period)

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box Select option from this list

NAME AND ADDRESS OF SETTLOR A TIP: The 'Settlor' is the name of a person who created the Trust	NAME AND ADDRESS OF TRUSTEE

3 OTHER SOURCES OF MY INCOME
(sources of other income, not amounts, I received at any time during the Return Period)

TIPS: a Other Sources of Income may include income from rental property, investments, business activities, welfare payments;
b You must include a description sufficient to identify the person, property or business activity from whom, or the circumstances in which, that income was received.

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box Select option from this list

C GIFTS

A TIP: Only include description of a single gift or multiple gifts from the same donor, the total value of which exceeded \$50

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section D **NIL**

If you declare a gift then you **MUST** also complete a Gifts and Benefits Declaration Form in the Councillor's Dropbox or located on Councils' Intranet

DESCRIPTION OF EACH GIFT RECEIVED BY ME AT ANY TIME DURING THE RETURN PERIOD	NAME AND ADDRESS OF GIFT DONOR

PRIMARY RETURN

DISCLOSURE OF INTERESTS

ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU

***** NOT REQUIRED FOR PRIMARY RETURNS *****


no

PRIMARY RETURN**DISCLOSURE OF INTERESTS**ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU**D CONTRIBUTIONS TO TRAVEL** **A TIP:** Do not include payments by Council for your work-related travelIf you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section E **NIL**If you declare a gift then you **MUST** also complete a Gifts and Benefits Declaration Form in the Councillor's Dropbox or located on [Councils' Intranet](#)

NAME AND ADDRESS OF EACH PERSON WHO MADE GREATER THAN \$250 FINANCIAL OR OTHER CONTRIBUTION TO ANY TRAVEL UNDERTAKEN BY ME DURING THE RETURN PERIOD

DATES TRAVEL WAS UNDERTAKEN

NAME OF STATES, TERRITORIES OF THE COMMONWEALTH AND OTHER COUNTRIES IN WHICH TRAVEL WAS UNDERTAKEN

***** NOT REQUIRED FOR PRIMARY RETURNS *******E INTERESTS AND POSITIONS IN CORPORATIONS** **TIPS:** (i) Declare only if your shareholding was greater than 10% of voting rights in the corporation (ii) You must declare any position (not Shareholder) you held in a Corporation (including not-for-profit corporation) such as Director, whether or not you held shares in the Corporation or the position was a paid positionIf you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section F

Refer Below

If you declare a Position you held in a Corporation that had a relationship with Council, you **MUST** complete a Conflict of Interests Disclosure Form in the Councillors Dropbox or located on [Councils' Intranet](#)

NAME AND ADDRESS OF EACH CORPORATION IN WHICH I HAD AN INTEREST OR HELD A POSITION AT ANY TIME DURING THE RETURN PERIOD

NATURE OF INTEREST (IF ANY)
EG SHAREHOLDERDESCRIPTION OF POSITION (IF ANY)
EG DIRECTOR, COMPANY SECRETARY


PRINCIPAL OBJECTS OF CORPORATION (EXCEPT IN CASE OF LISTED COMPANY)

South Grafton Progress Association

Member

National Party

Member

F PROPERTY DEVELOPER **TIPS:** In this section, you must disclose if you are a 'property developer' or a close associate of an individual or corporation that is a 'property developer' for the purposes of the *Electoral Funding Act 2018*. (i) You will be a close associate of a person who is a property developer if you are (a) the spouse of the person, or (b) where the person has made a 'relevant planning application' that is pending, you are in a joint venture or partnership with the person in connection with the 'relevant planning application' and you are likely to obtain a financial gain if it is approved or carried out. (ii) You will be a close associate of a corporation that is a property developer if (a) you or your spouse are a director or officer of the corporation (b) you or your spouse have voting power in the corporation or a related body corporate of the corporation that is greater than 20% (c) where the corporation is a trustee, manager or responsible entity in relation to a trust, you hold more than 20% of the units in the trust (in the case of a unit trust) or you are a beneficiary of the trust (in the case of a discretionary trust), or (d) where the corporation has made a 'relevant planning application' that is pending, you are in a joint venture or partnership with the corporation in connection with the 'relevant planning application' and you are likely to obtain a financial gain if it is approved or carried out.

Were you a property developer or a close associate of a property developer on the return date?

No

PRIMARY RETURN

DISCLOSURE OF INTERESTS

ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
 LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU

G POSITIONS IN TRADE UNIONS OR PROFESSIONAL OR BUSINESS ASSOCIATION

A TIP: Do not include general membership but include details of any positions held whether remunerated or not

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section H <input type="radio"/>	NIL
NAME OF EACH TRADE UNION AND EACH PROFESSIONAL OR BUSINESS ASSOCIATION IN WHICH I HELD ANY POSITION (WHETHER REMUNERATED OR NOT) AT ANY TIME DURING THE RETURN PERIOD	DESCRIPTION OF POSITION

H DEBTS

A TIP: You do not need to provide information on (i) the amounts; (ii) debts for less than \$500; (iii) debts to any relative, bank, building society, credit union or other financial institution such as for your home mortgage, credit card or department store

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section I <input type="radio"/>	NIL
NAME AND ADDRESS OF EACH PERSON OR ORGANISATION (CREDITOR) TO WHOM I WAS LIABLE TO PAY ANY DEBT AT ANY TIME DURING THE RETURN PERIOD	
NAME OF CREDITOR	ADDRESS OF CREDITOR

I DISPOSITIONS OF REAL PROPERTY

TIPS: You must disclose details:

- of each disposal of real property since your last return was made by which you wholly or partly retained the use or benefit of the property the right to repurchase the property;
- of each disposal of real property by other persons or entities whereby you wholly or partly obtained the use of the property;
- disposal includes –
 - grant of a lease or licence for all or part of the land,
 - mortgage over your land,
 - grant of easement over land by which you retain the ability to use the land,
 - sale of land (or grant of option by you) with (i) a lease or licence granted to you or a right for you to repurchase the land, (ii) or easement or covenant over the land in favour of you
- creation of an option to purchase land in favour of you;
- creation by you of a charge over your land;
- transfer by you of an interest in your land to a Trustee of a Trust of which you are a beneficiary;
- transfer of land to your spouse or by your spouse to a third party whereby you continue to occupy the land;
- transfer of title of your land subject to you continuing to receive a benefit, e.g. rent from the land.

