

**Ordinary Council Meeting**

**Business Paper**

**Maclean - 23 August 2022 - 2:00pm**







# AGENDA

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## 01 OPENING OF ORDINARY MEETING

- Affirmation/Prayer
- Acknowledgement of Country
- Announcement – Recording of Meeting

## 02 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

## 03 DISCLOSURES AND DECLARATIONS OF INTEREST

## 04 CONFIRMATION OF MINUTES

- Ordinary Meeting of Council held 26 July 2022
- Extraordinary Meeting of Council held 26 July 2022

Clause 5.23 of the Code of Meeting Practice requires a resolution of Council to approve attendance at a meeting by audio-visual link for votes to be recorded against the Resolutions of Council.

While the Mayor provided approval for Cr Whaites attendance at the Extraordinary Meeting by video-audio link, approval was not resolved by the Council at the Meeting. Therefore Cr Whaites name has been removed from formal resolutions of Council recorded in the draft Minutes of the Extraordinary Meeting held 26 July 2022 prior to confirmation.

## 05 MAYORAL MINUTES

Nil

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Nil

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**5. MAYORAL MINUTES**

Nil

**6. NOTICES OF MOTION****ITEM 06.22.010 NOTICE OF MOTION  
UNREASONABLE COMPLAINANT CONDUCT POLICY APOLOGY**

<b>Meeting</b>	Council	23 August 2022
<b>Submitted by</b>	Cr William Day	
<b>Attachments</b>	Nil	

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

**SUMMARY**

Apology to local citizens re the application of Council's UCC policy.

**PROPOSED MOTION**

That

1. Mayor Tiley send a letter of apology to Lynne & Bob Cairns, Shane Powell and John Hagger advising that Council's Unreasonable Complainant Conduct policy has been incorrectly invoked and restrictions unnecessarily imposed upon them.
2. A copy of this apology be placed on Council files for these citizens including Electronic Content Management (ECM) records.

**LINKAGE TO OUR COMMUNITY PLAN**

Theme Leadership

Objective We will have a strong, accountable and representative Government

**BACKGROUND**

The Council's UCC policy was enacted in 2021 to place restrictions upon these citizens' dealings with CVC in ways that did not adhere to the policy or policy procedures. The fallout from these matters have continued in 2022.

**COUNCIL IMPLICATIONS****Budget/Financial**

N/A

**Asset Management**

N/A

**Policy and Legislation**

Unreasonable Complainant Conduct Policy

**Consultation**

There has been extensive consultation between these citizens councillors and council staff.

**Legal and Risk Management**

N/A

**Climate Change**

N/A

**GENERAL MANAGER COMMENT**

There has been no independent review of the process followed and as such there is no evidence that Council's Unreasonable Complainant Conduct Policy has been incorrectly invoked or that restrictions have been unnecessarily imposed.

**7. REPORTS**

## OFFICE OF THE GENERAL MANAGER

**ITEM 07.22.167 LOCAL GOVERNMENT RECOVERY GRANTS - LOCAL COUNCIL SUPPORT AND COMPANION ANIMALS SUPPORT**

<b>Meeting</b>	Council	23 August 2022
<b>Directorate</b>	General Manager	
<b>Prepared by</b>	A/General Manager, Laura Black	
<b>Attachments</b>	A. The Hon Wendy Tuckerman - advice of support package <a href="#">↓</a>	

**SUMMARY**

Clarence Valley local government area was included in the February/March 2022 declared Natural Disaster and has therefore been targeted for Category D recovery funding under the Disaster Recovery Funding Arrangements. The announcement was made by Minister for local Government, the Hon Wendy Tuckerman MP in May. This being the second such announcement since the disaster. The Category D Local Government Recovery Grants are jointly funded by the State and Federal governments and in this instance amount to \$2 million for the Local Council Support Package and \$375,000 for the Companion Animals Support Package.

**OFFICER RECOMMENDATION**

That Council,

1. Endorse expenditure of the Category D Local Government Recovery – Local Council Support Grant of \$2M on the following projects:
  - a. Improved drainage and flood immunity initiatives - \$1.5m
  - b. Repair recreation/community assets - \$400,000
  - c. Economic recovery partnership with Chambers of Business - \$100,000
2. Confirm its endorsement of expenditure of the Category D Local Government Recovery – Companion Animals Support of \$375,000 on the following projects:
  - a. Cat cages at South Grafton Animal Shelter - \$10,000
  - b. Animal Control and Animal Shelter Strategy - \$75,000
  - c. Implementation of the recommendations of the Animal Control and Animal Shelter Strategy - \$290,000.
3. Endorse inclusion of the following variations from RA 89251 (UG NSW Severe Weather & Flood – Complex & immediate Support) in the Q1 Quarterly Business Review Statement for expenditure in 2022/2023:
  - a. \$200,000 for drainage
  - b. \$200,000 for repair of recreational assets
  - c. \$100,000 for Economic recovery partnership with Chambers.

**LINKAGE TO OUR COMMUNITY PLAN**

Theme Infrastructure

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

**KEY ISSUES**

The Local Government Recovery Grants program is providing an upfront payment of \$2,375,000 million, made available to local government areas included in the recent Declared Natural Disaster for the 2022 February/March Storm events.

The grants provide financial assistance to councils towards supporting restoration, immediate recovery activities that best meet their community's needs. Payment will be released to councils to assist them in undertaking immediate recovery activities, addressing emerging needs and help build community resilience.

In proposing the allocation, careful consideration has been given to Council's capacity to deliver within the timeframe, the limitation of the program to purchase capital, restrictions of the individual programs, and addressing the most significant feedback received following the event that cannot be addressed by alternative funding.



Local Council Support Program

The following projects have been identified as they support the ongoing productivity, sustainability, preparedness and disaster resilience of the impacted community and/or infrastructure by repairing essential infrastructure in accordance with changing needs:

- a. Improved drainage and general flood immunity initiatives - \$1.5m.
- b. Repair of storm damaged recreational assets including tennis courts, cricket wickets, facility accessways and Maclean Showground Stables <\$400,000 (any funds not utilised to be allocated to a.).
- c. Economic Recovery partnership with Chambers of Commerce - \$100,000. The Chambers of Commerce are collaborating to implement a joint LGA wide project. Details to be advised on development.

Note: A review of current resourcing levels has identified the need to include a dedicated drainage resource to manage a future program of works. This role would also identify and manage any environmental approvals and liaise with the relevant State based agencies including Crown Land and Fisheries. An indicative budget of \$300,000 (from the recommended allocation of \$1.5m) would support the funding of a 2-year fixed term appointment.

Companion Animals Support Program

The following projects have been identified as they support the ongoing repair, maintenance, upgrade and/or new building facilities to support operations:

- a. Cat cages at South Grafton Animal Shelter \$10,000 – Council adopted in 2022/2023 Budget MIN07.22.122
- b. Animal Control and Animal Shelter Strategy \$75,000 – Council adopted in 2022/2023 Budget MIN07.22.122
- c. Implement Animal Control and Animal Shelter Improvements focussed on animal housing \$290,000 – To be implemented on completion of Strategy and in 2022/2023 Operational Plan.

NB. Relevant to the current funding, the Animal Control and Animal Shelter Strategy will make recommendations for improved housing options for implementation in 2022/2023 – 2023/2024.

**BACKGROUND**

For background information see the report titled February/March 2022 Flood Recovery Update.

**COUNCIL IMPLICATIONS****Budget/Financial**

The projects identified in this report are fully grant funded. \$85,000 is currently adopted for expenditure in the 2022/2023 budget (Cat cages and Animal Control and Animal Shelter Strategy) and the remaining funds sit in Reserve having been received in 2021/2022.

**Asset Management**

The projects relate to repairing and improving the condition of a range of community assets.

**Policy and Regulation**

Asset Management Policy

**Consultation**

Nil

**Legal and Risk Management**

The targeted drainage projects aim to increase resilience and

**Climate Change**

According to the Disaster Resilience Framework, flooding is the Natural Disaster the Clarence is most susceptible to and extreme and heavy rainfall is likely to increase over time (0.3 days to 5.3 days pa by 2050).

Accordingly, building resilience in Council's infrastructure, ensuring plans are current and equipment is appropriate is critical to future management during floods.



**The Hon. Wendy Tuckerman MP**  
Minister for Local Government

Our Ref: A816406

Ms Laura Black  
General Manager  
Clarence Valley Council  
Locked Bag 23  
GRAFTON NSW 2460

Clr Ian Tiley  
Mayor  
Clarence Valley Council

Via email: [council@clarence.nsw.gov.au](mailto:council@clarence.nsw.gov.au)

Dear Ms Black and Clr Tiley

In recognition of the continued impacts that the recent floods have had on your Local Government Area, the NSW Government is committing further support to your Council's recovery efforts.

The Local Government Recovery Grants program is providing an additional upfront payment of \$2,375,000 to your council. This covers 2 grants:

1. \$2,000,000 to enable the complex and immediate support for recovery and resilience required while the task of rebuild continues.
2. \$375,000 to provide support for companion animals management following the floods, with a focus on improved outcomes, such as rehoming.

The Office of Local Government (OLG) are finalising the Program Guidelines and reporting templates. These will be issued to you shortly.

Thank you for the ongoing leadership you and your council colleagues are providing to your community. I can assure you that the NSW Government will be with you every step of the way.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Wendy Tuckerman', followed by a horizontal line and two dots.

**The Hon. Wendy Tuckerman MP**  
Minister for Local Government

**Encl.**

Date: 3 May 2022

Ms Laura Black  
 Clarence Valley Council  
 Locked Bag 23  
 GRAFTON NSW 2460  
 council@clarence.nsw.gov.au

## Grant Acknowledgement Schedule

Grant Administrator:	Ally Dench Office of Local Government Locked Bag 3015, NOWRA NSW 2541 (02) 4428 4100
Grant Coordinator:	Stephen Walker (02) 4428 4100 <a href="mailto:grants@olg.nsw.gov.au">grants@olg.nsw.gov.au</a>
Council:	Clarence Valley Council
Grant:	NSW State Government Funding - Local Government Recovery Grant to assist highly impacted councils by flooding March 2022. 1. \$2,000,000 to support highly impacted Councils with continued recovery and resilience efforts 2. \$375,000 support for companion animals management
Conditions:	Council agrees: 1. To provide a Program of Works within 3 months from the receipt of the funds 2. Funds cannot be transferred across funding streams without written permission from the Office of Local Government 3. To submit quarterly progress reporting 4. To provide an acquittal by 30 June 2024 5. Return any unspent or uncommitted funds as at 30 June 2024
Grant Amount:	\$2,375,000 (maximum)

Council acknowledges receipt of the grant monies and confirms its agreement to the conditions imposed.

\_\_\_\_\_  
 Signature of Delegated  
 Party

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Name

\_\_\_\_\_  
 Position of Delegate

## ENVIRONMENT &amp; PLANNING

**ITEM 07.22.168 MOD2022/0062 OBJECTION TO REQUIREMENTS OF CLAUSE 41 OF THE LOCAL GOVERNMENT (MANUFACTURED HOME ESTATES, CARAVAN PARKS, CAMPING GROUNDS AND MOVEABLE DWELLINGS) REGULATION 2021 AND MODIFICATION TO MANUFACTURED HOME ESTATE APPROVAL DA2019/0423**

<b>Meeting</b>	Council	23 August 2022
<b>Directorate</b>	Environment & Planning	
<b>Prepared by</b>	Senior Development Planner, Patrick Ridgway	
<b>Attachments</b>	A. Construction Management Plan for Glencoe Lifestyle Resort <a href="#">↓</a> B. Section 82 Objection Report - Brooms Head Rd Gulmarrad <a href="#">↓</a> C. Section 82 Concurrence - Letter to Council <a href="#">↓</a> D. Instrument of Concurrence <a href="#">↓</a> E. Submissions - redacted <a href="#">↓</a>	

## SUMMARY

<i>Applicant</i>	Stimson Urban & Regional Planning
<i>Owner</i>	Lincoln Place
<i>Address</i>	Lot 2 DP11999142, Brooms Head Road, Gulmarrad
<i>Submissions</i>	Three (3)

Council has received an application to modify an approval (MOD2022/0062) for a Manufactured Home Estate (MHE) for 250 homes that Council approved at its 22 June 2021 meeting (Item 6b.21.031, DA2019/0423). The modification relates to Condition 86 of the development consent which requires the manufactured homes to be constructed and assembled off-site as required by the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (the LG MHE Regulation). Condition 86 was imposed on the approval (DA2021/0423) because this is a requirement of the LG MHE Regulation.

The modification to the consent was publicly advertised and Council received three (3) submissions objecting to the application (77 submissions were received from the original application).

It is possible to seek a variation from the Department of Planning and Environment to allow construction of dwellings on-site. The Applicant lodged an objection under *the Local Government Act 1993* requesting the concurrence that provisions of the LG Regulation not apply and the reasons are outlined in this report. The department has granted concurrence for the variation and advised Council that despite the concurrence, nothing prevents Council from making its own decision about the proposal.

The objection to the requirement to build off-site is considered to be well founded and approval is recommended because impacts associated with on-site construction can be adequately managed in accordance with a construction management plan (**Attachment A**) which forms part of the proposed modified condition (number 86). The environmental impacts are not considered to be greater than if houses were constructed on a conventional subdivision on residential zoned land.

In accordance with staff delegations, the proposed modification is reported to Council because Council decided the original development application, and because the original proposal did not seek to build on site.

## OFFICER RECOMMENDATION

That Council:

1. Support the Section 82 *Local Government Act 1993* objection and the concurrence of the Secretary of the Department of Planning and Environment that the provisions Clause 41 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 are not to be applied and the building of manufactured homes on-site be allowed for the development approved under DA2019/0423; and
2. Modify Condition 86 to read as follows 'The construction of manufactured homes must comply with the Construction Management Plan submitted by Lincoln Place Pty Ltd at all times.'

3. Insert a new advice as follows: ‘At its meeting of August 2022 Council resolved that it supported a Section 82 Local Government Act 1993 objection for the approval issued under DA2019/0423. With the concurrence of the Secretary of the Department of Planning and Environment the provisions Clause 41 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 are not to be applied and the building of manufactured homes on-site is allowed.’

**LINKAGE TO OUR COMMUNITY PLAN**

Theme Infrastructure

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

**KEY ISSUES**

1. Construction of manufactured homes on-site and submissions received

Following the issuing of a Development Consent for a 250 home Manufactured Home Estate (MHE) under DA2019/0423 approved by Council at its 22 June 2021 meeting (Item 6b.21.031), Council has received an application to modify the consent to allow the construction and assembly of homes on site. A condition was applied to the approval (DA2021/0423) consistent with LG Regulation requirements and the Applicant is requesting to modify the consent by amending Condition 86.

The modification application was notified to adjoining neighbours and those persons who had previously made a submission. Three (3) submissions were received (**Attachment E**) and a summary of the issues raised are provided below:

Issue	Comment
<p>If homes are to be built on-site the DA should be resubmitted as a housing estate. The plan all along was to mislead Council and residents alike. An amendment to condition 86 is a significant and unjustifiable deviation from the original approval and should not be permitted</p>	<p>Under a Modification application Council is required to consider whether it considers that the development is of minimal environmental impact and substantially the same development to that approved. The development will remain as a 250 manufactured home estate, within the same footprint and the only change is that houses are now to be constructed on site.</p> <p>Under Section 4.55 of the <i>Environmental Planning and Assessment Act 1979</i> Council must also take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The Council must also take into consideration the reasons given by the Council for the grant of the consent that is sought to be modified. The matters that are required to be considered remain essentially the same under the proposed modification for the MHE. The development will be over the same footprint with the same impacts as the original application. The change to the proposal to build on site has been considered along with the construction management plan and the reasons for the granting of consent. The impacts are considered to be minor to the original approval and also in regard to the impacts of what could ordinarily be built on the residential zoned land. The development will comply with the LEP and DCP, the environment will not be detrimentally affected, it will comply with legislative requirements, it will ensure that works are completed to appropriate standards and documented, it will ensure adequate infrastructure is provided to Council’s engineering specifications and comply with Council’s contribution plans.</p>
<p>The impact on residents shows contempt and no concern for impacts of a large-scale housing development site for 250 to 600 homes.</p>	<p>The number of houses remains at 250. The modification presents a change to potential increase construction noise and the Applicant has submitted a Construction Management Plan which sets out a range of measures to in order to protect the amenity of homes in the park during construction of dwellings. The impacts on adjoining residences would also be managed under the Construction Management Plan.</p>

<p>Given that the on-site construction of some 250 manufactured homes could commence from early morning for 6 days per week for the life of the project, I am now concerned that on-site construction will introduce intrusive building noise for a considerable period of time</p>	<p>The construction hours of work that are proposed are the same as Council's usual requirements being 7am - 6pm weekdays, 8am-1pm Saturdays including the delivery of materials. It is noted that the construction of homes will be grouped into stages and the construction of infrastructure for the development will not change. Like any residential development the number of houses to be constructed will be based on demand.</p>
<p>The alleged minor environmental impact is also misleading as noise is an impact on the environment of which we live currently next to no noise in comparison to the noise generated by construction tools and equipment to facilitate the building of 250 houses on site and we anticipate this will open the way for the remainder of the 600 odd houses to be built the same way. The increased traffic while numerous unnecessary trades personnel, building materials deliveries to the site, will also be of a level of inconvenience not portrayed in the original DA meaning. On-site construction would likely create traffic issues on both Brooms Head road and Sheehans Lane over an extended period as greater volumes of building materials and trades access the site</p>	<p>There are no other approvals of this kind on adjoining lots and no approval for an additional 600 houses.</p> <p>There will likely be an increase in traffic generation from trades persons though this is not considered to be significant and generally short term.</p> <p>The development is also required to upgrade the Sheehans Lane and Brooms Head intersection and improve the safety of road users. In comparison to constructing house modules offsite there would still be noise impacts to be managed from truck and crane transportation and on-site instalments. The construction of infrastructure and the community facilities (club house etc.) will still occur on site. Any noise generated within the proposed construction hours will required to be suitably managed and will be temporary. If the site was developed as a residential subdivision (although the applicant has not sought this type of development) there would be an expected similar level of noise generated from the site from the construction of the dwellings.</p> <p>There are benefits to the Applicant in allowing bulk construction and having subcontractors on-site which will also benefit local trades persons and create local job opportunities. There would also be an improvement in the quality of homes built on the site.</p>

The objection to the requirement to build off-site is supported on the basis that the impacts associated with on-site construction can be adequately managed in accordance with a Construction Management Plan that will now be a requirement of the consent as per the proposed modified condition number 86.

The applicant has provided a report outlining the proposal (**Attachment B**) and contends that compliance with the standard requiring the construction of dwelling offsite in this instance is unreasonable and unnecessary for the following reasons:

- 1) *Affordability is considerably reduced due to:*
  - a) *increased handling and transport.*
  - b) *increased structural framing (for transport requirements only); and*
  - c) *reduced supplier competition.*
- 2) *Environmental Sustainability is considerably reduced due to:*
  - a) *increased energy/fuel usage in transport and handling.*
  - b) *actual physical damage caused during transport; and*
  - c) *inefficient design caused by the need to transport major sections.*
- 3) *Residential Amenity is restrained by:*
  - a) *traditional modular construction.*
  - b) *the unresponsiveness of prefabricated dwellings to user requirements and site conditions/orientation.*
  - c) *limited aesthetic value.*
  - d) *at grade built on-site methodology will more easily allow residents to age in place; also reducing stress on alternate forms of accommodation.*
- 4) *Urban Amenity is considerably reduced due to:*
  - a) *increased traffic movements of heavy vehicles with oversized loads.*
  - b) *constraints imposed by need to transport major sections with respect to design, construction materials and methods; and*
  - c) *homogeneity of "factory" production.*
- 5) *Public Health & Safety is considerably reduced due to:*
  - a) *increased risk of road accidents through increased traffic movements.*
  - b) *increased risk of damage to road infrastructure during transport of large, oversized loads; and*



- c) increased risk of workplace accidents due to increased handling of large cumbersome loads.
- 6) Economic Benefits may be lost to the local community as factory production often takes place remote from the site resulting in little local employment during construction.

The applicant has also provided a Construction Management Plan to accompany the application (**Attachment A**). The approved plan for the MHE is provided below in Figure 1.



**Figure 1 – Approved Site Plan**

The application was referred to the Department of Planning and Environment and concurrence was granted by the delegate of the Secretary on 21 May 2022 allowing Council to not apply clause 41 of the LG Regulation (**Attachments C and D**). With the letter of concurrence, the Department advised that ‘As the proposal does not have any state or regional significance there was nothing that prevents the Department from granting concurrence for the Section 82 request for Brooms Head Road, Gulmarrad. The Instrument of Concurrence is attached. This decision does not prevent Council from further consideration of the proposal by its Councillors.’

As per S82(3) of the LG Act, if an objection that relates to the Regulations and the Council is satisfied that the objection is well founded, it may, with the concurrence of the Secretary of the Department Planning and Environment, in determining the application, direct that—

- (a) such provisions of any regulation relating to that activity as are specified in the direction –
  - (i) are not to apply, or
  - (ii) are to apply with such modifications as are specified in the direction, in respect of the carrying out of that activity, or
- (b) such requirements as are specified in the direction are to apply to the carrying out of that activity.

In considering whether an objection is well founded, the following objects of the LG Regulation are to be considered:

The **object of the LG Regulation** is to provide opportunities for affordable alternatives in short-term and long-term accommodation—

- (a) by continuing in force (in amended form) the standards for the design of manufactured home estates, caravan parks and camping grounds established by the former Regulations, and
- (b) by continuing in force (in amended form) the standards for the design and construction of manufactured homes and other moveable dwellings and for their siting established by the former Regulations, and
- (c) by continuing in force (in amended form) the standards to promote the health, safety and amenity of the occupiers of manufactured homes and other moveable dwellings established by the former Regulations.

Council's ability to regulate the impacts on the amenity of occupants during construction from noise, dust and hours of construction would be limited for the construction of the dwellings as no conditions in relation to this was applied to the original consent. MHEs present a situation different to a normal building construction where Council (or principal certifier) has the ability to regulate the amenity impacts such as noise, dust, construction hours etc. as per the conditions of consent. A condition was not imposed in this instance, as the application to allow building on-site has occurred after Development Consent DA2019/0423 was issued. As per the LG Regulation, the construction and/or assembly of a dwelling was not permitted within the Development Consent for this MHE, as outlined in Condition 86.

86. A manufactured home must not be installed on a dwelling site unless each major section of the home has been constructed and assembled at, and transported to the manufactured home estate from, a place of manufacture outside the manufactured home estate.

Overall, it is considered that the objection to the application of Clause 41 of the LG Regulation is well founded for the reasons provided by the applicant above. If Council supports the Section 82 *Local Government Act 1993* objection consistent with the officer's recommendation and concurrence given by the Secretary of the Department of Planning and Environment, it is recommended that development application DA2019/0423 be modified to amend Condition 86 requiring that the construction of manufactured homes to comply with the Construction Management Plan submitted by Lincoln Place Pty Ltd and a new advice be imposed in regard to the granting of approval to the Section 82 objection. The recommended advice and condition in the terms below will ensure that Council has authority to ensure compliance during construction of manufactured homes under the development approval and adequate measures are available to ensure the amenity of the occupants of the MHE during construction of the dwellings. The removal of wording in Condition 86 will also remove any ambiguity between the consent conditions and the variation to the LG Regulation to allow building of homes on-site.

Insert new Advice 36

36. At its meeting of August 2022 Council resolved that it supported a Section 82 *Local Government Act 1993* objection for the approval issued under DA2019/0423. With the concurrence of the Secretary of the Department of Planning and Environment the provisions Clause 41 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 are not to be applied and the building of manufactured homes on-site is allowed.

Amend Condition 86 to read as follows:

- ~~86. A manufactured home must not be installed on a dwelling site unless each major section of the home has been constructed and assembled at, and transported to the manufactured home estate from, a place of manufacture outside the manufactured home estate.~~  
The construction of manufactured homes on-site is to comply with the Construction Management Plan submitted by Lincoln Place Pty Ltd at all times.

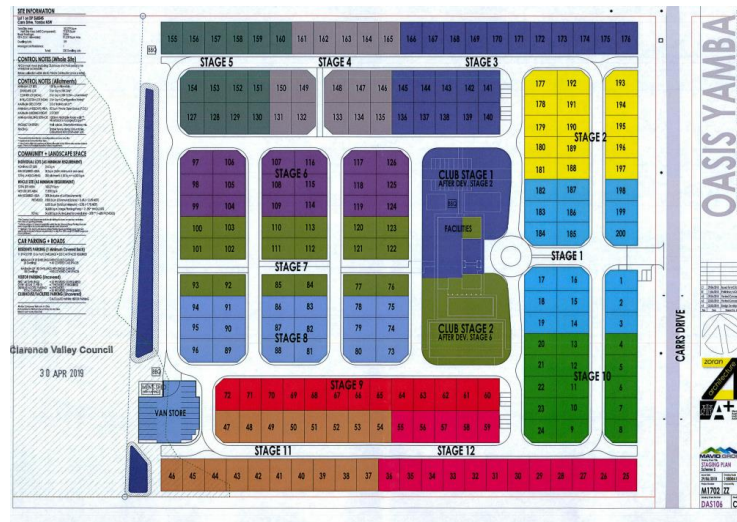
## BACKGROUND

Council approved a 250 home Manufactured Home Estate (MHE) at its 22 June 2021 meeting (Item 6b.21.031, DA2019/0423). The LG Regulation requires that homes are to be constructed and assembled off-site (Clause 41) and this is also a requirement of the development approval.

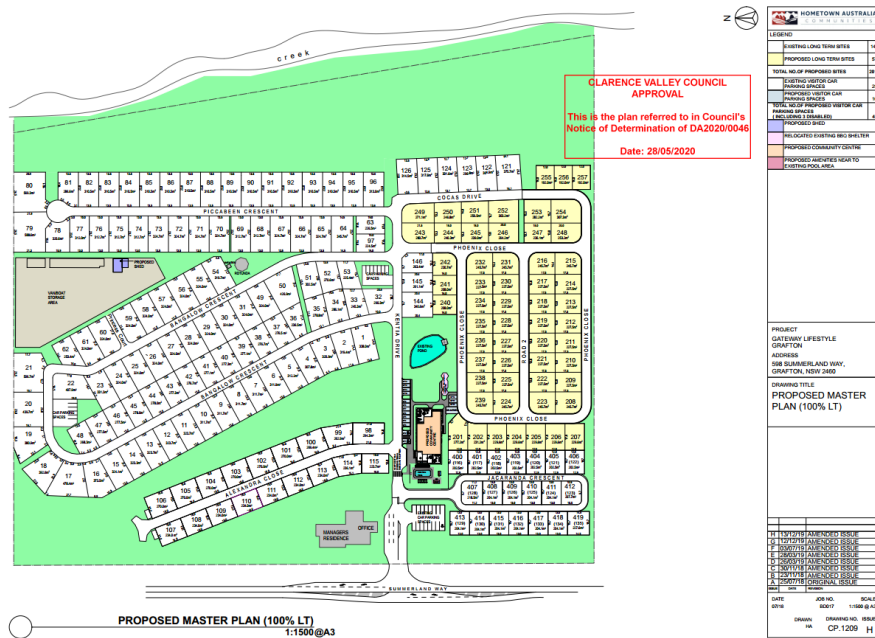
The objection to the requirements of the LG MHE Regulation is discussed in the issues section of this report.

For information purposes, it should be noted that the former elected Council considered and approved three other section 82 objections to allow the onsite construction of dwellings in other MHE sites across the local government area (Council's meeting of 27 July 2021; Item 6b.21.048) and the Secretary of the Department of Planning and Environment granted concurrence supporting the relaxation to allow construction and assembly of manufactured homes for these approvals onsite. The three sites were:

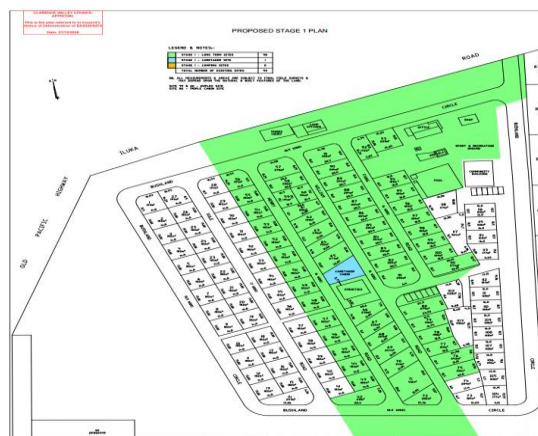
- Coastplan Group, Lot 1 DP 568545 Carrs Drive Yamba; approved at the meeting of 23 April 2019 (Item 14.035/19). Council approved DA2018/0373 for a 200 site MHE.



- Jacaranda Grove, Hometown Australia Communities, 598 Summerland Way, Grafton; approved at the meeting of 26 May 2020 (Item 6b.20.038) Council approved DA2020/0046 for a 201 site MHE.



- Horisen Lifestyle community (formerly Woombah Woods CP), 54 Iluka Road Woombah; approved at the meeting of 15 December 2020 (Item 6b.20.091) Council approved DA2020/0474 for a 59 site MHE.



**COUNCIL IMPLICATIONS****Budget/Financial**

NA there are no financial risks to Council

**Asset Management**

The impact on Council's assets are negligible. Any new infrastructure to become a Council asset will need to be constructed in accordance with Council's requirements and standards.

**Policy and Regulation**

Environmental Planning and Assessment Act, 1979

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021

Local Government Act 1993

**Consultation****Legal and Risk Management**

The applicant may seek legal advice as to Council's decision to not support the objection.

**Climate Change**

The climate change impacts will be negligible from the construction of homes on site or offsite to that already approved via building materials, construction methods, maintenance and associated energy and resource use.



Construction Management Plan for Glencoe Lifestyle Resort

# Construction Management Plan



**Glencoe Lifestyle Resort by Lincoln Place**  
**Brooms Head Rd, Gulmarrad NSW 2463**

Construction Management Plan for Glencoe Lifestyle Resort

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## 1 INTRODUCTION

This Construction Management Plan (CMP) has been prepared by Lincoln Place Pty Ltd for the construction of Glencoe Lifestyle Resort at Brooms Head Rd, Gulmarrad. Lincoln Place is the operator of Glencoe Lifestyle Resort.

The purpose of this CMP is to outline the measures to protect the amenity of other homes/residents in the park during construction of the dwellings. The CMP will provide a guideline for Lincoln Place and its contractors to follow to minimise the impacts on homeowners and residents during construction.

The detailed construction management plans for individual contractors will be further prepared by the contractors upon contract award and prior to commencement of construction on site.

This CMP will outline construction management procedures for the following issues:

1. Public safety, amenity and site security.
2. Operating hours and noise controls
3. Air / dust management
4. Stormwater and sediment control
5. Waste and materials
6. Traffic and Parking
7. Flora and fauna protection

### 1. PUBLIC SAFETY, AMENITY AND SITE SECURITY

#### 1.1 Public Safety

Glencoe Lifestyle Resort is a private property. Public access is restricted. All work is to be carried out on private land and therefore there is little to no risk of damage to public assets.

During construction of individual homes, their construction site will be fenced off with locked gate and signage. Site personnel are to be inducted to report any unauthorised access / public entry to the site.

#### 1.2 Signage

At a minimum, the following signs will be displayed at the entrance to construction sites:

- the principal contractor's name, contact details and after-hours telephone number;
- the location of the site office.

The principal contractor will also display:

- appropriate warning, prohibitions and mandatory signage as required.

All signage will be clearly visible from outside the workplace or work area.

## Construction Management Plan for Glencoe Lifestyle Resort

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### 1.3 Site Security

The principal contractor will, so far as reasonably practicable, secure Construction Areas (sites) by:

- designate a secured laydown area
- keeping the building site secured during the project;
- erecting a fence to prevent unauthorised access;
- locking gates to the site outside normal hours of operation.

Workers and contractors are expected to keep the site secure, for example, by closing or locking gates when and where required to prevent unauthorised access.

## 2 OPERATING HOURS AND NOISE CONTROLS

### 2.1 Operating Hours

Construction working hours will be limited to those conditioned within the Development Consent. In particular construction noise, when audible on adjoining residential premises, can only occur:

- a) Monday to Friday – 7:00am to 6:00pm;
- b) Saturday – 8:00am to 1:00pm;
- c) No construction work which will adversely impact on the amenity of the area is to take place outside the above hours, including Public Holidays.

Delivery of materials are only to occur within the abovementioned times.

### 2.2 Noise Controls

Noise will be monitored and controlled by internal measures such as:

- a) Ensuring residents are notified of upcoming construction activity or noisy works;
- b) Conducting noise level measurements in and around plant;
- c) Ensuring plant is regularly serviced;
- d) Ensure personnel exposed to excessive noise are provided with appropriate hearing protection;
- e) Where possible, use low decibel squawkers on plant and vehicles;
- f) Where possible, establish on site parking so that vehicles can drive in and out (no reversing necessary).

## 2.3 Vibration Control

The majority of the heavy vibration will occur during the civil earthworks. There are minimal vibration sources during the construction of the houses, however, minor sources of vibration can be further mitigated by:

- a) Ensuring plant is regularly serviced;
- b) Ensuring works are carried out within defined permissible hours;
- c) Where possible, using alternate methods of construction to mitigate vibration.

## 3 AIR AND DUST MANAGEMENT

### 3.1 Vehicle Movements & Dust Suppression

All roads will be installed and sealed significantly minimising vehicle airborne dust during home construction. There is no earthworks on home site preparation as this will be carried out by the civil contractor.

All machinery will be stored on site to ensure no obstruction to public access roads. Regardless the following measures will be undertaken to control dust and improve air quality:

- Where necessary or before excavation or vehicle movements, wet the surface of any dusty area;
- Restrict or minimise works when high wind weather is experienced or forecast;
- Daily monitoring of visual site dust levels and assessment/reschedule of planned activities in accordance with site and weather conditions;
- Construction vehicles to observe speed restrictions;
- Minimise drop heights of excavated or loose materials from machinery or vehicles;
- Shaping, covering and watering of stockpiles of materials as required;
- Covering trucks carrying loose materials;
- Dust Generating activities such as topsoil removal will be minimised during high winds.

### 3.2 Fumes from Plant & Machinery

It is expected minimal impacts from machinery & plant fumes on existing residents however these can be mitigated by:

- Regularly servicing plant & machinery;
- Monitoring wind and site conditions prior to commencement of works. If winds and fumes from works will have an effect on surrounding residents reschedule to a suitable time.

## 4 STORMWATER AND SEDIMENT CONTROL

### 4.1 Stormwater Retention and Runoff

During construction, the Stormwater controls will include but not be limited to:

- Installing sediment barriers and fencing to capture any runoff from sites;
- Installing sediment filters and traps to stormwater inlets;
- During periods of heavy or prolonged rainfalls, cease construction activity until the site has been adequately drained;
- Inspect erosion and sediment control measures to ensure optimal performance is being achieved;
- Ensure the structural stability of chemical and fuel storage areas is not compromised, thereby minimising the risk of accidental release and stormwater contamination;
- Recommence construction works only after the site has been assessed and it has been determined that the risk of erosion and sedimentation has returned to pre-rainfall conditions;
- Recommence construction works only after all erosion and sediment control measures have been assessed and it is confirmed that all structures are operating at optimal performance;
- Should any failures to erosion and sediment controls occur, the Contractor shall undertake repairs and/or replacements shall be implemented prior to the recommencement of earthwork operations.

### 4.2 Management of Any Polluted Water

In the event that accidental release of material occurs at the site, the following actions shall be implemented:

- Appropriately trained staff shall take steps to contain the released material, if possible, until remedial measures are fully implemented;
- The Contractor shall be notified to make an initial assessment of the severity of the accidental release and the nature of the material;
- The Contractor shall notify the Superintendent and relevant Administering Authority to treat, remove or otherwise manage the released material;

## Construction Management Plan for Glencoe Lifestyle Resort

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- Appropriately qualified personnel shall make an assessment of the area to confirm the success of the works and whether additional works are required;
- Appropriately qualified personnel shall assess the work procedures or cause of the failure and the Contractor shall implement any changes deemed to be appropriate to prevent reoccurrence of a similar incident in the future;
- Following completion of remedial actions, the Contractor shall provide an incident report to the Principal detailing the nature of the incident and the corrective actions implemented.

## 5 WASTE AND MATERIALS

Site earthworks and construction will be carried out in a manner that minimises, where possible, potential for construction waste. There will be a area designated by the contractor for safe storage of materials.

### 5.1 Locations of Stockpile Areas on Site

There should be no need for areas of significant stockpiling on site. If stockpiling is required it will be located within the construction site and adequately protected from erosion and wind.

### 5.2 Locations of Hazardous Materials

It is not envisaged hazardous materials will need to be stored on site. If required, they will be stored in a self-bunded enclosure with a spill kit and well away from existing residents.

### 5.3 Removal of Materials Off Site

Construction material will be segregated on site where possible or comingled and collected by a waste contractor for recycling and disposal.

Construction Management Plan for Glencoe Lifestyle Resort

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## 5.4 Litter Prevention

Litter is to be minimised by:

- Ensuring all loads leaving site are to be covered. Bins are to be provided;
- Providing rubbish bins at regular distances for site personnel use;
- Inducting staff on rubbish disposal etiquette.

## 6 TRAFFIC AND PARKING

### 6.1 Movement of Vehicles

Contractor access to the construction site is provided via the main entry road and then directly into the construction site.

There will be no disruption to existing traffic flows internally or externally to the park or pedestrian access and safety.

### 6.2 Contractor Parking

Contractor parking will be designated within the construction site fencing.

## 7 FLORA AND FAUNA PROTECTION

Trees nominated to remain and be protected are to be clearly marked and protected by:

- Carrying out pre-start meetings to inform Contractors and their staff of asset protection zones and trees to remain and be protected;
- Visually marking trees that are to remain;
- Physically protecting trees by installing barriers;
- If works are required to be carried out in close vicinity of a protected tree, ensuring that the measures and controls are adhered to in full including engagement and supervision by a qualified arborist where required.



Construction Management Plan for Glencoe Lifestyle Resort

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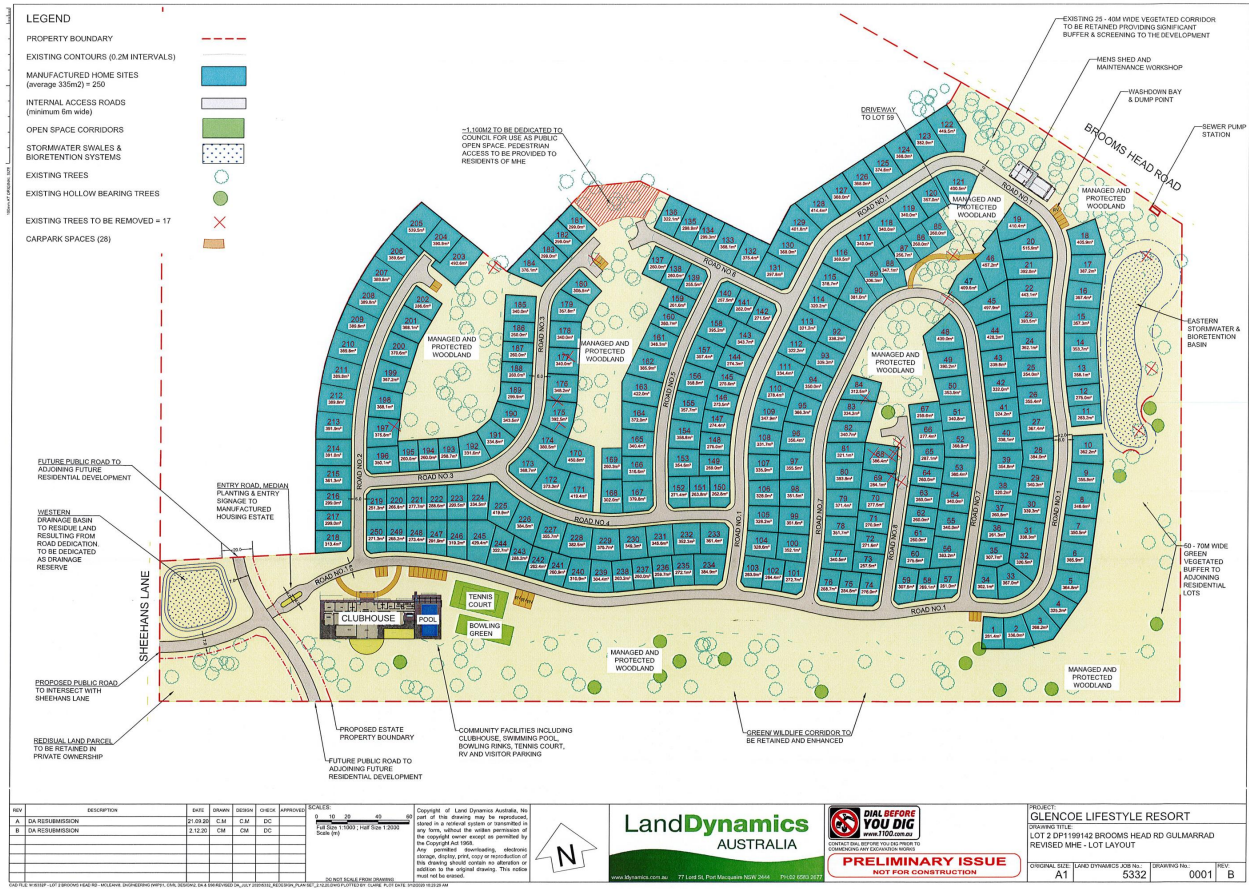
## 8 CONCLUSION

We submit this Construction Management Plan to be implemented by the principal contractor upon engagement. If you have any questions or comments please do not hesitate to contact us on the number below.

King Regards

Matt Conlon  
0410 717 669

Lincoln Place Development Manager



**OBJECTION UNDER SECTION  
82 OF THE LOCAL  
GOVERNMENT ACT 1993**

LOT 2 DP1199142

**BRROMS HEAD ROAD, GULMARRAD**



STIMSON  
URBAN & REGIONAL PLANNING

**OBJECTION UNDER SECTION 82 OF THE LOCAL GOVERNMENT ACT 1993**

Prepared by

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Penrith NSW 2750

Client and Land Details

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Client: Lincoln Place  
Subject Site: Lot 2 DP 1199142  
Brooms Head Road, Gulmarrad



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Warwick Stimson RPIA  
Director



This report dated November 2021 is provided to 'the client' exclusively. No liability is extended for any other use or to any other party. Whilst the report is derived in part from our knowledge and expertise, it is based on the conditions prevailing at the time of the report and upon the information provided by the client.

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## 1 INTRODUCTION

### 1.1 PURPOSE AND BACKGROUND

This submission seeks Council approval and Department of Planning, Industry and Environment (DPIE) concurrence, for Lincoln Place to construct homes onsite for its manufactured housing estate (MHE) project, located at Brooms Head Road, Gulmarrad. This has become a common delivery methodology for contemporary manufactured housing estates in NSW and delivers meaningful benefits to the local economy.

Clause 41 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* (the Regulation) requires manufactured homes to be constructed and assembled off-site, then brought to site.

This application is made pursuant to Section 82(1)(b) of the *Local Government Act 1993* (the Act). Section 82(1)(b) allows an applicant to lodge with the Council an objection that compliance with any provision of the Regulation is unreasonable or unnecessary in the particular circumstances. When Council is satisfied the objection is well founded it may, with the concurrence of the relevant delegate of DPIE, determine the application.

This application details and justifies the grounds for the objection, along with representation of the construction methodology which may be used.

This application and subsequent approval do not alter the development application's compliance with all other requirements of the Regulation, including the homes remaining compliant with the definition of relocatable homes. The manufactured housing industry has experienced evolving change since the early '70s. These include improvements in manufactured home designs and consumer necessity has driven a shift from smaller cabin housing to more high-end manufactured homes built on site to resemble conventional bricks and mortar houses.

### 1.2 DEFINITIONS

Definitions that are relevant to this proposal are found in either the *Clarence Valley Local Environmental Plan 2011*, the *Local Government Act 1993* or the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*, and include the following.

**Caravan park** means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

**Manufactured home** means a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:

- a) that comprises one or more major sections, and
- b) that is not a motor vehicle, trailer or other registrable vehicle within the mean of the *Road Transport Act 2013*, and includes any associated structures that form part of the dwelling.

**Manufactured home estate** means land on which manufactured homes are, or are to be, erected.



**Moveable dwellings** means:

- a) Any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- b) A manufactured home, or
- c) Any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993*) for the purposes of this definition.

**Relocatable home** means:

- a) manufactured home, or
- b) any other moveable dwelling (whether or not self-contained) that comprises one or more major sections, including any associated structure that forms part of the dwelling, but does not include a tent, caravan or campervan or any moveable dwelling that is a vehicle of a kind that is capable of being registered *within the meaning of the Road Transport Act 2013*.





## 2 EXISTING USE AND CURRENT APPROVALS

### 2.1 EXISTING USE AND SURROUNDING LAND USES

The site is on the fringe of the Gulmarrad village and has been used for grazing for some time. Further to the north and west of the site the locality is characterised as undeveloped bushland and grazing areas. Further to the south and east, development is characterised as being larger lot rural residential dwellings.

### 2.2 CURRENT APPROVALS AND APPLICATION

The site currently benefits from a consent for an existing development consent (DA2019/0423 for the development of a 250 manufactured home estate with community facilities. This was approved by Council on 28 June 2021.

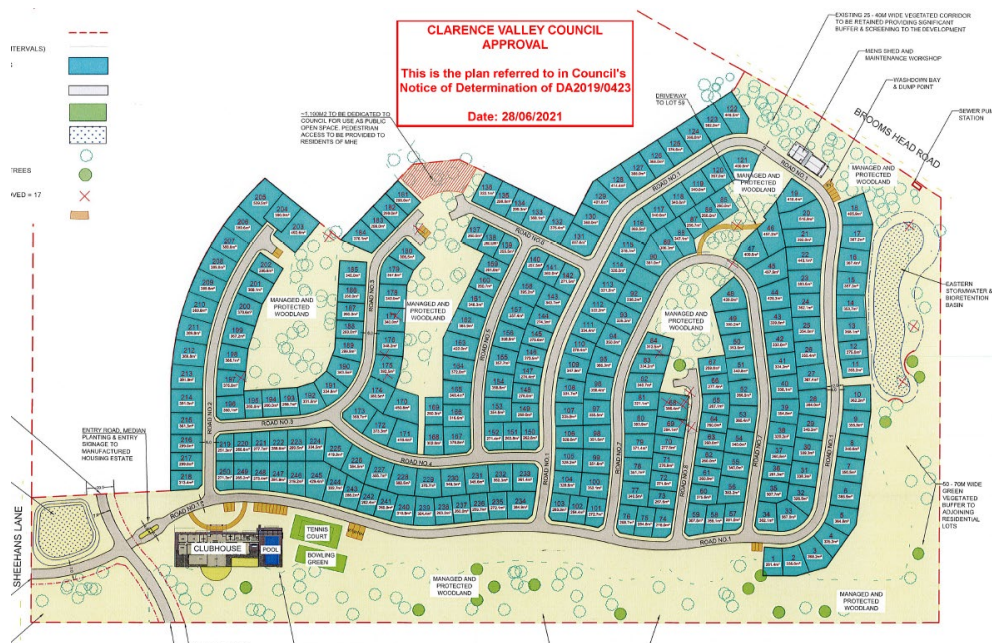


Figure 1 Plans of Proposed MHE



### 3 OBJECTION TO THE REGULATION

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#### 3.1 THE PROPONENTS POSITION

The proponent contends that compliance with various provisions of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* (the Regulation) is both unreasonable and unnecessary in the particular circumstances of the case.

The provisions of the Regulation to which the proponent objects are set out later in this report. The objections relate to provisions within Part 3 of the Regulation that deal with *relocatable homes*, the definition of which includes a *manufactured home*.

The principal objection is to Clause 134 which requires "off-site" construction/assembly of major sections (of dwellings). Other clauses which may need to be considered as a result of any waiver or amendment of Clause 134 have also been identified.

The proponent contends that compliance with such provisions is unreasonable as:

- (a) Affordability is considerably reduced due to:
  - (i) increased handling and transport.
  - (ii) increased structural framing (for transport requirements only); and
  - (iii) reduced supplier competition.
- (b) Environmental Sustainability is considerably reduced due to:
  - (i) increased energy/fuel usage in transport and handling.
  - (ii) actual physical damage caused during transport; and
  - (iii) Inefficient design caused by the need to transport major sections.
- (c) Residential Amenity is restrained by:
  - (i) traditional modular construction.
  - (ii) the unresponsiveness of prefabricated dwellings to user requirements and site conditions/orientation.
  - (iii) limited aesthetic value.
  - (iv) at grade built on-site methodology will more easily allow residents to age in place; also reducing stress on alternate forms of accommodation.
- (d) Urban Amenity is considerably reduced due to:
  - (i) increased traffic movements of heavy vehicles with outsized loads.
  - (ii) constraints imposed by need to transport major sections with respect to design, construction materials and methods; and
  - (iii) homogeneity of "factory" production.
- (e) Public Health & Safety is considerably reduced due to:



- (i) increased risk of road accidents through increased traffic movements.
  - (ii) increased risk of damage to road infrastructure during transport of large, outsized loads; and
  - (iii) increased risk of workplace accidents due to increased handling of large cumbersome loads.
- (f) Economic Benefits may be lost to the local community as factory production often takes place remote from the site resulting in little local employment during construction.

In situ construction will not result in a loss of amenity to future residents, neighbours and/or the local community, when compared to offsite construction/assembly. Best practice construction management measures to be implemented whilst civils works for each stage will be completed before any resident is provided occupancy approval from Council.

#### **Evolution of the Manufactured Homes Industry**

Notably the last significant revision of the Regulation was approximately 16 years ago. At this time, manufactured homes were very basic buildings. However, the quality, type, range, and construction sophistication of manufactured homes has since undergone significant improvement to meet resident demands. Manufactured homes have proven to be increasingly popular due to their affordability and contemporary lifestyle option, particularly for “over 55’s” living.

The NSW Government, along with Councils across the state, have recognised this progression and as a result are undertaking a review of the current legislative framework with the objective to simplify approvals for these types of development. The NSW Government’s Discussion Paper titled “Improving the Regulation of Manufactured Homes, Caravan Parks, Manufactured Home Estates & Camping Grounds”, discusses a key issue where manufactured homes are not considered to be a “dwelling house” or “building” within the definitions of the Environmental Planning and Assessment Act 1979. This highlights the reality of the current legislation being outdated when compared to current practice.

In recent years, the NSW Government has acknowledged the standard of design and product has improved as the industry has evolved, and without any perceived advantages for constructing manufactured homes offsite, NSW has seen an increase in dispensation to construct onsite.

### **3.2 EXEMPTIONS SOUGHT**

The following table summarises the relevant provisions of the Regulation and indicates how exemption from those provisions would need to be granted, in order to permit the proposal for in situ construction of relocatable homes (see Table 1). We would suggest that any such exemptions to compliance with the Regulation be granted as a condition of any Section 68 approval.



Table 1 Summary of proposed exemptions or modifications to the Regulation 2021.

Clause	Requirement	Proposal
<b>9</b>	<p><b>Conditional Exemptions</b></p> <p>(1) A person may, without an approval—</p> <p>(a) install a manufactured home on land within a manufactured home estate if the home is—</p> <p>(i) designed, constructed and installed in accordance with Division 4, and</p> <p>(ii) not occupied by a person until a certificate of completion has been issued, or</p> <p>(b) install an associated structure on land within a manufactured home estate if the structure is designed, constructed and installed in accordance with Division 4.</p> <p>(2) The installation must be carried out by, or with the consent of, the holder of the approval.</p> <p>(3) This section does not apply—</p> <p>(a) if the council has given the holder of the approval written notice that the land is flood liable land—to the installation of a manufactured home on flood liable land, or</p> <p>(b) to the installation of a manufactured home or associated structure exceeding 1 storey.</p>	<p>The proposal seeks in situ construction subject to approval of this objection under Section 82 and without the need for further Section 68 approval as and when relocatable homes are constructed/installed. Such construction/installation will be in accordance with Division 4.</p>
<b>41</b>	<p><b>Manufactured homes to be constructed and assembled off-site</b></p> <p>(1) A manufactured home must not be installed on a dwelling site unless each major section of the manufactured home is—</p> <p>(a) constructed and assembled at a place of manufacture outside the manufactured home estate, and</p> <p>(b) transported to the manufactured home estate from the place.</p> <p>(2) The following work may be carried out on the dwelling site—</p> <p>(a) the fixing of cornices,</p> <p>(b) the setting of wall lining joints,</p> <p>(c) the fitting of skirting boards and architraves,</p> <p>(d) the grouting of tiles.</p>	<p>Relocatable homes will also be constructed in situ.</p>
<b>132</b>	<p><b>Specifications for design, construction, installation, modification and extension of relocatable homes and associated structures</b></p> <p>(1) The Minister may, by order published in the Gazette, issue specifications for the design, construction, installation, modification and extension of relocatable homes and associated structures.</p> <p>(2) The specifications may adopt, with or without modification, a rule, standard or code of practice.</p> <p>(3) A relocatable home or associated structure must be designed, constructed, installed, modified and extended in accordance with the specifications.</p>	<p>We are not aware of any such specifications being issued. Should they be issued prior to the installation of any relocatable home then a further submission under S82 of the LG Act may need to be made.</p>



Clause	Requirement	Proposal
134	<p><b>Relocatable homes to be constructed and assembled off-site</b></p> <p>(1) A relocatable home must not be installed on a dwelling site unless each major section of the relocatable home is—</p> <p>(a) constructed and assembled at a place of manufacture outside the caravan park, and</p> <p>(b) transported to the caravan park from the place.</p> <p>(2) The following work may be carried out on the dwelling site—</p> <p>(a) the fixing of cornices,</p> <p>(b) the setting of wall lining joints,</p> <p>(c) the fitting of skirting boards and architraves,</p> <p>(d) the grouting of tiles.</p>	Relocatable homes will be constructed in situ. Each major section will be constructed on site and hence an exemption from this provision is sought.
142	<p><b>Structural soundness</b></p> <p>(1) The design of a relocatable home and associated structure must be certified by a practising structural engineer as structurally sound.</p> <p>(2) The engineer's certificate must—</p> <p>(a) certify that the relocatable home or associated structure complies with all relevant standards, codes and specifications, and</p> <p>(b) include specifications for—</p> <p>(i) the way in which the relocatable home or associated structure must be transported and installed, and</p> <p>(ii) the footings, if any, on which the relocatable home or associated structure must be installed.</p> <p>(3) Specifications for footings or tie-down systems must consider—</p> <p>(a) the design gust wind speed, and</p> <p>(b) the soil type, and</p> <p>(c) other design considerations relevant to the location in which the relocatable home or structure will be installed.</p> <p>(4) This section does not apply to fences or privacy screens.</p>	Relocatable homes will be constructed in situ in accordance with any relevant standards, codes and specification except where modification is sought via this submission.
156	<p><b>Footings</b></p> <p>(1) A relocatable home or associated structure must be installed on footings if required by the engineer's certificate for the home or structure.</p> <p>(2) The footings and tie-down system for the relocatable home or associated structure must be constructed in accordance with the engineer's certificate.</p> <p>(3) The clearance beneath the home or structure must—</p> <p>(a) provide adequate underfloor cross-flow ventilation, and</p> <p>(b) be measured from the lowest point of the underside of the home's chassis or frame, and</p> <p>(c) be—</p> <p>(i) if termite shields are required to be installed—at least 400 millimetres, or</p>	A technical variation may be required to the extent that this clause and any associated specifications require the "installation" of relocatable homes.



Clause	Requirement	Proposal
	<p>(ii) otherwise—at least 200 millimetres, or</p> <p>(iii) a lesser clearance specified in the approval.</p>	
157	<p><b>Installation to comply with specifications</b></p> <p>A relocatable home or associated structure must be installed on a dwelling site in accordance with—</p> <p>(a) the specifications set out in the engineer's certificate for the home or structure, or</p> <p>(b) other specifications specified in the approval.</p>	<p>A technical variation may be required to the extent that this clause and any associated specifications require the 'installation' of relocatable homes.</p>
158	<p><b>Compliance plate</b></p> <p>(1) A compliance plate must be attached to an accessible part of the following structures—</p> <p>(a) a relocatable home,</p> <p>(b) an associated structure forming part of a relocatable home,</p> <p>(c) an associated structure comprising a freestanding garage.</p> <p>(2) A compliance plate must specify the following—</p> <p>(a) the name of the manufacturer of the relocatable home or associated structure,</p> <p>(b) the unique identification number for each major section of the relocatable home,</p> <p>(c) the month and year during which the relocatable home or associated structure was constructed,</p> <p>(d) the design gust wind speed for the relocatable home or associated structure,</p> <p>(e) a statement that the relocatable home or associated structure complies with this Division,</p> <p>(f) the name of the practising structural engineer who issued the engineer's certificate for the relocatable home,</p> <p>(g) whether a relocatable home is intended for use as a park van or holiday van.</p> <p>(3) A unique identification number must be permanently marked on each major section of the relocatable home.</p> <p>(4) The Minister may, by order published in the Gazette, issue specifications for the design, construction, issue and registration of compliance plates.</p> <p>(5) A compliance plate must be designed, constructed, issued and registered in accordance with the specifications</p>	<p>Division 4 will be met, except those requirements for construction off-site or as otherwise specified in this table.</p>



<p><b>159</b></p> <p><b>Notice of completion of installation</b></p> <p>(1) <i>The holder of an approval must give the council written notice of the installation of a relocatable home or associated structure within 7 days after its completion.</i></p> <p>(2) <i>The notice must—</i></p> <p>(a) <i>indicate the site identifier of the dwelling site on which the relocatable home or associated structure has been installed, and</i></p> <p>(b) <i>include the particulars specified on each compliance plate relating to the relocatable home or associated structure.</i></p> <p>(3) <i>The notice must be accompanied by—</i></p> <p>(a) <i>a copy of the engineer's certificate for the relocatable home or associated structure, and</i></p> <p>(b) <i>a diagram of the dwelling site for the relocatable home or associated structure indicating whether the setback, density, open space and site identification requirements of this Part have been complied with.</i></p>	<p>Written notice of 'construction' rather than 'installation' will be given in accordance with this clause.</p>
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**3.3 JUSTIFICATION FOR EXEMPTION**

The above exemptions and modifications are being sought on the grounds that compliance with the stated provisions of the Regulation 2005 is both unreasonable and unnecessary, in this particular instance.

The grounds for the objection to Section 41 of the Regulation, in addressing Section 82(2) of the *Local Government Act*, are addressed in this section. It is noted that the Act does not prescribe specific matters to be addressed in making an application under Section 82.

Generally, it is contended that compliance with the provisions of Section 41 of the Regulation is unreasonable, and building onsite will deliver the following benefits:

- Benefits for the local economy.
- Higher quality design through on-site construction.
- No detrimental impact to surrounding community.
- Reduced impact on roads and environment.
- Environmental sustainability
- Residential amenity
- Urban amenity
- Public health and safety.

The abovementioned matters are discussed in more detail in the following subsections.

**Benefits for the Local Economy**

Constructing manufactured homes onsite can generate direct and indirect benefits for the local economy. Direct benefits stem from the use of locally sourced trades and materials (i.e. builders, plumbers, electricians) as well as professional services (i.e. engineers, certifiers). The indirect benefits for the local economy are largely attributed to the increased demand for goods and services and consumption.





The figure below demonstrates the increase in local employment and supply opportunities for construction of the homes, based on the content shown in Table 2. The in-situ model makes circa 97% of opportunities available to local suppliers and trades, while modular makes circa 34% available.



Figure 2 Difference in local opportunities between construction methods

The Figure below illustrates the chronological breakdown from beginning to end of the supply and construction process and the equivalent dollar values of each of these steps, based on a home construction cost of \$175,000. The proportion of each step is expressed in monetary value to show potential benefits to local economies.

The blue columns represent opportunities available to local industry (via onsite construction) and the orange columns illustrate the lesser portion available locally when assembled offsite and transported to the site. Onsite construction allows approximately 97% of the construction content to be available to local suppliers and tradespeople while modular (offsite) construction typically only provides 34% of its content available to local suppliers and trades.

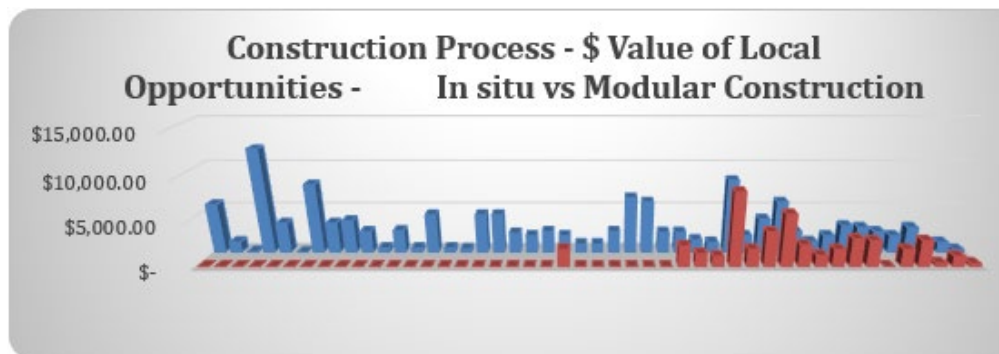


Figure 3 Value of the two construction methods

The Table below details the line-item data and expanded descriptions of the construction process illustrated in Figure 3 above. Each step of supply or labour in the construction process is shown in process order and whether or not an opportunity typically exists for local suppliers or trades to supply.



In summary, the benefits of the increasing popularity of homes that are designed specifically for and built on site are:

- Increased design freedoms in amenity and floor plan that are less available to homes manufactured off site.
- Benefits to local economies by bringing the supply of materials and labour to the local area in which the communities are located; and
- Improved general external aesthetic of the homes, streetscapes, and general appeal of the community.

Stage of Construction		Local Opportunity Offsite	Local Opportunity Onsite	% of Value
1	Supply Floor Chassis steel- Reo & concrete	N	Y	4.1%
2	Labour to fabricate chassis or form up and pour slab	N	Y	0.9%
3	Inspection of floor slab/chassis	N	Y	0.1%
4	Supply Frame and Truss	N	Y	8.7%
5	Labour to erect frame and truss	N	Y	2.5%
6	Supply Windows, doors	N	N	3.0%
7	Supply Cladding, fixings, wrap, & accessories	N	Y	5.8%
8	Labour to install windows, cladding etc.	N	Y	2.5%
9	Supply Roof, gutter , fascia and rainwater goods	N	Y	2.8%
10	Labour to install roof , gutter etc.	N	Y	1.8%
11	Supply Plumbing fittings for slab and wall rough in	N	Y	0.4%
12	Labour to rough in plumbing	N	Y	1.9%
13	Supply electrical wiring and fittings	N	Y	0.4%
14	Labour to rough in wiring	N	Y	3.3%
15	Supply wall and roof insulation	N	Y	0.4%
16	Install wall and roof insulation	N	Y	0.3%
17	Supply Plasterboard and FC Internal linings	N	Y	3.3%
18	Install Internal linings	N	Y	3.3%
19	Supply internal fix-out materials, doors, architraves tec.	N	Y	1.7%
20	Supply hardwood flooring where applicable.	N	Y	1.5%
21	Labour to do fix-out- hang doors architraves etc. - Lay HWD	N	Y	1.8%
22	Labour to polish Hardwood flooring where applicable	Y	Y	1.5%
23	Waterproofing of internal wet areas	N	Y	0.7%
24	Supply of wall and floor tiles	N	Y	0.7%
25	Labour to lay wall and floor tiles	N	Y	1.8%
26	Supply and install kitchen/ joinery	N	Y	4.7%
27	Supply bathroom and kitchen PC items.	N	Y	4.4%



Stage of Construction	Local Opportunity Offsite	Local Opportunity Onsite	% of Value
28 Labour to fit off all plumbing	N	Y	1.7%
29 Labour Plumber to connect home to site services	Y	Y	1.7%
30 Labour Electrician to connect homes to site services	Y	Y	1.1%
31 Supply of paint for internal and external	Y	Y	0.9%
32 Labour to paint inside and out	Y	Y	6.2%
33 Supply of concrete for garage/carport slab and driveway	Y	Y	1.5%
34 Labour to pour carport/ garage slab and driveway	Y	Y	2.9%
35 Supply Carport structure	Y	Y	4.4%

Figure 4 Comparison of Opportunity for Local Trades and Suppliers – Onsite vs Offsite

**Higher Quality Design Through Onsite Construction**

A key objective of the Regulation is to provide standards for the design and construction of manufactured homes. This section discusses key aspects of onsite construction of manufactured homes providing a higher quality result. It is noted that all design, construction, and installation specifications of the Regulation can be met with onsite construction.

Typically, “slab-on-ground” construction achieves a greater overall performance with easier accessibility than with the constraints inherent with modular (offsite) construction. These include, but are not limited to:

- Improved thermal efficiency.
- More efficient use of floor space.
- Increased accessibility for mobility impaired,
- Ability for residents to age in place.; and
- Higher quality streetscape amenity.

When homes are constructed onsite, the design elements of the exterior are more akin to a traditional construction method. This allows external facades, aesthetics, and overall streetscapes to be enhanced and present attractively to internal roads. Today’s manufactured homes present in such a way that they appear to be more of a fixed building including rendered facades, high end interior fittings and fixtures, decks, pergolas, and carports. The reversal of the construction process would enable all building components to be removed from the site leaving only the slab. The construction process would be commensurate to that undertaken off-site for similar manufactured home products.

Dwellings placed on the dwelling sites will remain compliant with the definition of a manufactured home. A key consideration is, that while in situ construction is proposed, the dwelling must remain compliant with the definition of relocatable homes. Accordingly, the proposed development is in accordance with the Regulation.



In summary, the benefits of the increasing popularity of homes that are designed specifically for and built on site are:

- Increased design freedoms in amenity and floor plan that are less available to homes manufactured off site.
- Benefits to local economies by bringing the supply of materials and labour to the local area in which the communities are located; and
- Improved general external aesthetic of the homes, streetscapes, and general appeal of the community.

#### **No Detrimental Impact on Surrounding Community**

Construction hours will be limited to the those detailed in the eventual Notice of Determination. Construction will be governed by the construction management plan if required by that approval.

Construction of new homes will be staged in an appropriate manner to reduce the potential impact on new residents who move into the estate following commencement of construction, to ensure compliance with the construction management plan.

New buyers will be made aware of the construction stages prior to placing a deposit on a dwelling site. It is noted that from Lincoln Place experience, the potential impact of noise and dust emissions associated with in situ construction does not usually influence people's decision to purchase a site within a manufactured home estate which utilises in situ construction.

Therefore, the provisions of the Regulation restricting onsite construction are unreasonable and unnecessary, pursuant to Section 82(1)(b), as carrying out construction of new manufactured homes onsite is not likely to have an adverse impact on existing residents or residents of surrounding properties.

#### **Reduced Impact on Roads and the Environment**

Offsite construction requires the major sections of the manufactured homes to be transported to site using a considerable number of pilot assisted oversized and heavy loads. This has the potential to result in earlier deterioration of roads, increased traffic delays, increased traffic noise, increased risk of road incidents and accidents, and increased vibration impacts caused by oversized and heavy loads. Onsite construction ameliorates these impacts, as the materials are locally sourced and able to be transported to site in smaller sized loads, which reduces the impacts to roads, and reduces the impact on the environment.

#### **Environmental Sustainability**

Environmentally Sustainable Development (ESD) is a common theme in more traditional housing forms and is now generally regulated by BASIX and the requirements of individual councils. Pre-fabricating relocatable homes in major sections is unresponsive to ESD principles, particularly in design terms as follows:

- (a) Increased energy/fuel usage in transport & handling.



As indicated above, pre-assembly of dwellings off-site necessitates a significant increase in transport loads, the greater use of (larger) cranes and greatly increased traffic movements from construction personnel. This in turn means greater use of energy/fuel/tyres resulting in increased carbon emissions and non-putrescible waste.

(b) Increased (risk of) damage during transport.

Pre-assembly of dwellings off-site often requires oversize loads, and such loading often results in damage to flora and fauna during transit. In addition, infrastructure, such as power and phone lines, overpass structures, and road signage, often suffer damage during transit of such loads. Road verges also suffer damage as load-carrying vehicles and other road users are often forced over to road shoulders.

(c) Transport imposed constraints on Environmentally Sustainable design.

Dwellings pre-assembled off-site are designed to meet the requirements of the transporting vehicle in terms of dimensions and size, where they will generally spend less than one day of their effective life, rather than to suit the end user's long-term accommodation requirements. Roofing design is limited due to the height constraints imposed in transporting and alternative roofs must be "hinged" resulting in extra cost.

Building materials must be lightweight, thus often providing poor insulating properties. The construction of moveable dwellings in-situ would also allow for a greater variety of pitched roof forms than might be expected on a more traditional style of moveable dwelling and this would provide opportunities for greater thermal insulation and provision of solar collectors and rainwater harvesting.

Furthermore, additional structural framing is often required to withstand the rigours of transport. This is an inefficient use of materials as well as limiting other design features that would improve the energy efficiency of the dwellings.

Relocatable homes constructed in-situ would allow for greater flexibility in design and siting and provide the opportunity to respond to solar orientation, the prevailing winds and breezes, natural slope and drainage considerations and the privacy and amenity of neighbours.

#### **Residential Amenity**

As indicated, the design of relocatable homes which are pre-assembled off-site does not give adequate consideration to the aesthetic quality of the end product or its relationship to the specific user requirements or the site context.

In-situ construction would allow greater flexibility in architectural design, such as the provision of variable façade design and pitched roof forms rather than the typical skillion form associated with moveable dwellings that are transported from off-site. This would improve the overall aesthetic quality of the approved estate in addition to the potential for sustainability improvements as discussed above and provide an improved urban outcome for the site.



### **Urban Amenity**

The pre-assembly of relocatable homes off-site has the potential for significant adverse impacts on the amenity of residents and other persons during the transportation of the homes from the factory to the site. The amenity impacts relate to noise, vibration, air pollutants from vehicles, traffic congestion, road accidents and potentially damage to public and private property.

Furthermore, the homogenous design of pre-assembled relocatable homes limits the aesthetic quality of the end product and is unresponsive to desires of Estate owners/operators to have a well-designed and high-quality estate that is attractive to both existing and potential future occupants. Furthermore, pre-assembly limits the aesthetic contribution of the approved estate to the streetscape and the appearance of the wider locality.

### **Public Health and Safety**

As indicated, the transportation of oversized relocatable home modules, pre-assembled off-site has the potential for significant disruption to traffic, including the potential for road accidents and damage to essential infrastructure such as bridges, power lines and telecommunications. Additionally, the bulky nature of pre-assembled modules may jeopardise the occupational health and safety of those employed to transport the modules and to oversee the loading and unloading practices. In-situ construction would reduce these hazards to no more than that of a traditional housing building site and therefore, be of benefit to the local community and transportation/construction workers. Moreover, risks will be further reduced on site as large cranes and dogmen will not be present



## 4 CONCLUSION

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This application for a Section 82 Objection is made pursuant to provisions of Clause 41 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*, restricting onsite construction of manufactured homes.

The objective of the application is to seek dispensation to construct manufactured homes on the development approved land, located at Lot 2 DP 1199142, Brooms Head Road, Gulmarrad in accordance with the application currently being considered by Council.

This application appropriately demonstrates that the provisions of the Regulation restricting onsite construction are unreasonable and unnecessary, pursuant to Section 82(1)(b), on the grounds of:

- Benefits for the Local Economy.
- Higher Quality Design through On-Site Construction.
- No detrimental impact to surrounding community.
- Reduced Impact on Roads and the Environment.
- Environmental Sustainability.
- Residential Amenity.
- Urban Amenity.
- Public Health & Safety.

It is conclusive that constructing the manufactured homes onsite will allow Lincoln Place to deliver a higher quality product for residents and the Gulmarrad community at large, and in doing so, will remain in compliance with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.

On these grounds, this application should be considered worthy of Council approval and subsequent concurrence from Department of Planning, Industry and Environment.





## Department of Planning and Environment

Ms Laura Black  
Acting General Manager  
Clarence Valley Council  
Locked Bag 23  
GRAFTON NSW 2460

Our ref: IRF22/1231

Via email: [council@clarence.nsw.gov.au](mailto:council@clarence.nsw.gov.au)

Dear Ms Black

I am writing in response to Council's request for concurrence under Section 82(3) of the *Local Government Act 1993* in relation to the development of a Manufactured Estate at Lot 2 DP 1199143, Brooms Head Road, Gulgarrad.

Having regard to the information provided and as delegate of the Secretary, I have granted concurrence under section 82(3) of the *Local Government Act 1993* in accordance with the details set out in the attached instrument of concurrence.

Should you have any further enquiries about this matter, I have arranged for Ms Jenny Johnson to assist you. Ms Johnson can be contacted in 6643 6414.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Craig Diss', followed by the date '21/4/22'.

**Craig Diss**  
**Manager, Local and Regional Planning**  
**Northern Region**

Encl: Instrument of Concurrence

**Department of Planning and Environment****Local Government Act 1993****Concurrence under Section 82(3) of the Act**

Under Instrument of Delegation granted by the Acting Chief Executive of the Office of Local Government on 25 January 2016 under Section 745 of the *Local Government Act 1993*, I, Manager, Local and Regional Planning, Northern Region of the Department of Planning and Environment, grant concurrence under Section 82(3) of the *Local Government Act 1993* to Clarence Valley Council approving the application to Council under Section 68 of the *Local Government Act 1993* set out in Schedule 1, with a direction that the clause in the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulations 2021* do not apply:

1. Clause 41(1) – Manufactured homes to be constructed and assembled off site.

Further, I direct that the term *installed* in the following clauses may be interpreted as the word *erected*:

1. Clause 51(2)(b) – structural soundness;
2. Clause 65(1) – Footings;
3. Clause 66 – Installation to comply with specifications;
4. Clause 67(2) & (3) – Compliance plate;
5. Clause 68 – Notice of completion of installation; and
6. Clause 69 – Certificate of completion.

Dated 21 day of April 2022

A handwritten signature in black ink, appearing to read 'Craig Diss'.

**Craig Diss**  
**Manager, Northern Region**  
**Local and Regional Planning**



Department of Planning and Environment

**Schedule 1**

Section 68 Application as referred to in correspondence from Clarence Valley Council dated 10 March 2022 (Council Ref – DA21/0423) for a manufactured home estate and community uses on Lot 2 DP 1199142, Brooms Head Road, Gulmarrad.

**From:** "lyndsey clune" [REDACTED]  
**Sent:** Mon, 25 Jul 2022 18:50:01 +1000  
**To:** "Council Email" <Council@clarence.nsw.gov.au>  
**Subject:** Objection to MOD2022/0062 - Brooms Head Road Gulmarrad - application to modify DA2019/0423 (250 manufactured home estate with community facilities)

To the General Manager, Council Planning Department

I would like to submit my objections to the application to modification mentioned above for consideration.

I believe that the terminology and definition of manufactured homes in both planning sites and government sites means the homes are manufactured off site, so if these homes are to be built on site I believe the DA should be resubmitted as a construction site and housing estate as this is what the developers are now proposing to do and it appears this was there plan all along refer the comment regarding Penrith Council approving such a modification which to me indicates a clear attempt to mislead council and residents alike.

This in itself shows contempt and no concern for the impact on residents in the immediate area will have to endure in their peaceful rural setting along with the impact a large scale housing development site would create which 250 to 600 homes is in anyone's book a large scale project and NOT A MINOR MODIFICATION at all.

If this is allowed to be modified it would mean that the original DA was misleading to both council and residents.

I note the developer also notes that Penrith Council allowed this to happen this does not mean it is the clear passage for approval as we are not in that LGA, and I would hope council and staff would see this as anything but a manufactured home site.

Further to my objection for this alleged minor impact modification according to the developer is that I also believe that the alleged minor environmental impact is also misleading as noise is an impact on the environment of which we live currently next to no noise in comparison to the noise generated by construction tools and equipment to facilitate the building of 250 houses on site and we anticipate this will open the way for the remainder of the 600 odd houses to be built the same way.

The increased traffic while numerous unnecessary trades personnel, building materials deliveries to the site, will also be of a level of inconvenience not portrayed in the original DA meaning.

If this gets the approval have the following been addressed as well.  
Has an updated traffic management plan been provided for this?

Will the roads and intersections be brought up to a standard to cater for the increased traffic while the construction of the homes is carried out?

The increased noise during the construction of the 250 then of course once this is approved we will be massively inconvenienced for the 600 odd homes in total this will go on for years. There fore this is an unacceptable major modification.

Again I strongly oppose the modification and belief this should be either resubmitted for what it really is as other developers / builders would have to comply with or it continues as a fully manufactured home site which we were all lead to believe this site is which I still think is out of character with the area and not what Gulmarrad was intended to be.

Regards  
Lyndsey Clune

Sent from [Mail](#) for Windows

**From:** [REDACTED]  
**Sent:** Mon, 25 Jul 2022 18:28:40 +1000  
**To:** "Council Email" <Council@clarenc.nsw.gov.au>  
**Subject:** Submission - MOD2022/0062

**I wish to indicate my opposition to the Modification of DA2019/0423** - Condition 86 amendment to permit on-site construction (MOD2022/0062).

I did not oppose the initial DA because it excluded on-site construction.

Given that the on-site construction of some 250 manufactured homes could commence from early morning for 6 days per week for the life of the project, I am now concerned that on-site construction will introduce intrusive building noise for a considerable period of time and deprive neighbours of the peaceful enjoyment of our properties.

I am also concerned that on-site construction would likely create traffic issues on both Brooms Head road and Sheehans Lane over an extended period as greater volumes of building materials and trades access the site.

DA2019/0423 was approved by Council based on its merits at the time. An amendment to condition 86 is a significant and unjustifiable deviation from the original approval and should not be permitted.

Stephen Walton  
[REDACTED]  
GULMARRAD 2463

25<sup>th</sup> July 2022

**From:** "kevin O'Hara" [REDACTED]  
**Sent:** Fri, 22 Jul 2022 13:15:35 +1000  
**To:** "Council Email" <Council@clarence.nsw.gov.au>  
**Subject:** Modification to Development application- Application number MOD2022/0062  
**Attachments:** CVC letter.docx

Attention Patrick Ridgway.


Patrick,

Please find attached my submission and objection to the above application number MOD2022/0062. I could not find the application on the web site and the attendant on the desk at Maclean Council office said send in a letter with the appropriate application. My details are included in the letter.

Regards

Kevin O'Hara



  
Gulmarrad

NSW 2463

21/7/2022

Clarence Valley Council  
[Council@clarence.nsw.gov.au](mailto:Council@clarence.nsw.gov.au)  
Attention ; Mr Patrick Ridgway

Dear Patrick

Re MOD2022/0062


I wish to make a submission and object to the above Modification to Development Application.

The applicant claims the modification has minimal impact. This may be so to the developer but to local residents it is a substantial impact. The amount of traffic generated by this Modification is considerable and will impact on noise, road condition and safety. Under the current DA the house module will require approximately 2 heavy trucks and a crane for delivery plus some tradesmen for a week. Under the Modification there will be heavy trucks for floor framing, flooring timber, wall framing and trusses, roofing, external wall lining, internal wall lining, windows, joinery fitments, prime cost items and floor coverings. There will also be all the tradesmen and their vehicles for approximately 6 months for the build. This is a major increase in traffic and the noise associated with this Modification will be generated mainly in two periods during the day namely around 7.00am and 3.30pm.

The increase in traffic volume will also impact on the condition of the road. Currently between Brooms Head Road and the construction gate on Sheehans Lane there are seven potholes and indications that there are more to follow. I object, as a ratepayer, to paying for road repairs that will be generated by this Modification. The condition of the western end of McIntyres Lane with the heavy traffic from the M1 construction is indicative of what trucks and work vehicles can inflict on a road.

From a safety perspective the additional traffic will impact on many concealed driveways on Sheehans Lane. While the residents may know of the dangers, visitor and other drivers such as delivery drivers may be unaware. The speed limits on the road outside my address are not always adhered to especially when vehicles are overtaking due to the short overtaking zone. To be coming out of my drive and to be confronted with an overtaking vehicle is unnerving to say the least. There are also a number of schoolchildren who walk from the bus drop off at the RFS on Brooms Head Rd along the side of Sheehans Lane who will be exposed to a considerable increase in traffic. The verge is very narrow and there is little opportunity for them to walk a safe distance from the road. The timing of work knock off and school children walking home is very poor. I hope you will take into consideration my concerns when assessing the Modification.

Yours Sincerely  
Kevin O'Hara



## ITEM 07.22.169 WEST YAMBA URBAN RELEASE AREA PLANNING AND DEVELOPMENT INFORMATION DOCUMENT

<b>Meeting</b>	Council	23 August 2022
<b>Directorate</b>	Environment & Planning	
<b>Prepared by</b>	Strategic Planner, Jasmine Oakes	
<b>Attachments</b>	A. West Yamba Development Update - Landscape version (Separate Cover) <a href="#">⇨</a> B. West Yamba Development Update - Portrait version (Separate Cover) <a href="#">⇨</a> C. West Yamba Urban Release Area Information document - Landscape version (Separate Cover) <a href="#">⇨</a> D. West Yamba Urban Release Area Information document - Portrait version (Separate Cover) <a href="#">⇨</a>	

### SUMMARY

Council resolved to endorse the preparation of an information document and a quarterly newsletter about planning and development in the West Yamba Urban Release Area. This report seeks Council endorsement of this information document for publication, and the development of a webpage to inform and update the community on planning and development applications in West Yamba.

