

Ordinary Council Meeting

Business Paper

Maclean - 23 July 2024 - 3:00 PM



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5. MAYORAL MINUTES**ITEM 05.24.006 MAYORAL MINUTE
NSW GOVERNMENT LEVY ON BURIALS AND CREMATIONS**

Meeting	Council	23 July 2024
Submitted by	Cr Peter Johnstone	
Attachments	Nil	

SUMMARY

NSW Government has announced a new cost shift onto Council and our community, by imposing a new tax on burials, cremations, and ash interments.

PROPOSED MOTION

That Council:

1. note that the NSW Government has announced a new cost shift onto Council and our community, by imposing a new tax on burials, cremations and ash interments.
2. write to the NSW Premier and Minister for Lands and Property asking that they urgently reverse their decision to impose a new tax on all burials and cremations.

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership

Objective We will have a strong, accountable and representative Government

BACKGROUND

The NSW Government has confirmed that from 1 July 2024 a new tax will be levied on cemetery operators carrying out more than 50 burials a year. For smaller operators the levy will commence from 1 July 2025.

The tax will be set at:

- \$156 per burial,
- \$63 per ash interment, and
- \$41 per cremation

The levy is intended to fund the costs of the NSW Government's cemeteries agency and thus improve the NSW Government's bottom line.

Disappointingly, the NSW Budget this year did not make provision to cease introduction of the levy.

Clarence Valley Council operates 13 cemeteries for the community as follows;

- Clarence Lawn
- Copmanhurst
- Coutts Crossing
- Eatonsville/Mylneford
- Glenreagh
- Grafton
- Iluka
- Lawrence
- Maclean Lawn
- Nymboida
- Maclean
- South Grafton
- Ulmarra

Clarence Valley Council is considered a large operator, and so the levy is scheduled to apply from 1 July 2024.

Cemeteries and Crematoria NSW (CCNSW – the cemeteries regulator) has advised that councils may choose whether they pass the levy onto the customer but has not explained how else councils should fund the cost of this levy. Councils cannot absorb this levy into current operational budgets and will therefore have to pass on the levy to their residents and community members. This then makes interment services more expensive for individuals and families who are grieving through what will be for many people the most challenging circumstances of their lives.

Respectful and affordable interment services are a critical public good provided by local government cemetery operators.

The most recently available CCNSW annual activity report (2022-23) shows that:

- 110 of the 128 local government authorities in NSW operate cemeteries or crematoria.
 - 14 of those councils are based in metropolitan Sydney and
 - 96 are based in rural and regional NSW.
- Councils in NSW were responsible for 667 active cemeteries in NSW accounting for 68% of the total.
- Councils are the largest provider of bodily interment in NSW, responsible for 42% of burials in 2022-23, and in rural and regional NSW this rises to more than 80% of all burials.
- Councils undertook 31% of ash interments of cremated remains.

As a new cost shift onto councils and communities, this interment levy should be opposed in-principle, but it is particularly disappointing that this levy is being imposed on the bereaved during a cost-of-living crisis. Local Government NSW's latest cost shifting report (www.lgnsw.org.au/costshifting) found that cost shifting had increased to \$1.36 billion annually for 2021-22. On average, this represents an additional cost of \$460.67 for every ratepayer across the state, and this represents lost services, lost opportunity and lost amenity for all our residents and communities.

Pre-need purchased interments

Tens of thousands of NSW residents have already purchased pre-need interments, and in some cases the contracts state that no further charges can apply at the time of interment.

In these cases, councils will likely not be able to pass on the costs of the levy, and will have to absorb it – a direct and unfunded cost shift from the NSW Government onto councils.

For Council, the direct cost shift from the NSW Government in order to fund the levy on each of our known purchased pre-need interments amounts to \$780.00.

NSW Government revenue raising

The proposed levy would raise a substantial amount of money for the NSW Government. Based on interment numbers from the CCNSW annual activity report 2022-23, the levy would raise more than \$5.7 million. CCNSW's total expenses for 2022-23 were less than \$3 million. This disparity between proposed revenue and expected expenses suggests that the proposed interment levy has been set at an excessive level. Further, the funds collected will not go towards improving cemeteries. The funds will not be used for improved customer service or for better maintenance of cemeteries. Instead, the increased tax on grieving families will be used to fund the NSW Government's cemeteries agency and improve the NSW Government's bottom line.

This is reflective of the Waste Levy imposed on communities, which now amounts to almost \$1 billion annually, the vast majority of which is funnelled directly into the NSW Government's consolidated revenue fund.

If the NSW Government intends to increase regulation of cemetery operators, it needs to justify this decision to the community and fund the costs of this regulation from its own core budget.

As a result of this new tax on our community I move,
That Council:

1. note that the NSW Government has announced a new cost shift onto Council and our community, by imposing a new tax on burials, cremations and ash interments.
2. write to the NSW Premier and Minister for Lands and Property asking that they urgently reverse their decision to impose a new tax on all burials and cremations.

6. NOTICES OF MOTION

Nil

7. REPORTS**OFFICE OF THE GENERAL MANAGER****ITEM 07.24.115 CR JOHNSTONE - CONFERENCE REPORT**

Meeting	Council	23 July 2024
Directorate	General Manager	
Attachments	Nil	

SUMMARY

Cr Johnstone attended the 2024 Regional Forum, ALGA Conference and Australian Councils of Local Government conference held in Canberra from the 2nd to 5th July.

OFFICER RECOMMENDATION

That Council note the information provided by Councillor Peter Johnstone after attending the 2024 Regional Forum & ALGA Conference.

2024 Regional Forum 2nd July

State of the Regions – by Nicki Huntley Economist, Morven Cameron (Lake Macquarie City Council) and Cr Bob Turner (Melton City Council).

Nicki presented the Key Note speech and in my opinion summarised the situation faced by Regional Australia well. She set out the key risks as being Geopolitical, Adapting to Climate Change/net zero, Digital Economy including AI and Demographics.

Nicki stated that Regional Australia should try to gain comparative advantage, namely making the most out of Land (including Natural Resources), Labour (by improving education and skills) and Capital (using private and public.)

She talked of two means of enhancing advantage:

- Trickle down – target specific companies to come to our region.
- Trickle up – invest in infrastructure that will be enticing to business.

Nicki advised that council policies to attract business are most effective when consistent with our comparative advantage as Regional Councils.

She talked of trickle up enablers:

- Infrastructure – hard and soft
- Services
- People and Skills
- Housing and amenity.

Nicki highlighted several opportunities for growth in regional Australia:

- Net Zero transition
- Population serving
- Comparative advantage
- The digital age.

Regional housing forum. This was an opportunity for representatives of Greater Shepparton, Pyrenees Shire, Quilpie Shire and Orange City Councils to talk about things their councils have done. In my opinion, there really wasn't much that would be transferable to Clarence Valley Council.

This was followed by break out sessions that could be chosen by conference delegates. I attended the energy transition session. There were a variety of facilitators, but this was mostly comments and questions from the floor.

My impressions of the **Energy Transition** Breakout Session were:

Many councillors and mayors from areas with Renewable Energy Zones are frustrated that the installation of wind turbines and solar farms is having a very negative impact on their communities and they are not being adequately compensated for this. Small towns are getting a sudden influx of builders who need accommodation, water, sewage, electricity, schools, shops and so on, yet when the renewable energy generators are installed these builders will mostly leave and the facilities that were created for them will become redundant and a burden on the community. They also want clarity on what will happen when those renewable generators come to the end of their design life (about 25 years). Who will be responsible for dealing with/recycling the turbines and panels that have to be replaced or removed? In theory, I understand that it is the landowner who bears this responsibility, but councillors were wanting reassurance from the state government should the landowner declare bankruptcy. Who will take up the costs of rehabilitation and potentially putting these turbines and solar panels into landfill?

There was also concern from neighbouring LGAs through which transmission lines will be or are being built. My impression was a clear distinction between metropolitan mayors and councillors who seemed delighted with the progress of net zero transition, and regional mayors and councillors who see problems and implications with the turbines and solar farms that are being installed in their area.

There was also discussion on how the 70% or so of fossil fuel power that is used each night in the Eastern states will be replaced. Some seeing this as a major problem whilst others were dismissive. There was mention of the forthcoming change to consumer solar feed in tariffs whereby people who have invested in solar panels could potentially be charged to put power into the grid during peak solar in the middle of the day.

ALGA Conference 3rd – 4th July

There followed the first of two days of the full ALGA conference. It started with an address by the new Governor General, Her Excellency the Honourable Ms Sam Mostyn AC and by speeches by Catherine King for the Labor government and Bridget Mackenzie for the coalition. Linda Scott, the president of ALGA then spoke in her last conference before she steps down as a councillor and as president of ALGA.

There was a question and answer session with Annabel Crabb of the ABC regarding politics and civil engagement which was followed by a "Local Government Report." by Marcus Spiller of SGS Economics and Planning.

In my opinion, Marcus spoke very well about the financial situation and challenges facing local government as he talked through a series of slides. The first compared federal, state and local government spending per capita and showed that whilst federal and state spending has more than doubled in the last 12 years, state spending has remained fairly steady. He said in the next slide that good local government finance required fiscal autonomy, fiscal equalisation and subsidiarity and showed graphics that illustrated these points. Marcus spoke about the effect on councils' independence and decision making abilities of the increasing number of grants that are tied to specific outcomes and only gained competitively. He completed his talk by discussing council assets and depreciation.

The afternoon was spent debating motions that had been submitted by councils. Most were passed unanimously.

The first talk on the final day of the ALGA conference was by Simon Kuestemacher of the Demographics group. I find demographics very interesting, so this was probably my favourite presentation of the conference. It was in many ways a sobering assessment of the challenges regional areas will face with an aging population and of attracting suitable workers when most of Australia and indeed the world will be seeking the same people. We can already see these challenges in the Clarence Valley. He suggested that to successfully attract key people, Regional areas and particularly councils in those areas needed to be "loud and proud" about the advantages of working in a regional council, emphasising the advantages of local employment, work/life balance and flexible working. He also urged that we need to consider how low income workers can be attracted by the provision of low cost housing.

The remaining sessions in the day were given over to panel discussions on "Addressing Intergenerational Trust", "Community Trust in the Built Environment" and completing the debating of motions submitted by council. Again, most motions were passed unanimously.

Australian Council of Local Governments – 5 July

The final day in Canberra was the Australian Council of Local Government which was led by the Federal Government. There were speeches by Kristy McBain, Anthony Albanese followed by a panel discussion on service delivery, housing, communications, skills and capacity. It is clear that many people are aware of the

problems faced by local government and the Australian community as a whole, but there are not many potential solutions being proposed.

The panel on Disaster Recovery and Resilience repeated many of the things we know or are already doing in either the Clarence Valley or the Northern Rivers Joint Organisation.

The panel on Climate Change and Renewable Energy covered much of the same ground as the energy transition session I attended on the first day, other than Chris Bowen had a far more positive take on the impact of the Renewable Energy Zones (REZs) than the Mayors from where the REZs are being created.

In addition to the formal sessions, I was able to meet with a large number of Mayors, Councillors and staff from councils across Australia. It was a valuable opportunity to talk through our mutual concerns and learn more about the challenges and joys of local government elsewhere. I had discussions with the Mayors of Byron Bay, Tweed, Bellingen and Coffs and met the Mayors of the nearby LGAs Tenterfield, Kempsey and Glen Innes for the first time among many other contacts that I made.