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section J <input type="radio"/>	NIL
---	-----


Should you require more detailed explanation on the information to be provided in this Section, you should refer to Clauses 188(1) and 188(2) of the Local Government (General) Regulation 2005 or consult your solicitor

1 PARTICULARS OF EACH DISPOSITION OF REAL PROPERTY BY ME AT ANY TIME DURING THE RETURN PERIOD AS A RESULT OF WHICH I RETAINED, EITHER WHOLLY OR IN PART, THE USE AND BENEFIT OF THE PROPERTY OR THE RIGHT TO REACQUIRE THE PROPERTY AT A LATER DATE

PRIMARY RETURN**DISCLOSURE OF INTERESTS**ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU***** NOT REQUIRED FOR PRIMARY RETURNS *****

2 PARTICULARS OF EACH DISPOSITION OF REAL PROPERTY TO A PERSON BY ANOTHER PERSON UNDER ARRANGEMENTS MADE BY ME, BEING DISPOSITIONS MADE AT ANY TIME DURING THE RETURN PERIOD, AS A RESULT OF WHICH I OBTAINED EITHER WHOLLY OR IN PART, THE USE AND BENEFIT OF THE PROPERTY

***** NOT REQUIRED FOR PRIMARY RETURNS *******J DISCRETIONARY DISCLOSURES**

 **A TIP:** To be completed if you wish to make any additional disclosures

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and go to Sign and Date to complete this Return

Select option from this list

Jayden Whites-Fruitrich (son)

Currently employed as a Cabinet Advisor to the Minister for Planning and Homes since 2022 (Part Time)
Previously employed as Advisor to the Minister for Water Property & Housing from September 2019 – January 2022.

MY SIGNATURE:**DATE SIGNED:**

11/03/2022

NEXT STEPS:

- Ensure that wherever you had nothing to declare, that you have selected the word 'NIL' from the drop-down lists.
- Electronically sign and date this page.
- Save your completed form and forward it by e-mail to executivesupport@clarence.nsw.gov.au

PRIMARY RETURN

DISCLOSURE OF INTERESTS


ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU

For further information please read the
[Office of Local Government's Self help guide for completion of returns](#)

MY FULL NAME	GIVEN NAME: NOVAK	SURNAME: DEBRAH
RETURN DATE: 10/03/2022	 A TIP: This form must be lodged within 3 months of commencement with Council as a Councillor or Designated Person	

A REAL PROPERTY

A TIP: You must include: (i) either the postal addresses OR particulars of Title, i.e. Lot and DP (or SP) of properties **anywhere** in Australia that you had an interest in **at any time during** the Return Period; (ii) the Nature of your Interest, i.e. Owner, Part Owner, Lessee, Beneficiary, Occupier or Other

Address of each parcel of real property in which I had an interest at any time during the Return Period	Nature of my Interest: Select from the drop-down list 
---	--

MY PLACE(S) OF RESIDENCE:

[Redacted]		Lot & DP:	Occupier
Suburb: Yamba		State:	
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	

OTHER REAL PROPERTY POSTAL ADDRESS DETAILS:

[Redacted]		Lot & DP:	Other (Add details below) Children's property
Suburb: Maclean		State:	
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	
No:	Street:	Lot & DP:	SELECT FROM LIST BELOW
Suburb:		State:	

If insufficient space, please attach a schedule to this form.

Please tick if adding an attachment

PRIMARY RETURN

DISCLOSURE OF INTERESTS

ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
 LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU


B SOURCES OF INCOME


 **A TIP:** Only provide information where the amount of income from an occupation, a Trust or other source, exceeded \$500.

 **1 SOURCES OF MY INCOME FROM AN OCCUPATION(S)**
 (sources, *not amounts*, of income I received from my Occupation(s) at any time during the Return Period)


Description of my Occupation(s) e.g. Labourer, Cadet, Project Officer, Manager, etc.	Name and Address of Employer or Description of Office held (if applicable)	Name of Partnership (if applicable)
Occupations include: (i) an employee of Council; (ii) an employee of other organisations; (iii) self-employed; (iv) a consultant; (v) an Office holder in a Company		
Councillor	CLARENCE VALLEY COUNCIL 2 Prince Street GRAFTON NSW 2460	
Digital Producer	Sole Trader	
Market Co-ordinator	Sole Trader	
Queen Bee Pastoral Co	Director	


 **2 SOURCES OF MY INCOME FROM A TRUST**
 (sources of income, *not amounts*, I received from a Trust during the Return Period)

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box  **NIL**


 A TIP: The 'Settlor' is the name of a person who created the Trust	NAME AND ADDRESS OF TRUSTEE
NAME AND ADDRESS OF SETTLOR	


 **3 OTHER SOURCES OF MY INCOME**
 (sources of other income, *not amounts*, I received at any time during the Return Period)


 **TIPS:** a Other Sources of Income may include income from rental property, investments, business activities, welfare payments;
 b You must include a description sufficient to identify the person, property or business activity from whom, or the circumstances in which, that income was received.

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box  **NIL**

C GIFTS

 **A TIP:** Only include description of a single gift or multiple gifts from the same donor, the total value of which exceeded \$50

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box  **NIL**
 and move to Section D

If you declare a gift  then you MUST also complete a Gifts and Benefits Declaration Form in the Councillor's Dropbox or located on [Councils' Intranet](#)


DESCRIPTION OF EACH GIFT RECEIVED BY ME AT ANY TIME DURING THE RETURN PERIOD	NAME AND ADDRESS OF GIFT DONOR
*** NOT REQUIRED FOR PRIMARY RETURNS ***	

PRIMARY RETURN

DISCLOSURE OF INTERESTS

ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU


D CONTRIBUTIONS TO TRAVEL

 **TIP:** Do not include payments by Council for your work-related travel

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section E




NIL

If you declare a gift  then you MUST also complete a Gifts and Benefits Declaration Form in the Councillor's Dropbox or located on [Councils' Intranet](#)

NAME AND ADDRESS OF EACH PERSON WHO MADE GREATER THAN \$250 FINANCIAL OR OTHER CONTRIBUTION TO ANY TRAVEL UNDERTAKEN BY ME DURING THE RETURN PERIOD	DATES TRAVEL WAS UNDERTAKEN	NAME OF STATES, TERRITORIES OF THE COMMONWEALTH AND OTHER COUNTRIES IN WHICH TRAVEL WAS UNDERTAKEN
---	-----------------------------	--

***** NOT REQUIRED FOR PRIMARY RETURNS *****


E INTERESTS AND POSITIONS IN CORPORATIONS

 **TIPS:** (i) Declare only if your shareholding was greater than 10% of voting rights in the corporation (ii) You must declare any position (not Shareholder) you held in a Corporation (including not-for-profit corporation) such as Director, whether or not you held shares in the Corporation or the position was a paid position

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section F




Refer Below

If you declare a Position  you held in a Corporation that had a relationship with Council, you MUST complete a Conflict of Interests Disclosure Form in the Councillors Dropbox or located on [Councils' Intranet](#)

NAME AND ADDRESS OF EACH CORPORATION IN WHICH I HAD AN INTEREST OR HELD A POSITION AT ANY TIME DURING THE RETURN PERIOD	NATURE OF INTEREST (IF ANY) EG SHAREHOLDER	DESCRIPTION OF POSITION (IF ANY) EG DIRECTOR, COMPANY SECRETARY	PRINCIPAL OBJECTS OF CORPORATION (EXCEPT IN CASE OF LISTED COMPANY)

F PROPERTY DEVELOPER

 **TIPS:** In this section, you must disclose if you are a 'property developer' or a close associate of an individual or corporation that is a 'property developer' for the purposes of the *Electoral Funding Act 2018*. (i) You will be a close associate of a person who is a property developer if you are (a) the spouse of the person, or (b) where the person has made a 'relevant planning application' that is pending, you are in a joint venture or partnership with the person in connection with the 'relevant planning application' and you are likely to obtain a financial gain if it is approved or carried out. (ii) You will be a close associate of a corporation that is a property developer if (a) you or your spouse are a director or officer of the corporation (b) you or your spouse have voting power in the corporation or a related body corporate of the corporation that is greater than 20% (c) where the corporation is a trustee, manager or responsible entity in relation to a trust, you hold more than 20% of the units in the trust (in the case of a unit trust) or you are a beneficiary of the trust (in the case of a discretionary trust), or (d) where the corporation has made a 'relevant planning application' that is pending, you are in a joint venture or partnership with the corporation in connection with the 'relevant planning application' and you are likely to obtain a financial gain if it is approved or carried out.