### OFFICER RECOMMENDATION

That Council:

1. Endorse the West Yamba Urban Release Area information document (to be under separate cover) for publication and distribution;
2. Endorse the development of a West Yamba Urban Release Area information page on Council's website to keep the community informed and involved in the planning and development assessment process in West Yamba;
3. Note that Council will publish a West Yamba Development Update on a quarterly basis (to be under separate cover) ;
4. Note that Council staff will continue to meet with community members to discuss any updates and share information in an open and transparent manner;
5. Note that Council staff will continue to meet with developers and/or their consultants to ensure proposed developments meet the relevant development standards and controls in West Yamba; and
6. Delegate authority to the General Manager for the purpose of editing and making minor changes to the West Yamba Urban Release Area information document and the West Yamba Development Update prior to publication.

### 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

Council staff have prepared an information document explaining the planning history and development assessment framework for the West Yamba Urban Release Area and a West Yamba Development Update as agreed by Council at the April and June 2022 Ordinary Council Meetings.

The documents seek to communicate two key matters:

1. Summarising and explaining the history and context around decisions that have been made for West Yamba over a long period, and the planning objectives and controls that apply to the West Yamba Urban Release Area. This includes summarising how important considerations like flooding and drainage, earthworks, infrastructure provision and environmental issues are part of the planning framework.

Importantly, the information document does not propose any new planning policy, objective or controls, but rather summarises some, but not all, of the important considerations for assessing development applications in West Yamba, including provisions under the Clarence Valley Local Environment Plan 2011 and Residential Zones Development Control Plan 2011.

2. To provide a quarterly update of current development applications being under consideration, approved (approved or refused) and/or under construction in West Yamba, in addition to the normal notification process for Development Applications.

The West Yamba Urban Release Area information document and Development Update have been designed to be delivered in a variety of platforms. The landscape formatted documents are designed to be the primary documents viewed, being able to be viewed as PDFs on PCs and delivered as a printable version that can be made available at Council offices. The portrait formatted documents are designed to be compatible with online applications such as ISSUU and mobile phone compatible viewing.

The West Yamba Urban Release Area website will have capacity to be regularly updated as new planning and development matters arise and responds to community expectations. This is aimed at assisting Council to keep the local community informed and involved as a new part of the community at West Yamba emerges and grows.

In addition to the information and website, this needs to be coupled with better ways of communicating with the local community, including meetings and various conversations with the local community, developers and other stakeholders.

## BACKGROUND

Council resolved (06.22.004 - Notice of Motion – Yamba Masterplan) at its meeting held 26 April 2022, to:

1. *Support the creation of a West Yamba Masterplan document to guide sustainable development and infrastructure integration with the greater Yamba township;*
2. *Prepare an information document about the planning assessment framework for West Yamba Urban Release Area (WYURA), with the goals to:*
  - a) *create a document for the community to understand the planning vision and relevant development assessment criteria for WYURA;*
  - b) *summarise and simplify the existing 'Part X – Urban Release Controls, Schedule X1 – West Yamba Urban Release Area' of the Residential Zones Development Control Plan 2011;*
  - c) *explain how other relevant planning documents are also relevant, including but not limited to the Clarence Valley Local Environmental Plan 2011, the Residential Zones Development Control Plan 2011 (generally), State Environmental Planning Policies, the North Coast Regional Plan 2017 and the relevant development contributions plans;*
  - d) *highlight key community concerns including those about flooding, stormwater, environmental planning, urban design, provision of infrastructure and integration with the broader community of Yamba;*
  - e) *be consistent with the established vision and planning controls for the West Yamba Urban Release Area; and*
  - f) *include information about the role and responsibilities of developers about planning and design of new development in WYURA.*
3. *Receive a report seeking endorsement of the WYURA information document prior to publication.*

In June 2022 Council received a petition from Valley Watch Inc. entitled 'Community expectations demand completion of a Master Plan and Environmental Impact Statement for West Yamba before any further subdivision approval is considered'. The petition is dated 29 May 2022 and was signed by 1,540 people. The petition includes specific reference to the importance of a master plan to properly plan and manage the impacts about flooding and stormwater within the West Yamba Urban Release Area.

Council resolved (07.22.110) to:

1. *Note the Petition from Valley Watch stating that community expectations demand completion of a Master Plan and Environmental Impact Statement for West Yamba before any further subdivision approval is considered;*
2. *Note the 26 April 2022 Council resolution (06.22.004) to prepare an information document about the planning assessment framework for West Yamba Urban Release Area;*
3. *Note that making any Council resolution to delay decisions about development applications in the West Yamba Urban Release Area would expose Council and the community to legal and financial risks; and*

4. *Endorse the preparation and publication of a quarterly newsletter about planning and development in West Yamba Urban Release Area to improve communication with our community about how development is being managed in accordance with the established planning assessment framework.*

## **COUNCIL IMPLICATIONS**

### **Budget/Financial**

The drafting of the West Yamba Urban Release Area information document has been covered by existing strategic planning staff resources. Design and printing is achieved within existing budgets.

### **Asset Management**

N/A

### **Policy and Regulation**

*Environmental Planning and Assessment Act 1979*

Environmental Planning and Assessment Regulation 2021

Clarence Valley Local Environmental Plan 2011

Clarence Valley Residential Zones Development Control Plan 2011

### **Consultation**

The preparation of the West Yamba Urban Release Area information document was developed in consultation with internal Council's Strategic Planning, Development Planners and Development Engineers and communications staff.

### **Legal and Risk Management**

There are no legal risks about communicating a summary of current planning policy or a summary of the status of development applications.

The recommended publication of these documents seeks to better manage risks around the planning and development of West Yamba by improving communication with the community.

### **Climate Change**

N/A

**ITEM 07.22.170 DRAFT NORTH COAST REGIONAL PLAN 2041 - SUBMISSION**

<b>Meeting</b>	Council	23 August 2022
<b>Directorate</b>	Environment & Planning	
<b>Prepared by</b>	Coordinator Strategic Planning, Stephen Timms	
<b>Attachments</b>	A. CVC Submission - Draft North Coast Regional Plan <a href="#">↓</a>	

**SUMMARY**

The Department of Planning and Environment, with assistance from councils across the North Coast, have prepared the Draft North Coast Regional Plan 2041 for comment. This is part of a five-yearly review of the existing North Coast Regional Plan, which was published in 2017.

A draft submission has been prepared to:

- Highlight the need for the Clarence Valley to be considered as part of the Northern Rivers, rather than the Mid North Coast, while recognising the Clarence Valley as a 'linking' Council between the two sub-regions with close affiliations to both the north and south of our LGA.
- Make the case for Grafton to be recognised as a Regional City, rather than a Strategic Centre.
- Generally support the draft plan, but highlight where clarity and emphasis can be added to some objectives, such as supporting Agriculture, improving resilience and natural hazard management, solutions for housing, elevating the importance of our First Nations People in planning, to provide a clearer vision statement for the North Coast and to offer Council support in progressing the Actions in the draft plan.

**OFFICER RECOMMENDATION**

That Council:

1. Endorse the attached submission to be sent to the Department of Planning and Environment no later than 24 August 2022; and
2. Delegate authority to the General Manager to make any necessary minor amendments or corrections and to sign the submission, prior to sending to Department of Planning and Environment.

**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**

The [draft North Coast Regional Plan 2041](#) (2041 draft plan) will be an important part of the planning framework and informs decision making across the North Coast about urban development, environmental management, employment land, affordable housing and other matters.

The current version of the [North Coast Regional Plan 2036](#) (2036 regional plan) was adopted in 2017 and, together with our Community Strategic Plan, provided the starting point for our Local Strategic Planning Statement and subsequent strategic plans such as our recently endorsed Employment Land Strategy and Rural Land Strategy.

The 2041 draft plan is a continuation of the existing 2036 regional plan and Council staff generally support the proposed draft, with some minor amendments for clarification or additional emphasis where we think this is warranted. The submission prepared by Council staff included as **Attachment A**).

However, there are two important topics that Clarence Valley Council would like to discuss further with the Department of Planning and Environment (DPE) and that we submit should be changed in the final plan:

1. That the Clarence Valley Local Government Area (LGA) should be part of the Northern Rivers sub-region, rather than the Mid North Coast.

2. The role of Grafton and the need to recognise Grafton as a Regional City, rather than a Strategic Centre.  
Northern Rivers or Mid North Coast

Being the largest LGA on the North Coast, the Clarence Valley has strong ties to both the Northern Rivers, Coffs Harbour and the Mid North Coast, and also the New England / North West. However, it is widely acknowledged that the Northern Rivers area is generally defined by the Clarence, Richmond and Tweed catchments. The border of the Northern Rivers region is generally considered to encompass the area from the Queensland border, to the Great Dividing Range and the Dorrigo ranges to the south where the southern reaches of the Clarence catchment starts.

Our services and identity are mostly linked to the Northern Rivers:

- The Clarence Valley LGA is part of the Northern NSW Local Health District
- We are part of the Northern Rivers according to Regional Development Australia (RDA)
- The Clarence Valley is one of the seven (7) LGAs covered by North Coast Community Housing (NCCH)
- We are part of the Northern Rivers for Tourism and marketing purposes
- We have recently approached the Northern Rivers Joint Organisation of Councils about participating more actively in that group.

While Council staff also work closely with Coffs Harbour and councils south of the Clarence Valley on the Mid North Coast, it is important to align other services and activities across the Northern Rivers with the North Coast Regional Plan.

#### Importance of Grafton

Grafton was the first city on the North Coast and was previously recognised as the top service centre (major regional centre) together with Coffs Harbour in the Mid North Coast Regional Strategy (2009). Grafton still meets the criteria as a Regional City as it continues to grow and evolve, with significant scope for expansion.

By elevating Grafton to regional importance this may attract further opportunities for collaboration with the State Government to support a more productive and connected region, higher order services and better opportunities for our community and new residents.

Council's recently adopted Employment Land Strategy, Rural Land Strategy and Grafton Precinct Plan all support the case for recognising Grafton and its surrounds as an attractive place for people to live, work and play.

With a population of around 20,000 and servicing the Clarence Valley population of 54,500, quickly heading towards 60,000, it is critical that the aspirations for Grafton to regain its role in the north coast settlement hierarchy is properly supported.

Although Grafton is recognised as a strategic centre (alongside Ballina), Council officers consider the role of Grafton in servicing the community and growing the economy to be equally as important as cities like Lismore and Armidale which are identified as Regional Cities.

## **BACKGROUND**

Council staff have worked closely with the Department of Planning and Environment (DPE) on the Clarence Valley Local Government narrative of the 2041 draft plan. This lists our highest priorities, based on existing Council policies and strategies, as:

1. Involving First Nations People in decision making
2. Developing Grafton's important role in the region
3. Supporting growth and diversification of our agricultural industries
4. Expanding sustainable tourism opportunities
5. Fostering stronger relationships with the Northern Rivers and Mid north coast sub-regions and with state government.

## **COUNCIL IMPLICATIONS**

### **Budget/Financial**

There are no direct financial implications of submitting the submission.

### **Asset Management**

There are no direct implications for asset management.

**Policy and Regulation**

The submission has been prepared to be consistent with Councils existing policy position, with particular regard to our Local Strategic Planning Statement, Employment Land Strategy, Rural Land Strategy and Grafton Precinct Plan.

**Consultation**

The 2041 draft plan has been discussed with relevant sections of Council. The DPE have been promoting the exhibition period through various avenues, including social media, and hosting information sessions. Clarence Valley Council have been promoting those also, and staff have been involved in various sessions and earlier discussion with DPE in preparing the draft.

**Legal and Risk Management**

There are no specific legal risks with lodging the submission.

**Climate Change**

The 2041 draft plan places an emphasis on the need to consider climate change. Our submission raises the need to provide for better urban planning and more resilient communities. It also highlights to DPE that Council have completed a climate change impact assessment with the assistance of Risk Frontiers, and that this is a unique initiative across the state and that sharing knowledge and working collaboratively presents opportunities to improve the way the North Coast adapts to better manage natural hazard risk.





24 August 2022

Northern Region  
NSW Department of Planning and Environment PO  
Box 949 Tamworth NSW 2340  
[northern@planning.nsw.gov.au](mailto:northern@planning.nsw.gov.au)

### **Draft North Coast Regional Plan**

Thank you for the opportunity to provide a submission on the Draft North Coast Regional Plan 2041 (the draft Plan). This is an important part of the planning framework and we support the approach taken in preparing the draft Plan.

Council generally supports the draft Plan and the overall direction provided. The importance placed on a range of topics, especially providing houses and jobs in the right location, supporting the agricultural industry and the emphasis placed on resilience, First Nations people and the natural environment, is commended. We have provided some suggestions in the attached submission to take these themes further.

There are two key topics that Clarence Valley Council would like to discuss further with the Department of Planning and Environment (DPE) and submit should be changed in the final plan:

1. The role of Grafton and the need to identify Grafton as a Regional City, rather than a Strategic Centre.
2. That the Clarence Valley LGA should be part of the Northern Rivers sub-region, rather than the Mid North Coast. We consider that it is important to recognise Clarence Valley Council as a linking Council between the two sub regions, but there is a need to align other sub-regional services with the North Coast Regional Plan, including health, economic, social and environmental.

Clarence Valley Council is working to implement our Community Strategic Plan and Local Strategic Planning Statement to reposition ourselves as a *community of opportunity*. This involves being a more outward looking Council that collaborates with our community, neighbouring councils, State Government and industry. Implementing our recently adopted Employment Land Strategy, Rural Land Strategy and Grafton Precinct Plan, amongst other plans, will help to realise these goals and grasp additional opportunities for our community.

We look forward to working with DPE and other state agencies to progress the Strategies, Actions and Collaboration Activities in the North Coast Regional Plan.

For any further inquiries please contact me, or alternatively, Stephen Timms, Coordinator Strategic Planning on 0400 446 576.

Yours sincerely,

**Laura Black**  
**General Manager**



## Draft North Coast Regional Plan

### Clarence Valley Council Submission

#### General Comments

Thank you for the opportunity to provide a submission on the Draft North Coast Regional Plan 2041. This is an important part of the planning framework and we support the approach taken in preparing the draft, particularly working closely with staff and drafting the local government narratives.

Finding the balance between providing clear, directive, statutory guidance while allowing flexibility and local communities to determine their own future is not easy. The plan generally achieves this balance, however, where Clarence Valley Council thinks clearer direction from the State Government would help us, and our communities, we have made those suggestions.

There are some components of the existing 2036 regional plan that we like and that given the lifespan of the plan could be retained. The more aspirational vision and more specific north coast flavour could be revisited.

Council generally supports the draft Plan and the overall direction provided. The importance placed on a range of topics, especially providing houses and jobs in the right location, supporting a sustainable, agricultural industry and the emphasis placed on resilience, First Nations people and the natural environment is commended. We have provided some suggestions in the attached submission to take these themes further.

However, there are two important topics that Clarence Valley Council would like to discuss further with DPE and that we submit should be changed in the final plan:

1. The role of Grafton and the need to identify Grafton as a Regional City, rather than a Strategic Centre.
2. That the Clarence Valley LGA should be part of the Northern Rivers sub-region, rather than the Mid North Coast. We consider that it is important to recognise Clarence Valley Council as a linking Council between the two sub regions, but there is a need to align other subregional services with the North Coast Regional Plan, including health, economic, social and environmental.

These are all outlined below.

#### Role of the Clarence Valley LGA in the North Coast

Being the largest LGA on the North Coast, the Clarence Valley has strong ties to both the Northern Rivers, Coffs Harbour and the Mid North Coast, and also the New England / North West.

However, it is widely acknowledged that the northern rivers area is generally defined by the Clarence, Richmond and Tweed catchments. The border generally being the Queensland border, the Great Dividing Range and the Dorrigo ranges to the south where the southern reaches of the Clarence catchment begins.

Clarence Valley Council submission

Our services and identity are mostly linked to the Northern Rivers:

- The Clarence Valley LGA is part of the Northern NSW Local Health District;
- We are part of the Northern Rivers according to Regional Development Australia (RDA);
- The Clarence Valley is one of the 7 LGAs covered by North Coast Community Housing (NCCH);
- The Clarence Valley is part of the recently established Northern Rivers Reconstruction Corporation
- We are part of the Northern Rivers for Tourism and marketing purposes; and
- We have recently approached the Northern Rivers Joint Organisation of Councils about participating more actively in that group.

While Council staff also work closely with Coffs Harbour and Councils south of us in the Mid North Coast, it is important to align other services and activities across the Northern Rivers with the North Coast Regional Plan.

We also consider that it is important to recognise Clarence Valley Council as a linking Council between the two sub regions. This is clear in the local government narrative, but could also be made a feature under objective 18 and sub-regional planning section.

We suggest a pop out box around pages 78-79 which weaves together the fact that Grafton and the Clarence Valley is the place where the Gumbaynggirr, Bundjalung and Yaegl nations meet and could discuss the confluence of the Pacific Motorway, Gwydir Highway and Summerland Way, along with the transition zone between sub-tropical and temperate zones for vegetation, marine life and biodiversity. This follows the theme of connecting the Northern Rivers and the Mid North Coast, but places the Clarence Valley in the Northern Rivers.



Figure 1 - Advertising sign heading north on Big River Way on the edge of South Grafton

### The importance of Grafton

Although Grafton is recognised as a 'Strategic Centre' (alongside Ballina), we consider the role of Grafton in servicing the community and growing the economy to be equally as important as cities like Lismore and Armidale which are Regional Cities.

Clarence Valley Council submission

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Grafton was the first city on the North Coast, and was previously recognised as the top service centre (major regional centre) together with Coffs Harbour in the Mid North Coast Regional Strategy (2009). Grafton still meets the criteria as a regional city as it continues to grow and evolve, with significant scope for expansion.

By elevating Grafton to regional importance this would attract further opportunities for collaboration with State Government to support a more productive and connected region, higher order services and better opportunities for our community and new residents.

Councils recently adopted Employment Land Strategy, Rural Land Strategy and Grafton Precinct Plan all support the case for recognising Grafton and its surrounds as an attractive place for people to live, work and play.

With a population of around 20,000 and servicing the Clarence Valley population of 54,500, quickly heading towards 60,000, it is critical that the aspirations for Grafton to regain its role in the north coast settlement hierarchy, is properly supported.

As industrial and business land supply around the North Coast becomes scarcer because of constraints in other LGAs (such as flood prone land, biodiversity and environmental constraints, important agricultural land, topography, residential development and many others), the Clarence Valley will have an increasingly important role in the supply of industrial and business land.

Engagement with industry indicates that there is an existing demand for larger lots for industrial development. Analysis as part of the Strategy also indicates that the relatively affordable land, compared to other areas, makes the Clarence Valley an attractive proposition, with strong links north, south and west from the Clarence LGA. Table 1 below illustrates the regional employment and industry statistics for comparison.

*Table 1 - Regional Employment and Industry Statistics (refer Table 1 of the Employment Land Background Study)*

	Coffs Harbour	Lismore	Clarence Valley	Ballina	Byron	Richmond
Zoned Employment Land (ha)	*411	*516	*1,458.8	*384	*126	*403
Undeveloped Employment Land (ha)	*73	*116	*106.8	*30.1	*35	*135.4
Gross Regional Product (\$m, June 2020)	\$3,752	\$2,443	\$3,000 <sup>+</sup>	\$2,193	\$1,846	\$998
Population (est. June 2020)	77,648	43,6567	54,006 <sup>^</sup>	45,217	35,773	23,490
Annual Population growth rate (2020)	0.5%	0.05%	0.14%	1.33%	1.99%	0.12%
Unemployment (June 2021)	5.6%	5.5%	4.7%	3.6%	6.0%	5.8%

Source: All statistics sourced from Profile.id, with additional sources including: Byron Shire Business and Industrial Lands Strategy (2020); Coffs Harbour Draft Local Growth Management Strategy; Lismore Growth Management Strategy (2015); North Coast Employment Land Review (2015); HillPDA Audit (2021)

\*Note that some land may have constraints that prevent it from being fully developed (e.g. flood, topography, biodiversity, powerlines or other constraints).

<sup>^</sup>population estimate 2022 forecast.id + REMPLAN Gross Regional Product 2022

Clarence Valley Council submission

Apart from Grafton's natural attributes, particularly the Clarence River, its people and its heritage, the immediate surrounds include:

- a readily available supply of flood free land for housing and employment with excellent links to the north, south and west
- We have one of the only flood free Airports in the region
- The Clarence Valley offers relatively affordable land
- Grafton and the urban release areas are all away from the 'coastal strip' but with enviable lifestyle opportunities.

With a population of around 54,006 and GDP of \$3Billion (17% of the Northern Rivers GDP) we are one of most productive LGAs on the north coast which should be recognised in the Regional Plan.

Grafton currently functions as the traditional hub for the Clarence and the wider region for residents between Coffs Harbour, Lismore and Armidale.

Grafton is defined by its established services, functions and attractions around the commercial base, existing strategic infrastructure including a train station, expanding base Hospital, flood free Airport, commercial port, and road infrastructure at the confluence of the Pacific Highway, Summerland Way and Gwydir Highway. Grafton is a regional base for local and State Government agencies. A focus on a growing education sector, with a Country Universities Centre, competitive high schools, TAFE and community college and interest from other Universities will support our community through life-long learning. A growing medical sector and industries to support a mature and elderly population present opportunities for jobs in and around Grafton.

Grafton services and is supported by the north coasts largest agricultural base, including cattle saleyards and expanding horticulture and primary production to make Grafton a competitive city. Food processing, logistics and freight at the strategic centre between Sydney, Brisbane and the north-west provide a strong base to further grow job opportunities.

The Clarence Valley is the largest LGA on the NSW coast and therefore services an extensive area beyond its boundaries. The LGA has become home to over 54,006 people, the fourth largest population on the north coast. It has a larger population base than the regional city of Lismore as well as having the capacity to grow with significant residential infill and greenfield sites and significant employment land capacity.

Grafton is also a hub for a number of cultural and sporting facilities with the Grafton Regional Gallery, the historic Saraton Theatre and Grafton Racecourse and the largest horse racing carnival in regional NSW. Our Jacaranda festival and daily economic activities generate a wide range of employment opportunities for people living in Grafton and its surrounding catchment.

It is recognised that coastal cities such as Tweed Heads, Port Macquarie and Coffs Harbour have grown significantly due to the allure of the coastal lifestyle. However, many major services and facilities have remained within traditional cities such as Grafton. With Grafton being accessible to several inland towns and villages, having affordable housing options, access to high-speed broadband, a passenger airport and available employment land stocks, it will continue to provide this higher order role into the future.

Clarence Valley Council submission

## Further specific comments

### Foreword

The Foreword states that *“Overall, this plan resets priorities for the North Coast”* ... and ... *“focusses on delivering the right housing and jobs in the right locations...”*. This reset of priorities and delivering jobs and housing could be more clearly explained in a spatial sense. The word ‘reset’ may be a bit strong, given the continuation of the existing principles and strategies for development across the north coast and which remain most valid. Actions to work closely with local Councils to deliver on the aim of jobs and houses in the right place needs to be achieved through collaboration across a range of State Government agencies, NGOs and local communities.

### Vision

The vision provided in the existing North Coast Regional Plan 2036 seems simpler and easier to apply to the local planning framework (LSPS etc.) than the vision proposed in the draft Plan. By providing an aspirational target to be *“the best region in Australia to live, work and play”* and elevating the importance of our spectacular environment in to the one-line vision, it provides a clear direction that Councils can aim to achieve. The vision proposed in the draft Plan 2041 (page 12) doesn’t seem to include a particularly aspirational or specific North Coast flavour.

In addition, the vision on page 12 isn’t exactly repeated in the actual vision on page 14 and is a little lost in the paragraphs of words. Providing a very clear, aspirational one sentence statement seems more useful for everyone to work with. In addition, the four goals in the existing vision 2036 are more action oriented and require concurrent Actions in local planning strategies to help achieve those goals:

- The most stunning environment in NSW
- A thriving, interconnected economy
- Vibrant and engaged communities
- Great housing choice and lifestyle options

A similar approach in a revised vision would be helpful for Council planners to implement through revised LSPS and development of other strategic plans and statutory instruments.

### Overall structure

We generally agree with the approach to the Two Parts and the Three goals. There is clearly a need to bring together the principles of livable and resilient, as we have (re) learnt recently you cannot have one without the other in the longer term. There are some themes that require flicking between different parts of the document, for example Objective 4 and 13 about Aboriginal culture and self determination; and also Objective 8 and 14 which talk about agriculture and new Industries. It seems that Goal 1 may be more about protecting the environment, culture and land whereas 2 may be more focused on new growth and opportunities. A way to weave these together more seamlessly is appealing, but we don’t have an answer to hand.

### Objective 1 - Provide well located homes to meet demand

We agree with the intent of this objective and the Strategies that go with it. However, the outcomes could be improved with additional clarity and improvements, as raised in the issues below.

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Strategy 1.1 in relation to a 10-year supply of appropriately zoned, developable land to assist in ensuring adequate and affordable housing. Two recent reports, one by the Australian Housing and Urban Research Institute and the other by Anglicare Australia shows that planning authorities across the board have already ensured an adequate supply of developable land yet there has been no rush by developers to take up the increase in capacity. Developers instead hold off until they can maximise profits and this is what determines if and where development occurs as the locations with the highest initial property prices that are the most likely to be developed. This has also been the experience in Clarence Valley LGA with plenty of residential zoned land already available for development, but homes are not being developed for a range of reasons.

The staff submission to the Regional Housing Taskforce (refer attachment 1) outlines the key issues. The Final Report from the Regional Housing Taskforce picked up on these issues. However, the recommendations don't seem to have been adopted by government and Councils are left without any clear guidance from State Government about actions that should be progressed. As explained in our submission to the Regional Housing Taskforce, most aspects of the housing supply chain are out of Councils control.

Council, State Government, developers and the community now need to work together to try and address these issues, and the regional plan could provide some clearer tangible requirements to achieve them.

One obvious way to unlock the delivery of new homes in the Clarence Valley is through the provision of infrastructure for development of flood free, developable land in the Clarence Valley (as elsewhere). We are also keen to see the NSW Regional Housing Fund expanded to cover specific needs in the Clarence Valley. One example is a required roundabout at Junction Hill, which would unlock the potential for around 1,000 new dwellings, including a variety of typologies and lot sizes, to meet the growing needs of our population. This land is flood free, with easy access to Grafton and the Summerland Way.

**Clarence Valley Council is very interested in being involved in the Urban Development Program and working collaboratively with DPE, other Councils and all stakeholders.**

Strategy 1.1 – We support that there is the need for a 10-year planning and policy to guide delivery of residential land, including development ready land within 2-5 years to meet current demands.

There is concern whether NSW Government housing projections adequately considers current trends – The plan recommends using their data when preparing land use strategies, however population projections need to be agreed.

Strategy 1.2 – We support the need to recognise character and place and this is also covered in Objective 20.

Strategy 1.3 - Councils in developing their future housing strategies must prioritise new infill development to assist in meeting the regions overall 40% multi-dwelling / small lot (<400sqm) housing target. Council currently has enough zoned land to meet the projected demographic needs and may not attract the market for infill and small lot residential if the market has larger lot housing available at a lower cost than the surrounding LGAs which will impact the ability to meet the 40% target of this plan.

Clarence Valley Council submission



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Infill development prioritisation is supported to reduce urban sprawl, loss of important agriculture land or areas with High Environmental Value to address need for sustainable housing diversity. However, infill development must be undertaken in a way that respects the existing character and heritage values and landscape, with particular regard to urban heat island effects and natural hazards. This should be referenced in the strategy.

Small lot <400sqm subdivisions while when designed, well may achieve sustainable development outcomes they may lead to lower socio- economic distributions /clusters over time, and again may impact on the character of our towns and easy-going lifestyle.

Strategy 1.4 –It is not clear if this Local Housing Strategy Guideline (as Appendix A) now supersedes the previous guidelines, this should be clarified within the plan.

Strategy 1.6 – Clarence Valley Council are keen to work closely with DPE and LALCs and the wider community, where this may facilitate environmentally sustainable outcomes and better housing options for our community.

Page 20 Housing diversity. States that “Manufactured home estates and caravan parks can also contribute to the range of housing options and should be considered and planned for in councils’ local housing strategies”. Council is aware that the Division of Crown Lands has decided to issue Councils with instructions to progressively remove long-term residents from all its Caravan/ Holiday Parks on Community Classified Crown Land. This policy decision will potentially affect hundreds of people as 4 of the 5 Crown Reserve Holiday Parks managed by CVC have long term residents. There seems to be a disjunct between one part of State Government and the draft regional Plan and this should be addressed before the final Plan is approved.

Page 21 Infill, greenfield and rural residential development. This section should make reference to the fact that some locations face significant flood risks. While infill development as a planning principle is sound, there is also a need to reduce the risk of new housing being impacted by what are likely to be more extreme floods in coming decades, to the point where it may be desirable from a strategic planning perspective, to prevent or heavily curtail infill development. As it stands, Strategy 1.3 may not be appropriate for many communities located on floodplains and or other flood affected centres and there should be a caveat to this effect.

Page 25. LAHC is not defined.

**Action 2** - Council are interested in being involved in the development of a standard planning pathway for accommodation options for seasonal and itinerant workers. This is important for our agricultural industries and needs careful consideration given our dispersed settlement pattern, costs of servicing and high expectations about rural amenity.

**Objective 2: Provide for more affordable and low-cost housing**

**Clarence Valley Council need to be involved in Housing Affordability Roundtables and to work collaboratively with DPE and all other stakeholders.** However, it is essential that the Clarence is included in the Northern Rivers region, as the North Coast Community Housing Company (NCCH)

Clarence Valley Council submission

covers the Clarence Valley, and by being part of the mid north coast sub-region we would miss those discussions that cover our area.

The Regional Plan could consider setting a benchmark target for social and affordable housing, or alternatively through a SEPP or Ministerial Direction; to allocate a percentage of all new subdivision / large scale development to provide housing for social rental, key workers and other more affordable housing typologies. By State Government setting targets, with appropriate explanation, see below, it will not be up to Councils to negotiate with developers to achieve better outcomes, with limited statutory backing.

A nuanced approach is necessary, rather than a standard percentage all housing to be affordable for instance, the provision of affordable housing that is subsidised through large scale development needs to consider the economic feasibility of development, to extract an acceptable amount of affordable housing from the developers profit margin. The approach of requiring affordable housing and considering economic viability, through an open book assessment (with commercial sensitivities and non-disclosure agreements etc.) has been in practice in London since at least 2007. Further reading is provided at <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/london-plan-guidance-and-spgs/affordable-housing-and-viability-supplementary-planning-guidance-spg>.

Clarence Valley Council would be happy to assist in this regard, or offer a pilot with willing developers to achieve positive outcomes.

### Objective 3: Protect and enhance important environmental assets

Council agrees with the intent of Objective 3 and supports the many reasons why land of environmental value should be protected.

Strategy 3.1 seems to indicate that Councils should update mapping of HEV land, update existing biodiversity mapping and consider a wide range of issues. Clarence Valley Council suggests that the State Government needs to assist with mapping and the evidence base for that mapping, given the limited Council resources and framework under which this needs to be applied. Strategy 3.1 should be amended to recognise the limited resources of most Councils and the need for Government agencies to take a leadership role in this space.

Strategy 3.3 – Council strongly supports the intent of this strategy to embed climate change adaptation actions in local plans and protect climate refuge areas for threatened species. However, this will place a burden on landowners with remnant vegetation, and consideration needs to be made for the implementation of this policy to ensure it achieves its objective.

### Objective 4: Understand, celebrate and integrate Aboriginal culture

Clarence Valley Council strongly supports this objective and note the intent generally reflects the Actions of Councils LSPS to involve First Nations people in decision making, incorporate aboriginal culture into urban design, place making efforts and other initiatives. We agree with Actions 4.1 and 4.2 along with Strategy 4.

Clarence Valley Council submission



### Objective 5: Manage and improve resilience to shocks and stresses, natural hazards and climate change

Development in the Clarence has generally taken a risk informed approach to sustainable development. We know all too well about floods and bushfires, but that doesn't mean we are immune to their effects. Determining an acceptable level of risk for new development and existing communities needs to follow a thorough process with the community and with knowledge and input from the insurance industry, emergency management and many others. Re-evaluating risk, considering historic and more recent disasters in the Clarence, and across NSW and Australia, needs a strong evidence base and mature conversation with everyone involved.

Sustainable communities are ones that are distinctive, diverse, adaptable and resilient in a changing environment. To deal with complex problems such as maintaining ecosystems and accommodating a growing population, will involve a collaborative process with the community and with relevant authorities and people, such as NPWS, LLS, RFS, SES, RMS, LALC, land holders and others.

The Local Government Act, 1993 - IP& R Principles include:

Councils should manage risks to the local community or area or the Council effectively and proactively.

Land use planning leaves the longest legacy for the community. Decisions made now about where homes, businesses and infrastructure are located will stay with us for generations. This means that they need to be located and designed to avoid unacceptable risks from the potential exposure to natural hazards.

Working across sectors, technical disciplines and through the whole cycle of - prevent, prepare, respond, recover - is essential for land use planning at the prevention phase, but also for recovery and long term

"Land use planning is perhaps the most potent policy lever for influencing the level of future disaster risk." Productivity Commission Report into Natural Disaster Funding Arrangements, 2015

Clarence Valley Council has a mature approach to managing flood risk and other hazards, and has been used as an example to inform the NSW Flood Prone Land Policy updates and work elsewhere.

Clarence Valley Council has also taken the initiative to prepare an LGA specific 'Climate Change Impact Assessment' with the assistance of Risk Frontiers. Council also prepared a Resilience Framework to guide future decision making and this is being refined and implemented.

Collaboration Activity 1 offers a good opportunity to share knowledge and expand the approach to better prevent, prepare, respond to and recover from future disasters.

Clarence Valley Council would like to be involved in Action 5 to prepare better guidance to inform decision making for better urban development and more resilient communities.

### Objective 6: Create a circular economy

We support objective 6 and Council have been proactive in progressing initiatives suggested under strategy 6.1 and 6.2.

Clarence Valley Council submission

### Objective 7: Promote renewable energy opportunities

We are of the opinion that these issues should be addressed at a State Government level where appropriate 'renewable energy' zones are defined for large scale projects to reduce likelihood of ongoing land use conflicts at a local level, especially when they will not be assessed by Councils. Consideration for appropriate located renewable energy zones should include generation capacity / costs / total land area / distance to residences / social impacts / infrastructure impacts / ecological and environmental impacts to surrounding environs and so on. Only smaller scale renewable energy projects should be permissible with Council consent within current zones, for example Rural Zones only where these will not adversely impact on the issues raised above.

Strategy 7.1 – We want to reiterate that only smaller scale renewable energy developments should be permissible with consent in current zoning (to be assessed by Council); whereas larger scale renewable energy developments should be defined in statewide renewable energy zones that have been through appropriate community consultation processes.

Strategy 7.2 – refer to points made above, otherwise we generally agree with the intent of the rest of this strategy. Page 41 Promote Renewable Energy. This section, as well as Strategy 7.2, should specify that solar power stations should not be placed on Important Agricultural Land.

**Clarence Valley Council would like to be involved in Collaboration Activity 2** to ensure this achieves the desirable sustainability and climate change mitigation objectives. This is particularly important given our large timber and sugar cane industries, along with the efforts of Council to promote environmental responsibility.

### Objective 8: Support the productivity of agricultural land

Page 45 Rural Land Uses. The last sentence and the "distortion between traditional rural land uses and conservation ....." is not clear. This section should also state that LEPs/DCP should require buffer zones be built into developments adjacent to rural zoned land to protect agriculture from future land use conflict.

"To minimise the loss of agricultural productivity, the application of a conservation zone on land within a rural zone will be limited to those areas within a proposed development footprint where the environmental attributes have been verified". Does this mean that no rural zoned land can be re-zoned to C1 or C2 regardless of biodiversity merit, unless it is subject to a planning proposal for some form of development? Or simply that if the land is potentially productive agricultural land that it should not be re-zoned to conservation? We agree with the intent and that in some instances there has been an onerous imposition of requirements from Government agencies. However, there may be instances where areas zoned RU2, RU3 or other are so important and where the landowner requests, that it may be appropriate to rezone for conservation.

Page 46 Important Agricultural Land. IAL and "Important Farmland" appear to be used interchangeably. Presumably IAL is restricted to mapped IAL yet on the north coast the Mid-North Coast Farmland Mapping project provides a much greater level of detail and Regionally Significant Farmland that is not included in the IAL maps. This land should also be protected within the planning framework for ongoing agricultural production.

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This section should also make reference to one of the greatest risks to north coast agriculture, which is the high cost of land. This is partly due to the fact it seen as being available for development and future housing or to be split into smaller hobby farms. Minimum Lot Sizes are mentioned on the previous page and that they “should limit land fragmentation” but there is no clear direction on what they should be. The current minimum lot size was developed in the 1970s based on economic viability for dairy farming at the time, and needs to be more thoroughly researched and revisited in order to stop the rural landscape being used increasingly for housing and lifestyle blocks instead of commercial agriculture. Likewise, there may be new enterprises (market gardening, share farming and the like) that could enable more young farmers to be involved in agriculture that should be explored for the north coast.

This section should also refer to the need for private and public owners of forestry land as well as National Parks to manage risks associated with bushfires spreading from these lands onto adjacent rural land and the severe consequences this has to production as well as a life and property.

Section 8 Support the Productivity of Agricultural Land. Given recent events such as drought, fire, floods and supply chain problems, the introductory paragraphs should make a reference to the role that the north coast currently plays and how it could increasingly play, in the State’s and the region’s, food security (food security in the broader sense, means food is available and affordable as low income households cannot afford \$7 lettuce and \$15kg capsicum). The strategic location between the broader Sydney and SE QLD metropolises is mentioned in Objective 14 but it could also be referenced here, particularly as we move to a low carbon economy where ‘food miles’ will become increasingly important.

Strategy 8.1 should also make reference to other productive agricultural land, as not all farms are mapped as Important Agricultural Land.

Refer to comments under objective 14 where Council suggests an additional “Collaboration Activity” to work with DPI, local industries, researchers, Councils and communities to progress initiatives to support the productivity of agricultural industries and land use.

#### Objective 9: Sustainably manage and conserve water resources

Council generally support the importance of considering water security, environmental outcomes and the role of land use planning in planning for water resources.

We suggest that an additional collaboration activity be added under this objective, to bring together land and water planning and a catchment management approach to managing landscapes, working with farmers, forestry and fishers, first nations people and the wider community to work towards better outcomes.

#### Objective 10: Sustainably manage the productivity of our natural resources

The future prosperity, affordability and sustainability of the region depends on good management of our natural resources. Strategies 10.1 and 10.2 could provide clearer direction to Councils to consider a long-term supply of material from quarries, forestry and a wide range of sources that provide materials necessary to support our lifestyle. It is suggested that a 100 -year time horizon be considered for these and that Councils should have an evidence base that suitable supply is available and will not be sterilised by urban development or other activities.

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### Objective 11: Support cities and centres and coordinate the supply of well-located employment land

Objective 11 should also be reworded to state that “engaging with the community during the development of local strategies is *essential*, as it can shape local job opportunities...”.

The Richmond Valley Regional Job Precinct offers a potential example that Clarence Valley Council are interested in emulating to help implement our Employment Land Strategy, provide job opportunities and receive assistance from various State Government agencies. Council have earmarked 60ha of Council owned land to investigate and potentially rezone for Employment uses. We have significantly more land identified for investigation in flood free locations in the LGA.

Collaboration Activity 3 could be expanded to support other Councils working with state agencies, particularly Regional NSW, to development job precincts.

Strategy 11.3 should provide a clearer hierarchy to avoid out of centre development, as provided for in the Clarence Employment Land Strategy.

### Objective 12: Create a diverse visitor economy

We support objective 12, and the recognition that the popularity of areas on the north coast has both positive and negative impacts. The whole Clarence Valley has seen significant change over recent years, and pressure from visitors is felt most keenly at our coastal hotspots of Yamba and Angourie. Strategy 12.1 provides a sensible list of topics that Council should consider, however Council have limited resources and limited influence over some aspects of these. We would suggest an additional Collaboration Activity could be added, for Destination NSW, TfNSW and other agencies to work together with Councils and the local community to share experiences and practices to better manage the negative impacts of tourism and find resources and practical ways to achieve more sustainable outcomes.

### Objective 13: Champion Aboriginal self- determination

Council agrees with the intent of this objective, and note that additional resources would be needed to help fully realise the enormous latent potential of implementing this objective.

It is suggested that Strategy 13.4 could be incorporated in to Action 6 to engage Aboriginal staff in to planning teams and building the capacity of LALCs through various ways.

### Objective 14: Deliver new industries of the future

Objective 14 is a very important topic for the region that we fully support. There could be additional recognition around food security, economic sustainability and importance of agribusiness across the region. Although this is a planning document, designed to influence the planning framework, if there is inadequate attention to this issue elsewhere, or a need to elevate it in the regional plan, we suggest an additional collaboration activity to work with DPI, local industries, researchers, Councils and communities to identify the positives and negatives of new and emerging industries and ensure they are catered for in the planning framework in a proactive rather than a reactive manner.

### Objective 15: Improve state and regional connectivity

Objective 15 would benefit from a map of the region and important routes, particularly the new pacific motorway and other strategic routes and connections and strategic infrastructure (Ports, Airports, etc.)

Collaboration Activity 4 – Council would want to see Grafton included in place-based Transport Plans and to work collaboratively with TfNSW and other agencies.

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### Objective 16: Increase active and public transport usage

Council strongly agrees with this objective. Council is about to embark on preparing an Active Travel Strategy to replace our existing PAMP and Cycle Plans. We would like to understand the timing of DPE preparing guidance in this regard and work together to refine the guidance to inform Councils work and vice versa.

### Objective 17: Utilise new transport technology

Clarence Valley Council supports the narrative around the importance of new transport technology. Council already has electric vehicle charging points in Grafton and have recently been approached by a private company looking to roll out electric vehicle charging points in Grafton. Progressing with Collaboration Activity 6 and 7 is important and Council look forward to working with TfNSW to foster a regional approach and ensure Grafton, Maclean, Yamba and our other important centres are part of the new technology networks.

### Objective 18: Coordinate land use planning and the extension of the urban footprint for future growth and community need

The 'communities of interest' for the Clarence Valley, focussed around the strategic centre of Grafton, should also overlap with areas to the north, on the northern rivers map (Figure 8), the same way there is an overlap with the Coffs Harbour sub-region.

Further comments about the need for Clarence to be in the Northern Rivers sub-region and to elevate Grafton to Regional City status are described above.

### Objective 19: Public spaces and green infrastructure support connected and healthy communities

We agree with this objective. Clarence Valley Council are currently preparing a *Green Infrastructure and Sustainable Development Strategy* to inform updates to our planning framework (LEP, DCPs etc.) and to guide resource and funding allocation. The aim is for better outcomes for new urban development and prioritising efforts to retrofit existing communities to provide for more comfortable, sustainable and resilient places and spaces, and better environmental outcomes.

Figure 13 could give the wrong impression that we need to focus on planning for over 65's only, while 2/3rds of the population is under 65 and we need to plan for young families, middle aged and people of all abilities.

Clarence Valley Council submission

The *Greener Places* guideline (pg. 19) includes a very good diagram illustrating “Who benefits from Green Infrastructure” that could be incorporated into objective 19.

This objective and the strategies could go further than addressing ‘public open space’ to ensure provision of green infrastructure as part of new development and infill development to address impacts from an increase in building density and impervious surfaces – to maintain / plant appropriate plant/tree species, water sensitive urban design and to ensure connectivity with existing open space and urban forest is achieved. The regional plan could also suggest master

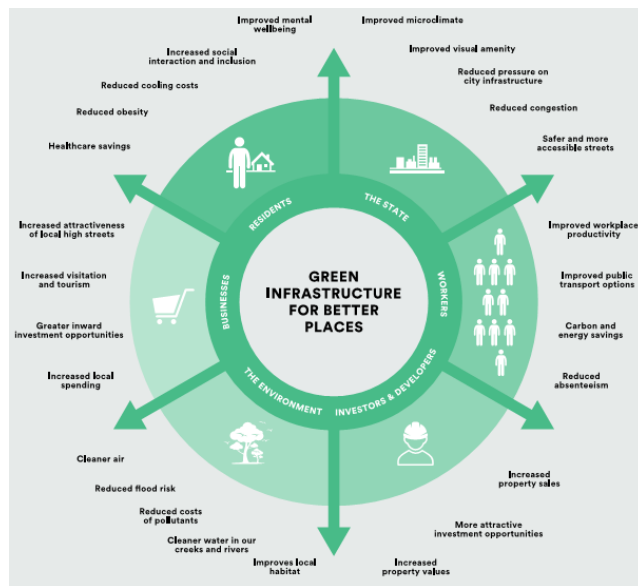


Figure 2 - Who benefits from Green Infrastructure - pg. 19 NSW Greener Places Guide

planning existing urban areas for green infrastructure provision, connectivity to open space and road networks and guide appropriate design of infill development to achieve greener and cooler places and spaces.

Strategy 19.4 could make reference to natural hazards (bushfire, flood etc.) regarding both positive benefits and potential risks.

**Objective 20: Celebrate local character**

We support the recognition of the importance of local character, including urban design and character, in the regional plan. This further elevated through

Urban Design – should incorporate aboriginal heritage – not just *consider potential impacts*. A positive statement can be made through urban design, public realm improvements, art, and many other elements as part of development. A clearer statement to provide support when negotiating with various stakeholders, including developers, would be useful for Councils to get better outcomes for existing and future communities, particularly where the local planning framework (DCPs and the like) need updating.

Heritage commentary and Strategy 20.2 should make reference to the ICOMOS principles and the need to consider all aspects of heritage, not just visual elements. The London Plan of 2004 included ambitious objectives, including to make London a “city that delights the senses”. This recognises that local character is not just what you see, but also the smells, sounds, taste, feel of the place. This approach also considers those people that do not have access to all senses and includes consideration of people of all abilities in planning decisions.

**Local Government Narrative – Clarence Valley**

We agree with the narrative provided for the Clarence Valley on page 110 and thank DPE for the collaborative approach to preparing these.

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### Settlement Planning Guidelines & Urban Growth Area Variation Principles

It is not clear how the draft settlement planning guidelines and urban growth area variation principles are to be applied in conjunction with the existing Settlement Planning Guidelines 2019.

The draft proposed at Appendix A and B seem to be a shortened list that miss some key considerations, particularly in relation to a wide range of natural hazards, landscape character,

There is also subregional planning principles on page 83, that on the face of it, seem to be agreeable principles, but requires further interrogation and testing to see if these would stand up when under pressure for development and are consistent with the settlement planning guidelines and Minister's Direction. By having these general principles in various places, it risks creating issues down the track.

Clarence Valley Council submission

## Appendix 1

### Staff submission to the Regional Housing Taskforce 2021



## Regional Housing Taskforce

### Submission from Clarence Valley Council - planning staff

Dear Mr Fielding,

Thank you for the opportunity to provide a submission to the Regional Housing Taskforce. The proactive collaboration with Councils and relevant professional institutes represents the best way of undertaking this work. We look forward to further involvement at the appropriate time. Regional NSW Councils, DPIE and other organisations should be working together to help find ways of managing housing challenges.

Council notes the recent formation of the Regional Housing Taskforce, its terms of reference and scope, and provides the following feedback to assist preparation of the Taskforce's report to the Government. Given the timeframes to provide a submission, this has not been endorsed by full Council, but represents a considered view from experienced planning staff.

#### Context

The Scope of the Taskforce investigation is published on the DPIE website and there appears to be a heavy focus on the planning system as highlighted below:

*In consultation with relevant experts and stakeholders, the Taskforce will investigate **planning barriers** and develop recommendations to address regional housing issues with a focus on:*

- *The **planning system** and other government levers to stimulate housing supply and address housing needs*
- *Removing impediments within the **planning system** to the delivery of affordable housing types and housing generally*
- *Identifying mechanisms within the **planning system** to facilitate and drive the delivery of housing matched to community needs*

We also note that the House of Representatives Standing Committee on Tax and Revenue will *inquire into and report on the contribution of tax and regulation on housing affordability and supply, that is:*

- *Examine the impact of current taxes, charges and **regulatory settings** at a Federal, State and Local Government level on housing supply;*
- *Identify and assess the **factors that promote or impede** responsive housing supply at the Federal, State and Local Government level; and*
- *Examine the effectiveness of initiatives to improve housing supply in other jurisdictions and their appropriateness in an Australian context.*

Given these concurrent reviews occurring, we submit that a collaborative approach between federal, state and local governments, together with industry, is needed

to identify and action all potential impediments to the delivery of more affordable housing.

There are a plethora of tools and mechanisms that need to work together to ensure a more sustainable and timely supply of affordable housing to support the needs of the community. Many of these levers are entirely out of the control of local government and the planning system, however they all interact together with Councils who are at the end of the decision-making process reacting to other market forces, community needs and national trends.

While decisions around land use are fundamental to how Australians live and work and the resilience of our communities, the benefits and costs of the planning systems are not easy to quantify. A range of work from the Productivity Commission has tackled these issues over the past few years. For example, the Productivity Commission's Information Paper from March 2021 – titled *Plan to identify planning and zoning reforms* states that:

*Various studies, including the Commission's Shifting the Dial: 5-year productivity review, have highlighted how planning and land use regulations, and regulatory practices, can adversely impact housing affordability, the cost of doing business and the economy generally.*

But then goes on to admit that:

***Although the evidence base is often patchy, commonly cited impediments include...***

The planning system is critical to ensure resilient and sustainable communities. It also responds to market failure and plays an important role in the management of cities and how people move around. Planning adds value to housing – it delivers quality places and strengthens communities by promoting housing choice, improving design, efficient planning for infrastructure and reducing development costs and lifecycle costs through smart strategic planning - and it can provide pathways for affordable housing.

However, there are a wide range of other factors outside of the control of planning frameworks that influence housing affordability. We encourage the housing taskforce to draw up a diagram illustrating the typical housing supply chain in regional NSW – and to fully examine each aspect of the steps from inception to 'turning the key' on a new home. An interrogation of the housing supply chain, rather than just where the supply of housing interacts with the planning system, could provide better outcomes for the community, particularly coupled with the House of Representatives review currently underway.

There are many improvements that can be made to the planning system, however the actual costs of housing supply - land appraisal and acquisition, design, holding costs, finance, cost of materials and availability, labour supply and skills, stamp duty and a range of other costs should be quantified and discussed in relation to their interaction with land use planning.

### **Rezoning as a solution?**

With respect to the Statewide housing shortage, one of the NSW Government's responses has been to announce the immediate rezoning of land in Sydney's

south-west to accommodate 18,000 new homes as well as creating this Taskforce to investigate regional housing issues. According to some recent media releases, the above action would indicate that, in the case of Sydney, the act of rezoning the land is a sufficient response to remove the planning barrier to the supply of new housing. If that is the case, then there are no significant planning system barriers affecting the supply of housing in the Clarence Valley LGA.

The Clarence Valley LGA currently contains four (4) urban release areas (URA) under varying stages of residential development. These URAs are located at Clarenza, Gulmarrad, Junction Hill and West Yamba. All of these URAs have significant undeveloped vacant land and are zoned to enable residential housing development. In addition, there is a 33-hectare vacant land parcel zoned residential at James Creek (east of Maclean). There are also very large tracts of undeveloped R5 Large lot residential zoned land across parts of the LGA. Hence, it is submitted that the availability of zoned land is not a barrier or impediment to the provision of new housing.

The Clarence Valley Local Environmental Plan and related Development Control Plans naturally enable residential housing of varying forms across some or all of the land zoned R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and R5 Large Lot Residential within the LGA. Some of these lands are constrained (eg. flooding, bushfire risk, biodiversity, slope, etc.), however on the whole these constraints are either able to be overcome or managed and are typically not considered to be major planning barriers for existing zoned areas. Future rezoning of new residential land needs to be compatible with, and preferably avoid, such hazards to reduce risk to future communities and costs to government.

### **Strategic planning for housing**

Clarence Valley Council will be preparing a local growth management strategy this financial year. That strategy will be supported by strategic reports on rural land, employment lands and residential and housing needs for the next 20 years. The residential and housing work will generate more specific data for the LGA to support adjustments to the CVLEP and associated development controls, and explore other mechanisms outside the regulatory planning instruments.

### **Impact of COVID?**

The NSW Government appears to be linking the current housing shortage and associated stresses to the COVID-19 pandemic. While there may be some relationship it is respectfully submitted that the shortage of housing and in particular, appropriate housing diversity to suit the needs of local demographics and community, has existed well before COVID-19 came on the scene.

It is also unclear if the impacts of COVID are a long-term trend. Some disasters have impacted the real estate market, but quickly bounce back, others take longer. For example, the Christchurch Earthquakes, London's Grenfell Tower fire, 9/11 attacks on New York and others saw a decline in the desirability of high rise and medium density housing options, but eventually bounced back. With regard to bushfires and floods, most people (apart from those directly affected) have even shorter memories and real estate prices and demographics quickly bounce back. COVID may have similar impacts? There is a fundamental question to be answered as part of "defining the problem" for the task force and that is whether

the NSW government want to harness the desirability of regional areas at present for the long term, and if this immediate desire to relocate from higher density areas in cities to a place in the country is a self sustaining phenomenon, or when the pandemic comes under control whether people's natural desire to live in cities will return. All Councils in regional NSW would benefit from some further demographic and psychological analysis to help inform decision making, consolidated at a state level. Interviews with the likes of Bernard Salt and other demographers would assist the taskforce, coupled with on the ground experience you are gaining from Councils and understanding technological megatrends such as working from home.

### **Private industry drive housing supply in CVLGA**

From our experience, the issues around housing are more deep-seated than the COVID impact and are considered to be controlled heavily by market forces, the land market and the rationale pursuit of profit and capital gain by private industry and developers. The profit margins and economic factors are often poorly understood by Councils, however while ever there is not a financial incentive for private developers to provide appropriate housing mix or adequate funding and resourcing of State or community housing providers then we can expect to get more of the same and that is not a good planning or sustainable outcome.

In general terms, the supply of housing in the LGA is driven by the land market and the private development industry determine when it suits them to develop or release land. There are a significant number of approved residential subdivisions that have not progressed to civil construction phase. Again, the timing of this phase of development is determined by private industry.

### **Infrastructure and funding**

The costs of providing infrastructure is likely to be an impediment to the development of some zoned areas, however this is not likely to be the case in all situations. Infrastructure costs fall to both developers as well as local Councils to varying extents and at times higher levels of Government. The ability for local Councils to raise revenue to provide infrastructure or even participate in assisting with the supply of housing through, for example, subdivision of Council-owned land or public-private partnerships, has been constrained by the NSW Government for decades with measures such as rate pegging and lack of indexation of prescribed DA fees preventing income keeping pace with rising costs of doing business and providing services. If the NSW Government wants local government to play a greater role in the provision of new housing, either directly or indirectly, then a significant overhaul of the rating system, prescribed fees and processes for Council's to be involved in business through public-private partnerships needs to be completed to enable reasonable income streams and therefore resourcing of Council to participate more effectively in the housing market.

### **Housing diversity and incentivising smaller dwellings**

The supply of new housing in the CVLGA has traditionally been skewed towards detached dwelling houses of 3-4 (or more) bedrooms while the percentage of lone person households has increased. In 2016, nearly 70% of households in the LGA had 2 or less occupants (40.1% as 2 person households and 29.3% as lone person households). Both of these figures having increased from 39.5% and 27.7% respectively in 2011. In the CV LGA, lone person households are expected to grow to over 31% in 2026 and slowly increase to nearly 32% in 2041. The gap between

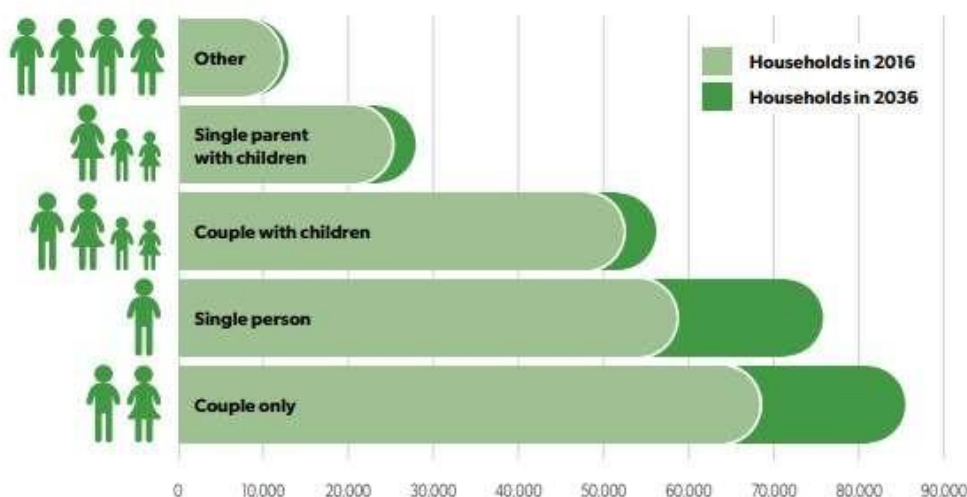
the needs of the community in terms of housing size and what gets provided by individuals and industry involved in provision of housing supply appears to be growing.

Housing supply needs to be suitable for the occupants and more closely aligned to current and future population demographics. It is suggested this could be a more crucial issue than housing affordability, although the two are linked. The NSW Government needs to urgently find ways to encourage or incentivise the provision of smaller 1-2 bedroom dwellings throughout the State as the trend towards smaller household occupancy rates is certainly not confined to the Clarence Valley. These dwelling sizes are not necessarily 'affordable' housing however being smaller they would typically involve less capital investment. In addition, smaller dwellings are easier to maintain, heat, cool, etc and have a lower carbon footprint to build and maintain making smaller houses a more sustainable option for a range of reasons. Hence, review of the BASIX SEPP provides one 'planning system' instrument that could be used to encourage smaller dwellings through changes to building sustainability index settings or standards.

With the population of the CVLGA expected to increase by about 7,500 persons and occupy an additional 3,500 dwellings over the next 20 years to 2041, if lone person households comprise 31-32% of households, then an additional 1100 small dwellings are needed just to ensure housing size correlates with forecast population growth. Once we consider the existing oversupply of larger houses there remains an even greater need for smaller dwellings to be provided both now and in the future.

Growth in household numbers as well as the trend toward increasing proportion of 1-2 person households is also forecast to apply to the North Coast as a whole as evidenced by the Household Composition Forecast 2016-2036 contained in the North Coast Regional Plan (NCRP) as provided below.

### Household Composition Forecast 2016-2036



The NCRP and regional plans before that included clear estimates of new housing supply needs, and targets for diversity. Action 23.1 of the NCRP seeks to provide for housing diversity through the delivery of 40% of new housing in either dual occupancy, apartments, townhouses, villas or dwellings on lots less than 400m<sup>2</sup> by 2036. The graphic below borrowed from the NCRP shows how the targets for housing mix are proposed to shift from the time the Plan was adopted.

### New Housing Delivery by Type



Given the dire need to close the gap between housing diversity as supplied and housing diversity and size needed to suit community demographics (as highlighted earlier) there is a real need to question whether the target in the NCRP is adequate. The scheduled review of the NCRP this financial year offers a great opportunity to explore this issue and find solutions. Further, it would be of interest to know what monitoring of targets like this occurs at the regional scale to ensure housing supply and diversity is on track? How is this communicated to local Councils to ensure their local planning strategies and controls are revised? In the 1980's and early 1990's a regional scale Population and Land Monitor was prepared and distributed by the NSW Government that provided a useful mechanism for such communication. In terms of establishing and revising the target it is worth considering that while these higher density housing forms more often include smaller dwelling sizes (i.e. 1-2 bedrooms), it is not necessarily the case and often residential units, townhouses, and single dwellings on lots under 400m<sup>2</sup> are designed and built with 3 or more bedrooms presumably to maximise economic return and marketability. Again, the market is controlling the type of housing supply the community gets and not the planning system.

#### **Manufactured home estates**

Manufactured home estates have comprised a significant contribution to the proposed supply of housing approved by development consents issued by Council in recent years. That trend does not seem to be abating and is likely to go some way towards slowing the long-term trend towards larger dwellings. There is a need for some positive marketing to overcome the stigma associated with these smaller forms of housing in order to make them attractive to more residents of NSW. The days of quarter acre lots with detached dwellings large enough to accommodate a growing family dominating the residential landscape need to be reversed for the future sustainability of our regional communities.



**Seasonal worker accommodation and Government coordination**

The CVLGA has in the last 5 years or so seen a significant increase in horticultural operations (berry production and protected cropping) that employ seasonal workers. Traditionally, this labour source has been provided by overseas backpackers and other travelling workers. COVID-19 has significantly impacted this labour supply. Prior to this current season there did not appear to be a significant issue with accommodating seasonal workers, however earlier this year there was increased enquiry about accommodating workers both on farm and in rural areas (off-farm). The CVLEP land use tables limit the capacity to provide multiple accommodations on farms or in rural land. We understand that a solution for on-farm accommodation was negotiated with a berry co-operative and Coffs Harbour City Council who neighbour the CVLGA. There has been no other significant contact with Council seeking on-farm accommodation since earlier this year suggesting the issue was resolved.

Council also fielded enquiries from a non-agricultural rural landowner who wanted to accommodate overseas workers that the Federal government had arranged to come into Australia from Pacific Island nations to support agriculture and help combat the rural worker shortage. Council is unaware of what coordination occurred between this Federal initiative and the NSW Government to enable these workers, who for cultural reasons wanted to be accommodated in large groups rather than dispersed through existing communities and towns. Council advised the proponent that the CVLEP did not enable the proposed form of accommodation and that either a planning proposal to amend the CVLEP or NSW Government/Ministerial intervention would be needed to enable the proposal. Discussions with NSW DPIE (Planning) to determine the potential for a State Government intervention indicated that unless the issue had State significance and/or was likely to be a longer term challenge then it was unlikely that the Minister would support any permanent change to the CVLEP to facilitate such accommodation. This latter case highlights the need for all levels of government to coordinate when necessary to ensure housing, agriculture and employment considerations are integrated when they get active in this space. It also highlights the cumbersome process for amending LEPs and the time-consuming efforts associated with planning proposals.

**Rental Housing Stress**

The table below illustrates that in 2018 the Clarence Valley had the 5th lowest rental affordability in NSW. While this may change with major infrastructure projects like the Pacific Highway, Clarence Correctional Centre and Grafton Bridge completion, Council has economic strategies that want to drive economic growth and attract more significant projects which would keep demand high.

LGA	AHIG Index	NSW rank	Measure
Byron Shire	61	1	
Woollahra	47	2	Extreme housing stress
Ballina	47	3	
Waverley	38	4	
Clarence Valley	29	5	
Northern Beaches	24	6	Severe housing stress
Tweed shire	21	7	
Ku-ring-gai	21	8	
Kiama	20	9	

Source: Compass Housing (2018)

**Table 1 - Affordable rental housing in NSW 2018**

The Clarence Valley has been proactive in considering the needs of the community, with the development of the Clarence Valley Affordable Housing Strategy and the Positive Ageing Strategy. Council also encourages community services to locate in residential areas to increase residential density and housing types in areas that are already well-serviced.

However, there is a need to continue to diversify housing stock and tenure options to meet the changing needs of our community, including our ageing population, decreasing average household size and changing socio-economic profile. Encouraging the development of smaller, more manageable, well-located dwellings that allow for positive 'ageing in place', as well as continuing to provide for the needs of younger people, families and lower income households is needed. The needs of older people who are currently in private rental will also be an increasingly serious issue to be considered in the Clarence Valley.

Council is also aware that declining affordability is affecting the sustainability of our community, including the ability to attract younger people and key workers, and enable longer-term residents to remain within their local communities. Council is committed to protecting and increasing the amount of housing stock that is affordable for purchase and rent to local residents. However, we are hamstrung by the immediate options available and the private housing developers generally control supply at present.

### **Concluding remarks**

The Housing Taskforce have a unique opportunity to present the existing issues and new ideas to State Government for action. There is significant complexity to unlocking the potential to provide more affordable housing. There are ways the planning system could be improved and simplified, but there are also a wide range of more important factors driving the cost of housing.

We would encourage the taskforce to look at ways of balancing the need to simplify planning processes with the potential long-term benefits of good strategic



planning and provision of quality, sustainable and resilient homes. The built environment leaves the longest legacy, decision made now about where houses are located and how they are designed will stay with us for generations.

### **Key Actions**

In summary, the opportunities for the Regional Housing Taskforce include:

1. Take a holistic look at the 'supply chain' – not just the where the supply of housing interacts with the planning system (zoning, DAs), but also the need for certain types of housing to match demographic trends, along the actual costs of housing supply (land appraisal and acquisition, design, DA's, finance, materials, labour, stamp duty etc.)
2. Provide additional tools to local government to be more involved in the affordable housing market
3. Ensure interventions are tailored to the local environment and community needs, i.e. different tools may be needed by Councils and housing providers on the North Coast, compared to Sydney or Western NSW
4. Provide mechanisms to encourage and/or require smaller homes where they are needed
5. Address land banking issues and provide real tools to unlock housing delivery on zoned land
6. Recognize the importance of good decision making through the planning system, and the sustainability, resilience and community benefits of good planning
7. Continue with appropriate planning reforms to make the NSW planning system easier to navigate and fit for purpose – coupled with ongoing collaboration between DPIE and local government
8. Re-introduce the need for up to date housing and land monitoring and sharing of information among Councils and DPIE
9. Recommend a more collaborative approach between federal and State Government officials and state and local government officials, to progress ideas that the Housing Taskforce will present.

**ITEM 07.22.171 NOTICE OF NATIVE TITLE MANAGERS TO BE GIVEN TO THE RESPONSIBLE MINISTER**

<b>Meeting</b>	Council	23 August 2022
<b>Directorate</b>	Environment & Planning	
<b>Prepared by</b>	Senior Strategic Planner (Public Land/Native Title), Dr Danny Parkin	
<b>Attachments</b>	A. CVC approved NTMs [aug2022] <a href="#">↓</a>	

**SUMMARY**

This report is to comply with the requirements of the *Crown Land Management Act 2016* and the *Local Government Act 1993* in providing notice of Council's Native Title Manager(s) to the responsible Minister. This report updates the previous report on this matter, tabled at Council's meeting of 18 September 2018 (Item 15.152/18).

**OFFICER RECOMMENDATION**

That Council:

1. Confirm Council employee, Dr Danny Parkin, Senior Strategic Planner (Public Land/Native Title) as Council's principal Native Title Manager for the purposes of Part 8 of the *Crown Land Management Act 2016*;
2. Confirm Council employees, Ms Eloise Casson, Coordinator Property and Mr Alex Clark, Trainee Planner, as additional Native Title Managers for the purposes of Part 8 of the *Crown Land Management Act 2016*; and
3. Approve the General Manager to notify the responsible Minister annually of Council's Native Title Managers in accordance with section 8.8 of the *Crown Land Management Act 2016*.

**LINKAGE TO OUR COMMUNITY PLAN**

Theme Leadership

Objective We will have an effective and efficient organisation

**KEY ISSUES**

Council has previously notified the responsible Minister of its Native Title Manager(s) – Dr Danny Parkin and Ms Kylee Baker (Refer Item 15.152/18, 18 September 2018).

Ms Kylee Baker is no longer employed by Council. Two other staff have since completed approved training and are qualified to act as a Native Title Manager for Council, in addition to Dr Danny Parkin.

Section 8.8 of the *Crown Land Management Act 2016* makes it a legal requirement that a council as a responsible person under the Act must notify the responsible Minister of their Native Title Manager(s) by 31 October each year:

**8.8 Notice of native title managers to be given to Minister:**

- (1) A responsible person for relevant land must give written notice to the Minister about:
  - (a) whether any person is engaged or employed as a native title manager for the responsible person, and
  - (b) the name and contact details of that person.
- (2) The notice must be given as soon as practicable after 30 June (but not later than 31 October) of each year.

Section 377(1) of the *Local Government Act 1993* states that the making of an application or the giving of a notice to the Governor or a Minister is a function that cannot be delegated by Council:

**377 General power of the council to delegate**

(1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following:

(s) the making of an application, or the giving of a notice, to the Governor or Minister.

The responsible Minister is currently the Minister for Lands and Water, the Honourable Kevin John Anderson MP.

**BACKGROUND**

Native title affects several areas of Council's service provision regarding Crown land from the management and use of Council's open space areas to the construction and maintenance of water, sewerage and road infrastructure. Council as a consent authority also needs to consider native title in the granting of an approval or tenure over Crown land.

Council is also required to comply with the provisions of the *Native Title Act 1993* (Cth) and the *Crown Land Management Act 2016* regarding activities that impact or impair the native title rights and interests of traditional owners.

Section 8.6 of the *Crown Land Management Act 2016* makes it a legal requirement that a council as a responsible person under the Act to employ or engage at least one native title manager to ensure Council's dealings with the land comply with any applicable provisions of the native title legislation.

**8.6 Employment or engagement of native title manager**

- (1) A responsible person for relevant land must employ or engage at least one native title manager to ensure the person's dealings with the land comply with any applicable provisions of the native title legislation.
- (2) A native title manager must have approved training or qualifications.

In addition, section 8.7 of the *Crown Land Management Act 2016* makes it a legal requirement that a council as a responsible person under the Act cannot undertake the activities listed unless Council has first obtained the written advice of at least one of its native title managers that the proposed action complies with applicable provisions of the native title legislation.

**8.7 When advice of native title manager required**

- (1) A responsible person for relevant land cannot do any of the following unless the person has first obtained the written advice of at least one of the person's native title managers that it complies with any applicable provisions of the native title legislation—
  - (a) grant leases, licences, permits, forestry rights, easements or rights of way over the land,
  - (b) mortgage the land or allow it to be mortgaged,
  - (c) impose, require or agree to covenants, conditions or other restrictions on use (or remove or release, or agree to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land,
  - (d) approve (or submit for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in paragraph (a), (b) or (c).

Three staff have completed approved native title training:

- Dr Danny Parkin, Senior Strategic Planner (Public Land/Native Title) attended and completed approved training delivered by the NSW Crown Solicitor's Office on 24 November 2017.
- Mr Alex Clark, Trainee Planner completed approved training delivered online by the NSW Department of Planning, Industry and Environment on 22 June 2021.
- Ms Eloise Casson, Coordinator Property attended and completed approved training delivered by the NSW Department of Planning and Environment on 12 July 2022.

Dr Danny Parkin has oversight of the native title responsibilities of Council. He provides the principal point of contact and advice on native title matters as a function of the position of Senior Strategic Planner (Public Land/Native Title).

Ms Eloise Casson is responsible for ensuring application of (and compliance with) the *Native Title Act 1993* (Cth) to the functions of Coordinator Property. This includes providing notification of acquisition of Crown land and easements over Crown land. Her role also includes overseeing/preparing native title advice regarding the preparation or renewal of tenures over Crown land. The Property Coordinator acts as Council's alternate Native Title Manager when Dr Parkin is unavailable.

Mr Alex Clark, as Trainee Planner assists Council's Native Title Managers on a case-by-case basis. Mr Clark's ability to act as a Native Title Manager on Council's behalf is limited to the delegations of the position of Trainee Planner.

## **COUNCIL IMPLICATIONS**

### **Budget/Financial**

N/A – Council's Native Title Managers undertake native title duties as part of their respective roles.

### **Asset Management**

N/A

### **Policy and Regulation**

*Crown Land Management Act 2016*

*Local Government Act 1993*

*Native Title act 1993 (Cth)*

### **Consultation**

N/A

### **Legal and Risk Management**

Council has a legislative responsibility to ensure that it complies with any applicable provisions of the native title legislation. This includes providing advice to the relevant officer including Council prior to the undertaking of an activity that it complies with the provisions of the *Native Title Act 1993* (Cth).

### **Climate Change**

N/A



Lands and Water Division  
PO Box 2185 Dangar NSW 2309  
Tel: 1300 886 235  
[www.crownland.nsw.gov.au](http://www.crownland.nsw.gov.au)

DOC18/001993

9 July 2018

Danny Parkin  
Clarence Valley Council  
[danny.parkin@clarence.nsw.gov.au](mailto:danny.parkin@clarence.nsw.gov.au)

Dear Mr Parkin

**Crown Land Management Act 2016 - Confirmation of qualified person - native title manager**

This letter provides confirmation that Danny Parkin, having completed the approved training as detailed below, is qualified to act as a native title manager for the purposes of Part 8 of the *Crown Land Management Act 2016* which commenced on 1 July 2018.

**Introductory Native Title Training delivered by the NSW Crown Solicitor's Office, Grafton 24 November 2017.**

For further information please contact the NSW Department of Industry—Lands & Water via email: [legislation@crownland.nsw.gov.au](mailto:legislation@crownland.nsw.gov.au) or phone: 1300 886 235.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Clarke'.

David Clarke  
Group Director Governance and Strategy  
Department of Industry – Lands and Water



DOC21/124877

Mr Alexander Clark  
Clarence Valley Council  
Locked Bag 23  
GRAFTON NSW 2460  
alex.clark@clarence.nsw.gov.au

Dear Mr Clark

**Subject: Confirmation of approved training as Native Title Manager  
*Crown Land Management Act 2016***

This letter provides confirmation that Alexander Clark, having completed the approved training below, is qualified to act as a Native Title Manager for the purposes of Part 8 of the *Crown Land Management Act 2016* which commenced on 1 July 2018.

**Introductory Native Title Training  
Delivered by the NSW Department of Planning, Industry and Environment,  
Online on 22 June 2021**

For further information about the Native Title Manager training, please contact the Council Crown Land Management Team at the NSW Department of Planning, Industry and Environment via email at: [council.clm@crowland.nsw.gov.au](mailto:council.clm@crowland.nsw.gov.au)

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Melanie Hawyes', with a horizontal line underneath.

**Melanie Hawyes**  
**Deputy Secretary, Crown Lands**  
8/07/2021

6 Stewart Avenue Newcastle West NSW 2302  
PO Box 2185 Dangar NSW 2309  
Tel: 1300 886 235 [www.industry.nsw.gov.au/lands](http://www.industry.nsw.gov.au/lands) ABN: 20 770 707 468

Department of Planning and Environment



CM9 Ref: DOC22/155818

Ms Eloise Casson  
Property Coordinator  
Clarence Valley Council

eloise.casson@clarence.nsw.gov.au

27 July 2022

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**Subject: Confirmation of approved training as Native Title Manager**

Dear MsCasson

*Crown Land Management Act 2016*

This letter provides confirmation that Ms Eloise Casson, having completed the approved training below, is qualified to act as a Native Title Manager for the purposes of Part 8 of the *Crown Land Management Act 2016* which commenced on 1 July 2018.

Introductory Native Title Training  
Delivered by the NSW Department of Planning and Environment  
on 12/07/2022.

For further information about Native Title Manager training, please contact the Council Crown Land Management Team at [council.clm@crowland.nsw.gov.au](mailto:council.clm@crowland.nsw.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read "Janelle Pearson".

Janelle Pearson  
Principal Policy and Project Manager, Crown Lands

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The Store Newcastle West NSW 2302  
PO Box 1002 Dangar NSW 2309

[www.reservemanager.crowland.nsw.gov.au](http://www.reservemanager.crowland.nsw.gov.au)



**ITEM 07.22.172 WASTE COLLECTION AND PROCESSING CONTRACTS**

<b>Meeting</b>	Council	23 August 2022
<b>Directorate</b>	Environment & Planning	
<b>Prepared by</b>	Manager Environment & Regulatory Services, Scott Lenton	
<b>Attachments</b>	A. Confidential Waste Services Tender Evaluation Report (Confidential)	

**SUMMARY**

On 18 March 2022 Council invited tenders from experience waste services companies to provide waste collection and waste processing services to the Clarence Valley for a term of 10 years from 1 July 2023. A comprehensive tender and tender evaluation process has now been undertaken and this report details the evaluation of each tender and makes a recommendation on the tender that provides the most value to Council.

**OFFICER RECOMMENDATION**

That Council:

1. In accordance with s. 178 of the Local Government (General) Regulation 2021, accept the tender from JR & EG Richards Pty Ltd for T22/001, Part A Collection, Part B Recycling Processing and Part C Organics Processing for a term of 10 years with options to extend for up to a further 5 years.
2. Accept the option for an annual on-call bulky waste collection service (Part A, Option B)
3. Accept the option to process recyclables at the Grafton Material Recycling Facility (Part B, Option A)
4. Accept the option to develop a fourth tunnel at the Grafton Organics Recycling Facility with the General Manager formalizing funding arrangements including grant opportunities.
5. Not accept the non-conforming tender to change the contract term of Part A from an initial 10 years to 15 years, submitted by JR & EG Richards.

**LINKAGE TO OUR COMMUNITY PLAN**

Theme Infrastructure

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

**KEY ISSUES**

Request for tender T 2022/001 was called on 18 March 2022 and included 3 separate 10 year contracts as follows:

Part A – Domestic and commercial kerbside waste collection services - residual waste, comingled recyclables, food & garden organics, public place residual and recycling collection services and bulky waste collection.

Part B – The processing of collected co-mingled recyclables at the Grafton Materials Recycling Facility (MRF) or at another nominated MRF.

Part C – The processing & marketing of food & garden organics at the Grafton Organics Recycling Facility.

Each part is a separate contract and tenderers were invited to tender for one or more parts. The scope of works detailed under each part is generally the same as the existing contracts, however there will be significant upgrades to the on-vehicle monitoring and communication systems and methods of directly reporting collection issues.

There will also be significant improvements to customer service technology that will allow customers to access a web portal to directly report waste management requests and receive feedback.

Although electric vehicle technology has been explored it is not feasible for waste collection vehicles at the moment, however the collection contract requires that the waste collection fleet be replaced mid-way through the contract term. This will provide Council with the opportunity to review vehicle technology and if feasible at the time require new vehicles to be based on electric or other renewable fuels.



Tenderers were also asked to price a number of different options which will require that Council determine a preferred option as detailed and discussed below.

#### **Tenders Received:**

At the close of tenders the following tenders were received,

Part A - Collection

- Cleanaway Pty Ltd
- JR & EG Richards Pty Ltd

Part B – Recycling Processing

- JR & EG Richards Pty Ltd

Part C – Organics Processing

- JR & EG Richards Pty Ltd
- Remondis Australia Pty Ltd
- Soilco Pty Ltd

The attached confidential tender evaluation report details the evaluation of both financial and non-financial criteria. The evaluation report clearly demonstrates that on both price and non-price criteria the tender received from JR & EG Richards P/L will deliver the best value for Council for all 3 contracts - Parts A, B and C.

JR & EG Richards are a highly experienced waste management company delivering waste management services to a large number of NSW Councils including Clarence Valley Council. The recommended new collection contract will deliver a new fleet of collection vehicles with improved industry leading technology including reduced emission systems as well as improved management and customer service systems. The recommended recycling processing contract will deliver an upgrade to the Grafton materials recycling facility with local employment opportunities. As detailed below the recommended food and garden processing contract includes an option to construct an additional composting tunnel with improvements to the receivals hall. As discussed in the tender evaluation report, a key outcome of accepting the recommended tenders from JR & EG Richards is that services will be delivered at a cost below current contract rates.

The following discussion on various options relate to the preferred tender received from JR & EG Richards.

#### **Bulky Waste Collection Service Options:**

During the development of the Solid Waste Management Strategy 2020-27 a review of the current bulky waste collection service was undertaken. This review identified a number of issues with the current scheduled bulky waste clean-up service, primarily visual amenity and health and safety risks. In response to this review, tenderers were requested to price 3 options to deliver bulky waste collections. Option A is the current scheduled annual bulky waste collection service, Option B is an on-call annual bulky waste collection service and Option C is also an on-call annual bulky waste collection service with the contractor introducing the ability to charge users a contribution (set by Council) towards the cost of delivering the service.

Option A – Scheduled Annual Bulky Waste Service - This is the status quo service, and it is the lowest cost per service (tendered rate) to deliver. The number of households that utilise this option is anticipated to be higher than Options B & C. Approximately 33% of households utilise this service each year however under this option Council pays the tendered rate for all domestic waste services (22,500 services). Based on the anticipated number of users and waste disposal costs, the budget cost is the highest at an estimated annual cost for collection and waste disposal being **\$466,000 @ an average cost of \$20.72** per household. The advantages and disadvantages of the service include –

##### Advantages

- It is the lowest cost per service (tendered rate) to deliver, but highest overall budget cost once all services are included and disposal costs taken into account
- Provides for scavenging for reuse and recycling
- Most efficient method of delivering the service

##### Disadvantages

- Health & safety risk with large quantity of waste left on the kerbside over extended period
- Visual amenity with large quantity of waste left on the kerbside for extended periods
- Difficult to control illegal dumping and householder putting out unacceptable material and material in excess of what is permitted.
- The current service generates many complaints and takes significant staff time and resources over an extended period to manage.
- Service does not support the user pays principle

Option B – On-call Bulky Waste Service - This service is similar to option A in that bulky waste can be placed at the kerbside for collection, the key difference is that householders can call and arrange one annual collection at a time (within 2 weeks) that suits the householder. In practice the number of households that are likely to use the call-up service will be less than Option A, it is estimated that approximately 25% of household would utilise this service option annually. This has been the experience of other councils that have introduced call-up services. Although the service delivery cost per service is higher (the tendered rate per service) than option A, the impact on the domestic waste budget is less due to the anticipated lower number of households that would make arrangements each year for a service. This will also reduce the quantity of waste collected and hence there is a lower waste disposal cost. The estimated annual cost of collection and disposal under option B is **\$381,500 @ an average cost of \$16.96** per household.