Several Mayors from our area were invited to Parliament to meet with Senators Jenny McAllister and Tim Ayres and Justine Elliott MP to speak about our communities. Jenny is the duty Labor senator for our area and responded positively to my invitation to visit.

ENVIRONMENT & PLANNING**ITEM 07.24.116 DA2023/0552 - MULTI-DWELLING HOUSING (14 UNITS) AND SWIMMING POOLS - 1 MULGI STREET, YAMBA**

Meeting	Council	23 July 2024
Directorate	Environment & Planning	
Prepared by	Development Planner (Systems), Carmen Landers	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. DA2023-0552 - Plans (Separate Cover) ⇒ B. DA2023-0552 - Planning Assessment Report (Separate Cover) ⇒ C. DA2023-0552 - Stormwater Management Plan (Separate Cover) ⇒ D. DA2023-0552 - Flood Risk Impact and Management Plan (Separate Cover) ⇒ E. DA2023-0552 - Arboricultural Impact Assessment (Separate Cover) ⇒ F. DA2023-0552 - Submissions (Separate Cover) ⇒ G. DA2023-0552 - Landscape Plans (Separate Cover) ⇒ H. DA2023-0552 - Shadow Diagrams ↓ I. DA2023-0552 - Waste Management Plan (Separate Cover) ⇒ J. DA2023-0552 - Civil Engineering Plans ↓ K. DA2023-0552 - Consultant Advice Note Afflux Maps ↓	

SUMMARY

<i>Applicant</i>	A Sutherland C/- Done Family Settlement
<i>Owner</i>	Project In Yamba Pty Ltd
<i>Address</i>	1 Mulgi Street, Yamba being Lot 70 DP751395
<i>Submissions</i>	Nine (9) objections

Development Application DA2023/0552 seeks approval for a multi dwelling housing unit development (14 units) and swimming pools upon 1 Mulgi Street, Yamba being Lot 70 DP751395.

The proposed development was advertised and notified in accordance with Council's Community Participation Plan. A total of nine (9) submissions were received during the exhibition period which raised concerns regarding flooding, stormwater, landscaping, parking, solar access, visual privacy and noise impacts. The matters are discussed in detail in the key issues section of this report.

The assessment and reporting of this application were undertaken in collaboration with the Planning Delivery Unit of the NSW Department of Planning, Housing and Infrastructure (DPHI), as part of the NSW Regional Housing Flying Squad (RHFS) program. The program aims to assist with the development assessment of certain residential developments for councils in regional areas who are experiencing high amounts of development applications. The report recommended approval subject to the imposition of conditions of consent.

The application is referred to Council for determination due to the public interest in the proposal and the applicant seeking a number of variations to the Clarence Valley Development Control Plan – Environmental Protection, Recreation and Special Use Zone 2011. The report provides an assessment of the application and a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That Council:

1. support proposed variations to the Environmental Protection, Recreation and Special Use Zones Development Control Plan 2011; and
2. approve Development Application DA2023/0552 subject to the Condition contained in Schedule 1.

LINKAGE TO OUR COMMUNITY PLAN

- Theme Leadership
- Objective We will have a strong, accountable and representative Government

KEY ISSUES

Site Description

The site comprises an area of 3,250m² of SP3 Tourist zoned land under the *Clarence Valley Local Environmental Plan 2011* (the LEP). The site is legally described as Lot 70 DP751395. The site is located 700m west of the Yamba Central Business District (CBD). The site is vacant and slopes upward towards the centre of the site and then downwards towards the rear boundary, the lowest point at 1.42m Australian Height Datum (AHD) at the southern front boundary with the highest point at 2.15m AHD located in the centre of the site.

Under the Lower Clarence Flood Model Update 2013 (2013 Flood Model), the site is mapped as flood prone, with the 1% annual exceedance probability (AEP) flood (i.e. 1:100 year flood) level of 2.3m AHD with a corresponding Flood Planning Level (FPL) of 2.8m AHD, which includes 500mm freeboard. This issue is discussed further under flooding considerations below.

The site is not mapped as being bushfire prone, however bushfire prone land is located to the south of the site.

The subject site contains very little vegetation, with existing vegetation predominantly located at the frontage of the site within the road reserve.

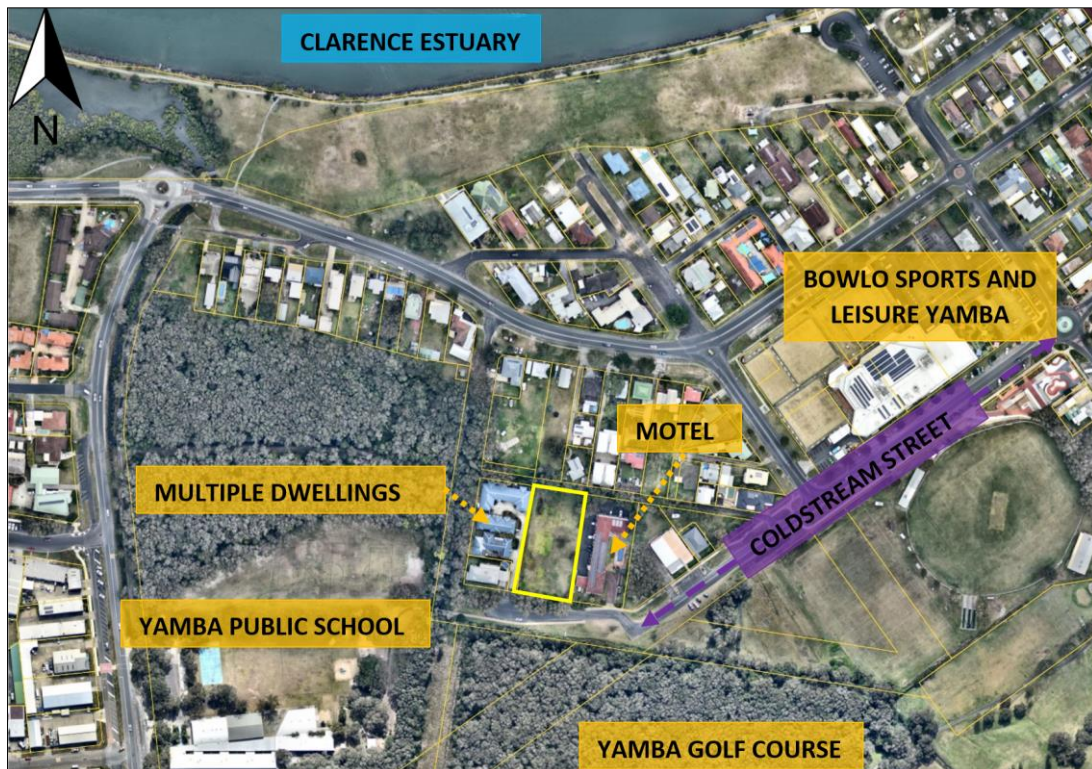


Figure 1 – Aerial view of the subject site highlighted in yellow

Proposed Development

The Applicant is seeking development consent for the construction of multi-dwelling housing (14 units) and four (4) swimming pools (the development). The development includes two unit types, Type A and B, distributed across six buildings and two freestanding units. Building 2-7 contain two units in each, Building 1 and Building 8 contain one unit each.

All units are two storey townhouses, comprising of three bedrooms, double garage and private open space (POS) at the rear of the unit. Type A units are larger in gross floor area (GFA) to Type B units, containing additional storage and a balcony.

Units 1, 7, 8 and 14 propose private swimming pools within their private open space area.

Vehicular access to the site is proposed off Mulgi Street.

A copy of the plans is provided in **Attachment A**.



Figure 2 – Site Plan



Figure 3 – Perspective as viewed from Mulgi Street



Figure 4 – Internal Perspective

Assessment Summary

Planning Controls

The subject land is zoned SP3 Tourist under the LEP. The proposed multi dwelling housing development is permissible with consent within the zone.

The issues discussed below include an assessment of proposed non compliances with the Environmental Protection, Recreation and Special Use Zone Development Control Plan 2011 (the DCP), flooding and stormwater considerations, and other issues raised within the submissions including noise and amenity impacts, parking and road access.

1. Compliance with the Development Control Plan – Environmental Protection, Recreation and Special Use Zone 2011

Clause A9 of the DCP allows the applicant to seek a variation to the DCP subject to written justification for the departure from the control.

The proposed variations are summarised and discussed in the below Table 1. A detailed assessment of each variation is contained in the section 4.15 Planning Assessment Report (refer to section 4.4 in **Attachment B**).

Table 1 – DCP non compliances

Chapter	Control	Proposed	Comments
Clause C14.1 Landscaped areas	35% for SP3 Land (1137.5m ²)	30.2% (980m ²)	<ul style="list-style-type: none"> As shown in the proposed Plans (Attachment A) and Landscape Plans (Attachment G), the development will retain established vegetation within the southern frontage of the site, with deep planting proposed along the western and eastern boundary. Entry gardens are incorporated along the entrance to the site, as well as along the driveway where space is available. The landscaping will create a focal point within the communal areas, incorporating high-quality planting through the entrance off Mulgi Street through to the entrances to each unit.

			<ul style="list-style-type: none"> • The shortfall in landscaped area is considered acceptable as the landscaping proposed is of a high quality, incorporating species which are sensitive to the local climate, provide adequate visual softening to the built form and is of a design that is well integrated with the development. • Adequate stormwater detention for the proposal has been provided to cater for the additional hardstand area • The development provides for compliant parking (for each unit and visitor car parking) which contributes to the shortfall in landscaped area. • A condition of consent has been recommended requiring the preparation, submission and approval of a detailed Landscape Plan prior to the issue of a Construction Certificate.
Clause C15.2 Private Open Space	Level area of 50m ² , minimum dimension of 4.5m, direct access to living areas, located on north or eastern side and behind the building setback	Units 3, 4, 11 and 12 have less than the required 50m ² with an area of 42.6m ² each	<ul style="list-style-type: none"> • The units with a shortfall of Private Open Space (POS) are considered to maintain an acceptable level of useable POS. • Each unit has direct living room access to the POS area. • The development benefits from its location, being located 300m south of the foreshore of Clarence River and located within walking distance to the CBD and sporting fields. • The variation of the POS is considered acceptable given each unit will benefit from POS which is easily accessible from living areas and benefits from solar access throughout the year, as well as high quality landscaped areas throughout the development and overall meets the DCP requirements
Clause C17.1 Setbacks	6m front setback	4.8m front setback to balcony on first floor of Unit 1 and 14	<ul style="list-style-type: none"> • The balcony on the first floor of Unit 1 and 14 encroach into the front setback by 1.2m • The encroachment of balconies into the area was created due to an adjustment of the buildings and relocation of the visitor carparking space adjacent Unit 7 to avoid the zone of influence of the sewer located at the rear of the property. • As the balconies are open structures, the encroachment does result in any impact on sightlines or visibility for pedestrians and will not impact on POS areas of any adjoining residences. • Deep planting, as well as screening shrubs, are included throughout the development including within the road reserve the site frontage, which provide for a building form that does not dominate the street frontage. • Setbacks to the primary front building walls are fully compliant at 6.2m.
Clause C19.2 Maximum Top Plate Height	6.5m top plate height	6.85m top plate height	<ul style="list-style-type: none"> • The development demonstrates a compliant total building height, of 9.0m as set by the LEP.