Were you a property developer or a close associate of a property developer on the return date?


No


PRIMARY RETURN

DISCLOSURE OF INTERESTS


ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
 LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU


G POSITIONS IN TRADE UNIONS OR PROFESSIONAL OR BUSINESS ASSOCIATIONS

 **A TIP:** Do not include general membership but include details of any positions held whether remunerated or not


If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section H 	NIL
NAME OF EACH TRADE UNION AND EACH PROFESSIONAL OR BUSINESS ASSOCIATION IN WHICH I HELD ANY POSITION (WHETHER REMUNERATED OR NOT) AT ANY TIME DURING THE RETURN PERIOD	DESCRIPTION OF POSITION
Clarence Valley Food Inc	Chair
NSW Farmers Market Alliance	Chair

H DEBTS



 **A TIP:** You **do not** need to provide information on (i) the amounts; (ii) debts for less than \$500; (iii) debts to any relative, bank, building society, credit union or other financial institution such as for your home mortgage, credit card or department store

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section I 	NIL
NAME AND ADDRESS OF EACH PERSON OR ORGANISATION (CREDITOR) TO WHOM I WAS LIABLE TO PAY ANY DEBT AT ANY TIME DURING THE RETURN PERIOD	
NAME OF CREDITOR	ADDRESS OF CREDITOR

I DISPOSITIONS OF REAL PROPERTY

 **TIPS:** You must disclose details:

- of each disposal of real property since your last return was made by which you wholly or partly retained the use or benefit of the property or the right to repurchase the property;
- of each disposal of real property by other persons or entities whereby you wholly or partly obtained the use of the property;
- disposal includes –
 - grant of a lease or licence for all or part of the land,
 - mortgage over your land,
 - grant of easement over land by which you retain the ability to use the land,
 - sale of land (or grant of option by you) with (i) a lease or licence granted to you or a right for you to repurchase the land, (ii) or an easement or covenant over the land in favour of you
- creation of an option to purchase land in favour of you;
- creation by you of a charge over your land;
- transfer by you of an interest in your land to a Trustee of a Trust of which you are a beneficiary;
- transfer of land to your spouse or by your spouse to a third party whereby you continue to occupy the land;
- transfer of title of your land subject to you continuing to receive a benefit, e.g. rent from the land.

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and move to Section J 	NIL
Should you require more detailed explanation on the information to be provided in this Section, you should refer to Clauses 188(1) and 188(2) of the Local Government (General) Regulation 2005 or consult your solicitor	
 1 PARTICULARS OF EACH DISPOSITION OF REAL PROPERTY BY ME AT ANY TIME DURING THE RETURN PERIOD AS A RESULT OF WHICH I RETAINED, EITHER WHOLLY OR IN PART, THE USE AND BENEFIT OF THE PROPERTY OR THE RIGHT TO REACQUIRE THE PROPERTY AT A LATER DATE	

PRIMARY RETURN

DISCLOSURE OF INTERESTS


ELECTRONICALLY COMPLETE THIS FORM, ELECTRONICALLY SIGN AND DATE THEN
 LODGE BY E-MAIL TO EXECUTIVESUPPORT@CLARENCE.NSW.GOV.AU

***** NOT REQUIRED FOR PRIMARY RETURNS *****

➡ 2 PARTICULARS OF EACH DISPOSITION OF REAL PROPERTY TO A PERSON BY ANOTHER PERSON UNDER ARRANGEMENTS MADE BY ME, BEING DISPOSITIONS MADE AT ANY TIME DURING THE RETURN PERIOD, AS A RESULT OF WHICH I OBTAINED EITHER WHOLLY OR IN PART, THE USE AND BENEFIT OF THE PROPERTY

***** NOT REQUIRED FOR PRIMARY RETURNS *****

J DISCRETIONARY DISCLOSURES

 **A TIP:** To be completed if you wish to make any additional disclosures

If you have Nothing to Declare, select the word 'Nil' in the adjacent Box and go to Sign and Date to complete this Return	➡	NIL

MY SIGNATURE:	
DATE SIGNED:	11/03/2022

NEXT STEPS:

- Ensure that wherever you had nothing to declare, that you have selected the word 'NIL' from the drop-down lists.
- Electronically sign and date this page.
- Save your completed form and forward it by e-mail to executivesupport@clarence.nsw.gov.au



DISCLOSURE OF INTERESTS FORM

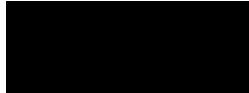
Required to be lodged under clause 4.21 of the Model Code of Conduct for Local Councils in NSW

For further information please read Council's Code of Conduct and the Information and Privacy Commission's

[Information Access Guideline 1 – For Local Councils on the disclosure of information \(returns disclosing the interest of councillors and designated persons\)](#)

Disclosure of pecuniary interests and other matters by Dylan Kelly as at 1 March 2022 in respect of the period from 1 July 2021 to 1 March 2022.

Signed:



Date: 24/02/2022

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	Nature of interest
██████████ Yamba NSW 2464	Owner

B. Sources of Income

1. Sources of income I:

- reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June, and
- received from an occupation at any time since 30 June:

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
Construction Engineer	Clarence Valley Council	
Macadamia Farmer	PF & CM & DJ KELLY	

2. Sources of income I:

- reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June and
- received from a trust since 30 June:

Name and address of settlor	Name and address of trustee
Nil	

3. Sources of other income I:

- reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June and
- received at any time since 30 June:

Sources of other income <i>[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]</i>
Nil

C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor
Nil	

D. Contributions to Travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
Nil		



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E. Interests and Positions in Corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
Nil			

F. Property Development

Were you a property developer or a close associate of a property developer on the return date?