#### Advantages

- The service will minimise the quantity of bulky waste on the kerbside at any one-time reducing health & safety risks and improving visual amenity
- Improve householder convenience in being able to arrange collection at a suitable time
- Expected to reduce illegal dumping and staff time and resources dealing with complaints
- With direct contact with the householder the service will provide greater control over the quantity and type of material to be collected.

#### Disadvantages

- The cost of delivering an individual service (tendered rate) is higher however the budget impact is not expected to be as high as Option A.
- Reduced opportunities for scavenging for reuse and recycling.
- Service does not support the user pays principle

Option C – User Pays On-Call Bulky waste Service - This service is similar to Option B, except that it allows Council to set a user contribution, for example Council could fund 50% of the collection cost and the householder would fund 50%. The most likely outcome of this service would be that householders will be less likely to use the service as a result of the attached fee. Although the service delivery cost (tendered rate) is higher than option A & B, the impact on the domestic waste budget is likely to be less due to the lower number of households prepared to make a co-contribution, this will also reduce the quantity of waste collected. Based on a 20% take-up rate the estimated annual cost of collection and waste disposal under Option C with a 50% (\$32.45) contribution towards collection is **\$310,600 @ an average cost of \$13.81** per household plus the \$32.45 contribution making Option C the highest cost service for the householder. This will vary depending on the contribution set by Council.

#### Advantages

- The service supports the principle of user pays
- An anticipated reduction in overall budget costs that would reduce the cost of the annual domestic waste charge to householders.
- The service will further minimise the quantity of bulky waste on the kerbside at any one-time reducing health & safety risks and improving visual amenity

#### Disadvantages

- Individual services will cost more to deliver as the contractor will have less services to recover the cost to provide the resources for the service.
- Individual householders will need to make a direct contribution to receive the service
- Reduced opportunities for scavenging for reuse and recycling.

Option B is the preferred service delivery option as it is expected to be more equitable, cost less than the current scheduled bulky waste collection service and will overcome most of the concerns with the current scheduled bulky waste collection service.

#### **Options to Process Co-mingled Recyclables:**

The Part B tender documentation invited tenderers to price the processing of kerbside collected recyclables at the existing Grafton Materials Recycling Facility (MRF) or to bulk up the recyclables and transfer to an alternate MRF outside of our LGA. In industry terms the Grafton MRF is small with limited technology making the sorting process less efficient than larger MRF's outside of the LGA, thus the reason for market testing the two options.

As indicated in the tender recommendation report the only tender received was from JR & EG Richards (current contractor) with the price to process recyclables at the Grafton MRF being slightly less than the option to transfer to an alternate site.

The tender to process material at the Grafton MRF is the preferred option on the basis that it will be cheaper and there will be greater local employment and investment benefits. Processing locally will also reduce heavy vehicle movements and in the long term provide greater service certainty by having local processing capacity.

#### **Option to Construct an Additional Composting Tunnel:**

As foreshadowed in the Solid Waste Management Strategy 2020-27, Part C tender documentation invited tenders to price the construction of an additional fourth tunnel at the existing Grafton Organics Recycling Facility (ORF). This option was included because the existing facility depending on seasonal conditions has reached its design capacity. For example, in 2021/22 which was an above average growing year for garden organics due to consistent rain, the ORF processed 12,465 tonnes of organics. The designed capacity of the ORF is considered to be in the range of 10,000 to 12,000 tonnes.

The development of the 4th tunnel will also include the proposed expansion and enclosure of the organics receivals hall which will greatly improve the ability to remove contamination, reduce odour and dust and pre-empt possible future EPA licencing requirements.

Developing the 4th tunnel is the preferred option as it will allow for future growth and provide the opportunity to process additional material, potentially from outside of the LGA. The development cost of the fourth tunnel is within expectations and is detailed in the tender evaluation report. Adequate funds are available from the domestic waste and commercial waste reserves and Council will also look for opportunities for infrastructure grant funding.

Due to the long-term nature of waste contracts the next opportunity to tender for the development and operation of the 4th tunnel would be 2033.

#### **Alternate Non-Conforming Tender Option for Part A Collection Services:**

The tender documentation provided for a contract term of 10 years with the opportunity for the contractor to seek an extended term up to 15 years subject to Council's agreement. The non-conforming tender received from JR & EG Richards proposed an initial 15 year collection contract term. As indicated in the tender evaluation report there is a financial benefit to Council if the non-conforming option from JR & EG Richards was accepted. The non-conforming tender option however is not supported because within a fixed 15 year term there can be significant technology and performance changes. Potentially this could limit Council's future options and would also misalign the terms of the MRF and ORF contract with the collection contract.

### **BACKGROUND**

The current waste collection and processing contracts with JR & EG Richards commenced on 1 July 2012 and will end on the 30 June 2023. The current contracts introduced a number of industry leading services such as the food and garden collection service and also included the development of a new material recycling facility (MRF) and the 3 tunnel organics composting facility (ORF). The development of tender documentation and new contract conditions for the 2023–2033 waste contracts were guided by the adopted Solid Waste Management Strategy 2020-2027. Generally existing industry leading service provisions have been carried forward in the new contracts.

The kerbside waste collection and processing tender T2020/001 is made up of 3 separate contracts. Part A is the kerbside collection of domestic, commercial, and public place waste bins. Part B is the sorting and processing of kerbside collected recyclables at Councils Materials Recovery Facility (MRF) or at a nominated alternate MRF and Part C is the processing of kerbside collected organics at Councils Organics Recycling Facility (ORF). Part C also includes the construction of an additional composting tunnel at the ORF.

All contracts are for an initial term of 10 years with an option to extend. Generally, the services that are specified in the contracts are consistent with the current service contracts.

### **COUNCIL IMPLICATIONS**

#### **Budget/Financial**

Domestic waste management services are fully funded from the annual domestic waste management charge. The acceptance by Council of the recommended tenderer for all 3 contract parts will result in significant savings compared to current contract rates. Subject to CPI and rise and fall movements over the next 9 months the new contract should result in a lower domestic waste management charge in 2023/24.

The funding for the proposed fourth composting tunnel is available from the Domestic Waste Reserve ER40000 and from the commercial waste reserve IR 10801. Council will also be seeking grant funding for the project although funding is not dependant on receiving a grant.

#### **Asset Management**

The construction of the fourth tunnel at the organics recycling facility will be an additional asset which will pass to Council at the end of the contract term. This will be included in Council's Waste Asset Management Plan.

#### **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:

- Local suppliers, contractors and/or consultants were notified through local advertising.
- Tender specifications were structured so local suppliers and/or contractors were not excluded from being the prime supplier/contractor.
- The tender specification requested tenderers to identify the local suppliers/contractors that would be involved in delivering/constructing the project and the tender assessment included a 15% weighting of the non price score for local supplier content. The Tender Evaluation Plan contains details of the local supplier content for each tenderer.

#### **Consultation**

N/A to the tender process however the tender documentation was based on the Solid Waste Management Strategy 2020-27 which was subject to extensive community consultation.

#### **Legal and Risk Management**

The tendering process utilised the services of an independent expert advisor and followed the provisions of the Local Government Act and Regulation. Accordingly, there is a low legal risk and there are no native title impacts.

#### **Climate Change**

Waste collection and disposal services generate more emissions than any other Council service. To help minimise emission the proposed collection contract will utilise the latest vehicle technology with plans to move to electric or other renewable fuels when vehicles are replaced at mid contract. Waste services also fund many direct and indirect projects to offset the impact of delivering waste services.

**CORPORATE & GOVERNANCE****ITEM 07.22.173 DISABILITY INCLUSION ACTION PLAN 2022/2023 AND FUTURE PLANNING**

<b>Meeting</b>	Council	23 August 2022
<b>Directorate</b>	Corporate & Governance	
<b>Prepared by</b>	A/Director - Corporate & Governance, Alex Moar	
<b>Attachments</b>	Nil	

**SUMMARY**

The report details the updated Disability Inclusion Action Plan (DIAP) for 2022/2023

**OFFICER RECOMMENDATION**

That Council endorse the one-year extension of the Disability Inclusion Action Plan (DIAP) for 2022/2023.

**LINKAGE TO OUR COMMUNITY PLAN**

Theme Leadership

Objective We will have a strong, accountable and representative Government

**KEY ISSUES**

The Disability Inclusion Amendment Act 2022 has been assented. The Department of Community and Justice's Disability Inclusion team will be updating the [DIAP Guidelines](#) and has provided an opportunity for local councils to attend a webinar (29 September 2022) to learn more about the amendments and assist in planning DIAPs.

The DIAP has been updated and extended for 2022/2023 so the new guidelines can be reviewed to create a future plan to ensure we consult and co-design with people with disability, staff and the community. The link to the draft plan can be located here – [CVC DIAP 2022/2023](#).

Council's report on the delivery of the DIAP for 2021/2022 will be noted in the Annual Report, with a copy being forwarded to the Minister per Section 13 of the Disability Inclusion Access Act.

The DIAP extension and plan is before the CVC Access Advisory Committee for the 17 August 2022. Feedback was not able to be noted prior to the report being submitted.

**BACKGROUND**

The Council has a current Disability Inclusion Action Plan (DIAP) 2021-2022. With the update of the NSW Government's Disability Inclusion Action Plan 2022, a plan for development, consultation and implementation has been developed as outlined below:

When	Action
August 2022	2022/2023 DIAP to CVC Access Advisory Committee and feedback to Council
September 2022	Webinar for key internal stakeholders and Executive ownership and responsibility
October 2022	Map our functions, facilities, services and information sources and determine governance and accountability arrangements
Nov/Dec 2022	Consultation and co-design with people with disability, staff and community -continued into January/February as needed
January 2023	Undertake disability inclusion action planning
February 2023	Undertake disability inclusion action planning, develop risk mitigation strategy, prepare a monitoring and reporting strategy and plan for continual engagement
March 2023	Final draft to CVC Access Committee and CVC staff
April 2023	Final draft to Council for endorsement for public exhibition

May 2023	On public exhibition
June 2023	Update to Council for adoption
July 2023	Promotion with staff and community

**COUNCIL IMPLICATIONS****Budget/Financial**

Actions in DIAP will be met through current operational or capital works budget for 2022/2023

**Asset Management**

Nil

**Policy and Regulation**

NSW Disability Inclusion Act 2014

NSW Disability Inclusion Regulation 2014

Disability Inclusion Amendment Act 2022

**Consultation**

Internal staff stakeholder with deliverables; CVC Access Advisory Committee

**Legal and Risk Management**

DIAP is a legislation requirement

**Climate Change**

N/A

**ITEM 07.22.174 POLICY REPORT**

<b>Meeting</b>	Council	23 August 2022
<b>Directorate</b>	Corporate & Governance	
<b>Prepared by</b>	Governance Officer, Bligh Grant	
<b>Attachments</b>	A. Councillor Expenses and Facilities Policy V4 <a href="#">↓</a> B. Art Collection Policy V5 <a href="#">↓</a> C. Child Protection Policy V1 <a href="#">↓</a> D. Managing Unreasonable Conduct by Complainants Policy V3 <a href="#">↓</a> E. Internal Report and Public Interest Disclosure Policy V1 <a href="#">↓</a> F. Submissions to Managing Unreasonable Conduct by Complainant Policy <a href="#">↓</a>	

**SUMMARY**

This report requests Council consider policies to be rescinded, placed on public exhibition and adopted.

**OFFICER RECOMMENDATION**

That Council:

1. Note the submissions to the Flag Raising Policy V4.0 and rescind the policy.
2. Place the following policies on exhibition and subject to there being no submissions that change the intent of the policy they be adopted:
  - a. Councillor Expenses and Facilities Policy V15.0 (Attachment A)
  - b. Art Collection Policy V5.0 (Attachment B)
  - c. Child Protection Policy V1.0 (Attachment C)
3. Note the submissions to the following policies and adopt the following policies unchanged:
  - a. Managing Unreasonable Conduct by Complainants Policy V3.0 (Attachment D)
  - b. Internal Report and Public Interest Disclosure Policy V1.0 (Attachment E)

**LINKAGE TO OUR COMMUNITY PLAN**

Theme Leadership

Objective We will have a strong, accountable and representative Government

**KEY ISSUES**

1. The Flag Raising Policy V4.0 was placed on exhibition 30 June to 28 July 2022 following the June 2022 OCM with two submissions received:

Submitter	Submission
Denise Worrill Maclean 2463	There should be no difference in the Council policy on flag flying compared to the rules used by the Federal Government. We should exactly follow the rules.
William Grainger Yamba 2464	I agree that if there is a standard, you should use it. Why reinvent the wheel, and then have to maintain your unique wheel.

As such, it is recommended for Council to rescind the policy.

2. Council considers placing the following policies on exhibition and, subject to there being no submissions that change the intent of the policy it be adopted:
  - a. The Councillor Expenses and Facilities Policy V15.0

Council adopted V14.0 of this policy in February 2019 (ITEM 15.015/19). V15.0 contains minor updates accommodating changes to the range of IT devices utilised by Councillors and references to updated legislation, specifically the *Local Government (General) Regulation 2021*. Changes are marked up in red.

- b. The Art Collection Policy V5.0



Council adopted V4.0 of this policy in April 2019 (ITEM 15.058/19). V5.0 contains two minor updates. First, closing the Lindt and O’Grady Collections to new acquisitions—both these collections are well developed, and the resources for developing and maintaining them can be better deployed in other areas of the collection. Second, under ‘Deaccession’, gifts made under the Australian Government’s Cultural Gift Program (CGP) will not be returned to the donor, as the donor has already received the benefit of a tax deduction for the gift. Changes are marked up in red.

c. Child Protection Policy V1.0

This is a new policy and has been put in place to ensure that Council is compliant with NSW child protection legislation, including mandatory reporting, recruitment and selection and responding to allegations against staff involving children and young people; to promote the health, safety, welfare and wellbeing of children and young people; to ensure that Council provides a safe environment for children and young people whilst on Council premises and utilising Council services and to ensure that Council is implementing best practice approaches to child protection and child safe standards, and in this regard is responding to recommendations from the *Royal Commission into Institutional Response to Child Sexual Abuse 2017*, that affect local government.

3. Policies for adoption

a. Managing Unreasonable Conduct by Complainants Policy V3.0

This model policy was originally tabled at the Ordinary Meeting in February (07.22.014) and was deferred to a Council Workshop and placed on exhibition following Council’s Ordinary Meeting held 26 April 2022. A further workshop was requested and occurred on 15 August 2022. At this workshop a presentation was made by the NSW Ombudsman’s Office. The policy has been returned to the August Council meeting for adoption noting the minor updates that were made from community submissions. The updates made to the policy are in red – clause 3 definitions; clause 8.1 & clause 10.2. Changes are marked up in red. The Policy is otherwise a model Policy recommended by the Ombudsman’s Office.

Submissions to this policy are attached to this report in Attachment F. Following receipt of external advice, some redaction has been applied to the submissions to reduce risk of litigation against Council in publishing potentially defamatory commentary.

In the Policy, Appendix C is a checklist that the Director Corporate and Governance will complete when deciding on what action to take, which meets the objectives the resolution to include an “inbuilt check” (MIN 07.22.073).

Submission	Comment
Documents should be provided to members of the public without having to make a GIPA application. The delay in making a GIPA application can lead community members to become frustrated which can lead to unreasonable conduct to begin.	Council is governed by NSW Legislation in regard to privacy and request for information. Due to legislation some information must be requested via a GIPA application to ensure privacy is not compromised.
Add how a complainant can appeal a restriction	Section 8.1 outlines the right of a complainant to appeal a decision made. Addition to this clause stating the following  <i>To lodge a review, respond to the author of the letter via their contact details asking for the matter to be reviewed. The author of the letter will refer the matter to a senior officer who was not involved in the investigation for review.</i>
Have an advisory group to assess any appeals and when it is found that Council has erred, provide a written apology to the complainant.	It is noted that there were several submissions requesting an advisory group to review appeals. Research was conducted with other councils and the Office of Local Government - Lismore being the only Council that had an Advisory Panel for appeals. Advice from the Office of Local Government recommended against an Advisory Panel due to the following reasons:



	<ul style="list-style-type: none"> <li>The GM is tasked with overseeing the day-to-day function of Council, inclusive of the above, under s.335.</li> <li>If UCCs appeals go to an Advisory committee, this inhibits timely executive action and as such can impede Council's responsibilities under the WH&amp;S Act 2011.</li> </ul> <p>Additional reasons not to support the advisory panel include:</p> <ul style="list-style-type: none"> <li>The procedure for UCCs is comprehensive and closely aligns with the advice from the NSW Ombudsman. Council ought not to deviate from these guidelines.</li> <li>Any decision that rests with the GM or their delegate demonstrates a clear line of accountability, oversight of which is exercised by both Council and state regulatory agencies (e.g., Ombudsman). A decision as grave as that which can be involved in UCC ought to rest with the GM or their delegate as a professional and monitored decision.</li> <li>Involving an Advisory Panel has the potential to result in breach of the Privacy Act and Code of Conduct WHS provisions as application of the UCC is often as a result of staff and WHS impact.</li> </ul> <p>An advisory panel is not recommended to consider assessing and reviewing decisions made under this Policy.</p>
UCC actions to be confidentially reported to Council every 6 months	<p>Managing the UCC is an operational matter. The GM is tasked with overseeing the day-to-day function of Council, inclusive of the above, under s.335.</p> <p>Reporting UCC actions to Council has the potential to result in breach of the Privacy Act and Code of Conduct WHS provisions as application of the UCC is often as a result of staff and WHS impact. It is also noted the UCC Policy is rarely applied.</p>
Alternative Dispute resolution (ADR) – add a clause in the warning letter offering this option.	<p>Clause 6.1 refers to using alternative dispute resolution strategies to manage complainants. The use of ADR is not for all matters as stated in this clause. The Director or GM can consider if ADR is appropriate and if so can be used. ADR can not be included as a clause in the warning letter as it may not be appropriate for all situations.</p>
Notify the complainant two weeks prior to the upcoming review	<p>Addition made to clause 10.2.</p> <p><i>The Director Corporate and Governance will contact the complainant two weeks prior to the review and ask the complainant/s if they.....</i></p>
Definition of complainant – the following have been added to the Policy Under Clause 3.	<p><b>Unreasonable complaint</b> - <i>has been assessed as being made with the intention to annoy or disrupt the processes of Council without a substantial basis.</i></p> <p><b>Unreasonable complainant conduct (UCC)</b> - <i>any behaviour by a current or former complainant which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for our organisation, our staff, other service users and complainants or, in the assessment of the Designated Officer, the complainant themselves.</i></p> <p><b>Complainant</b> - <i>Person or organisation making the complaint.</i></p> <p><b>Complaint</b> – <i>Expression of dissatisfaction made to or about us, our services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.</i></p>
Decisions being made by one senior staff member – no single officer should be given that power autonomously	<p>The GM is tasked with overseeing the day-to-day function of Council, inclusive of the above, under s.335. The GM has delegated the management of this Policy to the Director Corporate and Governance.</p>

	Any decision that rests with the GM or their delegate demonstrates a clear line of accountability, oversight of which is exercised by both Council and state regulatory agencies (e.g., Ombudsman). A decision as grave as that which can be involved in UCC ought to rest with the GM or their delegate as a professional and monitored decision.
Staff to be training in complaint management	An annual training plan is developed as per the Local Government Award 2020. As per clause 12 an annual plan is developed to ensure staff understand the UCC Policy, dealing with complainants, handling difficult situations and communication training.

b. Internal Report and Public Interest Disclosure Policy V1.0

The draft Internal Reporting and Public Interest Disclosures V1.0 was approved for exhibition by Council at the OCM February 2022 (07.22.014). One submission was received to this policy as noted in the table below. A Council workshop was held on 15 August 2022 to discuss the policy and no changes have been made as the policy is a model policy recommended by the Ombudsman Office.

Submission from John Hagger Waterview Heights NSW 2460	Comment
<p>* Item 1 Purpose notes:</p> <p>“The internal reporting system established under this policy is not intended to be used for staff grievances, which should be raised through the [link to grievance policy]. grievance handling guidelines and procedures available on the staff intranet. If a staff member makes a report under this policy which is substantially a grievance, the matter will be referred to [Human Resources] the relevant Section Manager to be dealt with in accordance with the [link to grievance policy].grievance handling information available on the staff intranet.”</p> <p>Such wording is ambiguous in that it does not directly refer to CVC’s long-standing problems with bullying and harassment of staff by management.</p> <p>It needs to be made clear that bullying and harassment of any staff member is Not ‘a grievance’ but an illegal and significant abuse of power and as such needs to be specifically included in this policy.</p> <p>Wrongdoing refers to more than conflicts of interest with regard to procurement, or contracts declined and/or accepted for reasons other than their quality and/or costs, or employment of inaccurate methods of accounting;</p> <p>Wrongdoing with regard to bullying and harassment includes racist remarks, sexual abuse, and other inappropriate and illegal actions.</p> <p>Instead Item 5 limits this policy to:</p> <p>“Reports about five categories of serious misconduct – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, and local government pecuniary interest contravention – which otherwise meet the criteria of a public interest disclosure, will be dealt with under the PID Act and according to this policy.”</p> <p>ALL Illegal Activity needs to be included.</p> <p>** Item 2 Organisational commitment states:</p> <p>“the policy delegates at least one staff member as being responsible for receiving public interest disclosures.</p> <p>Clause 3.20 of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW requires the Complaints Coordinator to be a Disclosures Coordinator.”</p> <p>With so many hundreds of staff, CVC probably requires at least ‘one staff member’ per Directorate who can undertake receipt of such matters as well as their primary function.</p>	<p>Comments noted and the Internal Reporting &amp; PID policy V1.0 is taken from the model Internal Reporting Policy from the NSW Ombudsman’s Office from 2020 and is considered best practice and the policy is being submitted to Council to retain the wording from the model.</p> <p><a href="https://www.ombo.nsw.gov.au/news-and-publications/publications/guidelines/public-interest-disclosures/model-internal-reporting-policy-local-government-public-interest-disclosures">https://www.ombo.nsw.gov.au/news-and-publications/publications/guidelines/public-interest-disclosures/model-internal-reporting-policy-local-government-public-interest-disclosures</a></p> <p>Grievance handling is managed by the Local Government (State) Award 2020 which is developed by Local Government NSW and the related Unions and ratified in the Industrial Relations Commission. The organisation follows the procedures in this to manage grievances. In 2022 the Award had an indication clause added on workplace bullying (clause 39) and states ‘where bullying behaviour is alleged, the grievance and dispute procedure of clause 36 will apply.</p>

<p>Item 4.2 Role of Council states:                  “This means it is up to us to decide whether a report should be investigated, and if so, how it should be investigated and by whom.”                  ALL Reports deserve to be investigated.                  The ability to dismiss reports as frivolous or inaccurate is exactly what undermines the current system based on ‘mates’ and relationships rather than evidence.                  *** The reference to the Disclosures Coordinator                  Makes No mention of alternative reporting positions, which is required when the reporter believes the Disclosures Coordinator is the problem.                  The Mayors role specifically refers to the GM Not the Disclosures Coordinator.                  **** Item 9.2 Members of Parliament or journalists                  Fails to recognise the need for direct external access to MP’s and Ministers where the Reporter of the matter has lost faith in the ability of the Council to deal with the matter.                  Access to the Minister etc. should always be an option.</p>	
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**BACKGROUND**

Note the adoption of four (4) policies placed on exhibition from 30 June to 28 July 2022 following the June OCM. No submissions were received and, as per the resolution of Council (07.22.117), have been adopted and placed on the CVC website.

- CRL Circulation and Membership Policy V5.0
- Pet Friendly Clarence Coast Holiday Parks Policy V3.0
- Petitions Policy V1.0
- Ex-Gratia Payments Policy V1.0

The Privacy Statement and Management Plan V.8.0 was placed on exhibition 30 June to 28 July 2022 following the June 2022 OCM with one submission received, no changes were made to the policy as a result and the Statement and Plan are now available on Council’s website.

Note the following submission and response

Submission from Robin Gipp South Grafton	Response
<p>There should be no privacy all should be transparent then no need for all the fuss we have had in the past if all was open and we all had the same rules then we would know what is going on because we are all the same there has been to many different rules for to many different people I have put up with this for the last 60 years or more.</p>	<p>Council has a statutory responsibility of the <i>Privacy and Personal Information Protection Act 1998</i> and recommends that the Privacy Statement and Management Plan V.8.0 be adopted unchanged.</p>

The Investment Policy and Strategy V11.0 was revised principally to insert a preference for investing in financial institutions that publicly state that they do not invest in or finance the fossil fuel industry, as per resolution 06.22.001 in the February 2022 OCM. It was placed on exhibition 8 March to 5 April 2022 following the February OCM, with one submission received, not submissions were made to the addition of clause 5.11 and no changes were made to the policy because of the submission and the policy is now available on Council’s website.

Note the following submission and response

Submission from John Hagger Waterview Heights NSW 2460	Response
<p>The advice is crap, requires more documentation, contains obvious conflicts of interest and requires urgent change. Page 10 of the revised Policy states: "Within these broad ranges, Council relies upon assumptions of expected investment returns and market conditions that have been examined with its investment advisor." This claim apparently refers to the changes in the preceding Table's mention: "Working capital funds: 0-3 months Minimum: 20% (previously 10%) Maximum: 100%. Short term funds: 3-12 months Minimum: 0% (previously 20%) Maximum: 100%" Where is the correspondence between CVC and the Investment Advisor referred to and Why has that correspondence never been produced as an attachment in CVC's Business Papers?</p>	<p>The Investment Advisor provides a fee for service to the organisational arm of Council. It is the responsibility of the relevant Council officers to assess this advice and report to Council, not to provide this advice <i>verbatim</i>.</p>
<p>Is Council anticipating a change in their need for working capital and short term funds?</p>	<p>Any anticipated change in capital requirements and short funds is addressed by this policy.</p>
<p>Page 2 of the Revised Investment Strategy appears somewhat dated wrt its references to the RBA and data supplied. For example, the document refers to: "3. The RBA reiterated that it was prepared to do more quantitative easing (QE) after the second \$100bn round ends in September 2021;" In the future tense. The rest of the document suffers from similar out of date references. While this is probably the result of Councils deferment of the revised Policy and Strategy from 2021, to April 2022, Council really should have bothered to update the data supplied with the documents.</p>	<p>Any policy document is not a 'just in time' artifact and has to proceed on the basis of the information available at the time it is drafted.</p>
<p>Page 7 of the Investment Strategy contains a curious piece of self-promotion from Councils Investment Advisor wrt NT Treasury Corporation Bonds: "If interested in this product, Council should avoid placing through the broker channel and contact IMPERIUM MARKETS to receive the full commission of 0.25% (plus GST) on the face value of the investment, in the form of an additional rebate. If placed through the brokers, they are likely to keep the 0.25% commission (on the face value of the investment)." The obvious Conflict of Interest in the inclusion of this claim by the writers of the advice is self-evident and should be removed immediately. AND The 1st such NTTC Bond referred to only offers 0.8% with maturity dates of 15/06/2024 and interest paid annually!! That is Not such a great deal and is easily surpassed by registered Australian Banks returns.</p>	<p>The Policy as it stands provides the flexibility for pivoting investment in accordance with changed market condition.</p>
<p>The self-promotion continues across Pages 7 and 8 with: "The product should be viewed as a hold-to-maturity product, noting there are significant penalty costs including admin fees, the prevailing market interest rate, and factors in any associate commissions that were previously paid. Given the longer-term outlook for official interest rates, Council should strongly consider placing small parcels (up to \$5m) in the 15/06/2024, 15/06/2025 and 15/06/2026 maturities through IMPERIUM MARKETS to receive an effectively higher rate, once factoring in the rebated commission."</p>	<p>As above.</p>
<p>How much Public Money has CVC Paid IMPERIUM for this self-promoting advice?</p>	<p>This is available in Council's financial statements.</p>

<p>Item 2.3 Proposed Actions has as Point 3:                  “3. Consider opening up a term deposit account with an international bank such as the Industrial and Commercial Bank of China (A) to lock in fixed deposit rates yielding between 0.60%-1.40% p.a. for 2-5 year terms with a higher rated bank.”                  WHY has this proposed change NOT been highlighted especially considering the incredible volatility and hostility currently existing between Australia and China?                  NB: Commercial Banks of China are run by the Chinese Communist Party.                  IF The Chinese Government decides to reacquire Taiwan in the short to mid-term:                  Does anyone think the return of Millions of \$’s of Our Investments will be the 1<sup>st</sup> consideration of either the Australian or Chinese Government as we change up from Trade Wars to actual War?                  Imo: This advice borders on outright lunacy and has No part in a Strategy whose primary focus is meant to provide safe investments for Public Money.                  Please, remove such inclusion before further progress is made in this direction.</p>	<p>The Industrial and Commercial Bank of China is provided as an example, not a recommendation.</p>
<p>While there is No direct mention of IMPERIUM MARKETS involvement with their recommended Investment with the Commercial Banks of China, in light of their self-promotion in other parts of the same document, it is reasonable to ask if IMPERIUM MARKETS would have received a fee for such investment?</p>	<p>Imperium Markets’ relationships with third parties is not of central interest.</p>
<p>Page 11 of the Proposed Investment Strategy notes:                  “2.6 Effective Date and Review of Strategy                  The effective date of this Investment Strategy is the date it is adopted by Council and will be reviewed at regular twelve monthly intervals, or as required in the event of legislative change or as a result of significantly changed economic/market conditions.                  Council is in regular contact with its advisors and is able to adjust strategy as market conditions dictate.”                  Given the obvious concerns with regard to the advice currently given;                  Imo: CVC should change advisors as a matter of haste.</p>	<p>As it stands the Policy provides adequate flexibility for change: A review every 12 months or as required is prudent.</p>

**COUNCIL IMPLICATIONS**

**Budget/Financial**

As above

**Asset Management**

As above

**Policy and Regulation**

As Above

**Consultation**

Internal stakeholders and community via submissions

**Legal and Risk Management**

As above

**Climate Change**

N/A



# Policy

## Councillor expenses and facilities Policy

Responsible Manager (Title)	Director, Corporate & Governance		
Adopted by Council	Date: TBA	Minute Number: TBA	
File Reference Number	ECM: TBA	Version: 15.0	Review Due: February 2026
Document(s) this policy Supersedes	Expenses and the provision of facilities for Councillors V.14.0 26/02/2019 15.015/19		
Community Plan Linkage	Leadership: We will have a strong, accountable and responsible government		

### Policy summary

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to councillors to help them undertake their civic duties.

It ensures accountability and transparency and seeks to align councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

The policy has been prepared in accordance with the Local Government Act 1993 (the Act) and Local Government (General) Regulation 2005 (the Regulation) and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

The policy sets out the maximum amounts council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

#### Schedule of main expenses and facilities

Expense or facility	Maximum Amount	Frequency
General travel expenses	Overall limit set by Council's adopted budget	
Reimbursement for use of private vehicle (see calculation notes in S6.1)	As per the Local Government Award	Per km
Accommodation and meals	As per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually	Per meal/night





Expense or facility	Maximum Amount	Frequency
Conferences, seminars and professional development	Conference fees and training and development expenses - overall limit set by Council's adopted budget	
Other Incidentals re attendance at conferences and seminars	\$20.50	Per day
ICT expenses – monthly data download limit	\$30.00	Per month
ICT expenses – internet access allowance	\$40.00	Per month
Carer support expenses	\$49.50	Per hour
Annual carer support expenses	Capped at \$2,300 per year	
Childcare expenses for each child <16years	\$49.50	Per hour
Annual childcare expenses	Capped at \$2,300 per year	
Home office and Stationery expenses	\$214.20	Per year
Mobile phone and landline	\$ 69.70 (Councillor) \$ 150.70 (Mayor)	Per month
Council vehicle and fuel card	Provided to the mayor	Not relevant
Reserved parking space at Council offices	Provided to the mayor	Not relevant
Furnished office	Provided to the mayor	Not relevant
Legal Services -	Limited to the rate equivalent to the hourly rate charged by Council's Clarence Valley based Solicitors	

Additional costs incurred by a councillor in excess of these limits are considered a personal expense that is the responsibility of the councillor.

Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

Detailed reports on the provision of expenses and facilities to councillors will be publicly tabled at a council meeting every six months and published in full on council's website. These reports will include expenditure summarised by individual councillor and as a total for all councillors.

## Definitions

The following definitions apply throughout this policy:

Term	Definition
accompanying person	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a councillor
appropriate refreshments	Means food and beverages, excluding alcohol, provided by council to support councillors undertaking official business
Act	Means the <i>Local Government Act 1993</i> (NSW)
civic duties	Means fulfilling expectations related to responsibilities of elected members



Term	Definition
clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
Code of Conduct	Means the Code of Conduct adopted by Council or the Model Code if none is adopted
Councillor	Means a person elected or appointed to civic office as a member of the governing body of council who is not suspended, including the mayor
General Manager	Means the general manager of Council and includes their delegate or authorised representative
incidental personal use	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
long distance intrastate travel	Means travel to other parts of NSW of more than three hours duration by private vehicle
maximum limit	Means the maximum limit for an expense or facility provided in the text and summarised in Appendix 1
NSW	New South Wales
official business	Means functions that the mayor or councillors are required and/or approved, to attend to fulfil their legislated role and responsibilities for council or which result in a direct benefit for council and/or for the local government area, including: <ul style="list-style-type: none"> <li>• meetings of council and committees of the whole</li> <li>• meetings of committees facilitated by council</li> <li>• civic receptions hosted or sponsored by council</li> <li>• meetings, functions, workshops and other events to which attendance by a councillor has been requested or approved by council</li> </ul>
professional development	Means a training course, seminars, professional association membership or other development opportunity relevant to the role of a councillor or the mayor
Regulation	Means the Local Government (General) Regulation 2021 (NSW)
year	Means the financial year, that is the 12-month period commencing on 1 July each year

## Part A - Introduction

### 1 Introduction

The provision of expenses and facilities enables Councillors to fulfil their responsibilities as the elected representatives of Clarence Valley Council.

The community is entitled to know the extent of expenses paid to Councillors, as well as the facilities provided.

The purpose of this policy is to clearly state the facilities and support that are available to Councillors to assist them in fulfilling their responsibilities as elected members.

Council staff are empowered to question or refuse a request for payment from a Councillor when it does not accord with this policy.





Expenses and facilities provided by this policy are in addition to fees paid to Councillors to fulfil their civic duties. The minimum and maximum fees a Council may pay each Councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.

## 2 Policy objectives

The objectives of this policy are to:

- enable the reasonable and appropriate reimbursement of expenses incurred by councillors while undertaking their civic duties
- enable facilities of a reasonable and appropriate standard to be provided to councillors to support them in undertaking their civic duties
- ensure accountability and transparency in reimbursement of expenses and provision of facilities to councillors
- ensure facilities and expenses provided to councillors meet community expectations
- support a diversity of representation
- fulfil Council's statutory responsibilities.

## 3 Principles

Council commits to the following principles:

- **Proper conduct:** councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions
- **Reasonable expenses:** providing for councillors to be reimbursed for expenses reasonably incurred as part of their role as councillor
- **Participation and access:** enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a councillor
- **Equity:** there must be equitable access to expenses and facilities for all councillors
- **Appropriate use of resources:** providing clear direction on the appropriate use of council resources in accordance with legal requirements and community expectations
- **Accountability and transparency:** clearly stating and reporting on the expenses and facilities provided to councillors.



## 4 Private or political benefit

- 4.1 Councillors must not obtain private or political benefit from any expense or facility provided under this policy.
- 4.2 Private use of Council equipment and facilities by Councillors may occur from time to time. For example, telephoning home to advise that a Council meeting will run later than expected.
- 4.3 Such incidental private use does not require a compensatory payment back to Council.
- 4.4 Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of Council facilities does occur, Councillors must reimburse the Council.
- 4.5 No personal benefits from Council expenditure are able to be accrued under loyalty programs. If an offer of gift or benefit is considered to be a corrupt act, that offer must be immediately reported to the General Manager without disclosure to any other person.

Note: Clause 4.5 is Local policy

- 4.6 Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:
  - production of election material
  - use of Council resources and equipment for campaigning
  - use of official Council letterhead, publications, websites or services for political benefit
  - fundraising activities of political parties or individuals, including political fundraising events.

## Part B - Expenses

### 5 General expenses

- 5.1 All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.
- 5.2 Expenses not explicitly addressed in this policy will not be paid or reimbursed.
- 5.3 Councillors who are not in attendance for at least 90% of conferences, seminars and professional development activities will be requested to show cause why they should not reimburse Council the cost of the event.

Note: Clause 5.3 is Local policy



## 6 Specific expenses

### 6.1 General travel arrangements and expenses

6.1.1 All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.

6.1.2 Wherever practical, Councillors will be provided with the use of a Council vehicle for travel to attend official business beyond the Council boundaries.

**Note: Clause 6.1.2 is Local policy**

6.1.3 Air travel may be considered the most economical mode of transport.

**Note: Clause 6.1.3 is Local policy**

6.1.4 Councillors are responsible for liaising with the Executive Assistant team when booking transport to travel outside the Council boundaries on official business. Reasonable notice should be provided when booking a vehicle to ensure with availability.

**Note: Clause 6.1.4 is Local policy**

6.1.5 The overall limit on associated expenses is set by Council's adopted budget. Any adjustment to that allocation, during the year, will be addressed in the appropriate quarterly financial review.

**Note: Clause 6.1.5 is Local policy**

6.1.6 Limits for each individual Councillor are not set, as expenditures vary with the availability/need for individual Councillors to attend specific training opportunities and conferences and seminar.

**Note: Clause 6.1.6 is Local policy**

6.1.7 Receipts are required where Councillors are seeking reimbursement for travel expenses outside the Council boundaries for:

- Public transport fares
- Parking costs
- Tolls
- Cab charges or ride share programs.

**Note: Clause 6.1.7 is Local policy**

6.1.8 Councillors are entitled to claim a per kilometre rate for use of their private vehicles for official business within the Council boundaries, calculated as follows:

- the distance from the Councillor's principal place of residence (if it is within the CVC boundary) to the venue of the official business or, if the Councillor resides outside the CVC boundary, from the CVC boundary to the venue of the official business.

**Note: Clause 6.1.8 is Local policy**

6.1.9 When no Council vehicle is available for travel outside the Council boundaries, Councillors are entitled to claim a per kilometre rate for use of their private vehicles, provided the travel is within the region bounded by Port Macquarie - Armidale - Kyogle - Tweed Heads.

**Note: Clause 6.1.9 is Local policy**



6.1.10 When no Council vehicle is available for travel outside the region bounded by Port Macquarie - Armidale - Kyogle - Tweed Heads, Councillors will require the consent of the Mayor and the General Manager to be reimbursed at the per kilometre rate.

**Note: Clause 6.1.10 is Local policy**

6.1.11 Calculation for reimbursement at the per kilometre rate for travel outside the Council boundary is calculated as follows:

- the total direct return distance travelled from the Councillor's residence to venue of the official business or;
- where a Councillor resides outside the Council boundary, reimbursement will be the lesser distance of either the Councillor's residence to the venue of the official business, or the Council boundary closest to the Councillor's residence to the venue of the official business or;
- where air travel presents a cheaper travel option, the Councillor may be reimbursed an amount equivalent to the cheapest flight option, rather than the per kilometre rate.

**Note: Clause 6.1.11 is Local policy**

6.1.12 A request to book a vehicle may be declined where reasonable notice of need is not provided.

**Note: Clause 6.1.12 is Local policy**

6.2 Interstate and overseas travel

6.2.1 Council approval is required for all interstate and overseas travel.

**Note: Clause 6.2.1 is Local policy**

6.2.2 Where a Councillor considers that an overseas or interstate trip will result in direct and tangible benefits for Council and the Clarence Valley and that trip has not been previously resolved by Council, then that Councillor should submit a proposal to the General Manager that includes details of the proposed trip, including:

- expected benefits
- cost
- itinerary
- duration

**Note: Clause 6.2.2 is Local policy**

6.2.3 Upon receipt, the General Manager is to include such a proposal in the Council business papers.

**Note: Clause 6.2.3 is Local policy**

6.3 Accommodation and meals

6.3.1 Accommodation requirements for attendance at Council approved official business will be arranged by the Executive Assistant team.

**Note: Clause 6.3.1 is Local policy**

6.3.2 Accommodation requirements that are not the subject of Council approval, must be authorised in advance by the General Manager.

**Note: Clause 6.3.2 is Local policy**



6.3.3 Councillors are entitled to seek reimbursement for meals associated with official business attended outside the Council boundaries.

**Note: Clause 6.3.3 is Local policy**

6.3.4 In circumstances where it would introduce undue risk for a councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the General Manager. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the Councillor lives more than 50 kilometres from the meeting location.

**Note: Clause 6.3.4 is Local policy**

6.3.5 The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

6.3.6 If breakfast at the hotel where the Councillor is staying is a set amount, then Council will meet that expense, even if it exceeds the maximum allowance).

**Note: Clause 6.3.6 is Local policy**

6.3.7 The daily limits for accommodation and meal expenses outside Australia are to be determined in advance of travel by the General Manager.

**Note: Clause 6.3.7 is Local policy**

6.4 Other incidental expenses

6.4.1 Council shall reimburse the reasonable out-of-pocket expenses of Councillors associated with attending conferences, seminars or training courses upon production of receipts, including telephone, internet charges, laundry and dry cleaning and parking.

**Note: Clause 6.4.1 is Local policy**

6.5 Travel and accommodation expenses not covered

6.5.1 Council will not pay for, or reimburse:

- traffic or parking fines or administrative charges for road toll accounts
- mini bar, pay movies or additional accommodation services not identified in this policy
- personal entertainment expenses
- personal requirement expenses, such as alcohol, cigarettes, medication
- transport, travel and/or accommodation undertaken in addition to that required for official business.

Councillors are not to rely on staff to book personal travel arrangements, adjunct to official business.

**Note: Clause 6.5.1 is Local policy**

6.6 Refreshments for Council-related meetings

6.6.1 Appropriate refreshments will be available for Council meetings, Council committee meetings, Councillor briefings, approved meetings and engagements, and official Council functions as approved by the General Manager.



6.6.2 As an indicative guide for the standard of refreshments to be provided at Council related meetings, the General Manager must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

#### 6.7 Professional development

6.7.1 The overall limit on associated with professional development activities is set by Council's adopted budget. Any adjustment to that allocation, during the year, will be addressed in the appropriate quarterly financial review.

**Note: Clause 6.7.1 is Local policy**

6.7.2 In the first year of a new Council term, Council will provide a comprehensive induction program for all Councillors, which gives consideration to any guidelines issued by the Office of Local Government (OLG) and policy and procedure specific to Clarence Valley Council. The cost of the induction program will be in addition to the ongoing professional development funding.

6.7.3 Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the Councillor's civic duties, the Councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.

6.7.4 Approval for professional development activities is subject to a prior written request to the General Manager outlining the:

- details of the proposed professional development
- relevance to Council priorities and business
- relevance to the exercise of the Councillor's civic duties.

6.7.5 In assessing a Councillor's request for a professional development activity, the General Manager must consider the matters raised in the written request as well as the cost of the activity in relation to the existing budget.

#### 6.8 Conferences

6.8.1 In addition to the provisions of this policy, guidance for attendance at conferences is provided for in accordance with Council's Councillor Attendance at Conferences Policy.

**Note: Clause 6.8.1 is Local policy**

#### 6.9 Information and communication technology (ICT) expenses

##### Telephone - mobile and landline

6.9.1 Councillors are entitled to seek reimbursement for Council related phone calls made on their private mobile or fixed line.

6.9.2 Alternatively, the Mayor is entitled to be provided with a mobile phone, in accordance with Council's current telecommunications plan.

6.9.3 An itemised account is required where Councillors are seeking reimbursement of mobile and fixed line calls related to their civic duties.

**Note: Clauses 6.9.1 to 6.9.3 are Local policy**

##### Devices & equipment



6.9.4 Councillors are supplied with an appropriate device and equipment (e.g., headset) to facilitate their role as a Councillor.

6.9.5 Preference is for a mobile device (tablet), with a sim card provided.

6.9.6 Information will be provided electronically.

**Note: Clauses 6.9.4 to 6.9.6 are Local policy**

#### Internet connection

6.9.7 Internet access will be via Council's internet provider and using the sim card installed in the device. Access to the internet via this provider will be subject to the restrictions set out in Council's Electronic Communication Protocol.

6.9.8 Minor variations to clauses 6.9.1 to 6.9.8 inclusive may be approved by the general manager.

**Note: Clauses 6.9.7 and 6.9.8 are Local policy**

6.10 Spousal and partner expenses

6.10.1 Council will pay/reimburse the reasonable bona fide direct expenses of the Mayor or a Councillor incurred on behalf of their accompanying spouse or partner, where either:

- the Mayor is attending an official function or event, or
- the Councillor is representing the Mayor at a function or event, or
- the Councillor is attending the annual dinner held by Council for the Mayor and Councillors,
- provided that the event is within the CVC local government area and does not otherwise form part of a conference or seminar program.

**Note: Clause 6.10.1 is Local policy**

6.11 Special requirement and carer expenses

6.11.1 Council encourages wide participation and interest in civic office. It will seek to ensure Council premises and associated facilities are accessible, including provision for sight or hearing-impaired Councillors and those with other disabilities and/or those with carer responsibilities.

**Note: Clause 6.11.1 is Local policy**

6.11.2 Transportation provisions outlined in this policy will also assist Councillors who may be unable to drive a vehicle.

6.11.3 In addition to the provisions above, the General Manager may authorise the provision of reasonable additional facilities and expenses in order to allow a Councillor with a disability and/or carer responsibilities to participate in official business related to their role as a Councillor.

#### Carers' support

6.11.4 Councillors are eligible to claim reimbursement for expenses associated with care and support services for immediate family members who have a disability, are sick or frail aged, to enable the Councillor to participate in official business.

6.11.5 Any reimbursement shall be subject to the following limitations:

- The Councillor being the primary carer;





- The care service is provided by a professional service
- A tax invoice must have been provided by the care service

**Note: Clauses 6.11.4 and 6.11.5 are Local policy**

### Childcare support

6.11.6 Councillors are eligible to claim reimbursement for expenses associated with childcare, where the carer is not a relative, to enable the Councillor to participate in official business.

6.11.7 Any reimbursement shall be subject to the following limitations:

- One or more of the Councillor's children must be under the age of sixteen years
- The childcare service is provided by a professional childcare service
- A tax invoice must have been provided by the childcare service

6.11.8 In the event of caring for a child over the age of 16 years, or an adult relative, suitable evidence must be provided to support the claim for reimbursement. This may take the form of advice from a medical practitioner.

**Note: Clauses 6.11.6 to 6.11.8 are Local policy**

6.12 Home office and stationary expenses

6.12.1 Councillors are entitled to claim reimbursement for home office related stationery items.

**Note: Clause 6.12.1 is Local policy**

## 7 Insurances

- 7.1 In accordance with Section 382 of the Local Government Act, Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this Policy.
- 7.2 Insurance protection is only provided if a claim arises out of, or in connection with, the Councillor's performance of his or her civic duties, or exercise of his or her functions as a Councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
- 7.3 Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.
- 7.4 Appropriate travel insurances will be provided for any Councillors travelling on approved interstate and overseas travel on official business.

## 8 Legal assistance

- 8.1 Council may, if requested, indemnify or reimburse the reasonable legal expenses of:
- a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act provided that the outcome of the legal proceedings is favourable to the Councillor
  - a Councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the Councillor



- a Councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the Councillor.
- 8.2 In the case of a Code of Conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the General Manager to a Conduct Reviewer and the Conduct Reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the Councillor.
- 8.3 Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.
- 8.4 Council will not meet the legal costs:
- of legal proceedings initiated by a Councillor under any circumstances
  - of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
  - for legal proceedings that do not involve a Councillor performing their role as a Councillor.
  - Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a Council meeting prior to costs being incurred.
  - of a Councillor seeking advice in the case of a Code of Conduct complaint where the Conduct Reviewer has found the Councillor to have been in breach of the Code of Conduct.
- 8.5 Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a council meeting prior to costs being incurred.

## Part C – Facilities

### 9 General facilities for all councillors

- 9.1 All Councillors are provided with an email account for conducting civic duties. Use of the email is a public record and is subject to Council's Code of Conduct and Council's Electronic Communications Protocol.
- 9.2 Councillors may book meeting rooms at either of Council's Administration Centres in Maclean and Grafton, for official business at no cost. Rooms may be booked through the Executive Assistant team.
- 9.3 Refreshments (tea and coffee) are available for Councillors, when using meetings rooms for official business.
- 9.4 Councillors may access basic administrative support, through the Executive Assistant team, to assist them in their civic duties.
- 9.5 Staff will not provide Councillors with support or assistance with matters of personal or political interest, including campaigning.

**Note: Clauses 9.1 to 9.5 are Local policy**



## 10 Additional facilities for the mayor

10.1 In addition to the office facilities available to all Councillors, Council will provide the Mayor with:

- A vehicle for use on Council business. The Mayor will have no right of private use of this vehicle.
- An office in the Council administration buildings in both Grafton and Maclean.
- An annual civic allowance, the amount of which is to be determined each year by Council. The allowance to be retained by Council and will be available to be drawn on by the Mayor to make provision for his office and/or while acting on Council business.
- Mayoral regalia in the form of a collaret and a drop featuring the Council logo.
- Membership of the regional airline lounge facility for the Mayor, to provide a welcome and relatively private facility at Sydney Airport for lengthy layovers that sometimes occur but that do not warrant overnight accommodation.

**Note: Clause 10.1 is Local policy**

## Part D - Processes

### 11 Approval, payment and reimbursement arrangements

11.1 Expenses should only be incurred in accordance with the provisions of this policy.

11.2 Payment and reimbursement will be by way of submission of a monthly claim form:

- Appendix 2 - Travel Claim for Use of Private Vehicle
- Appendix 3 - Claim Reimbursement of Approved Expenses

11.3 Claim forms for reimbursement of approved expenses must be accompanied by supporting receipts and/or tax invoices and submitted to the Executive Assistant team.

11.4 Final approval for payments made under this policy will be granted by the General Manager or their delegate.

11.5 Payments and reimbursements will be made with the monthly Councillors allowance.

11.6 Councillors will be advised by the General Manager of refused claims.

**Note: Clauses 11.2 to 11.6 are Local policy**

### 12 Advance payment

12.1 Councillors are entitled to advance payment to attend approved conferences, seminars or professional development, in accordance with the expense and facility schedule contained at Appendix 1.

12.2 A claim form containing relevant receipts must be submitted within 21 days of attending the event for the purpose of reconciliation.

**Note: Clauses 12.1 and 12.2 are Local policy**



## 13 Reimbursement to Council

- 13.1 If Council has incurred an expense on behalf of a Councillor that exceeds, or is not included in the provisions of this policy, the Councillor will be invoiced for the expense.
- 13.2 If the Councillor is unable to meet the terms of payment detailed on the invoice, they are to submit a written explanation to the General Manager, who may elect to deduct the amount from the Councillor's allowance.

**Note: Clauses 13.1 and 13.2 are Local policy**

## 14 Disputes

- 14.1 Any dispute relating to the administration of this policy must be made to the General Manager in writing detailing the grounds for the dispute. Any such disputes will be referred to the next scheduled Ordinary meeting of Council for determination and resolution.

**Note: Clause 14.1 is Local policy**

## 15 Return or retention of facilities

- 15.1 All equipment listed in this policy is issued to Councillors on the basis that they agree to keep it in good condition while it is in their care and to promptly return it to Council either on request or when they cease to hold office
- 15.2 All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a Councillor or mayor ceasing to hold office or at the cessation of their civic duties.
- 15.3 Should a Councillor desire to keep any equipment allocated by Council, then this policy enables the Councillor to make application to the General Manager to purchase any such equipment. The General Manager will determine an agreed fair market price or written down value for the item of equipment.
- 15.4 In the event the equipment is subject to a lease held by the Council, the General Manager will give consideration to the terms of the lease, in determining an appropriate price.

**Note: Clauses 15.1 to 14.4 are Local policy**

## 16 Reporting

- 16.1 Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.
- 16.2 Detailed reports on the provision of expenses and facilities to councillors will be publicly tabled at a council meeting every six months and published in full on council's website. These reports will include expenditure summarised by individual councillor and as a total for all councillors.

## 17 Auditing

- 17.1 The operation of this policy, including claims made under the policy, are subject to random audit.



**Note: Clause 17.1 is Local policy**

## **18 Breaches**

- 18.1 Suspected breaches of this policy are to be reported to the General Manager.
- 18.2 Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.



## Part E – Appendices

Appendix 1: Travel claim for use of private vehicle

Councillor: Please return to Karlie Chevalley at Council Meetings, or email [karlie.chevalley@clarence.nsw.gov.au](mailto:karlie.chevalley@clarence.nsw.gov.au)

### TRAVEL CLAIM FOR USE OF PRIVATE VEHICLE

Councillor name: \_\_\_\_\_

Vehicle make and model: \_\_\_\_\_ Engine capacity: \_\_\_\_\_

Date	Details of journey	Kilometres travelled
	Total kilometres	

Declaration

I confirm that the above travel was related to my duties on behalf of Clarence Valley Council.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Office use only - when authorised forward to PAYROLL	
Costing code: 991001-53-7005-2565	
KM rate payable: Under 2500cc – 68 cents per km Over 2500cc – 78 cents per km	<b>TOTAL PAYABLE THIS MONTH</b> \$ _____
Approved to pay: _____ Date _____	
.....General Manager	
Date ESO forwarded to Payroll _____	



Appendix 2: Claim for reimbursement of approved expenses



Councillor: please return to Minute Secretary at Council Meetings

**CLAIM FOR REIMBURSEMENT OF APPROVED EXPENSES**

Councillor name: \_\_\_\_\_

Date	Item	Amount	Cumulative Total
	Total amount claimed		\$

Declaration

I confirm that the above expenses are related to my duties on behalf of Clarence Valley Council, are supported by original receipts attached to this claim and were not incurred more than 6 weeks prior to the date on which reimbursement is sought.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Office use only - When authorised forward to CREDITORS	
Account codes/job numbers	Amount
Approval to Pay: _____ Date: _____	
_____ General Manager	

# Policy

## Art Collections

Responsible Manager (Title)	Regional Gallery Director		
Adopted by Council	Date: TBA	Minute Number: TBA	
ECM 2312689	ECM: TBA	Version <b>V5.0</b>	Review Due March 2023
Document(s) this policy Supersedes	V4.0 – 23/04/2019 – 15.058/19		
Community Plan Linkage	Society - We will have a diverse and creative culture		

### 1 Purpose

The Collections Policy formalises the general principal under which the Grafton Regional Gallery develops and maintains the collections it manages. It also outlines the process by which the artworks are accessioned into and deaccessioned from the Gallery and Council collections.

The Gallery maintains and conserves the works in the collections and develops the collection through:

- Acquisitions by purchases, gifts and donations;
- Curating exhibitions;
- Touring selected exhibitions;
- Loaning work to other institutions and businesses;
- Displaying work throughout Council buildings;
- Publishing catalogues and presenting outreach exhibition and education programs.

### 2 Definitions

Accession	The mechanism by which an artwork is acquired into the collection.
Acquire	To obtaining artwork/object through gifts, donations, purchase and subscription.
Artworks	All works of a creative and visual arts nature by artists and/or crafts workers and includes public art.
Closed Collection	Refers to a collection into which no work is acquired.
Collection	Artworks and objects within the permeant collections of Grafton Regional Gallery/ Clarence Valley Council as listed in the introduction.
Council	Refers to the Clarence Valley Council.





Deaccession	The administrative process by which an artwork is removed from the collection. It is separate to the physical act of disposing of an item.
Developing collection	A collection that is still acquired into.
Diplomatic donations	A gift presented by diplomats and other representatives to the Council.
Documented	The recording of a work into a database, photographed and given a Council barcode.
Donation	Artworks/ objects donated at no cost and with no conditions and become legal property of the Clarence Valley Council.
Gallery	Refers to the Grafton Regional Gallery.
Gift	Artworks acquired into the collection through the Australian Government's Cultural Gifts Program.
Region	Generally refers to the area within three hours drive of the Clarence Valley Council area.
Significance	Refers to the concept that helps to estimate the value of a place or object as significance enhances understanding of the present and past and is of value to future generations
Works	The term used to describe artworks, memorabilia, objects, and support material such as books, photographs, newspaper clippings and documents.

### 3 Background/legislative requirements

The Grafton Regional Gallery opened in 1988 and is a major cultural service of the Clarence Valley Council that is supported by grants from funding bodies such as Arts NSW, Visions Australia and various private foundations.

The Gallery's vision is to be a professionally managed and sustainable arts facility that aims for excellence and participation in the visual arts and promotion of understanding and enjoyment of all the arts, especially the visual arts.

The Gallery's aim is to stimulate, develop and enhance the diverse visual culture of the region through viable, accessible and relevant exhibition, education and collection programs.

The collection managed by the Gallery includes artworks, memorabilia, objects, and support material such as books and documents. Since 2004 the Gallery has managed the artwork collections of the Clarence Valley Council.



## 4 Related documents

- Grafton Regional Gallery Business Plan (2019-2022)
- CVC Community Strategic Plan (The Clarence 2032)
- CVC Delivery Program
- CVC Operational Plan
- National Standards for Australian Museums and Galleries Version 1.5 September 2016
- Museums Australian Inc. Code of Ethics for Art, History and Science Museums (1999)

## 5 Grafton Regional Gallery Collections

### Developing Collections

#### **Jacaranda Acquisitive Drawing Award Collection (JADA was est. 1988)**

A developing collection of contemporary Australian drawings acquired since 1988 through the biennial Jacaranda Acquisitive Drawing Award. The collection consists of the winning work and the acquisitions of each award.

#### **Regional Collection (est. 1988)**

Established in 1988 by the first Director of the Gallery, Julian Faigan, this developing collection includes artworks of all media that are of or from the region or by an artist of or from the region. They are acquired through purchase, gift or donation.

#### **National Collection (est. 1988)**

Artworks by Australian artists acquired from artists and galleries since the Gallery was established in 1988.

#### **Contemporary Prints (est. 1996)**

Established in 1996 by the third Director of the Gallery, Susi Muddiman, the contemporary prints are acquired from artists and galleries and through the annual member print subscription to the Australian Print Council.

#### **The Ken Done Collection (est 2008)**

In 2008 Ken Done donated 143 prints to the gallery. These join the eight works held in the regional collection to form this collection.

#### **Clarence Valley Council Community Collection (est. 2004)**

Established in 2004 with the declaration of the Council in February 2004 this developing collection consists of art, craft works, memorabilia and other objects of significance acquired through direct purchase, donation and gift. This collection reflects the activities of the council, such as national and international diplomatic and trade activities, and the cultural events of the Clarence Valley.



## Closed Collections

### **The Clarence Valley Photographs of John William Lindt (est. 2004)**

Sam and Janet Cullen and family gifted the initial collection of 37 photographs in December 2004. Further photographs have been gifted to the Gallery by the Friends of the Gallery and by Ian and Florence Robertson. In 2018 the Gallery Foundation and Ken Orchard donated a number of works to complement existing collection.

### **O'Grady Collection**

This developing and extensive collection of watercolours, drawings, sketchbooks and paintings was gifted to the gallery by Doris O'Grady and from the O'Grady estate in March 1988. This second founding collection continues to develop through donations from the O'Grady family and the community and by purchase.

### **Jacaranda Art Society Collection 1961-1987 (JAS)**

This historical collection of paintings with some drawings, sculptures and prints was acquired through the annual Jacaranda Art Prize 1961-1987, by purchase by and by donation to the Jacaranda Art Society. The collection, one of the two founding collections, was gifted to the gallery in March 1988 by the Jacaranda Art Society (1961 – 1992).

### **Copmanhurst Shire Collection (1994 - 2003)**

This historical collection of nine artworks were acquired through sponsorship of the acquisitive first prize of the annual Tabulam Art Prize, by gifts and purchase.

### **Grafton City Council Collection (1859 – 2004)**

Over 53 artworks and memorabilia were acquired through direct purchase, donation and gifting from the annual Exhibition of Excellence held in the Grafton Civic Centre in January, gifting from visiting national and international delegations and donations from various organisations such as Camp Creative and Grafton Artsfest. This historical collection includes items that were acquired by the South Grafton Council (1897 – 1957).

### **Maclean Shire Community Collection (1984-2004)**

Established in 1984 the collection was acquired through the annual Lower Clarence Arts & Crafts Prize held in Maclean and Yamba by the Lower Clarence Arts and Crafts Association. The artworks were selected from 1984 to 1993 by the Judge of the Lower Clarence Arts and Crafts Association Inc. Art Prize, from 1994 to 2003 by the Mayor of the Maclean Shire Council and in 2004 by the Director of the Gallery and the Administrator of the Council.

## 6 Scope of Policy

This policy is to be applied to all artworks acquired by and accessioned into the Grafton Regional Gallery permanent collection.



## 6.1 Responsibilities

It is the responsibility of all Grafton Regional Gallery Staff/ Clarence Valley Council Staff to abide by the provisions of this policy.

## 6.2 Reporting Process

Service and program levels will be reported through the annual and quarterly reporting process aligned with the CVC Delivery Program, CVC Operational Plan and the CVC Gallery Advisory Committee.

## 6.3 Approval Arrangements

Approval arrangements for the management of artworks in the permanent collections of Grafton Regional Gallery will be undertaken through the CVC organisational structural approval processes.

## 6.4 Review Procedures

The Grafton Regional Gallery Art Collections Policy will be reviewed at least every five years to maintain its relevance. The review was presented to the Grafton Regional Gallery Advisory Committee for consultation in February 2019.

## 6.5 Policy Statement

The Grafton Regional Gallery recognises and supports the National Standards for Australian Museums and Galleries Version 1.5 September 2016. These guidelines inform professional museum and gallery practices and cover the following activities, acquisitions to gallery **collections**, display of collections, disposal of collections and professional conduct.

# 7 Acquisition

## 7.1 Accessioning Artwork

The Grafton Regional Gallery will continue to acquire quality artworks of national, regional and community significance by professional Australian artists with a proven record of practice and development within their art form. The Gallery will acquire artworks that build on and complement current strengths within the collection to develop a well balanced representation of work by individual artists or define periods to create a comprehensive collection of Australian artworks.

The Grafton Regional Gallery will acquire artworks that reflect and support contemporary Australian visual arts practice with a focus on the contemporary and historical visual arts history of the Clarence Valley and develop the capital, cultural and aesthetic values of the collections.



## 7.2 Selection Criteria

The Gallery Director is responsible for the acquisition of artworks for the inclusion in the Grafton Regional Gallery permanent collections in consultation with the Art Gallery Reference Group and within the relevant Council approval hierarchy, with the following exceptions:

- The judges of the biennial Jacaranda Acquisitive Drawing Award (JADA) and Clarence Valley Indigenous Art Award (CVIAA) will select artworks from this award into the Collection.
- Selection of artworks for the Council community collections will rest with the Gallery Director and the Mayor of the Clarence Valley Council.
- Diplomatic donations may be accepted by the Mayor and or the General Manager of the Council.

Artworks will be accepted into one of the sub collections according to the following general and conceptual criteria. All artworks must address the essential criteria plus one or more of the following criteria are required for the selection of artworks for the Grafton Regional Gallery collections

### Essential Criteria

- It is authentic with proven provenance. The vendor/donor must have legal title to the artwork.
- Legality of sale or gift. Each artwork must be legally unencumbered.
- The artwork is culturally appropriate for collection and display (if the work is by an Indigenous artist)

### Selection Criteria

- The artwork acquired is to be considered an outstanding work of the artist or artists
- The artwork is by a significant regional or nation Australian artist
- The artwork is of outstanding quality and representative of the artists practice
- The artwork is an outstanding and representative example of the medium
- The artwork is in good or excellent condition
- The artwork is relevant to the development of Gallery a collection area
- The artwork/object/ephemera is relevant to an artist with the collection and provides a greater context to their practice
- The condition, conservation, documentation and storage implications are within the Gallery' current resources and sustainable
- The artwork can be exhibited within the Gallery's exhibition spaces and the work poses no public liability issues
- Terms of donation or gift are acceptable
- Funding is available for the purchase
- The artwork is not a duplication of an existing work in the collection
- No artworks are accepted on loan or for storage.

## 7.3 Methods of Acquisition

Artworks may be acquired through the following means:



- Donation
- Gift via the Cultural Gifts Program. The responsibility for the cost the required valuations will where possible rest with the donor.
- Purchase via Gallery budget, fund raising, grants or sponsorship
- Bequests
- Transfer from other agencies
- Commission

## 8 Management and Care

### 8.1 Acquisition Procedure

Following purchase the artwork/s will be accessioned into the collection, conditioned, catalogued and photographed in accordance with art museum standards equal to the Code of Ethics 1999 developed and published by Museums Australia Inc.

The database entry upon accessioning must include the following details:

- accession number consisting of the year of acquisition (in full) followed by a sequential number in chronological order of acquisition within that year and followed by a descriptor of media (e.g.2012.1.PT)
- Barcode
- artist working name
- title and date of the work
- medium and materials
- dimensions
- condition
- inscriptions
- identification image
- credit line
- price or donation value
- acquisition information (provenance, vendor o
- date of acquisition
- edition number (if the work is an editioned print)
- location within the collection storage area
- The following details should be added to the database entry as soon as possible:
- high quality photograph of the work suitable for reproduction
- biographical and contact details of the artist
- description of the work



- copyright details
- exhibition history
- external references
- relevant information for the installation and display of the work
- artist's statement if available

## 8.2 Storage and Access

Artworks within the Gallery's collection must be stored in such a way as to ensure their preservation and conservation to the highest standards. All artworks not on display or on loan must be stored within the Gallery's collection storage area.

Artworks must be stored in the following ways at all times when not on display or being documented or cared for:

- three-dimensional works must be stored on shelves that have been lined with archival quality materials
- unframed prints and works on paper must be stored in solander boxes and lined with archival quality materials
- framed prints and other two-dimensional works must be stored on vertical racks
- textile works and other works made from sensitive organic materials must be wrapped in archival quality materials and stored on lined shelves or in solander boxes

Access to the collection storage area is generally restricted to Gallery curatorial staff or trained and supervised registered volunteers, solely for the purposes of documenting, researching, or caring for the collections. Other Council staff, or members of the public, may be allowed access when accompanied by Gallery curatorial staff for suitable purposes only. Small groups from educational institutions may be allowed access for educational purposes only when accompanied by Gallery staff.

## 8.3 Conservation and Care

Artworks within the Gallery's collections shall be maintained to the highest possible standard of conservation. Minor conservation work required to maintain the condition of the artworks may be carried out by trained Gallery curatorial staff; however all substantive conservation work required to maintain artworks shall be carried out by trained conservation professionals.

## 8.4 Display

While on display, all artworks must be accompanied by a clearly legible label indicating the following details:

- working name of the artist
- title and date of the work
- medium and materials
- credit line indicating the source of acquisition



Further details and educational information may be included in labels where such information will add to the viewer's appreciation of the work in itself and within the context of the exhibition.

## 9 External Loans

Upon request from external collecting institutions for the short term loan of artwork from the Gallery collections, the Gallery Manager may approve such loans upon the following terms:

- a contract outlining the terms of the loan to be signed by both parties
- the term of the loan to be clearly defined costs of freight and insurance to be covered by the borrowing institution
- the borrower will be responsible for any addition costs associated with the loan
- conditions of freight and display to be approved by the Gallery
- modification, repair or adaptation of the work by the borrowing institution shall
- not be permitted without prior approval by the Gallery

Long term loans of any duration to private individuals or external institutions other than collecting institutions (e.g. art galleries, museums, libraries or archives) shall not be considered or approved.

Short term loans to art galleries may be approved by the Gallery Director.

## 10 Internal Loans

The Gallery will facilitate an internal loan display program within Clarence Valley Council owned buildings under the following terms:

- conditions of display to be approved by the Gallery
- the Gallery reserves the right to remove or replace the artwork without notice
- the Gallery reserves the right to conduct regular inspections of the condition of the artwork
- artworks will be changed once a year as part of an annual program at the discretion of the Gallery
- the Gallery must be notified if a artwork needs to be moved
- artworks must only be handled by Gallery Staff

## 11 Deaccessioning of Artwork

### 11.1 General Principles

The Gallery Director of Grafton Regional Gallery in consultation with Gallery Advisory Committee and General Manager may as required from time to time recommend the deaccession of works of art from the permanent collections in order to improve the collections by:

- removing artworks determined to be unfit or inappropriate for the collections;
- reducing storage and conservation costs;
- rationalising, consolidating and focusing the collections; and





- generating income for further collection development.

As per standard museum and gallery practice outlined in the Museums Australia Code of Ethics the physical disposal of a work of art is only recommended under extreme circumstances.

Staff of Clarence Valley Council, Gallery staff members of the Friends of the Gallery, Gallery volunteers, Gallery Advisory Committee Councillors of Clarence Valley Council, or the families of these persons, are prohibited from acquiring any deaccessioned artwork.

Funds obtained from the sale of deaccessioned works of art will be applied exclusively to the purchase of other works, preferably for the same or related collection area. The deaccession of all works of art from the permanent collections is to be formally ratified by Clarence Valley Council.

## 11.2 Deaccessioning Criteria

Artworks which are recommended for de-accessioning must be assessed against the following criteria. Any artworks must meet at least one or more criteria.

- Duplication: The Gallery would not normally collect duplicate material. The fragility of an artwork in the collection may allow for acceptance of an alternative in better condition.
- Documentation: There is insufficient documentation to support its authenticity so reducing its value to the collection.
- Condition: An artwork may have deteriorated to the point where conservation is not an appropriate option or, an artwork may pose a contamination risk to other collection items or, an artwork may be irreparably damaged
- Restitution/repatriation: In the case of sensitive cultural material, it may be more appropriate for the artwork to be held by the relevant group or community associated with the artwork. Advice will be sought from a diverse range of experts and community members.
- Theft or Loss
- Copies or Fakes
- Lack of relevance to the collection
- Ethical Considerations: Each collecting agency has a responsibility to ensure the long-term care and management of its collection. It may be recognised that the costs associated with ongoing conservation and management of an artwork is beyond the resources of the Gallery and so places the artwork at risk. In these circumstances, there may be an ethical responsibility to identify an alternative agency or owner that can care for the object or work in an appropriate fashion.

## 11.3 Method of Deaccession

The Gallery Director will prepare a written report to the Gallery's Advisory Committee for its consideration on the worth and relevance of the object. The report will include a description of the work of art, the reasons for its de-accessioning, the proposed method of disposal and an outline of the moral, ethical and legal obligations of the proposal. The Advisory Committee will determine its advice on receipt of this report.

Consideration will be given to any special conditions which pertained to its acquisition into the collection. Only works to which the Gallery or Council has clear legal title will be considered for de-accessioning.



The minutes of the Advisory Committee containing the committee's advice along with the report will be submitted to the Council for approval to proceed with deaccession

After the initial decision to deaccession an artwork there a one year cooling off period will follow. If at the end of that time the reasons for its deaccession are still valid the process will continue. If not, the work will be reinstated.

Deaccession must be at the request of the Gallery Director.

Bequests and gifts will not be deaccessioned because of possible legal and taxation repercussions.

Gifts made under the Australian Government's Cultural Gift Program (CGP) will not be returned to the donor as the donor has already received the benefit of a tax deduction for the gift.

## 11.4 Disposal of Deaccessioned Artwork

Once the deaccessioning of a work of art has been approved, formally ratified by Council, after the one year cool off period the artwork will be disposed by one of the following processes:-

- offered to the artist, or family representative if deceased;
- sale through a reputable established dealer;
- sale by public auction
- sale or exchange to another public gallery, museum or collection
- upgraded by exchange for a comparable work by the artist
- returned to the donor
- donation to another institution; or
- destruction

Destruction of a work of art will be considered only if the work is dangerous, diseased or has deteriorated beyond repair. Wherever possible the artist will be informed beforehand of the Gallery's intention to destroy the work.

An official record of the deaccessioning and disposal of artworks from the permanent collection must be kept in Grafton Regional Gallery collection management systems.

## 12 Policy, protocol or procedure statement

The Grafton Regional Gallery recognises and supports the National Standards for Australian Museums and Galleries Version 1.5 September 2016. These guidelines inform professional museum and gallery practices and cover the following activities, acquisitions to gallery collections, display of collections, disposal of collections and professional conduct.



# Child Protection Policy

Responsible Manager (Title)	Director Corporate and Governance		
Adopted by Council	Date	Minute Number	
File Reference Number	DWS	Version D1.0	Review Due
Document(s) this policy Supersedes	New Policy as per recent legislation		
Community Plan Linkage	Leadership – We will have an effective and efficient organisation		

## 1 Purpose

The purpose of this policy is:

- To ensure that Council is compliant with NSW child protection legislation, including mandatory reporting, recruitment and selection and responding to allegations against staff involving children and young people.
- To articulate the professional and legal obligations of council staff in relation to child protection.
- To ensure council implements procedures for the prompt and confidential response to all allegations against Council staff, volunteers, students, and persons undertaking work experience and contractors/suppliers where a child or young person is involved.
- To promote the health, safety, welfare and wellbeing of children and young people.
- To ensure that Council provides a safe environment for children and young people whilst on Council premises and utilising Council services.
- To ensure that Council is implementing best practice approaches to child protection and child safe standards, and in this regard is responding to recommendations from the *Royal Commission into Institutional Response to Child Sexual Abuse 2017*, that affect local government.

## 2 Definitions

**Abuse:** a term that is used to describe different types of harm or maltreatment. In this document it refers to types of harm or maltreatment that children and young people experience.

**Allegations:** A reportable allegation is that an employee has engaged in conduct that may be reportable

**Child:** refers to a person who is under the age of 16 years.

**Child Safe Organisation:** An organisation in which child safety is embedded in planning, policy and practices and where the voices of children and young people are valued and actioned.

**FaCS:** Family and Community Services. FaCS is the NSW Government agency responsible for the care and protection of children and young people.



**Mandatory Reporters:** People who deliver services, wholly or partly, to children as part of their paid or professional work. This is regulated by the *Children and Young Persons (Care and Protection) act 1998*.

**MRG:** Mandatory Reporter Guide. The MRG is a decision-making tool to assist Mandatory Reporters to help determine how the suspected risk of significant harm of a child or young person is reported

**Public Officer:** Director Corporate and Governance

**Risk of Significant Harm:** Concern/s about a child or young person that is sufficiently serious to warrant a response by statutory authority irrespective of a family's consent. It is something that is not minor or trivial and that may be reasonably expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare, or wellbeing. In addition, it can result from a single act or omission or an accumulation of these. Risks of significant harm is the NSW threshold to report child protection concerns to FaCS via the Child Protection Helpline.

**WWCC:** Working with Children's Check. The WWCC is a requirement for anyone who works or volunteers in child-related work in NSW.

**Young Person:** A young person can be defined in a variety of ways depending on the context. For the purpose of this Policy a young person is a person who is over the age of 16 years but under the age of 18 years.

### 3 Background/legislative requirements

- Advocate for Children and Young People Act 2014
- Child Protection (Offenders Prohibition Orders) Act 2004
- Child Protection (Offender Registration) Act 2000
- Child Protection (Working with Children) Act 2012
- Child Protection (Working with Children) Regulation 2013
- Children and Young Persons (Care and Protection) Act 1998
- Children and Young Persons (Care and Protection) Regulation 2012
- Commission and Children and Young People Act 1998
- Community Welfare Act 1987
- Crimes Act 1900
- Crimes (Domestic and Personal Violence) Act 2007
- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2012
- Government Information (Public Access) Act 2009
- Ombudsman Act 1974
- Young Offenders Act 1997

### 4 Scope

This policy applies to all council staff, councillors, contractors and sub contractors, work experience participants, volunteers, students on placement.



## 5 Policy statement

This policy reflects Council's commitment to:

The Office of the Children's Guardian's *Principles for Child-Safe Organisations* (2017):

1. Principle 1: The organisation focuses on what is best for children.
2. Principle 2: All children are respected and treated fairly.
3. Principle 3: Children's families and communities are welcomed and encouraged to participate in the organisation.
4. Principle 4: Children receive services from skilled and caring adults.

The *Child Safe Standards* identified by the Royal Commission (2017):

5. Child safety is embedded in institutional leadership, governance, and culture.
6. Children participate in decisions affecting them and are taken seriously.
7. Families and communities are informed and involved.
8. Equity is upheld and diverse needs are taken into account.
9. People working with children are suitable and supported.
10. Processes to respond to complaints of child sexual abuse are child focused.
11. Staff are equipped with the knowledge, skills, and awareness to keep children safe through continual education and training.
12. Physical and online environments minimise the opportunity for abuse to occur.
13. Implementation of the child safe standards is continuously reviewed and improved.
14. Policies and procedures documents how the institution is child safe.

Council is committed to fulfilling its duty of care by endeavouring to ensure that all council staff, councillors, contractors and sub contractors, work experience participants, volunteers, students on placement act in the best interest of a child and take all reasonable steps to ensure a child's safety.

Council will ensure all staff, volunteers and contractors engaged in a child related role has a valid WWCC (Working with Children Check) clearance number as per the child protection act.

Council supports children and young people having safe and happy experiences within our community, accessing our facilities and in the care of our services.

Council maintains the active participation of children and young people in the organisation by involving them in decision making, particularly in matters that directly impact them.

All staff, volunteers, students, and persons undertaking work experience, contractors and suppliers must uphold and promote safety and wellbeing for children and young people and respond appropriately where concerns are identified.

Council is committed to the ongoing education of children, young people and families, staff, volunteers, contractors and key stakeholders about their rights, responsibilities and reporting processes relating to child protection.



## 6 Implementation

Council has put into practice several measures to ensure we are providing a safe environment for children and young people. This includes the process related to policy adherence, risk, recruitment, communications and council response to issue and complaints.

Implementation of this policy will be overseen by the Organisational Development Section and will be implemented by the People and Culture Team along with representatives across the organisation – including the Libraries, Art Gallery, Council's Education Officers and Community Engagement as well as other sections within Council where child-related work may arise.

## 7 Requirements

- Mandatory Reporting risk of significant harm:** Where there are concerns that a child or young person is suspected to be at risk of significant harm, staff who are 'mandatory reporters' are required to report these concerns to the family and community services (FaCS) Child Protection Helpline. The Mandatory Reporter Guide (MRG) is used to help determine when and what should be reported. Staff who are not mandatory reporters, as well as members of the community, can also report the suspected risk of significant harm to the FaCS Child Protection Helpline. The FaCS Child Protection Helpline receives reports via either telephone or via eReporting. Mandatory reporting is outlined in the *Children and young Persons (Care and Protection) Act 1998*.
- Selection and Recruitment:** Council will meet legal requirements to ensure that only people with valid Working with Children Checks (WWCC) are engaged in child-related work. People and Culture manage all selections and recruitment related WWCC. This is in line with the *Child Protection (Working with Children) Act 2012* and the *Child Protection (Working with Children) Regulation 2013*.
- Allegations against staff:** Complaints and allegations against staff, elected members, contractors and sub-contractors, work experience participants, volunteers, students on placement involving a child or young person will be handled in accordance with the relevant legislation, specifically Part 3A of the Ombudsman Act 1974 (NSW). This mandates a specific approach to the handling and reporting of complaints about staff involving a child or young person. All allegations in relation to staff involving an individual under the age of 18 years will be immediately reported to the Internal Ombudsman Shared Service, who will in turn investigate and report the matter to the relevant oversight agency in accordance with Council's reporting obligations.
- Child-Safe Organisation:** Council upholds and promotes the safety and wellbeing of children and young people in our community. This involves implementing best practice approaches to child protection. Council adopts the *Royal Commission Final Report Recommendations (2017)* relevant to Local Government including the Child Safe Standards. Council's Organisational Development Section collaborates on the identification, implementation and creation of policies, procedures and actions that enables Council to meet its objectives as a Child-Safe Organisation.



## 8 Roles and Responsibilities

### Council

Publicly commits to child safety and embeds a child safe culture.

### General Manager

The General Manager is responsible for ensuring that Council fulfills its responding and reporting obligations and to notify the Office of the Children's Guardian (NSW) when an allegation of child abuse is made against a Councillor, employee, volunteer or contractor.

### Directors/Managers

Directors/Managers are responsible to ensure all employees, contractors and volunteers are informed, resourced and supported to understand their role in providing a child safe environment.

### Child Protection Officer

Council's Public Officer has been appointed as the Child Protection Officer and their responsibilities are:

- provide ongoing support and response to concerns about the safety and wellbeing of children while engaged in services, programs or events delivered by council.
- to notify the Office of the Children's Guardian (NSW) when an allegation (of which they are aware) of child abuse is made against a Councillor, employee, volunteer or contractor.

### Council employees, contractors and volunteers

Employees, contractors and volunteers shall adhere to the requirements of this policy, reportable conduct and responding and reporting obligations and be able to demonstrate their awareness of their child safety responsibilities. Employees and Councillors are also to be aware of their obligations relating to Child Protection outlined in Section 3 of the Council Code of Conduct. All staff should be aware that the appointment by Council of a Child Protection Officer does not remove mandatory reporting obligations that other Officers of Council may have under s27 of the Children and Young Persons (Care and Protection) Act 1998. All staff shall adhere to their responding and reporting and reportable conduct obligations and take action when a child or young person is at risk of significant harm.

## 9 Complaints Management

Complaints and allegations concerning the welfare, safety, and wellbeing of children against Council workers will be managed according to Council's Complaint Management Policy.