			<ul style="list-style-type: none"> • The variation of 350mm to the top plate height within the skillion roof will not result in a development which is greater in height, bulk or scale. • The variation to the maximum top plate height is considered minor, furthermore, the design of the development is of a high quality to support the exceedance. • The development is otherwise compliant with the maximum building height under the LEP and side/rear setbacks under the DCP and does not result in overshadowing of adjoining development or POS within the development. • The variation is considered to be managed appropriately and meets the objectives of the DCP.
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Summary

The variations to the DCP are considered to be generally minor in nature and do not compromise the overall objectives of the relevant clauses of the DCP. There are no LEP variations to building height and the proposal complies with the LEP with the above variations to the DCP requirements only. It is deemed the applicant has provided suitable justification for departure from the DCP requirements and overall objectives of the DCP have been achieved.

The development is consistent with the aims of the DCP to provide a functional and appropriate land use which is responsive to the site constraints and surround environment. The development complements the LEP, encouraging well-designed, high-quality development within tourist zones in the Clarence Valley. The proposed development is consistent with the SP3 Tourist Zone objectives to enable a range of residential accommodation that is compatible with the provision of tourism uses to assist with the off season viability of tourist-based development.

2. Stormwater Management

A concept Stormwater Management Report prepared by International Group Services (IGS) dated 28 November 2023 was submitted detailing the proposed on-site stormwater detention (OSD) and water quality measures to be implemented for the development (**Attachment C**). The legal and practical points of stormwater discharge of the development are nominated as Mulgi Street and Iolanthe Street. The consulting engineer has demonstrated through DRAINS modelling, that the proposed OSD will limit the post-development stormwater flowrate to less than the pre-development stormwater flowrate for all storms ranging from the 20% annual exceedance probability (AEP) up to the 1% AEP. The development complies with Part H of the Sustainable Water Controls part of the DCP and as such is unlikely to increase stormwater levels within the open drain due to OSD controls.

The consulting engineer has also demonstrated through MUSIC modelling that the proposed water quality measures will meet all of the water quality targets set out in Table H2 of the DCP. Stormwater for the development complies with Council's current development controls.

3. Flooding

Under the Lower Clarence Flood Model Update 2013 (2013 Flood Model), the site is mapped as being flood prone, with a 1% AEP flood level of 2.3m AHD and a corresponding Flood Planning Level (FPL) of 2.8m AHD, which includes 500mm freeboard. The development complies with the current flood planning controls.

Under the new Lower Clarence Flood Study Update 2022 (2022 flood model), the site is not mapped as being flood prone land under the 1 % AEP flood level, however, is shown as being flood affected at 2.6-2.7m AHD under the 1% AEP flood 2090 climate change scenario. Council adopted the interim flood planning levels at the 25 June 2024 Ordinary Council Meeting (Resolution 07.24.093), however these cannot be imposed until the DCP amendments have been adopted. Regardless, the applicant has considered the updated 2022 model and interim flood planning levels as part of their application and to address concerns raised in the submissions regarding flooding impacts.

A Flood Risk Impact and Management Report prepared by International Group Services (IGS) dated 30 August 2023 was submitted in support of the application (**Attachment D**). The report utilised the Yamba Floodplain Risk Management Study 2008, Yamba Floodplain Risk Management Plan 2009, and the DCP to establish design flood information for this site.

The development proposes filling of the land by up to 1m across the site to obtain the required minimum habitable floor levels. As per the Yamba Flood Risk Management Study 2008, landfilling is recommended for development in Yamba provided it does not cause nuisance to neighbouring properties and does not affect local drainage issues.

In response to concerns raised by staff and within the submissions regarding fill impacts, additional modelling and afflux mapping (**Attachment K**) using the 1% AEP Flood 2123 climate change scenario (i.e. the CC1 scenario from the 2022 Flood Model) was undertaken.

The applicant has demonstrated that the proposed fill will increase the maximum flow depth by an estimated 2mm towards the southern side of the property in the 1% AEP Flood 2123 climate change scenario, and no change in the hazard level results from the proposed fill. At the time of requesting information, Council had not yet adopted the interim flood planning levels and as such, the applicant has modelled the fill impacts on the 2123 scenario instead of the 2090 scenario. If the 2090 scenario was utilised the likely impact of the fill may be less. To reiterate, the land and adjoining land is not affected in the 1% AEP flood event in the 2022 flood model; it is only when the climate change scenarios come into consideration that any impacts are triggered.

Overall, the applicant has demonstrated that the filling of the land is not likely to significantly impact on adjoining properties as a result of afflux, as shown in **Figure 5** below. Additionally, the submitted material shows filling will not interfere with the existing flow paths, change velocity or increase hazard risk and as such, will not likely impact on neighbouring properties.

Surface water along the existing drain (the future Iolanthe Street) and within Mulgi Street flows towards Redman Lane and further to the dense vegetation in the western direction. The filling of the land is not likely to significantly interfere with the existing flow paths and as such, will not likely impact on neighbouring properties. Further onsite stormwater detention for the development reduces post-development stormwater flowrate to less than the pre-development stormwater flowrate for all storms ranging from the 20% AEP up to the 1% AEP and filling will not reduce flood storage areas.



Figure 5 – Afflux Map (post-pre) Water Surface Elevation Map (IGS 8 July 2024)

During storm events, the flows are contained within the front and rear of the site. A retaining wall around the site's perimeter is proposed to contain the proposed fill. An open-type fence is proposed on top of the retaining wall to allow flow passage where required. Thus, filling the site will not cause an additional nuisance to local drainage and neighbouring properties. (Refer to civil and stormwater plans by IGS at **Attachment J** and fencing details from landscape plans at **Attachment G** for more details).

Overall, the proposed flood impacts for the site and surrounding area have been considered against Council's current flood planning controls and it has been demonstrated that the proposed filling of land will not result in any detrimental impacts on the flood plain or overland flows on neighbouring properties.

Floor Levels and Flood Planning Levels (FPLs)

The interim FPL under the 1% AEP Flood 2090 climate change scenario will be 3.2m AHD (being a defined flood event of 2.7m + 500mm freeboard) which is the interim FPL for the site, noting deferred commencement pending DCP adoption, as per 25 June 2024 Ordinary Council Meeting (Resolution 07.24.093). As the interim FPLs have not yet commenced as statutory planning controls, the proposed development is required to comply with Council's current flood planning controls (which include climate change assumptions about sea level rise from the 2013 Flood Model).

Although the finished floor levels do not meet the 3.2m AHD FPL, the floor levels will be above the 1% AEP Flood 2090 climate change event of 2.7m, with habitable floor heights ranging from 2.85-2.9m AHD which will provide reasonable protection from flooding into the future. Accordingly, the proposed development is considered to provide for acceptable floor levels.

A summary of compliance with the existing and proposed 2022 flood model is provided below for clarity.

Table 2 – Flood Planning Level Comparisons

Flood Model / Event	Flood level	Floor level required	Proposed floor level	Complies
2013 Flood Model – 1 in 100 year flood	2.3m AHD	2.8m AHD	2.85-2.9m AHD	Yes
2022 Flood Model – 1% AEP (or 1 in 100 year) flood	Not affected	-	2.85-2.9m AHD	Yes
2022 Flood Model – 1% AEP 2090 Climate Change (RCP 4.5) scenario flood (N.B. the interim flood planning level adopted at the June 2024 Council Meeting)	2.7m AHD	3.2m AHD	2.85-2.9m AHD	Partial – the finished floor levels will be above the flood event, however, will not meet the proposed floor level requirement

4. Vegetation Removal

The development seeks the removal of seven (7) live trees (trees 16, 32 and 42-46) and one (1) dead tree (tree 51). The Arboricultural Impact Assessment report (**Attachment E**) prepared by Valley Tree Services submitted with the application identified 53 trees on or directly adjacent to the site and supports the removal of seven (7) live trees (trees 16, 32 and 42-46) and one dead tree (tree 51). The species identified and supported for removal are *Casuarina glauca* (Swamp she-oak), *Melaleuca quinquenervia* (Broad-leaved Paperbark), *Glochidion ferdinandi* (Cheese Tree), and *Archontophoenix cunninghamiana* (Bangalow Palm).

Council's Open Spaces team have assessed the removal of trees within the road reserve. The main Ecological / Environmental consideration in this instance was impact to the Glossy Black-cockatoo and their feed tree species (*Allocasuarina* and *Casuarina* spp) which was one of the trees identified in the report. Glossy Black-cockatoo have a narrow feeding habit, isolated to these Genus of trees almost exclusively. The *Casuarina glauca* is not identified as one of the preferred feed trees.

Due to the volume of existing vegetation left undisturbed within the vicinity of the site, minimal impact to this for the proposed resident ingress/egress location/works and the suitable internal landscape design, there was no objection from Open Spaces to the removal of seven (7) trees identified trees in the Arboricultural Impact Assessment report provided the tree removal is offset. Appropriate conditions requiring offset have been included in the Draft Schedule of Conditions.

5. Submissions

Nine (9) submissions (**Attachment F**) were received during the notification period which raised concerns regarding flooding and stormwater, landscaping, parking, solar access, visual privacy and noise impacts. The issues are discussed below.

Table 3 – Summary of Submissions

Issue	No. of submissions	Council Comments
<p>Stormwater Management</p> <p>Submissions raised concern on how the development may adversely impact and increase stormwater impacts in the locality.</p>	7	<p>A Stormwater Management Report detailing the proposed on-site stormwater detention (OSD) and water quality measures to be implemented for the development was assessed as part of the application. The consulting engineer has demonstrated through DRAINS modelling, that the proposed OSD will limit the post-development stormwater flowrate to less than the pre-development stormwater flowrate for all storms ranging from the 20% AEP up to the 1% AEP. The consulting engineer has also demonstrated through MUSIC modelling that the proposed water quality measures will meet all of the water quality targets set out in Table H2 of the Environmental Protection, Recreation and Special Use Zone Development Control Plan 2011.</p> <p>Council does undertake maintenance of the downstream drainage along Angourie Road and within the School land. This is undertaken on an ad hoc basis as budget permits. It is noted that the outlet of this drain along Angourie Road is tidal and is controlled by a floodgate.</p> <p>Outcome: This issue has been satisfactorily addressed subject to the imposition of relevant conditions of consent, requiring the management of stormwater to be in accordance with the recommendations of the submitted Stormwater Management Plan</p>

Issue	No. of submissions	Council Comments
<p>Flooding Impact Assessment</p> <p>Submissions raised concern on how the development may adversely impact flooding within the locality.</p>	8	<p>The development has been designed to be responsive to the flooding constraints of the site.</p> <p>The proposed flood impacts for the site and surrounding area have been considered against Council's current flood planning controls and it has been demonstrated that the proposed filling of land will not result in any detrimental impacts on the flood plain or overland flows on neighbouring properties.</p> <p>Council's Development Engineer has reviewed the development and raises no objections to the proposed flood and stormwater management arrangements. Flooding Impacts are discussed in detail in Issue 3 above and Sections 4.2 and 4.4.5 of the Planning Assessment Report (Attachment B).</p>
<p>Landscaping</p> <p>Submissions raised concerns that adequate landscaping was not incorporated into the design of the development.</p>	4 (including two objections)	<p>The development incorporates 30% of the site as landscaped area, further discussed in Section 4.4.1 of the attached Planning Assessment Report (Attachment B) assessed the variation sought for the landscaping throughout the development, concluding that high quality landscaping is proposed throughout the development, including fronting Mulgi Street. In addition, the frontage of the site incorporates adequate landscaping to create a visually appealing entrance, as well as screening the development from the public domain. This will include deep planting throughout the common areas, as well as POS, screening shrubs as well as turf area. A copy of the concept landscape plans are provided in Attachment G.</p> <p>Outcome: This issue has been satisfactorily addressed requiring the landscaping be carried out in</p>