[No]

G. Positions in Trade Unions and Professional or Business Associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
Nil	

H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date / at any time since 30 June

I. Dispositions of Property

1. Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time
--

2. Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary Disclosures

[Details]



DISCLOSURE OF INTERESTS FORM

Required to be lodged under clause 4.21 of the Model Code of Conduct for Local Councils in NSW

For further information please read Council's Code of Conduct and the Information and Privacy Commission's

[Information Access Guideline 1 – For Local Councils on the disclosure of information \(returns disclosing the interest of councillors and designated persons\)](#)

Disclosure of pecuniary interests and other matters by Justin Michael Putze as at 1 March 2022 in respect of the period from 1 July 2021 to 1 March 2022.

Signed: [REDACTED]

Date: 09/03/2022

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	Nature of interest
[REDACTED] Whanganui, NZ	Landlord, Trustee
[REDACTED] Whanganui, NZ	Landlord, Trustee
[REDACTED] Whanganui, NZ	Landlord, Trustee
[REDACTED] Whanganui, NZ	Landlord, Trustee
[REDACTED] Whanganui, NZ	Landlord, Trustee
[REDACTED] Wanganui, NZ	Landlord, Trustee
[REDACTED] Whanganui, NZ	Landlord, Trustee
[REDACTED] Mount Maunganui, NZ	Landlord, Trustee

██████████ Whanganui, NZ	Landlord
--------------------------	----------

B. Sources of Income

1. Sources of income I:

- reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June, and
- received from an occupation at any time since 30 June:

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
Civil Servant, Manager Culture, Community, and Industry	Clarence Valley Council	N/A

2. Sources of income I: Nil income from the Lotus Investment Trust

- reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June and
- received from a trust since 30 June:

Name and address of settlor	Name and address of trustee
Lotus Investment Trust	Carolyne Cappola and Justin Putze

3. Sources of other income I: N/A

- reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June and
- received at any time since 30 June:

Sources of other income <i>[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]</i>





N/A

C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor
N/A	

D. Contributions to Travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
N/A		

E. Interests and Positions in Corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
Contact Care Yamba	Business Owner	Practitioner	Business has been registered but is not operating.

F. Property Development

Were you a property developer or a close associate of a property developer on the return date?

[No]

G. Positions in Trade Unions and Professional or Business Associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
N/A	

H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date / at any time since 30 June
N/A

I. Dispositions of Property

1. Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time
N/A

2. Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any





time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary Disclosures

Justin Michael Putze

Manager Culture, Community and Industry

Clarence Valley Council



DISCLOSURE OF INTERESTS FORM

Required to be lodged under clause 4.21 of the Model Code of Conduct for Local Councils in NSW

For further information please read Council's Code of Conduct and the Information and Privacy Commission's

[Information Access Guideline 1 – For Local Councils on the disclosure of information \(returns disclosing the interest of councillors and designated persons\)](#)

Disclosure of pecuniary interests and other matters by Ken Wilson as at 1 March 2022 in respect of the period from 1 July 2021 to 1 March 2022.

Signed:



Date: 17 February 2022

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	Nature of interest
██████████ Junction Hill	Part Owner
██████████ Yamba	Part Owner
██████████ Varsity Lakes	Part Owner
██████████ Stroud	Part Owner

B. Sources of Income

1. Sources of income I:

- reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June, and

- received from an occupation at any time since 30 June:

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
Environmental Manager	Clarence Valley Council	

2. Sources of income I:

- reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June and
- received from a trust since 30 June:

Name and address of settlor	Name and address of trustee
Nil	

3. Sources of other income I:

- reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June and
- received at any time since 30 June:

Sources of other income [Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]
Short term rental income from Yamba and Varsity Lakes properties

C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor



NIL	

D. Contributions to Travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
Nil		

E. Interests and Positions in Corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
NIL			

F. Property Development

Were you a property developer or a close associate of a property developer on the return date?

[Yes]

G. Positions in Trade Unions and Professional or Business Associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position

NIL	

H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date / at any time since 30 June
Commonwealth Bank

I. Dispositions of Property

1. Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time
NIL

2. Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property
NIL





J. Discretionary Disclosures

[Details]



DISCLOSURE OF INTERESTS FORM

Required to be lodged under clause 4.21 of the Model Code of Conduct for Local Councils in NSW

For further information please read Council’s Code of Conduct and the Information and Privacy Commission’s


[Information Access Guideline 1 – For Local Councils on the disclosure of information \(returns disclosing the interest of councillors and designated persons\)](#)

Disclosure of pecuniary interests and other matters by Luke Fischer as at 1 March 2022 in respect of the period from 1 July 2021 to 1 March 2022.

Signed:  

Date: 10/02/2022

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	Nature of interest
 Junction Hill, NSW, 2460	I am the owner

B. Sources of Income

1. Sources of income I:

- reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June, and
- received from an occupation at any time since 30 June:



Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
Construction Engineer	Clarence Valley Council 2 Prince St, Grafton, NSW 2460	

2. Sources of income I:

- reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June and
- received from a trust since 30 June:

Name and address of settlor	Name and address of trustee
Nil	

3. Sources of other income I:

- reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June and
- received at any time since 30 June:

Sources of other income <i>[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]</i>
Nil

C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor
Nil	





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D. Contributions to Travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
Nil		

E. Interests and Positions in Corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
Nil			

F. Property Development

Were you a property developer or a close associate of a property developer on the return date?

No

G. Positions in Trade Unions and Professional or Business Associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
Nil	

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H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date / at any time since 30 June

I. Dispositions of Property

1. Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

2. Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property
Nil

J. Discretionary Disclosures

Nil





[Details]



DISCLOSURE OF INTERESTS FORM

Required to be lodged under clause 4.21 of the Model Code of Conduct for Local Councils in NSW

For further information please read Council's Code of Conduct and the Information and Privacy Commission's

[Information Access Guideline 1 – For Local Councils on the disclosure of information \(returns disclosing the interest of councillors and designated persons\)](#)

Disclosure of pecuniary interests and other matters by Murray Lane as at 1 March 2022 in respect of the period 6 September 2021 to 1 March 2022.

Signed

Date: 8 March 2021

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	Nature of interest
Wooloweyah, NSW 2464	Owner
Burleigh Heads, QLD, 4220	Owner (property now sold)

B. Sources of Income

1. Sources of income I:

- reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June, and
- received from an occupation at any time since 30 June:

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
Manager Development and Lane Use Planning	Clarence Valley Council, 1 Prince Street, Grafton NSW 2460	N/A

2. Sources of income I:

- reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June and
- received from a trust since 30 June:

Name and address of settlor	Name and address of trustee
N/A	

3. Sources of other income I:

- reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June and
- received at any time since 30 June:

Sources of other income [Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]
N/A

C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor
N/A	

D. Contributions to Travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
N/A		



E. Interests and Positions in Corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
N/A			

F. Property Development

Were you a property developer or a close associate of a property developer on the return date?

No

G. Positions in Trade Unions and Professional or Business Associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
N/A	

H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date / at any time since 30 June
N/A

I. Dispositions of Property

1. Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time
--

██████████, Burleigh Heads, Queensland 4220 (50% owner) – Sold August 2021

2. Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary Disclosures

None.