All complaints should be reported immediately, this includes:

- Disclosure of abuse
- Inappropriate behaviour around children
- Suspicion of abuse or harm to a child

# Policy

## Managing unreasonable conduct by complainants

Responsible Manager (Title)	Director Corporate and Governance		
Adopted by Council	Date: TBA	Minute Number: TBA	
File Reference Number	ECM: TBA	Version V3.0	Review Due June 2025
Document(s) this policy Supersedes	Unreasonable Complainant Conduct Policy V2.0		
Community Plan Linkage	Leadership – We will have an effective and efficient organisation		

### Forward

This policy is guided by the NSW Ombudsman's Managing Unreasonable Conduct by Complainants Model Policy published August 2021. For a best practice approach Council has updated the policy to reflect the model policy from the NSW Ombudsman's Office.

### UCC policy and procedure must be in writing

To ensure transparency, accountability, fairness, and consistency in the management of UCC incidents, it is essential to have a written UCC policy and procedure(s) for staff. This will ensure staff are aware of their roles and responsibilities and have clear guidance.

Written policies and procedures also provide a reference point for complainants – as well as review bodies, courts or tribunals that may subsequently be tasked with reviewing their application.

### Contents of a UCC policy

A UCC policy should include the following basic features:

- Clear guidance on the authority vested in frontline staff and senior management to respond to and manage UCC incidents, including restricting a complainant's access to services.
- An explanation of the circumstances where it may be appropriate to change or restrict a complainant's access to services, and the procedures to follow when doing so.
- A range of possible service restrictions (not just 'write only' restrictions) that staff can use to manage UCC incidents.
- Guidance about factors (including cultural factors) that should be considered when deciding to change or restrict a complainant's access to services.
- Procedures for communicating with complainants about decisions to change or restrict their access, including the use of template letters.
- A centralised system for recording and reporting details of complainants who have service restrictions, to assist with ongoing management and review of these cases.



- A standardised process for reviewing decisions to change or restrict access –including fixed time periods and criteria for review, and a presumption that any restriction will be lifted unless there is a clear need for it to continue.

### **Avoiding misuse and overuse of UCC policies**

The UCC policy should be applied cautiously and sparingly and should never be seen as a quick solution for dealing with complainants who are angry or frustrated or who are regarded as being annoying or a nuisance. People who are making a complaint should always be treated with respect, regardless of their behaviour.

The policy should only apply when a complainant's conduct raises the types of safety, resource and equity issues identified in the NSW Ombudsman's Managing Unreasonable Conduct by a Complainant Manual (3rd Ed) published March 2021 and supporting documents. The aim is not to punish the complainant, but to manage the impacts of their conduct.

Council has effective systems to address the following:

- Recording and reporting all UCC incidents:
- Recognising cultural issues
- Tracking and monitoring all uses of the UCC policy
- Reviewing all cases where UCC policies and procedures are used
- Handling complaints in ways that will not trigger or exacerbate instances of UCC.

### **Handling complaints in ways that will not trigger or exacerbate instances of UCC**

Council acknowledges that sometimes our staff get it wrong and can, in fact, trigger or exacerbate instances of UCC. Mistakes can be made, complaints and cases can be mishandled, delays can occur, and processes and procedures are sometimes overly complex, culturally inappropriate, or unresponsive to the needs of certain complainants.

In these circumstances, and in any circumstance where an organisation contributes to a complainant's unreasonable conduct, it should immediately rectify the problem – including providing the complainant with an apology.

It is vital that staff treat complainants with dignity and respect at all times, regardless of what the complainant may do or say. This can help to ensure the complaint process is as smooth as possible, as well as helping to maintain an ongoing relationship between the organisation and the complainant.

If remediation does not work and the organisation's relationship with the complainant breaks down, it may be necessary to organise alternative dispute resolution approaches (such as conciliation) to resolve the issue and begin to rebuild the relationship with the complainant

## **1 Introduction**

### **1.1 Statement of support**

Clarence Valley Council is committed to being accessible and responsive to all complainants who approach our office regardless of ethnic identity, national origin, religion, linguistic background, sex, gender expression, sexual orientation, physical ability or other cultural or personal factors. At the same time, the success of our office depends on:

- our ability to do our work in the most effective and efficient ways possible

- the health, safety, and security of our staff
- our ability to allocate our resources fairly across all the complaints we receive.

When complainants behave unreasonably, their conduct can significantly affect the successful conduct of our work. Clarence Valley Council will act proactively and decisively to manage any complainant conduct that negatively and unreasonably affects us and will support our staff to do the same in accordance with this policy.

I authorise and expect all Clarence Valley Council staff to implement the strategies provided in this policy.

## 2 Objectives

### 2.1 Policy aims

This policy was developed to assist all staff members to better manage unreasonable conduct by complainants (UCC). It aims to help staff:

- feel confident and supported in taking action to manage UCC
- act fairly, consistently, honestly, and appropriately when responding to UCC
- understand their roles and responsibilities in relation to the management of UCC, and how this policy will be used
- understand the types of circumstances when it may be appropriate to manage UCC using one or more of the following mechanisms:
  - the strategies provided in the 'Managing unreasonable conduct by a complainant manual' (3rd edition) including the strategies to change or restrict a complainant's access to our services
  - alternative dispute resolution strategies to deal with conflicts involving complainants and members of our organisation
  - legal instruments such as trespass laws or other legislation to prevent a complainant from coming onto our premises, and orders to protect specific staff members from any actual or apprehended personal violence, intimidation, or stalking
- understand the criteria we will consider before we decide to change or restrict a complainant's access to our services
- be aware of the processes that will be followed to record and report UCC incidents, and the procedures for consulting and notifying complainants about any proposed action or decision to change or restrict their access to our services
- understand the procedures for reviewing decisions made under this policy, including specific timeframes for review.

## 3 Defining unreasonable conduct by a complainant

**Unreasonable complaint** - has been assessed as being made with the intention to annoy or disrupt the processes of Council without a substantial basis.

**Unreasonable complainant conduct (UCC)** - any behaviour by a current or former complainant which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for our organisation, our staff, other service users and complainants or, in the assessment of the Designated Officer, the complainant themselves.

**Complainant** - Person or organisation making the complaint.

**Complaint** – Expression of dissatisfaction made to or about us, our, services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.

## 3.1 Unreasonable conduct by a complainant

Most complainants act reasonably and responsibly in their interactions with us, even when they are experiencing high levels of distress, frustration, and anger about their complaint. However, despite our best efforts to help them, in a very small number of cases complainants display inappropriate and unacceptable behaviour. They can be aggressive and verbally abusive towards our staff, threaten harm and violence or bombard our offices with unnecessary and excessive phone calls and emails. They may make inappropriate demands on our time and resources or refuse to accept our decisions and recommendations in relation to their complaints. When complainants behave in these ways (and where there are no cultural factors that could reasonably explain their behaviour) we consider their conduct to be 'unreasonable'.

In short, unreasonable conduct by a complainant is any behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for our organisation, our staff, other service users and complainants or the complainant themselves.

UCC can be divided into 5 categories of conduct:

- unreasonable persistence
- unreasonable demands
- unreasonable lack of cooperation
- unreasonable arguments
- unreasonable behaviours.

### 3.1.1 Unreasonable persistence

Unreasonable persistence is continued, incessant and unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on our organisation, staff, services, time, or resources. Some examples of unreasonably persistent behaviour include:

- An unwillingness or inability to accept reasonable and logical explanations, including final decisions that have been comprehensively considered and dealt with (even when it is evident the complainant does understand the information provided).
- Persistently demanding a review simply because it is available, and without arguing or presenting a case for one.
- Pursuing and exhausting all available review options, even after we have explained that a review is not warranted – and refusing to accept that we cannot or will not take further action on their complaint.
- Reframing a complaint in an effort to get it taken up again.
- Multiple and repeated phone calls, visits, letters, emails (including cc'd correspondence) after we have repeatedly asked them not to.
- Contacting different people within or outside our organisation to get a different outcome or a more sympathetic response to their complaint – this is known as internal and external 'forum shopping'.

### 3.1.2 Unreasonable demands

Unreasonable demands are any demands expressly made by a complainant that have a disproportionate and unreasonable impact on our organisation, staff, services, time, or resources. Some examples of unreasonable demands include:

- Issuing instructions and making demands about how to handle their complaint, the priority it should be given, or the outcome to be achieved.

- Insisting on talking to a senior manager or the General Manager personally when the reasons that this is not appropriate or warranted have been carefully explained to the complainant.
- Emotional blackmail and manipulation resulting in intimidation, harassment, shaming, seduction or portraying themselves as being victimised when this is not the case.
- Insisting on outcomes that are not possible or appropriate in the circumstances, for example asking for someone to be fired or prosecuted, or for an apology or compensation when there is no reasonable basis for this.
- Demanding services of a nature or scale that we cannot provide, even after we have explained this to them repeatedly.

### 3.1.3 Unreasonable lack of cooperation

Unreasonable lack of cooperation is when a complainant is unwilling or unable to cooperate with us, our staff, or our complaints process – resulting in a disproportionate and unreasonable use of our services, time, or resources. Some examples of unreasonable lack of cooperation include:

- Sending us a constant stream of complex or disorganised information without clearly defining the issue at hand or explaining how the material provided relates to their complaint (where the complainant is clearly capable of doing this).
- Providing little or no detail around their complaint or providing information in ‘drips and drabs’.
- Refusing to follow or accept our instructions, suggestions, or advice without a clear or justifiable reason for doing so.
- Arguing that a particular solution is the correct one in the face of valid contrary arguments and explanations.
- Unhelpful behaviour such as withholding information, acting dishonestly and misquoting others.

### 3.1.4 Unreasonable arguments

Unreasonable arguments include any arguments that are not based on any reason or logic, that are incomprehensible, false, or inflammatory, trivial, or delirious, and that disproportionately and unreasonably impact upon our organisation, staff, services, time, or resources. Arguments are unreasonable when they:

- fail to follow a logical sequence that the complainant is able to explain to staff
- are not supported by any evidence or are based on conspiracy theories.
- lead a complainant to reject all other valid and contrary arguments
- are trivial when compared to the amount of time, resources, and attention that the complainant demands
- are false, inflammatory, or defamatory.

### 3.1.5 Unreasonable behaviour

Unreasonable behaviour is conduct that is unreasonable in all circumstances (regardless of how stressed, angry, or frustrated a complainant is) because it unreasonably compromises the health, safety and security of our staff, other service users or the complainant themselves. Some examples of unreasonable behaviours include:

- acts of aggression, verbal abuse, derogatory, racist, or grossly defamatory remarks
- harassment, intimidation, or physical violence
- rude, confronting, or threatening correspondence
- threats of harm to self or third parties, threats with a weapon or threats to damage property, including bomb threats
- stalking in person or online
- emotional manipulation.

All staff should note that Clarence Valley Council has a zero-tolerance policy towards any harm, abuse or threats directed towards them. Any conduct of this kind will be dealt with under this policy, and in accordance with our duty of care and work health and safety responsibilities.

## 4 Roles and responsibilities

### 4.1 All staff

All staff are responsible for familiarising themselves with this policy as well as the Individual Rights and Mutual Responsibilities of the Parties to a Complaint document at Appendix A. Staff are also encouraged to explain the contents of this document to all complainants, particularly those who engage in UCC or exhibit the early warning signs of UCC.

Staff are also encouraged and authorised to use the strategies and scripts provided at the NSW Ombudsman's website – see Part 2 of the Managing unreasonable conduct by a complainant Manual (3rd edition):

- Strategies and scripts for managing unreasonable persistence
- Strategies and scripts for managing unreasonable demands
- Strategies and scripts for managing unreasonable lack of cooperation
- Strategies and scripts for managing unreasonable arguments
- Strategies and scripts for managing unreasonable behaviours

Any strategies that change or restrict a complainant's access to our services must be considered at the Executive Team level or higher as provided in this policy.

Staff are also responsible for recording and reporting all UCC incidents they experience or witness (as appropriate) to the Director Corporate and Governance within 24 hours of the incident occurring, using the Sample UCC incident form in Appendix B. A file note of the incident should also be copied into Electronic Content Management System (ECM).

### 4.2 The Director Corporate and Governance

The Director Corporate and Governance in consultation with relevant staff, has the responsibility and authority to change or restrict a complainant's access to our services in the circumstances identified in this policy. When doing so they will consider the criteria in **section 7.2** below (adapted into a checklist in **Appendix C**) and will aim to impose any service changes or restrictions in the least restrictive ways possible. Their aim when taking such actions will not be to punish the complainant, but rather to manage the impacts of their conduct.

When applying this policy, the Director Corporate and Governance will also aim to keep at least one open line of communication with a complainant. However, we do recognise that in extreme situations all forms of contact may need to be restricted for some time to ensure the health, safety, and security of our staff or third parties.

The Director Corporate and Governance is also responsible for recording, monitoring, and reviewing all cases where this policy is applied to ensure consistency, transparency, and accountability for the application of this policy. They will manage and keep a file record of all cases where this policy is applied.

### 4.3 Senior managers

All senior managers are responsible for supporting staff to apply the strategies in this policy, as well as those in the manual. Senior managers are also responsible for ensuring compliance with the

procedures outlined in this policy, and that all staff members are trained to deal with UCC – including on induction.

After a stressful interaction with a complainant, senior managers should provide affected staff members with the opportunity to debrief their concerns either formally or informally. Senior managers will also ensure that staff are provided with proper support and assistance including medical or police assistance, and if necessary, support through programs like the Employee Assistance Program.

Senior managers may also be responsible for arranging other forms of support for staff, such as appropriate communication or intercultural training.

## 5 Responding to and managing UCC

### 5.1 Changing or restricting a complainant's access to our services

UCC incidents will generally be managed by limiting or adapting the ways we interact with or deliver services to complainants by restricting:

- **Who they have contact with** – limiting a complainant to a sole contact person or staff member in our organisation.
- **What they can raise with us** – restricting the subject matter of communications that we will consider and respond to.
- **When they can have contact** – limiting a complainant's contact with our organisation to a particular time, day, or length of time, or curbing the frequency of their contact with us.
- **Where they can make contact** – limiting the locations where we will conduct face-to-face interviews to secured facilities or areas of the office.
- **How they can make contact** – limiting or modifying the forms of contact that the complainant can have with us. This can include modifying or limiting face-to-face interviews, telephone, and written communications, prohibiting access to our premises, contact through a representative only, taking no further action or terminating provision of services altogether.

When using the restrictions provided in this section, we recognise that discretion will need to be used to adapt them to suit a complainant's personal circumstances such as level of competency, literacy skills, and cultural background. In this regard, we also recognise that more than one strategy may be needed in individual cases to ensure their appropriateness and efficacy.

### 5.2 Who: limiting the complainant to a sole contact point

Where a complainant tries to forum-shop within our organisation, changes their issues of complaint repeatedly, constantly reframes their complaint, or raises an excessive number of complaints, it may be appropriate to restrict their access to a single staff member (a sole contact point) who will manage their complaint(s) and interaction with our office. This may help ensure they are dealt with consistently and may minimise the incidence of misunderstandings, contradictions, and manipulation.

To avoid staff 'burnout', the sole contact officer's supervisor will provide them with regular support and guidance as needed. The Director Corporate and Governance will also review the arrangement every 6 months to ensure that the officer is managing/coping with the arrangement.

Complainants who are restricted to a sole contact person will, however, be given the contact details of one additional staff member who they can contact if their primary contact is unavailable – for example if they go on leave or are otherwise unavailable for an extended period of time.

### **5.3 What: restricting the subject matter of communications that we will consider**

Where complainants repeatedly send letters, emails, or online forms that raise trivial or insignificant issues, contain inappropriate or abusive content, or relate to an issue that has already been comprehensively considered or reviewed (at least once) by our office, we may restrict the issues the complainant can raise with us. For example, we may:

- Refuse to respond to correspondence that raises an issue that has already been dealt with, that raises a trivial issue, or is not supported by evidence. The complainant will be advised that future correspondence of this kind will be read and filed without acknowledgement unless we decide that we need to pursue it further – in which case, we may do so on our 'own motion'.
- Restrict the complainant to one complaint or issue per month. Any attempts to circumvent this restriction (for example by raising multiple complaints or issues in the one letter) may result in modifications or further restrictions being placed on their access.
- Return the correspondence to the complainant and require them to remove any inappropriate content before we agree to consider its contents. We will also keep a copy of the inappropriate correspondence for our records to help identify repeat UCC incidents.

### **5.4 When and how: limiting when and how a complainant can contact us**

If a complainant's contact with our organisation places an unreasonable demand on our time or resources, or affects the health, safety, and security of our staff because it involves behaviour that is persistently rude, threatening, abusive or aggressive, we may limit when or how the complainant can interact with us. This may include:

- Limiting their telephone calls or face-to-face interviews to a particular time of the day or days of the week.
- Limiting the length or duration of telephone calls, written correspondence, or face-to-face interviews. For example:
  - Telephone calls may be limited to 10 minutes at a time and will be politely terminated at the end of that time period.
  - Lengthy written communications may be restricted to a maximum of 15 typed or written pages, single sided, font size 12 or it will be sent back to the complainant to be organised and summarised – This option is only appropriate in cases where the complainant is capable of summarising the information and refuses to do so.
  - Limiting face-to-face interviews to a maximum of 45 minutes.
- Limiting the frequency of their telephone calls, written correspondence, or face-to-face interviews. Depending on the natures of the service(s) provided we may limit:
  - Telephone calls to 1 every 2 weeks/month.
  - Written communications to 1 every 2 weeks/month.
  - Face-to-face interviews to 1 every 2 weeks/month.

For irrelevant, overly lengthy, disorganised or very frequent written correspondence we may also:

- Require the complainant to clearly identify how the information or supporting materials they have sent to us relate to the central issues that we have identified in their complaint.
- Restrict the frequency with which complainants can send emails or other written communications to our office.



- Restrict a complainant to sending emails to a particular email account (e.g., the organisation's main email account) or block their email access altogether and require that any further correspondence be sent through Australia Post only.

### **'Writing only' restrictions**

When a complainant is restricted to 'writing only' they may be restricted to written communications through:

- Australia Post only
- Email only to a specific staff email or our general office email account
- Fax only to a specific fax number
- Some other relevant form of written contact, where applicable.

If a complainant's contact is restricted to writing only, the Director Corporate and Governance will clearly identify the specific means that the complainant can use to contact our office (e.g., Australia Post only). If it is not appropriate for a complainant to enter our premises to hand deliver their written communication this must be communicated to them as well.

Any communications received by our office in a manner that contravenes a 'writing only' restriction will either be returned to the complainant or read and filed without acknowledgement.

## **5.5 Where: limiting face-to-face interviews to secure areas**

If a complainant is violent or overtly aggressive, unreasonably disruptive, threatening or demanding or makes frequent unannounced visits to our premises, we may consider restricting our face-to-face contact with them.

These restrictions can include:

- Restricting access to particular secured premises or areas of the office such as the reception area or a secured room or facility.
- Restricting their ability to attend our premises to specified times of the day or days of the week only – for example, when additional security is available or to times or days that are less busy.
- Allowing them to attend our office on an 'appointment only' basis, and only with specified staff (for these meetings, staff should enlist the support and assistance of a colleague for added safety and security.)
- Banning the complainant from attending our premises altogether and allowing some other form of contact, e.g., 'writing only' or 'telephone only' contact.

### **Contact through a representative only**

In cases where we cannot completely restrict our contact with a complainant and their conduct is particularly difficult to manage, we may require them to contact us through a support person or representative only. The support person may be someone nominated by the complainant, but they must be approved by the Director Corporate and Governance

When assessing a representative or support person's suitability, the Director Corporate and Governance should consider factors such as their level of competency and literacy skills, demeanour and behaviour, and relationship with the complainant. If the Director Corporate and Governance determines that the representative or support person may exacerbate the situation with the complainant, the complainant will be asked to nominate another person and we may assist them in this regard.



## **5.6 Completely terminating a complainant's access to our services**

In rare cases, and as a last resort when all other strategies have been considered, the Director Corporate and Governance and General Manager may decide that it is necessary for our organisation to completely restrict a complainant's contact or access to our services.

A decision to have no further contact with a complainant will only be made if it appears that the complainant is unlikely to modify their conduct, or their conduct poses a significant risk for our staff or other parties because it involves one or more of the following:

- Acts of aggression, verbal or physical abuse, threats of harm, harassment, intimidation, stalking, assault.
- Damage to property while on our premises.
- Threats with a weapon or common office items that can be used to harm another person or themselves.
- Physically preventing a staff member from moving around freely either within their office or during an off-site visit – e.g., entrapping them in their home.
- Conduct that is otherwise unlawful.

In these cases, the complainant will be sent a letter notifying them that their access has been restricted as outlined in **section 7.4** below.

A complainant's access to our services and our premises may also be restricted (directly or indirectly) using legal mechanisms like trespass laws and other legislation or legal orders to protect members of our staff from personal violence, intimidation or stalking by a complainant.

## **6 Alternative dispute resolution**

### **6.1 Using alternative dispute resolution strategies to manage conflicts with complainants**

If the Director Corporate and Governance and the General Manager determine that we cannot terminate our services to a complainant in a particular case or that we or our staff bear some responsibility for causing or exacerbating their conduct, they may consider using alternative dispute resolution strategies (**ADRs**) such as mediation and conciliation to resolve the conflict with the complainant and attempt to rebuild our relationship with them. If an ADR is considered to be an appropriate option in a particular case, it will be conducted by an independent third party to ensure transparency and impartiality.

However, we recognise that in UCC situations an ADR may not be an appropriate or effective strategy – particularly if the complainant is uncooperative or resistant to compromise. Therefore, each case will be assessed on its own facts to determine the appropriateness of this approach.

## **7 Procedure to be followed when changing or restricting a complainant's access to our services**

### **7.1 Consulting with relevant staff**

When the Director Corporate and Governance receives a UCC incident form from a staff member, they will contact the staff member to discuss the incident. They will discuss:

- The circumstances that gave rise to the UCC incident, including the complainant's situation, personal and cultural background, and perspective.
- The impact of the complainant's conduct on our organisation, relevant staff, our time, resources etc.
- The complainant's response to the staff member's warnings or requests to stop the unreasonable behaviour.
- What the staff member has done to manage the complainant's conduct (if applicable).
- Any suggestions made by relevant staff on ways that the situation could be managed.

## 7.2 Criteria to be considered

Following a consultation with relevant staff the Director Corporate and Governance will search the ECM system for information about the complainant's prior conduct and history with our organisation. They will also consider the following criteria:

- Whether the conduct in question involved overt anger, aggression, violence, or assault (which is unacceptable in all circumstances).
- Whether the complainant's case has merit.
- The likelihood that the complainant will modify their unreasonable conduct if they are given a formal warning about their conduct.
- Whether changing or restricting access to our services will be effective in managing the complainant's behaviour.
- Whether changing or restricting access to our services will affect the complainant's ability to meet their obligations, such as reporting obligations.
- Whether changing or restricting access to our services will have an undue impact on the complainant's welfare, livelihood, or dependents etc.
- Whether the complainant's personal circumstances have contributed to the behaviour – For example, the complainant's cultural background may mean their communication patterns differ from those of our staff or our organisation's standards, or the complainant is a vulnerable person who is under significant stress as a result of one or more of the following:
  - homelessness
  - physical disability
  - illiteracy or other language or communication barrier
  - mental or other illness
  - personal crises
  - substance or alcohol abuse.
- Whether the complainant's response or conduct was moderately disproportionate, grossly disproportionate, or not at all disproportionate in the circumstances.
- Whether there are any statutory provisions that would limit the types of limitations that can be applied to the complainant's contact with, or access to our services.

Once the Director Corporate and Governance has considered these criteria, they will decide on the appropriate course of action. They may suggest formal or informal options for dealing with the complainant's conduct which may include one or more of the strategies provided in the manual and this policy.

See **Appendix C** – Sample checklist for Director Corporate and Governance to consider when deciding to modify or restrict a complainant's access.

## 7.3 Providing a warning letter

Unless a complainant's conduct poses a substantial risk to the health and safety of staff or other third parties, the Director Corporate and Governance will provide them with a written warning about

their conduct in the first instance. If the complainant is unable to read the letter, it will be followed/accompanied by a telephone call, using an interpreter if necessary.

The warning letter will:

- Specify the date, time, and location of the UCC incident(s).
- Explain why the complainant's conduct/UCC incident is problematic.
- List the types of access changes and/or restrictions that may be imposed if the behaviour continues. (Note: not every possible restriction should be listed but only those that are most relevant).
- Provide clear and full reasons for the warning being given
- Include an attachment of the organisation's ground rules and/or briefly state the standard of behaviour that is expected of the complainant. See **Appendix A** - Individual rights and mutual responsibilities of parties to a complaint.
- Provide the name and contact details of the staff member who they can contact about the letter.
- Be signed by the Director Corporate and Governance or the General Manager [

See **Appendix D** – Sample warning letter.

## 7.4 Providing a notification letter

If a complainant's conduct continues after they have been given a written warning or in extreme cases of overt aggression, violence, assault, or other unlawful/unacceptable conduct, the Director Corporate and Governance has the discretion to send a notification letter immediately restricting the complainant's access to our services (without prior or further written warning). If the complainant is unable to read the letter (due to literacy issues, non-English speaking, etc.) the letter will be followed or accompanied by a telephone call, using an interpreter if necessary.

This notification letter will:

- Specify the date, time, and location of the UCC incident(s).
- Explain why the complainant's conduct is problematic.
- Identify the change and/or restriction that will be imposed and what it means for the complainant.
- Provide clear and full reasons for this restriction.
- Specify the duration of the change or restriction imposed, which will not exceed 12 months.
- Indicate a time period for review.
- Provide the name and contact details of the senior officer who they can contact about the letter and/or request a review of the decision.

Be signed by the Director Corporate and Governance or the General Manager

See **Appendix E** – Sample letter notifying complainants of a decision to change or restrict their access to our services.

## 7.5 Notifying relevant staff about access changes/restrictions

The Director Corporate and Governance will notify relevant staff about any decisions to change or restrict a complainant's access to our services, in particular reception and security staff in cases where a complainant is prohibited from entering our premises.

The Director Corporate and Governance will also update the ECM system with a record outlining the nature of the restriction imposed and its duration.

## **7.6 Continued monitoring/oversight responsibilities**

Once a complainant has been issued with a warning letter or notification letter Director Corporate and Governance will review the complainant's record/restriction every 3 or 6 months on request by a staff member, or following any further incidents of UCC that involve the particular complainant to ensure that they are complying with the restrictions/the arrangement is working.

If the Director Corporate and Governance determines that the restrictions have been ineffective in managing the complainant's conduct or are otherwise inappropriate they may decide to either modify the restrictions, impose further restrictions, or terminate the complainant's access to our services altogether.

## **8 Appealing a decision to change or restrict access to our services**

### **8.1 Right of appeal**

People who have their access changed or restricted are entitled to one appeal of a decision to change or restrict their access to our services. This review will be undertaken by a senior staff member who was not involved in the original decision to change or restrict the complainant's access. This staff member will consider the complainant's arguments and personal circumstances, including cultural background, along with all relevant records regarding the complainant's past conduct. They will advise the complainant of the outcome of their appeal by letter, which must be signed off by the General Manager. The staff member will then refer any materials or records relating to the appeal to the Director Corporate and Governance to be kept in the appropriate file.

If a complainant is still dissatisfied after the appeal process, they may seek an external review from an oversight agency such as the Ombudsman. The Ombudsman may accept the review (in accordance with its administrative jurisdiction) to ensure that we have acted fairly, reasonably, and consistently and have observed the principles of good administrative practice, including procedural fairness.

To lodge a review, respond to the author of the letter via their contact details asking for the matter to be reviewed. The author of the letter will refer the matter to a senior officer who was not involved in the investigation for review.

## **9 Non-compliance with a change or restriction on access to our services**

### **9.1 Recording and reporting incidents of non-compliance**

All staff members are responsible for recording and reporting incidents of non-compliance by complainants. This should be recorded in a file note in ECM system and a copy forwarded to the Director Corporate and Governance who will decide whether any action needs to be taken to modify or further restrict the complainant's access to our services.

## 10 Periodic reviews of all cases where this policy is applied

### 10.1 Period for review

All cases where this policy is used will be reviewed every 3 months or 6 months (depending on the nature of the service provided) and not more than 12 months after the service change or restriction was initially imposed or upheld.

### 10.2 Notifying the complainant of an upcoming review

The Director Corporate and Governance will contact the complainant two weeks prior to the review and ask complainant/s if they would like to participate in the review process unless they determine that this invitation will provoke a negative response from the complainant (i.e., further UCC). The invitation will be given, and the review will be conducted in accordance with the complainant's access restrictions. See **Appendix F** – Sample letter notifying a complainant of an upcoming review.

### 10.3 Criteria to be considered during a review

When conducting a review, the Director Corporate and Governance will consider:

- Whether the complainant has had any contact with the organisation during the restriction period.
- The complainant's conduct during the restriction period.
- Any information or arguments put forward by the complainant for review.
- Any other information that may be relevant in the circumstances.

The Director Corporate and Governance may also consult any staff members who have had contact with the complainant during the restriction period.

Sometimes a complainant may not have a reason to contact our office during their restriction period. As a result, a review decision that is based primarily on the fact that the complainant has not contacted our organisation during their restriction period may not be an accurate representation of their level of compliance/reformed behaviour. This should be taken into consideration, in relevant situations.

See **Appendix G** – Sample checklist for reviewing an access change or restriction.

### 10.4 Notifying a complainant of the outcome of a review

The Director Corporate and Governance will tell the complainant the outcome of their review using an appropriate method of communication, as well as a written letter explaining the outcome. The review letter will:

- Briefly explain the review process.
- Identify the factors that have been considered during the review.
- Explain the decision or outcome of the review and the reasons for it.

If the outcome of the review is to maintain or modify the restriction, the review letter will also:

- Indicate the nature of the new or continued restriction.
- State the duration of the new restriction period.
- Provide the name and contact details of the Director Corporate and Governance who the complainant can contact to discuss the letter.
- Be signed by the Director Corporate and Governance or preferably the General Manager.

See **Appendix H** – Sample letter advising the complainant of the outcome of a review.

## **10.5 Recording the outcome of a review and notifying relevant staff**

The Director Corporate and Governance is responsible for keeping a record of the outcome of the review, updating ECM and notifying all relevant staff of the outcome of the review including if the restriction has been withdrawn.

See **sections 4.2** and **7.5** above.

## **11 Managing staff stress**

### **11.1 Staff reactions to stressful situations**

Dealing with demanding, abusive, aggressive, or violent complainants can be extremely stressful, distressing and even frightening for our staff. It is perfectly normal to get upset or stressed when dealing with difficult situations.

As an organisation, we have a responsibility to support staff members who experience stress as a result of situations arising at work and we will do our best to provide staff with debriefing and counselling opportunities, when needed. However, to do this we also need the help of all Clarence Valley Council staff to identify stressful incidents and situations. All staff have a responsibility to tell relevant supervisors and senior managers about UCC incidents, and any other stressful incidents that they believe require management to be involved.

### **11.2 Debriefing**

Debriefing means talking things through following a difficult or stressful incident. It is an important way of dealing with stress. Many staff do this naturally with colleagues after a difficult telephone call, but staff can also debrief with a supervisor or senior manager (or as a team) following a significant incident. We encourage all staff to engage in an appropriate level of debriefing, when necessary.

Staff may also access an external professional service if required, which is available through the Employment Assistance Program (Access EAP 1800 818 728).].

## **12 Training and awareness**

Clarence Valley Council is committed to ensuring that all staff are aware of and know how to use this policy. All staff who deal with complainants in the course of their work will also receive appropriate training and information on using this policy and on managing UCC on a regular basis and, in particular, on induction. This should include training to support culturally appropriate communication.

## **13 Policy review**

All staff are responsible for forwarding any suggestions they have in relation to this policy to the Director Corporate and Governance who along with relevant senior managers will review it biennially (every 2 years).

## **14 Supporting documents and policies**

### **14.1 Statement of compliance**

This policy is compliant with and supported by the following documents:

- Clarence Valley Council Work Health and Safety Policy
- Clarence Valley Council Complaint Management Policy and Procedures
- Managing unreasonable conduct by a complainant manual (3rd edition)
- Unauthorised entry onto agency premises – applying the provisions of the Enclosed Lands Protection Act 1901 (NSW)
- Orders to address violence, threats, intimidation or stalking by complainants

## Appendix A – Individual rights and mutual responsibilities of the parties to a complaint

[Note – The information in this appendix may need to be altered to suit your organisation’s individual circumstances, including changing certain terminology. Also, the term ‘rights’ is used to demonstrate a guarantee of the standard of service and behaviour that all parties should meet if a complaints process is to be effective. It is not used to depict a legally enforceable entitlement – although some are.]

In order for Clarence Valley Council to ensure that all complaints are dealt with fairly, efficiently, and effectively and that work health and safety standards and duty of care obligations are adhered to, the following rights and responsibilities must be observed and respected by all of the parties to the complaint process.

### Individual rights<sup>1</sup> Complainants have the right:

- to make a complaint and to express their opinions in ways that are reasonable, lawful, and appropriate, regardless of cultural background, national origin, sex, sexual orientation, gender expression, disability or other cultural or personal characteristics<sup>1F2</sup>
- to a reasonable explanation in a wide range of languages of the organisation’s complaints procedure, including details of the confidentiality, secrecy or privacy rights or obligations that may apply
- to a fair and impartial assessment and, where appropriate, investigation of their complaint based on the merits of the case<sup>2F3</sup>
- to a fair hearing<sup>3F4</sup>
- to a timely response
- to be informed in at least general terms about the actions taken and outcome of their complaint<sup>4F5</sup>
- to have decisions that affect them explained to them
- to at least 1 review of the decision on the complaint<sup>5F6</sup>
- to be treated with courtesy and respect
- to communicate valid concerns and views without fear of reprisal or other unreasonable response.<sup>6F7</sup>

### Staff have the right:

- to determine whether, and if so how, a complaint will be dealt with

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<sup>1</sup> The word ‘rights’ is not used here in the sense of legally enforceable rights (although some are), but in the sense of guarantees of certain standards of service and behaviour that a complaint handling system should be designed to provide to each of the parties to a complaint.

<sup>2</sup> Differences of opinion are normal: people perceive things differently, feel things differently and want different things. People have a right to their own opinions, provided those opinions are expressed in acceptable terms and in appropriate forums.

<sup>3</sup> While degrees of independence will vary between complaint handlers, all should assess complaints fairly and as impartially as possible, based on a documented process and the merits of the case.

<sup>4</sup> The ‘right to be heard’ refers to the opportunity to put a case to the complaint handler/decision-maker. This right can be modified, curtailed or lost due to unacceptable behaviour, and is subject to the complaint handler’s right to determine how a complaint will be dealt with.

<sup>5</sup> Provided this will not prejudice on-going or reasonably anticipated investigations or disciplinary/criminal proceedings.

<sup>6</sup> Such a right of review can be provided internally to the organisation, for example by a person not connected to the original decision.

<sup>7</sup> Provided the concerns are communicated in the ways set out in relevant legislation, policies and/or procedures established for the making of such complaints/allegations/disclosures/etc.



- to finalise matters on the basis of outcomes they consider to be satisfactory in the circumstances<sup>7</sup>F8
- to expect honesty, cooperation, and reasonable assistance from complainants
- to expect honesty, cooperation and reasonable assistance from organisations and people within jurisdiction who are the subject of a complaint
- to be treated with courtesy and respect
- to a safe and healthy working environment<sup>8</sup>F9
- to modify, curtail or decline service (if appropriate) in response to unacceptable behaviour by a complainant.<sup>9</sup>F10

#### Subjects of a complaint have the right:

- to a fair and impartial assessment and, where appropriate, investigation of the allegations made against them
- to be treated with courtesy and respect by staff of the [name of organisation]
- to be informed (at an appropriate time) about the substance of the allegations made against them that are being investigated<sup>10</sup>F11
- to be informed about the substance of any proposed adverse comment or decision
- to be given a reasonable opportunity to put their case during the course of any investigation and before any final decision is made<sup>11</sup>F12
- to be told the outcome of any investigation into allegations about their conduct, including the reasons for any decision or recommendation that may be detrimental to them
- to be protected from harassment by disgruntled complainants acting unreasonably.

#### Mutual responsibilities

##### Complainants are responsible for:

- treating staff of Clarence Valley Council with dignity and respect
- clearly identifying to the best of their ability the issues of complaint, or asking for help from the staff of Clarence Valley Council to assist them in doing so
- providing Clarence Valley Council, to the best of their ability, with all the relevant information available to them at the time of making the complaint
- being honest in all communications with Clarence Valley Council.
- informing Clarence Valley Council of any other action they have taken in relation to their complaint<sup>12</sup>F<sup>13</sup>
- cooperating to the best of their ability with the staff who are assigned to assess/investigate/resolve/determine or otherwise deal with their complaint.

If complainants do not meet their responsibilities, [name of organisation] may consider placing limitations or conditions on their ability to communicate with staff or access certain services.

<sup>8</sup> Some complaints cannot be resolved to the complainant's satisfaction, whether due to unreasonable expectations or the particular facts and circumstances of the complaint [see also footnote 25].

<sup>9</sup> See for example WH&S laws and the common law duty of care on employers.

<sup>10</sup> Unacceptable behaviour includes verbal and physical abuse, intimidation, threats, etc.

<sup>11</sup> Other than where there is an overriding public interest in curtailing the right, for example where to do so could reasonable create a serious risk to personal safety, to significant public funds, or to the integrity of an investigation into a serious issue. Any such notifications or opportunities should be given as required by law or may be timed so as not to prejudice that or any related investigation.

<sup>12</sup> Depending on the circumstances of the case and the seriousness of the possible outcomes for the person concerned, a reasonable opportunity to put their case, or to show cause, might involve a face to face discussion, a written submission, a hearing before the investigator or decision maker, or any combination of the above.

<sup>13</sup> For example, whether they have made a similar complaint to another relevant person or body or have relevant legal proceedings on foot.

Clarence Valley Council has a zero-tolerance policy in relation to any harm, abuse or threats directed towards its staff. Any conduct of this kind may result in a refusal to take any further action on a complaint or to have further dealings with the complainant.<sup>13F<sup>14</sup></sup> Any conduct of a criminal nature will be reported to police, and in certain cases legal action may also be considered.

#### Staff are responsible for:

- providing reasonable assistance, including cultural and linguistic assistance, to complainants who need help to make a complaint and, where appropriate, during the complaint process
- dealing with all complaints, complainants and people or organisations the subject of complaint professionally, fairly, and impartially
- giving complainants or their advocates a reasonable opportunity to explain their complaint, subject to the circumstances of the case and the conduct of the complainant
- giving people or organisations the subject of complaint a reasonable opportunity to put their case during the course of any investigation and before any final decision is made<sup>14F<sup>15</sup></sup>
- informing people or organisations the subject of investigation, at an appropriate time, about the substance of the allegations made against them<sup>15F<sup>16</sup></sup> and the substance of any proposed adverse comment or decision that they may need to answer or address<sup>16F<sup>17</sup></sup>
- keeping complainants informed of the actions taken and the outcome of their complaints<sup>17F<sup>18</sup></sup>
- giving complainants explanations that are clear and appropriate to their circumstances, and adequately explaining the basis of any decisions that affect them
- treating complainants (and people who are the subject of complaints) with courtesy and respect at all times and in all circumstances
- taking all reasonable and practical steps to ensure that complainants<sup>18F<sup>19</sup></sup> are not subjected to any detrimental action in reprisal for making their complaint<sup>19F<sup>20</sup></sup>
- giving adequate warning of the consequences of unacceptable behaviour.

If Clarence Valley Council or its staff fail to comply with these responsibilities, complainants may complain to NSW Ombudsman.

#### Subjects of a complaint are responsible for:

- cooperating with the staff of Clarence Valley Council who are assigned to handle the complaint, particularly where they are exercising a lawful power in relation to a person or body within their jurisdiction<sup>20F<sup>21</sup></sup>
- providing all relevant information in their possession to Clarence Valley Council or its authorised staff when required to do so by a properly authorised direction or notice
- being honest in all communications with Clarence Valley Council and its staff
- treating the staff of the Clarence Valley Council with courtesy and respect at all times and in all circumstances
- refraining from taking any detrimental action against the complainant<sup>21F<sup>22</sup></sup> in reprisal for them making the complaint.<sup>22F<sup>23</sup></sup>

If subjects of a complaint fail to comply with these responsibilities, action may be taken under relevant laws or codes of conduct.

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<sup>14</sup> Other than in circumstances where the organisation is obliged to have an ongoing relationship with the complainant.

<sup>15</sup> See footnote 11.

<sup>16</sup> Other than where an allegation is so lacking in merit that it can be dismissed at the outset.

<sup>17</sup> See footnote 11.

<sup>18</sup> See footnote 5.

<sup>19</sup> 'Complainants' include whistleblowers/people who make internal disclosures.

<sup>20</sup> 'Complaints' includes disclosures made by whistleblowers/people who make internal disclosures.

<sup>21</sup> This does not include any obligation to incriminate themselves in relation to criminal or disciplinary proceedings, unless otherwise provided by statute.

<sup>22</sup> See footnote 19.

<sup>23</sup> See footnote 20.

**Clarence Valley Council is responsible for:**

- maintaining an appropriate and effective complaint handling system in place for receiving, assessing, handling, recording, and reviewing complaints
- making decisions about how all complaints will be dealt with
- ensuring that all complaints are dealt with professionally, fairly, and impartially<sup>23F<sup>24</sup></sup>
- ensuring that staff treat all parties to a complaint with courtesy and respect
- ensuring that the assessment and any inquiry into the investigation of a complaint is based on sound reasoning and logically probative information and evidence
- finalising complaints on the basis of outcomes that the organisation, or its responsible staff, consider to be satisfactory in the circumstances<sup>24F<sup>25</sup></sup>
- implementing reasonable and appropriate policies, procedures, and practices to ensure that complainants<sup>25F<sup>26</sup></sup> are not subjected to any detrimental action in reprisal for making a complaint<sup>26F<sup>27</sup></sup>, including maintaining separate complaint files and other operational files relating to the issues raised by individuals who make complaints
- adequately considering any confidentiality, secrecy or privacy obligations or responsibilities that may arise in the handling of complaints and the conduct of investigations.

If Clarence Valley Council fails to comply with these responsibilities, complainants may complain to the NSW Ombudsman.

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<sup>24</sup> See footnote 3.

<sup>25</sup> Once made, complaints are effectively 'owned' by the complaint handler who is entitled to decide (subject to any statutory provisions that may apply) whether, and if so how, each complaint will be dealt with, who will be the case officer/investigator/decision-maker/etc, the resources and priority given to actioning the matter, the powers that will be exercised, the methodology used, the outcome of the matter, etc. Outcomes arising out of a complaint may be considered by the complaint handler to be satisfactory whether or not the complainants, any subjects of complaint or the organisation concerned agrees with or is satisfied with that outcome.

<sup>26</sup> See footnote 19.

<sup>27</sup> See footnote 20.



**Appendix B –UCC incident form**

This form should only be filled out if you encounter unreasonable conduct by a complainant and consider that steps may need to be taken to change or restrict a complainant’s access to services.

Complete this form and send it electronically or by hand to Director Corporate and Governance within 24 hours of a UCC incident. They will decide on the necessary and appropriate course of action for responding to and managing the complainant’s conduct.

Date: \_\_\_\_\_ Case officer’s name: \_\_\_\_\_

Name of complainant: \_\_\_\_\_ Complainant’s case file number: \_\_\_\_\_

Details of the complainant’s conduct/incident including whether emergency services were contacted:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Why do you consider this conduct to be unreasonable?

For example – has it occurred before/repeatedly, caused significant disruptions to our organisation, has or could it raise significant health and safety issues for our staff or other persons.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What action, if any, have you taken to manage the complainant’s conduct?

For example – warning the complainant ‘verbally’ about their conduct, previous attempts to manage the behaviour etc.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What do you think should be done to effectively manage the complainant’s conduct?

Note – the final decision on the appropriate course of action will be made by the Director Corporate and Governance

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



---

Is there any other information that might be relevant to this case? Please include information on any personal or cultural background issues that may have affected the complainant's conduct. If necessary, attach any supporting documentation.

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**Appendix C –Checklist - modify or restrict a complainant’s access**

- I have received a signed and completed incident form from the case officer(s) involved (attach copy).
- I have spoken with relevant case officer(s) to obtain further information, as needed.
- I have reviewed the complainant’s record and all the relevant information in it.
- I have referred to and considered **section 7.2** criteria to be considered which includes an assessment of the following:
  - The merits of the complainants case  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - The complainant’s circumstances  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - Jurisdictional issues  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - Proportionality  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - Organisational or case officer responsibility  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - Responsiveness, including previous conduct  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - Case officer’s personal boundaries



\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Conduct that is unreasonable in all circumstances (assault, threats of harm etc.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Along with the case officer concerned and any other nominated senior officer/s, I have considered all reasonable options for managing the complainant’s conduct, including those that do not involve restricting their access to our services.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- The complainant has been warned about their conduct in writing, and the letter has been signed by the General Manager or Director Corporate and Governance if applicable.
- The complainant has been advised in writing, and by other culturally, linguistically, or personally appropriate means, of our decision to restrict their access to our organisation, and the letter has been signed by the General Manager or Director Corporate and Governance if applicable.
- I have made a record of my assessment and decision about the complainant’s conduct and all relevant staff members have been notified of my decision.
- An electronic alert has been created in ECM that notifies any staff dealing with this complainant of the nature of the conduct that caused us to be concerned, the nature of the restriction that has been placed on their access, its duration, how they are to deal with the complainant (including who they should direct any communications from the complainant to).

Date: \_\_\_\_\_

Signature: \_\_\_\_\_



## Appendix D – Sample warning letter

[To be signed by the General Manager or Director Corporate and Governance

Our reference: [reference]  
 Contact: [case officer]  
 Telephone: [number]

[Date]

[Name of complainant]  
 [Address of complainant]

Dear [name of complainant]

### Your contact with Clarence Valley Council

You recently had [state the form of contact – e.g., telephone, written or face-to-face] with staff at my office on [date]. [During/In that telephone call/appointment/letter], I understand that you [explain the nature of the conduct that has caused the organisation to be concerned].

We consider this type of behaviour to be inappropriate and it must stop. If you continue to behave in this way or in any other way that my staff consider to be unreasonable, we will impose restrictions on your contact with our office. This may involve restricting your contact to [apply the relevant option(s)]:

- 'Writing only' – this means that we will only accept communications from you in writing, delivered by Australia Post [if online or other written communications are preferred then explain].
- 'Telephone contact only' – this means that you will only be able to contact us by telephone on a specified time and day of the week.
- 'Face-to-face contact only' – this means that your contact will be limited to scheduled face-to-face meetings with a specified member of our staff.

Or any other restriction that we consider to be appropriate in the circumstances.

I have attached a copy of a document called [Individual rights and mutual responsibilities of the parties to a complaint] for your reference. We expect everyone who complains to this office to act in the ways described in this document.

If you have any questions about this letter, contact [provide name and phone number of Director Corporate and Governance] Yours sincerely,

General Manager or Director Corporate and Governance





## Appendix E – Sample letter notifying a complainant of a decision to change or restrict their access to our services

[To be signed by the General Manager or Director Corporate and Governance. Our reference: [reference]]

Contact: [case officer]  
Telephone: [number]

[Date]

[Name of complainant]  
[Address of complainant]

Dear [name of complainant]

### Decision to restrict your contact with Clarence Valley Council

It has come to my attention that you [describe the nature of the unreasonable conduct and its impact – e.g., if the complainant has been sending emails to several members of my staff on a daily basis...]

I understand that my staff have previously told you that we consider this conduct to be unreasonable and unwarranted.

I also wrote to you on [date] and asked you to stop this behaviour. In that letter I advised you that if your behaviour continued, we would restrict your contact with my organisation. At the time I also attached a copy of our [Individual rights and mutual responsibilities of the parties to a complaint] which outlines your responsibilities as a complainant.

Because your behaviour has continued, I now consider it necessary to impose certain restrictions on your future contact with my organisation. I therefore give you notice that from [date], and with the exception(s) detailed below, my organisation will only accept communication from you [identify permissible form of contact, if any].

#### What this means

This means that you are only to contact our organisation using [describe the restriction in further details]. Any communications that do not comply with this restriction will be [describe what will happen – e.g., phone calls will be terminated immediately, or emails/written communications will be read and filed without acknowledgment, emails will be blocked or deleted, no interviews will be granted, etc].

[Note: the complainant should be clearly informed how they can contact the organisation and how the organisation will contact them].

#### Your existing complaint (if applicable)

This organisation currently has [one] file open in your name. This relates to [state the subject of complaint and describe complaint]. This file is being handled by [name of officer and position title]. While you are able to contact [name of officer] [state nature of contact – e.g., by email] about this specific matter, all other contact with my organisation, including any future complaints, must be [state restriction – e.g., in writing through Australia Post] [provide contact details – e.g., address of organisation where post can be sent].

#### Review of this decision

My decision to restrict your contact with this organisation is effective immediately and will last for [3 months/6 months/12 months]. At that time, we will review your restriction and decide if it should be maintained, amended, or withdrawn.

I take these steps with the greatest reluctance, but [state reason for restriction – e.g., the equity and safety of other complainants and my staff], leaves me no alternative.



If you have any questions about this letter, you can contact [provide name and phone number of the Director Corporate and Governance].

Yours sincerely,

General Manager or Director Corporate and Governance



## Appendix F –Letter notifying a complainant of an upcoming review

[To be signed by the General Manager or Director Corporate and Governance Our reference: [reference]

Contact: [case officer]  
Telephone: [number]

[Date]

[Name of complainant]  
[Address of complainant]

Dear [name of complainant]

### Upcoming review of the decision to restrict your contact with Clarence Valley Council

It has now been [3 months/6 months/12 months] since restrictions were [imposed/upheld] on your contact with our office. As advised in our letter dated [date], we are now reviewing our decision to ascertain whether the restrictions should be maintained, amended, or withdrawn.

We consider it important to give you an opportunity to participate in the review process, so we are therefore inviting you to [apply the relevant option(s)]:

- make submissions in writing through Australia Post [include contact person's name and address]
- schedule a face-to-face interview with [include name of staff member and provide instructions on how they should go about scheduling the appointment – e.g., calling though the reception line on xxx-xxx-xxxx]
- schedule a telephone interview with [include name of staff member and provide instructions on how they should go about scheduling the appointment – e.g., calling though the reception line on xxx-xxx-xxxx]

In your letter, you should include information that would be relevant to our review. This includes information about [...]/During the interview which will not last more than 30 minutes, we will discuss whether:

- you have complied with the current contact restrictions
- the current contact restrictions should be removed
- the current contact restrictions should be amended to better suit your personal circumstances
- the current contact restrictions should be maintained
- any other information that is relevant to our decision.

We must receive your letter by [time and date]/you should confirm your interview with [name of case officer] by [time and date]. If we do not receive it/hear from you by this date, we will assume that you do not wish to participate in this review and will undertake the review based on the information that we have available to us.

Once the review is completed, we will contact you again by letter notifying you of our decision.

If you have any questions about this letter, you can contact [provide name and phone number of the nominated senior manager].

Yours sincerely,

General Manager or Director Corporate and Governance



## Appendix G – Checklist for reviewing a decision regarding an access change/restriction

- The complainant has been sent a letter, or if necessary has been contacted by a more culturally and linguistically appropriate means, notifying them of the review.
- The complainant will/will not participate in the review.
- the complainant has/has not scheduled a face-to-face interview
  - the complainant has/has not made written submissions
  - the complainant has/has not scheduled a telephone interview
- I have reviewed all the information in the Electronic Content Management System from the last 12 months [or relevant period of the restriction] about the complainant's:
- contact with the office (explain form of contact)
- 
- 
- conduct during that contact (explain if conduct reasonable or unreasonable)
- 
- 
- I have spoken with the case officers who have had contact with the complainant during the last 12 months about the complainant's conduct during that period.
- I have considered the arguments/statements made by the complainant, including the impact of the restrictions on them (explain complainant's position, including if their circumstances have changed etc.) Note: if the complainant is arguing that their circumstances have changed, they should be required to submit evidence to support this claim.
- 
- 
- I have considered whether there are other more reasonable/suitable options for managing the complainant's conduct, including those that do not involve restricting their access to our services (list all that apply).
- 
- 
- I consider that the restriction should be (explain):
- maintained –e.g., because the conduct has continued or is likely to continue, is disproportionate etc.
  - removed – e.g., because the complainant has complied with the restrictions etc.
  - amended – e.g., because the complainant's circumstances have changed, and the current restriction is no longer appropriate.
- 
- 
- I have discussed my decision with [other nominated senior officers]



- The complainant has been advised in writing of my decision to maintain/remove/ amend the restriction and this letter has been signed by the (CEO).
- The ECM has been updated to reflect my decision.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_



## Appendix H – Sample letter advising the complainant of the outcome of a review

[To be signed by the General Manager or Director Corporate and Governance]

Our reference: [reference]

Contact: [case officer]  
Telephone: [number]

[Date]

[Name of complainant]  
[Address of complainant]

Dear [name of complainant]

### Review of your contact with Clarence Valley Council

I am writing about a review that was undertaken by my organisation on [date] concerning your contact with this office. I understand that you [participated/did not participate] in that review.

#### Process of review

During the review you were given an opportunity to [explain in general terms how the review was undertaken].

#### Considerations

After your [interview/reading your submissions], we considered the concerns and suggestions raised in your [interview/letter, etc.], particularly your concerns about [include information that would be relevant – e.g., the complainant said their circumstances had changed]. We also reviewed our records of your conduct and contact with our office over the last 12 months. Our records showed that [provide summary of relevant information – e.g. Our records show that you have continued to send emails to our office, sometimes up to 4 times a day, throughout the period of your restriction].

[apply if relevant]: These communications were in direct violation of your restriction which limited your contact with our office to [state nature restriction] [explain what the purpose of the restriction was, if appropriate, and the impact of their conduct].

[apply if relevant]: Our records show that you have complied with the restrictions that were imposed on your contact with our organisation.

#### Decision

[apply if relevant]: Due to [explain reasoning for the decision – e.g., the number of emails that you have sent to our organisation in the last 12 months and ....] I consider it necessary to maintain the restrictions on your contact with our office for a further 12 months, effective immediately.

[apply if relevant]: Due to [explain reasoning for the decision I consider it necessary to amend the restrictions on your access to better suit your personal circumstances [explain, including providing clear instructions on how the complainant is to contact us and how we will contact them]. The new restrictions will be effective immediately and will last for 12 months. If your circumstances change again during this period, you may [explain how the complainant can notify of the change].

[apply if relevant]: Due to [explain reasoning for the decision] I consider it appropriate to remove the restrictions that have been placed on your access with our organisation, effective immediately. You may contact our organisation using any of our normal servicing options.

If you have any questions about this letter, you can contact [provide name and phone number of the Director Corporate and Governance].



Yours sincerely  
General Manager or Director Corporate and Governance



# Policy

## Internal reporting and public interest disclosures (PIDs)

Responsible Manager (Title)	Director, Corporate & Governance		
Adopted by Council	TBA	Minute Number: TBA	
File Reference Number	ECM: TBA	Version: 1.0	Review Due: TBA
Document(s) this policy Supersedes	N/A		
Community Plan Linkage	Leadership – We will have a strong, accountable and representative government		

### 1 Purpose

The purpose of this policy is to establish an internal reporting system for staff and councillors to report wrongdoing without fear of reprisal. The policy sets out who you can report wrongdoing to in Clarence Valley Council (Council), what can be reported and how reports of wrongdoing will be dealt with by Council.

This policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to raise matters of concern at any time with their supervisors, but also have the option of making a report about a public interest issue in accordance with this policy and the Public Interest Disclosures Act 1994 (*PID Act*).

This policy is one in the suite of Council's conduct and complaint managing policies, including:

Council's Code of Conduct

Council's Complaints Management Policy

Council's Privacy Management Plan

The internal reporting system established under this policy is not intended to be used for staff grievances, which should be raised through the grievance handling guidelines and procedures available on the staff intranet. If a staff member makes a report under this policy which is substantially a grievance, the matter will be referred to the relevant Section Manager to be dealt with in accordance with the grievance handling information available on the staff intranet.

### 2 Organisational commitment

Council recognises that to be able to deal effectively with reports of wrongdoing, our organisational culture must be supportive of our zero-tolerance policy to fraud, corruption, maladministration, and waste. Our culture requires commitment and diligence in:





- creating a climate of trust, where people are comfortable and confident about reporting wrongdoing
- encouraging individuals to come forward if they are aware of wrongdoing within the Council
- keeping the identity of the person disclosing wrongdoing confidential, where this is possible and appropriate, protecting the person from any adverse action resulting from them making a report
- dealing with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to rectify it
- keeping the individual who makes a report informed of their progress and the outcome
- encouraging the reporting of wrongdoing within the Council, but respect any decision to disclose wrongdoing outside the Council that is made in accordance with the provisions of the PID Act
- ensuring managers and supervisors at all levels in the Council understand the benefits of reporting wrongdoing, are familiar with this policy, and aware of the needs of those who report wrongdoing, reviewing the policy periodically to ensure it is relevant and effective
- providing adequate resources, to:
  - encourage reports of wrongdoing
  - protect and support those who make them
  - provide training about how to make reports and the benefits of internal reports to the Council and the public interest generally
  - properly assess and investigate or otherwise deal with allegations
  - properly manage any workplace issues that the allegations identify or that result from a report, appropriately address any identified problems.

Under the PID Act, the General Manager as the head of the public authority is responsible for ensuring that:

- Council has an internal reporting policy
- the staff of the Council and Councillors are aware of the contents of the policy and the protection under the PID Act for people who make public interest disclosures
- the Council complies with the policy and the council's obligations under the PID Act
- the policy delegates at least one staff member as being responsible for receiving public interest disclosures. Clause 3.20 of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW requires the Complaints Coordinator to be a Disclosures Coordinator.

### **3 Who does this policy apply to?**

This policy will apply to:

- both council staff and councillors
- permanent employees, whether full-time or part-time
- temporary or casual employees
- consultants



- individual contractors working for Council
- employees of contractors providing services to Council
- other people who perform council official functions whose conduct and activities could be investigated by an investigating authority, including volunteers.

The policy also applies to public officials of another council or public authority who report wrongdoing relating to Council.

## 4 Roles and Responsibilities

### 4.1 Role of Council officers and Councillors

Staff and councillors play an important role in contributing to a workplace where known or suspected wrongdoing is reported and dealt with appropriately. All council staff and councillors are obliged to:

- report all known or suspected wrongdoing and support those who have made reports of wrongdoing
- if requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality
- treat any staff member or person dealing with a report of wrongdoing with courtesy and respect
- respect the rights of any person the subject of reports.

Staff and councillors must not:

- make false or misleading reports of wrongdoing
- victimise or harass anyone who has made a report

Additionally, the behaviour of all council staff and councillors involved in the internal reporting process must adhere to Council's code of conduct. A breach of the code could result in disciplinary action.

### 4.2 Role of Council

Council has a responsibility to establish and maintain a working environment that encourages staff and councillors to report wrongdoing and supports them when they do. This includes keeping the identity of reporters confidential where practical and appropriate, and taking steps to protect reporters from reprisal and manage workplace conflict.

Council will assess all reports of wrongdoing it receives from staff and councillors and deal with them appropriately. Once wrongdoing has been reported, Council takes 'ownership' of the matter. This means it is up to us to decide whether a report should be investigated, and if so, how it should be investigated and by whom. Council will deal with all reports of wrongdoing fairly and reasonably, and respect the rights of any person the subject of a report.

Council must report on our obligations under the PID Act and statistical information about public interest disclosures in our annual report and to the NSW Ombudsman every six months.



To ensure that Council complies with the PID Act and deals with all reports of wrongdoing properly, all staff and councillors with roles outlined below and elsewhere in this policy will receive training on their responsibilities.

### 4.3 Roles of key positions

#### General manager

The general manager has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture and ensuring that Council complies with the PID Act. The general manager can receive reports from staff and councillors and has a responsibility to:

- assess reports received by or referred to them, to determine whether or not the report should be treated as a public interest disclosure, and to decide how the report will be dealt with
- deal with reports made under the council's code of conduct in accordance with the council's adopted code of conduct procedures
- ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report
- make decisions following any investigation or appoint an appropriate decision-maker
- take appropriate remedial action where wrongdoing is substantiated or systemic problems are identified
- refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC)
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

#### Disclosures Coordinator

The disclosures coordinator—the Director, Corporate & Governance—has a central role in the Council's internal reporting system. The disclosures coordinator can receive and assess reports and is the primary point of contact in Council for the reporter. The disclosures coordinator has a responsibility to:

- assess reports to determine whether or not a report should be treated as a public interest disclosure, and to decide how each report will be dealt with (either under delegation or in consultation with the general manager)
- deal with reports made under the council's code of conduct in accordance with the council's adopted code of conduct procedures
- coordinate Council's response to a report
- acknowledge reports and provide updates and feedback to the reporter
- assess whether it is possible and appropriate to keep the reporter's identity confidential
- assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified



- where required, provide or coordinate support to staff involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report
- ensure that Council complies with the PID Act
- provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act.

### Disclosures officers

Disclosures officers are additional points of contact within the internal reporting system. They can provide advice about the system and the internal reporting policy, receive reports of wrongdoing and assist staff and councillors to make reports.

Disclosures officers have a responsibility to:

- document in writing any reports received verbally, and have the document signed and dated by the reporter
- make arrangements to ensure reporters can make reports privately and discreetly when requested, if necessary away from the workplace
- discuss with the reporter any concerns they may have about reprisal or workplace conflict
- carry out preliminary assessment and forward reports to the disclosures coordinator or general manager for full assessment.

### Mayor

The Mayor can receive reports from staff and councillors about the general manager. Where the Mayor receives such reports, the Mayor has a responsibility to:

- assess the reports to determine whether or not they should be treated as a public interest disclosure, and to decide how they will be dealt with
- deal with reports made under the council's code of conduct in accordance with the council's adopted code of conduct procedures
- refer reports to an investigating authority, where appropriate
- liaise with the disclosures coordinator to ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report
- refer actual or suspected corrupt conduct to the ICAC
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

### Supervisors and line managers

Supervisors and line managers play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. Supervisors and line managers should be aware of the internal reporting policies and procedures and are responsible for creating a local work environment where staff are comfortable and confident about reporting wrongdoing. They have a responsibility to:

- encourage staff to report known or suspected wrongdoing within the organisation and support staff when they do



- identify reports made to them in the course of their work which could be public interest disclosures, and assist the staff member to make the report to an officer authorised to receive public interest disclosures under this policy
- implement local management strategies, in consultation with the disclosures coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report
- notify the disclosures coordinator or general manager immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing, or in the case of suspected reprisal by the general manager, notify the Mayor.

## 5 What should be reported?

You should report any suspected wrongdoing within Council or any activities or incidents you see within Council that you believe are wrong.

Reports about five categories of serious misconduct – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, and local government pecuniary interest contravention – which otherwise meet the criteria of a public interest disclosure, will be dealt with under the PID Act and according to this policy. See below for details about these types of conduct. More information about what can be reported under the PID Act can be found in the NSW Ombudsman's *Guideline B2: What should be reported?*.

All other wrongdoing or suspected wrongdoing should be reported to a supervisor, to be dealt with in line with the *relevant* policies. This might include:

- harassment or unlawful discrimination
- practices that endanger the health or safety of staff or the public.

Even if these reports are not dealt with as public interest disclosures, Council recognises such reports may raise important issues. We will respond to all reports and make every attempt to protect the staff member making the report from reprisal.

Information about grievance handling, inclusive of forms, internal policies and procedures and as part of staff induction are available on Council's intranet.

### 5.1 Corrupt conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, or breaching public trust
- a council official being influenced by a member of public to use their position in a way that is dishonest, biased or breaches public trust.



## 5.2 Maladministration

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

For example, this could include:

- making a decision and/or taking action that is unlawful
- refusing to grant an approval for reasons that are not related to the merits of their application.

## 5.3 Serious and substantial waste of public money

Serious and substantial waste is the uneconomical, inefficient, or ineffective use of resources that could result in losing or wasting public money.

For example, this could include:

- not following a competitive tendering process for a large-scale contract
- having bad or no processes in place for a system involving large amounts of public funds.

## 5.4 Breach of the GIPA Act

A breach of the *Government Information (Public Access) Act 2009* (GIPA Act) is a failure to properly fulfil functions under that Act.

For example, this could include:

- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation.

## 5.5 Local government pecuniary interest contravention

A local government pecuniary interest contravention is a failure to comply with requirements under the *Local Government Act 1993* relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, disclose pecuniary interests at council and council committee meetings and leave the meeting while the matter is being discussed. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

For example, this could include:

- a senior council staff member recommending a family member for a council contract and not declaring the relationship
- a councillor participating in consideration of a DA for a property they or their family have an interest in.



## 6 Assessment of reports

All reports will be promptly and thoroughly assessed to determine what action will be taken to deal with the report and whether or not the report will be treated as a public interest disclosure.

The disclosures coordinator is responsible for assessing reports, in consultation with the general manager where appropriate. All reports will be assessed on the information available to the disclosures coordinator at the time. It is up to the disclosures coordinator to decide whether an investigation should be carried out and how that investigation should be carried out. In assessing a report, the disclosures coordinator may decide that the report should be referred elsewhere or that no action should be taken on the report.

## 7 When will a report be treated as a public interest disclosure?

Council will treat a report as a public interest disclosure if it meets the criteria of a public interest disclosure under the PID Act. These requirements are:

- the report must be about one of the following five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, or local government pecuniary interest contravention
- the person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing
- the report has to be made to either the general manager or, for reports about the general manager the Mayor, a position nominated in this policy (see section 8), an investigating authority or in limited circumstances to an MP or journalist (see section 9).

Reports by staff are not public interest disclosures if they:

- mostly question the merits of government policy (see section 17)
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action (see section 18).

## 8 Who can receive a report within Council?

Staff are encouraged to report general wrongdoing to their supervisor. However, the PID Act requires that, for a report to be a public interest disclosure, it must be made to certain public officials identified in this policy or any supporting procedures.

The following positions are the only people within Council who are authorised to receive a public interest disclosure. Any supervisor who receives a report that they believe may be a public interest disclosure is obliged to assist the staff member to make the report to one of the positions listed below. The broader responsibilities of these positions are outlined under Roles and Responsibilities (section 4).

If your report involves a councillor, you should make it to the general manager. If your report relates to the general manager, you should make it to the Mayor.

**General manager:**



The general manager can be contacted through Council's Customer Service desk in writing, by telephone, email or over the counter.

**Mayor (for reports about the general manager only):**

The Mayor can be contacted through Council's Customer Service desk in writing, by telephone, email or over the counter.

**Disclosures Coordinator & Complaints Coordinator—Director, Corporate & Governance**

The Director, Corporate & Governance can be contacted through Council's Customer Service desk in writing, by telephone, email or over the counter. Note that s. 3.15 of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW requires the complaints coordinator to be the disclosures coordinator.

**Disclosures Officers:**

Disclosure Officer are all Directors, Managers and other delegated staff. There are delegated staff disclosure officers at each main work location at the Council.

## 9 Who can receive a report outside of Council?

Staff and councillors are encouraged to report wrongdoing within Council. However, internal reporting is not your only option. You can also make a public interest disclosure to:

- An investigating authority.
- A Member of Parliament or a journalist, but only in the limited circumstances outlined below.

### 9.1 Investigating authorities

The PID Act lists a number of investigating authorities in NSW that staff and councillors can report wrongdoing to and the type of wrongdoing each authority can deal with. In certain circumstances it may be preferable to make a report of wrongdoing to an investigating authority, for example a report about either the *general manager or the Mayor*.

The relevant investigating authorities for Clarence Valley Council are:

- the Independent Commission Against Corruption (ICAC) — for disclosures about corrupt conduct
- the Ombudsman — for disclosures about maladministration
- the Auditor-General — for disclosures about serious and substantial waste
- the Information Commissioner — for disclosures about a breach of the GIPA Act
- the Office of Local Government – for disclosures about local councils

You should contact the relevant investigating authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

You should be aware that the investigating authority may well discuss any such reports with Council. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to





staff or councillors who report wrongdoing to an investigating authority, if we are made aware that this has occurred.

## 9.2 Members of Parliament or journalists

To have the protections of the PID Act, staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the *general manager*
- a person nominated in this policy, including the Mayor for reports about the general manager
- an investigating authority.

Also, Council or the investigating authority that received your initial report must have either:

- decided not to investigate the matter
- decided to investigate the matter, but not completed the investigation within six months of the original report
- investigated the matter but not recommended any action as a result
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true (see section 19).

## 9.3 Other external reporting

If you report wrongdoing to a person or authority that is not listed above, or make a report to an MP or journalist without following the steps outlined above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or *our* code of conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside Council, contact Council's disclosures coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

## 10 How to make a report

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation. Council's Internal Reporting Form is available on the staff intranet and to councillors through the Executive Assistant.

If a report is made verbally, the person receiving the report will make a comprehensive record of the report and ask the person making the report to sign this record. The reporter should keep a copy of this record.



## 11 Can a report be anonymous?

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by Council it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about what action is to be taken or has been taken to deal with the issues raised in the report, or the outcome of any investigation.

It is important to realise that an anonymous disclosure may not prevent you from being identified by the subjects of the report or your colleagues. If we do not know who made the report, it is very difficult for us to prevent any reprisal should others identify you.

## 12 Feedback to staff who report wrongdoing

Staff and councillors who report wrongdoing will be told what is happening in response to their report.

### 12.1 Acknowledgement

When you make a report, Council will contact you to confirm that your report has been received and to advise:

- the timeframe within which you will receive further updates
- the name and contact details of the people who can tell you what is happening or handle any concerns you may have.

After a decision is made about how your report will be dealt with, Council will send you an acknowledgment letter, providing:

- information about the action that will be taken in response to your report
- the likely timeframes for any investigation or other action
- information about the internal and external resources or services available that you can access for support.
- We will provide this information to you within ten working days from the date you make your report. We will also advise you if we decide to treat your report as a public interest disclosure and provide you with a copy of this policy at that time, as required by the PID Act.
- **Please note:** While the PID Act requires policies to advise that an acknowledgement and a copy of this policy is to be provided to a person reporting wrongdoing within 45 days of the report being made, it is recommended that an acknowledgement is provided much sooner.
- **Please also note:** if you make a report which meets the requirements of the PID Act but the report was made under a statutory or legal obligation or incidental to the performance of your day to day functions, you will not receive an acknowledgement letter or a copy of this policy.

### 12.2 Progress updates

While your report is being dealt with, such as by investigation or making other enquiries, you will be given:

- information about the progress of the investigation or other enquiries and reasons for any delay



- advice of any decision by the [name of council] not to proceed with the matter
- advice if your identity needs to be disclosed for the purposes of investigating the matter or making enquiries, and an opportunity to talk about this beforehand.

### 12.3 Feedback

Once the matter has been finalised you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
- advice about whether you are likely to be called as a witness in any further matters, such as disciplinary or criminal proceedings.

## 13 Maintaining confidentiality

Council realises reporters may want their identity and the fact they have made a report to remain confidential. This can help to prevent any action being taken against them for reporting wrongdoing.

Where possible and appropriate we will take steps to keep your identity, and the fact you have reported wrongdoing, confidential. We will discuss with you whether it is possible to keep your identity confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from reprisal in consultation with you.

If you report wrongdoing, it is important that you only discuss your report with those responsible for dealing with it. This will include the *disclosures coordinator* and the *general manager*, or in the case of a report about the general manager, the disclosures coordinator and the Mayor. The fewer people who know about your report, before and after you make it, the more likely it will be that we can protect you from any reprisal.

Any staff or councillors involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.

## 14 Managing the risk of reprisal and workplace conflict

When a staff member or councillor reports wrongdoing, Council will undertake a thorough risk assessment to identify the risk to you of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.

Depending on the circumstances, Council may:

- relocate the reporter or the staff member who is the subject of the allegation within the current workplace
- transfer the reporter or the staff member who is the subject of the allegation to another position for which they are qualified
- grant the reporter or the staff member who is the subject of the allegation leave of absence during the investigation of the disclosure.



These courses of action are not punishment and will only be taken in consultation with the reporter.

## 15 Protection against reprisals

Council will not tolerate any reprisal against staff or councillors who report wrongdoing or are believed to have reported wrongdoing.

The PID Act provides protection for staff and councillors who have made a public interest disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for that person making a public interest disclosure. These penalties also apply to cases where a person takes detrimental action against another because they believe or suspect the other person has made or may have made a public interest disclosure, even if they did not.

Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to employment
- dismissal from, or prejudice in, employment
- disciplinary proceedings.

A person who is found to have committed a reprisal offence may face criminal penalties such as imprisonment and/or fines, and may be required to pay the victim damages for any loss suffered as a result of the detrimental action. Taking detrimental action in reprisal is also a breach of the council's code of conduct which may result in *disciplinary action*. In the case of councillors, such disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

It is important for staff and councillors to understand the nature and limitations of the protection provided by the PID Act. The PID Act protects reporters from detrimental action being taken against them because they have made, or are believed to have made, a public interest disclosure. It does not protect reporters from disciplinary or other management action where Council has reasonable grounds to take such action.

### 15.1 Responding to allegations of reprisal

If you believe that detrimental action has been or is being taken against you or someone else in reprisal for reporting wrongdoing, you should tell your supervisor, the disclosures coordinator or the general manager immediately. In the case of an allegation of reprisal by the general manager, you can alternatively report this to the Mayor.

- All supervisors must notify the disclosures coordinator or the general manager if they suspect that reprisal against a staff member is occurring or has occurred, or if any such allegations are made to them. In the case of an allegation of reprisal by the general manager, the Mayor can alternatively be notified.

If Council becomes aware of or suspects that reprisal is being or has been taken against a person who has made a disclosure, Council will:



- assess the allegation of reprisal to decide whether the report should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue
- if the reprisal allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff
- if it is established that reprisal is occurring against someone who has made a report, take all steps possible to stop that activity and protect the reporter
- take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure
- refer any breach of Part 8 of the council's code of conduct (reprisal action) by a councillor or the general manager to the Office of Local Government.
- refer any evidence of an offence under section 20 of the PID Act to the ICAC or NSW Police Force.

If you allege reprisal, you will be kept informed of the progress and outcome of any investigation or other action taken in response to your allegation.

If you have reported wrongdoing and are experiencing reprisal which you believe is not being dealt with effectively, contact the Office of Local Government, the Ombudsman or the ICAC (depending on the type of wrongdoing you reported). Contact details for these investigating authorities are included at the end of this policy.

## 15.2 Protection against legal action

If you make a public interest disclosure in accordance with the PID Act, you will not be subject to any liability, and no action, claim or demand can be taken against you for having made the public interest disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

## 16 Support for those reporting wrongdoing

Council will make sure that staff who have reported wrongdoing, regardless of whether their report is treated as a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management or counselling services.

Access to support may also be available for other staff involved in the internal reporting process where appropriate. Reporters and other staff involved in the process can discuss their support options with the disclosures coordinator.

Details of Council's Employee Assistance Program are available on Council's intranet for staff, or through Council's Executive Support staff for Councillors.

## 17 Sanctions for making false or misleading statements

It is important all staff and councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. Council will not support staff or councillors who wilfully make false or misleading reports. Such conduct may also be a breach of the code of conduct



resulting in disciplinary action. In the case of councillors, disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

## 18 The rights of persons that are the subject of a report

Council is committed to ensuring staff or councillors who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential, where this is practical and appropriate.

If you are the subject of the report, you will be advised of the allegations made against you at an appropriate time and before any adverse findings. At this time, you will be:

- advised of the details of the allegation
- advised of your rights and obligations under the relevant related policies and procedures
- kept informed about the progress of any investigation
- given a reasonable opportunity to respond to any allegation made against you
- told the outcome of any investigation, including any decision made about whether or not further action will be taken against you.

Where the reported allegations against the subject officer are clearly wrong, or have been investigated and unsubstantiated, the subject officer will be supported by Council. The fact of the allegations and any investigation will be kept confidential unless otherwise agreed to by the subject officer.

## 19 Review

This policy will be reviewed by Council every two years. For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.

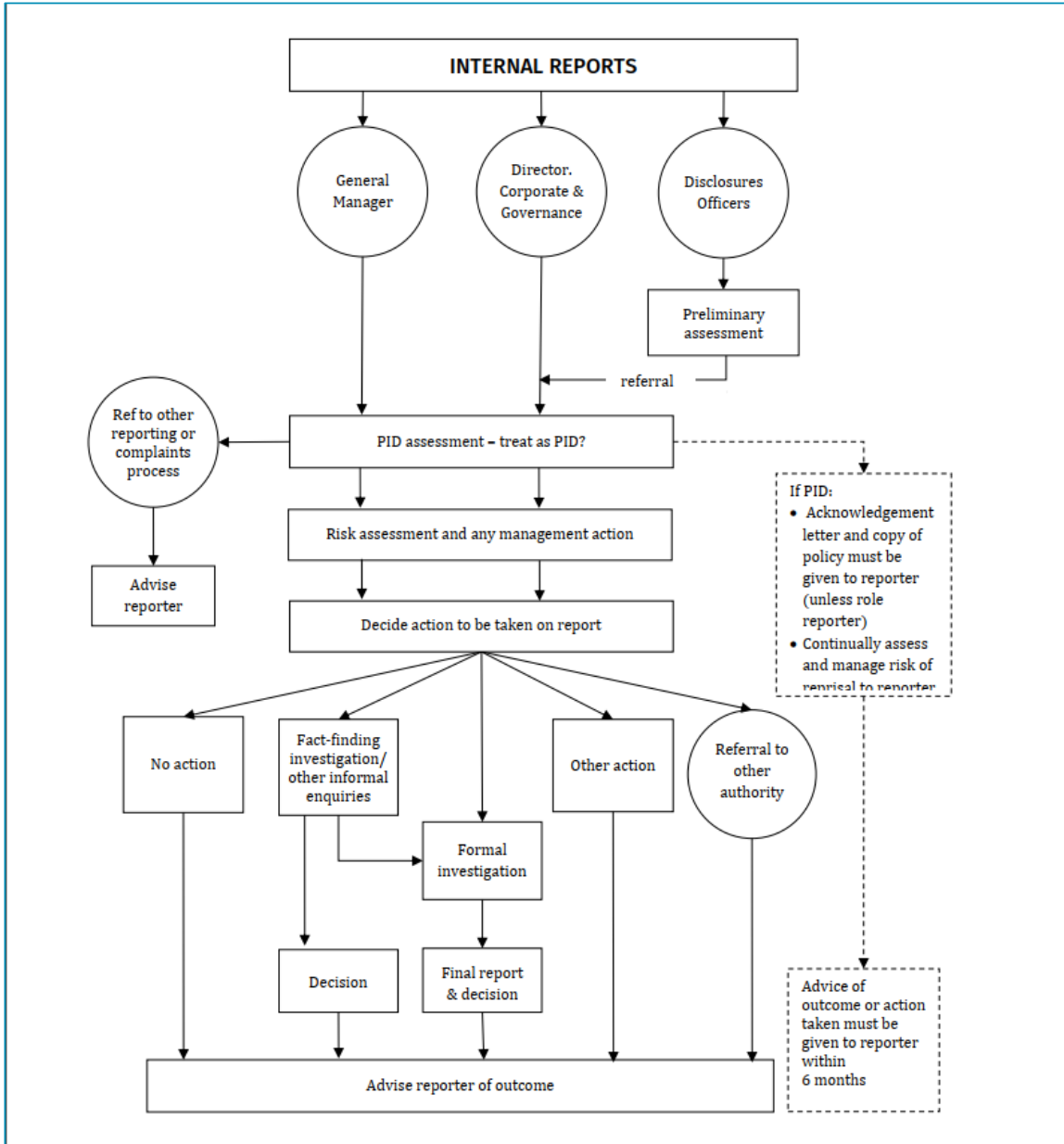
## 20 More information

For more information, please contact a disclosures officer or the disclosures coordinator.

More information around public interest disclosures is available on our intranet. Staff can also seek advice and guidance from the disclosures coordinator and the NSW Ombudsman's website at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au).



## 21 Flow chart of internal reporting process





## 22 Resources

The contact details for external investigating authorities that staff can make a public interest disclosure to or seek advice from are listed below.