Issue	No. of submissions	Council Comments
		accordance with the approved detailed Landscape Plan prior to the release of the Occupation Certificate.
<p>Street parking / impacts upon school pick up area</p> <p>Submissions raised concerns with the potential impacts from the development upon street parking and school pick up.</p>	5 (including one objection)	<p>The development is not considered to be a traffic generating development, as defined per the <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> and Guide to Traffic Generating Developments.</p> <p>The development proposes a surplus of carparking, providing an additional seven residential spaces than what is required by the DCP (providing 28, when 21 are required).</p> <p>The siting of the driveway removes one on street car parking space, where the development introduces seven spaces on site.</p> <p>The location of the informal school pick up along Mulgi Street will not be impacted as a result of this development.</p> <p>Outcome: The development comprises of 14 units, each with two car parking spaces, with an additional seven spaces on site for visitor car parking complying with the DCP.</p>
<p>Noise impacts associated with swimming pools</p> <p>A submission raised concerns relating to noise generated from communal pools</p>	1	<p>The four pools proposed form part of the POS, rather than communal open space (COS). The submission raised concerns with noise being emitted as a result of four units utilising a communal pool, this will not be the case. Furthermore, the pools are 2.5m plunge pools for the benefit of four individual units.</p>

Issue	No. of submissions	Council Comments
		<p>Outcome: The development is not considered to be a noise generating activity, nor are the pools considered a communal space which would generate noise impacts. A condition of consent is recommended to ensure that the noise generated by an air conditioner, pump or other mechanical equipment must not exceed the background noise level by more than 5dB(A) when measured in or on any premises in the vicinity of the item.</p>
<p>Solar Access</p> <p>Submissions raised concerns with potential solar access impacts upon adjoining properties.</p>	<p>3 (including two objections)</p>	<p>The submitted shadow diagrams demonstrate overshadowing from the development across adjoining sites. During 12 June (Winter Solstice) all adjoining sites receive a minimum of three hours of solar access upon their POS and internal living areas (refer Attachment H).</p> <p>Outcome: The development ensures that all adjoining sites achieve a minimum of three hours of solar access throughout the year.</p>
<p>Visual Privacy impacts</p> <p>Submissions raised concerns with the potential for overlooking from upper floors.</p>	<p>2 (including two objections)</p>	<p>Potential overlooking issues resultant from the development have been considered. Where balconies are proposed, they are located on upper floors and orientated centrally into the site, living areas are located on the ground floor. As such, the upper floor windows facing adjoining sites open up from bedrooms which are lower use spaces.</p> <p>Any potential overlooking concerns are considered to have been managed appropriately through the floor layout of the development.</p> <p>Outcome: This issue has been satisfactorily addressed by ensuring</p>

Issue	No. of submissions	Council Comments
		that no living areas pose potential overlooking upon adjoining properties.
<p>Maintenance of Drain</p> <p>Submissions raised concerns regarding the ongoing maintenance of drains near the development</p>	2	Council does undertake maintenance of the downstream drainage along Angourie Road and within the Yamba Public School land. This is undertaken on an ad hoc basis as budget permits. It is noted that the outlet of this drain along Angourie Rd is tidal and is controlled by a floodgate which is managed by Council's Floodplain Services Section.

Detailed assessment is contained in Section 5.9 within Table 5: Summary of submissions, of the attached Planning Assessment Report (refer to **Attachment B**). The key concerns raised have been adequately addressed, subject to compliance with the draft conditions contained in Schedule 1 below.

6. Summary

The development meets the performances objectives of the DCP, and would provide a development outcome that, on balance, would result in a positive impact for the community.

The matters raised within the submissions have been addressed and approval of the development would be in the public interest. However, conditions are recommended to ensure the development manages amenity, flood impacts and stormwater adequately.

The development meets the desired outcomes of Council's planning controls for SP3 Tourist land and is satisfactory having regard to the matters for consideration under section 4.15 of the Act and will not have a negative impact on the site or community.

Accordingly, the development is recommended for approval subject to conditions for the following reasons:

- The development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments.
- The development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The development has appropriate management and mitigation of impacts through conditions of consent.
- The proposed filling of land will not result in any detrimental impacts on the flood plain or overland flows on neighbouring properties. The development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- Onsite stormwater management for the development complies with Part H Sustainable Water Controls of the DCP.
- The development is a suitable and planned use of the site, and its approval is within the public interest.

BACKGROUND

Development Application DA2023/0552 for a multi dwelling housing (14 units) development and swimming pools was lodged with Council on 11 September 2023.

The application was referred to the Planning Delivery Unit of the NSW Department of Planning, Housing and Infrastructure (DPIE), as part of the NSW Regional Housing Flying Squad (RHFS) program. The program aims to assist with the development assessment of certain residential developments for councils in regional

areas who are experiencing high amounts of development applications. The Planning Assessment Report contained in **Attachment B** was prepared in collaboration with DPIE.

COUNCIL IMPLICATIONS

Budget/Financial

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

Asset Management

The development will have access to Council owned water and sewer and vehicular access is off Mulgi Street being a Council maintained road. The development will provide for an additional length of public footpath within the road reserve which will become a Council asset and require ongoing maintenance to be met by Council's maintenance budget.

Policy and Regulation

Environmental Planning and Assessment Act, 1979

Local Government Act 1993

Environmental Planning and Assessment Regulation 2000

State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Clarence Valley Local Environmental Plan 2011

Environmental Protection, Recreation and Special Use Zones Development Control Plan (DCP)

Consultation

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

<i>Internal Section or Position</i>	<i>Comment</i>
Development Engineer	Supported subject to conditions
Building Surveyor	Supported subject to conditions
Waste Management	Supported subject to conditions
Environment	Supported – no specific conditions
Open Spaces	Supported subject to conditions requiring vegetation offsetting

Legal and Risk Management

Should the applicant be dissatisfied with Council's determination they may appeal to the Land and Environment Court in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*.

Climate Change

The proposed development will contribute to CO₂-equivalent emissions through construction and operation which are considered to be a driver for climate change via building materials, construction methods, maintenance and associated energy and resource use. Notwithstanding the above comments, if the development is approved, the proposed building is required to comply with the energy efficiency requirements in the BASIX certificate which will ensure that the development meets the NSW Government's requirements for sustainability.

The development is consistent with the Disaster Resilience Framework which provides strategies, actions and recommendations for Council's planning and decision-making, taking advantage of informed scientific research; the Climate Change Impact Assessment report, climate forecasting, climate change modelling predictions, lessons learned, and ongoing expert consultation.

Schedule 1
Draft Advices and Conditions of Consent for DA2023/0552

Advices

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

The proposed development has been assessed as contributing an additional 10 ET demand on Council's water supply, and an additional 13 ET loading on Council's sewerage system. This includes an applicable credit for pre-existing uses. The headworks charges at 2024/25 financial year rates are:

Water Headworks \$5,799.00 x 10 additional ET = \$57,990.00
Sewer Headworks \$13,610.00 x 13 additional ET = \$184,366.00

The contribution(s), as assessed, will hold for a period of 12 months from the date of this approval. Contributions not received by Council within 12 months of the date of this determination will be indexed in accordance with Consumer Price Index (CPI) current at the time of payment.

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

Conditions**General**

1. Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved plans

Plan No	Revision number	Plan Title	Drawn by	Date of plan
5.1	D	Proposed Site Plan	BDA Architecture	28/11/2023
5.2	D	Overall Master Plan	BDA Architecture	28/11/2023
5.3	D	Ground Floor Master Plan	BDA Architecture	28/11/2023
5.4	D	First Floor Master Plan	BDA Architecture	28/11/2023
5.7	D	Unit Types Plan	BDA Architecture	28/11/2023
5.8	D	Open Space Plan	BDA Architecture	28/11/2023
5.9	D	Landscape Area Plan	BDA Architecture	28/11/2023
8.1	D	Building 1 - Floor Plans	BDA Architecture	28/11/2023
8.2	C	Building 1 - Elevations	BDA Architecture	4/9/2023
8.5	D	Building 2 - Floor Plans	BDA Architecture	28/11/2023
8.6	C	Building 2 - Elevations	BDA Architecture	4/9/2023
8.9	D	Building 3 - Floor Plans	BDA Architecture	28/11/2023
8.10	C	Building 3 - Elevations	BDA Architecture	4/9/2023
8.13	D	Building 4 - Floor Plans	BDA Architecture	28/11/2023
8.14	C	Building 4 - Elevations	BDA Architecture	4/9/2023
8.17	D	Building 5 - Floor Plans	BDA Architecture	28/11/2023
8.18	C	Building 5 - Elevations	BDA Architecture	4/9/2023
8.21	D	Building 6 - Floor Plans	BDA Architecture	28/11/2023
8.22	C	Building 6 - Elevations	BDA Architecture	4/9/2023
8.25	D	Building 7 - Floor Plans	BDA Architecture	28/11/2023
8.26	C	Building 7 - Elevations	BDA Architecture	4/9/2023
8.29	D	Building 8 - Floor Plans	BDA Architecture	28/11/2023
8.30	C	Building 8 - Elevations	BDA Architecture	4/9/2023

9.1	C	Streetscape 1 & 2	BDA Architecture	4/9/2023
9.2	C	Streetscape 3 & 4	BDA Architecture	4/9/2023

Approved documents

Document title	Prepared by	Date of document
Waste Management Plan	Low Impact Development Consulting	21 August 2023
Arboricultural Impact Assessment	Valley Tree Services	21 June 2023

In the event of any inconsistency with the approved plans or documents and a condition of this consent, the condition prevails.

Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development

2. Amended plans

An amended plan Drawing 5.3 - Ground Floor Master Plan drawn by BDA Architecture is to be submitted showing habitable ground floor levels no lower 2.8m AHD.

Condition reason: To ensure the development can lawfully discharge stormwater

3. Legal point of stormwater discharge

The legal and practical points of stormwater discharge for the development are nominated as Mulgi Street and Iolanthe Street.

Condition reason: To ensure the development can lawfully discharge stormwater

4. Compliance with the Building Code of Australia

Building work must be carried out in accordance with the requirements of the Building Code of Australia.

Condition reason: To ensure compliance with the Building Code of Australia

5. Prevention of glare nuisance

The roof covering is to be of a colour or finish which does not produce glare which adversely affects the amenity of nearby properties. Details of how this to be achieved are to be shown on the construction certificate plans.

Condition reason: To ensure that the roof material does not produce a glare nuisance to nearby properties

6. Floor Levels

The floor level of the primary habitable floor level is to be a minimum of 2.8 metres Australian Height Datum (AHD).

Condition reason: To meet Council's Floodplain Management Controls

7. Front Fencing

Fencing within the front setback area must be a maximum height of 1.8m and be 50% open (not solid).

Condition reason: To meet Council's Floodplain Management Controls

Building Work

Before Issue of a Construction Certificate

8. Amended plans

The amended plans required by Condition 2 are required to be submitted to Council prior to issue of the relevant Construction Certificate.