DISCLOSURE OF INTERESTS FORM

Required to be lodged under clause 4.21 of the Model Code of Conduct for Local Councils in NSW

For further information please read Council’s Code of Conduct and the Information and Privacy Commission’s



[Information Access Guideline 1 – For Local Councils on the disclosure of information \(returns disclosing the interest of councillors and designated persons\)](#)

Disclosure of pecuniary interests and other matters by Scott David Lenton as at 1 March 2022 in respect of the period from 1 July 2021 to 1 March 2022.

Signed: 

Date: 3 March 2022

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	Nature of interest
 Yamba	Part owner
 Grafton	Part owner (pending – under contract)

B. Sources of Income



1. Sources of income I:

- reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June, and
- received from an occupation at any time since 30 June:

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
Manager Environment and Regulatory Services (since 5/10/21) Development Services Coordinator (Acting Strategic Planning Coordinator) (1 July 2021-4 October 2021)	Clarence Valley Council, 2 Prince St, Grafton	N/A

2. Sources of income I:

- reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June and
- received from a trust since 30 June:

Name and address of settlor	Name and address of trustee
Nil	

3. Sources of other income I:

- reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June and
- received at any time since 30 June:

Sources of other income <i>[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]</i>
Nil





C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor
Nil	

D. Contributions to Travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
Nil		

E. Interests and Positions in Corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
Nil			

F. Property Development

Were you a property developer or a close associate of a property developer on the return date?

No

G. Positions in Trade Unions and Professional or Business Associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
Nil	

H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date / at any time since 30 June
Nil

I. Dispositions of Property

1. Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time
Nil

2. Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property



Nil

J. Discretionary Disclosures

Nil



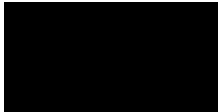
DISCLOSURE OF INTERESTS FORM-EXIT

Required to be lodged under clause 4.21 of the Model Code of Conduct for Local Councils in NSW

Disclosure of pecuniary interests and other matters by Ashely Lindsay

as at [26 November 2021] in respect of the period from 1 July 2021 to 26 November 2021

Signed:



Date: 26 November 2021

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	Nature of interest
[REDACTED] YAMBA, NSW	Part Owner
[REDACTED] NUNDAH, OLD	Part Owner

B. Sources of Income

1. Sources of income I:

- reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June, and
- received from an occupation at any time since 30 June:

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
General Manager	Clarence Valley Council 2 Prince Street Grafton NSW 2460	

2. Sources of income I:

- reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June and
- received from a trust since 30 June:

Name and address of settlor	Name and address of trustee
NIL	

3. Sources of other income I:

- reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June and
- received at any time since 30 June:

Sources of other income <i>[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]</i>
NIL

C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor
NIL	





D. Contributions to Travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
NIL		

E. Interests and Positions in Corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
Clarence Valley UC Ltd. – 146 Pound Street		Director - Treasurer	Tertiary Education

F. Property Development

Were you a property developer or a close associate of a property developer on the return date? *No*

G. Positions in Trade Unions and Professional or Business Associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
NIL	

H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date / at any time since 30 June
NIL





I. Dispositions of Property

1. Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

NIL

2. Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

NIL

J. Discretionary Disclosures

NIL

ITEM 07.22.056 CLARENCE AND LOWER CLARENCE SPORTS COMMITTEES - FUNDING

Meeting	Council	22 March 2022
Directorate	Works & Civil	
Prepared by	Parks & Recreation Officer, Gavin Beveridge	
Attachments	Nil	

SUMMARY

This report provides recommendations on the 2021/2022 annual sporting grant funding allocations for the Clarence Sports Committee and Lower Clarence Sports Committee for Council endorsement.

OFFICER RECOMMENDATION

That Council allocate:

1. \$527.28 (ex GST) to the Grafton Dragon Boat Club to storage shed improvements at Corcoran Park from the Clarence Sports Committee funding allocation.
2. \$36,672.72 (ex GST) from PJ 541500 to supply and install portable grandstands at Ellem Oval and JJ Lawrence Fields from the balance of the Clarence Sports Committee funding allocation.
3. \$2,800.00 (ex GST) from PJ 541500 to upgrade change room lighting at McKittrick Park from the balance of the Clarence Sports Committee funding allocation.
4. The unspent funds of \$968.72 to be returned to Sports Income Reserve RA11035
5. \$18,217.59 (ex GST) to the Maclean Manta Rays Swimming Club to supply and install electronic timing System at Maclean Centenary pool from the Lower Clarence Sports Committee funding allocation.
6. \$2,485.50 (ex GST) to the Yamba Football Club to electrical upgrade to the clubhouse at Yamba Ngayundi Sports Complex from the Lower Clarence Sports Committee funding allocation.

LINKAGE TO OUR COMMUNITY PLAN

Theme Society

Objective We will have proud and inviting communities

KEY ISSUES**Sports Committee Funding**

Timeframes associated with the reconstitution of the Clarence Sports Committee and Lower Clarence Sports Committee constrain the next committee meetings to be scheduled for Monday 16 May 2022. Any recommendations by the sports committees on the annual sporting grant funding program would not be reported for a resolution to the June 2022 Ordinary Meeting of Council. The Application Guidelines and Criteria for Sports Committee Funding Assurances state that:

“Projects must be completed within the financial year in which the funding is granted. Approval must be given to carry over any project funding into the next financial year. No guarantees are given that funding will be carried forward if projects have not commenced.”

To allow for the expenditure of the annual sporting grant funding in the 2021/2022 financial year, this report proposes to negate the requirement for the sports committees to consider and make recommendations to Council on the expenditure of the annual sporting grant funding. Officer recommendations are informed by the Application Guidelines and Criteria for Sports Committee Funding Assurances and due to the applications received required minimal consideration.

There is currently \$40,000.00 grant funding available for the Clarence Sports Committee projects. One application was received for the Clarence Sports Committee requesting a total of \$527.28 (ex GST) in funding. As funds are not carried over \$38,504 (ex GST) is proposed to be allocated to the following previously endorsed projects, leaving a balance of \$968.72 to be returned to the Sports Income Reserve RA11035.

1. Two portable stands at a total cost of \$35,704
2. LED lighting upgrade to the change rooms at McKittrick Park at a cost of \$2,800

The balance of

Table 1. Summary of Funding Applications to the Clarence Sports Committees

Organisation	Project	Funding Amount (ex GST)	Officer Recommendation
Grafton Dragon Boat Club	Storage shed improvements	\$527.28	Supported
Clarence Valley Council	Upgrade change room lighting	\$2,800.00	Supported
Clarence Valley Council	Supply and install two (2) portable grandstands one at Ellem oval and one at JJ Lawrence Field.	\$35,704.00	Supported
Total		\$39,031.28 (balance \$968.72)	

There is currently \$20,703.09 grant funding available for the Lower Clarence Sports Committee projects. Three applications being received for the Lower Clarence Sports Committee requesting a total of \$31,609.50 (ex GST) in funding, refer Table 2.