### For disclosures about corrupt conduct:

Independent Commission Against Corruption (ICAC)  
 Phone: 02 8281 5999  
 Toll free: 1800 463 909  
 Tel. typewriter (TTY): 02 8281 5773  
 Facsimile: 02 9264 5364  
 Email: [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)  
 Web: [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)  
 Address: Level 7, 255 Elizabeth Street,  
 Sydney NSW 2000

### For disclosures about maladministration:

NSW Ombudsman  
 Phone: 02 9286 1000  
 Toll free (outside Sydney metro): 1800 451 524  
 Tel. typewriter (TTY): 02 9264 8050  
 Facsimile: 02 9283 2911  
 Email: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)  
 Web: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)  
 Address: Level 24, 580 George Street,  
 Sydney NSW 2000

### For disclosures about serious and substantial waste:

Auditor-General of the NSW Audit Office  
 Phone: 02 9275 7100  
 Facsimile: 02 9275 7200  
 Email: [mail@audit.nsw.gov.au](mailto:mail@audit.nsw.gov.au)  
 Web: [www.audit.nsw.gov.au](http://www.audit.nsw.gov.au)  
 Address: Level 19, Darling Park Tower,  
 201 Sussex Street, Sydney NSW 2000

### For disclosures about local councils:

Office of Local Government  
 Phone: 02 4428 4100  
 Tel. typewriter (TTY): 02 4428 4209  
 Facsimile: 02 4428 4199  
 Email: [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)  
 Web: [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au)  
 Address: 5 O'Keefe Avenue, Nowra, NSW 2541

### For disclosures about breaches of the GIPA Act:

Information & Privacy Commissioner  
 Toll free: 1800 472 679  
 Facsimile: 02 8114 3756  
 Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)  
 Web: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)  
 Address: Level 17, 201 Elizabeth Street,  
 Sydney NSW 2000

### For disclosures about the Independent Commission Against Corruption (ICAC)

Inspector of the Independent Commission Against Corruption  
 Phone: 02 9228 3023  
 GPO Box 5341  
 Sydney NSW 2001  
 E: [oiicac\\_executive@oiicac.nsw.gov.au](mailto:oiicac_executive@oiicac.nsw.gov.au)  
 W: <https://www.oiicac.nsw.gov.au/contact-the-inspector>



**Submission to the UCC V3.0**

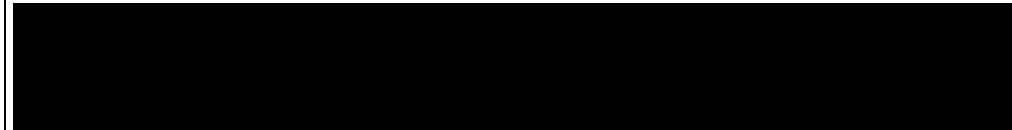
Submitter	Content
<p>Clarence Environment Centre</p> <p>John Edwards Honorary Secretary South Grafton</p>	<p><b>Discussion 1:</b></p> <p>Noting that UC is [always] unacceptable; nevertheless:</p> <p>'We have experienced behaviour, or more often a complete lack of response, from council staff over the years, that we believe contributes to an escalation of tensions, leading to what could be deemed to be "unreasonable conduct"'. E.g., Concern from a down-slope neighbour re increased runoff.</p> <p>In that case, the complainant expressed their concerns, which were summarily dismissed by the council planner involved, who claimed the studies undertaken for the DA had led to a stormwater management plan which showed there would be no adverse downstream impacts.</p> <p>'The complainant was not convinced by this assurance and requested copies of the relevant reports.</p> <p>We will now move on from the above case, and revert to generalities where, in almost every case where a copy of a document is requested, the complainant is told they will need to apply through freedom of information, now referred to as a GIPA, a process involving filling in forms and a three-week wait'.</p> <p>'Unfortunately, over the years we have encountered numerous cases where approvals have granted based on very questionable reports and assessments (sometimes with no assessments at all). In these cases, it would not be in the interest of a council officer responsible for evaluating those assessments, to cooperate fully with a complainant'.</p> <p>'And that, is where many conflicts, leading to unreasonable conduct, begin'.</p> <p>Suggestions:</p> <ul style="list-style-type: none"> <li>• Provide docs without members of the public having to resort to the GIPA process;</li> <li>• Consider reporting consultants who work is sub-standard or questionable</li> </ul> <p><b>Discussion 2:</b></p> <p>This section relates also to the above discussion point, and that involves Council's responsibility to respond promptly to all calls and correspondence, including complaints.</p> <p>Our personal experience in recent times has been that the person we want to talk to is busy or otherwise unavailable, and we are asked if we wish to leave a message to call us back. We do not know the procedure from that point, but can assert that at least 3 times out of 5, our calls are not returned!</p>

	<p>The majority of calls we make are either business (we are currently undertaking bush regeneration on Council land), seeking advice, or information. Imagine what the response rate would be if we were ringing up to complain!</p> <p>In terms of emails, which is the medium we chose when making a complaint, the situation is just as bad, other than the automated "thank you for your email" message. For a while we resorted to copying council emails to all councillors, but that didn't achieve significantly better results.</p> <p>... this has led to our generally not even bothering to email any more, considering it to be a waste of valuable time.</p> <p><b>Suggestion</b> If council wants any credibility over its claim in Clarence Valley Community Strategic Plan to "be listening", then things must change dramatically for the better with all emails answered within the aimed-for 10 days. Council has apparently researched what the public wants, "a <i>high standard of customer service to the community</i>". That is clearly spelled out on page 46 of the community plan, so now it's time to deliver.</p>
<p><b>David Schwartz</b> <b>Yamba 2464</b></p>	<p>This policy has, in my opinion, been used primarily by CVC senior management to render silent ratepayers who are making legitimate enquiries.</p> <p>[REDACTED]</p> <p>One can only be suspicious council's use of UCC has been primarily to cover up council mistakes? It is my opinion that council management cannot be judge, jury and executioner - if council's management think a ratepayer is making unreasonable requests as to the time and effort required to respond to legitimate questions that's fine, but it must surely be brought to the Mayor and possibly some other citizens for review before a decision is made that it be implemented.</p> <p>Thank you.</p>
<p><b>Jane Burley</b> <b>South Grafton</b></p>	<p>The UCC Policy could be improved by including: how a complainant can appeal a restriction; have an advisory group (GM, Mayor, and two community members with social work qualifications, experience) to assess an appeal; when it is found the Council has erred, to provide a written apology to the complainant (stating the UCC was incorrectly invoked), signed by the GM and/or Mayor, and placed on the "complainant's" Council file; UCC actions to be confidentially reported to Council every six months.</p> <p>Lismore Council has also supported and adopted an advisory group to assess all suspected UCCs not just to undertake appeals and also that Councillors receive a confidential report of UCC actions taken be Council staff.</p>
<p><b>Rob Burley</b> <b>South Grafton</b></p>	<p>As above.</p>

<p><b>Samuel Powell Ramornie 2430</b></p>	<p>As above.</p>
<p><b>Karen Napper Grafton NSW</b></p>	<p>CVC has completely treated us with contempt regarding the "Ibis Mess". [REDACTED] Any wonder there is no public trust in local government! We are disgusted with CVC and their non action, regarding this planning, development failure.</p>
<p><b>Lynne and Bob Cairns Yamba NSW</b></p>	<p>Thank you for the opportunity to lodge a submission to the above Policy. The following is a summary of points for consideration to be included in the UCC Policy V3.0:</p> <ol style="list-style-type: none"> <li>1. Appealing a decision to change or restrict access to our services. More details need to be provided under this heading, including about how a complainant can appeal and setting up an Advisory Group to assess an appeal.</li> <li>2. Further points to be added under "Appealing a decision" such as when the Advisory Group assesses an appeal and finds Council has erred from the UCC Policy then a written apology is to be provided and place on the complainants Council file.</li> <li>3. Alternative dispute resolution (ADR). A clause needs to be added in the warning letter offering the complainant ADR options.</li> <li>4. Under "Notifying the complainant of an upcoming review" the following be considered and included: <ul style="list-style-type: none"> <li>• 'Two weeks prior to the end date of the UCC the Director Corporate and Governance will forward a letter asking a complainant asking if they would like to participate...'</li> </ul> </li> <li>5. That UCC actions taken on people to be confidentially reported to Council every six months.</li> </ol> <p>Please see attachments providing more detail, our personal experience in relation to us receiving notification that we were UCCs last year and an email sent to Councillors.</p> <p><b>SEE ALSO ATTACHMENT (1+6 pp) INCLUSIVE AS PER ABOVE.</b></p>
<p>Lynne and Bob Cairns Yamba NSW (further to previous; 25 May)</p>	<p>RE: Submission to Draft Managing Unreasonable Conduct by Complainants</p> <p>Further to our initial submission we wish to provide more detail.</p> <p>On 29 July 2021 the Acting General Manager (AGM), Ms Laura Black, forwarded a letter to us, without warning, stating that we were unreasonable complainants (UCC). Ms Black had "decided that Council would not interact with us for 6 months except in relation to a genuine emergency, defined as a situation whereby there is an immediate and significant risk to either, or both, property or individual life/lives; or for electoral matters." We believe by doing this the Council [REDACTED] the UCC process [REDACTED] our valid and reasonable questions.</p>

The NSW Ombudsman told CVC General Manager, Mr Ashley Lindsay, that Council had departed from its UCC procedure in that a written warning letter was not provided. Council also received a copy of the Ombudsman's letter outlining this.

We lodged two GIPA requests which Council refused: one for documents in relation to an illegal development in Gumnut Road Yamba and the other for the confidential attachments (B and D of our own emails to/from Council, D being grossly exaggerated) as seen in CVC Extraordinary Meeting Business Paper 3 December 2021. The Information and Privacy Commission (IPC) supported us both times and Ms Black has now provided the documents. We had also discovered that redactions were inaccurate in the documents for the development and again the IPC supported us.



Examples include "Release of the attachments will most probably contribute to more negative interactions between Council and yourselves and the community in general" and "The disclosure of the records could result in furthering the continued, incessant and unrelenting conduct by complainants, that has resulted in a disproportionate and unreasonable impact on the effective exercise by Council of many of the Council's functions. The nature and quantum of interactions between the Council and you have been detrimental to the ability of the Council to carry out its other functions as an organisation, due to the strain on the finite time of council staff and limited resources." These are unfounded assumptions.

We believe it was reasonable, under the circumstances, to ask Ms Black to provide information to support her assumptions to help us understand if we had erred in anyway. A response came, further insulting us, stating "I have provided you my consideration and Notice of Decision to release the documents. I do not intend to spend any more time on this matter. If you wish to continue your dispute in relation to this, I recommend you follow due process and contact NCAT."

We were not disputing at all, we were merely asking a question.

Furthermore, we have never been informed to discontinue emailing; no body spoke to us about our emails at all and there were no incident reports. We have been denied natural justice, procedural fairness and the right of reply.

We are at a loss why we have been treated so poorly by CVC and it is distressing that Ms Black's Notice of Decision gives us a clear indication that there is no likelihood of any end to the disparaging comments and reports about us.

	<p>In view of the above we now wish to request a written apology from Council that the UCC was incorrectly invoked; that the apology be recorded in the CVC Business Paper when the UCC Policy is returned to Council for adoption; and the staff report in that Business Paper acknowledge that this was previously improperly imposed on Mr Shane Powell, Mr Bob and Mrs Lynne Cairns; that a copy of the apology is placed on our Council files; and that the apology is seen as an entry in our Electronic Content Management (ECM) records.</p>
<p><u>Joe Dimauro</u> <u>Yamba NSW</u></p>	<p>Thank you for the opportunity to lodge a submission in respect of the above Policy.</p> <p>Firstly, I note that this policy does not contain a definition of a "Complainant". This is essential information. History shows that, on a number of occasions, community members who have asked reasonable questions or requested information to which they were entitled under the GIPA Act, have been refused that information and/or were wrongfully branded as "Unreasonable Complainants". CVC then proceeded to impose this harsh policy upon them without justification.</p> <p>This policy also gives the Director of Corporate and Governance the authority to restrict or terminate access to council services by members of the community. No single officer should be given that power autonomously.</p> <p>This policy also gives the Complainant the Right of Appeal, to be undertaken by one Senior Officer. Once again, no single officer should be given that power autonomously.</p> <p>CVC has proven that it cannot be relied upon to follow its own policies and procedures. In particular, this policy has already been the subject of several breaches of correct procedure. Investigations by the Information and Privacy Commission and by the NSW Ombudsman provide evidence of this.</p> <p>This policy is especially significant in that it has the potential to inflict major sanctions and, indeed, reputational harm and personal distress on a member of the community. Therefore, provision must be made to prevent the misuse of this policy to unfairly, vindictively or vexatiously punish a person.</p> <p>Any proposal to restrict a person's right to access council services under this policy must require referral to a review panel before any such restrictions may be imposed. Such a review panel should, in my opinion, include the mayor and at least one other councillor.</p> <p>In the event the review panel finds sufficient grounds to apply this policy to a Complainant and restrict or deny a person's right to access CVC services, it should be brought before all councillors, with all of the documented evidence, for a final decision on the matter.</p> <p>It is essential that such rigorous provisions be put in place for protection against potential vindictive or vexatious actions of staff. As noted in the revised draft policy:</p>

	<p>"Council acknowledges that sometimes our staff get it wrong and can, in fact, trigger or exacerbate instances of UCC. Mistakes can be made, complaints and cases can be mishandled, delays can occur, and processes and procedures are sometimes overly complex, culturally inappropriate, or unresponsive to the needs of certain complainants."</p> <p>It is the role of councillors to represent the interests of members of the community. Citizens are rightfully entitled under the GIPA Act to ask questions and to request information. Too often such requests are dealt with unfairly by CVC, with community members being dismissed and fobbed off with inadequate excuses for refusal of such information. This unfair treatment, in some cases, inevitably forces the victims to complain as a result of poor performance by staff, giving rise to them being wrongly censured as "Unreasonable Complainants". These legitimate complaints can in no way be considered "unreasonable".</p> <p>Accordingly, all councillors have a duty of care and responsibility to ensure that robust safeguards are built into the revised policy to protect the rights of the community members you are engaged to represent.</p>
<p>Wendy Mangano Yamba 2464</p>	<p>Appealing a decision to change or restrict access to our services. Details to be included about how a complainant can appeal:</p> <ul style="list-style-type: none"> <li>• How and to whom a complainant can appeal;</li> <li>• The timeframe in which an appeal can be made; and</li> <li>• These details to be included in the "Sample letter notifying a complainant of a decision to change or restrict their access to our services" as seen in Appendix E.</li> </ul> <ul style="list-style-type: none"> <li>• These details to be included under "Providing a notification letter";</li> <li>• That an Advisory group (GM, Mayor, and two community members with social work qualifications, experience) assess an appeal;</li> <li>• The Advisory group must be provided all evidence of the initial decision to invoke the UCC including incident reports, evidence of all documented contact and discussions made with the complainant prior to invoking the UCC;</li> </ul> <p>Further points to be added under "Appealing a decision" below:</p> <ul style="list-style-type: none"> <li>• When the Advisory Group found Council has erred in relation to the UCC Policy, a written apology will be provided to the complainant (stating the UCC was incorrectly invoked and apologises for any duress caused). This apology to be signed by the GM and/or Mayor;</li> <li>• The apology placed on the complainants Council file;</li> </ul> <p>Alternative dispute resolution (ADR). To be added:</p> <ul style="list-style-type: none"> <li>• "Alternative dispute resolution will be considered by the Director of Governance and Advisory Group and offered to the complainant."</li> <li>• The opportunity for ADR be outlined in the initial warning letter to the complainant as seen in Appendix D Sample warning letter. This could be offered to a complainant;</li> <li>• This opportunity for ADR to be included under "Providing a warning letter".</li> </ul> <p>Under "Notifying the complainant of an upcoming review" the following be considered and included: "2 weeks prior to the end date of the UCC the Director Corporate and Governance will forward a letter asking a complainant asking if they would like to participate...". That UCC actions taken on people to be confidentially reported to Council every six months.</p>

<p>Barry McIntyre The Pinnacles 2460</p>	<p>We live in a democratic country and society where free speech is acceptable. Providing such speech is not threatening, intimidating or abusive in anyway shape or form, it must be acceptable as a way of protesting against a decision made by an authority of which we disagree. No Government of any level has the right to block free speech, unless it is aligned with the above. I have voiced my opinions of Clarence Valley Council on many occasions, but always with respect. Others should also be granted this opportunity.</p>
<p>Lee Chiplin Yamba, NSW</p>	<p>ATTENTION: The Acting General Manager, Clarence Valley Council</p> <p>Thank you for the opportunity to lodge a submission in respect of the above Policy. Firstly, I note that this policy does not contain a definition of a "Complainant". This is essential information. History shows that, on a number of occasions, community members who have asked reasonable questions or requested information to which they were entitled under the GIPA Act, have been refused that information and/or were wrongfully branded as "Unreasonable Complainants". CVC then proceeded to impose this harsh policy upon them without justification.</p> <p>This policy also gives the Director of Corporate and Governance the authority to restrict or terminate access to council services by members of the community. No single officer should be given that power autonomously.</p> <p>This policy also gives the Complainant the Right of Appeal, to be undertaken by one Senior Officer. Once again, no single officer should be given that power autonomously. CVC has proven that it cannot be relied upon to follow its own policies and procedures. In particular, this policy has already been the subject of several breaches of correct procedure. Investigations by the Information and Privacy Commission and by the NSW Ombudsman provide evidence of this.</p> <p>This policy is especially significant in that it has the potential to inflict major sanctions and, indeed, reputational harm and personal distress on a member of the community. Therefore, provision must be made to prevent the misuse of this policy to unfairly, vindictively or vexatiously punish a person.</p> <p>Any proposal to restrict a person's right to access council services under this policy must require referral to a review panel before any such restrictions may be imposed. Such a review panel should, in my opinion, include the mayor and at least one other councillor.</p> <p>In the event the review panel finds sufficient grounds to apply this policy to a Complainant and restrict or deny a person's right to access CVC services, it should be brought before all councillors, with all of the documented evidence, for a final decision on the matter.</p>

	<p>It is essential that such rigorous provisions be put in place for protection against potential vindictive or vexatious actions of staff. As noted in the revised draft policy:</p> <p><i>"Council acknowledges that sometimes our staff get it wrong and can, in fact, trigger or exacerbate instances of UCC. Mistakes can be made, complaints and cases can be mishandled, delays can occur, and processes and procedures are sometimes overly complex, culturally inappropriate, or unresponsive to the needs of certain complainants."</i></p> <p>It is the role of councillors to represent the interests of members of the community. Citizens are rightfully entitled under the GIPA Act to ask questions and to request information. Too often such requests are dealt with unfairly by CVC, with community members being dismissed and fobbed off with inadequate excuses for refusal of such information. This unfair treatment, in some cases, inevitably forces the victims to complain as a result of poor performance by staff, giving rise to them being wrongly censured as <i>"Unreasonable Complainants"</i>. These legitimate complaints can in no way be considered "unreasonable".</p> <p>Accordingly, all councillors have a duty of care and responsibility to ensure that robust safeguards are built into the revised policy to protect the rights of the community members you are engaged to represent.</p> <p>Yours sincerely,</p>
<p>Warren Rackham Maclean 2463</p>	<p>I wish to add my concern regarding the 'Unreasonable Complaint Policy' on exhibition.</p> <p>For too long certain Council staff, mostly senior, have NOT answered or replied to many of my various submissions over the years. These have been my queries, or on behalf of community groups and/or residents who are having a problem with Council and have asked me to assist. This avoidance of providing an honest and factual reply is particularly noticeable when questions asked that are "difficult" and possibly 'close to the bone' (ie not answered because the particular officer knows they are 'caught out', and the preference is to ignore a reply, or alternatively, provide a completely obfuscating response.</p> <p>The problem has been ingrained into Council culture, and accountability has no part to play in the last dozen years or so. Most people just give up, but some have not. If one persists, they become a "serial pest", and a few have been denied access to Council, as we all are well aware of.</p> <p>I am not in favour of any part of any policy that gives authority to any staff to veto or deny any person's right to access information that is legally and morally available to them. I personally have been denied access to public information at the public counter, and I wish to make it clear</p>



	<p>that does not come from the very helpful counter staff. No policy of Council where it affects the rights of its community, its citizens, should be delegated to individual council officers</p> <p>Council needs an open and accountable policy at all times.</p>
<p>Steve Walton Gulmarrad 2463</p>	<p>As elected representatives Councillors should remain accountable and involved in determining appeals against staff decisions to deny/restrict service(s) to ratepayers. All UCC decisions should be transparent and publicly reported in a timely fashion. Councillors responsible to the electorate should have a role within the UCC Policy to oversee and assess the merit of staff decisions to invoke the UCC.</p>
<p>Geoffrey Beresford Yamba 2464</p>	<p>Submission re draft Policy Managing Unreasonable Conduct byComplainants</p> <p>Having read the draft policy a number of things become evident: CVC does not have a Complaints Management Team. A qualified number of staff, properly trained in complaint management should meet regularly and consider all complaints and any action to be taken.</p> <p>This team process has been adopted by numerous government agencies and ensures transparency, procedural fairness and a course of natural justice. All issues critical to this policy</p> <p>In the absence of a Complaints Management Team, critical decisions in determining 'unreasonable conduct' remains the responsibility of the Director Corporate Governance. This appears to be regardless of any consultation with a relevant staff member;</p> <p>However, there is a lack of clarity as to what will be involved in this consultation process. Such a consultation process leaves the public with a perception that a senior member of staff could influence a subordinate staff member in the decision making process.</p> <p>Any issues that the relevant staff member raises, should be restricted only to the health and well being of that officer. There should be clear documentation on how the health and well being of that officer is affected, such as a record of stress leave and medical certificates, noted drop in performance etc.</p> <p>Given the serious impact that denying access upon a complainant, it is reasonable to expect that some form of formal inquiry me made and a qualified medical opinion/documentation bobtailed prior to any decision to deny access to services. The scales must be balanced in terms of process and outcomes.</p> <p>It is not sufficient for an officer to simply claim their health and well being is affected. Without verification of such issues, then the policy is open to unfair or bias implementation. Which then denies the process of natural justice.</p> <p>It is well documented in various complaint handling procedures adopted by government agencies that if a complainant has been behaving unreasonably, it may be appropriate for a regulator to modify or restrict access to services ordinarily offered by the regulator. This may include:</p> <ul style="list-style-type: none"> <li>restricting access to certain members of staff</li> <li>restricting the issues that the complainant can discuss with the regulator</li> <li>restricting the way in which contact can be made, for example, limiting a</li> </ul>

	<p>complainant to written interactions.</p> <p><b>A regulator must be cautious in implementing any of these measures, as regulators do have a duty to consider and, in some instances, have an express statutory duty to investigate complaints made to the regulator. Therefore, any restrictions placed on a complainant should only restrict the complainant’s access to services so far as is necessary to manage their unreasonable behaviour. This is particularly critical in light of the Charter of Human Rights and Responsibilities Act 2006 (The Charter).</b></p> <p>The draft fails to make reference to the organisations obligations to the Charter of Human Rights and Responsibilities Act 2006 (The Charter). And should be included.</p> <p>My other concerns are relevant to Sect 8.1 Right of Appeal - which states that a senior staff member, not involved in the original decision will consider appeal arguments and personal circumstances. By only having a senior staff member conducting a review is contrary to the process of natural justice and allows for the perception that this person, acting alone, could be influenced with a bias finding.</p> <p>Within the Legal and State Government Framework, Appeals Courts and Appeals Tribunals are established consisting of three or more members.</p> <p>I would strongly urge CVC insist on a fair and equitable appeals mechanism that includes three people, eg: The Mayor, a Nominated Staff Representative and an appropriate recognised, and qualified, member of the community representing the complainant.</p> <p>Simply referring the matter to the Ombudsman for Review deprives the complainant of a true review process, as the complainant, or staff member has no representation in the review carried out by the Ombudsman.</p> <p>A further consideration is that the guidance provided by the Ombudsman is based, wholly or in part, on processes in dealing with Vexatious Complainants. Without going into definitions, there is a vast difference when dealing with unreasonable complainants. This should be considered when formulating this policy, as it is clear that much of the policy is a ‘cut and paste’ from Ombudsman guidance template.</p> <p>In closing, CVC’s failure to establish a competent Complaint Management Team and a Review Panel, leaves the public with the perception that the process outlined maybe subject to bias or undue influence by internal staff and will erode public confidence.</p> <p>I respectfully suggest that CVC strongly consider establishing a Complaints Management Team and Review Panel, as this would demonstrate CVC’s commitment to fairness and transparency and would ensure compliance with the process of natural justice. These mechanisms should be included in this policy</p>
<p>Ty and Cyndi Lynch Yamba 2464</p>	<p>Re: Draft “Managing unreasonable conduct by complainants “ Policy</p>

As a ratepayer who has interacted with Council across quite a few departments I would like to offer my perspective on the draft policy while reflecting on my recent experiences with staff, directors, General Manager and Councillors before ultimately contacting the NSW Ombudsman making a formal complaint about Clarence Valley Council.

The most critical piece of information missing from this document is a definition of what is a complaint and what is a complainant.

This is open to interpretation unless it is clearly defined. After consulting the Complaints Management Policy definitions were found however these are not clear.

Community member interactions with Council are usually for genuine reasons such as reporting road damage or storm water issues, clarifying development, seeking documentation, making general enquiries to become more informed about an issue, discovering community related events and concerns to name a few.

Complaints, I would assume are commonly a result of a breakdown in policy, procedure or best practice which leads to Council needing to find a resolution with the community member.

The real issue is created when Council fails to provide responses, reply to emails, return phone calls, attend scheduled meetings, supply public documents or acknowledge issues. When the reply is abrupt, indecisive, dismissive or incorrect and the community member expresses dissatisfaction tensions rise.

To improve with regard to this policy Council must first consider how it can improve customer service and interactions with the community to avoid or minimise complaints at all.

Nonetheless I realise sometimes the UCC policy needs to be actioned.

For the most part this policy is quite reasonable with the exception of having one staff member manage it.

In my opinion neither the GM nor any other staff delegate should have the sole discretion of managing the complaints process, including the UCC policy.

This takes me back to the management of complaints in the first instance and how to avoid the escalation to needing the UCC process.

A small panel should meet to review formal complaints and share ownership of the role.

Council need to OWN the process not just tick a box to provide a policy which sits in a file never seeing the light of day and never being referred to. Currently relying on staff and directors to manage is a dismal failure.

A more impressive role for the same panel would be to monitor the time and quality of Council

	<p>responses with particular focus on “customer service” and intervene as appropriate to stimulate this and avoid items escalating to a formal complaint. Then genuine complainants can be dealt with under this policy and frustrated community members can be satisfied sooner and not be misjudged as incessant complainants.</p> <p>Likewise the complainant needs to OWN the complaint. To do this they need to be informed of the process and be provided with an impartial means of being kept up to date on the progress of the complaint. Community members do not want to be labelled as “whingers” and treated in this manner by Council. They simply want to be heard and get a reply even if it is not the desired outcome.</p> <p>I would also go further to suggest that when being informed it should be by a direct phone call and followed up in writing. Sending an email with the Policy attached and without explanation is not useful to the receiver and not always comprehended.</p> <p>Council should also consider the community members it serves are varied as are their abilities to comprehend written policies.</p> <p>Some points to consider within the Complaints Management Policy.</p> <p><b>1. Let’s talk about “in a timely manner”.</b></p> <p>Complaints I have made in the past have stemmed from an initial request for service or enquiry which was NOT carried out in a timely manner. A sentiment of being ignored by Council is created when emails are not replied to, phone calls are not returned, enquiries at the counter are unproductive with administration simply sending an email on your behalf which is also ignored. Requests for face-to-face meetings are met with contempt and the requested Council representative delegates someone else to attend. These interactions all contribute to frustrated ratepayers who feel they have no choice but to escalate the matter.</p> <p>Improving these internal issues will improve “community satisfaction with Council services”.</p> <p>As for “contributes to the satisfaction of staff” - why is this even in the policy? Staff moral is a completely separate and complex matter which I would suggest is dependent on many factors. If it is intended to include the sentiment that staff are respected and treated fairly by the complainant I think this wording poorly reflects that.</p> <p><b>2. What is not a complaint?</b></p> <p>The policy acknowledges that a request for service not carried out within designated time frames can escalate to a complaint. What is not clear is <b>how, when and by whom</b> this progression occurs.</p> <p>In my experience, after dissatisfaction with the request for service further attempts to be heard by Council included:</p> <ul style="list-style-type: none"> <li>• Contacting Councillors who replied that they can not interfere with operational matters.</li> <li>• Scheduling a meeting with the GM who failed to attend but did send delegates who made commitments within time frames which were not met and feedback not provided</li> </ul>
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- Complaining to the Ombudsman which led to further commitments within a time frame which again was not met and minimal feedback provided.

*Complaint is an expression of dissatisfaction with Council's policies, procedures, charges, employees, agents, or the quality of service provided.*

By this definition some of my earliest interactions with Council following up the lack of reply to the original issue, questioning procedures and expressing frustration with certain Council employees certainly constituted a complaint. In my case, the Complaints Policy information was only mentioned to me just prior to contacting the Ombudsman. This was by the author of this policy – Bligh Grant.

I would suggest that he is well informed and it is part of his role in Council however many other staff prior to this, despite opportunity, failed to inform me including Directors of Council.

At what stage in my experience should the matter have been viewed as a complaint and the formal complaint management process have commenced? When would this occur under this draft policy. Would my complaint have been viewed as one complaint or a series of complaints about different issues?

It is imperative that the frequency of contact is not a measure used as this unfairly treats the complainant when Council do not fulfil their role adequately, leaving them with no recourse but to persist and risk being labelled as an unreasonable complainant.

### **3. Policy and Procedures**

Key words for me in reading this are: “lodging... is simple and reliable” “speedy response” While this sounds great it is then followed by: The Designated Officer will respond substantially to any complaint (other than a competitive neutrality complaint) within 21 days after it is received. 21 days is a poor time frame and not “speedy” especially if the community member has already endured long periods of inadequate responses and is feeling ignored. Within 7 days would be fair.

If it is not possible to respond substantially to a complaint within that time, the Designated Officer shall forward an acknowledgement letter to the complainant within that time period advising that the complaint is being investigated and that a response will be forwarded within a further 28 days.

### **4. Where is the accountability?**

What can the community member expect if the designated officer does not meet the time frame? The community member may not agree with what Council deem to be a valid reason for breach of this. Should this situation arise, what is the process?

When a community member has a discussion at the counter or sends in written correspondence with some level of complaint without actually using the word “complaint” is it even considered a lodged complaint?

	<p>With reference to the Unreasonable Complainants Register, how will these be assessed? The policy addresses the obvious matters of inappropriate behaviour, use of bad language intimidation etc but it fails to address the persistent ratepayer who repeatedly reaches out to Council with no reply.</p> <p>What happens when there is a failure by Council to provide adequate customer service? What happens when a complaint crosses different departments? In my experience the staff and directors do not work together resulting in the community member becoming further frustrated. How can this be improved?</p> <p>In my case, further attempts to email and phone could have been perceived as unreasonable as was a similar situation with Bob and Lynne Cairns and Shane Powell. This incident was handled poorly by Council. If an apology hasn't yet been forthcoming it absolutely should be.</p> <p>My interactions certainly felt like it was Council intention to belittle me and wear me down hoping I would go away. For many that's exactly what happens. That is far from good practice for an organisation that is here to represent it's community.</p> <p>How does this policy directly address this matter? It appears this injustice could still occur under this policy.</p> <p>I acknowledge this draft policy is a step towards Council making improvements however it will be ineffective and cumbersome without the underlying issues of poor customer service and failure to provide feedback are not addressed as a priority.</p> <p>Regards, Cyndi Lynch.</p>
<p>Helen Tyas Tunggal Angourie</p>	<p>Submission to the Draft Managing Unreasonable Conduct by Complainants (UCC) Policy V3.0</p> <p>I have read through the draft policy and have some concerns about it.</p> <p>While over the past decades there have been many instances when, as an individual resident and ratepayer or as a spokesperson or secretary for various community groups, I have contacted council to express concerns and ask questions.</p> <p>More often than not, the response was inadequate or non-existent, requiring consistent and continuous follow up 'friendly' reminders over ensuing months.</p> <p>Fortunately I have never been officially labelled as an Unreasonable Complainant, perhaps because I was not persistent enough in my efforts to obtain a response or reasonable answers.</p> <p>My real concern is that the very lengthy Draft Policy appears to focus more on providing an excuse for council staff to ignore what could be a reasonable and valid enquiry and turn it into a vexatious complainant issue.</p> <p>How does this draft policy compliment so called aspirational statements in other policies such the Clarence Valley Community Strategic Plan, CVC Communications Policy or the CVC Community Participation Plan which relates to many unanswered enquiries?</p>

	<p>CLARENCE VALLEY COUNCIL COMMUNITY PARTICIPATION PLAN</p> <p>Principles and commitments</p> <p>What are the principles supporting this Plan?</p> <p>Eight key principles support our approach to engaging our community about planning matters. These principles come from the Act and are set out below.</p> <ol style="list-style-type: none"> <li>1. The community has a right to be informed about planning matters that affect it.</li> <li>2. Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.</li> <li>3. Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning.</li> <li>4. The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.</li> <li>5. Community participation should be inclusive and planning authorities should actively seek views that are representative of the community.</li> <li>6. Members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made.</li> <li>7. Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account).</li> <li>8. Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development.</li> </ol> <p>My other main concern is that in the real world, council staff don't always get it right and there does not appear to be enough opportunity for a resident unfairly accused of wrong doing to be given redress or an apology. There needs to be more balance in the policy.</p> <p>Yours sincerely</p>
<p>Shane Powell; Stephanie Pettersen Yamba 2464</p>	<p><b>Submission: Draft Managing unreasonable conduct by Complainants.</b></p> <p>I believe [REDACTED] the UCC on me on 29 July 2021 [REDACTED] my valid and reasonable questions about an illegal development. The UCC was invoked by AGM when the General Manager, Mr Ashley Lindsay, was on sick leave from 17 May 2021 until 2 August 2021.</p> <p><b>Summary of occurrences:</b></p> <p>My partner and I were notified of a proposed development adjacent to our property in September 2019.</p> <p>We had valid concerns that the development would impact on our lifestyle including overshadowing our backyard and home blocking the beautiful early morning sun</p>

inside our living room, the cooling breezes in the summer and views over the canal. I emailed and phoned Council a number of times and was promised that the Council Building Surveyor would visit our property. This did not occur.

The proposed development was approved on 25 November 2019. Council ignored that construction of the development had commenced prior to DA approval and also that a survey wasn't done.

During construction of the development in 2020 we noticed that it was not being built as was seen in the Notification Plan.

I made a number of complaints to Council to no avail. Friends of ours, Mr and Mrs Cairns tried to assist with the ongoing illegal construction, emailing Council to no avail.

The unlawful construction continued throughout 2020. Council finally did an onsite compliance inspection. There were about six non-complying construction issues. Council continued to ignore these non-complying issues. We requested all documents about the development, to no avail.

In mid-December 2020 we lodged a complaint about a staff member with the General Manager (GM). GM took 97 days to respond and this was only after three reminders were sent, then we emailed Mayor Simmons, who ignored us for 43 days, then we emailed a Councillor for support and finally GM responded. Mayor Simmons requested GM to email informed us why he took so long to respond, GM never did.

We requested a meeting with the General Manager. On 18 December 2020 Mr and Mrs Cairns and I met with the General Manager, Mr Lindsay, Director of Planning, Mr Schroder and Director of Governance, Ms Black. We voiced our concerns and were assured the non-complying issues would be addressed. Mr Lindsay told us that the owner will have to submit a modification to address all the illegal construction. We were handed a copy of the Consent and Structural Plans at the meeting. It was then that we realised how illegal the development was being constructed. Mr Lindsay suggested we email Ms Black, in his absence from 21 December 2020 to end January 2021.

Over the following months further illegal construction continued despite us continuing to voice our concerns to Council. A number of structures were being constructed and installed that did not meet the Conditions of Consent and Structural Plans. After emailing Council in April 2021 about lack of acting in accordance with its Enforcement Policy, Council finally contacted the builder to discontinue construction.

We received a copy of the modification and new DA. The new DA had the illegal structures as proposed – two of the three illegal structures were already constructed. In



order that these illegal structures complied Council had removed the Condition of Consent that states that *"All structures located within the 7.5 metre rear building alignment shall not exceed 1.2 metres in height from existing ground level."* We voiced our concerns to GM and a response was received that the development would be provided to Council.

As all documents were not provided, we requested all the remaining documents in relation to the development. Council refused. A complaint was lodged with the Mayor the Council was breaching the GIPA act. The Mayor responded outlining that all documents will be provided within three working days. This did not occur.

The Councils Business Paper (BP) 18 May 2021 on this development had errors. The BP stated a portion of the decking was exempt under the State Environmental Planning Policy (SEPP). There was no decking that met the criteria for exemption under the SEPP as was emailed confirmed from CVC Planning section. The deck in the Consent Plans was 60sqm, constructed is 122sqm in the modification plans. If the SEPP was applicable the deck size would need to be 25sqm or less. The BP mentioned 2 variations to Councils DCP – there were 10 variations. There were 18 breaches of the EP&A Act as the development continued to be constructed contravening the EP& A Act and the Conditions of Consent can never be met. An Occupation Certificate could not be issued.

The development was retrospectively approved by Council on 22 June 2021 – six votes to three.

I received a letter from AGM on 28 June 2021 outlining that no further documents will be provided in relation to this development.

On 29 July 2021 I received a letter from AGM imposing the UCC and saying she had *"decided that Council would not interact with me for 6 months except in relation to a genuine emergency, defined as a situation whereby there is an immediate and significant risk to either, or both, property or individual life/lives; or for electoral matters."*

**Conclusion**

I believe this confirms that AGM incorrectly imposed the UCC. [REDACTED]

	<p>I also believe that one Council staff member should not have the power to impose the UCC. And any appeal from a resident would be best assessed by a panel.</p> <p>I would like to request Council provide Mr and Mrs Cairns and I an apology as the UCC was improperly invoked.</p>
<p>Stan Cousins Yamba NSW</p>	<p>With reference to this draft document I generally agree with the overall direction.</p> <p>However I request that several procedures be put in place to ensure it is properly implemented.</p> <p>In recent months I have written to council on matters that are important to me through your office and asked for a written reply.</p> <p>I would expect that these matters would have been forwarded to the Planning Directorate but no response has occurred.</p> <p>[REDACTED]</p> <p>Repeated silence in NOT responding only reinforces a view that there is a lack of transparency and accountability...STILL ..(see posters which others in the community produced in August and September 2018)</p> <p>Properly structured organisations who are operationally complying to clear policies without fear or favour are usually very ready to provide full conforming answers.</p> <p>I request that a performance standards be developed and adopted CONCURRENT with the adoption of the policy.</p> <p>The standards are to set KPIs for response times and trapping any ongoing written correspondence by the ratepayer after councils initial response written response.</p> <p>The ongoing performance should be the responsibility of the Governance Director.</p> <p>The Governance Director should report to the General Manager and Mayor in session on any lingering matters past a defined time and hence to the Council in session.</p> <p>If Council has made errors then the error is to be admitted and wrongfully treated ratepayers details redacted with ensuing confirming advice.</p>

	<p>It is imperative that transparency and accountability levels are more than significantly improved if the Council is to engage with the community as per modern requirements.</p> <p>With the implementation of the above efficiency should also improve but it will also take other initiatives to come up to a modern standard.</p> <p>Thank you—</p>
<p>Cary Mora Kim Collins Wooloweyah 2462</p>	<p>ATTENTION : The Acting General Manager, Clarence Valley Council.</p> <p>We the undersigned wish to lodge a submission for the above policy.</p> <p>We also have suffered difficulties dealing with the council.</p> <p>Although we have not had to endure an Unfair Complainant order being placed upon us, we have been subjected to the denial of a full " Gipa " report until further pursual was implemented.</p> <p>In addition to this we have had emails which date back to two years ago that still have not been fully addressed.</p> <p>Further being avoided, consistently.</p> <p>It appears that CVC avoidance of dealing with legitimate problems is "systemic" in nature.</p> <p>From a personal position, we have been subjected to this type of behaviour from management and all the way throughout the CVC system.</p> <p>It is our shared veiw that in order to protect all residents from being subjected to unreasonable conduct orders being bestowed upon them , that an Independent Review Process be implemented.</p> <p>This would ensure that unfair and unjustified outcomes and wrongly censored as " Unreasonable Complainants would be addressed.</p> <p>From our perspective we expect that all Councillors should represent the interests of all CVC residents, and ensure the duty of care is afforded openly and honestly.</p> <p>We are confident that this would provide a successful outcome.</p> <p>Thank you for this opportunity</p>

<p>Janet Purcell Wooloweyah 2462</p>	<p>I wish to comment on Clarence Valley Council's Draft Policy – Unreasonable Complainant Conduct currently on exhibition. I'm surprised a policy placed on exhibition has deletions and insertions and is not presented in finalised format. Some of the text is blue other text is black.</p> <p>This policy is not an easy read for an average person and needs to be simplified and in plain English in order to be user-friendly. For example, End notes are all very well but are bit academic for a council policy and I believe the average person would find it confusing.</p> <p>A definitions section should be included.</p> <p>The policy appears to subjective rather than objective and I feel concerned that the responsibility to restrict a community member from accessing council services and information lies with the Director of Corporate and Governance. Why is this? There should be a council committee providing a thorough assessment rather than giving supreme control to an individual staff member. Perhaps complainants behave unreasonably through frustration because some staff don't address issues adequately. The democratic process should provide for complaints and queries to be thoroughly and fairly addressed, in fact I believe it is Council's duty of care to do so. This has not always been the case.</p>
<p>John Hagger Waterview Heights 2460</p>	<p><b>UNREASONABLE COMPLAINANT CONDUCT POLICY SUBMISSION</b></p> <p>From memory, CVC adopted the NSW Ombudsman's UCC Policy in July 2015. Or maybe that was just a review of a previous adoption?</p> <p>The initial adoption followed complaints from the Maclean Chamber of Commerce and some local Business People with regard to Council bans on their interaction with Policy being determined by a single Member of CVC's senior staff and the apparent inconsistencies.</p> <p>The system appeared to be an improvement and up until 26 May 2020 when Councillors [REDACTED] [REDACTED] claims that Staff Review of the Policy:</p> <p><b>"KEY ISSUES</b> The Unreasonable Complainant Conduct Policy has been reviewed by staff and minor changes made to the structure of the policy document. These changes have not altered the intent of the policy and information supporting the policy direction is now contained as a procedural attachment."</p> <p>As a direct result of those misleading claims; the Policy changes were adopted without Public Exhibition.</p> <p>The 'Policy' was reduced to claims about caring for Local People and CVC staff but All of the actual 'Policy' was transferred over to the "procedural attachment" and removed from Representative oversight via Councillors and became Operational.</p>

	<p>Once again, we had a single person making these decisions and imo;          Their implementation defied general understanding, translation, and interpretation of the English language as it is generally used.</p> <p>I was one of People banned by the maximum amount provided for.          No warning letter was provided.          The letter advising of the ban was sent to the wrong address and opened before it arrived at myhome,          My requests for the initial appeal were disregarded and requests for follow up appeal dismissed by claims that the senior staff person would conduct any appeal when they wanted to and provide me with the outcome.</p> <p>The only details of my supposed 'crime' that were supplied were dates of emails with CVC.          Of those approximately half a dozen were to CVC in the previous 12 months and included 1 or 2 From CVC.</p> <p>The Policy needs to provide options for:          Councillor oversight,          Councillor representation of Local People when its implementation is Not within the Policy guidelines,          And an appeals process to a Review Panel, that includes at least 1 or 2 local people;          Access via CVC of any files created by the NSW Police with regard to CVC notifications.</p> <p>To be eligible for the treatment I received (no warning letter, etc.) the Policy specified that the Person being banned represented a threat to CVC staff and/or property.</p> <p>If the [REDACTED] implemented their interpretation of that policy genuinely believed that I was a physical threat to either;</p> <p>They would have been negligent in their Duty of Care Not to notify the NSW Policy.          As the repercussions of such notification as extreme, I would like CVC to request a list of Local People banned under their UCC Policy to be requested from the NSW Police via GIPA and those names provided to Councillors.          I would also like a copy of the list with all names of People banned redacted, with the exception of my own.          After CVC's misuse and abuse of the UCC Policy, this is a reasonable request.</p>
<p>Ken Collins          Yamba 2464</p>	<p><b>Re: Submission to Clarence Valley Council: Draft Managing Unreasonable Conduct by Complainants (UCC) Policy</b></p>

My partner and I live at the end of Wattle Drive Yamba, beside Wattle Park. Beside our property is a walkway between Park Avenue and Wattle Drive, beside the community garden.

Over the past year we have experienced motorbikes and cars entering the walkway between two bollards. A motorbike almost ran into me when he rode through the walkway at speed. This occurred twice over a few weeks.

We have also experienced, over the past five years, a strong stench of sewage from the sewer pump station in Park Avenue. We have contacted Council and the EP&A to no avail. After the completion of the sewer work to Park Avenue a ditch still remains and is still flooded causing mosquito infestation.

We believe our concerns were legitimate. We approached Council a number of times in relation to our concerns and in the majority, we were ignored. We have heard similar from other residents in the area. This is unacceptable as it requires residents to follow up their initial inquiry, which only involves more Council staff time and resources.

Council finally installed a log between the two bollards which now prevents the motorbike and vehicles entering the walkway.

We are friends with Mr and Mrs Cairns and are aware that Council invoked the UCC [REDACTED] [REDACTED] their valid questions about an illegal development. The UCC was [REDACTED] Mr and Mrs Cairns who were not provided the right of appeal or natural justice.

One Council staff member should not have the power, autonomously, to invoke and [REDACTED] the UCC Policy.

We believe Council should provide Mr and Mrs Cairns a written apology.

The UCC Policy needs urgent and careful review to prevent any further distress to local people, who are currently at risk of being unfairly treated. Residents should not be punished for taking an interest in local matters.

The amount of avoidable time and resources Council has used in punishing these people is unacceptable particularly when all could have been avoided if Council had addressed their concerns in the first instance. Then to refuse documents has caused further avoidable time and resources when the Information and Privacy Commission supported Mr and Mrs Cairns in obtaining the documents.

	<p>In addition, the NSW Ombudsman informed Council that it had departed from the UCC Procedure when Council initially imposed the UCC without providing a warning letter. We believe it is doubtful that there should be a UCC policy in the first instance.</p>
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**RE: Submission Draft Managing Unreasonable Conduct by Complainants (UCC) Policy V3.0**

Thank you for the opportunity to lodge a submission to the above Policy.

We wish to provide the following points for consideration to be included in the UCC Policy V3.0:

1. **Appealing a decision to change or restrict access to our services.** The following details to be included about how a complainant can appeal:
  - How and to whom a complainant can appeal;
  - The timeframe in which an appeal can be made; and
  - These details to be included in the “Sample letter notifying a complainant of a decision to change or restrict their access to our services” as seen in Appendix E.
  - These details to be included under “Providing a notification letter”;
  - That an Advisory group (GM, Mayor, and two community members with social work qualifications, experience) assess an appeal;
  - The Advisory group must be provided all evidence of the initial decision to invoke the UCC including incident reports, evidence of all documented contact and discussions made with the complainant prior to invoking the UCC;
2. **Further points to be added under “Appealing a decision”** as follows:
  - When the Advisory Group found Council has erred in relation to the UCC Policy, a written apology will be provided to the complainant (stating the UCC was incorrectly invoked and apologises for any duress caused). This apology to be signed by the GM and/or Mayor;
  - The apology placed on the complainants Council file;
3. **Alternative dispute resolution (ADR).** To be added:
  - “Alternative dispute resolution will be considered by the Director of Governance and Advisory Group and offered to the complainant.”
  - The opportunity for ADR be outlined in the initial warning letter to the complainant as seen in Appendix D Sample warning letter. This could be offered to a complainant;
  - This opportunity for ADR to be included under “Providing a warning letter”.
4. Under **“Notifying the complainant of an upcoming review”** the following be considered and included:
  - “Two weeks prior to the end date of the UCC the Director Corporate and Governance will forward a letter asking a complainant asking if they would like to participate...”.
5. That UCC actions taken on people to be confidentially reported to Council every six months.

This would help ensure complainants are treated with dignity and respect and the policy would not be abused as has occurred for Mr Powell and us.

Please inform us about the following:

- is there a Ministerial letter to CVC for approval to adopt the UCC Policy?
- when was the UCC Policy gazetted in the NSW Government Gazette for use? Is this required?
- is this Policy a part of the NSW LGA Act 1993 and from which chapter, division and section?

Please see attachments outlining our personal experience in relation to us receiving notification that we were UCCs last year and an email sent to Councillors on 25 April 2022.

Regards  
Lynne and Bob Cairns



**Summary of our personal experience on the Unreasonable Complainant Conduct (UCC) matter when we were subjected to a UCC from Clarence Valley Council (CVC) Acting General Manager (AGM) action in July 2021.**

**Why the UCC was invoked, in summary:**

- Council neglected to respond to our valid and reasonable questions emailed in relation to an illegal development. The construction of the development had commenced prior to DA approval (as was provided in photos in our submissions) and a survey was not done until the development had been completed (and was done so not in accordance with Consent Plans);
- CVC administration chose to ignore our enquiries about no survey, no approval to commence development and the ongoing illegal development, so that our enquiries were on occasions repeated, but we were still ignored. This is not unreasonable persistence.
- Councils Business Paper (BP) on this development was email confirmed as inaccurate. The BP stated a portion of the decking was exempt under the State Environmental Planning Policy (SEPP). There was no decking that met the criteria for exemption under the SEPP as was emailed confirmed from CVC Planning section. The BP mentioned 2 variations to Councils DCP – there were 10 variations. There were 18 breaches of the EP&A Act as the development continued to be constructed contravening the EP& A Act.
- Council continued to ignore us and did nothing and the development was approved retrospectively – an Occupation Certificate could not be issued as the development did not comply with the Conditions of Consent and the Consent Plans.
- The AGM then used her authority to put a wall up in front of us with a UCC on 29 July 2021, without warning, and subsequently not respond to our valid questions. We are confident that any diligent review of this matter would find we had been treated unfairly and unreasonably.
- During the course of this development Ms Black was AGM during some of the crucial stages that we were emailing about the illegal construction, including that survey was not done and when the BPs were inaccurate. GM Mr Lindsay was absent from 21 December 2020 to end January 2021 and also from 17 May to 2 August 2021. The first time this illegal development went to Council was 25 May 2021. On 29 November 2022 AGM commenced acting (and will be acting until 7 October 2022) when Mr Lindsay went on long service leave.



1. The following are applicable when imposing to the UCC restrictions. These did not occur:

- No opportunity was provided to us to discuss the matter with any Council staff.
- At no time had any staff informed us to reduce or cease sending emails;
- A warning letter was not provided.
- A staff members name and contact details were not provided to contact and discuss the matter;
- Staff are to provide an incident form to the Director Corporate & Governance within 24 hours of an incident occurring. Copies of incident reports have not been provided or mentioned;
- We were not provided any evidence to substantiate our restriction;
- The aim is to impose restrictions in the least restrictive ways possible and aim to keep at least one open line of communication with a complainant. This did not occur;
- The aim is to ensure consistency, transparency, and accountability. Provide the complainant a fair and impartial hearing and assessment, treat the complainant with courtesy and respect, provide a timely response and provide a least one right of review/appeal. This did not occur;
- We were not offered alternative dispute resolution (mediation and conciliation). Council staff are to bear some responsibility for causing or exacerbating the complainants conduct.

To be totally terminated from any interaction with Council a complainant's conduct involves one or more of the following:

- Acts of aggression, verbal and/or physical abuse, threats of harm, harassment, intimidation, stalking, assault.
- Damage to property while on our premises.

- Threats with a weapon or common office items that can be used to harm another person or themselves.
- Physically preventing a staff member from moving around freely either within their office or during an off- site visit - e.g. entrapping them in their home.
- Conduct that is otherwise unlawful.”

We have never acted in this manner and we have never been informed we had conducted ourselves in this manner.

2. **On 8 August 2021 after receiving the notification of UCC on 29 July 2021 without warning we emailed AGM some questions including:**
  - Why we weren't provided a warning letter;
  - Asking for evidence;
  - Whether we are prohibited from attending Council properties for public meetings or paying rates and water bills, making submissions, calling a CVC Ranger or CVC afterhours phone number, etc.?

**No response was provided.**
3. **On 30 August 2021 we again emailed AGM providing information about another UCC ratepayer being treated differently and asking some questions including:**
  - Please inform why we were not provided a warning letter?
  - Please inform why we are being treated differently to another ratepayer and not in accordance with CVC UCC Policy and Procedure?
  - At no time had a staff member requested we cease sending emails, in fact it was the opposite, we were asked whether the staff member could assist further, and please don't hesitate to contact me if you have any further questions, etc.

**No response was provided.**
4. **CVC provided [REDACTED] Business Paper 3 December 2021 for the Extraordinary Meeting to release us from the UCC.** We were not prior informed that an Extraordinary Meeting was requested to release us from UCC. Cr Toms, who was supporting us at that time, had not told us she had lodged the request for a meeting with Mayor Simmons. This was after GM Mr Lindsay had told her that an extraordinary meeting was required to put forward a motion to release us. We anticipated that the meeting would be held under the new council due to the imminent council election. At the Extraordinary CVC Meeting we sat in the gallery and watched. Two confidential email reports of our emails to/from CVC (approved by AGM), from 1 December 2020 to 30 November 2021, were listed in CVC BP. One report greatly exaggerated the number of emails. We felt this was to further punish, embarrass and crush us. We were subjected to insulting comments and humiliation during the meeting. Cr Lysaught said 3,000 emails in 12 months borders on obsession. Mayor Simmons said he would be stressed and affected mentally had he received those emails. Cr Toms fought fiercely that the UCC was used as a [REDACTED] against us.
 

Cr Toms raised a point of order and said the number of emails listed in the report have an important caveat. We received the two confidential email reports with the Information and Privacy Commissions support (after CVC refused our GIPA request). We found the emails were greatly exaggerated: one email between us and one staff member is repeated up to twelve times; emails from councillors to another ratepayer (we are cc in) are counted as our emails and are repeated up to ten times; emails from another ratepayer to a councillor (us cc) are counted as our emails and repeated up to twelve times; read receipts are our emails and repeated four times; automatic confirmations and replies are repeated up to four times. Our complaint about a staff member to Mr Lindsay (which took him 97 days to respond) after emailing reminders, then Mayor Simmons (who ignored us for 43 days) we then asked for support from Cr Novak. This caused fifty-eight emails - each email is repeated up to five times. There are errors such as, emails listed on 23 February 2021 occurred in October 2019. [REDACTED] Five councillors (who did not stand for re-election) were supporting the AGM. We were not released from the UCC. Councillors Toms, Novak, Clancy and Ellem supported us to be released: Councillors Kingsley, Williamson, Baker, Lysaught, Mayor Simmons did not support us.
5. **Review of our UCC.** AGMs letter of 29 July 2021 states our UCC will be reviewed on 1 February 2022. On the day after we received an email asking if we wished to participate in the review of our UCC. We declined to send anything as we believed we should not have received the UCC in the first instance.

We are aware, no other residents in CVC with an invoked UCC were offered to participate in a review.

On 23 February 2022, over three weeks after we received the letter about a review, we finally received a letter stating "Your amenability during the restriction period is noted and I consider it appropriate to remove the restrictions that have been placed on you both with accessing Clarence Valley Council. We request your contact CVC using our contact us details at [council@clarence.nsw.gov.au](mailto:council@clarence.nsw.gov.au) in your future contacts. This ensure that the most appropriate officer is tasked with responding and that your requests do not create duplicate action by multiple staff."

6. **Treated differently in comparison to other ratepayers**

The UCC has been invoked inconsistently. We discovered that other ratepayers were being treated quite differently to us.

**We are aware that another ratepayer was restricted for a year, from 10 November 2020 until 30 November 2021, to be reviewed quarterly due to the amount of time Council allocated to his phone calls.** He was informed he was unreasonably persistent. However, he was treated differently to us:

- This ratepayer was provided restricted access to Council for one year in the form of written correspondence to a staff member;
  - This ratepayer wrote to AGM asking a series of questions, similar to what we asked, and requesting evidence in relation to his restriction;
  - This ratepayer received a 9-page written response to his letter, addressing all his questions within 10 days in accordance with CVC Customer Service Policy;
  - This ratepayer was also provided evidence in relation to his restrictions;
  - This ratepayer's UCC was removed early and without a review or any other prior notification.
- a) **Another ratepayer emailed Council nearly every day since 2017 about a non-complying development down the road from his property.** A Council official contacted this ratepayer. The Council Governance Officer arranged to visit the ratepayer on 18 June 2021, who lives about 22 kms outside Grafton. The Council Governance Officer stayed for 3 hours talking with the ratepayer and his wife and a next-door neighbour about their complaint. The Council Official has not visited us to discuss our concerns. This ratepayer has continued to email nearly every day since the Council Official visited (with a cc to another Council Official, the Councillors and the Council email address). He always receives a reply from the Council Official who visited.
- b) **Another ratepayer (living near the ratepayer at b) above) has been emailing Council his complaint about the non-complying development on average once a day** (and sometimes 3 times a day) since 2015 (sometimes to the Council email address, sometimes using the Complaint form on Council's website, sometimes to a Council Official, and to all Councillors about every six months). This ratepayer visited the ratepayer b) above when the Council Governance Officer attended to discuss their complaints.

**Neither of these ratepayers at b) and c) were informed they were unreasonably persistent and received notification that they were UCCs.** The development these ratepayers were complaining about was a sawmill operating 6 days a week and not in accordance with the Conditions of Consent.

**We have emails from the three ratepayers at a), b) and c) confirming the above.**

**Both the ratepayers at b) and c) received a reference number** from Council for their complaint. We have not ever been provided a reference number.

Council staff, at all levels, should be working together with the community, [REDACTED] for coming forward and voicing their concerns.

We so hope Council and Councillors have learned from our personal experience and that this has encouraged important and essential changes and improvements for all in relation to the UCC and other communications between CVC and the community. We all deserve and expect better.

Lynne and Bob Cairns

Please note: All documents/emails can be provided to substantiate all of the above.

**EMAIL TO CLARENCE VALLEY COUNCILLORS 25 April 2022**

Dear Councillors

We note that the draft Managing unreasonable conduct by complainants policy is up for consideration at the Council meeting tomorrow Tuesday, 26 April, under Item 07.22.073.

Our reading of the draft unreasonable conduct by complainants policy (UCC), based on the NSW Ombudsman's model, appears to be fair and comprehensive but we believe it has a serious flaw.

The draft UCC lacks an inbuilt check to ensure that whoever has enacted the powers of restriction has acted fairly and in a reasonable manner taking into account all circumstances. The draft UCC warns against misuse but doesn't contain any mechanisms to prevent misuse and overuse of the UCC if this occurs.

We believe that when a Council is formulating its policy to protect the staff in certain circumstances it needs to be careful of bias and misuse that may unintentionally remove protection for the community you represent.

In lessons that can be learned from the past we can speak from personal experience on this matter when us three ratepayers were subjected to a UCC action last year.

Without trawling through the tedious details of our experience ( [REDACTED] Bob and Lynne Cairns), the Council administration did not conduct itself in a professional manner in meeting its obligation of responding to us about matters in which we had a personal interest, about a development. Instead, the administration chose for the most part to ignore our enquiries, so that our enquiries were on occasions repeated, but we were still ignored. Is persistence unreasonable in these circumstances?

The administration then used its authority to put a wall up in front of us with a UCC, without warning, and subsequently not respond to our valid questions and made questionable aspersions in a report to Council to support its actions. We are confident that any diligent review of this matter would find we had been treated unfairly and unreasonably.

However, this is not about us at this point in time, it is about fair process for the whole community. We urge Councillors as the governing body to build in safeguards for community members and not allow a process to be adopted by the Council admin to avoid what may be awkward inquiries and have the potential to be used as a tool to cover their own errors.

It is notable that last year, Lismore City Council (LCC) recognised the need to address this aspect of the UCC policy.

On June 8, 2021, The LCC Minutes state:

1. *the draft Unreasonable Conduct Policy and Procedure that was previously considered by Council in February 2020 be amended to include a provision for confidential reporting to councillors any actions taken under the policy every six months or as required via City Notes or in a confidential briefing.*
2. *the amended policy be placed on public exhibition for 28 days and returned to the July meeting for consideration prior to adoption.*
3. *an advisory group is established to manage any unreasonable conduct incidents. The advisory group will be made up of the General Manager, Manager People and Safety and two community members. The two community members of the advisory group are to be selected by an Expression of interest process and will be appointed by Council vote. The community members are to have qualifications or experience in social work or a related field.*

This was adopted unanimously.

We suggest that Council give consideration that point one above be amended appropriately and is included in the draft UCC at the end of '4.2 The Director Corporate and Governance.'

We note that the draft UCC outlines one staff member managing and invoking the UCC. Some Councils have the General Manager and Director Governance or Human Resources Manager enact the powers of restriction.

We also note the draft UCC mentions the right of appeal, as per the NSW Ombudsman's model policy, but does not mention how, to whom and when a complainant can lodge an appeal. A suggestion is to include how, to whom and within what timeframe a complainant can appeal a UCC restriction. This to be included in the body of the draft UCC and in the warning letter template. Example wording, "*The complainant is provided with the opportunity to make a written submission to the General Manager within 30 days of the date of the restriction notification letter, detailing any mitigating circumstances or reasons as to why the restriction action is not appropriate*" (as seen in another Council's UCC).

We believe to assist with protection of the community you represent, a complainant's appeal against the UCC restriction would be best managed by an advisory group. This group comprise, as a suggestion, the general manager, mayor and two community members (as outlined at point three above), consulting with the one who initially invoked the UCC.

In addition, we note the draft UCC mentions in its 'Forward' "*Council acknowledges that sometimes our staff get it wrong and can, in fact, trigger or exacerbate instances of UCC. Mistakes can be made, complaints and cases can be mishandled, delays can occur, and processes and procedures are sometimes overly complex, culturally inappropriate, or unresponsive to the needs of certain complainants. In these circumstances, and in any circumstance where an organisation (Council) contributes to a complainant's unreasonable conduct, it should immediately rectify the problem – including providing the complainant with an apology.*" This can assist to provide resolution for all parties to the matter in the first instance. To help support the community you represent and to ensure an ongoing relationship is maintained between Council and the complainant we suggest that these three sentences be included at the end of '8.1 Right of Appeal.'

In your task in deciding how the public is to be managed can we also ask you to consider 8: 2(b) of the NSW Local Govt Act 1993 that says: "*Councils should consider social justice principles*". In a Google search the principles of social justice include access to resources, equity, participation, diversity, and human rights which we believe dovetails into "natural justice". We believe this can be put simply as **the duty to act fairly**.

We urge you to act in the interests of the wider community and find a way to protect all of us against the potential misuse of the UCC policy, similarly as LCC identified the need for protection for their community.

We urge you to do what you can to ensure the policy cannot be [REDACTED] against the community in the future.

Thank you for your time.

Regards  
Lynne and Bob Cairns  
[REDACTED]



**ITEM 07.22.175 CLARENCE VALLEY CITIZENS OF THE YEAR 2023 - AWARDS**

<b>Meeting</b>	Council	23 August 2022
<b>Directorate</b>	Corporate & Governance	
<b>Prepared by</b>	Corporate Support Assistant, Karlie Chevalley	
<b>Attachments</b>	Nil	

**SUMMARY**

This report addresses two significant changes to the formally known Clarence Valley Australia Day Awards held on Australia Day (26 January) each year in alternate locations between Grafton and Yamba. The Officer's recommendation includes the name and date change as well as the nomination of a Councillor to be the event advocate.

**OFFICER RECOMMENDATION**

That Council,

1. Endorse the proposed changes provided regarding the Clarence Valley Citizens of the Year Awards and the event to be held on 25 January at 10am in Grafton.
2. Endorse an Australian Citizenship Ceremony be held in conjunction with this event.
3. Nominate a Councillor as the Advocate for the event.

**LINKAGE TO OUR COMMUNITY PLAN**

Theme Society

Objective We will have proud and inviting communities

**KEY ISSUES**

CVC and the National Australia Day Council staff have collaboratively worked together to propose the renaming of the event to *Clarence Valley Citizens of the Year* and recommend the event be held on 25 January at 10:00 am annually, prior to Australia Day. This is in line with the National Australian of the Year Awards. The event for 2023 will be held in Grafton and combined with an Australian Citizenship Ceremony.

Additionally, the Councillor advocate will be involved in the order of service at the event, on the selection panel and participate in advertising materials such as radio ads and other materials to encourage people to nominate.

The current issue around this event is the matter of sensitivity to the date on which it is held. There has been some community pushback and less participation because CVC celebrates and hosts this event on Australia Day. It is anticipated that promotion of the newly named and dated event will raise awareness that of celebrating the citizens of our Clarence Valley rather than the significance of the date.

Previous years have seen our First Nations community reluctant to participate. The recommendation seeks the 2023 event will be more inclusive and perceived in a different light with hopes to include a welcome or acknowledgement to country from an Elder and a cultural performance.

**Key dates:**

Nominations open: 12 September 2022

Nominations close: 18 November 2022

Selection panel meeting: 5 December 2022

**BACKGROUND**

The 2022 Awards/Citizenship event received favourable feedback; there was positive feedback about the proceedings and the event itself. There were 72 guests in attendance; 7 of them were Clarence Valley residents who became Australian Citizens on the day.

The Councillor Advocate for 2022 was Councillor Jeff Smith.

Due to changes to the Australian Citizenship Ceremonies Code, at its meeting held 22 October 2019, Council resolved (6c.19.063):

*That Council*

1. *Conduct a citizenship ceremony on Australia Day (January 26).*
2. *Invite the Federal Member for Page to attend our citizenship ceremonies to read the Minister's message.*
3. *Adopt the dress code for ceremonies and advise the Department of Home Affairs.*

**Comment:** *Contact has been made with the Ceremonies team regarding having a ceremony on 25 January as a combined event and they have responded positively to this to ensure a more inclusive and successful event. It is important to note that CVC is not the only council to request a ceremony be held on a different date and as it is to be included in a bigger event and proposed to be held as close as possible to Australia Day. If the request of CVC is not accepted, staff will host a small intimate ceremony the morning of 26 January, pending there are conferees on the list and available to attend.*

Council at its meeting held February 2019, resolved (13.002/19) to:

That Council provide feedback to the Minister advising:

1. Council does not agree with holding a citizenship ceremony on Australia Day (26 January) due to the additional costs incurred by Council (as Australia Day is a public holiday) but will hold it on the business day nearest to that date.
2. That a citizenship ceremony will be held on Australian Citizenship Day (17 September) as long as it does not fall on a weekend.

**Comment:** *This was superseded by the above resolution in October 2019.*

At its meeting held September 2011, Council resolved (12.163/11) to:

That Council:

Point 3: Approves of the official Clarence Valley Award Ceremony being located in established venues which can cater for 300 patrons and be held the evening of 25 January.

**Comment:** *It is noted that the previous date of the awards has been 25 January in the past.*

## COUNCIL IMPLICATIONS

### Budget/Financial

- Costs will be funded from 996060-6736-2200 for the Australia Day Awards.
- Ceremony Costs will be funded from 991001-7014-2200 for the Citizenship Ceremony.

It is important to note that a mid-morning/lunchtime event would not incur staff overtime costs as the event would be within work hours.

### Asset Management

N/A

### Policy and Regulation

N/A

### Consultation

- CVC staff
- National Australia Day Council staff
- NSW Citizenship staff

### Legal and Risk Management

N/A

### Climate Change

N/A

**ITEM 07.22.176 CHECKLIST MEETING SCHEDULE - UPDATES ON ACTIONS TAKEN**

<b>Meeting</b>	Council	23 August 2022
<b>Directorate</b>	Corporate & Governance	
<b>Prepared by</b>	Corporate Support Officer, Karlie Chevalley	
<b>Attachments</b>	A. Outstanding Checklist Items (Separate Cover) <a href="#">⇒</a> B. Rolling Outstanding Checklist Items (Separate Cover) <a href="#">⇒</a> C. Completed Checklist Items (Separate Cover) <a href="#">⇒</a>	

**SUMMARY**

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

**OFFICER RECOMMENDATION**

That Council note the schedule of actions taken on resolutions 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**

An actions list is issued to relevant staff after each Council meeting to enable them to provide comments on the status of resolutions adopted by Council.

The attached checklists contain 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 has previously been reported to 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



**ITEM 07.22.177 ITEMS FOR INFORMATION**

<b>Meeting</b>	Council	23 August 2022
<b>Directorate</b>	General Manager	
<b>Attachments</b>	A. Minutes of meeting - 19 July 2022 <a href="#">↓</a>	

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**OFFICER RECOMMENDATION**

That the Clarence Valley Biodiversity Advisory Committee meeting minutes held 19 July 2022 be noted.



## Clarence Valley Biodiversity Advisory Committee - Meeting Minutes

10:00 am Tuesday 19<sup>th</sup> July 2022

CVC Council Chambers - 2 Prince Street Grafton

**Present:** Cr Greg Clancy (Chair), John Edwards, Linda Wright, Laura Noble, Barbara Linley, Phil Redpath, Peter Lake, Adrian Deville, Joanne Cunningham, Krister Waern, Heather Mitchell (CVC Staff), Reece Luxton (CVC Staff), A/GM Laura Black (part)

**Apologies:** Cr Peter Johnstone, Scott Lenton, Adam Cameron, Jonathon Yantsch, Nigel Blake

<i>Item</i>	<i>Discussion</i>	<i>Responsible person &amp; deadline</i>
<b>1. Introduction</b>	New members of committee on arrival	All members
<b>2. Meeting opening – 10:05am</b> Cr Greg Clancy as Chair opened the meeting and welcomed the members of this new committee.	Acknowledgement of Country Committee acknowledged to work to best of its ability	Cr Greg Clancy



<i>Item</i>	<i>Discussion</i>	<i>Responsible person &amp; deadline</i>
<p><b>3. Purpose and membership of the Committee</b></p>	<p>Cr Clancy outlined background to the Committee – following previous committee set up for development of Biodiversity Strategy 2010. Climate Change Committee related but needed separate one for Biodiversity.</p> <p>Committee to look at <u>strategy and policy</u> relating to biodiversity issues impacting on Council and the community.</p> <ol style="list-style-type: none"> <li>1. That biodiversity management professionals and interested community representatives collaborate to guide implementation of Council's <i>Biodiversity Strategy 2020-2025</i> and provide input to biodiversity strategy, policy, and programs relevant to the Clarence Valley's biodiversity.</li> <li>2. That Committee members promote Council's biodiversity management activities and Committee activities to their community or agency networks as well as to the wider CV community when sanctioned by the Committee.</li> <li>3. That the Committee members contribute to community education and raising awareness of biodiversity and management within the Clarence Valley.</li> </ol>	<p>Purpose - from <i>Terms of Reference</i></p>
<p><b>4. Member introductions – 10:10 to 10:50am</b></p>	<p>Summary – see end of minutes</p>	<p>All – no further action</p>



<i>Item</i>	<i>Discussion</i>	<i>Responsible person &amp; deadline</i>
<p><b>5. Advisory Committee – induction documents 10:50 to 11:20am</b></p>	<p>Reece Luxton outlined the induction documents emailed to all members - <i>Terms of Reference, Code of Conduct policy, and Advisory Committee Handbook.</i></p> <p><i>Note - requirements of a quorum (50% + 1), voting rights (one vote per member excluding CVC staff) and advised that members covered by Council's insurances when undertaking Committee business.</i></p> <p>Discussion on various issues:</p> <ul style="list-style-type: none"> <li>- Australia State of the Environment report 2021 released today</li> <li>- Acknowledged that CV has second highest biodiversity values</li> <li>- Need to value the environment; and watch volunteer burn out</li> <li>- Land managers need to bring focus that cost to environment needs to be budgeted – concern about handouts</li> <li>- River – brings everyone together – end point of the environment – extend to floodplain and riparian zones</li> <li>- Recognise that landholders are threatened by providing knowledge of environmental values on their property e.g. Koalas.</li> <li>- Discussion on value of 'triple bottom line' how to best raise profile of environment in this framework/need to value it/provide a lens to promote environment more</li> <li>- Offsets – need to understand better – topic for discussion</li> </ul>	<p>Adopted by all – no further discussion</p>





<i>Item</i>	<i>Discussion</i>	<i>Responsible person &amp; deadline</i>
	<ul style="list-style-type: none"> <li>- Review Tree Management policy – awareness around local provenance discussion</li> <li>- Heather noted that a project to develop plant identification for the CVC area is to be underway 22/23</li> <li>- Phil Redpath queried the level of vegetation surveys available and note the Nymboida Roadside Vegetation Plan – recommend as an agenda item for next meeting</li> <li>- Laura Noble raised the issue of a tree register – has one been developed? - for trees of significance for Council to consider in development applications (including dead trees for habitat purposes)</li> <li>- Joanne Cunningham queried action – ‘coordinate education programs...soil and water management’ – who and how will this be addressed?</li> <li>- Recognise the importance of education to next generation – school children</li> <li>- Peter Lake noting KPI of 5000 trees – other Councils provide free trees to the public – can CVC undertake this as well?</li> <li>- Identified that objective of net vegetation gain needs to be addressed</li> </ul>	<p>Agenda item: Roadside Vegetation Management</p> <p>Action: check on tree register</p> <p>Action: check on education program delivery</p>
<b>8. General business</b>	Recommended that contact details for each of the members be distributed – no objections received.	Reece – with minutes of meeting



<i>Item</i>	<i>Discussion</i>	<i>Responsible person &amp; deadline</i>
9. Action items	Action list to be developed Agenda items for next meeting to be forwarded	Reece – with minutes of meeting
10. Meeting closed – 12:35pm		

Minutes confirmed by Chair Cr Greg Clancy

Signature

Date 26/07/2022



### Summary – member introductions

Krister Waern (NSW DPE BCD) – part of North East team for over 10 years and we have teams in coastal management and flooding, compliance and regulation, threatened species (SOS) and Planning which I am part of. The planning team provide advice on proposed developments, planning proposals, threatened species licencing; also assist Council with mitigating impacts from flying foxes.

Phil Redpath (community) – ecologist for 30 years; landscape scale flora and fauna assessments; involved in various environmental legislation review and implementation; would like to see CV become leader in planning, legislation (LEP) and implementation

Adrian Deville (community) – zoology/biology knowledge; background in Local Government (CHCC Sustainability Officer, Byron SC Environment Officer); State Government (OEH/DPE); worked in local Landcare Groups; ecotourism in the Clarence, current work on land for conservation project in Pillar Valley

Heather Mitchell (CVC) – NRM (Biodiversity) Officer – work on a broad range of biodiversity issues such as restoration projects, flying-foxes, koalas, environmental assessments etc; develop and review vegetation management plans; riparian management; previous work in TAFE, Fisheries, and NPWS in the water reform process.

Linda Wright (community) – environmental advocate in CV for 27 years, long-term member of Valley Watch and Maclean Flying Fox Working Group; architect for CELF; coordinator for Clarence Valley Koala Group; interested in wildlife habitat trees getting into the ground.

Joanne Cunningham (community) – working with Dundurrabin/Blicks community project through Regional NSW; background in Aquatic ecology water research and env. assessment. Secondary Science teacher; passionate about the environment and the need to find solution that avoid destroying habitat.

Reece Luxton (CVC) – Coordinator NRM – 4 years, working on biodiversity, biosecurity and bushfire program and projects; previously Weed management 23 years; previous work in State Government and Landcare Groups; interested in working collaboratively with stakeholders and community to deliver outcomes to benefit environment.





Peter Lake (community) – lived in CV since 2007 – farmer; looking to increase recognition of balance – bring perspective to committee; floodplain area – looking at economics in isolation becoming difficult; understanding consideration for biodiversity

John Edwards (community) – lifetime observation of natural world; 43 years in CV – 20 years active conservation group member; issues to note include water quality; under scrubbing (reduces 90% of biodiversity); plethora of laws/plans with little enforcement; bushfire management (impact on biodiversity); reconcile 25m clearing laws; intensive horticulture issues; private conservation agreements – rate relief – paid by State Government; recognise Biodiversity Strategy 2010 has good content to follow.

Barbara Linley (community) – farmer/family therapist for 30 years; 5 years in CV; owns land at Tullymorgan and Taloumbi, with koala and emu populations; undertaking cool burns on property; worried biodiversity losses and conservation issues which led to presidency of Lions Club of Clarence – Environmental; next project – cats; involved with Southern Cross University and regenerative farming practices, interested in biodiversity credits and soil carbon

Laura Noble (community) – interested in biodiversity since young age; in CV since 2004, working at Nymboida Canoe Centre, started bush regen on lantana and privet; worked on Indian myna control program since 2010 with CVCIA – building environmentally friendly traps; own 167 acres at Kungala with Land for Wildlife; want to help Council become a good example of biodiversity conservation

Laura Black (CVC) – wanted to attend to meet new members of committee; and express appreciation for committing time for the benefit of Council; recognise that we are a thinly resourced organisation and support from the community needed.

Cr Greg Clancy (CVC) – willing to represent people and biodiversity through commitment to protecting the environment; everyone should be involved; recognise conservative political nature of community; CVC has achieved a lot for climate change and biodiversity; passion is dealing with cats and fire; interest in working with First Nations; local provenance of plantings is crucial, for example concern about koala food trees sourced from the Richmond; roadside vegetation management needs to be improved; as does ecological reporting with DA's; note precautionary principle.

END

**ITEM 07.22.178 2022/2023 MONTHLY FINANCIAL REPORT - JULY 2022**

<b>Meeting</b>	Council	23 August 2022
<b>Directorate</b>	Corporate & Governance	
<b>Prepared by</b>	Manager Finance & Systems, Kate Maginnity	
<b>Attachments</b>	A. 2022/2023 Monthly Income & expenditure Statements by Service - July 2022 <a href="#">↓</a>	
	B. Grant Application Summary July 2022 <a href="#">↓</a>	

**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 end of year result. The reserve fund variations identified in this report will increase the balance of the Financial Reserves by \$882,000

**OFFICER RECOMMENDATION**

That Council:

1. Note the monthly financial information report for July 2022 attached to this report.
2. Endorse the proposed variations, which have a net zero impact on the Budgeted General Fund Result which will be included in the September Quarterly Budget Review Statement to be reported in October 2022.
3. Endorse the proposed variations, which increase the Financial Reserves by \$882,000 which will be included in the September Quarterly Budget Review Statement to be reported in October 2022.
4. 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 July 2022.

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
202	<b>Service – Property Services</b> <b>Sub-Service – Property Services</b> <ul style="list-style-type: none"> <li>Recognise proceeds from sale of the Visitor Information Centre and transfer proceeds to the Strategic Building Reserve (RA 10520) Property sold as part of Council's Fit for the Future Property Rationalisation Strategy</li> </ul>	\$Nil	(\$882,000)	13.017/16 6a.19.004 <sup>1</sup>
	<b>TOTAL Proposed General Fund / Reserve Balance Impact</b>	<b>\$Nil</b>	<b>(\$882,000)</b>	

<sup>1</sup>Lot 2 DP839420 2 Spring Street, South Grafton

At its Ordinary Meeting held June 2019, Council resolved to:

1. Council, decline the offer for purchase from [REDACTED] of Lot 2 DP 839420 dated 7 June 2019 of \$750,000.
2. Council, make a counter offer to [REDACTED] of \$900,000.00 plus GST.
3. If accepted, Council grant the purchaser three days to complete due diligence prior to exchanging contracts.
4. If not accepted, Council set a reserve price for future offers at \$900,000.00 plus GST.
5. The General Manager is delegated authority to negotiate and accept offers received, up to 10% below the reserve price.
6. The General Manager is authorised to execute the required documents relating to the sale.

In November 2021, sale was negotiated by the former General Manager (sale price \$970,200 incl GST) with contracts being signed in December 2021. The purchaser sought a contract variation in late January 2022 and contracts were exchanged in early February 2022. Settlement occurred on 19 July 2022.

A recommendation for expenditure of funds was discussed at the recent Economic Development and Tourism Advisory Committee, the minutes of which will be reported to September for consideration.