Condition reason: To ensure the development can lawfully discharge stormwater

9. Bushfire Attack Level (BAL) requirements

Buildings 1, 4 and 8 have a bushfire attack level of BAL 19 and Buildings 2, 3, 5, 6 and 7 have a bushfire fire attack level of BAL 12.5 as determined in accordance with AS 3959 - 2019. The buildings shall be constructed to a minimum level BAL as indicated for each building with full details of how this is to be achieved being shown on the plans/specifications submitted with the Construction Certificate documentation.

Condition reason: To ensure that the building is provided with adequate protection from bushfires

10. **Construction Site Management Plan**

Before the issue of a Construction Certificate, a construction site management plan must be prepared, and provided to the certifier. The plan must include the following matters:

- a) The location and materials for protective fencing and hoardings on the perimeter of the site;
- b) Provisions for public safety;
- c) Pedestrian and vehicular site access points and construction activity zones;
- d) Details of construction traffic management including:
 - i) Estimated frequency of truck movements;
 - ii) Measures to ensure pedestrian safety near the site;
 - iii) Proposed truck movements to and from the site;
 - iv) Estimated frequency of truck movements; and
 - v) Measures to ensure pedestrian safety near the site;
- e) Details of bulk earthworks to be carried out;
- f) The location of site storage areas and sheds;
- g) The equipment used to carry out works;
- h) The location of a garbage container with a tight-fitting lid;
- i) Dust, noise and vibration control measures;
- j) The location of temporary toilets;
- k) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
 - i) AS 4970 - Protection of trees on development sites;
 - ii) An applicable Development Control Plan;
 - iii) An arborist's report approved as part of this consent

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction

11. **Erosion and sediment control plan**

Before the issue of a Construction Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the certifier:

- a Council's relevant development control plan,
- b the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction' (the Blue Book) (as amended from time to time), and

Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways

12. **Utilities and services**

Before the issue of the relevant Construction Certificate, written evidence of the following service provider requirements must be provided to the certifier:

- a a letter from Essential Energy demonstrating that satisfactory arrangements can be made for the installation and supply of electricity
- b other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.

Condition reason: To ensure relevant utility and service providers' requirements are provided to the development

13. **Section 68 Sanitary Plumbing & Drainage**

Prior to issue of the relevant Construction Certificate approval under Section 68 of the *Local Government Act 1993* shall be obtained from Council for any proposed sewerage work, water plumbing and stormwater work. This application can be lodged via the NSW Planning Portal or at Council's office.

Condition reason: To Comply with the provisions of the *Local Government Act 1993*

14. **Building in close proximity to sewer**

Prior to issue of the relevant Construction Certificate details of special footing / sewer main protection

works required for buildings or any other works over or within the zone of influence of sewer mains is to be submitted to Council for approval.

- a) Sections of the sewer main that are to be concrete encased shall be replaced with DICL pipe with a flexible coupling each side.
- b) The retaining wall and footings are to be designed to allow for future excavation of the sewer main.
- c) The retaining wall and footings shall be designed so no loading is placed on the sewer main.
- d) Any concrete paved area above the sewer main shall have construction joints to allow excavation of the sewer main.
- e) Above ground structures within the zone of influence of the sewer are to be founded below the zone of influence of the sewer main so that no excessive loading is transferred to the sewer main.

Design shall be in accordance with Clarence Valley Council's Policy for building in close proximity to sewers. It is recommended that, prior to commencement of design, the matter be discussed with Council's Water Cycle Section.

Condition reason: To ensure compliance with Clarence Valley Council's Policy for building in close proximity to sewers

15. **Stormwater Management Plan**

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

The SWMP must consider any adjacent property or infrastructure affected by the development. Design details of the drainage system and point of discharge must be submitted with the Stormwater Management Plan for approval by Council and/or accredited private certifier prior to issue of the relevant Construction Certificate. Connection to the public drainage system requires the approval of Council under the NSW Local Government Act.

The Stormwater Management Plan must include a management plan for any Water Sensitive Urban Design systems. The management plan must consider construction and operational phases. DRAINS and Music modelling is to accompany the SWMP.

Condition reason: To ensure drainage works are provided in accordance with Council's Engineering Specifications for Development

16. **Adequacy of Car Parking**

Prior to the issue of the relevant Construction Certificate, the adequacy of parking, car parks, driveways, garages and vehicular accesses for the development is to be demonstrated by the submission of standard scale plans with manoeuvring paths shown in accordance with AS2890. This must clearly demonstrate that the parking area will function as intended. The parking area plans are to be submitted and approved by Council or accredited private certifier.

The car parking classification is Class 1A for the internal parking and is to be designed in accordance with AS2890, the relevant parts of the applicable Council Development Control Plan and Northern Rivers Local Government Development Design and Construction Manual. All car parking spaces must be accessible by B99 vehicles.

Condition reason: To ensure that vehicular access and parking are provided in accordance with Council's Engineering Specifications for Development

17. **Earthworks Management Plan**

Detailed plans of earthworks including an Earthworks Management Plan must be submitted to Council or accredited private certifier for assessment and approval prior to the issue of a Construction Certificate.

The earthworks Management Plan is to be prepared in accordance with Council's guidelines.

Condition reason: To ensure compliance with relevant Australian Standards

18. **Driveway Design**

A detailed plan of the proposed driveway including longitudinal section, road levels, garage levels, property boundaries and other site specific considerations must be submitted for approval with the relevant Construction Certificate to demonstrate that access to the development is provided in accordance with the Northern Rivers Local Government Development Design and Construction Manual.

Condition reason: To ensure that vehicular access and parking are provided in accordance with Council's Engineering Specifications for Development

19. **Landscape Plan**

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

Condition reason: To ensure that the development is adequately landscaped and maintained, and in accordance with the approved plans

20. **Section 7.11 Contributions**

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

Clarence Valley Contribution Plan 2011 Open Space/Recreation Facilities

Rate per other Residential Accommodation dwelling

Coastal \$3,049.45 x 13 additional dwellings = \$39,642.85 GL S94CVCOSCoastal

Clarence Valley Contributions Plan 2011 Community Facilities

Rate per other Residential Accommodation dwelling

Macleans surrounds \$3,049.45 x 13 additional dwellings = \$39,642.85 GL S94CVCCFMacleans

Clarence Valley Contributions Plan 2011 Plan of Management

Rate per Other Residential Accommodation Dwelling \$57.45 x 13 additional dwellings = \$746.85404

GL S94CVCPoMResAcco

Yamba Urban By-pass and Urban Intersections Contributions Plan 2000

Yamba Town Centre \$404.05 x 2 persons x 13 additional dwellings = \$10,505.30

GLS94YBPYambaTownCt

N.B.

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

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

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

All contribution plans are available for inspection on Council's website www.clarence.nsw.gov.au.

Condition reason: To comply with Council's Contributions Plans

21. **Certification of structural adequacy in flooding event**

Prior to issue of the relevant Construction Certificate a Structural Engineers certificate shall be submitted to the principal certifier confirming that the building will withstand all likely forces imposed on it by a 1:100 year flood event including hydrostatic, hydrodynamic, debris, wave, erosion and scour actions.

Condition reason: To ensure that the structural integrity of the building will not be affected by a 1 in 100 year flood event

22. **Section 138 for works in the Road Reserve**

Prior to the issue of the relevant Construction Certificate, obtain a Roads Act 1993 Approval by submitting an application for a Section 138 application. A detailed plan of the proposed works must be submitted with the application for the following works within the road reserve:

- a) Construction of a 5.5m wide reinforced concrete vehicle crossing, with pipe / culvert and headwalls.
- b) Construction of a 1.5m wide reinforced concrete footpath located behind the existing concrete edge beam, across the full frontage of the site in Mulgi Street, and connecting to the existing footpath in front of 37 Coldstream Street. The footpath shall meander around existing vegetation so that trees within the road reserve are not disturbed.
- c) Extension of Council's stormwater pipe that crosses Mulgi Street to a location past the northern side of the new footpath, together with a new headwall.

- d) Provision of handrail where there is a risk to pedestrians of falling into the open drain.
- e) Provision of signage / bollards / line marking to prevent vehicles from encroaching onto the proposed footpath

These works are to be designed in accordance with the Northern Rivers Local Government Development Design and Construction Manual, Council specifications and any relevant Australian Standards.

Condition reason: To Comply with the provisions of Clarence Valley Council's DCP Residential Development and the Northern Rivers Local Government Development Design and Construction Manual

Before Building Commences

23. Erosion and sediment controls in place

Before any site work commences, the principal certifier, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time).

Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways

24. Toilet Facilities

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

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

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

Condition reason: To provide onsite facilities in accordance with work health and safety requirements

25. Disposal of Waste

A suitable enclosure shall be provided on site, during construction, for depositing waste materials that could become wind blown. Waste materials shall be disposed of to an approved recycling service or waste depot. No burning of waste materials shall occur.

Condition reason: To ensure waste material is appropriately disposed

26. Establishment of Asset Protection Zones (APZs)

The following Asset Protection Zone (APZ) Inner Protection Areas (IPA) shall be established around the dwelling prior to the commencement of the building works and maintained in accordance with the requirements of the NSW Rural Fire Service document titled 'Planning for Bushfire Protection 2019' and AS3959 - 2019.

North: Boundary

South: Boundary

West: Boundary

East: Boundary

The IPA shall have a tree canopy cover of less than 15%; tree canopies shall be separated by a minimum of 5 metres; and all trees shall have their lower limbs removed to a height of two metres above ground. Shrubs shall be located a minimum of twice the mature height from the dwelling and not exceed 10% of ground cover with regular large gaps between vegetation. All leaves and vegetation debris shall regularly be removed and grasses shall not exceed 10cm in height.

Condition reason: To ensure that the dwelling is provided with an appropriate APZ

27. Traffic control plan

A traffic control plan shall be prepared by a Transport for NSW accredited person for the temporary traffic signage layout and vehicle movements to be used during the demolition/construction process. The traffic control plan shall be submitted to and approved by Council prior to works commencing.

Condition reason: To ensure traffic movements around the site are safely managed

28. Signs on site

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a Showing the name, address, and telephone number of the principal certifier for the work, and
- b Showing the name of the principal contractor (if any) for any building work and telephone number

on which that person may be contacted outside working hours, and

c Stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out but must be removed when the work has been completed.

NOTE: this does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Condition reason: Prescribed condition EP&A Regulation, clauses 98A (2) and (3)

29. **Issue of Construction Certificate**

No Construction is to be commenced until a Construction Certificate has been issued.

Condition reason: To ensure that the works comply with the state's building regulations

30. **Notice of intention to commence work**

Prior to work commencing on a development the applicant must give notice to Council of their intention to commence work. Such notice shall be submitted to Council at least two (2) days before work commences.

Condition reason: To comply with legislative requirements

31. **Sewer Main Location**

The applicant, owner or builder shall locate the position of Council's sewer main on the subject property by either survey or excavation prior to any work commencing, for approval by Council's Building Surveyor.

Condition reason: To ensure compliance with Clarence Valley Council's Policy for building in close proximity to sewers

32. **Dilapidation report**

Prior to work commencing, submit to Council a dilapidation report detailing the condition of all Council and public infrastructure assets within the vicinity of the development. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs, streetlights or any other Council and public infrastructure assets in the vicinity of the development. The report will be used by Council to establish damage to Council's assets resulting from the development works.

Condition reason: To establish the existing condition of public infrastructure and use as a reference post construction to ascertain if any damage to public infrastructure has occurred

33. **Tree protection**

Prior to work commencing, any vegetation or trees not directly in conflict with the proposed development are to be clearly identified, protected and retained and during construction works.