Table 2. Summary of Funding Applications to the Clarence Sports Committees

Organisation	Project	Funding Amount (ex GST)	Officer Recommendation
Maclean Manta Rays Swimming Club	Supply and install electronic timing system	\$18,217.59	Supported
Yamba Football Club	Electrical upgrade to clubhouse	\$2,485.50	Supported
Total		\$20,703.09	
Lower Clarence Tennis Association	Surface upgrade to two courts	\$15,000.00	Not Supported

The officer recommendation to not support the Lower Clarence Tennis Association is informed by the Application Guidelines and Criteria for Sports Committee Funding Assurances. The guidelines specify that:

“Groups that did not receive funding in the previous 12 months will have a higher priority when considering projects for recommendation.” The Lower Clarence Tennis Association has already received \$8,200.00 (ex GST) from the most recent (2021/22) funding allocation (ITEM 6c.21.118).

BACKGROUND

Council supports two sports committees in the Clarence Valley. The committees are appointed to advise Council on sporting interests in the Clarence Valley area, manage and maintain satisfactory sporting fields and facilities within the Clarence Valley, liaise with sporting groups, promote and encourage sporting activities and make recommendations on annual sporting grant funding program.

The Clarence Sports Committee and the Lower Clarence Sports Committee make recommendations to Council for the annual sporting grant funding program (currently \$40,000.00 per committee) for projects of a capital nature that enable the participation in sport in the Clarence Valley. Received applications, after assessment by Council Officers against the Application Guidelines and Criteria for Sports Committee Funding Assistance, will be reported to, and considered at, the next available sports committee meeting. Recommendations made by the sports committees are then reported to Council for consideration and endorsement at the next available meeting of Council.

In response to the Council election / caretaker period and meeting schedule the committees supported a single funding round in the 2021/22 financial year. Applications for (2021/22) Sports Committee Funding opened on Monday 16 August 2021 and closed on Monday 31 January 2022, with a further extension granted to Friday 25 February 2022.

Council is required to reconstitute advisory committees within six months of the declaration of the election (i.e., by 21 June 2022) and to nominate Councillor representation. This process for the reconstitution of both sports committees was initiated at the February 2022 Ordinary Meeting of Council (ITEM 07.22.01). Based on timeframes associated with reconstitution of the committees, the next meetings are scheduled for 16 May 2022.

COUNCIL IMPLICATIONS

Budget/Financial

Council has allocated an amount of \$40,000.00 grant funding (PJ 541500) to the Clarence Sports Committee and an amount of \$40,000.00 grant funding (PJ 540112) to the Lower Clarence Sports Committee to undertake capital works. Funding is on a dollar for dollar (1:1) basis with applicants.

Applications for (2020/21) Sports Committee Funding was oversubscribed by the Lower Clarence Sports Committee, the committee recommended these be funded once the new vote became available from 1 July 2021. At its September 2021 meeting Council endorsed (ITEM 6c.21.118) the Lower Clarence Sports Committee recommendations for \$19,296.91 to be allocated to these prioritised (2020/21) projects, leaving a total of \$20,703.09 grant funding available for the Lower Clarence Sports Committee projects. There is \$40,000.00 of grant funding available for the Clarence Sports Committee projects.

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

Asset Management

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

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

Policy and Regulation

The following references and documents are applicable to this report:

- Asset Management Policy V 4.0
- Clarence Valley Sports Facilities Plan – November 2011
- Clarence Sports Committee Constitution
- Lower Clarence Sports Committee Constitution
- Application Guidelines and Criteria for Sports Committee Funding Assistances

Consultation

Consultation occurred with delegates at the Clarence Sports Committee and Lower Clarence Sports Committee meetings on Monday 15 November 2021, along with further routine correspondence.

Legal and Risk Management

Both risk around governance of the advisory and section 355 committees is monitored and managed by the Governance Officer in consultation with Open Spaces and Facilities staff.

Climate Change

N/A

ITEM 07.22.057 PROPOSED ROAD CLOSURE - PART HAROLD TORY DRIVE, YAMBA

Meeting	Council	22 March 2022
Directorate	Works & Civil	
Prepared by	Support Officer (Acquisitions & Disposals), Eloise Casson	
Attachments	Nil	

SUMMARY

This report is to consider the permanent road closure of part Harold Tory Drive, Yamba, and the transfer of ownership to the adjoining landowners (refer Figure 1). The request is made via a joint application submitted by the adjoining landowners of Lots 162 and 163 DP 1265281, being 2 and 4 Harold Tory Drive, Yamba.

OFFICER RECOMMENDATION

1. That Council:
 - i. permanently close part of Harold Tory Drive, Yamba, adjoining Lots 162 and 163 DP1265281 (refer Figure 1)
 - ii. classify the newly created Lots as 'operational' land
 - iii. engage a valuer on behalf of the adjoining landowners to determine sale prices
 - iv. transfer the newly created Lot adjoining Lot 163 to the adjoining landowners for the sale price determined by the valuation plus GST if applicable
 - v. transfer the newly created Lot adjoining Lot 162 to the adjoining landowners for the sale price determined by the valuation plus GST if applicable
 - vi. consolidate the newly created Lots with adjoining Lots 162 & 163 DP1265281
 - vii. authorise the Acting General Manager to execute all documents related to the closure and sale to affect the above requirements
2. The landowners are to meet all costs associated with the road closure

LINKAGE TO OUR COMMUNITY PLAN

Theme Infrastructure

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

KEY ISSUES

The landowners of Lots 162 & 163 DP1265281 have submitted a joint application to close and purchase a portion of the Harold Tory Drive, Yamba road reserve adjoining their respective properties.

The portion of road reserve under application was already in existence when the residential subdivision that formed Harold Tory Drive was originally created (potentially in separate ownership to the developer). The developer chose to include this small triangle of land in the road reserve rather than creating a separate lot with no potential for development purposes. The wider width of the road reserve at this location is not serving any further purpose.

The adjoining landowners wish to purchase the portion of road reserve adjoining their properties to extend their boundaries to be in line with the boundary of the neighbouring property.