### Explanation of Attachment

Income and Expenditure Statements (attachment A) 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:

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

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

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

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

### COUNCIL IMPLICATIONS

#### Budget/Financial

#### General Fund Budget (Surplus)/Deficit

Original Budget Adopted by Council June 2022	\$36,052	Deficit
Q1 Proposed Budget Variations – July	\$Nil	Nil
<b>Proposed Movement of General Fund 22/23 Budget Result July 2022</b>	<b>\$36,052</b>	<b>Deficit</b>

**Proposed Impact on External and Internal Financial Reserve Funds Result****Reserve Movements**

Original Budget Adopted by Council June 2022	\$20,511,903	Decrease
Q1 Proposed Budget Variations – July 2022	(\$882,000)	Increase
<b>Proposed Movement of Reserve Funds 22/23 Budget Result – July 2022</b>	<b>\$19,629,903</b>	<b>Decrease</b>

**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

2022/23 Monthly Income & Expenditure Statements by Service - July 2022

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*"Discover the Clarence"*

Clarence Valley Council

Monthly Income & Expenditure Statement - July 2022  
Service: Office of General Manager



Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
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
<b>Total Income</b>	<b>0</b>	<b>0</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	678,094	34,057
Other Employee Costs	4,000	0
Borrowing Costs	0	0
Materials	8,668	671
Contracts & Consultancies	120,455	0
Legal Expenses	0	0
Depreciation	682	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	8,000	667
Internal Plant Hire	0	0
<b>Total Expenditure</b>	<b>819,899</b>	<b>35,395</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>		
	<b>819,899</b>	<b>35,395</b>
Capital Grants & Contributions	0	0
<b>NET RESULT</b>	<b>819,899</b>	<b>35,395</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
Capital Works - New	0	0
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	0	0
Depreciation	(682)	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	(555,841)	0
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>(556,523)</b>	<b>0</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	0	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
<b>Total Transfers to/from Reserves</b>	<b>0</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>263,376</b>	<b>35,395</b>

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Clarence Valley Council

Monthly Income & Expenditure Statement - July 2022  
Service: Elected Members



Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
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
<b>Total Income</b>	<b>0</b>	<b>0</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	898	0
Other Employee Costs	40,000	0
Borrowing Costs	0	0
Materials	0	0
Contracts & Consultancies	1,958	0
Legal Expenses	0	0
Depreciation	0	0
Insurance Expenses	0	0
Donations, Contributions & Taxes	0	0
Administration Expenses	336,200	25,402
Other Operating Expenses	0	0
Subscriptions & Memberships	57,098	0
Internal Expenses	8,000	667
Internal Plant Hire	0	0
<b>Total Expenditure</b>	<b>444,154</b>	<b>26,069</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>		
	<b>444,154</b>	<b>26,069</b>
Capital Grants & Contributions	0	0
<b>NET RESULT</b>	<b>444,154</b>	<b>26,069</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
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	238,521	0
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>238,521</b>	<b>0</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	133,333	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
<b>Total Transfers to/from Reserves</b>	<b>133,333</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>816,008</b>	<b>26,069</b>

Clarence Valley Council

Monthly Income & Expenditure Statement - July 2022  
Service: Corporate & Governance



Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
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
<b>Total Income</b>	<b>0</b>	<b>0</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	748,244	45,416
Other Employee Costs	600	0
Borrowing Costs	0	0
Materials	0	0
Contracts & Consultancies	14,023	4,411
Legal Expenses	0	0
Depreciation	148	0
Insurance Expenses	0	0
Donations, Contributions & Taxes	0	0
Administration Expenses	0	0
Other Operating Expenses	0	0
Subscriptions & Memberships	2,983	1,008
Internal Expenses	24,000	2,667
Internal Plant Hire	0	0
<b>Total Expenditure</b>	<b>789,998</b>	<b>53,502</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>	<b>789,998</b>	<b>53,502</b>
Capital Grants & Contributions	0	0
<b>NET RESULT</b>	<b>789,998</b>	<b>53,502</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
Capital Works - New	0	0
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	0	0
Depreciation	(148)	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	(587,091)	0
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>(587,239)</b>	<b>0</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	0	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
<b>Total Transfers to/from Reserves</b>	<b>0</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>202,759</b>	<b>53,502</b>

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Clarence Valley Council

Monthly Income & Expenditure Statement - July 2022  
Service: Finance Control & Compliance



Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
Rates Income	(37,383,061)	(37,587,985)
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	(154,000)	(10,725)
General User Fees	(42,692)	(897)
Interest Income	(675,296)	(251,854)
Operating Grants & Contributions	(9,220,116)	0
Other Revenue	(240,075)	0
Internal Income	(1,328,954)	0
Internal Plant Hire	0	0
<b>Total Income</b>	<b>(49,044,194)</b>	<b>(37,851,461)</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	1,764,914	106,525
Other Employee Costs	11,500	1,222
Borrowing Costs	0	0
Materials	11,321	4,432
Contracts & Consultancies	383,015	12,917
Legal Expenses	200,000	0
Depreciation	344	0
Insurance Expenses	0	0
Donations, Contributions & Taxes	0	0
Administration Expenses	593,525	11,905
Other Operating Expenses	2,340	0
Subscriptions & Memberships	0	0
Internal Expenses	59,300	4,942
Internal Plant Hire	0	0
<b>Total Expenditure</b>	<b>3,026,259</b>	<b>141,943</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>		
	<b>(46,017,935)</b>	<b>(37,709,518)</b>
Capital Grants & Contributions	0	0
<b>NET RESULT</b>	<b>(46,017,935)</b>	<b>(37,709,518)</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
Capital Works - New	0	0
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	0	0
Depreciation	(344)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	364,702
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	(1,712,736)	0
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>(1,713,080)</b>	<b>364,702</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	5,392,162	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
<b>Total Transfers to/from Reserves</b>	<b>5,392,162</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>(42,338,853)</b>	<b>(37,344,816)</b>

Clarence Valley Council



**Monthly Income & Expenditure Statement - July 2022**  
**Service: Financial Analysis & Business Support**

Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
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	(5,424,168)	0
Internal Plant Hire	0	0
<b>Total Income</b>	<b>(5,424,168)</b>	<b>0</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	5,656,454	1,326,807
Other Employee Costs	303,155	9,850
Borrowing Costs	0	0
Materials	741	683
Contracts & Consultancies	150,741	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	3,900	0
Internal Expenses	250,500	23,125
Internal Plant Hire	0	0
<b>Total Expenditure</b>	<b>6,365,491</b>	<b>1,360,465</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>		
	<b>941,323</b>	<b>1,360,465</b>
Capital Grants & Contributions	0	0
<b>NET RESULT</b>	<b>941,323</b>	<b>1,360,465</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
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	6,172
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	(808,703)	0
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>(808,703)</b>	<b>6,172</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	0	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
<b>Total Transfers to/from Reserves</b>	<b>0</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>132,620</b>	<b>1,366,637</b>

Clarence Valley Council

Monthly Income & Expenditure Statement - July 2022  
Service: Information Services & Corporate Systems



Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
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
<b>Total Income</b>	<b>0</b>	<b>0</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	1,356,112	98,814
Other Employee Costs	0	0
Borrowing Costs	3,665	(321)
Materials	0	0
Contracts & Consultancies	265,000	6,573
Legal Expenses	0	0
Depreciation	480,526	0
Insurance Expenses	20,141	0
Donations, Contributions & Taxes	0	0
Administration Expenses	69,641	3,679
Other Operating Expenses	2,764,525	1,193,506
Subscriptions & Memberships	0	0
Internal Expenses	0	0
Internal Plant Hire	0	0
<b>Total Expenditure</b>	<b>4,959,610</b>	<b>1,302,250</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>		
	<b>4,959,610</b>	<b>1,302,250</b>
Capital Grants & Contributions	0	0
<b>NET RESULT</b>	<b>4,959,610</b>	<b>1,302,250</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
Capital Works - New	80,000	16,599
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	468,710	35,508
Depreciation	(480,526)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	8,274	0
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	(2,253,827)	0
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>(2,177,369)</b>	<b>52,107</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	0	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
<b>Total Transfers to/from Reserves</b>	<b>0</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>2,782,241</b>	<b>1,354,358</b>

Clarence Valley Council

Monthly Income & Expenditure Statement - July 2022  
Service: Corporate & Customer Experience



Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	(63,900)	(5,298)
General User Fees	0	0
Interest Income	0	0
Operating Grants & Contributions	0	0
Other Revenue	(61,500)	0
Internal Income	0	0
Internal Plant Hire	0	0
<b>Total Income</b>	<b>(125,400)</b>	<b>(5,298)</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	1,629,238	110,850
Other Employee Costs	5,000	906
Borrowing Costs	479	(21)
Materials	10,000	0
Contracts & Consultancies	64,979	4,422
Legal Expenses	34,875	0
Depreciation	456	0
Insurance Expenses	973,281	0
Donations, Contributions & Taxes	0	0
Administration Expenses	62,608	9,823
Other Operating Expenses	0	0
Subscriptions & Memberships	18,227	0
Internal Expenses	8,000	667
Internal Plant Hire	0	0
<b>Total Expenditure</b>	<b>2,807,143</b>	<b>126,647</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>		
	<b>2,681,743</b>	<b>121,350</b>
Capital Grants & Contributions	0	0
<b>NET RESULT</b>	<b>2,681,743</b>	<b>121,350</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
Capital Works - New	0	0
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	0	0
Depreciation	(456)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	2,225	0
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	(1,868,639)	0
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>(1,866,870)</b>	<b>0</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	0	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
<b>Total Transfers to/from Reserves</b>	<b>0</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>814,873</b>	<b>121,350</b>

Clarence Valley Council

Monthly Income & Expenditure Statement - July 2022  
Service: People & Culture



Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
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	(186,290)	0
Other Revenue	0	0
Internal Income	0	0
Internal Plant Hire	0	0
<b>Total Income</b>	<b>(186,290)</b>	<b>0</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	541,016	39,443
Other Employee Costs	284,000	43,503
Borrowing Costs	0	0
Materials	0	0
Contracts & Consultancies	30,301	3,451
Legal Expenses	50,000	12,749
Depreciation	361	0
Insurance Expenses	0	0
Donations, Contributions & Taxes	0	0
Administration Expenses	49,007	4,958
Other Operating Expenses	0	0
Subscriptions & Memberships	32,500	1,920
Internal Expenses	0	0
Internal Plant Hire	0	0
<b>Total Expenditure</b>	<b>987,185</b>	<b>106,024</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>		
	<b>800,895</b>	<b>106,024</b>
Capital Grants & Contributions	0	0
<b>NET RESULT</b>	<b>800,895</b>	<b>106,024</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
Capital Works - New	0	0
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	0	0
Depreciation	(361)	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	(995,805)	0
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>(996,166)</b>	<b>0</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	0	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
<b>Total Transfers to/from Reserves</b>	<b>0</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>(195,271)</b>	<b>106,024</b>

Clarence Valley Council

Monthly Income & Expenditure Statement - July 2022  
Service: Safety & Risk



Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
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	(117,000)	0
Other Revenue	0	0
Internal Income	0	0
Internal Plant Hire	0	0
<b>Total Income</b>	<b>(117,000)</b>	<b>0</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	393,182	21,751
Other Employee Costs	3,000	0
Borrowing Costs	0	0
Materials	0	0
Contracts & Consultancies	70,000	808
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
<b>Total Expenditure</b>	<b>466,182</b>	<b>22,559</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>	<b>349,182</b>	<b>22,559</b>
Capital Grants & Contributions	0	0
<b>NET RESULT</b>	<b>349,182</b>	<b>22,559</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
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	(339,363)	0
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>(339,363)</b>	<b>0</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	35,000	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
<b>Total Transfers to/from Reserves</b>	<b>35,000</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>44,819</b>	<b>22,559</b>

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Clarence Valley Council

Monthly Income & Expenditure Statement - July 2022  
Service: Community & Industry Engagement



Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
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	(230,066)
Other Revenue	(1,281)	(423)
Internal Income	0	0
Internal Plant Hire	0	0
<b>Total Income</b>	<b>(1,281)</b>	<b>(230,488)</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	636,189	33,500
Other Employee Costs	1,050	0
Borrowing Costs	300	(13)
Materials	121,116	9,385
Contracts & Consultancies	109,889	14,756
Legal Expenses	0	0
Depreciation	10,034	0
Insurance Expenses	0	0
Donations, Contributions & Taxes	135,000	15,925
Administration Expenses	167,354	4,414
Other Operating Expenses	0	0
Subscriptions & Memberships	25,210	21,250
Internal Expenses	25,520	667
Internal Plant Hire	0	0
<b>Total Expenditure</b>	<b>1,231,662</b>	<b>99,883</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>		
	<b>1,230,381</b>	<b>(130,605)</b>
Capital Grants & Contributions	0	0
<b>NET RESULT</b>	<b>1,230,381</b>	<b>(130,605)</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
Capital Works - New	0	0
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	0	0
Depreciation	(10,034)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	1,390	0
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	(56,200)	0
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>(64,844)</b>	<b>0</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	0	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
<b>Total Transfers to/from Reserves</b>	<b>0</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>1,165,537</b>	<b>(130,605)</b>

Clarence Valley Council

**Monthly Income & Expenditure Statement - July 2022**  
**Service: Community Development**



Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	0	0
General User Fees	(20,566)	(4,624)
Interest Income	(27,318)	0
Operating Grants & Contributions	(96,231)	0
Other Revenue	0	0
Internal Income	0	0
Internal Plant Hire	0	0
<b>Total Income</b>	<b>(144,115)</b>	<b>(4,624)</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	874,892	52,433
Other Employee Costs	0	0
Borrowing Costs	0	0
Materials	25,439	11,403
Contracts & Consultancies	121,800	17,267
Legal Expenses	0	0
Depreciation	149,258	0
Insurance Expenses	28,008	0
Donations, Contributions & Taxes	100,000	31,828
Administration Expenses	24,381	0
Other Operating Expenses	13,465	0
Subscriptions & Memberships	27,055	11,364
Internal Expenses	10,250	667
Internal Plant Hire	0	0
<b>Total Expenditure</b>	<b>1,374,548</b>	<b>124,961</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>		
	<b>1,230,433</b>	<b>120,337</b>
Capital Grants & Contributions	(1,451,648)	(10,437)
<b>NET RESULT</b>	<b>(221,215)</b>	<b>109,900</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
Capital Works - New	635,000	0
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	500,000	0
Depreciation	(149,258)	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
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>1,281,977</b>	<b>0</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	(635,000)	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	978,966	0
<b>Total Transfers to/from Reserves</b>	<b>343,966</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>1,404,728</b>	<b>109,900</b>

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Monthly Income & Expenditure Statement - July 2022  
Service: Library Services

Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	0	0
General User Fees	(10,300)	(1,110)
Interest Income	(10,019)	0
Operating Grants & Contributions	(488,167)	(66,375)
Other Revenue	(5,364)	(57)
Internal Income	(1,169,113)	0
Internal Plant Hire	0	0
<b>Total Income</b>	<b>(1,682,963)</b>	<b>(67,542)</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	1,564,952	116,193
Other Employee Costs	3,800	0
Borrowing Costs	1,885	(168)
Materials	37,015	1,423
Contracts & Consultancies	100,545	6,132
Legal Expenses	0	0
Depreciation	382,663	0
Insurance Expenses	34,430	0
Donations, Contributions & Taxes	0	0
Administration Expenses	27,527	2,720
Other Operating Expenses	181,583	58,517
Subscriptions & Memberships	106,045	4,076
Internal Expenses	1,207,614	2,292
Internal Plant Hire	0	0
<b>Total Expenditure</b>	<b>3,648,059</b>	<b>191,185</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>		
	<b>1,965,096</b>	<b>123,642</b>
Capital Grants & Contributions	0	0
<b>NET RESULT</b>	<b>1,965,096</b>	<b>123,642</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
Capital Works - New	0	9,935
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	345,000	13,336
Depreciation	(382,663)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	4,132	0
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	(224)
Net ABC Recovery	432,759	0
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>399,228</b>	<b>23,047</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	0	0
External Reserves	102,287	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
<b>Total Transfers to/from Reserves</b>	<b>102,287</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>2,466,611</b>	<b>146,689</b>

Clarence Valley Council

Monthly Income & Expenditure Statement - July 2022  
Service: Cultural Services



Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	0	0
General User Fees	(83,440)	(11,072)
Interest Income	0	0
Operating Grants & Contributions	(125,000)	(60,000)
Other Revenue	(43,047)	(4,987)
Internal Income	0	0
Internal Plant Hire	0	0
<b>Total Income</b>	<b>(251,487)</b>	<b>(76,059)</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	440,549	41,520
Other Employee Costs	0	0
Borrowing Costs	6,367	(461)
Materials	100,750	18,146
Contracts & Consultancies	127,155	31,271
Legal Expenses	0	0
Depreciation	4,578	0
Insurance Expenses	19,038	0
Donations, Contributions & Taxes	26,000	0
Administration Expenses	34,206	13,314
Other Operating Expenses	49,566	3,764
Subscriptions & Memberships	4,824	0
Internal Expenses	19,886	667
Internal Plant Hire	0	0
<b>Total Expenditure</b>	<b>832,919</b>	<b>108,221</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>		
	<b>581,432</b>	<b>32,162</b>
Capital Grants & Contributions	0	0
<b>NET RESULT</b>	<b>581,432</b>	<b>32,162</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
Capital Works - New	24,000	0
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	0	0
Depreciation	(4,578)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	36,317	0
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	106,649	0
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>162,388</b>	<b>0</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	0	0
External Reserves	114,414	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
<b>Total Transfers to/from Reserves</b>	<b>114,414</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>858,234</b>	<b>32,162</b>

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Clarence Valley Council

Monthly Income & Expenditure Statement - July 2022  
Service: Works & Civil Management



Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	0	0
General User Fees	(41,734)	(44)
Interest Income	0	0
Operating Grants & Contributions	0	0
Other Revenue	(265,214)	0
Internal Income	(1,525,325)	(118,388)
Internal Plant Hire	(7,976,273)	(525,298)
<b>Total Income</b>	<b>(9,808,546)</b>	<b>(643,730)</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	1,130,483	85,454
Other Employee Costs	8,000	87
Borrowing Costs	556	(49)
Materials	3,868,736	111,918
Contracts & Consultancies	446,872	47,111
Legal Expenses	0	0
Depreciation	2,980,727	0
Insurance Expenses	588,222	386,013
Donations, Contributions & Taxes	0	0
Administration Expenses	0	0
Other Operating Expenses	45,047	3,125
Subscriptions & Memberships	1,250	0
Internal Expenses	171,400	12,421
Internal Plant Hire	23,575	1,820
<b>Total Expenditure</b>	<b>9,264,868</b>	<b>647,899</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>		
	<b>(543,678)</b>	<b>4,169</b>
Capital Grants & Contributions	0	0
<b>NET RESULT</b>	<b>(543,678)</b>	<b>4,169</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
Capital Works - New	0	0
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	5,396,986	50,128
Depreciation	(2,980,726)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	1,218	0
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	(1,535,117)	(212,406)
Net ABC Recovery	151,076	0
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>1,033,437</b>	<b>(162,278)</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	(1,540,894)	0
External Reserves	512,219	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
<b>Total Transfers to/from Reserves</b>	<b>(1,028,675)</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>(538,916)</b>	<b>(158,109)</b>

Clarence Valley Council



**Monthly Income & Expenditure Statement - July 2022**  
**Service: Strategic Infrastructure & Planning Coordination**

Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
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	(56,305)	0
Other Revenue	0	0
Internal Income	0	0
Internal Plant Hire	0	0
<b>Total Income</b>	<b>(56,305)</b>	<b>0</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	638,154	62,487
Other Employee Costs	0	0
Borrowing Costs	0	0
Materials	3,857	115
Contracts & Consultancies	71,296	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	867
Subscriptions & Memberships	0	0
Internal Expenses	48,500	4,708
Internal Plant Hire	0	0
<b>Total Expenditure</b>	<b>761,807</b>	<b>68,177</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>		
	<b>705,502</b>	<b>68,177</b>
Capital Grants & Contributions	0	0
<b>NET RESULT</b>	<b>705,502</b>	<b>68,177</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
Capital Works - New	0	0
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	17,833	4,675
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	55,702	0
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>73,535</b>	<b>4,675</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	0	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
<b>Total Transfers to/from Reserves</b>	<b>0</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>779,037</b>	<b>72,852</b>

Clarence Valley Council

Monthly Income & Expenditure Statement - July 2022  
Service: Quarries



Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	0	0
General User Fees	(6,140)	0
Interest Income	(3,628)	0
Operating Grants & Contributions	0	0
Other Revenue	0	0
Internal Income	0	0
Internal Plant Hire	0	0
<b>Total Income</b>	<b>(9,768)</b>	<b>0</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	128,401	7,709
Other Employee Costs	0	0
Borrowing Costs	0	0
Materials	29,129	0
Contracts & Consultancies	324,500	863
Legal Expenses	0	0
Depreciation	29,443	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	15,818	0
Internal Plant Hire	0	0
<b>Total Expenditure</b>	<b>527,291</b>	<b>8,572</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>		
	<b>517,523</b>	<b>8,572</b>
Capital Grants & Contributions	(24,563)	0
<b>NET RESULT</b>	<b>492,960</b>	<b>8,572</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
Capital Works - New	33,000	0
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	8,000	0
Depreciation	(29,443)	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
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>20,718</b>	<b>0</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	(538,241)	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	24,563	0
<b>Total Transfers to/from Reserves</b>	<b>(513,678)</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>0</b>	<b>8,572</b>

Clarence Valley Council

Monthly Income & Expenditure Statement - July 2022  
Service: Property Services



Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
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	(17,405)	0
Other Revenue	(495,824)	(5,269)
Internal Income	0	0
Internal Plant Hire	0	0
<b>Total Income</b>	<b>(513,229)</b>	<b>(5,269)</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	252,961	14,642
Other Employee Costs	0	0
Borrowing Costs	199	(18)
Materials	0	0
Contracts & Consultancies	50,061	8,142
Legal Expenses	23,973	1,232
Depreciation	0	0
Insurance Expenses	19,973	0
Donations, Contributions & Taxes	0	0
Administration Expenses	0	0
Other Operating Expenses	5,045	279
Subscriptions & Memberships	0	0
Internal Expenses	27,302	0
Internal Plant Hire	0	0
<b>Total Expenditure</b>	<b>379,514</b>	<b>24,277</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>		
	<b>(133,715)</b>	<b>19,008</b>
Capital Grants & Contributions	0	0
<b>NET RESULT</b>	<b>(133,715)</b>	<b>19,008</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
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)	435	0
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	(882,000)
Net ABC Recovery	9,686	0
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>10,121</b>	<b>(882,000)</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	(66,039)	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
<b>Total Transfers to/from Reserves</b>	<b>(66,039)</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>(189,633)</b>	<b>(862,992)</b>

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Clarence Valley Council

Monthly Income & Expenditure Statement - July 2022  
Service: Emergency Services & Resilience



Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
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)	0
Other Revenue	0	0
Internal Income	0	0
Internal Plant Hire	0	0
<b>Total Income</b>	<b>(597,320)</b>	<b>0</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	159,462	51,104
Other Employee Costs	0	719
Borrowing Costs	1,051	(93)
Materials	460,906	16,323
Contracts & Consultancies	274,557	259,622
Legal Expenses	0	0
Depreciation	171,877	0
Insurance Expenses	39,062	0
Donations, Contributions & Taxes	1,212,160	0
Administration Expenses	19,849	0
Other Operating Expenses	90,168	4,762
Subscriptions & Memberships	1,272	0
Internal Expenses	38,119	21,697
Internal Plant Hire	0	42,517
<b>Total Expenditure</b>	<b>2,468,483</b>	<b>396,651</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>		
	<b>1,871,163</b>	<b>396,651</b>
Capital Grants & Contributions	0	0
<b>NET RESULT</b>	<b>1,871,163</b>	<b>396,651</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
Capital Works - New	0	0
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	0	74,344
Depreciation	(171,877)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	2,302	0
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	537	0
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>(169,038)</b>	<b>74,344</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	0	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	(31,996)	0
S64 / S94 Contribution Reserves	0	0
<b>Total Transfers to/from Reserves</b>	<b>(31,996)</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>1,670,129</b>	<b>470,994</b>

Clarence Valley Council

**Monthly Income & Expenditure Statement - July 2022**  
**Service: Roads & Drainage Infrastructure Delivery**



Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	(89,600)	(7,094)
General User Fees	(1,773,196)	(68,303)
Interest Income	(79,028)	0
Operating Grants & Contributions	(6,473,563)	0
Other Revenue	(30,000)	(1,748)
Internal Income	0	0
Internal Plant Hire	0	0
<b>Total Income</b>	<b>(8,445,387)</b>	<b>(77,144)</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	6,732,805	414,865
Other Employee Costs	4,000	0
Borrowing Costs	407,859	(31,376)
Materials	2,263,632	146,512
Contracts & Consultancies	1,702,219	303,255
Legal Expenses	0	0
Depreciation	20,811,627	0
Insurance Expenses	2,587	481
Donations, Contributions & Taxes	0	0
Administration Expenses	0	31
Other Operating Expenses	460,782	37,222
Subscriptions & Memberships	4,550	0
Internal Expenses	334,015	122,923
Internal Plant Hire	3,022,512	246,527
<b>Total Expenditure</b>	<b>35,746,588</b>	<b>1,240,440</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>		
	<b>27,301,201</b>	<b>1,163,295</b>
Capital Grants & Contributions	(43,411,957)	(18,267)
<b>NET RESULT</b>	<b>(16,110,756)</b>	<b>1,145,028</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
Capital Works - New	3,007,000	0
Capital Works - Upgrade	11,323,573	338,173
Capital Works - Expansion	0	0
Capital Works - Renewal	42,133,647	628,279
Depreciation	(20,811,625)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	1,318,375	0
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	1,973,431	0
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>38,944,401</b>	<b>966,452</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	(12,138,156)	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	500,195	0
<b>Total Transfers to/from Reserves</b>	<b>(11,637,961)</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>11,195,684</b>	<b>2,111,480</b>

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Monthly Income & Expenditure Statement - July 2022  
Service: Parks & Open Spaces



Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	0	(27)
General User Fees	(645,927)	(15,919)
Interest Income	(3,084)	0
Operating Grants & Contributions	0	0
Other Revenue	(152,447)	(33,686)
Internal Income	(1,000,000)	0
Internal Plant Hire	0	0
<b>Total Income</b>	<b>(1,801,458)</b>	<b>(49,632)</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	2,650,629	206,948
Other Employee Costs	0	177
Borrowing Costs	80,257	(6,206)
Materials	442,443	22,164
Contracts & Consultancies	3,173,170	157,979
Legal Expenses	0	0
Depreciation	2,531,997	0
Insurance Expenses	231,282	(60,192)
Donations, Contributions & Taxes	29,527	0
Administration Expenses	6,224	0
Other Operating Expenses	116,696	8,835
Subscriptions & Memberships	1,737	0
Internal Expenses	871,217	79,833
Internal Plant Hire	896,000	97,313
<b>Total Expenditure</b>	<b>11,031,179</b>	<b>506,851</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>		
	<b>9,229,721</b>	<b>457,219</b>
Capital Grants & Contributions	(139,071)	(49,287)
<b>NET RESULT</b>	<b>9,090,650</b>	<b>407,933</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
Capital Works - New	179,000	517,033
Capital Works - Upgrade	8,138,047	163,051
Capital Works - Expansion	1,759,632	0
Capital Works - Renewal	1,300,000	24,245
Depreciation	(2,531,997)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	226,477	0
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	834,046	0
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>9,905,205</b>	<b>704,330</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	(9,389,423)	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	974,936	0
<b>Total Transfers to/from Reserves</b>	<b>(8,414,487)</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>10,581,368</b>	<b>1,112,262</b>

Clarence Valley Council

Monthly Income & Expenditure Statement - July 2022  
Service: Buildings & Facilities



Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
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	(198,478)	(9,070)
Internal Income	0	0
Internal Plant Hire	0	0
<b>Total Income</b>	<b>(198,478)</b>	<b>(9,070)</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	797,816	31,061
Other Employee Costs	0	0
Borrowing Costs	11,687	(897)
Materials	3,072	3,822
Contracts & Consultancies	86,447	69,068
Legal Expenses	22,909	3,852
Depreciation	1,287,114	0
Insurance Expenses	171,516	0
Donations, Contributions & Taxes	0	0
Administration Expenses	288	0
Other Operating Expenses	305,724	10,526
Subscriptions & Memberships	0	0
Internal Expenses	409,079	5,777
Internal Plant Hire	0	0
<b>Total Expenditure</b>	<b>3,095,652</b>	<b>123,209</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>		
	<b>2,897,174</b>	<b>114,139</b>
Capital Grants & Contributions	(2,678,689)	0
<b>NET RESULT</b>	<b>218,485</b>	<b>114,139</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
Capital Works - New	1,678,689	0
Capital Works - Upgrade	268,600	38,484
Capital Works - Expansion	0	0
Capital Works - Renewal	2,253,188	7,552
Depreciation	(1,287,115)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	33,321	0
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	(82,898)	0
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>2,863,785</b>	<b>46,035</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	(720,099)	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
<b>Total Transfers to/from Reserves</b>	<b>(720,099)</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>2,362,171</b>	<b>160,174</b>

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Monthly Income & Expenditure Statement - July 2022  
Service: Saleyards



Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	0	0
General User Fees	(289,988)	(52,586)
Interest Income	(4,607)	0
Operating Grants & Contributions	0	0
Other Revenue	(1,288)	(107)
Internal Income	0	0
Internal Plant Hire	0	0
<b>Total Income</b>	<b>(295,883)</b>	<b>(52,693)</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	156,636	17,628
Other Employee Costs	0	0
Borrowing Costs	2,996	(131)
Materials	5,181	0
Contracts & Consultancies	102,061	9,339
Legal Expenses	0	800
Depreciation	105,504	0
Insurance Expenses	4,210	0
Donations, Contributions & Taxes	0	0
Administration Expenses	0	0
Other Operating Expenses	10,522	1,558
Subscriptions & Memberships	1,944	0
Internal Expenses	24,127	3,821
Internal Plant Hire	0	0
<b>Total Expenditure</b>	<b>413,181</b>	<b>33,014</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>		
	<b>117,298</b>	<b>(19,679)</b>
Capital Grants & Contributions	0	0
<b>NET RESULT</b>	<b>117,298</b>	<b>(19,679)</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
Capital Works - New	0	0
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	158,000	0
Depreciation	(105,504)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	13,906	0
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	22,072	0
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>88,474</b>	<b>0</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	(205,772)	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
<b>Total Transfers to/from Reserves</b>	<b>(205,772)</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>0</b>	<b>(19,679)</b>

Clarence Valley Council

Monthly Income & Expenditure Statement - July 2022  
Service: Regional Airport



Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	0	0
General User Fees	(36,452)	0
Interest Income	0	0
Operating Grants & Contributions	(17,565)	0
Other Revenue	(3,056)	(637)
Internal Income	0	0
Internal Plant Hire	0	0
<b>Total Income</b>	<b>(57,073)</b>	<b>(637)</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	162,157	18,633
Other Employee Costs	0	0
Borrowing Costs	22,758	(869)
Materials	3,023	252
Contracts & Consultancies	15,546	2,593
Legal Expenses	0	0
Depreciation	215,588	0
Insurance Expenses	3,603	0
Donations, Contributions & Taxes	0	0
Administration Expenses	0	0
Other Operating Expenses	14,459	827
Subscriptions & Memberships	2,153	2,550
Internal Expenses	17,445	2,359
Internal Plant Hire	0	0
<b>Total Expenditure</b>	<b>456,732</b>	<b>26,344</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>		
	<b>399,659</b>	<b>25,708</b>
Capital Grants & Contributions	0	0
<b>NET RESULT</b>	<b>399,659</b>	<b>25,708</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
Capital Works - New	0	0
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	0	0
Depreciation	(215,588)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	115,670	0
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	20,613	0
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>(79,305)</b>	<b>0</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	0	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
<b>Total Transfers to/from Reserves</b>	<b>0</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>320,354</b>	<b>25,708</b>



Monthly Income & Expenditure Statement - July 2022  
Service: Holiday Parks

Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	0	0
General User Fees	(4,250,284)	(393,736)
Interest Income	(57,730)	0
Operating Grants & Contributions	(25,224)	0
Other Revenue	0	0
Internal Income	0	0
Internal Plant Hire	0	0
<b>Total Income</b>	<b>(4,333,238)</b>	<b>(393,736)</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	119,179	8,061
Other Employee Costs	0	0
Borrowing Costs	0	0
Materials	210,415	19,441
Contracts & Consultancies	2,614,342	19,796
Legal Expenses	198	0
Depreciation	698,477	0
Insurance Expenses	39,900	0
Donations, Contributions & Taxes	430,663	(81,502)
Administration Expenses	107,644	6,722
Other Operating Expenses	378,045	21,735
Subscriptions & Memberships	8,673	0
Internal Expenses	1,306,478	136
Internal Plant Hire	2,370	0
<b>Total Expenditure</b>	<b>5,916,384</b>	<b>(5,611)</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>		
	<b>1,583,146</b>	<b>(399,347)</b>
Capital Grants & Contributions	0	0
<b>NET RESULT</b>	<b>1,583,146</b>	<b>(399,347)</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
Capital Works - New	205,000	0
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	3,180,000	168
Depreciation	(698,477)	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
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>2,810,687</b>	<b>168</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	0	0
External Reserves	(4,393,833)	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
<b>Total Transfers to/from Reserves</b>	<b>(4,393,833)</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>0</b>	<b>(399,179)</b>

Clarence Valley Council

Monthly Income & Expenditure Statement - July 2022  
Service: Watercycle



Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
Rates Income	0	0
Annual Charges	(2,575,008)	(2,947,837)
User Charges	(15,764,000)	(16,759)
Statutory & Regulatory User Charges	(40,700)	0
General User Fees	(2,292,235)	(46,266)
Interest Income	(632,081)	2
Operating Grants & Contributions	(2,319,347)	0
Other Revenue	(140,596)	(1,571)
Internal Income	(727,573)	0
Internal Plant Hire	0	0
<b>Total Income</b>	<b>(24,491,540)</b>	<b>(3,012,431)</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	3,244,701	121,209
Other Employee Costs	400	104
Borrowing Costs	1,546,764	(121,903)
Materials	1,332,054	62,202
Contracts & Consultancies	1,583,047	66,138
Legal Expenses	7,000	0
Depreciation	6,688,985	0
Insurance Expenses	81,888	0
Donations, Contributions & Taxes	0	0
Administration Expenses	24,839	400
Other Operating Expenses	258,258	14,620
Subscriptions & Memberships	17,143	0
Internal Expenses	912,274	45,914
Internal Plant Hire	579,750	33,636
<b>Total Expenditure</b>	<b>16,277,103</b>	<b>222,319</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>		
	<b>(8,214,437)</b>	<b>(2,790,111)</b>
Capital Grants & Contributions	(2,259,796)	(228,514)
<b>NET RESULT</b>	<b>(10,474,233)</b>	<b>(3,018,625)</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
Capital Works - New	2,340,000	34,025
Capital Works - Upgrade	877,000	81,541
Capital Works - Expansion	0	0
Capital Works - Renewal	11,404,761	892,595
Depreciation	(6,688,986)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	1,086,588	0
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	(449,382)	0
Net ABC Recovery	2,559,113	0
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>11,129,094</b>	<b>1,008,161</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	0	0
External Reserves	(1,914,657)	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	1,259,796	0
<b>Total Transfers to/from Reserves</b>	<b>(654,861)</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>0</b>	<b>(2,010,465)</b>

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Monthly Income & Expenditure Statement - July 2022  
Service: Sewer Services

Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
Rates Income	0	0
Annual Charges	(18,610,383)	(19,987,483)
User Charges	(2,240,000)	2,377
Statutory & Regulatory User Charges	(40,400)	0
General User Fees	(636,757)	(49,945)
Interest Income	(230,286)	1
Operating Grants & Contributions	(366,690)	0
Other Revenue	(25,285)	85
Internal Income	(496,028)	0
Internal Plant Hire	0	0
<b>Total Income</b>	<b>(22,645,829)</b>	<b>(20,034,965)</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	1,180,407	93,937
Other Employee Costs	0	40
Borrowing Costs	3,797,628	(260,963)
Materials	1,467,000	94,249
Contracts & Consultancies	1,249,000	42,121
Legal Expenses	0	0
Depreciation	9,112,699	0
Insurance Expenses	0	0
Donations, Contributions & Taxes	0	0
Administration Expenses	576	0
Other Operating Expenses	682,795	71,024
Subscriptions & Memberships	0	0
Internal Expenses	285,782	41,740
Internal Plant Hire	598,815	34,139
<b>Total Expenditure</b>	<b>18,374,702</b>	<b>116,287</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>		
	<b>(4,271,127)</b>	<b>(19,918,678)</b>
Capital Grants & Contributions	(1,442,787)	(327,524)
<b>NET RESULT</b>	<b>(5,713,914)</b>	<b>(20,246,202)</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
Capital Works - New	2,626,358	86,170
Capital Works - Upgrade	0	447
Capital Works - Expansion	0	0
Capital Works - Renewal	2,975,510	243,065
Depreciation	(9,112,700)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	5,247,500	0
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	(193,863)	0
Net ABC Recovery	36,918	0
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>1,579,723</b>	<b>329,682</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	0	0
External Reserves	2,691,404	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	1,442,787	0
<b>Total Transfers to/from Reserves</b>	<b>4,134,191</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>0</b>	<b>(19,916,521)</b>

Clarence Valley Council

Monthly Income & Expenditure Statement - July 2022  
Service: Floodplain & Estuary Management



Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
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	(491,200)	0
Other Revenue	0	0
Internal Income	(97,883)	0
Internal Plant Hire	0	0
<b>Total Income</b>	<b>(589,083)</b>	<b>0</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	863,284	40,231
Other Employee Costs	0	12
Borrowing Costs	40,287	(2,577)
Materials	14,610	787
Contracts & Consultancies	460,136	57,399
Legal Expenses	0	0
Depreciation	1,699,557	0
Insurance Expenses	0	0
Donations, Contributions & Taxes	0	0
Administration Expenses	288	0
Other Operating Expenses	6,944	1,937
Subscriptions & Memberships	2,266	1,591
Internal Expenses	33,916	8,612
Internal Plant Hire	0	6,006
<b>Total Expenditure</b>	<b>3,121,288</b>	<b>113,997</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>		
	<b>2,532,205</b>	<b>113,997</b>
Capital Grants & Contributions	(800,000)	0
<b>NET RESULT</b>	<b>1,732,205</b>	<b>113,997</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
Capital Works - New	0	0
Capital Works - Upgrade	320,000	0
Capital Works - Expansion	0	0
Capital Works - Renewal	710,000	39,343
Depreciation	(1,699,557)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	215,265	0
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	208,235	0
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>(246,057)</b>	<b>39,343</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	(116,000)	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
<b>Total Transfers to/from Reserves</b>	<b>(116,000)</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>1,370,148</b>	<b>153,340</b>

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Clarence Valley Council

Monthly Income & Expenditure Statement - July 2022  
Service: Environment & Planning



Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
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	(43,304)	0
Internal Plant Hire	0	0
<b>Total Income</b>	<b>(43,304)</b>	<b>0</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	431,842	24,148
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	8,000	667
Internal Plant Hire	0	0
<b>Total Expenditure</b>	<b>439,842</b>	<b>24,814</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>		
	<b>396,538</b>	<b>24,814</b>
Capital Grants & Contributions	0	0
<b>NET RESULT</b>	<b>396,538</b>	<b>24,814</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
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
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>5,330</b>	<b>0</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	(129,911)	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
<b>Total Transfers to/from Reserves</b>	<b>(129,911)</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>271,957</b>	<b>24,814</b>

Clarence Valley Council

Monthly Income & Expenditure Statement - July 2022  
Service: 4120 - Environmental Services



Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	(398,309)	(404,900)
General User Fees	(1,150)	0
Interest Income	0	0
Operating Grants & Contributions	0	0
Other Revenue	(11,109)	(300)
Internal Income	0	0
Internal Plant Hire	0	0
<b>Total Income</b>	<b>(410,568)</b>	<b>(405,200)</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	548,235	20,993
Other Employee Costs	0	0
Borrowing Costs	0	0
Materials	1,200	0
Contracts & Consultancies	255,000	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	35,000	2,917
Internal Plant Hire	0	0
<b>Total Expenditure</b>	<b>839,435</b>	<b>23,909</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>		
	<b>428,867</b>	<b>(381,291)</b>
Capital Grants & Contributions	0	0
<b>NET RESULT</b>	<b>428,867</b>	<b>(381,291)</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
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	378,129	0
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>378,129</b>	<b>0</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	(443,347)	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	(150,000)	0
<b>Total Transfers to/from Reserves</b>	<b>(593,347)</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>213,649</b>	<b>(381,291)</b>

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Clarence Valley Council

Monthly Income & Expenditure Statement - July 2022  
Service: Regulatory Services



Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	0	224
General User Fees	0	0
Interest Income	0	0
Operating Grants & Contributions	(75,000)	0
Other Revenue	(122,654)	(9,399)
Internal Income	0	0
Internal Plant Hire	0	0
<b>Total Income</b>	<b>(197,654)</b>	<b>(9,175)</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	878,998	106,902
Other Employee Costs	0	1,479
Borrowing Costs	978	(55)
Materials	14,507	2,760
Contracts & Consultancies	160,200	3,250
Legal Expenses	0	0
Depreciation	698	0
Insurance Expenses	259	0
Donations, Contributions & Taxes	0	0
Administration Expenses	0	0
Other Operating Expenses	5,318	1,368
Subscriptions & Memberships	0	0
Internal Expenses	104,028	8,333
Internal Plant Hire	0	0
<b>Total Expenditure</b>	<b>1,164,986</b>	<b>124,035</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>		
	<b>967,332</b>	<b>114,860</b>
Capital Grants & Contributions	(10,000)	0
<b>NET RESULT</b>	<b>957,332</b>	<b>114,860</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
Capital Works - New	10,000	811
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	0	0
Depreciation	(699)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	3,854	0
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	151,546	0
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>164,701</b>	<b>811</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	0	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
<b>Total Transfers to/from Reserves</b>	<b>0</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>1,122,033</b>	<b>115,671</b>

Clarence Valley Council

**Monthly Income & Expenditure Statement - July 2022**  
**Service: Natural Resource Management**



Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
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	(51,807)	0
Operating Grants & Contributions	(357,000)	0
Other Revenue	0	0
Internal Income	0	0
Internal Plant Hire	0	0
<b>Total Income</b>	<b>(408,807)</b>	<b>0</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	576,571	40,942
Other Employee Costs	1,800	0
Borrowing Costs	0	0
Materials	250,566	1,265
Contracts & Consultancies	287,833	4,090
Legal Expenses	0	0
Depreciation	288	0
Insurance Expenses	0	0
Donations, Contributions & Taxes	0	0
Administration Expenses	0	11,000
Other Operating Expenses	0	0
Subscriptions & Memberships	0	0
Internal Expenses	16,000	14,599
Internal Plant Hire	107,800	7,433
<b>Total Expenditure</b>	<b>1,240,858</b>	<b>79,330</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>		
	<b>832,051</b>	<b>79,330</b>
Capital Grants & Contributions	(131,000)	0
<b>NET RESULT</b>	<b>701,051</b>	<b>79,330</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
Capital Works - New	131,000	2,010
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	0	0
Depreciation	(288)	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
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>260,153</b>	<b>2,010</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	43,386	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	(25,000)	0
S64 / S94 Contribution Reserves	0	0
<b>Total Transfers to/from Reserves</b>	<b>18,386</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>979,590</b>	<b>81,340</b>



Monthly Income & Expenditure Statement - July 2022  
Service: Waste Services

Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
Rates Income	0	0
Annual Charges	(10,255,117)	(9,886,850)
User Charges	0	0
Statutory & Regulatory User Charges	0	0
General User Fees	(5,836,055)	(426,200)
Interest Income	(184,679)	137
Operating Grants & Contributions	(186,100)	0
Other Revenue	(782,235)	(235)
Internal Income	(3,338,971)	0
Internal Plant Hire	0	0
<b>Total Income</b>	<b>(20,583,157)</b>	<b>(10,313,148)</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	1,322,524	77,241
Other Employee Costs	0	0
Borrowing Costs	331,477	(23,912)
Materials	308,290	9,218
Contracts & Consultancies	9,977,435	478,791
Legal Expenses	0	0
Depreciation	1,260,217	0
Insurance Expenses	20,470	0
Donations, Contributions & Taxes	3,227,017	318,534
Administration Expenses	13,222	549
Other Operating Expenses	86,769	7,565
Subscriptions & Memberships	45,496	47,817
Internal Expenses	3,235,888	12,466
Internal Plant Hire	203,975	307
<b>Total Expenditure</b>	<b>20,032,780</b>	<b>928,576</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>		
	<b>(550,377)</b>	<b>(9,384,572)</b>
Capital Grants & Contributions	(500,000)	(400,000)
<b>NET RESULT</b>	<b>(1,050,377)</b>	<b>(9,784,572)</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
Capital Works - New	4,290,000	22,634
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	122,468	0
Depreciation	(1,260,218)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	609,751	0
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	(141)	0
Net ABC Recovery	513,669	0
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>4,275,529</b>	<b>22,634</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	(325,164)	0
External Reserves	(2,899,988)	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
<b>Total Transfers to/from Reserves</b>	<b>(3,225,152)</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>0</b>	<b>(9,761,938)</b>

Clarence Valley Council

Monthly Income & Expenditure Statement - July 2022  
Service: Cemeteries



Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	0	0
General User Fees	(618,460)	(70,883)
Interest Income	0	0
Operating Grants & Contributions	0	0
Other Revenue	(1,309)	0
Internal Income	0	0
Internal Plant Hire	0	0
<b>Total Income</b>	<b>(619,769)</b>	<b>(70,883)</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	356,178	29,562
Other Employee Costs	0	0
Borrowing Costs	300	(13)
Materials	209,586	5,369
Contracts & Consultancies	74,688	4,258
Legal Expenses	0	0
Depreciation	33,950	0
Insurance Expenses	1,095	0
Donations, Contributions & Taxes	0	0
Administration Expenses	0	0
Other Operating Expenses	0	0
Subscriptions & Memberships	0	0
Internal Expenses	78,215	11,752
Internal Plant Hire	1,800	769
<b>Total Expenditure</b>	<b>755,812</b>	<b>51,696</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>	<b>136,043</b>	<b>(19,187)</b>
Capital Grants & Contributions	0	0
<b>NET RESULT</b>	<b>136,043</b>	<b>(19,187)</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
Capital Works - New	0	0
Capital Works - Upgrade	0	5,088
Capital Works - Expansion	0	0
Capital Works - Renewal	20,000	0
Depreciation	(33,949)	0
Employee Leave Accruals	0	0
Employee Leave Paid	0	0
Loan Funds Received	0	0
Loan Repayments (Principal Only)	1,390	0
Long Term Debtor Repayments	0	0
Net Gains from Disposal of Assets	0	0
Net ABC Recovery	51,652	0
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>39,093</b>	<b>5,088</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	(20,000)	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	0	0
<b>Total Transfers to/from Reserves</b>	<b>(20,000)</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>155,136</b>	<b>(14,099)</b>

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Clarence Valley Council

Monthly Income & Expenditure Statement - July 2022  
Service: Building & Planning Services



Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	(2,251,750)	(208,662)
General User Fees	(108,749)	(11,807)
Interest Income	(30,627)	0
Operating Grants & Contributions	0	0
Other Revenue	(11,762)	(708)
Internal Income	0	(177)
Internal Plant Hire	0	0
<b>Total Income</b>	<b>(2,402,888)</b>	<b>(221,355)</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	2,764,075	181,031
Other Employee Costs	0	512
Borrowing Costs	0	0
Materials	6,581	426
Contracts & Consultancies	138,431	1,800
Legal Expenses	6,451	0
Depreciation	12,111	0
Insurance Expenses	0	0
Donations, Contributions & Taxes	178,823	7,998
Administration Expenses	0	0
Other Operating Expenses	0	0
Subscriptions & Memberships	11,796	0
Internal Expenses	69,500	6,274
Internal Plant Hire	0	0
<b>Total Expenditure</b>	<b>3,187,768</b>	<b>198,041</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>		
	<b>784,880</b>	<b>(23,314)</b>
Capital Grants & Contributions	(216,191)	(750)
<b>NET RESULT</b>	<b>568,689</b>	<b>(24,064)</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
Capital Works - New	0	0
Capital Works - Upgrade	0	0
Capital Works - Expansion	0	0
Capital Works - Renewal	0	0
Depreciation	(12,111)	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	755,321	0
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>743,210</b>	<b>0</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	(95,000)	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	246,818	0
<b>Total Transfers to/from Reserves</b>	<b>151,818</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>1,463,717</b>	<b>(24,064)</b>

Clarence Valley Council

Monthly Income & Expenditure Statement - July 2022  
Service: Land Use Planning



Description	Adopted Annual Budget	Actual YTD Figures
<b>Income</b>		
Rates Income	0	0
Annual Charges	0	0
User Charges	0	0
Statutory & Regulatory User Charges	(142,700)	(758)
General User Fees	0	0
Interest Income	(1,044)	0
Operating Grants & Contributions	(22,879)	(199)
Other Revenue	(2,773)	0
Internal Income	0	0
Internal Plant Hire	0	0
<b>Total Income</b>	<b>(169,396)</b>	<b>(957)</b>
<b>Expenditure</b>		
Salaries, Wages & Oncosts	1,048,120	56,784
Other Employee Costs	300	0
Borrowing Costs	0	0
Materials	41,675	0
Contracts & Consultancies	291,000	10,500
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	48,000	4,333
Internal Plant Hire	0	0
<b>Total Expenditure</b>	<b>1,429,095</b>	<b>71,618</b>
<b>Net Operating Result for the year before Grants &amp; Contributions provided for capital purposes</b>		
	<b>1,259,699</b>	<b>70,660</b>
Capital Grants & Contributions	0	0
<b>NET RESULT</b>	<b>1,259,699</b>	<b>70,660</b>
<b>Balance Sheet Movements / Non-Cash Adjustments</b>		
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	127,860	0
<b>Total Balance Sheet Movements / Non-Cash Adjustments</b>	<b>127,860</b>	<b>0</b>
<b>Adjust for Transfers to/from Reserves</b>		
Internal Reserves	0	0
External Reserves	0	0
Unspent Loans	0	0
Unexpended Grant Reserves	0	0
S64 / S94 Contribution Reserves	(61,743)	0
<b>Total Transfers to/from Reserves</b>	<b>(61,743)</b>	<b>0</b>
<b>ADJUSTED NET RESULT</b>	<b>1,325,816</b>	<b>70,660</b>

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## **Grant Application Summary – July 2022**

This document aims to summarise the current grant application activities during the month ended 31 July 2022.

### **Proposed Grant Applications for Endorsement**

There are currently no grant applications requiring endorsement from Council.

### **Grant Applications Pending Announcement**

The following grants have been applied for and 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 - \$42,000**  
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

**Grant Program: Tnspt NSW Fixing Country Bridges – Round 2**

- **Replacement of Bluff Bridge, Orara Way - \$11,287,971**

Following the replacement of all bridges funded under FCB rounds 1 and 2A Council will have 124 timber bridge assets on our Local and Regional road network. Council submitted applications for a total of 75 bridge replacement projects under FCB round 2. These bridges are listed with their priority and funding value sought in table **Error! Reference source not found.** below.

It was not known at the time of submitting applications for round 2 that the program would involve a preliminary round 2A in which Council successfully received the funding for Bluff Bridge. It is expected that the outcome of the remaining applications will be announced towards the end of 2022

Bridge Name	FCB round 2 application priority	FCB round 2 funding sought
Bluff Bridge, Orara Way	1	\$ 11,737,971
Shark Creek Bridge , Byrons Lane	2	\$ 1,913,816
Cloughers Creek Bridge, Coalmine Road	3	\$ 2,140,376
Cattle Creek Bridge, Ramornie Station Road	4	\$ 1,072,684
Rocky Creek Bridge, Ewingar Road	5	\$ 929,892
Deep Creek Bridge, Collum Collum Road	6	\$ 929,892
Beanball Creek Bridge, Mcphersons Crossing Road	7	\$ 603,290
Bridge No 3, Somervale Road	8	\$ 539,290
Bridge No 4, Coombadjha Road	9	\$ 680,248
Bridge over Clarence River Part 1, No 2, Carnham Road	10	\$ 641,848
Bridge No 3, Coombadjha Road	11	\$ 680,248
Bridge No 5, Coombadjha Road	12	\$ 590,648
Scrubby Creek Bridge, Coombadjha Road	13	\$ 680,248
Four Mile Lane Bridge	14	\$ 680,248
Rogans Bridge, Wattle Point Road	15	\$ 656,453
Massey Road Bridge	16	\$ 656,453
Sherwood Creek Bridge, Kungala Road	17	\$ 809,893

Bridge Name	FCB round 2 application priority	FCB round 2 funding sought
Barrys Bridge, Barrys Bridge Rd	18	\$ 630,693
Bridge over Clarence River Part 1, No 1, Carnham Road	19	\$ 758,693
Bridge No 6, Coombadjha Road	20	\$ 745,893
Nymboida River Bridge, Harness Cask Road	21	\$ 809,893
Bridge No 1, Laytons Range Road	22	\$ 502,693
Bridge No 3, Cassons Creek Road	23	\$ 528,293
Bridge No 2, Somervale Road / Red Root Road	24	\$ 581,420
Mill Creek Bridge, Dilkoon Road	25	\$ 278,075
Allens Water Bridge, Montrose Loop Road (West end)	26	\$ 680,248
Turnbulls Bridge, Turnbulls Road	27	\$ 731,448
Blicks River Bridge, Goddards Road	28	\$ 758,693
Merchin Creek Bridge, Marengo Road	29	\$ 566,853
Glen Fernaigh Ck Bridge, Cedar Log Road	30	\$ 520,757
Billys Creek Bridge No 1, Schultz Road	31	\$ 680,248
Stockyard Creek Bridge, Cangai Post Office Road	32	\$ 929,892
Cangai Bridge, Cangai Bridge Road	33	\$ 3,036,376
Broadwater Bridge, Hanging Rock Road	34	\$ 6,374,260
Broadwater No 2 Bridge, Hanging Rock Road	35	\$ 745,883
Bridge over Clarence River Part 2, Carnham Road	36	\$ 9,863,540
Carnham Creek Bridge, Carnham Road	37	\$ 656,453
Dead Horse Gully Bridge, Lankeys Creek Road	38	\$ 656,453
Trib Lankeys Creek Bridge, Lankeys Creek Road	39	\$ 680,248
Cowans Creek Bridge, Friars Lane	40	\$ 929,892
Smiths Creek Road Bridge	41	\$ 451,653
Smiths Creek Bridge, Wombat Creek Road	42	\$ 992,870
Donald Knox Bridge, Upper Fine Flower Road	43	\$ 1,461,234
Dry Creek Bridge, Upper Fine Flower Road	44	\$ 1,053,093
Frames Bridge, Punchbowl Road	45	\$ 630,693
Stockyard Creek Bridge, Punchbowl Road	46	\$ 680,248
Ernie Baldwin Bridge, Plain Station Road	47	\$ 3,817,896
McCalls Creek, Deep Creek Road	48	\$ 1,019,492
Coles Bridge, Coongbar Road	49	\$ 1,582,773
Mooreheads Bridge, Moorheads Road	50	\$ 1,333,234
Fourteen Mile Creek Bridge, Eighteen Mile Road	51	\$ 929,892
Flaggy Creek Bridge, Meyers Road	52	\$ 438,693
School Bridge, Rogan Bridge Road	53	\$ 1,057,892
Franks Creek Bridge, Southgate Ferry Road	54	\$ 656,453
Bridge No 1, Trenayr Road	55	\$ 463,067
Bridge No 2, Trenayr Road	56	\$ 808,248
Levenstrath Bridge, Levenstrath Road	57	\$ 489,893
Mcpersons Crossing Road Bridge	58	\$ 3,689,896
Poley Bridge, Rushforth Road	59	\$ 2,012,376
Stokes Waterhole Bridge, Somervale Road	60	\$ 1,057,892
Blaxlands Creek Bridge, Wild Drake Road	61	\$ 4,076,084
Sherwood Creek Trib 2 Bridge, Athol Glen Rd	62	\$ 680,248
Tallawudjah Creek Bridge, Binnum Place	63	\$ 597,557
Dundoo Ck Bridge No 2, Kungala Road	64	\$ 1,845,234
Bridge No 1, Dinjerra Rd	65	\$ 801,892
Bridge No 2, Laytons Range Road	66	\$ 502,693
Bridge No 3, Laytons Range Road	67	\$ 579,653

Bridge Name	FCB round 2 application priority	FCB round 2 funding sought
Friday Creek Bridge, Old Glen Innes Road	68	\$ 2,140,376
Deep Creek / Munns Creek Bridge, Old Glen Innes Road	69	\$ 2,498,776
Glens Creek Bridge, Old Glen Innes Road	70	\$ 1,845,234
Bridge near school hall, Old Glen Innes Road	71	\$ 630,693
Straight Bridge, Old Glen Innes Road	72	\$ 2,473,176
Munns Creek Bridge, Rumble Road	73	\$ 615,631
Chinamans Creek Bridge, Sheepstation Creek Road	74	\$ 630,693
Nymboida River Bridge, Tyringham Road	75	\$ 4,076,084
<b>TOTAL</b>		<b>\$ 107,211,913</b>

### **Successful Grant Applications**

Council has been successful in the following recent funding applications:

#### **Grant Program: Category D Local Government Recovery – Local Council Support - \$2,000,000**

The following projects have been identified as they support the ongoing productivity, sustainability, preparedness and disaster resilience of the impacted community and/or infrastructure by repairing essential infrastructure in accordance with changing needs:

- **Improved drainage and flood immunity initiatives - \$1,500,000**
- **Repair Recreation assets - \$400,000**
- **Economic Recovery Partnership with chambers of Business - \$100,000**

#### **Grant Program: Category D Local Government Recovery – Companion Animals Support - \$375,000**

The following projects have been identified to be funded from this grant allocation:

- **Cat Cages at Sth Grafton Animal Shelter - \$10,000**  
Install / upgrade cat cages providing better housing of cats at the Animal Shelter
- **Animal Control & Animal Shelter Strategy - \$75,000**  
Prepare Animal Control and Animal Shelter Strategy
- **Implement Animal Control and Animal Shelter Improvements focussed on animal housing - \$290,000**

To be implemented on the completion of Strategy and in 2022/23 Operational Plan.

#### **Grant Program: Tnspt NSW Fixing Country Bridges – Round 2A**

- **Replacement of Bluff Bridge, Orara Way - \$11,287,971**

The replacement of Bluff Bridge will involve raising the bridge height to achieve significant improvement to the flood immunity of the Orara Way for residents and will substantially reduce Council's inspection and maintenance liability associated with the aging timber structure.

**ITEM 07.22.179 MONTHLY INVESTMENT REPORT - JULY 2022**

<b>Meeting</b>	Council	23 August 2022
<b>Directorate</b>	Corporate & Governance	
<b>Prepared by</b>	Finance Officer (Treasury), Heather Sydenham	
<b>Attachments</b>	A. Movement of Funds Between Months - July 2022 <a href="#">↓</a>	

**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 31 July 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**

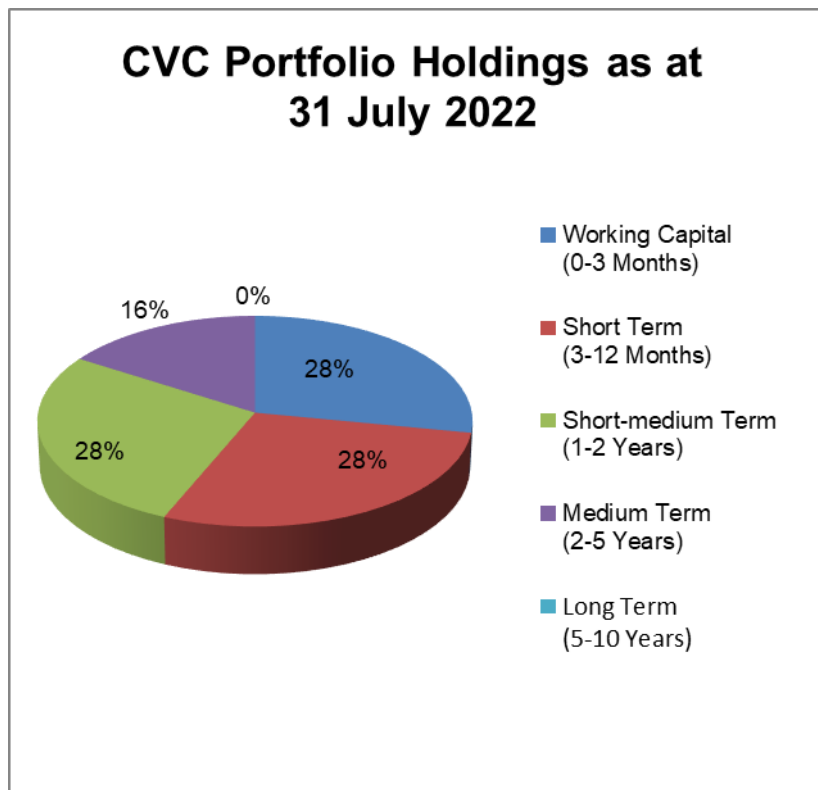
Tabled below is a summary of Council's investments as at 31 July 2022 which details compliance with Council's Investment Policy Portfolio Credit Limits.

Portfolio Credit Limits as at 31/7/2022				
Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
AAA	100.00%	4,500,000	2.77%	Yes
AA	100.00%	67,098,826	41.27%	Yes
A	60.00%	21,250,000	13.07%	Yes
BBB	50.00%	69,732,934	42.89%	Yes
<b>TOTAL INVESTMENTS</b>		<b>162,581,760</b>	<b>100.00%</b>	

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

**Portfolio Holdings by Maturity**

Illustrated and tabled below is a summary of Council's investments by maturity as at 31 July 2022. Excluding "at-call" working capital, 28.04% of Council's investments are maturing within the next twelve months.



**Individual Institution or Counterparty Limits**

Tabled below is a summary of Council's investments as at 31 July 2022 which details compliance with Council's Investment Policy Counterparty Limits.

<b>Individual Institution or Counterparty Limits as at 31/7/2022</b>					
<b>Financial Institution</b>	<b>Credit Rating Long Term</b>	<b>Investment Policy Maximum Holding</b>	<b>Total Investments Held</b>	<b>% of Total Investments</b>	<b>Complies with Policy (yes/no)</b>
<b>TERM DEPOSITS</b>					
AMP	BBB	15.00%	8,000,000	4.92%	Yes
BoQ	BBB+	15.00%	10,000,000	11.07%	Yes
ME Bank	BBB+		8,000,000		
CBA	AA-	30.00%	3,000,000	1.85%	Yes
Credit Union Australia	BBB	15.00%	-	0.00%	Yes
Defence	BBB	15.00%	10,000,000	6.15%	Yes
ING Direct	A	15.00%	14,000,000	8.61%	Yes
MyState	BBB+	15.00%	9,000,000	5.54%	Yes
NAB	AA-	30.00%	23,000,000	14.15%	Yes
NTTC	AA-	30.00%	3,000,000	1.85%	Yes
P&N	BBB	15.00%	18,000,000	11.07%	Yes
RaboDirect	A+	15.00%	6,000,000	3.69%	Yes
Suncorp	A+	15.00%	2,000,000	1.23%	Yes
Westpac	AA-	30.00%	10,000,000	6.15%	Yes
<b>TOTAL TERM DEPOSITS</b>			<b>124,000,000</b>	<b>76.27%</b>	
<b>Financial Institution</b>	<b>Credit Rating Long Term</b>	<b>Investment Policy Maximum Holding</b>	<b>Total Investments Held</b>	<b>% of Total Investments</b>	<b>Complies with Policy (yes/no)</b>
<b>MANAGED FUNDS</b>					
TCorp	AAA	40.00%	-	0.00%	Yes
<b>TOTAL MANAGED FUNDS</b>			<b>-</b>	<b>0.00%</b>	
<b>FUNDS AT CALL</b>					
AMP	BBB	15.00%	8,418,121	5.18%	Yes
AMP	BBB	15.00%	1,064,813	0.65%	Yes
ANZ	AA-	30.00%	6,801,011	4.18%	Yes
CBA	AA-	30.00%	15,218,522	9.36%	Yes
CBA	AA-	30.00%	7,079,293	4.35%	Yes
<b>TOTAL FUNDS AT CALL</b>			<b>38,581,760</b>	<b>23.73%</b>	
<b>TOTAL INVESTMENTS</b>			<b>162,581,760</b>	<b>100.00%</b>	

Register of Investments - Clarence Valley Council as at 31/7/2022					
Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
<b>WORKING CAPITAL (0-3 MONTHS)</b>					
AMP Bank Ltd	8,418,121	5.18%	At-Call	1.30%	BBB
AMP Bank Ltd	1,064,813	0.65%	At-Call	0.50%	BBB
ANZ Banking Group Ltd	6,801,011	4.18%	At-Call	0.80%	AA-
Commonwealth Bank of Australia	15,218,522	9.36%	At-Call	1.20%	AA-
Commonwealth Bank of Australia	7,079,293	4.35%	At-Call	0.20%	AA-
AMP Bank Ltd	3,000,000	1.85%	01/09/2022	0.75%	BBB
Bank Of Queensland Ltd	1,000,000	0.62%	03/08/2022	3.60%	BBB+
ING	1,000,000	0.62%	04/10/2022	3.66%	A
RaboDirect (Australia) Ltd	2,000,000	1.23%	13/09/2022	3.40%	A+
	<b>45,581,760</b>	<b>28.04%</b>		<b>1.16%</b>	
<b>SHORT TERM (3-12 MONTHS)</b>					
AMP Bank Ltd	2,000,000	1.23%	14/11/2022	0.55%	BBB
AMP Bank Ltd	2,000,000	1.23%	02/06/2023	1.00%	BBB
Bank Of Queensland Ltd	2,000,000	1.23%	08/02/2023	3.55%	BBB+
Defence Bank	2,000,000	1.23%	21/11/2022	0.62%	BBB
Defence Bank	2,000,000	1.23%	02/12/2022	0.64%	BBB
Defence Bank	2,000,000	1.23%	03/03/2023	0.50%	BBB
Defence Bank	2,000,000	1.23%	09/03/2023	0.53%	BBB
Defence Bank	2,000,000	1.23%	20/06/2023	4.00%	BBB
ING	2,000,000	1.23%	02/03/2023	0.55%	A
ING	3,000,000	1.85%	20/06/2023	4.00%	A
ME Bank Ltd	1,000,000	0.62%	06/07/2023	3.80%	BBB
MyState	2,000,000	1.23%	04/05/2023	2.95%	BBB
MyState	2,000,000	1.23%	07/07/2023	3.80%	BBB
National Australia Bank	2,000,000	1.23%	18/11/2022	0.60%	AA-
National Australia Bank	2,000,000	1.23%	01/12/2022	0.60%	AA-
National Australia Bank	2,000,000	1.23%	02/12/2022	0.60%	AA-
National Australia Bank	2,000,000	1.23%	06/03/2023	0.60%	AA-
National Australia Bank	2,000,000	1.23%	05/06/2023	0.55%	AA-
National Australia Bank	2,000,000	1.23%	15/06/2023	0.55%	AA-
P&N Bank	3,000,000	1.85%	13/03/2023	0.55%	BBB
RaboDirect (Australia) Ltd	1,000,000	0.62%	05/12/2022	3.21%	A+
Suncorp	2,000,000	1.23%	11/05/2023	2.95%	A+
Westpac Bank	2,000,000	1.23%	13/03/2023	2.54%	AA-
<b>TOTAL SHORT TERM (3-12 MONTHS)</b>	<b>46,000,000</b>	<b>28.29%</b>		<b>1.65%</b>	



Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
<b>SHORT - MEDIUM TERM (1-2 YEARS)</b>					
AMP Bank Ltd	1,000,000	0.62%	31/08/2023	0.75%	BBB
Bank Of Queensland Ltd	2,000,000	1.23%	21/08/2023	3.60%	BBB+
Bank Of Queensland Ltd	3,000,000	1.85%	21/02/2024	1.71%	BBB+
Commonwealth Bank of Australia	3,000,000	1.85%	10/05/2024	3.60%	AA-
ING	3,000,000	1.85%	10/05/2024	3.66%	A
ING	2,000,000	1.23%	13/05/2024	3.66%	A
ING	3,000,000	1.85%	15/05/2024	3.66%	A
ME Bank Ltd	2,000,000	1.23%	18/07/2024	4.26%	BBB
MyState	2,000,000	1.23%	05/03/2024	1.70%	BBB
MyState	3,000,000	1.85%	14/06/2024	4.45%	BBB
National Australia Bank	2,000,000	1.23%	10/08/2023	0.60%	AA-
National Australia Bank	2,000,000	1.23%	11/09/2023	0.65%	AA-
National Australia Bank	2,000,000	1.23%	08/07/2024	0.80%	AA-
P&N Bank	2,000,000	1.23%	11/12/2023	1.25%	BBB
P&N Bank	3,000,000	1.85%	12/02/2024	1.73%	BBB
P&N Bank	3,000,000	1.85%	14/06/2024	4.53%	BBB
RaboDirect (Australia) Ltd	1,000,000	0.62%	17/08/2023	3.40%	A+
RaboDirect (Australia) Ltd	2,000,000	1.23%	19/09/2023	3.40%	A+
Westpac Bank	3,000,000	1.85%	14/11/2023	1.22%	AA-
Westpac Bank	1,000,000	0.62%	20/06/2024	0.85%	AA-
<b>TOTAL SHORT-MEDIUM TERM (1-2 YEARS)</b>	<b>45,000,000</b>	<b>27.68%</b>		<b>2.63%</b>	
<b>MEDIUM TERM (2-5 YEARS)</b>					
Bank Of Queensland Ltd	2,000,000	1.23%	02/12/2024	1.60%	BBB+
ME Bank Ltd	5,000,000	3.08%	09/06/2027	4.50%	BBB
National Australia Bank	2,000,000	1.23%	12/01/2026	1.00%	AA-
National Australia Bank	3,000,000	1.85%	22/02/2027	2.40%	AA-
Northern Territory Treasury Corp	3,000,000	1.85%	15/12/2026	1.50%	AA-
P&N Bank	2,000,000	1.23%	29/11/2024	1.70%	BBB
P&N Bank	2,000,000	1.23%	17/12/2024	1.62%	BBB
P&N Bank	2,000,000	1.23%	16/06/2025	4.67%	BBB
P&N Bank	1,000,000	0.62%	16/02/2026	2.49%	BBB
Westpac Bank	3,000,000	1.85%	15/10/2024	1.00%	AA-
Westpac Bank	1,000,000	0.62%	15/11/2024	1.63%	AA-
<b>TOTAL MEDIUM TERM (2-5 YEARS)</b>	<b>26,000,000</b>	<b>15.99%</b>		<b>2.40%</b>	
<b>TOTAL INVESTMENTS</b>	<b>162,581,760</b>	<b>100.00%</b>		<b>1.91%</b>	

## 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*.

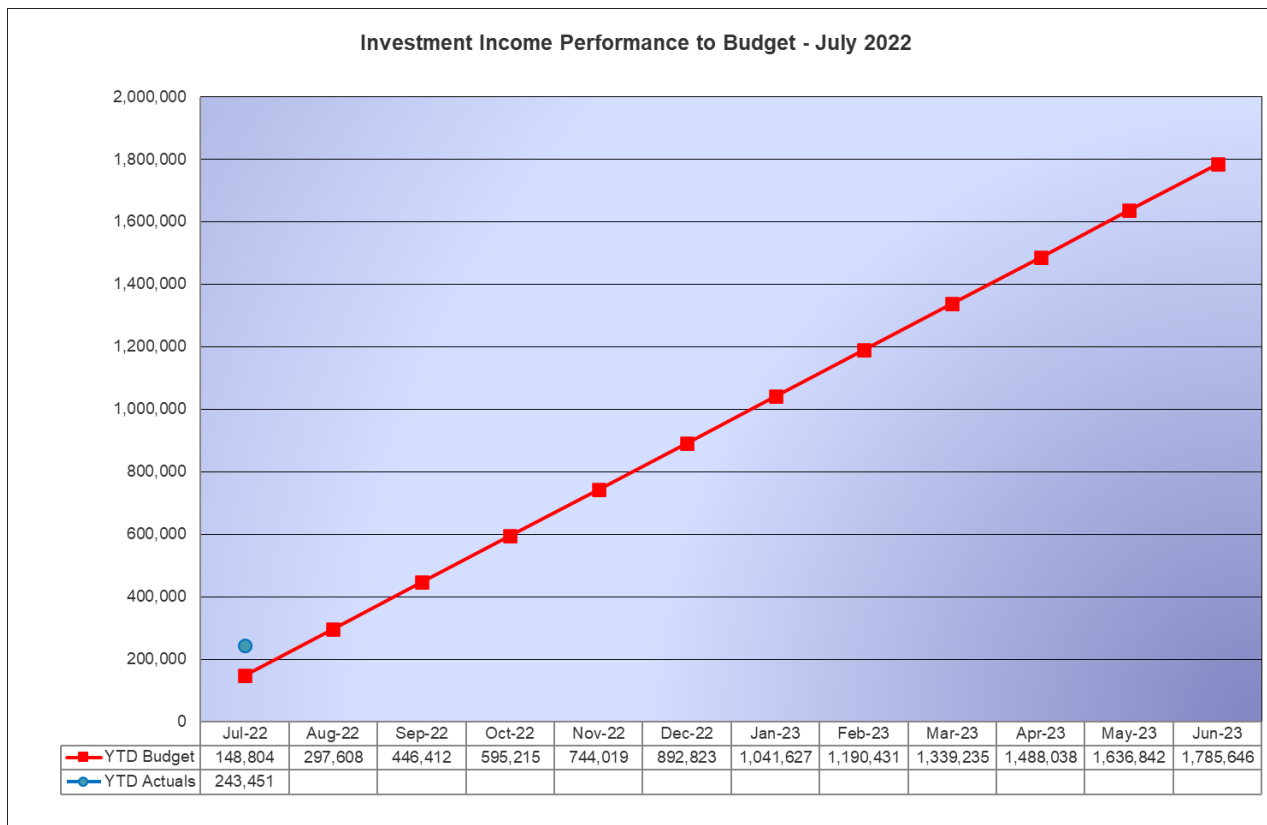
**COUNCIL IMPLICATIONS**

**Budget/Financial**

Portfolio Investment Returns to 31/7/2022			
	Actual	Budget 2022/23	Over/(Under)
<b>This Month</b>			
Cash Deposits & FRNs	\$243,262	\$148,804	\$94,458
Managed Funds	\$189	\$0	\$189
	<b>\$243,451</b>	<b>\$148,804</b>	<b>\$94,647</b>
<b>Year to Date</b>			
Cash Deposits & FRNs	\$243,262	\$148,804	\$94,458
Managed Funds	\$189	\$0	\$189
	<b>\$243,451</b>	<b>\$148,804</b>	<b>\$94,647</b>

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.

- Actual results have shown that total interest income to 31 July 2022 is \$95k above the 2022-23 YTD budget of \$149k.

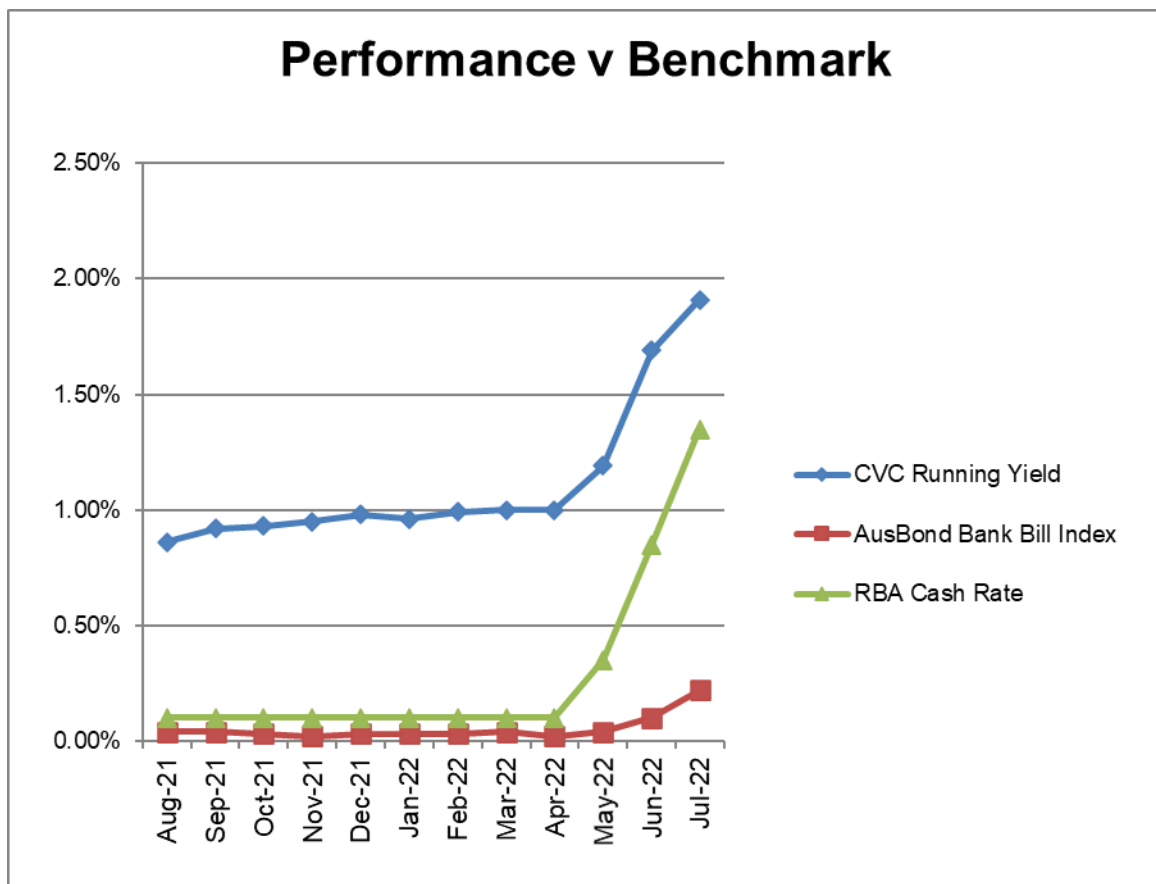


Running yields\* to 31 July 2022 have been:

AMP Business	0.50%
AMP 31 Day Notice	1.30%
ANZ Premium Business	0.80%
CBA General	1.20%
24hr Call Account	0.20%
Term Deposits	<u>1.61%</u>
<b>Total</b>	<b>1.91%</b>

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

- The RBA cash rate at the end of July was 1.35%. The benchmark AusBond Bank Bill Index was 0.22% for July.
- The current running yield of the total investment portfolio remains at elevated levels above the cash rate. At month-end, it stood at +1.91% (Jun 1.78%)



The following investments were transacted during July:

- ME Bank \$1.0m TD matured 6/7/2022 - reinvested at 3.8% for 1 year – matures 6/7/2023
- CUA \$2.0m TD matured 7/7/2022 - redeemed
- New MyState Bank \$2.0m TD invested 7/7/2022 at 3.8% for 1 year – matures 7/7/2023
- Westpac Bank \$2.0m TD matured 18/7/2022 - redeemed
- New ME Bank \$2.0m TD invested 18/7/2022 at 4.26% for 2 years – matures 18/7/2024

**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.

In the month of July, the following term deposits were invested in MyState which is a non fossil fuel industry affiliated ADI:

- \$2.0m TD invested 7/7/2022 at 3.8% for 1 year – matures 7/7/2023.

Subsequently, the total value of investments currently held with Financial Institutions that do not invest nor finance the fossil fuel industry now totals \$12.0M.

**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	4,500,000	2.77%	4,990,153	3.11%	(490,153)	(9.82%)
AA	67,098,826	41.27%	66,369,301	41.39%	729,525	1.10%
A	21,250,000	13.07%	21,250,000	13.25%	-	-
BBB	69,732,934	42.89%	67,723,198	42.24%	2,009,736	2.97%
<b>TOTAL INVESTMENTS</b>	<b>162,581,760</b>	<b>100.00%</b>	<b>160,332,652</b>	<b>100.00%</b>	<b>2,249,108</b>	<b>1.40%</b>

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 %
<b>TERM DEPOSITS</b>						
AMP	8,000,000	4.92%	8,000,000	4.99%	-	-
ANZ*	-	0.00%	-	0.00%	-	-
BoQ	10,000,000	6.15%	10,000,000	6.24%	-	-
Bendigo	-	0.00%	-	0.00%	-	-
Bendigo*	-	0.00%	-	0.00%	-	-
CBA	3,000,000	1.85%	3,000,000	1.87%	-	-
CBA*	-	0.00%	-	0.00%	-	-
Credit Union Australia	-	0.00%	2,000,000	1.25%	(2,000,000)	(100.00%)
Defence	10,000,000	6.15%	10,000,000	6.24%	-	-
G&C Mutual	-	0.00%	-	0.00%	-	-
IMB	-	0.00%	-	0.00%	-	-
ING Direct	14,000,000	8.61%	14,000,000	8.73%	-	-
Macquarie	-	0.00%	-	0.00%	-	-
ME Bank	8,000,000	4.92%	6,000,000	3.74%	2,000,000	33.33%
MyState	9,000,000	5.54%	7,000,000	4.37%	2,000,000	28.57%
NAB	23,000,000	14.15%	23,000,000	14.35%	-	-
NAB*	-	0.00%	-	0.00%	-	-
NTTC	3,000,000	1.85%	3,000,000	1.87%	-	-
P&N Bank	18,000,000	11.07%	18,000,000	11.23%	-	-
People's Choice	-	0.00%	-	0.00%	-	-
RaboDirect	6,000,000	3.69%	6,000,000	3.74%	-	-
Rural Bank	-	0.00%	-	0.00%	-	-
Suncorp	2,000,000	1.23%	2,000,000	1.25%	-	-
Westpac	10,000,000	6.15%	12,000,000	7.48%	(2,000,000)	(16.67%)
Westpac*	-	0.00%	-	0.00%	-	-
<b>TOTAL TERM DEPOSITS</b>	<b>124,000,000</b>	<b>76.27%</b>	<b>124,000,000</b>	<b>77.34%</b>	<b>-</b>	<b>-</b>
<b>MANAGED FUNDS</b>						
TCorp	-	0.00%	490,153	0.31%	(490,153)	(100.00%)
<b>TOTAL MANAGED FUNDS</b>	<b>-</b>	<b>0.00%</b>	<b>490,153</b>	<b>0.31%</b>	<b>(490,153)</b>	<b>(100.00%)</b>
<b>FUNDS AT CALL</b>						
AMP	8,418,121	5.18%	8,408,837	5.24%	9,284	0.11%
AMP	1,064,813	0.65%	1,064,361	0.66%	452	0.04%
ANZ	6,801,011	4.18%	6,796,379	4.24%	4,632	0.07%
CBA	15,218,522	9.36%	12,510,218	7.80%	2,708,304	21.65%
CBA	7,079,293	4.35%	7,062,704	4.41%	16,589	0.23%
<b>TOTAL FUNDS AT CALL</b>	<b>38,581,760</b>	<b>23.73%</b>	<b>35,842,499</b>	<b>22.36%</b>	<b>2,739,261</b>	<b>7.64%</b>
<b>TOTAL INVESTMENTS</b>	<b>162,581,760</b>	<b>100.00%</b>	<b>160,332,652</b>	<b>100.00%</b>	<b>2,249,108</b>	<b>1.40%</b>

**Other Internal Reserves (detail)**

<b>Other Internal Reserves</b>	
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%
<b>Total Other Internal Reserves</b>	<b>5.73%</b>

**WORKS & CIVIL****ITEM 07.22.180 LOCAL TRAFFIC COMMITTEE**

<b>Meeting</b>	Council	23 August 2022
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Support Officer (Operations), Julie Wilks; Road Safety Officer, Alana Brooks	
<b>Attachments</b>	A. Item 0024/22 - Yamba Twilight Markets January 2023 <a href="#">↓</a> B. Item 0024/22 Yamba Twilight Markets 1 January 2023 Ancillary Application <a href="#">↓</a>	

**SUMMARY**

This report details a Local Traffic Committee item – Yamba Twilight Markets scheduled for Sunday 1 January 2023. This item was circulated to the Committee via email, outside of the normal meeting cycle.

**OFFICER RECOMMENDATION**

That Council endorse the recommendation of the Local Traffic Committee regarding the proposed road closures associated with the Yamba Twilight Markets on Sunday, 1 January 2023.