Condition reason: To ensure tree protection measures are maintained during construction works

During Building Work

34. **Tree protection during work**

While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with:

- a) the construction site management plan
- b) the relevant requirements of AS 4970 Protection of trees on development sites, and
- c) any arborist's report approved under this consent.

This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

Condition reason: To ensure tree protection measures are maintained during construction works

35. **Discovery of relics and Aboriginal objects**

While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered:

- a the work in the area of the discovery must cease immediately;
- b the following must be notified
 - i) for a relic - the Heritage Council; or
 - ii) for an Aboriginal object - the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the *National Parks and Wildlife Act 1974*, section 85.

Site work may recommence at a time confirmed in writing by:

- a for a relic - the Heritage Council; or
 - b for an Aboriginal object - the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the *National Parks and Wildlife Act 1974*, section 85.
- Condition reason:** To ensure the protection of objects of potential significance during works

36. **Procedure for critical stage inspections**

While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant Construction Certificate.

Condition reason: To require approval to proceed with building work following each critical stage inspection

37. **Surveys by a registered surveyor**

While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier:

- a All footings / foundations in relation to the site boundaries and any registered and proposed easements
- b At other stages of construction - any marks that are required by the principal certifier.

Condition reason: To ensure buildings are sited and positioned in the approved location

38. **Waste management**

All waste management must be undertaken in accordance with the approved waste management plan.

Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste

39. **Waste enclosure**

A suitable enclosure shall be provided on site, during construction, for depositing waste materials that could become wind blown. Waste materials shall be disposed of to an approved recycling service or waste depot. No burning of waste materials shall occur.

Condition reason: To ensure waste material is appropriately disposed of

40. **Water Meters (10 or more dwellings)**

A single property service with a single meter servicing 10 or more dwellings on a single lot shall be installed. Council recommends individual isolation valves be installed on each dwelling unit. Privately owned water meters may be installed within the property, but such private meters will be the responsibility of the property and will not be read or maintained by Council. The single Council water meter must be of a type approved by Council or purchased from Council and located in an accessible location at the property boundary for maintenance and reading purposes.

Condition reason: To comply with Council's Sewer and Water Development Services Plan

41. **Fill earthworks**

Any fill earthworks to be undertaken on the site must be carried out in accordance with the placement and compaction of fill described in AS 3798, Level 1 inspection and testing and Northern Rivers Local Government Development Design and Construction Manual.

Condition reason: To ensure compliance with relevant Australian Standards

42. **Working Construction Hours**

Working hours on construction or demolition shall be limited to the following:

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

Condition reason: To protect the amenity of the surrounding area

43. **Site Safety Management**

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

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

Condition reason: To ensure site management measures are implemented during the carrying out of site work

44. **Approved Plans Onsite**

A copy of the approved and certified plans, specifications and documents incorporating the conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by an officer of Council or the Private Certifier.

Condition reason: To provide certainty on the terms of approval and approved plans

45. **Acid Sulfate Soils**

All excavated materials must be treated in general accordance with the Management Guidelines detailed within the "Acid Sulphate Soil Manual, Acid Sulphate Soil Management Advisory Committee August 1998" Agricultural Lime must be applied (and Incorporated into the soil) at a rate of 50Kg/m³ of soil.

Condition reason: To prevent an environmental hazard occurring from exposed acid sulfate soils

46. **Swimming Pool fencing**

An inspection of the completed swimming pool barrier (complying with the Swimming Pools Act 1992) must be undertaken by the Principal Certifier as soon as practicable after the barrier has been erected. No water shall be placed in the swimming pool unless appropriate temporary safety measures have been implemented pending the completion of a permanent complying safety barrier.

Condition reason: To Comply with the *Swimming Pools Act 1992*

47. **Swimming Pool under Construction Sign**

The occupier of any premises in or on which a swimming pool (not including a spa pool) is being constructed must ensure that a sign is erected and maintained that:

- a Bears a notice containing the words 'This swimming pool is not to be occupied or used', and
- b Is located in a prominent position in the immediate vicinity of that swimming pool, and
- c Continues to be erected and maintained until a relevant occupation certificate or a certificate of compliance has been issued for that swimming pool.

Condition reason: To Comply with the *Swimming Pools Act 1992*

48. **Minimum floor level requirements - flooding**

The floor level of the primary habitable floor level is to be a minimum of 2.7 metres Australian Height Datum (AHD). A certificate indicating the height of habitable floors on the ground floor (related to AHD) is to be forwarded to the Principal Certifying Authority.

In the case of timber floors, on completion of the floor framing; In the case of concrete slabs when formwork is in place but prior to pouring concrete.

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

Condition reason: To meet Council's Floodplain Management Controls

49. **Flood compatible materials**

All building construction below 2.7 metres Australian Height Datum shall be of flood compatible materials.

Condition reason: To ensure the use of appropriate materials

50. **Certification of imported fill**

All fill imported onto the site must be certified to ensure it meets relevant classification. To ensure that fill material is suitable, only material classified as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) is permitted to be imported onsite.

Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants

51. **Shoring and Adequacy of Adjoining Property**

If the development involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense:

- a Protect and support the building, structure or work from possible damage from the excavation, and
- b Where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Condition reason: Prescribed condition - EP&A Regulation clause 98E)

52. **Tree removal**

The removal of the nominated trees (16, 32, 42-46 and 51 as per the Arboricultural Impact Assessment by Valley Tree Services dated 21 June 2023) must be completed by a qualified arborist at no cost to Council. Trees should be mulched and reused onsite or disposed of to a lawful waste facility.

Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants

Before Issue of an Occupation Certificates

53. **Stormwater Management**

All stormwater management infrastructure including any Water Sensitive Urban Design systems must be constructed in accordance with the approved Stormwater Management Plan, prior to an Occupation Certificate being issued.

Condition reason: To comply with Council's Sewer and Water Development Services Plan

54. **Completion of public utility services**

Before the issue of the relevant Occupation Certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier.

Condition reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation

55. **Certification of constructed Civil Works**

Certification of constructed Civil Works by the supervising engineer and/or registered surveyor is required prior to public infrastructure being accepted "on maintenance" and/or "practical completion" being granted for private property works.

Condition reason: To ensure works are completed to an appropriate standard and documented

56. **Certificate of Compliance**

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

Condition reason: To comply with Council's Sewer and Water Development Services Plan

57. **Provision of Water and/or Sewer Reticulation**

Prior to issue of the Occupation Certificate, the applicant is to provide water supply and/or sewerage reticulation infrastructure to service the development, in accordance with the requirements and specifications of the Clarence Valley Council Sewer & Water Connection Policy and Northern Rivers Local Government Development Design and Construction Manual.

Condition reason: To comply with Council's Sewer and Water Development Services Plan

58. **Easement for Sewerage**

The granting of an easement for sewerage purposes, over the Council's sewer mains within any lots in the subdivision prior to issue of the Occupation Certificate.

- a Where the sewer is less than 1.5 metres depth, the easement width shall be 3.0 metres, except that for sewers which are less than 0.75 metres depth and serving only one residential lot, the easement width may be reduced to 1.5 metres,
- b Where the sewer is between 1.5 metres and 3.0 metres depth, the easement width shall be 5.0 metres,
- c Where the sewer is greater than 3.0 metres depth, the easement width shall be determined by Council following an assessment of maintenance access requirements;

Unless specific approval or direction is given by Council to an alternative easement width having regard to the particular circumstances of the development and the sewer infrastructure.

The easement shall be located centrally about a line drawn between manholes to an accuracy of 0.15

metres by a registered surveyor and supported by an engineering survey plan showing the dimensions between the sewer line and the extremity of the easement at each point where the easement dissects the boundary of the subdivided lot or lots or any change of direction.

Condition reason: To comply with Council's Sewer and Water Development Services Plan

59. **Asset Register Works Return**

Prior to the release of any Occupation Certificate, whichever comes first, which dedicates additional infrastructure to Council, a completed asset register works return must be submitted to Council. The return is to be in the format approved by Council.

Condition reason: To ensure works are completed to an appropriate standard and documented

60. **Work-As-Executed Plans**

In accordance with the Northern Rivers Local Government Development Design and Construction Manual and prior to the release of the Occupation Certificate, the applicant must provide Work as Executed Plans (WAE) for all civil works (sewer encasement and footpath) and certification from the supervising professional engineer or registered surveyor, that the civil works have been constructed in accordance with the approved plans and specifications.

Where sewer augmentation works are involved the WAE must include sewer junction sheet records in accordance with the requirements of Clarence Valley Council.

For the construction of Water Sensitive Urban Design systems the WAE shall include detailed records of the materials used, inspection and testing.

Condition reason: To ensure works are completed to an appropriate standard and documented

61. **Lighting of Public Places**

Prior to release of the Occupation Certificate, the pedestrian pathway shall be lit to the minimum standard of Australian Standard AS 1158 (Public Lighting Code) and the NSW Police 'Safer By Design' guidelines. Street light shielding is to be provided in accordance with Council's Street Light Shielding Policy, where light spill will impact on proposed townhouses or neighbouring properties.

Condition reason: To ensure that adequate infrastructure and services are provided in accordance with Council's Engineering Specifications for Development

62. **Maintenance Bond**

Prior to release of the Occupation Certificate, where the total value of works to become Council infrastructure is greater than \$10,000, a maintenance bond is required for 5% of the contract value for works that will become Council infrastructure or \$2,500 whichever is greater. This is required in each stage of the development

All work is subject to a maintenance period of six (6) months from the date of Practical Completion as certified by Council. The maintenance period may be extended due to material or construction work compliance reasons or should the application for an Occupation Certificate be delayed beyond the maintenance period. The maintenance period and bond amounts for Water Sensitive Urban Design components must be in accordance with the Council approved stormwater management plan.

At the end of the Maintenance Period an 'Off Maintenance' inspection must be held with Council to confirm the compliance and performance of the constructed works, in accordance with the Northern Rivers Local Government Development Design and Construction Manual (NRDC).

The Council will hold each Occupation Certificate or a bond in accordance with Council's fees and charges for constructed public infrastructure works until such time as Council accept the works 'Off Maintenance'.

Condition reason: To ensure works are completed to an appropriate standard and documented

63. **Construction of Carparks and Access**

Car parking, driveways, manoeuvring and access areas must be constructed, sealed, line marked and drained in accordance with the approved plan prior to issue of the Occupation Certificate.

Condition reason: To ensure that vehicular access and parking are provided in accordance with Council's Engineering Specifications for Development

64. **Onsite Visitor Parking**

All on-site visitor parking spaces are to be clearly marked, and a sign or signs conspicuous and legible from the street are to be permanently displayed indicating that visitor parking is available on the site.