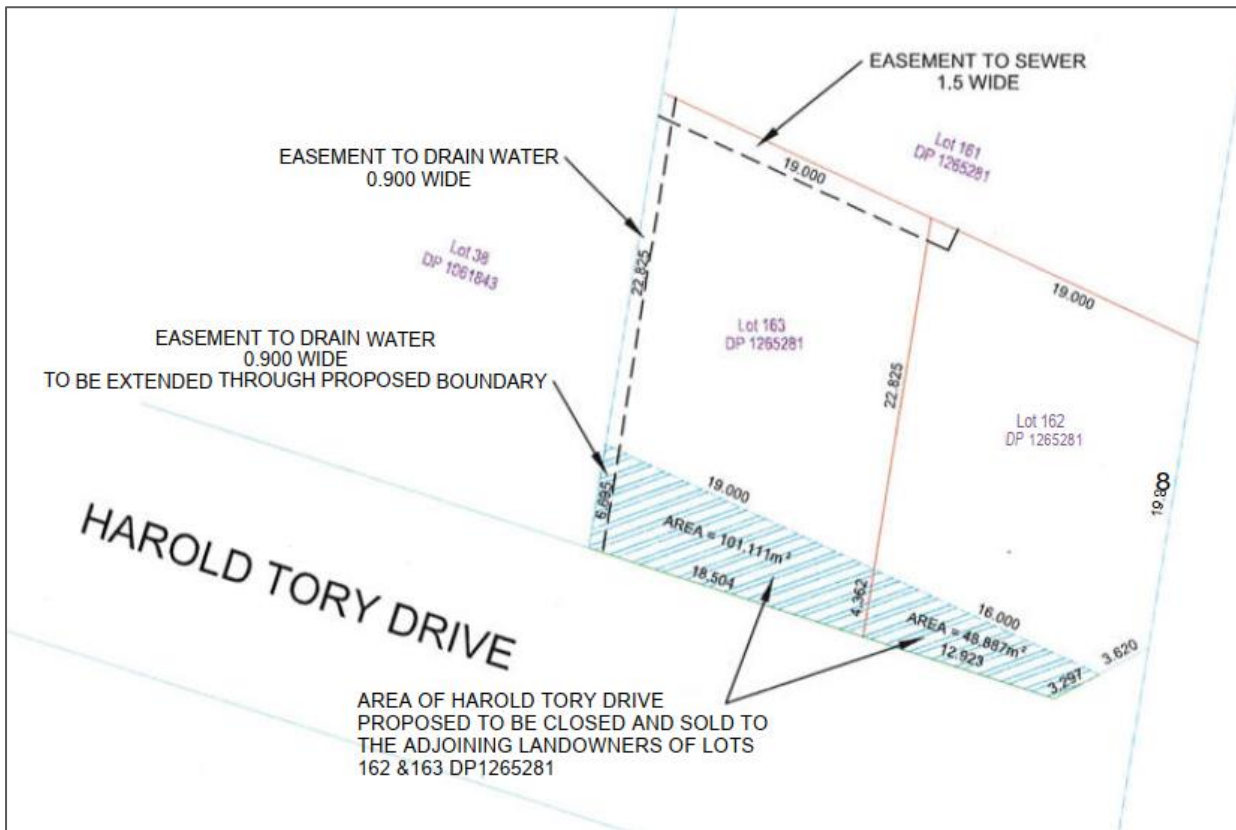


Figure 1

BACKGROUND

There were no objections received during the 28-day public exhibition period that closed on 25 February 2022.

Access remains in place for all adjoining landowners. The closure and sale will require the existing easement to drain water on Lot 163 to be extended to the new proposed boundary (refer Figure 1). This portion of Council Public Road is clear of assets and no further easements are required for the proposed sale to proceed.

COUNCIL IMPLICATIONS

Budget/Financial

There will be no financial impact on Council as the applicants will meet all associated costs including survey, valuation and legal.

Asset Management

Council currently has this section of road reserve listed in the assets register and an adjustment to the area listed will be made if the road closure is approved.

Policy and Regulation

- Roads Act 1993
- Local Government Act 1993
- Conveyancing Act 1919

Consultation

Council’s Civil Services, Strategic Planning and Development Services sections have been consulted and concur with the proposal. Relevant authorities have been consulted as part of the road closure process. Landowners in the area have been advised of the proposal. Notice to the public of the proposed closure and sale was published on Council’s online Notice Board. No objections were received during the 28-day public exhibition period, submissions closed on 25 February 2022.

Legal and Risk Management

Closing this section of road reserve enables this section to be transferred to the adjoining landowners and removes liability risk to Council for having private infrastructure or occupation on Council land without a formal tenure.

Climate Change

N/A

ITEM 07.22.058 RFT21-38 DESIGN AND CONSTRUCT FOUR BRIDGES

Meeting	Council	22 March 2022
Directorate	Works & Civil	
Prepared by	Project Coordinator (Fixing Country Bridges), John Wells	
Attachments	A. RFT21-38 Tender Recommendation Report (Confidential)	

SUMMARY

A selective tender process has been completed for the design and construction of four bridges, including the demolition of the existing bridges, on Armidale Road at Coutts Crossing as part of the Fixing Country Bridges program. The tender opened on 24 November 2021 and closed on 31 January 2022. Four complying tenders were received. The Tender Evaluation Panel considers, having regard to all circumstances, that the tendered fees from Ark Construction Group Pty Ltd represent the most advantageous tender and best return for Council and recommends that this tender be accepted.

OFFICER RECOMMENDATION

That Council:

1. Accept the tender from Ark Constructions Group Pty Ltd for RFT21-38 Design and Construct Replacement of Four (4) Bridges at a cost of \$8,550,922.60 (GST inclusive) to be funded from Fixing Country Bridges PJ 937031 Coutts No.1 Bridge; PJ 937032 Coutts No.2 Bridge; PJ 937034 Koukandowie Creek Bridge and PJ 937035 Skinners Swamp Bridge.
2. Remove Koukandowie Creek Bridge from the scope of works post-award of the contract as a variation should Council's submission for the re-allocation of Fixing Country Bridges grants be delayed or not approved by Transport for NSW (TfNSW).
3. Authorise the Acting General Manager to approve variations up to 15% of the contract value.

LINKAGE TO OUR COMMUNITY PLAN

Theme Infrastructure

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

KEY ISSUES

Tenders were assessed by a panel comprising Council staff and an external project management consultant using a weighting-criteria of 70% price and 30% non price evaluation method. A detailed report from the Tender Evaluation Panel (TEP) is included in the Confidential Attachment.

Across the nine bridges Clarence Valley Council are constructing under a Design and Construct arrangement comprising three separate contract packages (RFT21-36, RFT21-37 and RFT21-38), Clarence Valley Council has surplus funding available from the Fixing Country Bridges grant, however, based on the tendered fees for individual bridge projects some bridges have insufficient funding, and some have more funding than required. Clarence Valley Council has submitted a variation request seeking funds from projects with excess funding to be re-distributed to the bridge projects that have insufficient funding. This request is currently subject to an approval process by TfNSW and the timing of a formal determination is unknown.

Following evaluation of the three RFT packages it was identified that based on the tendered fees only three of the nine bridges have sufficient funding under the current approved grant allocations for individual bridge projects. The three bridge projects that are within budget are included in RFT21-38 "Design and Construct Replacement of Four Bridges", the subject tender contract of this report. The bridges tendered within budget are Coutts No.1 Bridge, Coutts No.2 Bridge and Skinners Swamp Bridge. The tendered fee amount for Koukandowie Creek Bridge project exceeds the current allocated budget (refer Table 1).