**LINKAGE TO OUR COMMUNITY PLAN**

Theme Infrastructure

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

**KEY ISSUES**

A copy of the Local Traffic Committee report and Special Events Ancillary Application Form that includes a Traffic Management Plan is attached.

**BACKGROUND**

The following item was considered by the Local Traffic Committee in August. This item was circulated to the Committee via email, outside of normal meeting dates.

Item 0024/22 – Yamba Twilight Markets – Sunday 1 January 2023 – That the Committee endorses the proposed road closures associated with the Yamba Twilight Markets on Sunday 1 January 2023, subject to the conditions as detailed in the report attached.

**COUNCIL IMPLICATIONS****Budget/Financial**

N/A

**Asset Management**

N/A

**Policy and Regulation**

N/A

**Consultation**

The Rotary Club of Yamba has advised that all shops and businesses in Coldstream Street will be notified and invited to participate. The Yamba District Chamber of Commerce (Business Yamba) has been notified and support this event.

**Legal and Risk Management**

N/A



**Climate Change**

N/A

ITEM	0024/22	YAMBA TWILIGHT MARKETS- SUNDAY 1st JANUARY 2023
<b>Meeting</b>	Local Traffic Committee	4 August 2022
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	Manager - Strategic Infrastructure (Greg Allsopp)	
<b>Attachment</b>	Yes	

### SUMMARY

Approval is sought for the road closures associated with the Yamba Twilight Markets on Sunday 1st January 2023.

### OFFICER RECOMMENDATION

That the Committee endorses the proposed road closures associated with the Yamba Twilight Markets on Sunday 1<sup>st</sup> January 2023, subject to the following conditions:

1. Conformance with NSW Police approval and conditions.
2. Adequate public liability insurance being held by the event organiser and a current certificate provided to Council at least two weeks prior to the event.
3. The submission and approval of a Community Event application and compliance with any conditions imposed therein.
4. Conformance with Traffic Guidance Schemes (submitted to Council at least 2 weeks before the event) implemented and controlled by Transport for NSW accredited persons.
5. All signage erected for the event to not cause a hazard for motorists, cyclists or pedestrians and be removed immediately following the completion of the event.
6. The event organiser notifies local community of the impact of the event/s by advertising in the local paper/s a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.
7. Community and affected business consultation including adequate response/action to any raised concerns.
8. Consultation with emergency services (Fire and Ambulance).
9. Consultation with affected bus and transport operators and arrangements made for provision of services during conduct of the event
10. Arrangements made for private property access and egress affected by the event.
11. The event organiser will be responsible for making all necessary enquiries and assessment of current road conditions to ensure that the environment is suitable for conduct of the event.

### LINKAGE TO OUR COMMUNITY PLAN

Theme	3 Economy
Objective	3.1 We will have an attractive and diverse environment for business, tourism and industry
Strategy	1.3.1 Support arts, learning, cultural services, community events and festivals

**BACKGROUND**

The Yamba Rotary Club is seeking approval for road closures associated with the Yamba Twilight Markets to be held on Coldstream Street on Sunday 1<sup>st</sup> January 2023.

The road closures are as follows:

- Coldstream Street- between Yamba Street and River Street, 1pm-9pm.
- Little High Street, 1pm-9pm.

**KEY ISSUES**

Event hours are 4pm to 8pm on Sunday 1<sup>st</sup> January 2023, with the road closure occurring from 1pm to 9pm to allow bump-in and bump out. The event is expected to attract 5000 participants.

The event application form and Traffic Guidance Scheme are attached. Similar events have been run successfully by the Rotary Club of Yamba.

**COUNCIL IMPLICATIONS****Budget/Financial**

N/A

**Asset Management**

N/A

**Policy or Regulation**

Guide to Traffic and Transport Management for Special Events, NSW Government  
Traffic Control at Worksites, Technical Manual, TfNSW

**Consultation**

The Rotary Club of Yamba has advised that all shops and businesses in Coldstream Street will be notified and invited to participate. The Yamba District Chamber of Commerce (Business Yamba) has been notified and support this event.

**Legal and Risk Management**

A Traffic Guidance Scheme and Risk Assessment have been provided.

**Climate Change**

N/A

Prepared by	Alana Brooks, Road Safety Officer
Attachment	0024/22 Yamba Twilight Markets 1 January 2023



**From:** "noreply@clarence.nsw.gov.au" <noreply@clarence.nsw.gov.au>  
**Sent:** Mon, 14 Mar 2022 14:56:46 +1100  
**To:** "Forms" <forms@clarence.nsw.gov.au>  
**Subject:** ACT2022/0249 Special Events Ancillary Application Form - Community Land Rotary Club of Yamba Twilight Markets  
**Attachments:** TMP 2020.pdf, 202021 insurance.pdf, Police Notice of assembly 1 copy.jpg, TMP.pdf



## Special Events Ancillary Application Form - Community Land Rotary Club of Yamba Twilight Markets

The fee for this application is \$107.10

Information	
Applicant details:	
Name of organisation/group	Rotary Club of Yamba
Postal address	PO Box 158 Yamba NSW
Name of contact person	Rick Angelo
Position held in the organisation	Secretary / event coordinator
Business phone number	0404476702
Business email	yamba.rotary@gmail.com
Mobile	
Name of event	Twilight Markets

Event start date	01/01/2023
Event finish date	01/01/2023
Estimated number of visitors	5000
Land/location	
Location of event (including any public parks/reserves/private lands associated with the event)	Coldstream St Yamba from River st roundabout to Yamba St roundabout
Land reserve/lot/section number if known	
Please upload a map showing the location and extent of event.	
Number of hours you intent to use the area for your event (including set up and clear)	1pm-9pm
Traffic management	
Will any part of the event occur on a road or within a road reserve boundary, either requiring a road closure or any traffic management?	Yes
If yes, is it proposed that Council manage the road closures/traffic management?	No
Traffic Management Plan contractors company name?	
Traffic Management Plan contractors contact name?	
Traffic Management Plan contractor contact number	
RMS accreditation number	

Have you consulted with Council staff about the details of the road closure or traffic management?	Yes
If Council is conducting traffic management, please define the activity that will take place on the road:	
Name of the streets involved:	
Section of streets proposed to be closed:	
Times the street will be closed:	
Describe the parking areas proposed for use by those attending the event:	Parking is in river st and Yamba Street
Is there need for alternate parking arrangements? (either due to the scale of the event or interruption to traffic flow)	No
If yes, where will the alternative car parking be situated and approximately how many bays will be provided?	
How many volunteers will you have to direct vehicles to and within the parking areas? (If volunteers are directing on public roads they must be accredited as traffic controllers)	3
What signage do you propose to advertise these parking arrangements?	
Event management	
What noise will be created from the event and what times will the noise occur?	Music from 4pm-8pm only
What measures have been put in place to limit	1 artist only

the impact of noise?	
Will there be security at the event?	No
Who will provide security?	
How many security personnel will be employed?	
Will alcohol be sold at the event?	No
All vans or other outlets used by food vendors must comply with the Food Act 2003 and obtain a licence. What measures do you propose to ensure compliance with this requirement?	Stall holders must attach a copy of PL insurance and have a copy of their CVC permit as a food stall holder. A hard copy is kept with Rotary for the events.
What waste management arrangements have been made for the event?	25 extra bins will ordered via the council
Where are the nearest public toilets to the event site?	River street Lions park and Woolli st public toilet
If there is a need to hire extra toilets? Please give details.	1 extra toilet will be hired.
Where will disabled toilet be situated?	Lions park
Where will disabled parking be situated?	Yamba Street near the entrance to the market
How will disabled toilets and parking be advertised?	Disabled toilets are provided by the CVC and signage is already in place.
What power sources will be used for the event?	generator power is being used
What activities within the even require	Food stall holders require



electricity?	power provided by our generator
Describe action taken to consult with residents and businesses impacted by the event.	Rotary send out a letter prior to the event alerting all businesses.
Site Plan - Please attach a site plan for the event with locations of items such as market stalls, toilets, wheelie bins, stage, setin arrangements, electricity supply outlets, parking =, all entrances and exits and emergency access routes. If not available at the time of lodgement of application, a detailed site plan will be required to be lodged a minimum 2 weeks prior to the event.	<a href="#">TMP 2020.pdf</a>
Do you intend to have a fireworks display at your event?	No
If yes, you will need approval from WorkCover and you will aslo need to advise the Polce and Fire Brigade. Please provide the approval from WorkCover in your application and provide the name of the Firework Company you intend to use.	
Insurance	
Name of Insurer	AON (Rotary Insurance)
Contact name	John Giruicin
Contact number	0419303050
Policy number	AP RODIAUS PLB

Valid from	01/07/2021
Expiry date	30/06/2022
An indemnity form is to be signed as part of your application. This will be sent to you on approval of your application by Council.	I understand.
Additional information	
Please use this space to include additional information that has not been covered in this application.	This is an Annual event run by the Rotary Club of Yamba.
Please attach any additional documentation here.	<a href="#">202021 insurance.pdf</a> <a href="#">Police Notice of assembly 1 copy.jpg</a> <a href="#">TMP.pdf</a>
Privacy Advice	
Disclaimer	
	I agree
Checklist	
Please provide the following documents to support your application.	Copy of completed 'Notice of Assembly' form submitted to NSW Police Events program, draft or final version Public Liability Certificate of Currency Map showing location and extent of event

	Traffic management plan (if applicable)
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2 The purpose of the proposed assembly is... TWILIGHT MARKET

State purpose

3 The following special characteristics associated with the assembly would be useful for the Commissioner of Police to be aware of in regulating the flow of traffic or in regulating the assembly:

\* (i) There will be ...NIL... (number) of vehicles and/or\* floats involved and their type and dimensions are as follows:

\* (ii) There will be ...2... (number) of bands, musicians, entertainers etc entertaining or addressing the assembly

\* (iii) The following number and type of animals will be involved in the assembly

NIL

\* (iv) Other special characteristics of the proposed assembly are as follows:

FOOD + GENERAL MARKET

4 I take responsibility for organising and conducting the proposed public assembly.

5 Notices for the purposes of the Summary Offences Act 1988 may be served on me at the following:

Address: 18 WITONGA DR.

YAMBA

Post Code 2464

Telephone: 0404 476 702

Signed: [Signature]

Capacity/Title SECRETARY

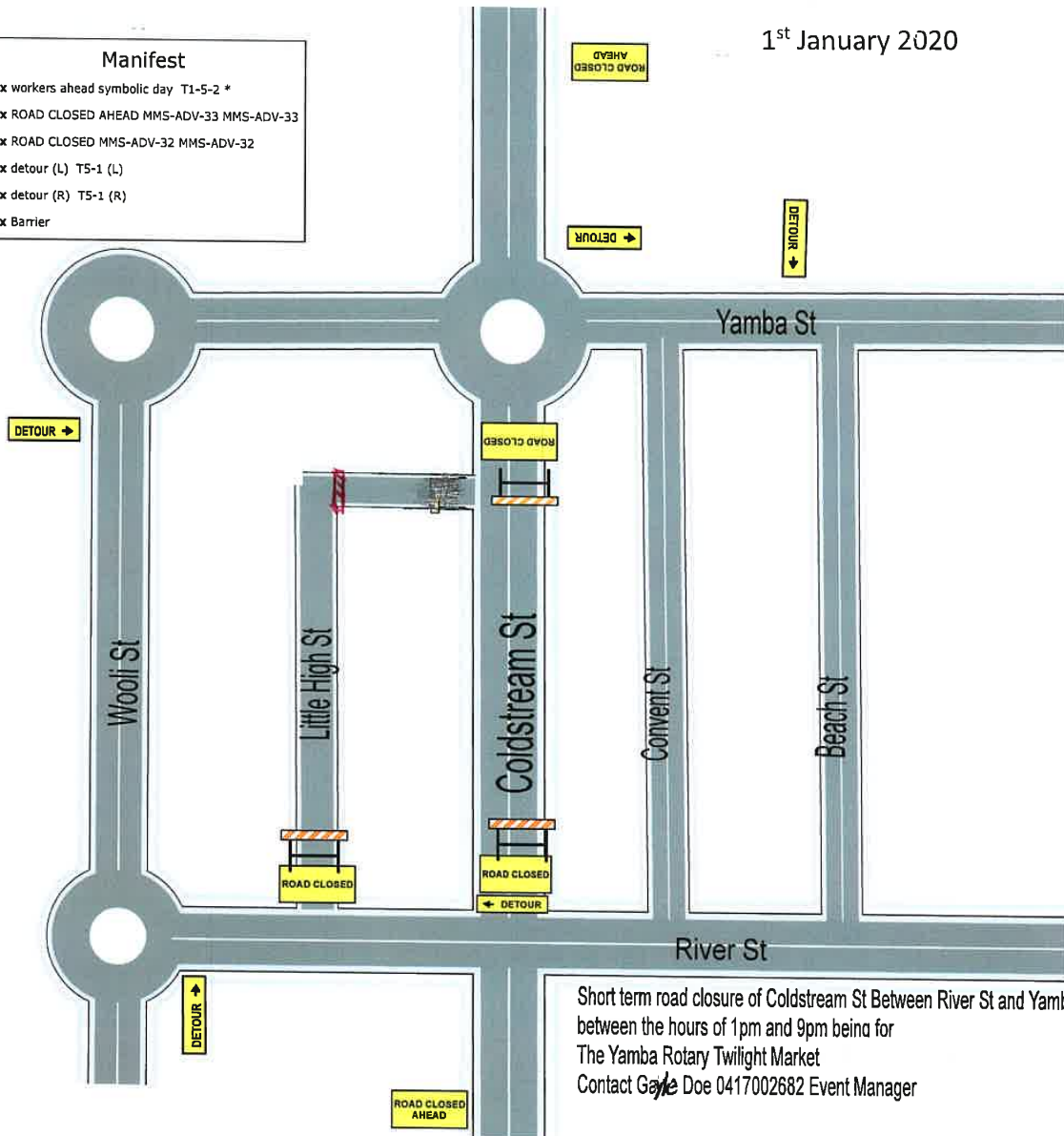
Date 14/3/2022

\* Delete as applicable

www.invarion.com

### Twilight markets 1<sup>st</sup> January 2020

- Manifest**
- 1 x workers ahead symbolic day T1-5-2 \*
  - 2 x ROAD CLOSED AHEAD MMS-ADV-33 MMS-ADV-33
  - 3 x ROAD CLOSED MMS-ADV-32 MMS-ADV-32
  - 2 x detour (L) T5-1 (L)
  - 3 x detour (R) T5-1 (R)
  - 4 x Barrier



Short term road closure of Coldstream St Between River St and Yamba St between the hours of 1pm and 9pm being for The Yamba Rotary Twilight Market  
Contact ~~Gale~~ *Gale* Doe 0417002682 Event Manager



**Broker:**

**Aon Risk Solutions**  
 Postal Address & Enquiries care of:  
**Christine Parker**  
 Service Executive  
 Aon Risk Solutions Australia Limited  
 GPO Box 65  
 Brisbane Qld 4001  
 Aon Risk Solutions Australia Limited  
 Telephone: (07) 3223 7404

Date of Issue: 1 July 2020

## Certificate of Currency

This certificate acknowledges that the Policy referred to is in force for the period shown. Summary of cover is listed below.

<b>Policy Number</b>	AP RODIAUS PLB	
<b>Name of Insured</b>	The Rotary Club of	Yamba
<b>Type of Insurance</b>	Public and Products Liability	
<b>Cover</b>	QBE will pay in respect of Personal Injury or Property Damage first happening during the Period of Insurance and caused by an Occurrence within the Territorial Limits in connection with Your Business.	
<b>Limit of Liability</b>	<b>Public:</b> \$50,000,000	any one Occurrence
	<b>Products:</b> \$50,000,000	any one Occurrence & in the aggregate for all injury or damage occurring during the Period of Insurance.
<b>Territorial Limits</b>	Anywhere in the World but subject to the Terms, Conditions and Exceptions of the Policy	
<b>Period of Insurance</b>	From: 4.00pm on 30 <sup>th</sup> June 2020 to: 4.00pm on 30 <sup>th</sup> June 2021	
<b>Special Conditions</b>	Subject to the existing Terms, Conditions and Exceptions of the Policy	

Brisbane this 26<sup>th</sup> day of June 2020

Signed *Caroline MacDonal*

QBE INSURANCE (AUSTRALIA) LIMITED  
 ABN: 78 003 191 035  
 AFS Licence No. 239545



2 The purpose of the proposed assembly is..... TWILIGHT MARKET

State purpose

3 The following special characteristics associated with the assembly would be useful for the Commissioner of Police to be aware of in regulating the flow of traffic or in regulating the assembly:

\* (i) There will be ...NIL... (number) of vehicles and/or\* floats involved and their type and dimensions are as follows:

\* (ii) There will be .....2..... (number) of bands, musicians, entertainers etc entertaining or addressing the assembly

\* (iii) The following number and type of animals will be involved in the assembly

NIL

\* (iv) Other special characteristics of the proposed assembly are as follows:

FOOD + GENERAL MARKET

4 I take responsibility for organising and conducting the proposed public assembly.

5 Notices for the purposes of the Summary Offences Act 1988 may be served on me at the following:

Address: 18 WITONGA DR. YAMBA Post Code 2464

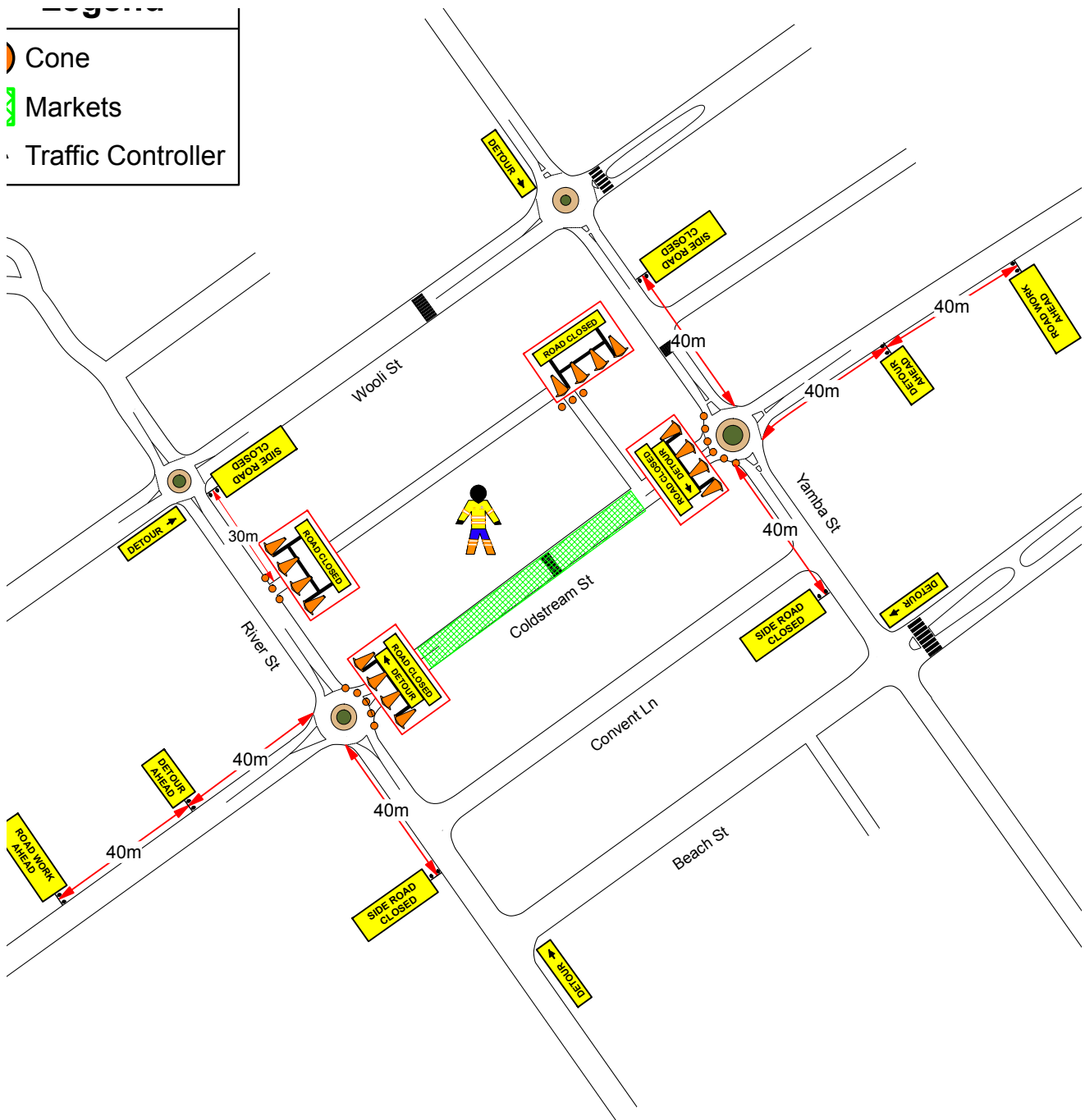
Telephone: 0404 476 702

Signed: [Signature]

Capacity/Title SECRETARY

Date 14/3/2022

\* Delete as applicable

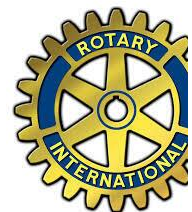


If constraints may not allow signage and devices to be placed in accordance with this TGS. Signs and devices are to be positioned in accordance with tolerances shown in section 3.5.8 of the TCAWS Manual Issue 6 2020. TGS is suitable for Short term works. Signs to be mounted 200mm from ground height for frame mounted and 2.2m for post mounted. TGS is based on guidelines provided within the WS Manual Issue 6 2020. Night works adequate lighting is to be provided at all work points. Pedestrians MUST be monitored and assisted at all work points and suitable controls implemented. Speed limits already noted. The existing speed limits are to be noted on this plan. The value of speed limits displayed shall match the posted zone approval. The sign used in the TGS is to be B Size. Ensure all approval requirements are met prior to commencing set up. Refer all conflicting & Contradicting road signage & signs where required.

- 12: If required cone spacing is to be no greater than 24m centres.
- 13: TTM Inspections to be undertaken on a regular basis.
- 14: Estimated Queue Lengths to be noted here
- 15: The site MUST comply with the TCAWS (Traffic Control at Worksites) Manual Issue 6 2020 and AS 1742.3 (MUTCD) 2009.

**Amendments:**  
All amendments to the TGS must be clearly documented on this plan. Amendments can only be made by the Traffic Control Supervisor holding a current PWZTMP card in consultation with the relevant project works supervisor.

Name: \_\_\_\_\_  
 PWZTMP Card Number: \_\_\_\_\_  
 Exp Date: \_\_\_\_\_  
 Date: \_\_\_\_\_ Sign: \_\_\_\_\_  
 Reason for modification: \_\_\_\_\_



By: <b>VC</b>	Date: <b>26/08/21</b>	Description: <b>Issued for Implementation</b>	Appr: <b>SD</b>		Job Location: <b>Coldstream St, Yamba</b> Client: <b>Yamba Rotary Events</b> Drawn By: <b>Nathan Cave</b>	Work Activity: <b>Twilight Markets</b> Drawing Number: <b>WRS-TGS- 50109</b> Certification Type: <b>PWZ</b>	Certification Number: <b>0052 022 511</b> Signed: <i>Nathan</i>	
Disclaimer: This guidance scheme is for Traffic Management purposes only. Workforce Road Services disclaims all responsibility and all liability including without limitation, liability in negligence for all expenses, losses, damages and costs you might incur as a result of the information being inaccurate or incomplete in any way, and for any reason. This plan is					Certification Number: <b>0052 022 511</b>			



**ITEM 07.22.181 RFT 22/18 RFT 22/23 - SUPPLY OF HIRED PLANT**

<b>Meeting</b>	Council	23 August 2022
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Support Officer (Operations), Julie Wilks; Acting Manager Civil Services, Rick Johnson	
<b>Attachments</b>	Nil	

**SUMMARY**

Tenders have been called for the supply of plant hire wet (with operator) and dry (without operator) to Council for the financial years 2022/2023 and 2023/2024. This report is to accept the period tenders received to be included on a Panel of Suppliers for use as required during the 2022/2023 and 2023/2024 financial years.

**OFFICER RECOMMENDATION**

That Council accept the tenderers listed in Table 1 for inclusion on a Panel of Suppliers for use as required during the 2022/2023 and 2023/2024 financial years.

**LINKAGE TO OUR COMMUNITY PLAN**

Theme Infrastructure

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

**KEY ISSUES**

Tenders were called on 2 May 2022 and closed at 3:00pm on 27 May 2022 in RFT22-23 for the supply of plant hire wet (with operator) and dry (without operator) to Council for the 2022/23 and 2023/24 financial years. Submissions were accepted through Tenderlink e-tendering only. This report is to accept the tenders received to be included on a Panel of Suppliers for use as required during the 2022/23 and 2023/24 financial years.

Previously, Council had called for tenders for the supply of plant hire wet (with operator) and dry (without operator) to Council for the 2022/23 and 2023/24 financial years in RFT22-18. After the tender had closed Council staff received notification from multiple contractors that they had not received notification that the tender had been advertised. Council staff requested Tenderlink to investigate these claims which were subsequently confirmed to be correct. In the interests of equity and fairness, and to ensure Council was able to access the most complete and competitive rates from contractors the tender (RFT22-23) was re-advertised.

A list of complying tenderers from RFT22-23 are denoted in Table 1.

**Table 1**

<b>Company</b>	<b>Directors</b>
LB Haulage	Ben Lewis & Daniel Lewis
BD & MC Lewis Pty Ltd	Brian D Lewis & Mavis C Lewis
Bell Landscape, Construction & Excavation Services	Greg Bell
BP & KR Lloyd	Brad Lloyd & Kristy Lloyd
Brycon Civil Pty Ltd	Bryce Davies & Jason Lamb
C&K Shannon Earthmoving, Landscapes & Designs Pty Ltd	Chris Shannon
Cable & Pipe Locations Pty Ltd	Shane Buckley
Chambers Constructions Pty Ltd	Stephen Chambers
Conplant Pty Ltd	Ian Coleman
CW & VJ Cooper Pty Ltd	Wayne Cooper
Ellis Profiling QLD Pty Ltd	Gregory Ellis
Jacques Earthmoving	Bradley Jacques
JSN Civil Pty Ltd	Justin Newton

Keegan Civil Pty Ltd	Paul Keegan
Lawrie Plant Hire	Scott Lawrie & Alicia Lawrie
Ledonne Constructions Pty Ltd	Antonio Ledonne
Lewis Bros (Chatsworth) Pty Ltd	Brian Lewis & Mavis C Lewis,
Lucas Plumbing and Civil Pty Ltd	Jackson Lucas
Master Hire Pty Ltd	Scott Marchant & Peter Shaw
McLennan Earthmoving Pty Ltd	Philip McLennan & Cathy McLennan
MMD Earthworks	Codie Croker
Greensill Bros Pty Ltd	Denis Greensill and Lorna Greensill
Murrays Bobcats Pty Ltd	Craig Murray
Newman Quarrying Pty Ltd	Mark Newman
N & K Jagoe Earthmoving & Construction Pty Ltd	Naasson Jagoe & Kylie Jagoe
North Coast Contracting (AUST) Pty Ltd	Aaron Rae
Parrys Earthmoving Pty Ltd	Jordan Parry
PE & BI Lloyd Earthmoving	Beverley Lloyd
Porter Plant	Tomokatsu Nakazawa, Timothy Porter & Hideake Yamashita
Ramornie Rivers Pastoral Pty Ltd	Emily Howell
R & M Earthmoving Pty Ltd	Rajan Oberoi
Rollers Australia Pty Ltd	Julian O'Neil, Edward O'Neil, Simon O'Neil, Dominic O'Neil, Emily Brial
Anderson Tipper Hire	Scott Anderson & Jodie Anderson
Action Hire Vehicles	Stuart Jonklaas & Suzanne Jonklaas
Smith Plant Hire (NSW) Pty Ltd	Dean Smith
Solution Plant Hire	Michael Smith & Chris Newton
Stabilcorp Pty Ltd	Craig Pinson
Tutt Bryant Hire	Chen Wei Ng & Roland Ng
Valley Earthworks Pty Ltd	Paul Fuller
VJ & CM Forrester	VJ & CM Forrester
WDI Earthmoving	Aaron Howell
Asplundh Tree Expert Australia Pty Ltd	Greg Fitzgerald & Mike Butler
Coates Operations Pty Ltd	Murray Vitlich & Jeff Proctor
Corbett Earthmoving Pty Ltd	Michael Corbett & Brad Corbett
North Coast Road Sweepers	Darren Turner & Sheree Turner
Clarence Earthmoving	Miles Light & Louise Light
Hydro Digga Pty Ltd	Kenneth Richards, Cheryl Morrison & Paul Welch
KBS Mackay	Kevin Mackay, Ben Mackay & Sam Mackay
LL & TA Jones Bobcat Hire	Lex Jones & Tracy Jones
MJ Smidt Water Tanker Hire	Michael Smidt
Paul White Haulage Pty Ltd	Paul White
Stabilised Pavements of Australia Pty Ltd	Tom Wilmot & Warren Smith
TJ Dunn Water Cart Hire	Joanne Dunn

## BACKGROUND

Council is required at times to supplement its plant and equipment fleet with the hire of both (wet and dry) plant and equipment in order to complete construction and maintenance works throughout the year. This may require that Council:

- Engage a Supplier to provide services that exceed \$250,000 in value for any single event;
- Engage a Supplier to provide services that exceed \$250,000 in value over a number of events; or
- Engage a Supplier to provide services that exceed \$250,000 in value over a range of disciplines (e.g. plant supply and gravel supply).

To ensure that Council complies with the requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2021, tenders have been called for the supply of plant hire for the 2022/23 and 2023/24 financial years. Tenderers who supplied conforming tenders will be added to a Panel of Suppliers to be engaged by Council as and when required during the tender period.

Tenderers will be engaged for the supply of plant based on an assessment of:

- the type of plant required
- availability of required plant
- the quality or experience of the operators if 'hiring under a wet hire' arrangement
- the cost or rates provided for each particular work activity being undertaken.

Rates sought for the 2022/23 and 2023/24 financial years are considered to represent reasonable market value.

## **COUNCIL IMPLICATIONS**

### **Budget/Financial**

Funds for the purchase of hired plant are contained within capital and maintenance budgets.

### **Asset Management**

Supply of plant equipment is required for Council to meet its Roads and Transport Asset Management program.

### **Policy and Legislation**

The tendering process was consistent with the requirement of the Local Government Act and Regulation and Council's Sustainable Purchasing Policy – Supporting Local Business.

In accordance with Council's Sustainable Procurement Policy the tender specification requested tenderers to identify the local suppliers/contractors that would be involved in delivering/constructing the project and the tender assessment included a 15% weighting of the total tender score for local supplier content.

### **Consultation**

N/A

### **Legal and Risk Management**

N/A

### **Climate Change**

N/A

**ITEM 07.22.182 PROPOSAL TO NAME PUBLIC RESERVE**

<b>Meeting</b>	Council	23 August 2022
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Manager Open Spaces & Facilities, Peter Birch	
<b>Attachments</b>	A. Location Map of Elsie Crisp Park <a href="#">↓</a> B. Location Map of Public Reserve - Tyson Street <a href="#">↓</a>	

**SUMMARY**

Council is proposing to unassign the naming of Lot 1 DP 1162943 as Elsie Crisp Park and to assign the naming of Lot 16 DP 25599 as Elsie Crisp Memorial Park. This proposal follows consultation between Council and family members of the late Elsie Crisp and title implications around the Boyd-Nattress Complex (South Grafton Pool). The Geographical Names Board specifies that in all naming proposals, local councils are encouraged to undertake consultation with the community prior to submitting any proposals.

**OFFICER RECOMMENDATION**

That Council:

1. Place the proposals to unassign the naming of Lot 1 DP 1162943 as Elsie Crisp Park and to assign the naming of Lot 16 DP 25599 as Elsie Crisp Memorial Park on public exhibition for a period of 30 days.
2. Provide a report to the October Council meeting on the outcomes of the community consultation.

**LINKAGE TO OUR COMMUNITY PLAN**

Theme Society

Objective We will have proud and inviting communities

**KEY ISSUES**

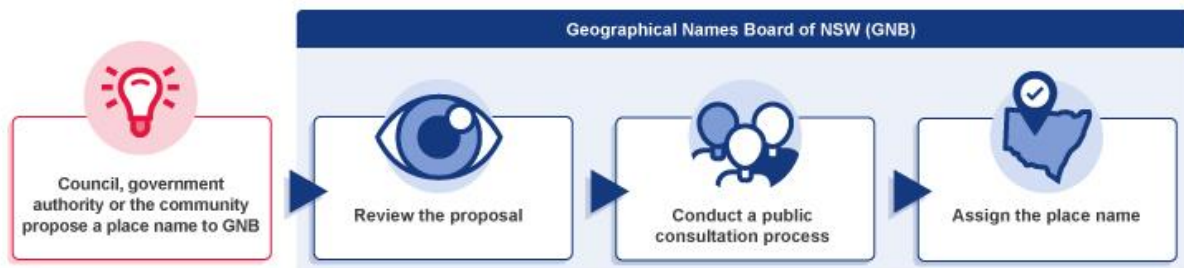
At the Ordinary Council Meeting held on 28 May 2019 it was resolved to schedule the sale or long-term lease of the Boyd-Nattress Complex (South Grafton Pool) at a future date to be decided (refer to Item 15.082/19). This asset is located on Operational land that has been officially assigned the name of Elsie Crisp Park. Council has consulted with the family of the late Elsie Crisp to find an alternate park to officially assign a name in dedication of her memory. The family have expressed concerns that the current condition of Elsie Crisp Park does not honour her memory and have agreed to consider the Public Reserve - Tyson Street, directly opposite South Grafton High School, as an alternate location and requested it be named Elsie Crisp Memorial Park. The proposed naming of this park as Elsie Crisp Memorial Park would be consistent with the park Geographical Names Board NSW Place Name Policy and the Naming of Parks, Reserves and Facilities Policy V4.0.

Public Reserve - Tyson Street is the internal operational name unofficially assigned to Lot 16 DP 25599, Tyson Street, South Grafton, see attached location map, and is Community land is owned by Clarence Valley Council, freehold tenure and is categorised as Park. The local level park is currently embellished with a playground, park furniture and mature park trees.



**Figure 1: Public Reserve - Tyson Street**

The Geographical Names Board (GNB) is the authority for geographical names in NSW and operates under the Geographical Names Act 1966. The place naming process normally follows four main steps: proposal, review, consultation and assign.



**Figure 2: GNB Place Naming Process**

Proposals should have the endorsement of the local council or the government department that administers the area where the feature is located. The name should also comply with the Board’s Place Naming Policy.

**BACKGROUND**

Elsie Crisp Park is located at 77 Cambridge Street, South Grafton being Lot 1 DP 1162943 (refer to attached location map). The Operational land is owned by Clarence Valley Council, vested tenure and is categorised as Community use.

Elsie Crisp Park was named after then late Mayoress (ene 19/19A file 17 16.9.1968). The dedication to the memory of Elsie Crisp (1895 - 1968) was in recognition of her years of service and devotion to the Grafton Community, her church and numerous community organisations:

- Mayoress South Grafton pt 1939 - pt 1941
- Mayoress South Grafton 1951 - pt 1957
- Mayoress Grafton pt 1957
- Mayoress Grafton 1961 - 1968
- Jacaranda Festival Life Member.





**Figure 3: Elsie Crisp Park**

At the Administration & Engineering Committee Meeting held on 19 August 2002 it was recommended that that a formal application be made to assign the park name of Elsie Crisp Park. The name of Elsie Crisp Park has been officially assigned with the Geographical Names Board:

<b>Elsie Crisp Park</b>	
<b>Designation</b>	RESERVE
<b>Status</b>	<b>Official Assigned</b>
<b>Gazettal Date</b>	01-11-2002
<b>LGA(s)</b>	CLARENCE VALLEY
<b>LGA(s) at Gazettal</b>	CLARENCE VALLEY
<b>GDA2020 Lat</b>	29°42'45.2"S
<b>GDA2020 Long</b>	152°56'26.9"E
<b>1:25,000 Map Name</b>	GRAFTON
<b>1:100,000 Map</b>	GRAFTON 9438
<b>Parish</b>	SOUTHAMPTON
<b>County</b>	CLARENCE
<b>Description</b>	
A reserve in Armidale Street running from Cambridge Street through to Vere Street in South Grafton.	
<b>Origin</b>	
Named on 16 Sep 1968 in honour of the late Mayoress, Elsie Crisp.	

**Figure 4: Place name search in the Geographical Name Register, 7 July 2022**

Elsie Crisp Park has been subject to change over the past 50 years including the construction of a carpark to service the Boyd-Nattress Complex (South Grafton Pool), removal of the rose garden beds and removal of the playground due to the perceived risks associated with the proximity to traffic. The family of the late Elsie Crisp have expressed concerns that the current condition of Elsie Crisp Park does not honour her memory.

**COUNCIL IMPLICATIONS**

**Budget/Financial**

Minor operational costs associated with the development and implementation of the Community Engagement Plan.

**Asset Management**

N/A

**Policy and Regulation**

Geographical Names Act 1966

Geographical Names Board NSW Place Name Policy

Naming of Parks, Reserves and Facilities Policy V4.0

**Consultation**

In all naming proposals, local councils are encouraged to undertake consultation with the community prior to submitting a proposal to the Geographical Names Board. This is no different to existing participative procedures adopted by councils on a wide range of issues aimed at achieving an equitable solution brokered by the local council for the benefit of the community.

When Council submits a naming proposal, it should be supported by a Council resolution. Council should also supply evidence that they have sought community feedback on the proposal. This could include advertising and inviting comment using:

- Local newspapers.
- Relevant web site.
- Local council facilities (eg offices, libraries etc).
- Notices to residents in the area surrounding the feature of the proposed name.
- Notices to local progress associations.

A Community Engagement Plan will be developed and implemented for the proposal to Rename Elsie Crisp Park and Public Reserve – Tyson Street to meet the requirements of Geographical Names Board NSW Place Name Policy.

Consultation has taken place between Council and family members of the late Elsie Crisp.

**Legal and Risk Management**

The Geographical Names Board is empowered by the Geographical Names Act 1966 which provides it the power to assign names to places.

**Climate Change**

N/A





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**IMPORTANT NOTICE**

*This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground.*  
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Drawn By: Gavin Beveridge

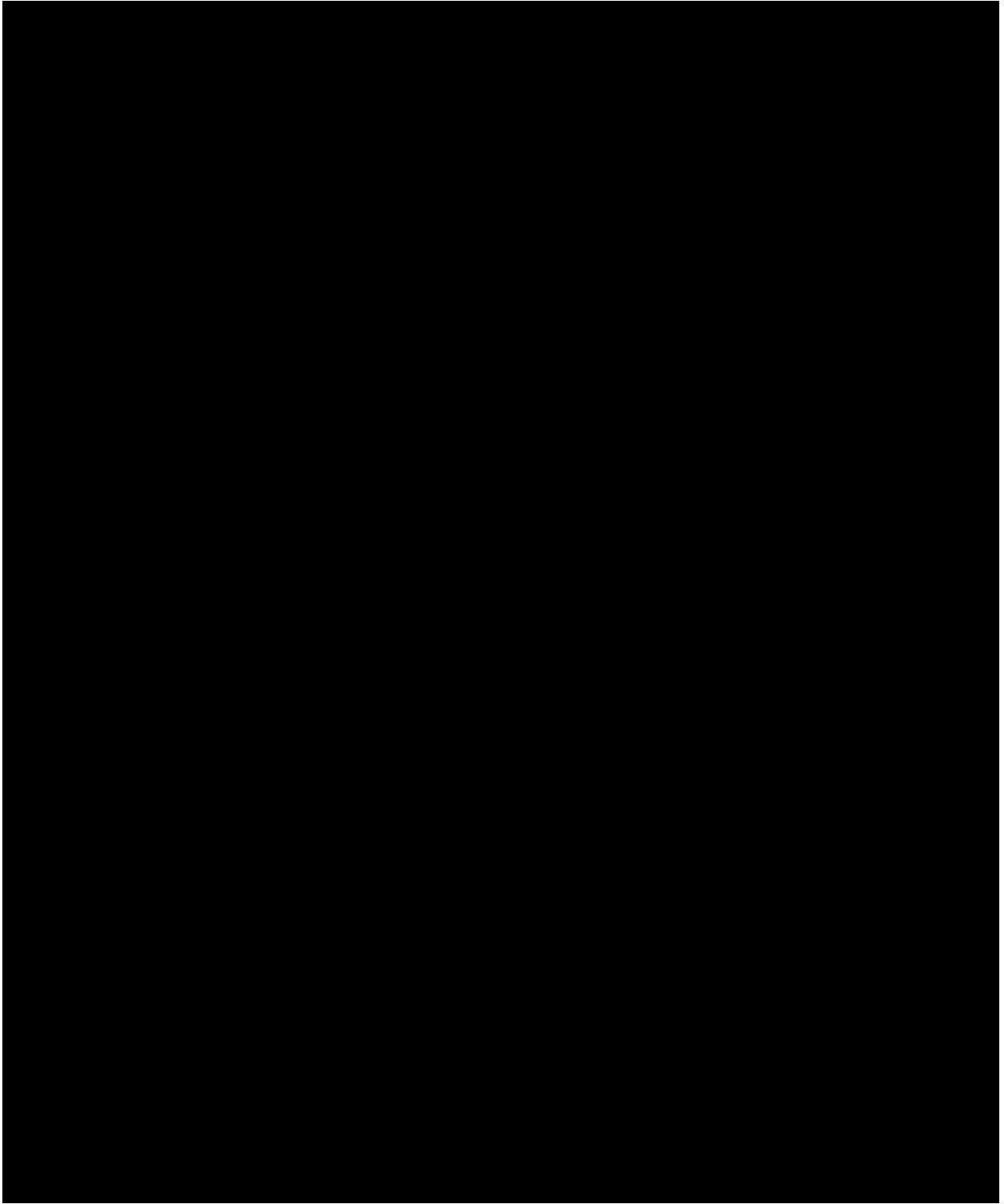
Projection: GDA94 / MGA zone 56

Date: 7/06/2022 11:49 AM

**Location Map of Elsie Crisp Park.**

Map Scale: 1:2000 at A4





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Drawn By: Gavin Beveridge

Projection: GDA94 / MGA zone 56

Date: 7/06/2022 11:55 AM

### Location Map of Public Reserve - Tyson Street.

Map Scale: 1:2000 at A4

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## ITEM 07.22.183 BROOMS HEAD HOLIDAY PARK PACKAGED ON SITE SEWAGE TREATMENT PLANT ON CROWN LAND

<b>Meeting</b>	Council	23 August 2022
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Manager Open Spaces & Facilities, Peter Birch	
<b>Attachments</b>	A. RTF 22-24 Tender Recommendation Report (Confidential)	

### SUMMARY

Two tenders were received under RFT 22-24 for the upgrade of the package sewage treatment plant at Brooms Head Holiday Park and one has since withdrawn. The report recommends calling fresh tenders.

### OFFICER RECOMMENDATION

That Council:

1. Pursuant to section 178 (3) of the Local Government (General) regulation 2021, not accept any tenders for the contract (RFT22-24) for the Brooms Head Holiday Park On-Site Packaged Sewage Treatment Plant.
2. Invite fresh tenders based on the same or different details.

### LINKAGE TO OUR COMMUNITY PLAN

Theme Infrastructure

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

### KEY ISSUES

Tenders for the packaged treatment plant were called on 16 June 2022 and closed on 14 July 2022. Two Addendums were issued. Two tenders were received from –

Tenderers	ABN	Address
AIM Drain Clearing	56 130 554 175	51 Hidden Woods Drive Advancetown QLD
Innoflow	73 119 991 954	6 Cameron Street St Marys Bay Auckland NZ Unit 17 3400 Panorama Drive Carrara QLD 4211

Tenders were assessed by a Tender Evaluation Committee (TEC) comprising Open Spaces and Facilities and Water Cycle staff with external project and contract management support provide by Earthwater Environmental Consulting. The tender evaluation adopted a weighting criteria of 55% price and 45% non price that includes 15% local content in accordance with Council policy. The Tender Recommendation Report from the TEC is included in the confidential Attachments.

The TEC considers that, in accordance with Clause 178(3)(b) of the Local Government (General) Regulation 2021, that fresh tenders be called for the following reasons -

1. One tenderer was compelled to withdraw due to circumstances beyond their control.
2. The remaining tender exceeded available budget and footprint of the site available.
3. Removing the detail from the tender of the preferred completion date that can be negotiated with any fresh tenderer which may generate additional interest and value for money for delivery of the project.

### BACKGROUND

The upgrade to the Brooms head On Site Sewage Treatment System is being delivered in two stages.

Stage 1 is the upgrade of the on-site packaged sewage treatment plant to be located within the park while maintaining the current pumping of effluent to the existing wastewater ponds to the west of the Village. The plant is proposed to be located partially underground near the AC section and library.

Stage 2 is for upgrade to the existing waster ponds and land application system. Stage 2 timing depends on progress with NSW Crown Lands on utilising and improving area where existing treatment ponds are. At this stage expected to occur from 2023-2024.

## COUNCIL IMPLICATIONS

### Budget/Financial

The report is not recommending a tender be awarded and the costs to retender can be met from the existing project budget.

### Asset Management

The existing treatment plant has reached the end of its useful life and requires replacement. Council's Water Cycle staff are maintaining the plant till the new system is installed.

### Policy and Legislation

The tendering process followed is consistent with the requirement of the;

- Local Government Act (1993)
- Local Government (General) Regulation 2021
- Council's Sustainable Procurement Policy – Supporting Local Business.

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

- The tender specification requested tenderers to identify the local suppliers/contractors that would be involved in delivering/constructing the project and the tender assessment included a 15% weighting of the total tender score for local supplier content. The Tender Evaluation Plan contains details of the local supplier content for each tenderer.

### Consultation

Consultation has taken place with the two tenderers, residents within the park and on site with the Yaegl Traditional Owners Aboriginal Corporation.

### Legal and Risk Management

Native title has been determined to exist on the Brooms Head Reserve that includes the Holiday Park. Notice of the project under the Native Title Act has been issued to the Yaegl Traditional Owners Aboriginal Corporation.

The company Directors for each entity are as follows –

Tenderer	ABN	Name of Partners and Directors	Position
AIM Drain Clearing P/L	56 130 554 175	Mark Telford, 51 Hidden Woods Drive Advancetown QLD	Director
Innoflow	73 119 991 954	Ross Francis Munro 6 Cameron Street St Marys Bay Auckland NZ  Michael John Goot Unit 17 3400 Panorama Drive Carrara QLD 4211	Director  Director

### Climate Change

A life cycle cost assessment was required to be submitted with the tender that included an assessment of operating and maintenance costs including energy consumption.

**ITEM 07.22.184 COMPULSORY ACQUISITION OF EASEMENT OVER CROWN LAND, BEING LOT 3 DP1005547, YAMBA**

<b>Meeting</b>	Council	23 August 2022
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Coordinator Property, Eloise Casson	
<b>Attachments</b>	A. Response from the Office of Local Government to Council's Application for Compulsory Acquisition <a href="#">↓</a> B. Stormwater Management Plan for Proposed Beachside Development at Yamba (Separate Cover) <a href="#">⇒</a>	

**SUMMARY**

This report considers the Office of Local Government's response to Council's application to compulsorily acquire two drainage easements and Right of Carriageway over Crown Land Reserve 5817, being Lot 3 DP 1005547, Yamba.

**OFFICER RECOMMENDATION**

That Council approve the submission of additional documentation to the Office of Local Government to provide evidence of the public purpose of the acquisition in support of the original application to compulsorily acquire the two drainage easements and Right of Carriageway over Reserve 58617, Lot 3 DP 1005547, Yamba.

**LINKAGE TO OUR COMMUNITY PLAN**

Theme      Infrastructure

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

**KEY ISSUES**

In accordance with the December 2020 Council resolution (Item: 6c.20.108), Public Works Advisory was engaged to carry out a compulsory acquisition for easements for drainage services and Right of Carriage Way over Crown Land Reserve 5817, being Lot 3 DP 1005547, Yamba, which services properties within 'The Dunes' residential estate that was constructed by Beachside Development, and a significant number of surrounding properties.

The Office of Local Government has declined Council's application for Compulsory Acquisition on the grounds that Council is using its Compulsory Acquisition powers to benefit a third party and not the community. Council staff disagree with this determination. Council is seeking the acquisition to formalise the existing stormwater infrastructure over Lot 3 DP 1005547 and to obtain access to its own land being Lot 20 DP1261938 which is used as a stormwater basin. Once the compulsory acquisition is complete, Council will become the owner of the stormwater infrastructure on Lot 3 DP1005547. This will allow Council to meet its duties to the landowners within the 'The Dunes' and the surrounding properties, ensuring that their properties are sufficiently serviced, and that these services are appropriately vested in, and maintained by Council.

It should be highlighted that the Stormwater Management Plan for this location (Attachment B) does not only service the properties within 'The Dunes' residential estate, but it also includes many properties in the surrounding area (refer Figure 1).

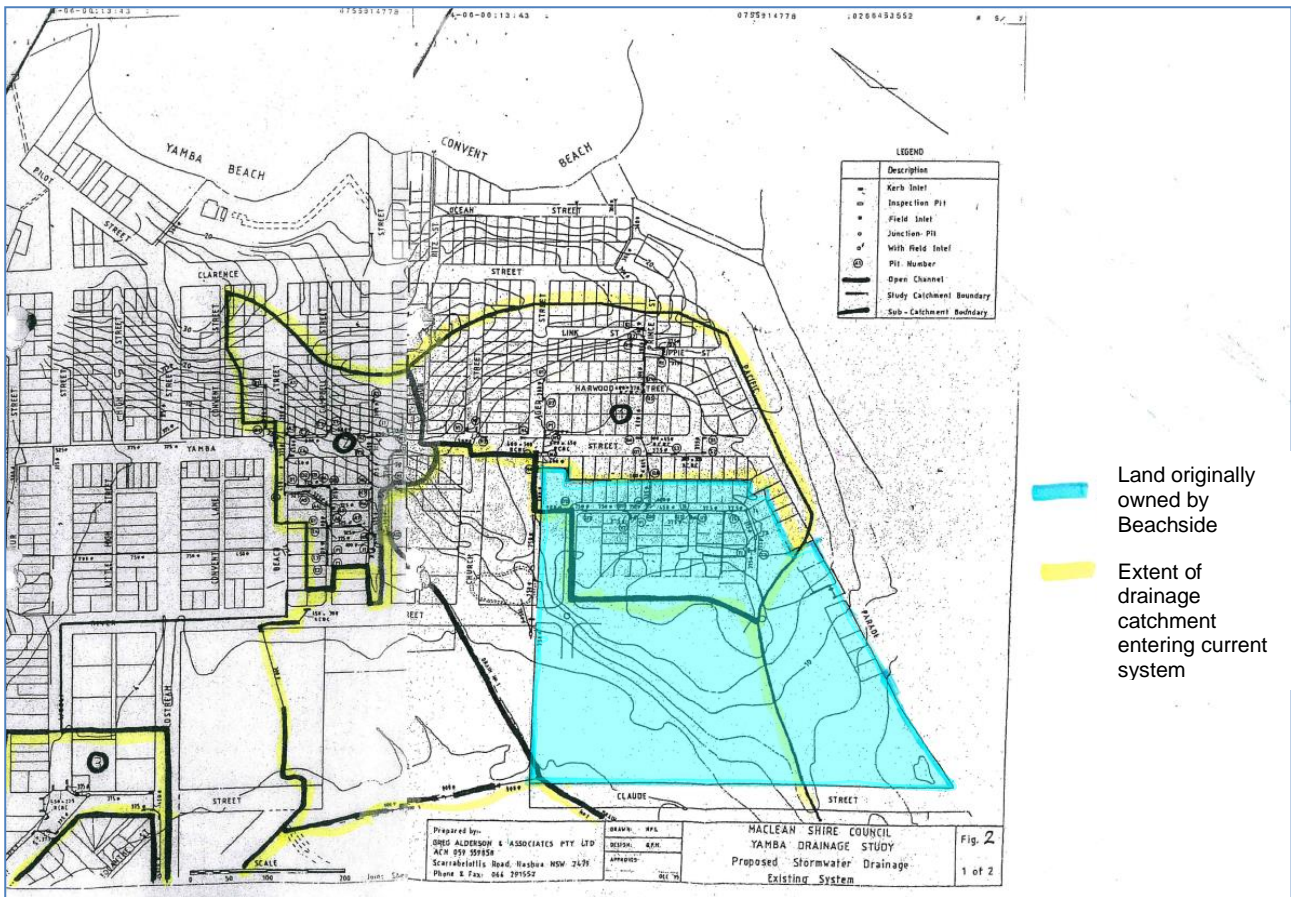


Figure 1

The proposed easements to drain water over Crown Reserve 58617, being Lot 3 DP1005547, are part of the overall stormwater system and not just for the benefit of the ‘The Dunes’. The proposed compulsory acquisition is of a wider public community benefit as there is a benefit to all properties feeding into the stormwater system. As part of the Stormwater Management Plan, Beachside Development have dedicated Lot 20 DP1261938 and Lot 119 DP1047026 to Council to allow Council to own and manage the two stormwater basins upon these lots (refer Figure 2).





Figure 2

The proposed right of carriageway through Crown Reserve 58617 is being created for the purpose of allowing access through the crown reserve for Council to service the detention basin located on Lot 20 DP1261938 which is in the ownership of Council. The detention basin on Lot 20 must be regularly checked by Council to ensure the system is performing in accordance with the conditions of consent of the various approvals.

It is of a public community benefit that the detention basins are regularly checked and maintained to ensure that the system is performing to an optimal standard both in terms of stormwater management and with respect to the health of the natural ecosystems within the basins.

**BACKGROUND**

At the Council Ordinary Meeting of December 2019 (Item: 6c.19.100), Council resolved to acquire easements over the stormwater infrastructure located on Lot 3 DP 1005547.

The matter was reported to Council again at the Council Ordinary Meeting of December 2020 (Item: 6c.20.108), in which Council resolved to compulsorily acquire three easements over Lot 3 DP 1005547 and make the necessary applications to the Minister of Local Government and the Governor to effect the acquisition. The easements to be acquired are as follows:

1. An Easement to Drain Water variable width shown as F on the draft plan depicted in Figure 3
2. An Easement to Drain Water 4m wide shown as D on the draft plan depicted in Figure 3
3. A Right of Carriageway 4m wide shown as R on the draft plan depicted in Figure 3

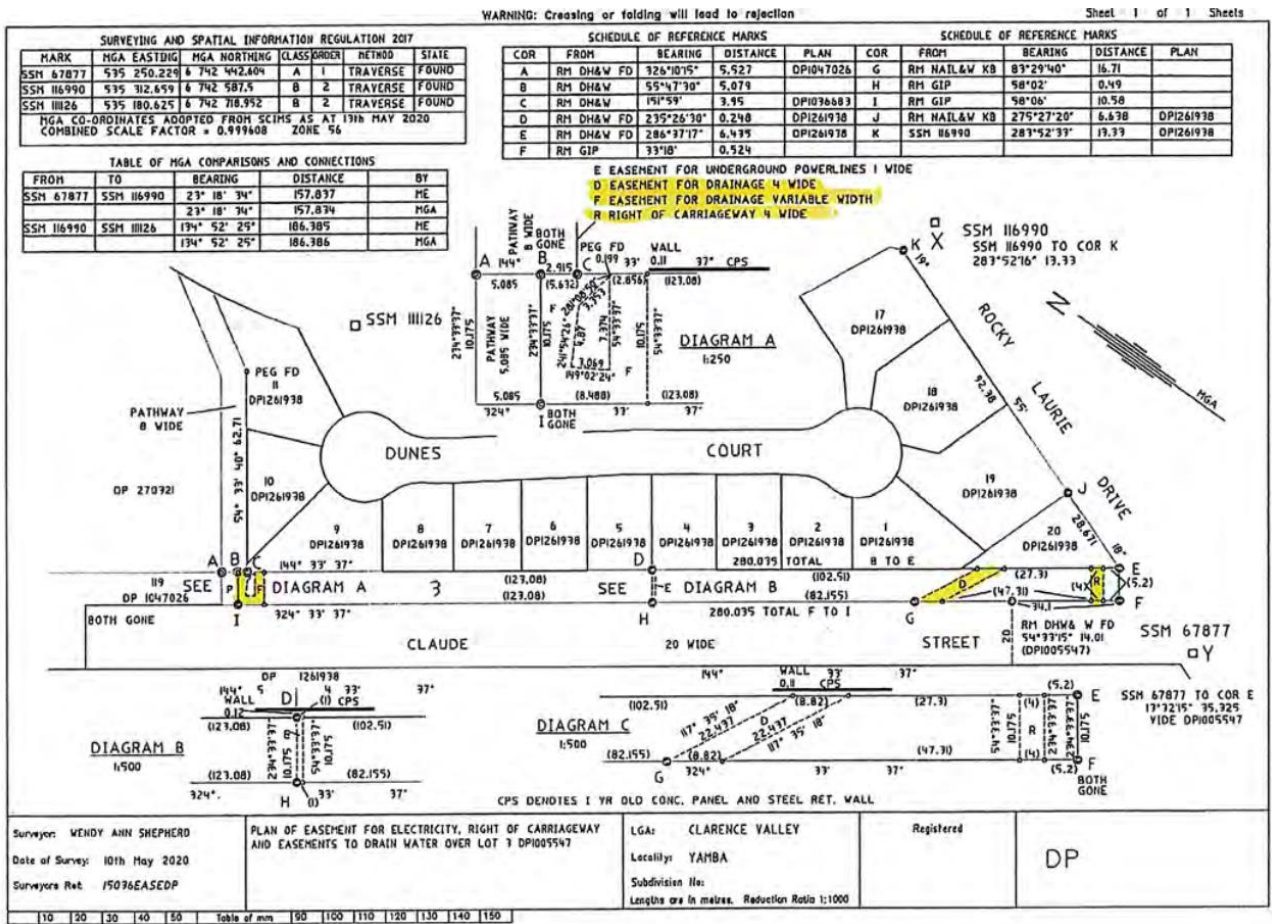


Figure 3

**COUNCIL IMPLICATIONS**

**Budget/Financial**

There is no cost to submit further documentation to the Office of Local Government to support Council's compulsory acquisition application.

**Asset Management**

Should Council's application to compulsorily acquire the easements be approved by the Office of Local Government, Council will take ownership of the stormwater infrastructure and the infrastructure will be recorded as a Council asset and included in Council's maintenance register.

**Policy and Regulation**

- Local Government Act 1993
- Land Acquisition (Just Terms Compensation) Act 1991
- Crown Land Management Act 2016

**Consultation**

Advice has been sought from Public Works Advisory including consultation with councils Strategic Planning and Development Services sections.

**Legal and Risk Management**

By acquiring the easements and transferring ownership of the stormwater infrastructure to Council, Council will be meeting its legal obligations under the *Crown Land Management Act 2016* thereby reducing any associated legal risk with the construction of infrastructure over Crown Land without the appropriate approvals in place.

**Climate Change**

N/A



## Office of Local Government

5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541

Our Reference: A824013  
Your Reference:  
Contact: Performance Team  
Phone: 02 4428 4100

Elizabeth Shine  
Infrastructure Property Officer  
Public Works Department of NSW  
[elizabeth.shine@pwa.nsw.gov.au](mailto:elizabeth.shine@pwa.nsw.gov.au)

2 June 2022

Dear Ms Shine

Thank you for your application of 19 May 2022 to compulsorily acquire Lot 3 in DP1005547 for the purpose of two drainage easements and one Right of Carriageway over Crown Land. Council's application has been assessed and based on that assessment; I have determined to decline to recommend this application for approval at this time.

I have made this decision because it appears that Council is seeking to use its compulsory acquisition powers under the *Local Government Act 1993* (the Act) to facilitate agency between a third-party developer and the Crown. I consider that Council's intention to seek approval to exercise its compulsory acquisitions powers to acquire an interest in land primarily for the benefit of that third party is evidenced by the report considered by Council at its meeting 15 December 2020, which states:

"Lot 3 is part of Crown Reserve 58617 for public recreation. This part of Reserve 58617 devolves on Council to manage. The stormwater will be disposed of to the existing drainage basin located on Lot 119. Lot 119 is currently in the ownership of Beachside Pty. Ltd. and will eventually be transferred to Council once all works have been completed satisfactorily".

**"Budget/Financial-**

There are no financial impacts to Council as the developer will be meeting associated acquisition costs".

Councils have the power to compulsorily acquire land, or an interest in land for the performance of their functions under the Act. This power, however, does not extend to a power to acquire land on behalf of a third-party or for the benefit of a third-party.

If Council wishes to proceed with this proposed acquisition, it will need to provide evidence that will sufficiently demonstrate and satisfy the Minister for Local Government and the Governor of New South Wales that this acquisition is necessary to meet a broader public purpose and community need. Please note, any evidence provided must be accompanied by Council's formal consideration of this correspondence and determination that a broader public purpose exists that would warrant this application proceeding. A copy of the relevant Council report showing

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Council's consideration of these issues and an extract of the relevant minutes must be provided.

Although willing to consider additional evidence that a broader public purpose exists, the Office of Local Government (OLG) is concerned about any decision by a local council to exercise its acquisition powers being influenced by a third-party. OLG's long held position is that a third-party meeting the costs of an acquisition by a local council gives weight to an argument that the decision to exercise those powers could be interpreted as the council acquiring an interest in land, either primarily or solely, for the private benefit of that party.

If you require any additional information about the acquisition process, or you wish to discuss the information that must be provided by Council, please contact the Performance Team on the number above.

Yours sincerely



---

**Karin Bishop**  
**Director, Sector Performance and Intervention**

## ITEM 07.22.185 PERMANENT ROAD CLOSURE OF PART HAROLD TORY DRIVE, YAMBA - COUNTEROFFER TO PURCHASE

<b>Meeting</b>	Council	23 August 2022
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Coordinator Property, Eloise Casson	
<b>Attachments</b>	A. Valuation - Part Harold Tory Drive Road Reserve (Confidential) B. Offers and Counteroffer Detail (Confidential)	

### SUMMARY

Council has received offers to purchase sections of road reserve adjoining properties at Lot 162 and 163 of DP1265281 (2 and 4 Harold Tory Drive, Yamba). This report considers those offers to purchase.

### OFFICER RECOMMENDATION

That Council:

1. Accept the offer received from the Landowners of Lot 163 DP1265281 for the section of road reserve adjoining their property as detailed in Confidential Attachment B.
2. Decline the offer received from the Landowners of Lot 162 DP 1265281 for the section of road reserve adjoining their property and make a counteroffer as detailed in Attachment B.
3. Allocate responsibility to pay any GST applicable to the sale prices to the applicants, as per the standard road closure process.
4. Note any costs associated with consolidation of Lots are to be borne by the purchasers.
5. Delegate authority to the General Manager to execute all documentation associated with the sale of Road Reserve adjoining Lots 162 and 163 DP1265281.

### LINKAGE TO OUR COMMUNITY PLAN

Theme Infrastructure

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

### KEY ISSUES

As part of the Council Road Closure process, an independent valuation (Confidential Attachment A) was carried out on the small portions of road reserve under an application (as depicted in Figure 1) to determine purchase prices. The valuation received was far higher than expected.

The valuations are in line with current vacant residential lot sale prices within the Yamba Region, where comparable lots fall into a 560.6sqm to 792sqm range and enjoy building entitlement and further development potential. As the small portions of road reserve under application are only 101.11sqm and 48.88sqm respectively, they do not enjoy the same benefits. Considering the small relatively odd shape of the road reserve and the lack of significance or value of road reserve holds to Council or community, it is reasonable that only a portion of the valuation be sought.

The offer received from the Landowner of Lot 163 DP1265281 for the adjoining road reserve is considered a fair and reasonable purchase price (see Confidential Attachment B).

It is recommended however, that the offer from the Landowner of Lot 162 DP1265281 for the adjoining road reserve be declined and a counteroffer made as detailed in Confidential Attachment B.

In doing so, consistency of sale price per square metre is established for both purchasers.

### BACKGROUND

The original developer of this subdivision chose to include this small triangle of land in the road reserve rather than creating a separate lot with no development potential. Council resolved during its Ordinary Meeting of 22 March 2022, item 07.22.057, to approve the joint Council Road closure application submitted by the Landowners of Lots 162 and 163 DP 1265281, as depicted in Figure 1, with the purchase prices to be determined by valuation.

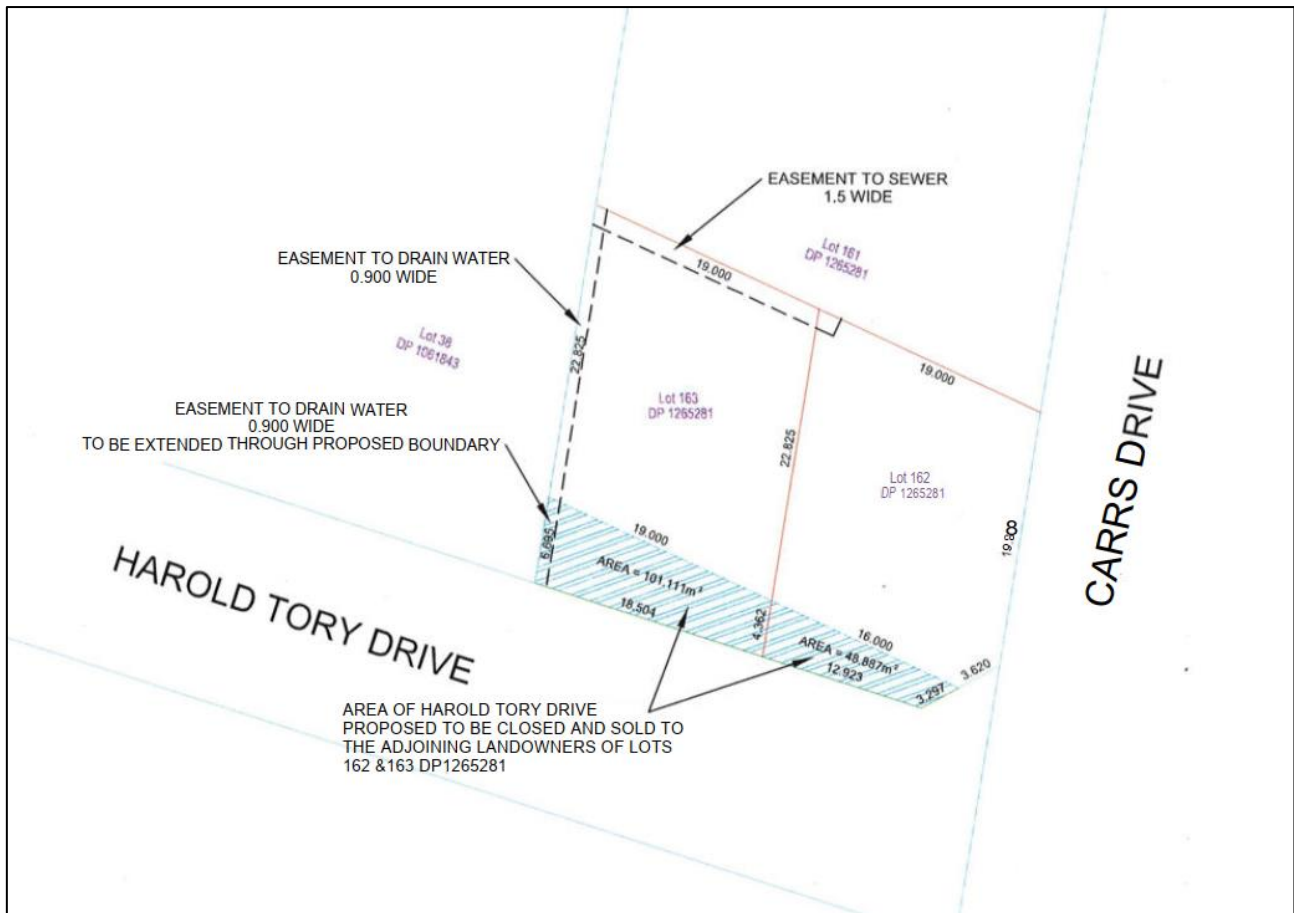


Figure 1

**COUNCIL IMPLICATIONS**

**Budget/Financial**

All costs related to the road closure are borne by the applicants, being the Landowners of Lots 162 and 163 DP1265281.

**Asset Management**

Should the road closure proceed, the portion of road reserve under application will be removed from the asset and maintenance registers.

**Policy and Regulation**

*Roads Act 1993*

*Local Government Act 1993*

**Consultation**

N/A

**Legal and Risk Management**

N/A

**Climate Change**

N/A

**ITEM 07.22.186 PROPOSED ACQUISITION OF PART LOT 1 DP 335226 AND PROPOSED SALE OF PART LOTS 721 AND 722 DP 1148111**

<b>Meeting</b>	Council	23 August 2022
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Coordinator Property, Eloise Casson	
<b>Attachments</b>	Nil	

**SUMMARY**

This report considers the partial acquisition of Lot 1 DP 335226 to resolve the encroachment of the driveway servicing Council-owned property at 72-74 River Street, Maclean. This report will also consider the request from the landowner of Lot 1 DP 335226 to purchase a portion of the adjoining Council owned Lots 721 and 722 DP 1148111.

**OFFICER RECOMMENDATION**

That Council

1. Acquire approximately 41sqm of Lot 1 DP 335226 at 72-74 River Street, Maclean to resolve a current encroaching, as depicted light blue in Figure 1
2. Grant approximately 41sqm of Lot 721 and 722 DP 1148111 to the adjoining landowners of Lot 1 DP 335226, refer green in Figure 1 and a Right of Way 3m wide over the driveway servicing Council-owned property in lieu of compensation, refer yellow in Figure 1.
3. Classify the acquired land as Operational and consolidate with Lot 721 DP 1148111
4. Allocate \$6,000.00 from the property reserve to carry out items i, ii and iii above
5. Allow the landowners of Lot 1 DP 335226 to purchase an additional portion of Lots 721 and 722 DP 1148111, refer dark blue in Figure 1 for a purchase price to be determined by valuation
6. Delegate authority to the General Manager to execute all documentation associated with the acquisition of part of Lot 1 DP335226 and sale of part of Lot 721 and Lot 722 DP1148111.
7. Share the cost of rectifying the encroachment of the Council driveway equally with the Landowners of Lot 1 DP 335226.
8. Note the cost of the purchase of land depicted dark blue in Figure 1 will be borne wholly by the landowners of Lot 1 DP 335226, including but not limited to; valuation, survey fees and Council's legal fees.

**LINKAGE TO OUR COMMUNITY PLAN**

Theme Infrastructure

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

**KEY ISSUES**

The landowners of Lot 1 DP 335226 became aware of the encroachment of the driveway servicing the Council-owned property at 72-74 River Street, Maclean on their land during the purchase of their property in February 2022. The landowners then notified Council of the encroachment.

Dialogue with the landowners resulted in the proposal that Council and the landowners of Lot 1 agree to a 'land swap'. The land to be swapped being the encroachment area (depicted light blue in Figure 1) in exchange for the same size of land adjoining the landowner's western boundary (depicted green in Figure 1). The landowners of Lot 1 also requested that a Right of Way over the Council driveway benefiting Lot 1 DP335226 (depicted yellow on Figure 1) be granted as part of the compensation agreement to formalise access to their carport.

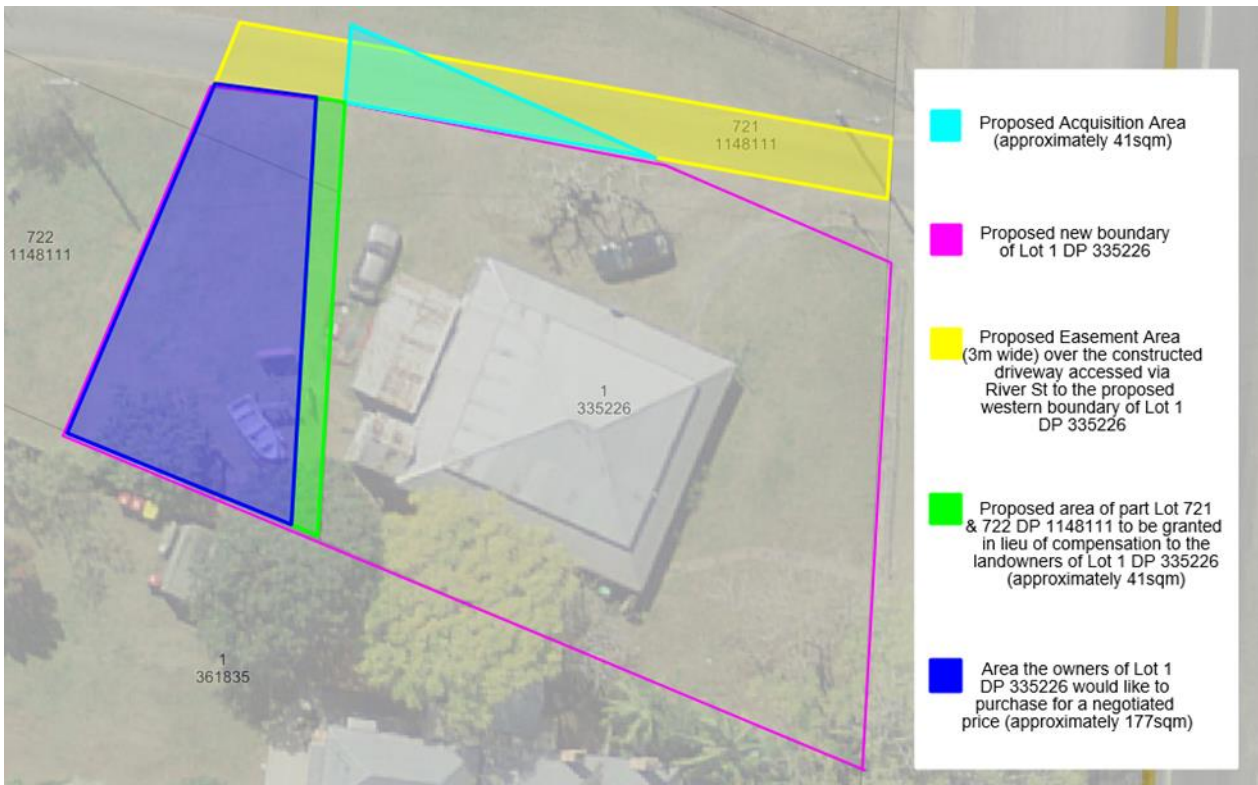


Figure 1

The landowners of Lot 1 DP 335226 have also requested to purchase an additional portion of Lots 721 and 722 adjoining their property (depicted dark blue in Figure 1), with a purchase price to be determined by valuation.

**BACKGROUND**

Council staff met the Landowners of Lot 1 DP 335226 on site at 72-74 River Street, Maclean and observed the encroachment of the driveway servicing Council-owned property across Lot 1. It is noted that the small portion of Lots 721 and 722 DP 1148111 adjoining the western boundary of Lot 1 DP 335226 that the Landowners wish to purchase (depicted dark blue in Figure 1) is mostly flat before falling away towards the more easily utilised portion of Lots 721 and 722 (visible in Figure 2). As indicated in Figure 2 in red, this seems to be a logical point at which to extend the existing western boundary of Lot 1 without impacting on the useability of Lots 721 and 722 DP 1148111.



Figure 2



## COUNCIL IMPLICATIONS

### **Budget/Financial**

The cost to acquire the portion of Lot 1 DP 335226 that the Council driveway is encroaching upon and create the Right of Way over the existing driveway benefiting Lot 1 is estimated to be \$12,000.00 which includes survey and legal fees. This cost is to be shared equally by Council and the adjoining landowners of Lot 1 DP 335226. All costs associated with the adjoining landowners purchase of the additional portion of Lots 721 and 722 (depicted dark blue in Figure 1) will be borne wholly by the landowners of Lot 1 DP335226, including but not limited to, valuation, survey fees, Council's legal fees and their own conveyancing fees.

### **Asset Management**

Should Council support the proposed acquisition and sale, the asset register will be updated to reflect the new boundaries of Lots 721 and 722 DP 1148111.

### **Policy and Regulation**

*Land Acquisition (Just Terms Compensation) Act 1991.*

*Local Government Act 1993.*

*Conveyancing Act 1919.*

### **Consultation**

Property staff consulted with the Open Spaces and Buildings and Facilities department to confirm that the proposed acquisition would not affect any future development to be carried out at 72-74 River Street, Maclean. The proposed acquisition and sale are supported in principle by the Open Spaces and Buildings and Facilities Department.

### **Legal and Risk Management**

Allowing Council infrastructure to occupy private land leaves Council liable to claims of compensation and poses a number of risk-related issues, especially if an accident were to occur on privately owned land. By acquiring the land that the driveway is encroaching upon, Council will mitigate the potential for any further compensation claims in the future and be exercising best practice by ensuring that any use of the Council driveway will be covered by Council's public liability insurance.

### **Climate Change**

N/A

**ITEM 07.22.187 ULMARRA SEWERAGE SURVEY**

<b>Meeting</b>	Council	23 August 2022
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Manager Water Cycle, Greg Mashiah	
<b>Attachments</b>	A. Ulmarra Sewer Survey (Separate Cover) <a href="#">⇒</a>	

**SUMMARY**

At its meeting of 22 March 2022 Council resolved to survey Ulmarra Village residents to determine if they would like Council to examine options to sewer the Ulmarra village. Surveys were sent to 209 properties owners with the following results.

- 39 (18.7% of properties) indicated they would like Council to examine options for sewerage Ulmarra,
- 29 (13.9% of properties) indicating that they would like Council to examine options for sewerage Ulmarra if they did not have to pay a contribution towards the capital cost of the scheme,
- 46 (22.0% of properties) indicated they did not wish Council to investigate sewerage Ulmarra, and
- 95 (45.4% of properties) did not submit a response.

**OFFICER RECOMMENDATION**

That Council notes the responses from the Ulmarra Sewer Survey.

**LINKAGE TO OUR COMMUNITY PLAN**

Theme Infrastructure

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

**KEY ISSUES**

The survey as shown in the attachment was mailed to the 209 Ulmarra property owners who would potentially be serviced by a sewerage scheme. Respondents had the option of either returning the survey in a reply-paid envelope or completing the survey electronically using a QR code and undertaking the survey through survey monkey. Surveys were mailed to property owners on 24 June 2022 and closed on 22 July 2022.

A total of 114 survey responses were received, which represents 54.5% of property owners. Survey responses are summarised below:

Survey Form	Yes	Yes (on the basis that they did not have to pay a contribution towards the capital cost of the scheme)	No
Paper Survey	16	18	35
Electronic Survey	23	11	11
<b>TOTAL</b>	<b>39</b>	<b>29</b>	<b>46</b>
% of Properties*	18.7%	13.9%	22.0%

Note: There were 95 properties that did not provide a survey response representing 45.4% of the total properties.

The response rate to the survey, with over 50% of property owners responding, was considered very good for this type of survey. Were Council to resolve to investigate options for sewerage Ulmarra, the investigation cost is estimated to be \$50,000 - \$100,000 and is anticipated to take around six months to complete. Any such investigation would be brought back to Council for a decision as to whether to proceed further.

An alternative Motion to the officer's recommendation is proposed as follows should Council wish to investigate options for sewerage Ulmarra:

That Council

1. Engage a suitably qualified independent contractor to carry out investigation of options for sewerage Ulmarra.
2. Endorse the allocation of \$100,000 from Sewer Fund Reserve to undertake the investigation, be shown as a variation in the Q2 Quarterly Business Review Statement to be tabled in October 2022.

## **BACKGROUND**

Council previously surveyed Ulmarra residents in 2017 regarding the sewerage of the village. Only 14 responses were received to that survey, with 9 in favour and 5 not in favour.

## **COUNCIL IMPLICATIONS**

### **Budget/Financial**

There is no current budget allocation were Council to proceed with investigating options for sewerage Ulmarra, so were Council to resolve to undertake an investigation funding would need to be allocated.

### **Asset Management**

N/A

### **Policy and Regulation**

At its meeting of 21 February 2012 Council resolved (Resolution 13.002/12):

*In the financial year following the commencement of reticulated sewerage investigations, a "sewerage investigation charge" be levied on villages which are being investigated.*

Were Council to resolve to proceed to investigation of Ulmarra sewerage, the current policy position is that this charge would apply to Ulmarra properties commencing in 2023/24.

### **Consultation**

As outlined in the "Issues" section of the report. While a response rate of 54.5% of properties is very good, 45.4% of property owners have not indicated a preference. Council's communications team has advised that if Council wishes to obtain views from properties that did not participate in the survey, possible other options might include a direct "door to door" engagement or to set up a community meeting.

### **Legal and Risk Management**

N/A

### **Climate Change**

Were Council to resolve to investigate options for sewerage Ulmarra, the investigation will need to consider climate change impacts.



**ITEM 07.22.188 NORTH GRAFTON SEWAGE TREATMENT PLANT**

<b>Meeting</b>	Council	23 August 2022
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Manager Water Cycle, Greg Mashiah	
<b>Attachments</b>	A. Submission from Adjoining Landowner <a href="#">↓</a> B. EPA Advice <a href="#">↓</a> C. Comparison of Options <a href="#">↓</a>	

**SUMMARY**

At its meeting of 28 June 2022 Council resolved (Resolution 06.22.008) to receive a report to enable a review of Council's decision to construct a new sewage treatment plant (STP) on the existing site of the North Grafton STP.

**OFFICER RECOMMENDATION**

That the report on the North Grafton Sewage Treatment Plant be noted.