Condition reason: To ensure that vehicular access and parking are provided in accordance with Council's Engineering Specifications for Development

65. **Repair of infrastructure**
 Before the issue of an Occupation Certificate:
- a any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of council, and at no cost to council, or
 - b if the works in (a) are not carried out to council's satisfaction, council may carry out the works required and the costs of any such works must be paid as directed by council and in the first instance will be paid using the security deposit required to be paid under this consent.
- Condition reason:** To ensure any damage to public infrastructure is rectified
66. **Occupation Certificate**
 The development is not to be occupied or used until such time as an Occupation Certificate has been issued.
Condition reason: To ensure the safety of the occupants
67. **Display of street/road number**
 The following House Numbers have been allocated to the premises and shall be clearly displayed:
- Unit 1 – 1/1 Mulgi Street
 - Unit 2 – 2/1 Mulgi Street
 - Unit 3 – 3/1 Mulgi Street
 - Unit 4 – 4/1 Mulgi Street
 - Unit 5 – 5/1 Mulgi Street
 - Unit 6 – 6/1 Mulgi Street
 - Unit 7 – 7/1 Mulgi Street
 - Unit 8 – 8/1 Mulgi Street
 - Unit 9 – 9/1 Mulgi Street
 - Unit 10 – 10/1 Mulgi Street
 - Unit 11 – 11/1 Mulgi Street
 - Unit 12 – 12/1 Mulgi Street
 - Unit 13 – 13/1 Mulgi Street
 - Unit 14 – 14/1 Mulgi Street
- The site and size of proposed householder mail boxes should meet Australia Post guidelines. The house numbers shall be clearly displayed so as to be visible from the road. Such action can reduce confusion and assist Australia Post, emergency services and the general community. Approval for the site and size of proposed householder mail boxes should be obtained from Australia Post.
Condition reason: To reduce confusion and assist Australia Post, emergency services and the general community in locating the premises
68. **Access Works**
 The driveway access point shall be constructed in accordance with the approved plans and Section 138 Approval. All works shall be completed prior to the issue of the Occupation Certificate.
Condition reason: To Comply with the provisions of Clarence Valley Council's DCP Residential Development and the Northern Rivers Development & Design Manual
69. **Certification of installation of Basix commitments**
 Prior to the issue of an Occupation Certificate all commitments listed in the relevant Basix Certificate for this development shall be completed/installed and the principal contractor responsible for the construction work shall provide the principal certifier with a certificate which states that **all commitments** listed within the relevant Basix Certificate have been installed in accordance with the requirements of that Basix Certificate.
Condition reason: Prescribed condition (Part 4 Division 2, Subdivision 1 and 2 of the EP&A Regulation 2021)
70. **NSW Swimming Pool Register**
 The pools shall be registered on the NSW Swimming Pool Register at www.swimmingpoolregister.nsw.gov.au before issue of an Occupation Certificate.
Condition reason: To Comply with the Swimming Pools Act 1992

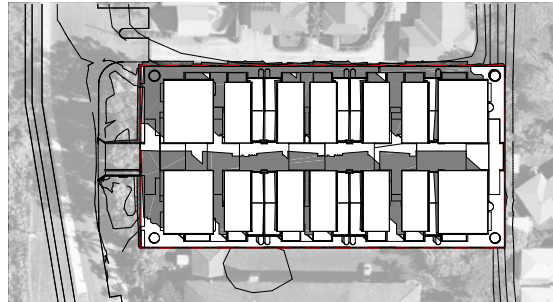
71. **Discharge of Swimming Pool Wastewater**
If the site is connected to Council's sewerage system, the swimming pool wastewater is to be disposed of to the sewer via a surcharge gully with a minimum 100mm air gap between the waste outlet and the top of the gully surrounds.
Condition reason: To ensure that the surrounding environment is not detrimentally affected as a result of the development
72. **Flood Evacuation**
Before issue of any Occupation Certificate, a Flood Evacuation Management Plan is to be prepared and submitted to Council.
Condition reason: To ensure the safe evacuation of residents during a flood event
73. **Noise Management**
Prior to issue of an Occupation Certificate, the applicant must ensure that the noise generated by an air conditioner, pump or other mechanical equipment must not exceed the background noise level by more than 5dB(A) when measured above the ambient background noise at the boundary adjacent to any habitable room of adjoining residential premises. If this noise level cannot be met, mitigation measures such as a sound proof enclosure must be implemented to the satisfaction of Council.
Condition reason: To protect the residential amenity of neighbouring properties
74. **Replacement Trees/Offset Planting**
The developer shall supply and plant seven (7) x 45 litre advanced species tree within the road reserve fronting the new retaining wall in Mulgi Street to assist in screening the new structure to the satisfaction of Council's Manager Open Spaces and Facilities Section prior to the Occupation Certificate being issued. A list of suitable tree species can be obtained from Council's Tree Management Officer.

The trees must be planted using 1 slow release fertiliser tablet per hole mixed with site soil and imported topsoil (topsoil to AS 4419:2018). The trees are to be stabilised by no less than 3 x 50x50x1800mm long hardwood stakes and 3 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.
Condition reason: To protect the residential amenity of neighbouring properties
75. **Completion of landscape and tree works**
Prior to issue of the Occupation Certificate, Council must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.
Condition reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plans

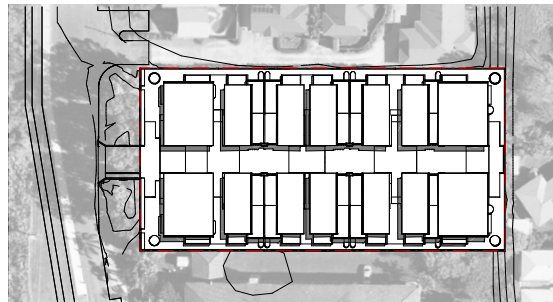
Occupation and Ongoing Use

76. **Noise**
The swimming pool/spa pool pump and filtration equipment must not be used in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
a before 8.00 am or after 8.00 pm on any Sunday or public holiday, or
b before 7.00 am or after 8.00 pm on any other day.
Condition reason: To Protect the amenity of the neighbouring properties
77. **Signage**
An approved CPR and pool safety sign is to be provided and maintained within the pool enclosure in accordance with the requirements of the Swimming Pools Act 1992.
Condition reason: To assist in prevention of drowning
78. **Stormwater Infrastructure Maintenance**
The onsite stormwater management infrastructure as per the approved Stormwater Management Plan must remain in place, be fully operational and be maintained by the landowner/s so that it operates in a safe and efficient manner in perpetuity.
Condition reason: To ensure the efficient operation of onsite stormwater infrastructure

5.11 Shadow Analysis Summer Solstice (22 December)



9:00am



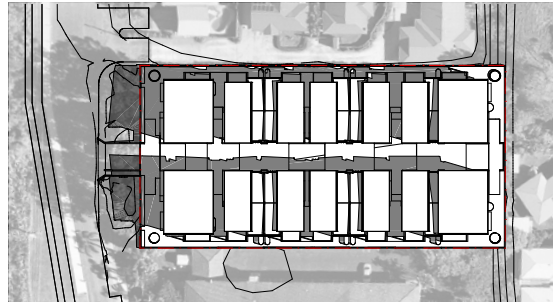
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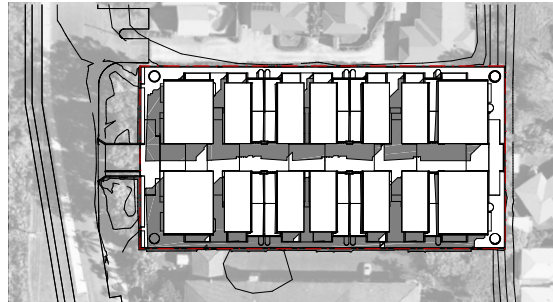
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5.12 Shadow Analysis

Equinox Vernal (21 March / 23 September)



9:00am



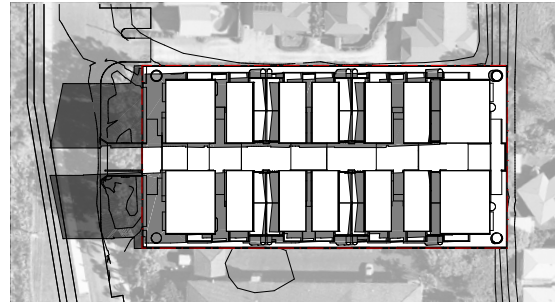
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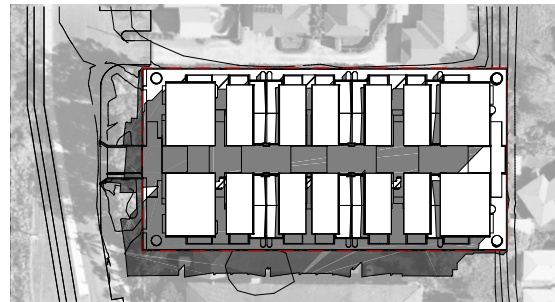
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5.13 Shadow Analysis

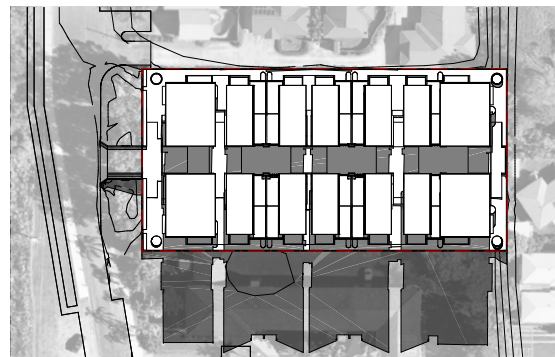
Winter Solstice (22 June)