A procurement strategy has been identified to enable the four bridge projects under RFT21-38 to proceed to meet the program timeline while waiting for TfNSW to consider Council's request for variation for the re-allocation of funds. Ark Construction Group Pty Ltd were requested to provide a cost estimate for a post-award variation to quantify the potential impact to Council if Koukandowie Creek Bridge is not able to

proceed to the construction phase should TfNSW's determination of Council's variation submission to re-allocate funds be delayed or not approved.

Ark Construction Group PTY LTD had a tendered price of \$969,251 (excl GST) for the construction component of Koukandowie Creek Bridge. A post-award variation price to remove the construction of Koukandowie Creek Bridge from the scope of works was received on 9 March 2022. This scope change would result in a negative variation of \$852,826.96 (excl GST). This would result in a combined increase to the remaining three bridges under the contract of \$116,425 (excl GST). This cost is considered reasonable as the construction of three bridges instead of four would result in some loss of efficiencies associated with managing resources and is well within the surplus funding for those individual bridge projects.

BACKGROUND

The Fixing Country Bridges Program has been developed to provide funding for timber bridge replacements across regional and rural NSW. Under the first round of the Fixing Country Bridges Program, Clarence Valley Council received funding for the demolition and replacement of 31 timber bridges. The projects included in this first round of funding are to be completed by late April 2023.

From the total of 31 bridges, a package of nine bridge sites was identified by Clarence Valley Council as suitable for outsourcing the design and construction of the bridges to external contractors.

The nine bridges referred to as 'Group 2' of the Fixing Country Bridges program were separated into three design and construct contracts. They are listed below:

Tender RFT 21-36 Design and Construct Replacement of Two Bridges

- Barretts Creek Bridge, Coaldale Road
- Winters Bridge, Jackadgery-Lilydale Road

Tender RFT 21-37 Design and Construct Replacement of Three Bridges

- Wintervale Creek Bridge, Old Glen Innes Road
- Dundoo Floodway Bridge, Kungala Road
- Billys Creek Bridge, Armidale Road

Tender RFT 21-38 Design and Construct Replacement of Four Bridges

- Coutts No.1 Bridge over Orara Floodway, Armidale Road
- Coutts No.2 Bridge over Orara Floodway, Armidale Road
- Koukandowie Creek Bridge, Armidale Road
- Skinners Swamp Bridge, Armidale Road

Expressions of Interest (RFT-100448811EOI) were invited on 27 August 2021 to assess potential tenderers to be shortlisted for designing and constructing nine bridges as part of the Fixing Country Bridges program.

The Expressions of Interest closed on 5 October 2021 and at the Ordinary Council Meeting held on 23 November 2021, (Item 6e.21.027) Council resolved to invite the shortlisted contractors to submit tenders for nine bridges referred to as 'Group 2'.

A Request for Tender for three packages of work to design and construct a total of nine bridges was issued to the shortlisted contractors on 24 November 2021.

The tender period for two tenders (RFT21-36 and RFT21-37) closed on 24 January 2022, while the third (RFT21-38) closed on 31 January 2022.

Following evaluation of the three RFT packages it was determined that only three of the nine bridges have sufficient funding. However, if the excess funds from the projects that were tendered within budget were re-distributed to the projects that were over budget, all Group Two (2) bridges could be constructed within the re-allocated budgets with enough margin to handle any variation that may arise.

Discussions have been held with representatives from TfNSW to request a funding re-allocation to align with the tendered amounts for each individual bridge. Council has submitted a formal variation request to TfNSW which is currently being considered.

Due to the program funding criteria, TfNSW are required to seek Ministerial approval for all cost variations associated with the program. A meeting was scheduled between TfNSW and the Minister for Regional Transport and Roads for the week commencing Monday 28 February 2022, however due the recent flooding in Northern NSW this meeting was put on hold. Therefore, it is not yet known when a formal response to Council's request for variation will be received.

COUNCIL IMPLICATIONS

Budget/Financial

Table 1 below shows a comparison between the current approved grant allocations and the estimated total project costs with a resultant estimated surplus or shortfall in funding for each bridge project under RFT21-38.

	FCB Approved Grant Allocation	Tendered Fee (Ex GST)	Side Track Variation (Ex GST)	Total Contract Cost (Ex GST)	Estimated Total Project Cost (*) (Ex GST)	Estimated Surplus / Shortfall (Ex GST)
Coutts No 1 Bridge	\$4,212,358	\$2,274,478	\$173,709	\$2,448,186	\$2,570,355	\$1,642,003
Coutts No 2 Bridge	\$4,212,358	\$2,274,478	\$173,709	\$2,448,186	\$2,571,612	\$1,640,746
Koukandowie	\$1,141,904	\$1,120,593		\$1,120,593	\$1,189,040	-\$47,136
Skidders Swamp Bridge	\$3,196,126	\$1,756,602		\$1,756,602	\$1,851,610	\$1,344,516
Total	\$12,762,746	\$7,426,149		\$7,773,566	\$8,182,617	\$4,580,129

Table 1

Note: * The Estimated Total Project Cost includes current expenditure to date and estimated project management costs.

As shown in Table 1, there is surplus funding available for Coutts No.1 Bridge, Coutts No.2 Bridge and Skidders Swamp Bridge while Koukandowie Creek Bridge is in shortfall by an estimated \$47,136 (excl GST). However, should the request for re-allocation of funding be approved by TfNSW, all projects will have adequate funding as the total funding surplus for the package of four bridges is estimated to be in the order of \$4.58M (excl GST).

Should the post-award variation to remove the construction of the Koukandowie Creek Bridge from the scope of works be required, the additional total amount of \$116,425 (excl GST) will be absorbed into the remaining three bridge project budgets.

Asset Management

The existing timber bridges will be removed, and the new bridges will become Council assets and be added to Council's asset register. The new reinforced concrete bridges will provide a 100-year design life and provide a complete replacement of any timber structures. The new bridges will require less maintenance and provide the community with better access and improved resilience to natural disasters such as bushfires and flood damage.

Policy and Legislation

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

Consultation

An external consultant was engaged to provide independent advice on the tender specifications and evaluation. Consultation is ongoing with representatives from TfNSW regarding Council's request for variation to re-allocate funds to align with the tendered fees for each individual bridge project.

Legal and Risk Management

The tendering process has followed the requirements of the Local Government Act and Regulation. A procurement strategy has been developed to minimise risk to Council regarding TfNSW funding allocations and program delivery.

Climate Change

A Review of Environment Factors (REF) report has been prepared for each project by a consultant engaged by Council. Each REF found that the projects would contribute to greenhouse gas emissions to a minor extent via the emissions from construction vehicles, as well as the consumption of materials requiring carbon emissions. Given the scale of the works, the influence on greenhouse gas emissions would be negligible. However, it is appropriate to implement measures where practicable that can reduce or minimise such effects.

8. CONFIDENTIAL BUSINESS

Nil

9. QUESTIONS WITH NOTICE

Nil

10. LATE ITEMS OF BUSINESS AND MATTERS ARISING

11. CLOSE OF ORDINARY MEETING