**LINKAGE TO OUR COMMUNITY PLAN**

Theme Infrastructure

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

**KEY ISSUES**

The various points in the Notice of Motion (NOM) resolution are addressed in this section.

**A comparative consideration of the risks, advantages and disadvantages of both the North Street and the Clarenza sites for the purpose of informing a decision**

The Strategy Study adopted by Council at its meeting of 27 June 2017 (Resolution 15.104/17) considered three (3) options:

1. To construct a new STP at North Grafton on the area currently leased to MI Organics,
2. Transfer peak dry weather flow (3 times Average Dry Weather Flow) to Clarenza STP, which would require some elements of the existing North Grafton STP to be retained at the existing North Grafton Site including the inlet works, balancing pond, overflow to the river, outfall pipeline and pump station.
3. Transfer peak wet weather flow to Clarenza STP, which would permit abandonment of the North Grafton STP site.

The Strategy Study included a comparative assessment of the risks, advantages and disadvantages of the North Street and Clarenza sites, and an extract from the strategy is included in the attachments.

The main change since the strategy study was adopted in June 2017 is that the CRJC is currently installing recycled water irrigation on the Grafton racecourse. Were the current adopted strategy to be changed to a Clarenza strategy, the CO<sub>2</sub> emissions mentioned in the risk assessment will apply not only to transfer of sewage but also to the return of recycled water to service the CRJC.

**The flood impact/constraints on the North Street (North Grafton) site**

As outlined in the General Manager's comment to the NoM, the majority of Grafton township is inundated in a 2% or greater flood, which will require the sewer system within the town to be turned off. The new STP has considered flood impacts by designing treatment units and all electrical installations above the design 1% Average Exceedance Probability (AEP) event. This is in accordance with current industry practice. The proposed top level of treatment tanks and sludge lagoons is 7.5m AHD; Council's current flood model, which was adopted in March 2014, estimates the 1% AEP flood level at the site as being between 6.67 and 7.4m AHD. Preliminary advice from the consultants currently undertaking the Flood Study and Flood Frequency Analysis review is that there will be minimal change in the 1% flood level.

The electrical switchboard at the Prince and Arthur Street pump station (which would be the transfer pump station in a Clarenza option) has an elevation of 7.3m AHD which is above the 1% AEP flood level at that location of 7.1m AHD; however, the “extreme” flood level is 8.94m AHD. Any option to transfer sewage to Clarenza STP would therefore be at similar risk from a flood exceeding the 1% AEP event as the transfer pump station electrical controls would be damaged or destroyed by a flood larger than the 1% AEP event.

#### **All current day construction costs, including any escalation estimates**

As outlined in the General Manager’s comment to the NoM, the estimated cost of the North Grafton STP upgrade as at June 2019 was included in the “Budget/Financial” section of Council report 6c.19.012 determining the EIS (\$26.8 million). The detailed concept design (Oct 2020) estimated the direct construction and project management cost as \$28.1 million which, indexed using the DPE Reference Rates to June 2022, is \$29.9 million. A contingency allowance would need to be added to this estimated cost.

Construction tenders are currently scheduled to be awarded in the 2025/26 Financial Year. Allowing 5% per annum inflation for the next three financial years, the estimated construction cost when tenders are called is \$34.6 million. An appropriate contingency allowance for construction projects which have been through a detailed design process is 10%, giving an approximate project budget in 2025/26 of \$38.1 million.

#### **All valuations and/or estimated financial costs associated with property acquisitions required for constructions at the North Street site and any other residences within the buffer zone outlined in the GHD North Grafton STP Replacement EIS, 2219410, that experience loss amenity**

An existing STP is located at the North Grafton site and the EIS assessment was that the new STP would result in improved resident amenity compared with the existing STP. As Council is both proponent and a determining authority, consultants (SMEC) were engaged to prepare an independent determination report assessing the EIS and submissions received, for determination by Council as a consent authority. The SMEC determination report concluded:

*Having regard to the assessment in the EIS and consideration of the submissions received, it is concluded that the proposal is not likely to significantly affect the environment... The environmental impact assessment (EIS and Determination Report) is recommended to be approved subject to the proposed mitigation measures in the EIS and Submissions Report, and the recommended conditions of approval (refer Appendix A).*

The Determination Report contained 13 recommendations which were included with the approval to address issues and concerns raised in submissions.

The EIS did not identify that any property acquisitions were required as part of the scheme to address loss of amenity. The estimated cost of property acquisitions is therefore nil.

#### **What actions have been taken to formally advise any property owners that their property is impacted and /or required by council for construction of the new North Street Sewage Treatment location**

Advice of the Grafton Sewer Strategy and the EIS were publicised to property owners using Council’s then current communication procedures, as outlined below.

##### Sewerage Strategy (2017)

The Sewerage Strategy was publicly exhibited from 24 February to 12 May 2017. The exhibition was advertised in the Council newspaper block notices in the *Daily Examiner* and *Coastal Views* on 24/25 February and 21/22 April 2017 and an exhibition notification was included on Council’s Facebook page. The adjoining landowner was also advised in person by Council staff. The draft strategy was available for download from Council’s website and for viewing at the Maclean and Grafton offices. No submissions were received to the exhibition.

##### Environmental Impact Statement (2019)

A pre-EIS summary of the proposal and proposed EIS process was provided on the Council website and a community meeting held in August 2018 was attended by about 15 residents. Comments raised during the community meeting, which included the location of the STP, flooding impacts, water quality, noise impacts and odour issues, were addressed in the EIS.

The EIS was placed on public display from Tuesday 5 March 2019 to Friday 5 April 2019 at the Clarence Valley Council offices in Grafton and Maclean, Department of Planning and Environment offices in Grafton and Nature Conservation Council of NSW in Sydney. The EIS was also available from Council's website.

The EIS exhibition was advised to the community by:

- Placement of advertisements in the *Sydney Morning Herald* (5 and 29 March 2019, and *Daily Examiner* (5, 9 and 30 March 2019). This exceeded the minimum requirements in the *Environmental Planning and Assessment Act* that an EIS be advertised twice in both a newspaper circulating throughout NSW and in a local newspaper.
- Placement of information on the CVC website and items on Council's Facebook page (5 and 29 March 2019)
- Media Release issued on 29 March 2019, and
- A community information session was held on 13 March 2019 at the Grafton Chambers, which was attended by four members of the community.

Two community and two agency submissions were received to the exhibition and following the Council meeting the authors of the two community submissions were advised of the EIS determination outcome.

No external properties are required for construction and as the EIS assessment is that (other than short term construction impacts) the new STP will improve amenity impacts for residents compared to the existing STP located at the North Grafton site, no further property notifications have been undertaken. A requirement in the EIS approval is that during construction, residents who are potentially impacted by noise or vibration be notified prior to the work commencing of the time periods over which activities will occur, duration of the works and contact details for noise complaints.

#### **Any consequences associated with time delays for compulsory acquisitions**

There are no property acquisitions required or proposed for the current adopted strategy of a new STP located at the North Grafton STP site.

A transfer pipeline to Clarenza STP (and a return recycled water pipeline) could generally be located within road reserves and thus not require easement acquisitions but would require a river crossing. As the bed of the river is Crown Land, this will be considered a potential "future act" under the Federal Native Title Act.

#### **Rehabilitation of disused pond**

The former maturation pond is not required under the adopted proposal and it is currently proposed that this area be rehabilitated in 2023/24. The second option investigated in the 2017 strategy (transfer peak dry weather flow to Clarenza STP) may require this pond to be retained. Were Council to resolve to investigate alternative options, the rehabilitation would be removed from the proposed 2023/24 program pending the adoption of a preferred option.

#### **Submission Received from adjoining landowner**

An unsolicited submission was received from an adjoining property owner which they have asked to be reported to Council, and their submission (with personal details redacted) is included in the attachments. As noted above, when the strategy was placed on public exhibition in February 2017 this property owner was personally advised by Council staff of the exhibition but at that time chose not to make a submission. Two years later the property owner did make a submission to the EIS opposing the adopted scheme and following Council's EIS determination their solicitor wrote to Council on 7 August 2019 indicating in part:

*At this stage we simply put you on notice that our client will be taking whatever action is reasonably available to him to prevent the proposed scheme going ahead.*

The property owner's claims in their letter about seepage impacts are not supported by the regulatory authority (NSWEPA). In 2021 the property owner made a complaint to the EPA pollution line alleging seepage from the STP ponds, and the EPA requested Council undertake sampling of the property to determine whether there was any evidence of seepage. As shown in the attachments, the EPA advised Council on 18 October 2021 that:

*The results appear to indicate that there is no discernible evidence of the presence of any of the substances being tested for. This would seem to indicate that there is no cause for concern in relation to the allegation of seepage from the North Grafton STP.*

*The EPA will be taking no further action in relation to this matter, and does not require Clarence Valley Council to take further action.*

## BACKGROUND

At its meeting of 15 September 2015 Council noted the North Grafton STP Environment Protection Licence (EPL) Pollution Reduction Program (PRP) requirements and timeline (Resolution 14.176/15). At its meeting of 27 June 2017, following a public exhibition process Council resolved (Resolution 15.104/15) that its strategy for meeting the PRP would be to construct a new STP on the existing North Grafton STP site. An EIS was subsequently prepared for the scheme and at its meeting of 25 June 2019 Council resolved (Resolution 6c.19.012) that:

*'having considered an Environmental Impact Statement and Determination Report for the North Grafton Sewage Treatment Plant, is of the opinion the proposal would not result in unacceptable or unsustainable impacts on the biophysical or socio economic environments, and may proceed subject to the proposed mitigation measures in the EIS and Submissions Report as modified by the thirteen recommendations contained in Appendix A of the SMEC Determination Report.'*

Following EIS approval, detailed design of the adopted option has been completed.

## COUNCIL IMPLICATIONS

### Budget/Financial

There are no financial implications if Council continues with the current adopted option. Since adoption of the current strategy in June 2017, Council has expended \$1.45 million on developing the adopted option, preparing an EIS and detailed design. If Council were to adopt a different strategy to the adopted option, this expenditure would be abandoned and the cost of investigation, approval and detailed design for a new option would be of a similar magnitude to costs to date (increased by inflation). There is no current budget allocation for developing an alternative strategy. This would need to be funded from the sewer fund reserve.

Council's Long Term Financial Plan has budgeted \$17.5 million in each of 2025/26 and 2026/27, which is the rounded current cost estimate as outlined above (\$34.6 million) without contingency. The June 2017 strategy study indicated that the construction cost of a Clarenza STP option was 18% higher than the adopted option if all raw sewage is transported to Clarenza, or 4% higher if only peak dry weather flows are transported to Clarenza. While the 2017 strategy study suggested there was a small (\$21,000 per annum) operational saving from transporting all raw sewage to Clarenza (from potential reductions in labour costs), electricity costs have significantly increased in real terms compared with 2016/17 and the assessment did not include the pumping costs for returning recycled water to the Grafton racecourse and other recycled water customers (Greyhound track and possible future use at Frank McGurren park).

### Asset Management

The existing North Grafton STP is near the end of its life and needs urgent replacement.

### Policy and Regulation

- The EPL is issued under the *Protection of the Environment (Operations) Act* (POEO Act)
- The adopted strategy has planning approval under the *Environmental Planning and Assessment Act* through Council's EIS determination.

### Consultation

Consultation undertaken during development of the original strategy and EIS exhibition is outlined in the "Issues" section of this report.

### Legal and Risk Management

The North Grafton STP EPL (Licence 717) requires Council to meet various timelines:

- Engagement of a consultant to commence development of a detailed concept strategy by 31 December 2015,
- 3 monthly progress updates on the development of the strategy to be provided to NSW EPA,
- development of a draft detailed concept strategy by 31 December 2016,
- submission of the final detailed concept strategy by 30 June 2017,
- obtaining environmental approval for a new STP by 31 December 2018,
- calling for tenders for STP detailed design by 30 June 2020,
- submitting the STP detailed design to the EPA by 30 June 2022,
- complete tender documentation and shortlist construction tenders by 31 December 2024,

- commence STP construction by 31 December 2025, and
- commission new STP by no later than 31 December 2027.

The licence requirements to date have been met, and a STP detailed design has been submitted to the EPA.

The timeframes outlined in the licence conditions give an indication of the length of time required for each step in the process of developing, approving, designing, constructing and commissioning a new STP. If Council were to now proceed with an alternative option, it would be very unlikely the final two licence timeframes of “commence STP construction by 31 December 2025” and “commission new STP by no later than 31 December 2027” could be met.

Non-compliance with licence conditions risks a penalty notice or prosecution under the POEO Act and, given the licence conditions have been in place since 2015, it would be very challenging to mount a defence against non-compliance. The penalty notice offence is \$15,000 and the maximum corporation penalty under Section 64(1) of the POEO Act is \$1 million, plus a further penalty \$120,000 per day for each day the offence continues. There is also provision in Section 169(A) of the POEO Act for individual “special executive liability” prosecution for failure to comply with licence conditions, noting there is a general immunity for Councillors and staff under Section 731 of the *Local Government Act* for something done “in good faith”. The NSW EPA generally issues press releases when a penalty notice is issued, or successful prosecution occurs.

Council’s 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.

### **Climate Change**

The proposal to locate the new STP at the existing North Grafton STP site was assessed in the EIS as having the least carbon footprint as no additional pipeline construction or electricity for pumping is required. In addition to the carbon footprint from constructing pipelines and the electricity for pumping all of Grafton’s raw sewage to Clarenza STP, if the Clarenza STP option is adopted there would be the additional carbon footprint of constructing a return recycled water pipeline and the cost of additional pumping from Clarenza to the Grafton racecourse, Greyhound track and other future recycled water users such as Frank McGurran park.

**From:** [REDACTED]  
**Sent:** Wed, 13 Jul 2022 16:02:14 +1000  
**To:** "Council Email" <Council@clarence.nsw.gov.au>; "Executive Support" <executivesupport@clarence.nsw.gov.au>; [REDACTED]; "Laura Black" <Laura.Black@clarence.nsw.gov.au>  
**Subject:** Further Information in relation to Review of the CVC North Street STP Proposal  
**Attachments:** signed CVC letter 13.07.2022.pdf, CVC Sewerage Treatment Options.jpeg  
**Importance:** High

Good afternoon Ms. Black, Mayor Tiley and Councilors,

Please find attached a letter and photo demonstrating viable routes regarding options for further consideration of the CVC Sewerage Treatment Plant Proposal provided on behalf of [REDACTED] as attachments. [REDACTED] would appreciate his correspondence being tabled at Council meeting as correspondence in from Business arising from previous meeting.

Could you please take the time to consider his letter and information contained therein he hopes that this will assist further in decision making regarding this important matter.

Kind regards

[REDACTED]  
[REDACTED]  
[REDACTED]



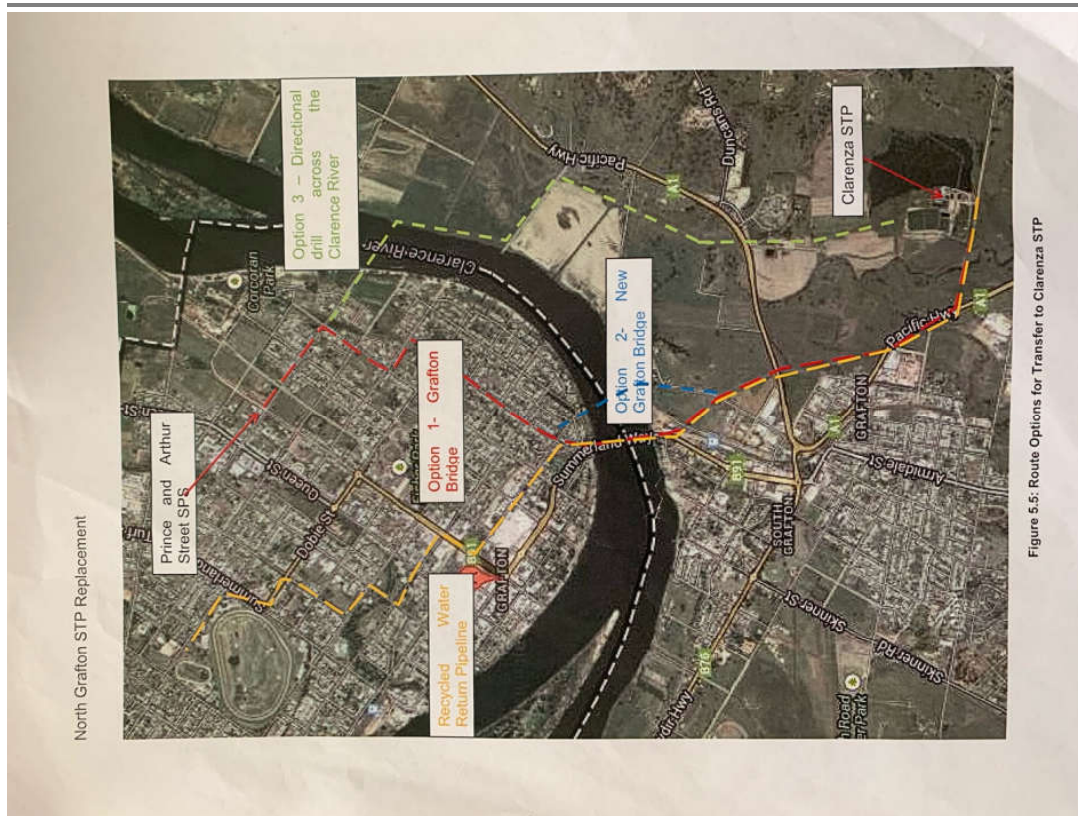


Figure 5.5: Route Options for Transfer to Clarence STP

The Clarence Valley Council

12<sup>th</sup> July 2022

Dear Sir/Madam,

### **CVC Review of the STP North Street Grafton Proposal**

I would like to provide some additional information and personal insight into the above proposal to support Council in making a fully informed decision. I believe I have the professional accruement from my lifetime of being in the Plumbing and Sewerage trade most of which was conducted in the Grafton local area, along with my experience from being on Council myself for 9 years. I am also the owner of [REDACTED] Grafton where I reside along with my partner.

In the 1980's the Grafton Council made a firm decision to prevent pollution resulting from two sewer treatment plants at Rushford Road and North Street Grafton which produced an article not acceptable to the EPA regulatory standards. This resulted in a new sewer treatment plant at Clarenza, which had sufficient capacity to cater for these two plants which at the time included Junction Hill. The site was flood free from any known flood having electricity available during flood periods with ample scope for future extensions.

When you consider the River Level (R/L) reading of the Clarenza STP it remains flood free even if it were to top the road and/or handrails of the new bridge, the capacity to operate the Clarenza STP would not be impacted. Furthermore, the option of Clarenza STP is definitely achievable by 2025 when approached from a sensible and simplistic aspect of which I hope to further explain. In view of the consequences of the North Street STP proposal to the Community including those 14 residences who live within the Buffer Zone, the Scout Hall, Naval Cadet Hall, Sailing Club and not to mention the proposed upgraded Cocoran Park. One cannot ignore the detrimental impact to the amenity of the area. This is further compromised when you consider the unlined sewer ponds which have had a direct impact on the water course and land owners in the vicinity, the seepage having to be absorbed with having sandy loam in the area.

At a small meeting held at Council chambers back in October 2020 I asked a question to everyone present which included Council engineers and the General Manager, Deputy Mayor and Mayor at that time – "Who was the architect of the change in use of the one Day pond back in 2018?" All that was relied was "I do not know".....I am still waiting for someone to take ownership of this decision an answer is warranted. This decision effectively allowed the emptying of 63,000 cubic metres of effluent to seep into the ground along with disintegrated asbestos, the overflow pipe was 2.5 metres from the bottom of the pond. This successfully allowed discharge of this liquid accumulated over



38 years, which would never have risen to the top of the overflow pipe and which should have been charged back to the treatment works for processing prior to release. Jamie Fleeting who was in attendance confirmed that this would have been the appropriate course of action.

It has also come to attention in correspondence received a recommendation that Council highly pursue compulsory acquisition of [REDACTED] Grafton. On this concern I made contact with [REDACTED] seeking an estimated valuation of the property known as [REDACTED] Grafton. [REDACTED] kindly attended my home where my partner [REDACTED] and her partner were also in attendance. I explained the position of concern regarding the North Street STP proposal and showed documentation I had arranged to be provided to all current Councilors. After perusing the documentation, he advised me that the North Street STP would proceed. I pointed out the large remaining capacity at Clarenza STP and showed him the signed petition by over 100 local residents of which he stated his disagreement of the statement heading the petition. When I asked as to why not Clarenza he informed me the spare capacity at Clarenza STP was earmarked for future development at South Grafton. His grandfather holds property there, I suggested there was a pecuniary interest then of which he disagreed. When he asked me what I wanted I advised him that the foresight of Council back in the 80's be adhered to as it was noted as the preferred site by the Public Works Department and the Environmental Protection Authority. I didn't manage a valuation but did manage to consider "If Clarenza STP option was not a consideration then why was it ever put to Council to begin with?"

Even after spending over \$30 million on the North Street Proposal solutions to the pollution, problems associated with flooding, complexity of the Buffer Zone and overall impact on the amenity of the Community areas will not be addressed.

A more simplistic approach to the dilemma would be to adopt the route position put by the Public Works Dept. for Transfer Clarenza STP (Public Works Advisory. Final – Report No. WSR – 16043 November 2016 page 44 North Street STP Replacement). Attached to this letter.

This would have a more favorable financial and community focused impact by seeking tenders with the most suited being option 3 of the three options provided in this document (attached).

This option would negate paying a licence fee to the EPA and can be implemented well before 2025 resolving the problem of pollution.

An outline of Option 3 preference:

Laying a pipeline from the existing pipe leading from pumping station at Arthur and Prince Streets going along the northern side of Arthur Street to the river bank, then drill across Clarence River at the narrowest point taking it along river to side of Bunnings site, then parallel with the Highway crossing highway to Clarenza STP.

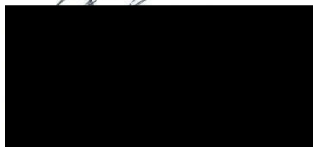
The benefit of this approach is less interference with roads, trees, private services (eg water), less applications requiring approval re bridge impact and importantly less crossing of roads.

The consequential negative impact on the current local community is significantly reduced. Statements being made that Clarenza STP operations are earmarked for future development are to the detriment of the current community ratepayers and residences.

Sufficient ground is available for future extension at Clarenza STP whilst there is no capacity for future growth with the North Street STP proposal.

I trust Council will make their decision based on the what is the best outcome for the entire community. If further information regarding this important decision is required please do not hesitate to contact me.

Kind regards





North Grafton STP Replacement



Figure 5.5: Route Options for Transfer to Clarence STP

**From:** "Rhys Edwards" <Rhys.Edwards@epa.nsw.gov.au>  
**Sent:** Mon, 18 Oct 2021 15:09:27 +1100  
**To:** "Greg Mashiah" <greg.mashiah@clarence.nsw.gov.au>  
**Cc:** "Robert Donohoe" <Robert.Donohoe@epa.nsw.gov.au>  
**Subject:** RE: North Grafton STP alleged seepage matter - Request to conduct sampling

Hi Greg,

Thank you for arranging for that sampling to be conducted and also for providing the results to the EPA.

The results appear to indicate that there is no discernible evidence of the presence of any of the substances being tested for. This would seem to indicate that there is no cause for concern in relation to the allegation of seepage from the North Grafton STP.

The EPA will be taking no further action in relation to this matter, and does not require Clarence Valley Council to take further action.

Once again, thanks for your cooperation with this matter.

Regards,

Rhys

**Rhys Edwards**

A/Senior Operations Officer  
Regulatory Operations  
NSW Environment Protection Authority  
D 02 6659 8230 | M 0437 956 526



[www.epa.nsw.gov.au](http://www.epa.nsw.gov.au) @NSW\_EPA

*The EPA acknowledges the traditional custodians of the land and waters where we work. As part of the world's oldest surviving culture, we pay our respect to Aboriginal elders past, present and emerging.*

Report pollution and environmental incidents on 131 555 or +61 2 9995 5555

---

**From:** Greg Mashiah <greg.mashiah@clarence.nsw.gov.au>  
**Sent:** Monday, 18 October 2021 12:25 PM  
**To:** Rhys Edwards <Rhys.Edwards@epa.nsw.gov.au>  
**Cc:** John Forcier <John.Forcier@epa.nsw.gov.au>; Robert Donohoe <Robert.Donohoe@epa.nsw.gov.au>  
**Subject:** RE: North Grafton STP alleged seepage matter - Request to conduct sampling

Rhys

The sample results from the North Grafton STP pharmaceutical testing have been returned from the lab (attached) and all analytes at all locations were below the limit of detection.

Regards

Greg Mashiah  
Manager Water Cycle  
(02) 6645 0244  
[0428 112 982](tel:0428112982)  
[www.clarence.nsw.gov.au](http://www.clarence.nsw.gov.au)



We acknowledge the Bundjalung, Gumbaynggirr and Yaegl people as the Traditional Owners of the land on which we live and work. We honour the First Nations peoples culture and connection to land, sea and community. We pay our respects to their Elders past, present and emerging.



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**From:** Greg Mashiah  
**Sent:** Tuesday, 28 September 2021 8:33 AM  
**To:** Rhys Edwards <[Rhys.Edwards@epa.nsw.gov.au](mailto:Rhys.Edwards@epa.nsw.gov.au)>  
**Cc:** John Forcier <[John.Forcier@epa.nsw.gov.au](mailto:John.Forcier@epa.nsw.gov.au)>; Robert Donohoe <[Robert.Donohoe@epa.nsw.gov.au](mailto:Robert.Donohoe@epa.nsw.gov.au)>  
**Subject:** RE: North Grafton STP alleged seepage matter - Request to conduct sampling

Rhys

With Covid related courier issues it has been very challenging finding a lab that we can arrange guaranteed transport of pharmaceutical samples within the required timeframes for testing. We were finally able to take samples this morning, but there was no water in the swale drain or the flood mitigation drain (points "c" and "d") to sample. We have taken samples at the other requested locations.

Regards

---

**From:** Rhys Edwards <[Rhys.Edwards@epa.nsw.gov.au](mailto:Rhys.Edwards@epa.nsw.gov.au)>  
**Sent:** Friday, 3 September 2021 12:26 PM  
**To:** Greg Mashiah <[greg.mashiah@clarence.nsw.gov.au](mailto:greg.mashiah@clarence.nsw.gov.au)>  
**Cc:** John Forcier <[John.Forcier@epa.nsw.gov.au](mailto:John.Forcier@epa.nsw.gov.au)>; Robert Donohoe <[Robert.Donohoe@epa.nsw.gov.au](mailto:Robert.Donohoe@epa.nsw.gov.au)>  
**Subject:** RE: North Grafton STP alleged seepage matter - Request to conduct sampling

Hi Greg,

Thanks for your email. The advice I received from our environmental forensics team was that the analytes of interest would be caffeine (not a pharmaceutical but a good indicator), ibuprofen and

paracetamol. There may be other indicators such as endocrine disruptors and illicit drugs that could be used as well.

There are also a couple of levels of analysis depending on the required sensitivity. Antibiotics can also be detected if required, and as you pointed out, this may not necessarily indicate human impacts. I'll leave it to Council to decide if testing for this would be required – it may help support any other findings.

From my discussions with forensics, it appears that 'pharmaceuticals' is a standard suite of analytes designed to detect human impact, but you might like to talk to the respective labs to see if they can tailor a package specific to this issue.

Regards,  
Rhys

---

**From:** Greg Mashiah <[greg.mashiah@clarence.nsw.gov.au](mailto:greg.mashiah@clarence.nsw.gov.au)>  
**Sent:** Friday, 3 September 2021 12:15 PM  
**To:** Rhys Edwards <[Rhys.Edwards@epa.nsw.gov.au](mailto:Rhys.Edwards@epa.nsw.gov.au)>  
**Cc:** John Forcier <[John.Forcier@epa.nsw.gov.au](mailto:John.Forcier@epa.nsw.gov.au)>; Robert Donohoe <[Robert.Donohoe@epa.nsw.gov.au](mailto:Robert.Donohoe@epa.nsw.gov.au)>; Matthew Godfrey <[Matthew.Godfrey@clarence.nsw.gov.au](mailto:Matthew.Godfrey@clarence.nsw.gov.au)>; Andrew Potter <[andrew.potter@clarence.nsw.gov.au](mailto:andrew.potter@clarence.nsw.gov.au)>  
**Subject:** RE: North Grafton STP alleged seepage matter - Request to conduct sampling

Rhys

Further to a voicemail message, are you able to ask your science people whether there is a standard pharmaceutical "suite" of tests or whether there are specific pharmaceuticals which we should be requesting?

I was thinking, for example, that antibiotics could potentially be present in cattle (particularly given the number of advertisements for these products on television in the last week) so that pharmaceutical, for example, would not necessarily be of human origin.

Thanks

Greg Mashiah  
Manager Water Cycle  
(02) 6645 0244  
[0428 112 982](tel:0428112982)  
[www.clarence.nsw.gov.au](http://www.clarence.nsw.gov.au)



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Rhys Edwards [<mailto:Rhys.Edwards@epa.nsw.gov.au>]

**Sent:** Friday, 3 September 2021 11:50 AM

**To:** Greg Mashiah

**Cc:** John Forcier; Robert Donohoe

**Subject:** North Grafton STP alleged seepage matter - Request to conduct sampling

Dear Greg,

Regarding the matter of alleged seepage from Nth Grafton STP, the EPA requests Clarence Valley Council (CVC) to undertake water sampling to attempt to determine the source of water in the low-lying area adjacent to the STP treatment ponds, and to determine the extent of any potential pollution. Advice from the EPA Environmental Forensics team is that CVC should conduct sampling for analysis for pharmaceuticals. This will assist CVC and the EPA to determine whether any anthropogenic input exists in the water being sampled. There are several commercial labs which can provide this service, for example, Sydney Water Labs, ALS and Qld Health Forensic Services.

Sampling should be undertaken from: a) the tertiary pond adjacent to the alleged seepage point, b) the low-lying water adjacent to the STP (subject of the complaint), c) the swale drain connecting the low-lying water and the flood mitigation drain, d) representative points along the flood mitigation drain between the STP and the Clarence River, e) at the point of discharge of the drain into the Clarence river and f) at location(s) both up- and downstream of the discharge point of the drain to the Clarence River.

The EPA requests that CVC conduct this testing as a matter of urgency, and provides a copy of the results to the EPA upon receipt by CVC.

If you have any concerns or matters you would like to discuss regarding this request, please contact Rhys Edwards on (02) 6659 8230 or by email at [rhys.edwards@epa.nsw.gov.au](mailto:rhys.edwards@epa.nsw.gov.au).

Kind regards,

**Rhys Edwards**  
Operations Officer  
Regulatory Operations  
NSW Environment Protection Authority  
D 02 6659 8230 | M 0437 956 526



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North Grafton STP Replacement

## 9. Comparison of Options

A summary of the key risks and advantages/disadvantages for the options is shown in Table 9.1.

**Table 9.1: Options – Issues Analysis**

Issue	Transfer to Clarenza (PWWF)	Transfer to Clarenza (3 xADWF)	New North Grafton STP
<b>Construction risk</b>	Low risk at the Clarenza STP however increased risk for the transport system	Low risk at the Clarenza STP however increased risk for the transport system	Low
<b>Community disruption during construction</b>	Community disruption during transfer activities including the Clarence River Crossing	Community disruption during transfer activities including the Clarence River Crossing. Comparatively less than PWWF option.	Low, works confined to the new site. Some disruption for pipeline extensions however these are in low population areas.
<b>Land Matters</b>	No apparent issues, all pipeline work within road corridors. There is enough room on the Clarenza STP site for expansion works.	No apparent issues, all pipeline work within road corridors. There is enough room on the Clarenza STP site for expansion works.	No apparent issues, Council owns the site.
<b>Consolidation of treatment activities</b>	Provided	Screening and storm management at the North Grafton STP site	Not provided
<b>Existing reuse activities</b>	Will require a 5 km pipeline back to the current urban open space (UOS) reuse activities.	Will require a 5 km pipeline back to the current urban open space (UOS) reuse activities.	Not affected
<b>Future reuse activities</b>	Limited activities from Clarenza.	Limited activities from Clarenza.	Not affected, however limited potential for significant expansion.
<b>System security</b>	Some risk in transferring sewage to Clarenza including across the river. Consolidation into one STP	Some risk in transferring sewage to Clarenza including across the river. Consolidation into one STP	Low risk
<b>Flood risk</b>	Low flood risk at Clarenza	Low flood risk at Clarenza	Low risk at STP.
<b>EPA acceptance and or changing environmental standards</b>	Current and future STP performance would meet EPA requirements thus low risk of rejection. Low risk for changing environmental standards. The STP could be upgraded further if required.	Current and future STP performance would meet EPA requirements thus low risk of rejection. Low risk for changing environmental standards. The STP could be upgraded further if required.	The new STP would meet EPA requirements thus low risk of rejection. Low risk for changing environmental standards. Both STP's could be upgraded further if required.
<b>CO<sub>2</sub> emissions</b>	Additional CO <sub>2</sub> emissions for the transfer of sewage to the new STP.	Additional CO <sub>2</sub> emissions for the transfer of sewage to the new STP.	Higher than current STP but improved treatment provided.
<b>Chemical usage</b>	Higher than current STP due to increased load but improved treatment provided.	Higher than current STP due to increased load but improved treatment provided.	Higher than current STP but improved treatment provided.



## North Grafton STP Replacement

Issue	Transfer to Clarenza (PWWF)	Transfer to Clarenza (3 xADWF)	New North Grafton STP
<b>Advantages</b>	Consolidation of activities	Consolidation of activities Lower cost compared to the PWWF transfer option.	Lower overall cost
<b>Disadvantages</b>	Cost of transfer of sewage to Clarenza Utilises spare capacity that may be required in the future.	Cost of transfer of sewage to Clarenza Utilises spare capacity that may be required in the future.	Site constraints including buffer

**ITEM 07.22.189 ALCOHOL PROHIBITED AREAS – JACARANDA FESTIVAL 2022**

<b>Meeting</b>	Council	23 August 2022
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Open Space Coordinator, David Sutton	
<b>Attachments</b>	Nil	

**SUMMARY**

The 2022 Jacaranda Festival is planning to run events at Market Square, See Park and Fisher Park (Ellem Oval) Grafton, the events will permit the sale and consumption of alcohol.

The parks are alcohol prohibited areas and approval of the sale and consumption of alcohol within the parks requires the temporary revoking of the restriction for the duration of the events.

**OFFICER RECOMMENDATION**

That Council;

1. Temporarily revoke the alcohol prohibition area at Market Square for the 2022 Jacaranda Festival from 9:00am Saturday 29 October 2022 to 11:00pm Sunday 6 November 2022.
2. Temporarily revoke the alcohol prohibition area at See Park for the 2022 Jacaranda Festival as follows;
  - a. Thursday 20 October 2022 between 9:00pm – 11:00pm.
  - b. Friday 21 October 2022 between 9:00pm – 11:00pm.
  - c. Saturday 22 October 2022 between 9:00pm – 11:00pm.
  - d. Thursday 27 October 2022 between 9:00pm – 11:00pm.
  - e. Friday 28 October 2022 between 9:00pm – 11:00pm.
  - f. Saturday 29 October 2022 between 9:00pm – 11:00pm.
  - g. Thursday 3 November 2022 between 9:00pm – 11:00pm.
  - h. Friday 4 November 2022 between 9:00pm – 11:00pm.
  - i. Saturday 5 November 2022 between 9:00pm – 11:00pm.
3. Temporarily revoke the alcohol prohibition area at Fisher Park (Ellem Oval) for the 2022 Jacaranda Festival from 9:00pm – 11:00pm Saturday 5 November 2022.

**LINKAGE TO OUR COMMUNITY PLAN**

Theme Economy

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

**KEY ISSUES**Alcohol Prohibited Areas

The drinking of alcohol is prohibited at Market Square, Grafton all hours (24/7), See Park, Grafton between 9.00pm – 9.00am and Fisher Park (Ellem Oval), Grafton between 9.00pm – 9.00am. [Item 15.035/19].

This prohibition is in place to promote the safe use of the park noting that alcohol prohibited areas are enforced by the police.

Jacaranda Festival

The Jacaranda Festival 2022 is a multiday, multi faceted event located across several locations in Grafton.

The applicant has advised that alcohol will be served by qualified attendants who hold the appropriate responsible serving of alcohol (RSA) certificates within a delineated area.

Police will be notified of the event and available to attend if required, however it is envisaged that the style of the event will determine positive behaviour. It is therefore proposed to adjust the prohibition in this instance to allow alcohol consumption as part of this event.

## BACKGROUND

### Alcohol Prohibited Areas

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

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

### Jacaranda Festival

The Grafton Jacaranda Festival is the longest running floral festival in Australia, the festival is held under canopies of purple blossoms from the last weekend in October to the first weekend of November every year. This year being the 85th Anniversary.

The festival commences regally with the crowning of their Jacaranda Queen and Princesses. Local arts, crafts and sporting groups take the weeklong opportunity to showcase their work. The city of Grafton comes to a standstill on Jacaranda Thursday with the main street lined with market stalls, rides and entertaining skits performed by local businesses.

## COUNCIL IMPLICATIONS

### **Budget/Financial**

N/A

### **Asset Management**

N/A

### **Policy and Regulation**

The following references are applicable to this report:

- Local Government Act 1993, section 644
- Council Minute 15.035/19

### **Consultation**

N/A

### **Legal and Risk Management**

If endorsed by Council, the service of alcohol will occur with a delineated area by qualified attendants who hold an RSA Certificates, risk management plan and actions implemented, and Police notification of the event will form conditions of approval.

### **Climate Change**

N/A

**ITEM 07.22.190 JACARANDA TREE STOCKTAKE - DATA CAPTURE**

<b>Meeting</b>	Council	23 August 2022
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Open Space Coordinator, David Sutton	
<b>Attachments</b>	A. Plan Before You Plant - Essential Energy Guideline <a href="#">↓</a> B. Tree Removal Information - Essential Energy <a href="#">↓</a> C. Wrigley Heritage Tree Report <a href="#">↓</a>	

**SUMMARY**

This report addresses the items a) to f) of the July 2022 Council Resolution (06.22.009) regarding the current stock of Jacaranda trees in Grafton and South Grafton community areas consistent with the ABS Census 2021 Suburbs and Localities.

**OFFICER RECOMMENDATION**

That Council note this report regarding Jacaranda trees located in South Grafton and Grafton.

**LINKAGE TO OUR COMMUNITY PLAN**

Theme Economy

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

**KEY ISSUES**

At the July 2022 ordinary meeting Council resolved [Item 06.22.009]

*'That staff prepare a report for the August Council meeting detailing the following information regarding Jacaranda Trees in Grafton and South Grafton as per the ABS census 2021 for suburb and locality:*

- a) *The number of jacaranda trees removed over the last three financial years*
- b) *The number of new jacaranda trees planted (and their locations) over the last three financial years*
- c) *The current number of jacaranda trees reaching their end of life senescence*
- d) *The monetary cost of planting a new or juvenile jacaranda tree be advised*
- e) *The cost of removing a mature jacaranda tree*
- f) *The total number of jacaranda trees'*

Number of Jacaranda Trees

The last complete audit of urban street trees was completed 2019, data from this audit indicate that there is a total of 1761 Jacaranda trees in Grafton and South Grafton community areas consistent with the ABS Census 2021 Suburbs and Localities.

This total consists of 1410 in Grafton and 351 in South Grafton.

Number of Jacaranda Trees Removed

Records indicate that a total of 45 Jacaranda trees were removed in last financial year from the Grafton and South Grafton community areas consistent with the ABS Census 2021 Suburbs and Localities. Further analysis of records is continuing to confirm the number removed in 2019/20 and 2020/21.

Number of Jacaranda Tree Planted

Records indicate that a total of 113 Jacaranda trees were planted in the last three (3) financial years in the Grafton and South Grafton community areas consistent with the ABS Census 2021 Suburbs and Localities. The specific details being:

- PO 275168 – 27 Sept 2019 delivered 30 x 100lt
- PO 292285 – 28 Sept 2020 delivered 30 x 45lt
- PO 306605 – 3 June 2021 delivered 40 x 45lt
- PO 318103 – 21 Oct 2021 delivered 12 x 75lt

Further analysis of records in conjunction with the inspections is continuing to confirm actual locations and survival rate.

#### Number of trees reaching End of Life

As of Tuesday 16 August 2022, Council's Arborist staff have undertaken a visual tree inspection of 277 trees in response to the Council Resolution in the areas containing the older plantings, this inspection has identified a total of 38 Jacaranda trees that are reaching end of life (senescing) and require pruning / dead wood removal in the Grafton and South Grafton community areas consistent with the ABS Census 2021 Suburbs and Localities. Inspections are continuing of the balance of the trees.

#### Cost to plant new

The average cost to plant and establish a new Jacaranda tree is \$560.00 (\$380.00 planting/ \$180.00 watering).

The cost is based on the following minimum specifications and people/plant;

Tree (grown to AS 2303:2018) planting to be minimum 45 litre pot size, to be planted using 1 slow release fertiliser tablet per hole mixed with site soil and imported topsoil (topsoil to AS 4419:2018); the tree is to be stabilised by no less than 2 x 50x50x1800mm long hardwood stakes and 2 x hessian ties. Provide water basin under minimum 75mm hardwood chip mulch (mulch to AS 4454-2012), mulch to form a minimum of 800mm circle around base of the tree. Tree to be watered in at planting with follow up watering weekly (subject to natural precipitation) for 1 month, then fortnightly for 1 month and then as required.

The average cost includes all team members, the backhoe, and truck for 0.5 hour for planting, additionally the cost includes 1 team member and the water tanker for 6 hours. Figure 1 depicts three (3) recently planted Jacaranda trees replacing trees that had been removed.



Figure 1 - New Jacaranda tree planting

#### Cost to remove

The average cost to remove a mature Jacaranda tree is \$3,400.

The time, resources and subsequently the cost can vary significantly tree to tree based on a number of complicating factors including location (road reserve or park), classification of road (state road, local major road, local minor road) and subsequent traffic control requirements, services (aerial cables – electricity/communications, subterranean cables & pipes – electricity/communications/water/sewer) and the size & form of the tree.

The average cost includes all team members, the backhoe, EWP, and truck for 8 hours, additionally the cost includes disposal of the limbs and root ball, when possible, the trunk is donated to a local service group. Figure 2 depicts an example of a Jacaranda tree that would have a high cost to remove.





Figure 2 – Jacaranda tree requiring significant planning and resources to remove

Constraints impacting existing and new plantings

Maintaining and developing new street tree plantings be they Jacaranda or other species is hard work and now more than ever we are losing the battle resulting is an overall reduction of canopy cover, hotter streets, less habitat and poorer general aesthetic. Some of the key challenges being;

1. Utility lines and infrastructure (overhead wires / street lighting / water / sewer / communications)
2. Reduction of road reserve width, reduced lot size / increased dwelling size
3. Vandalism and objection to street tree being planted adjacent to property
4. Changes to infrastructure (buildings, car parking, road pavement, footpaths)

A brief explanation and images of these challenges is provided below.

**Utility lines and infrastructure (overhead wires / street lighting / water / sewer / communications)**

Allocating sufficient area for the placement and ongoing maintenance of utility lines and infrastructure within developed areas (overhead wires / street lighting / water / sewer / communications) that service our communities is critical, the area that this infrastructure generally occupies (between edge of road and property line) is where street tree or avenue tree planting also occur.

The impacts of the utility lines and infrastructure varies from crown modification (formative pruning branches away from aerial cables (Figure 3)) to the exclusion of trees on one (Figure 4) or both sides of the road (Figure 6). Service Authorities have established guidelines that dictate type of planting and proximity. Refer attachments for Essential Energy guideline documents.



Figure 3 - Aerial power requiring crown modification



Figure 4 – Aerial power prohibiting tree planting

**Reduction of road reserve width, reduced lot size / increased dwelling size**

The avenues of grand trees that make Grafton the city of trees is possible due to 'old planning' that left a legacy of wide road reserves (Figure 5).

The streets that the celebrated Jacaranda tree avenues are planted along include Cranworth St (30m wide), Dobie St (30m), North St (40m), Pound St (30m), Prince St (41m), and Turf St (41m). Road reserve width varies even in the older areas of Grafton depending of road hierarchy / service requirements however current developments typically range between 16m and 20m, at these widths there simply is not sufficient area to plant large trees such as Jacaranda and in some cases even smaller trees are excluded (Figure 6).

Similarly with the reduction of road reserve size there has generally been a reduction in residential lot size, and like the road reserves we are trying to squeeze more into less with the construction of larger dwellings or dual occupancies (Figure 6). The net result being insufficient rooms for trees.



Figure 5 - Old planning with wide road reserves and large residential lots

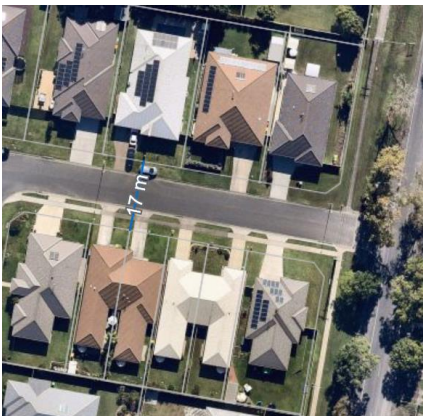


Figure 6 – Current planning with narrow road reserves and small residential lots



**Vandalism and objection to street tree being planted adjacent to property**

When asked most people would respond ‘that they love trees’. At the time of undertaking the work we inform of intent to plant and the benefits of trees however we have found that when planting new trees adjacent to a property, owners or residents often object to having a tree in front of their property. In such cases trees are not cared for or vandalised such that they require replacement.

In addition, there are members of our community who make poor decisions at best or simply have little regard for community assets at worst. While we plant advanced trees (minimum 45litre pot size) to limit the impact of these actions, the vandalism generally results in the need to replace the tree to avoid future failure due to weak structural growth.



Figure 7 - Vandalised tree (central leader snapped)

**Changes to infrastructure (buildings, car parking, road pavement, footpaths)**

Changes to infrastructure is required to address safety concerns, meet current standards and/or to service our communities needs however, in most cases development leads to the removal of trees from that area to enable the work and the inability to replace. (Figure 8 and 9)



Figure 8 - Trees removed due to failure, not replaced to enable car parking



Figure 9 - Trees removed to enable redevelopment of critical infrastructure, not replaced due to insufficient area



### 2022/23 and future Planting Programs

Fifty (50) 45 litre Jacaranda trees grown to AS 2303:2018 have been ordered from commercial nurseries to replace trees removed through 2021/22 financial year following the last planting program, and a further fifty (50) 45 litre tree have been ordered to fill other identified suitable locations. The trees will be planted through September and October.

Pricing has been sort to contract grow a minimum of fifty (50) Jacaranda trees per year for the coming 5 years. The contract grow model can also be used to grow plants with local providence in a commercial nursery ensuring they are grown to AS 2303:2018.

## **BACKGROUND**

### General

Grafton is well know as a city of trees, the foundations of this identity commenced in 1874 when Grafton's Municipal representatives resolved to adopt a street tree planting policy. Across the generations and years Council and Community have continued to build on this vision, there are now more than 6800 street trees identified in Grafton and South Grafton community areas consistent with the ABS Census 2021 Suburbs and Localities (park & reserve and private trees are not included in this number).

There are many cultivated trees in Grafton that hold cultural significance, the white lace flower (*Archidendron hendersonii*) for example which is growing in Duke Street, between Victoria and Fitzroy Streets, is a plant officially listed as rare and endangered. The fig trees (*Ficus microcarpa* var. *hillii*) growing in Breimba Street have been placed on the National Trust register and several other genera *Brachychiton*, *Ficus* (and *Jacaranda*) over 3m in height in Grafton are included in the Local Environment Plan.

Of all the trees growing in Grafton and South Grafton it is the Jacaranda trees however that evoke one of the strongest responses, they draw large numbers of visitors to the area and they are the basis for one of the oldest Floral Festivals in Australia.

Jacaranda (*Jacaranda mimosifolia*) have been growing in Australia for over 150 years. Jacaranda trees originated from parts of Central and South America. It is thought that Jacaranda seeds were brought to Australia by sea captains sailing from South America.

The first sixty Jacaranda trees planted by Mr Volckers were in Pound Street, between Mary and Villiers Streets in 1880 and 1907-8 saw the creation of Jacaranda Avenue.

Further information is available in the Wrigley Grafton Heritage Tree Survey (attached).

### End of Life (Senescence) / Visual Tree Assessment

The average lifespan of a Jacaranda tree is 50 years, however given favourable growing conditions they can grow a lot longer with some lasting well up to 200 years. Generally, Jacaranda trees reach maturity in about 20 years.

Age - Is the estimate of the specimen's age based upon the expected life span of the species. This is divided into three stages.

- Young (Y) Trees less than 20% of life expectancy.
- Mature (M) Trees aged between 20% to 80% life expectancy.
- Over-mature (O) Trees aged over 80% of life expectancy with probably symptoms of senescence

Senescence - Is defined as 'the condition or process of deterioration with age' and 'loss of a cell's power of division and growth'. Evidence of this is typically determined by undertaking a Visual Tree Assessment (VTA).

A VTA is generally undertaken from the ground without dissection, probing or coring. No woody tissue testing, destructive, resistance testing or aerial inspections are generally undertaken. The health of the trees is determined by assessing the following:

- Foliage size and colour.
- Pest and disease infestation noted.
- Extension growth.
- Canopy density and form
- Percentage of deadwood noted/observed.
- Presence of epicormic growth observed.

- Visible evidence of structural defects or instability.
- Evidence of previous pruning or physical damage.
- Condition, using visible evidence of structural defects, instability, evidence of previous pruning and physical damage as indicators.
- Suitability of the trees to the site and their existing location; in consideration of damage or potential damage to services or structures, available space for future development and nuisance issues

The VTA undertaken to inform this report and the number of Jacaranda trees that are reaching end of life (senescing) in the Grafton and South Grafton has a further level of difficulty due to the number of trees being inspected and the seasonal change in the trees (semi-dormant due to winter). Figure 10 depicts a tree with evidence of senescence and seasonal dormancy.



Figure 10 - Senescence and seasonal dormancy

ABS Census 2021 Suburbs and Localities

The resolution requested data be provided for Grafton and South Grafton community areas consistent with the ABS Census 2021 Suburbs and Localities. Grafton area is shown in Figure 11 and South Grafton in Figure 12. The trees selected from Council data base are depicted in Figure 13.



Figure 11 - Grafton

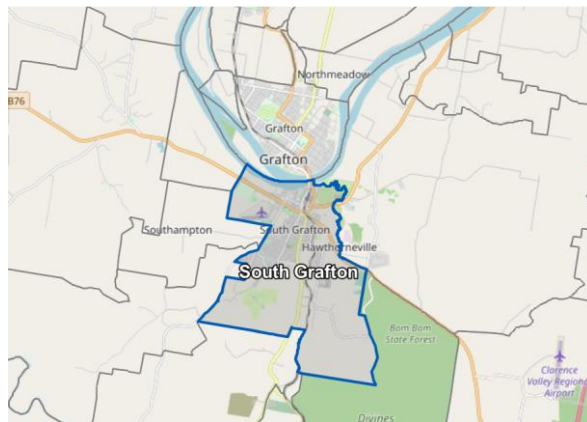


Figure 12 – South Grafton

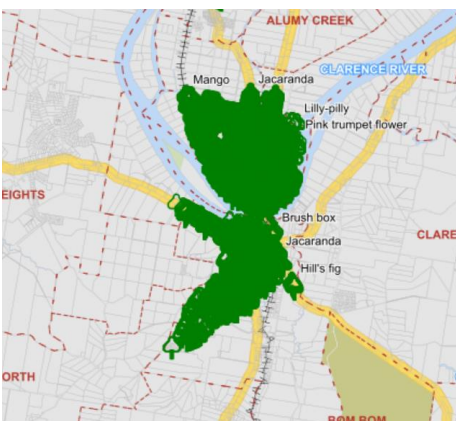


Figure 13 - Street tree data

## COUNCIL IMPLICATIONS

### Budget/Financial

Council has allocated \$70,000 annually for the last 4 years to undertake street tree renewal works that includes Jacaranda Tress in strategic locations. The program has funded the planting of more than 800 trees in Brushgrove, Junction Hill, Grafton, Lawrence, Maclean, South Grafton, Townsend, and Yamba.

Council spent \$768,500 in 2019/20, \$700,000 (approx.) in 2020/21, and \$681,000 in 2021/22 on Street Tree operations and maintenance (that includes Jacaranda trees). The expenditure included both day labour and contractors for general maintenance activities and responding to storm events.

### Asset Management

Council's urban forest and other green assets are not currently included in the asset register although there is a level of information held in specific mapping layers. It is proposed that a review and update of these layers is carried out and from this information these assets are added to the asset register, as non-financial assets. This is based on the fact that any determined value of a mature tree would be significant different to the replacement cost.

It is recommended that there is an adequate annual maintenance budget for on-going maintenance and the future replacement and of these assets through a planned program. Any significant increase in the number of green assets should be included as a separate allocation through the adopted Capital Works Program.

### Policy and Regulation

The following references are applicable to this report

- Tree Policy
- Clarence Valley Urban Tree Management Strategy
- Yamba Street Tree Masterplan
- AS 2303:2018 Tree stock for landscape use
- AS 4419:2018 Soils for landscaping and garden use
- AS 4454-2012 Composts, soil conditioners and mulches
- AS 4970-2009 Protection of trees on development sites

### Consultation

Consultation on the report was sought from Council's Asset Team, Insurance and Risk Officer and Strategic Planning.

### Legal and Risk Management

Trees management is a significant risk to Council requiring ongoing work.

### Climate Change

Trees provide important environmental benefits, which in turn affects our health and wellbeing. These benefits include:

- **Increase biodiversity** – A variety of trees provides a range of food and habitat, for a myriad of microorganisms that live around the roots in the soil, insects living under bark, birds, lizards and small mammals living in tree hollows and within the canopy.
- **Carbon sequestration** – Trees can absorb CO<sup>2</sup> which will help reduce the amounts contributing to climate change.
- **Provide shade** – Residents walk more on streets with trees as they shade our walkways in summer and provide protection from the rain in winter. Shade from trees can reduce local temperatures reducing household energy consumption for cooling. By shading heat-absorbing surfaces such as bitumen and masonry, trees reduce the heat island effect that leads to higher urban temperatures.
- **Improve air quality** – Trees intercept and filter harmful gases and airborne particle pollution, such as from car fumes, and improve air quality and our health by producing oxygen through photosynthesis.
- **Protect our water** – The tree canopy captures rainwater, water is absorbed into the tree, and can be returned to the air through transpiration. Some of this water will also percolate through the soil and return to the water table. Tree roots also keep soil porous so that surface water can be easily absorbed. The roots of trees also prevent soil erosion, keeping sediment out of our water ways.



# Plan before you plant.

A guide to planting and  
managing trees near  
powerlines.



## Vegetation management near powerlines

Our people are inspecting and responding to trees and other vegetation encroaching on electricity infrastructure every day. It's a constant job and an essential part of our maintenance program. We know many problems can be avoided if we take action early and encourage more appropriate vegetation to be planted near powerlines.

**For vegetation enquiries call 13 23 91**

**For supply interruptions call 13 20 80**

The right trees in the right place provide shade, privacy, wildlife habitat and help prevent erosion. The wrong trees planted near powerlines can become a safety hazard to the local environment and property, and may impact the reliability of your power supply. Vegetation must be managed near powerlines to maintain public safety. By working together with the communities we serve, we can achieve a sustainable outcome for everyone. In doing so we will minimise the risk of power supply interruptions caused by vegetation falling on, or coming into contact with, powerlines.

### Why vegetation management is important

Continuous vegetation management:

- Reduces the potential harm to people, damage to property or the local environment
- Minimises tree-related power supply outages
- Reduces the incidence of branches contacting powerlines and potentially causing bushfires.

Our vegetation management program relies on a collaboration between councils, landowners or occupiers and the broader community to ensure all vegetation is kept a safe distance from powerlines.





## The ideal safety measure

### How does Essential Energy determine which trees should be trimmed?

As part of our comprehensive network maintenance program, powerlines are regularly inspected to assess risk levels and ensure minimum safety clearance zones\* between vegetation and powerlines. Trimming further than the Minimum Vegetation Clearance Zone is also performed so vegetation regrowth will not encroach on this zone before trees are trimmed again. The voltage of nearby powerlines, local bushfire classifications and a tree's age, species and general health are also taken into consideration.

### Who is responsible for tree trimming?

Essential Energy has programs in place to identify trees and other vegetation that could damage or interfere with the power supply or pose a bushfire or public safety risk. We also encourage landowners or occupiers to alert us if they're concerned that vegetation is getting close to powerlines on their property by calling **13 23 91**.

Responsibility for the trimming or removal of trees identified as a risk may depend upon whether they're naturally propagated or if they've been planted and allowed to grow directly under or alongside powerlines. Our Vegetation Contractors will discuss this with you.

\* In NSW – the minimum accepted distance between vegetation and overhead powerlines, designed to accommodate safety clearances as well as regrowth, has been defined by the Industry Safety Steering Committee (ISSC) Guidelines *ISSC 3 Guideline for Managing Vegetation Near Powerlines*.

### Management of vegetation by-products or debris

In urban areas, the debris will generally be chipped and removed the same day as the tree was cut.

In rural areas, the debris will be cut and stacked and may be left onsite in accordance with any specific landholder requirements. If the cut materials are to be removed, this will generally occur within three business days from the time it was cut.

Report trees growing close to powerlines by calling **13 23 91**

If you see trees or tall growing vegetation touching or overhanging powerlines, please call Essential Energy on **13 23 91** so we can investigate. If you see a tree in contact with powerlines following inclement weather or any other incident, call us immediately and ensure all onlookers remain at least **8 metres** clear.

### Please do not attempt to trim trees near powerlines

Trimming vegetation near powerlines is extremely dangerous and should only be undertaken by qualified personnel. Ask Essential Energy for further advice.



## Tree trimming

### Why is it important to use qualified vegetation contractors?

Essential Energy promotes best practice environmental management and all work is consistent with the Australian Standard AS4373 – Pruning of Amenity Trees. All vegetation contractors are required to comply with Workplace Health and Safety Regulations, use the latest internationally approved techniques and be competent in:

- > Arboriculture techniques
- > The safe use of tools and equipment
- > Herbicide application and storage
- > Working near powerlines.

They must also be qualified and authorised to meet industry regulatory requirements.

A list of qualified and authorised vegetation contractors can be obtained by phoning **13 23 91** or visiting [essentialenergy.com.au/trees](http://essentialenergy.com.au/trees)

### How are trees trimmed?

Like most Australian power companies, Essential Energy uses the standard arboriculture practice of directional pruning to ensure trees remain healthy and clear of powerlines. Directional pruning doesn't interfere with a tree's natural defence system and is well supported by years of research. Every effort is made to retain the visual appeal of trees, especially with significant or heritage trees, however, public safety and power supply reliability must be our top priority. In the event trees encroaching on powerlines pose a safety hazard to the community and a threat to the reliable supply of electricity, it may be necessary to remove the tree.

### Incompatible Trees

Some trees just aren't suited to be growing near powerlines. Trees that have typically been trimmed, may now be identified for removal to ensure ongoing compliance with Minimum Vegetation Clearance Zone requirements around the Essential Energy network. Such trees will have been identified as "incompatible" meaning they pose an unacceptable safety risk to our workers, the public or our network, or the growth rate and habit cannot be effectively maintained within the nominated vegetation management cycle.

Trees identified as incompatible will not be removed without prior consultation and landholder consent.

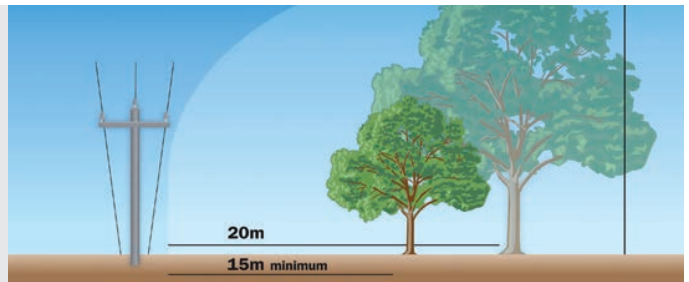
### Accessing private property

If access to your property is required, or a tree cannot be accessed from the road reserve, our vegetation contractors will make reasonable attempts to contact you to discuss the work required to enable services to be carried out safely with as little inconvenience as possible. On rural properties, we may also enquire about the possible location of noxious weeds or soil-borne diseases, so appropriate procedures can be followed to prevent their spread.

### Service Mains

For service mains, the one that connects power to the house, trees can safely grow quite close and not cause any problems.

## Vegetation Management benefits everyone



- Always plant a tree at least 15 metres away from powerlines or a distance equal to its mature height – whichever is greater
- Make sure any vegetation is kept well clear of powerlines
- Remember – tree trimming can be hazardous near overhead powerlines and should only be performed by qualified tree trimmers
- To avoid the need for tree trimming we encourage landowners to plant responsibly. Use this guide as a source of information to Plan Before You Plant
- Look up before you plant
- Consider how big the tree or vegetation will grow and what structures will be affected
- Plant taller varieties further away from powerlines using the planting guide above
- Do not plant on the nature strip without local council approval
- Remember that access to powerlines is required for future maintenance and repairs
- Select plant species that are native to your area
- Avoid plant species that could invade the surrounding environment. Consideration should also be given to underground powerlines to avoid roots damaging the underground network
- Plant away from underground electricity pits, pillar boxes and padmount transformers to ensure electricity assets are accessible for inspection, maintenance or repair
- Consult a local nursery before planting to determine the height that particular tree species may grow in your area
- Tall growing species including the trees shown in the tables (overleaf) are unsuitable under or near powerlines.



Unsuitable for planting near powerlines	
Botanical Name	Common Name
Acacia species (large)	Wattle
Acer species	Maples (not Japanese)
Acmena species (large)	Lilly Pilly or Bush Cherry
Alnus species	Black and Evergreen Alder
Araucaria species	Bunya-Bunya, Hoop or Norfolk Island Pine
Bambusa species	Bamboo
Banksia species (large)	Banksia
Betula species	Birch
Brachychiton species	Lace-Bark, Flame and Kurrajong
Caesalpinia ferrea	Leopard tree
Casuarina species	She-Oak
Cedrus species	Cedar, also Fir and Spruce
Celtis species	Nettle tree
Cinnamomum camphora	Camphor Laurel
Cupressus species	Cypress trees
Delonix regia	Poinciana or Flamboyant
Erythrina species	Coral tree
Eucalyptus species	Gum tree
Ficus species	Fig tree
Fraxinus species	Ash
Gleditsia species	Honey Locust
Grevillea robusta	Silky Oak
Hymenosporum flavum	Native Frangipani
Jacaranda mimosifolia	Jacaranda
Ligustrum species	Privet
Liquidamber species	Liquid Amber
Lophostemon confertus	Brush Box
Magnolia grandiflora	Bull Bay Magnolia
Melaleuca species (large)	Paperbarks
Melia azedarach	White Cedar
Palm species	Palm
Pinus species	Pine
Platanus species	Plane tree
Populus species	Poplar
Quercus species	Oak
Salix species	Willow
Schinus species	Peppercorn tree
Stenocarpus sinuatus	Queensland Firewheel tree
Syncarpia glomulifera	Turpentine
Syzygium species	Lilly Pilly or Bush Cherry
Tamarix aphylla	Athel Pine
Tilia species	Linden or Lime tree
Tipuana tipu	Racehorse tree
Ulmus species	Elm
Zelkova serrata	Japanese Elm
	Tall growing fruit and nut trees

**PLAN**  
**BEFORE YOU**  
**PLANT**



*empowering*

For general enquiries  
call **13 23 91**

For supply interruptions  
call **13 20 80**

For interpreter services  
call **13 14 50**

**[essentialenergy.com.au/trees](https://essentialenergy.com.au/trees)**



Scan QR code to learn more

# Trees and powerlines



## Improving the way we manage vegetation near powerlines to improve how our communities look.

### Why does Essential Energy need to manage trees?

Trees growing into or falling onto powerlines pose a significant safety and power supply risk to our community.

Essential Energy and landowners have shared responsibilities under the *NSW Electricity Supply Act 1995* for preventing trees from impacting electricity network operation.

### How are trees trimmed?

Most trees near our powerlines network are trimmed using arborist techniques.

### Why does Essential Energy require some trees to be removed?

Trees are only removed where:

- > It is necessary to protect the power lines or safety of persons or property near the power lines
- > Alternatives (such as undergrounding the powerline) are known to not be feasible (including economically feasible)
- > Acting in accordance with our Vegetation Management Plan.

### Who will remove the tree?

Where a tree must be removed, Essential Energy employs qualified vegetation management specialists to consult with the tree owner to explain why and how the tree removal must occur.

Tree removal must be undertaken in a safe manner and sometimes this requires powerline de-energisation or road traffic control

## Examples of trees Essential Energy may seek to remove



Poor tree health posing safety risk.



Fast branch regrowth exceeding trimming frequency.



Tree physically unable to live outside of clearance space.



Does not respond to directional pruning techniques.



Aesthetics of the tree after pruning are unacceptable such that it would be more appropriate to fully remove.

# Trees and powerlines



## How often are trees near powerlines inspected?

Inspection cycle times are dependant upon factors such as rate of growth, possible fire risk, climate and type of vegetation.

## Will I be notified if work is required?

Essential Energy will consult with the landholder if vegetation is identified as encroaching upon or has the potential to encroach upon minimum safe vegetation clearances.

Notification of intended vegetation works may include:

- > An initial site inspection to scope required works
- > Discussions with the landholder, either verbal or by Notification letter, advising the scope of work
- > Notification letters provide details of work required and include contact details
- > Landholder notification is provided for works involving tree removal and consent is sought prior to work commencing.

## Managing street trees?

Essential Energy will work with Councils in a cooperative manner to ensure effective vegetation management in the best interests of the community as a whole.

Essential Energy will consult with councils where specific street trees are identified for removal.



Scan QR code to learn more.  
More information on how and why Essential Energy manages vegetation near powerlines can also be found at

## Who should I speak to if I have further questions?

For vegetation enquiries call **13 23 91**

For supply interruptions call **13 20 80**

If you see trees or tall growing vegetation touching or overhanging powerlines, please call Essential Energy on **13 23 91** so we can investigate.

If you see a tree in contact with powerlines following hazardous weather or any other incident, call us immediately and ensure all onlookers remain at least **8 metres clear**.

Comments:

# GRAFTON HERITAGE TREE SURVEY

John Wrigley,  
P.O. Box 1639,  
COFFS HARBOUR,  
NSW, 2450

FEBRUARY 1991

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## Introduction

In January 1991, Grafton City Council engaged the author to undertake a survey of the trees in the parks and streets of the city's urban areas. This commission was confirmed in writing on 1<sup>st</sup> February 1991 – Order No. 51889.

The survey was intended to identify those trees that were deemed to be items of environmental/cultural heritage and to prepare a catalogue of trees so identified.

Grafton's reputation as a city of trees is well known. In particular, of course, its jacarandas have attracted much attention during the main flowering period in November. There are, however, many other trees in the city that help to consolidate this reputation. Some, such as the Breimba Street figs have already been placed on the National Trust register and several other genera are included in the recently adopted Local Environment Plan.

It was resolved that a complete catalogue of all trees that contribute to the city's heritage was of paramount importance to greatly reinforce the preliminary assessment undertaken during the production of the Local Environment Plan.

## Method

All trees in the streets and parks of urban Grafton were physically surveyed and assessed. They were then assigned to one of the following categories or if they were considered to be of negligible long term value, they were not recorded.

### Categories:

1. Remnant species – trees indicative of pre-European vegetation types.
2. Unusual/Rare species – trees that are considered unusual or rare within the region. This category included trees that were uncommon in cultivation.
3. Large or potentially large species – trees that contribute or have the potential to contribute, either individually or as part of an avenue, to the character of the city as a regional centre for large trees.

These trees were tabulated in the analysis pages of this report, locating them in terms of suburb, street and section and side of street. Their botanic and common names were noted as well as any relevant comment on their condition.



### Criteria

While the aforementioned categories are fairly specific, it is important to enlarge on some details.

It was not always possible to determine with certainty, whether a tree was a remnant of the original vegetation or whether it was planted during the early settlement of Grafton. In these cases a '?' has been inserted against the category number.

In the case of rare or unusual trees, the assessment is essentially a subjective one, based on the author's knowledge of the plants of the area and those that are in cultivation on the north coast. Only in one case, the white lace flower, (*Archidendron hendersonii*) which is growing in Duke Street, between Victoria and Fitzroy Streets, is a plant officially listed as rare and endangered. The other trees listed in this category, are not particularly rare in nature but are unusual in cultivation and deserve to be recognised as such. In several instances, these plants are quite small but have the potential to be fine examples of Australian rainforest trees of which the city will be proud.

For the category of large or potentially large trees, some latitude has been applied to their selection and an explanation is necessary on the methods used to determine their inclusion.

Some plants listed in this category are currently quite small. In most cases, however, they are a continuation of an avenue planting of a species that has much larger representatives in the same street. In other cases, they may be part of a relatively new planting of a species that has the potential to develop into a fine avenue. In both of these cases a comment is added to the analysis indicating that small plants are included.

Some older trees are included on the list, although they may be in relatively poor condition. Their removal, however, would cause an unsightly gap as they are currently adding to the leafy appearance of the street. In these cases, efforts should be made to either remove dead wood and attempt to recover the health of the tree or underplant it and remove it in two or three years time. A comment is made in the remarks column when an unthrifty tree is included.

Trees that are in poor condition and because of this, add nothing to the appearance of the street have not been included.

Camphor laurel trees are extensively planted throughout Grafton. They, undoubtedly, add considerably to the leafy atmosphere of the city. Unfortunately this species which comes from China and Japan, has naturalised in many parts of the north coast to the detriment of our native plants. Its seed is spread by birds and as it is virtually pest free in the Australian environment its growth is fast and it soon overwhelms the native vegetation. The many large specimens have been included in this survey as there is no doubt of their contribution to the character of the city. It is strongly recommended, however, that no further plantings of the species be made and that a gradual replacement programme be undertaken to substitute less noxious species.

Also, in respect to camphor laurels, some individual trees have been very severely pollarded in recent years and although most have grown away from this treatment, their long term value is doubtful. In some cases these plants have been included with a comment and it is suggested that they, too, be subject to a carefully considered replacement programme. It is suggested that pollarding of street trees should rarely be necessary if the correct selection of species is made initially.

A number of specimens of Italian cypress (*Cupressus sempervirens*) are present in various locations of the city. Some of these are in poor condition and have been omitted from the survey. Others are growing well and have been included. Their inclusion, however, is made with some misgivings, as they are a plant of colder and drier climates and do little to add to the sub-tropical atmosphere of the area. Consideration should be given to their long term replacement.

Several species have been excluded from the survey. These are the diamond-leaf pittosporum (*Pittosporum rhombifolium*), the Queen of or cocos palm (*Syagrus romanzoffianum*), oleander (*Nerium oleander*) and the willows (*Salix* spp).

The diamond-leaf pittosporum is a handsome plant in ideal situations for several years but on ageing it becomes very woody and die-back is usually evident in the upper branches. Although several good specimens were seen, it was not considered worthy of inclusion in the survey and further plantings are not recommended.

The Queen palm has been overplanted on the north coast and on the Gold Coast. It has become naturalised in some areas and is a possible threat to bushland. It is an untidy palm as it retains its old dead fronds. With the exception of three large specimens in The Boulevard park, this

species has been excluded and further plantings should be discouraged.

Oleander is planted extensively along Arthur Street. It was excluded, both because of its toxic properties and also that it has a shrubby form rather than a tree form.

A planting of various willows was also excluded as they were considered inappropriate street trees. Such a planting may be better used in a park or botanic garden type situation where they could be interpreted with explanatory labels.

Statistics

A number of statistics may be drawn from the survey which could be used in the publicity brochures that it is intended to produce. These are given below.

- No. of species in Category 1 – 12
- No. of individual trees in Category 1 – Uncertain as some forest areas were not counted.
- No. of species in Category 2 – 25
- No. of individual trees in Category 2 – 50

- No. of species in Category 3 – 93
- No. of individual species in Category 3 – 3888+
- Total number of individual plants included in the survey analysis – approximately 4000\*
  - \* This number is uncertain as some forest areas were not counted.

Species in Category 1

<i>Celtis paniculata</i>	1
<i>Dysoxylum Muelleri</i>	1
<i>Elaeocarpus obovatus</i>	1
<i>Eucalyptus amplifolia</i>	-
<i>Eucalyptus maculate</i>	-
<i>Eucalyptus moluccana</i>	-
<i>Eucalyptus tereticornis</i>	12
<i>Euroschinus falcate</i>	1
<i>Ficus macrophylla</i>	2
<i>Ficus rubiginosa</i>	1
<i>Ficus virens</i>	1
<i>Lophostemon suaveolens</i>	3

Species in Category 2

<i>Acacia salicina</i>	1
<i>Archidendron hendersonii</i>	1
<i>Argyrodendron trifoliolatum</i>	1
<i>Backhousia citriodora</i>	1
<i>Brachychiton rupestris</i>	4
<i>Celtis paniculata</i>	1
<i>Chorisia insignis</i>	1
<i>Elaeocarpus angustifolius</i>	4
<i>Elaeocarpus obovatus</i>	1
<i>Erythrina vespertilio</i>	1
<i>Fagus sylvatica</i> cv.	1
<i>Ficus religiosa</i>	2
<i>Flindersia australis</i>	6
<i>Ginkgo biloba</i>	1
<i>Gmelina leichhardtii</i>	1
<i>Harpullia hillii</i>	5
<i>Lageerstroemia speciosa</i>	1
<i>Phytolacca dioica</i>	2
<i>Podocarpus elatus</i>	4
<i>Podocarpus falcatus</i>	2
<i>Podocarpus spinulosus</i>	1
<i>Tabebuia argentea</i>	1
<i>Taxodium distichum</i>	6
<i>Toona australis</i>	2
<i>Xanthostemon chrysanthus</i>	3

Species in Category 3

<i>Acacia elata</i>	1
<i>Agonis flexuosa</i>	3
<i>Araucaria bidwillii</i>	7
<i>Araucaria cunninghamii</i>	5
<i>Araucaria heterophylla</i>	3
<i>Bauhinia purpurea</i>	44
<i>Brachychiton acerifolius</i>	29
<i>Brachychiton discolor</i>	16
<i>Brachychiton hybrid</i>	14
<i>Brachychiton populneus</i>	5
<i>Buchinghamia celsissima</i>	23
<i>Caesalpinia ferrea</i>	73+
<i>Callistemon salignus</i>	2
<i>Callistemon viminalis</i>	9
<i>Callitris columellaris</i>	4
<i>Calodendrum capense</i>	99
<i>Carya illinoensis</i>	36
<i>Cassia fistula</i>	105
<i>Cassia javanica</i>	41
<i>Castanospermum australe</i>	28
<i>Casuarina glauca</i>	65+
<i>Cedrus deodara</i>	1
<i>Chamaecyparis pisifera</i>	4
<i>Chorisia speciosa</i>	2
<i>Cinnamomum camphora</i>	422
<i>Citherexylum fruticosum</i>	17

Species in Category 3 (Cont)

<i>Cupaniopsis anacardioides</i>	1	<i>Hibiscus tiliaceus</i>	11
<i>Cupressus macrocarpa</i>	1	<i>Hymenosporum flavum</i>	5
<i>Cupressus sempervirens</i>	15	<i>Jacaranda mimosifolia</i>	1,457
<i>Cupressus sp.</i>	1	<i>Koelreuteria paniculate</i>	32
<i>Delonix regia</i>	146	<i>Lagerstroemia indica</i>	241
<i>Dysoxylum fraserianum</i>	1	<i>Liquidambar styraciflua</i>	56
<i>Elaeocarpus reticulatus</i>	21	<i>Lophostemon confertus</i>	8
<i>Eriobotrya japonica</i>	1	<i>Magnolia grandiflora</i>	8
<i>Erythrina crista-galli</i>	1	<i>Mangifera indica</i>	5
<i>Eucalyptus citriodora</i>	27	<i>Melaleuca leucadendra</i>	1
<i>Eucalyptus elata</i>	10	<i>Melaleuca quinquenervia</i>	6
<i>Eucalyptus grandis</i>	1	<i>Melaleuca styphelioides</i>	9
<i>Eucalyptus maculate</i>	4+	<i>Melia azedarach</i>	5
<i>Eucalyptus microcorys</i>	8	<i>Michelia figo</i>	1
<i>Eucalyptus nicholii</i>	1	<i>Morus alba</i>	1
<i>Eucalyptus saligna</i>	1	<i>Phoenix canariensis</i>	13
<i>Eucalyptus sideroxylon</i>	1	<i>Pinus elliotii</i>	1
<i>Eucalyptus torelliana</i>	15	<i>Pinus patula</i>	1
<i>Eucalyptus viminalis</i>	1	<i>Pittosporum ?rubiginosum</i>	14
<i>Euodia elleryana</i>	5	<i>Platanus x acerifolius</i>	80
<i>Ficus macrophylla</i>	8	<i>Populus nigra cv.</i>	5+
<i>Ficus microphylla var. hillii</i>	57	<i>Quercus robur</i>	40
<i>Ficus rubiginosa</i>	18	<i>Roystonea regia</i>	2
<i>Grevillea robusta</i>	36	<i>Sapium sebiferum</i>	3
<i>Harpephyllum caffrum</i>	1	<i>Schefflera actinophylla</i>	1
<i>Harpullia pendula</i>	205+	<i>Schinus terebinthifolius</i>	1
		<i>Schizolobium parahybum</i>	6
		<i>Schotia brachypetala</i>	3

Species in Category 3 (Cont)

<i>Spathodea campanulate</i>	55
<i>Stenocarpus sinuatus</i>	72
<i>Syagrus romanzoffianum</i>	3
<i>Syncarpia glomulifera</i>	1
<i>Syzygium jambos</i>	2
<i>Syzygium luehmannii</i>	4
<i>Tabebuia chrysantha</i>	57
<i>Tabebuia rosea</i>	10
<i>Tabebuia sp.</i>	1
<i>Thevetia peruviana</i>	2
<i>Tipuana tipu</i>	9
<i>Tristaniopsis laurina</i>	6
<i>Ulmus parvifolia</i>	5
<i>Washingtonia robusta</i>	2

Summary and Recommendations

It was unnecessary to resort to a survey such as this to discover that jacarandas are the dominant tree in Grafton. With 1,457 trees included in the table, they represent almost one third of the city's trees. Camphor laurels, with 422 trees and almost all very large are the next most common. Crepe myrtles (241) and tulipwoods (205+) follow, with poincianas (146) and golden shower trees (105 the only others to exceed the century.

The newer plantings in the city have created a welcome diversity and it is encouraging to see plantings of trumpet flowers (*Tabebuia* spp.) and ivory curl flower (*Buckinghamia celsissima*) used in the new suburbs.

It is desirable for Grafton to achieve this diversity of trees so that the city does not rely on the jacaranda solely for its attraction to visitors. To promote itself as a city of trees, it is essential to have interest the whole year. In a climate such as Grafton it is easy to do this and much has already been attained towards this end.

Although recommendations for future plantings were not part of the brief, the author has taken the liberty of offering several suggestions below for consideration when new plantings are undertaken or replacement of camphor laurels is at hand.

*Syzygium luehmannii*  
*Tristaniopsis laurina*  
*Darlingia darlingiana*  
*Metrosideros thomasi*  
*Xanthostemon chrysanthus*  
*Arytera lautereriana*  
*Cassia brewsteri* subsp. *marksiana*

These species would add some variety of flowering time, foliage contrast and flower colour. Some are already being grown in small numbers.

Grafton should be proud of its achievements in creating a leafy environment, probably unsurpassed in any other Australian city. May its present and future administrators continue this effort in the future.



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## Key to Symbols

Street Name: Includes Parks

Location: Indicates the section of the street between the named cross streets.

Side: Side of Street

N – North; S – South; E – East; W – West

Cat: Refers to Category

1. Remnant Species – trees indicative of pre-European vegetation types.
2. Unusual/Rare Species – trees that are considered rare or unusual within the region.
3. Large or potentially large species – trees that contribute or have the potential to contribute, either individually or as part of an avenue, to the character of the city as the regional centre for large trees.

Species: Botanical name of tree

Common Name: The generally accepted common name. Plants often have more than one common name.

Remark: Any other relevant comments.

GRAFTON MAP



**8. CONFIDENTIAL BUSINESS****OFFICER RECOMMENDATION**

That Council move into closed session to consider the following items in accordance with the Local Government Act 1993:

1. 08.22.005 Grafton Airspace Development - 10A(2) (e) *The report contains information that would, if disclosed, prejudice the maintenance of law and 10A(2) (g) The report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege*

**ITEM 08.22.005 GRAFTON AIRSPACE DEVELOPMENT**

**Meeting** Council 23 August 2022

**Directorate** General Manager

**Prepared by** A/General Manager, Laura Black

**Attachments** A. Confidential Report to May 2021 Ordinary Meeting - Option on Airspace (Confidential)  
B. Local Government Legal Letter of Advice (Confidential)

**CONFIDENTIAL** *The General Manager advises that the following matter be dealt with in Closed Session as the matter and information are confidential in accordance with the Local Government Act 1993 Section*

*10A(2) (e) The report contains information that would, if disclosed, prejudice the maintenance of law*

*10A(2) (g) The report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege*

**9. QUESTIONS WITH NOTICE**

Nil

**10. LATE ITEMS OF BUSINESS AND MATTERS ARISING****11. CLOSE OF ORDINARY MEETING**