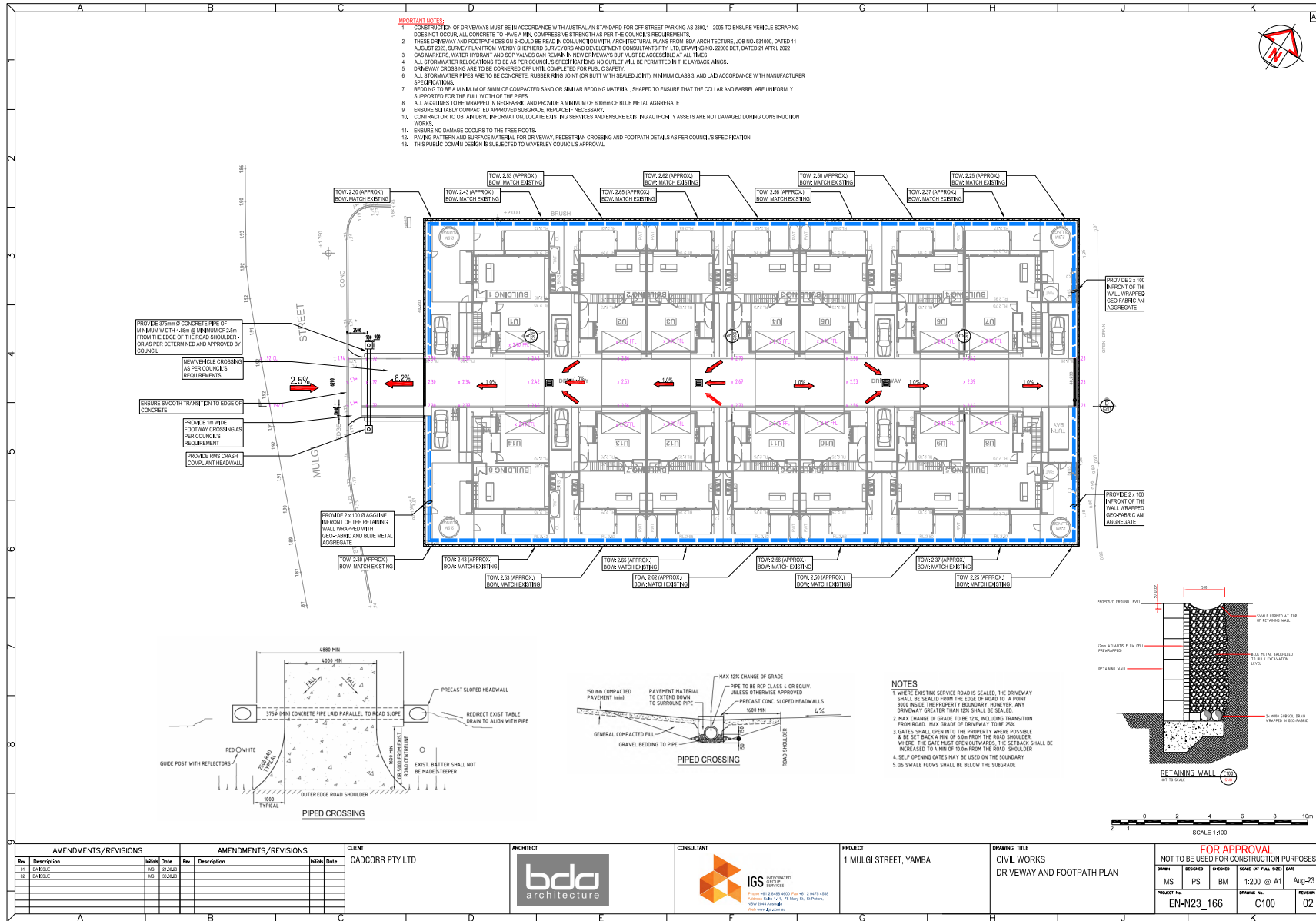
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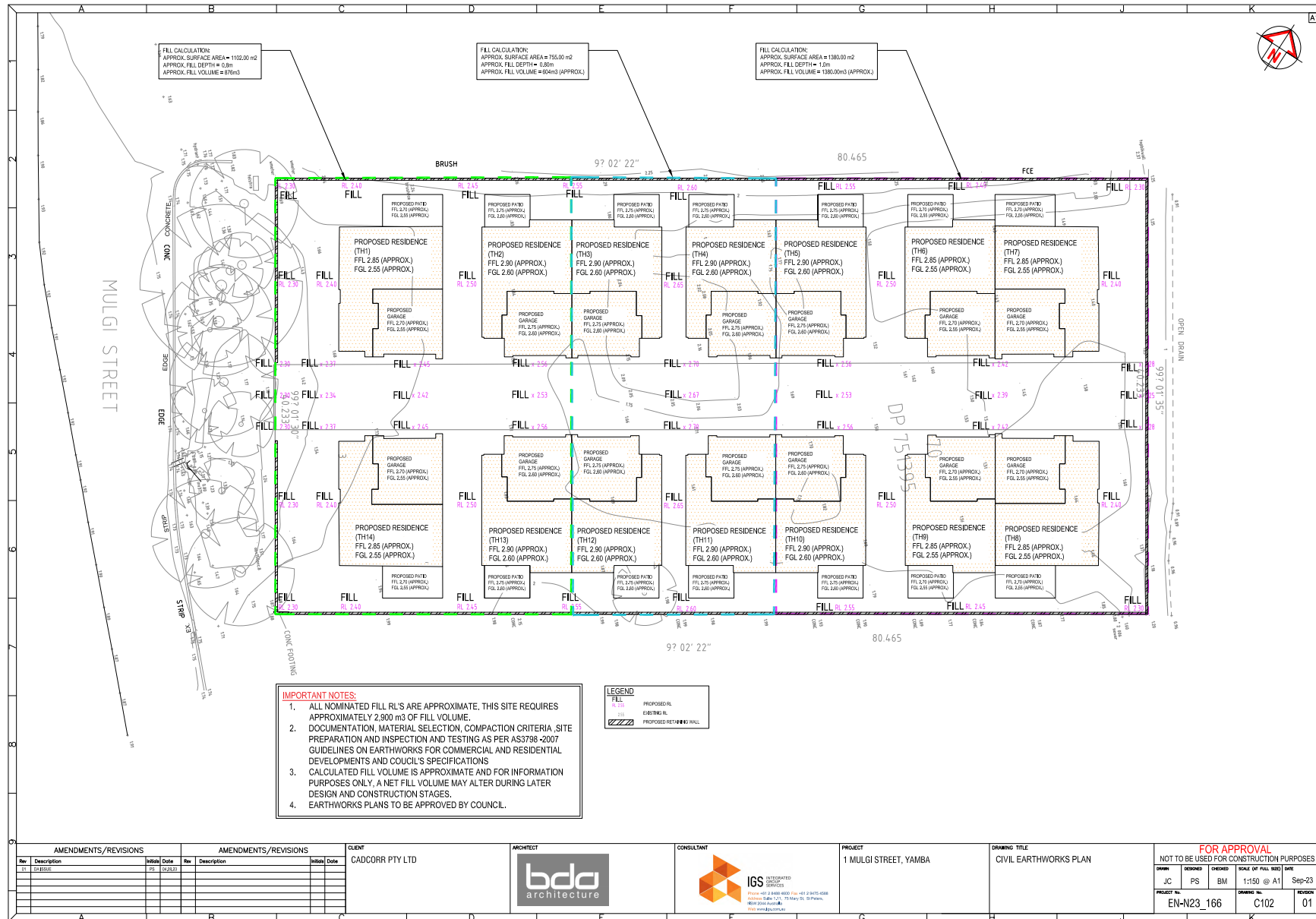


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3:00pm





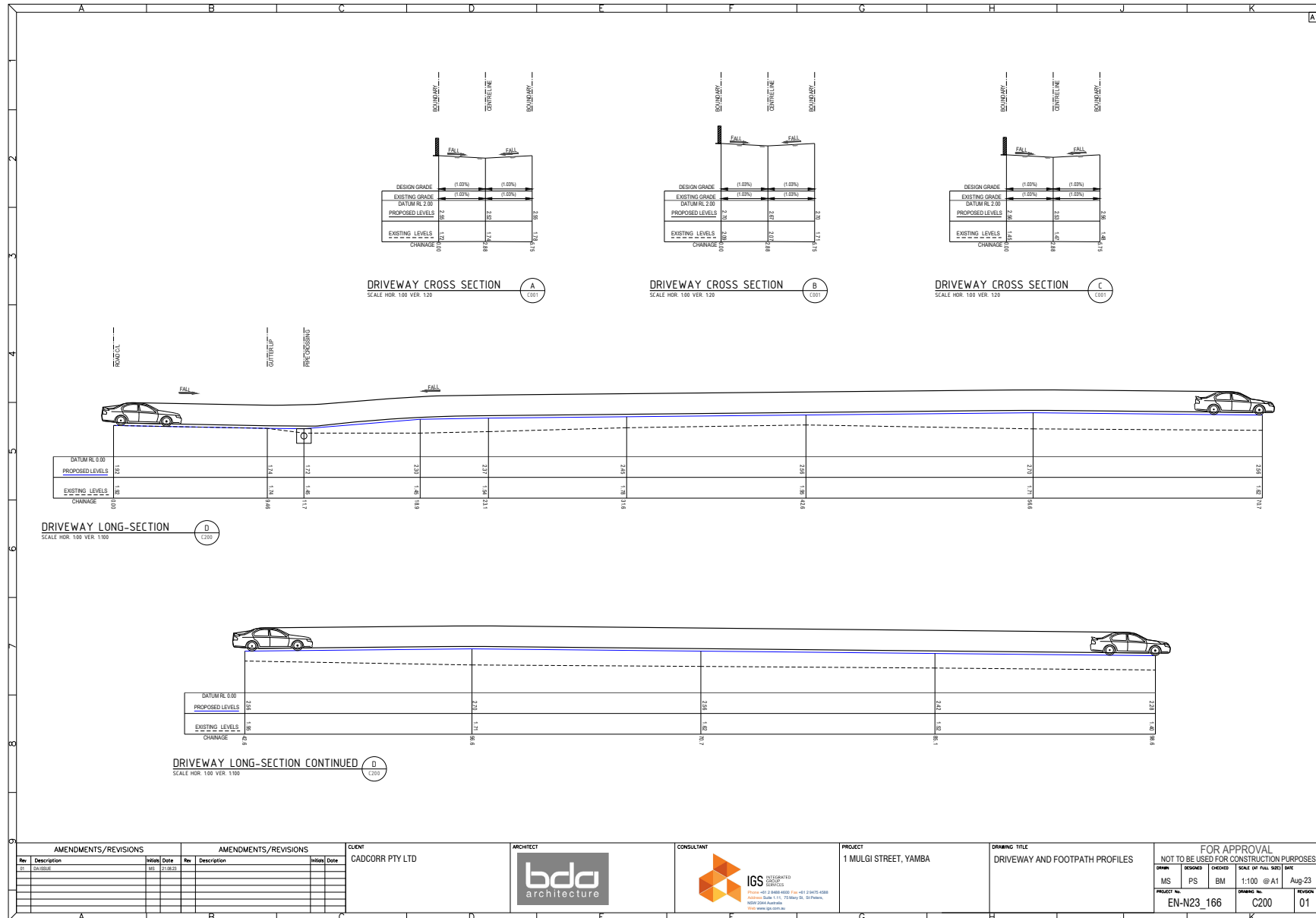
IMPORTANT NOTES:

1. ALL NOMINATED FILL RL'S ARE APPROXIMATE. THIS SITE REQUIRES APPROXIMATELY 2,900 M³ OF FILL VOLUME.
2. DOCUMENTATION, MATERIAL SELECTION, COMPACTION CRITERIA, SITE PREPARATION AND INSPECTION AND TESTING AS PER AS3798-2007 GUIDELINES ON EARTHWORKS FOR COMMERCIAL AND RESIDENTIAL DEVELOPMENTS AND COULC'S SPECIFICATIONS
3. CALCULATED FILL VOLUME IS APPROXIMATE AND FOR INFORMATION PURPOSES ONLY. A NET FILL VOLUME MAY ALTER DURING LATER DESIGN AND CONSTRUCTION STAGES.
4. EARTHWORKS PLANS TO BE APPROVED BY COUNCIL.

LEGEND

	FILL
	PROPOSED RL
	EXISTING RL
	PROPOSED RETAINING WALL

AMENDMENTS/REVISIONS <table border="1"> <thead> <tr> <th>Rev</th> <th>Description</th> <th>Initial</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		Rev	Description	Initial	Date					AMENDMENTS/REVISIONS <table border="1"> <thead> <tr> <th>Rev</th> <th>Description</th> <th>Initial</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		Rev	Description	Initial	Date					CLIENT CADCORR PTY LTD	ARCHITECT 	CONSULTANT IGS INTEGRATED SERVICES Phone: +61 2 8881 4000 Fax: +61 2 8851 4568 Website: www.igs.com.au 175 Mary St, St Peters, NSW 2150 Australia	PROJECT 1 MULGI STREET, YAMBA	DRAWING TITLE CIVIL EARTHWORKS PLAN	NOT TO BE USED FOR CONSTRUCTION PURPOSES FOR APPROVAL <table border="1"> <thead> <tr> <th>DRAWN</th> <th>DESIGNED</th> <th>CHECKED</th> <th>SCALE OF FULL SIZE</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>JC</td> <td>PS</td> <td>BM</td> <td>1:150 @ A1</td> <td>Sep-23</td> </tr> </tbody> </table> PROJECT NO. EN-N23_166	DRAWN	DESIGNED	CHECKED	SCALE OF FULL SIZE	DATE	JC	PS	BM	1:150 @ A1	Sep-23
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				DRAWING NO. C102	REVISION 01																														





CONSULTANT ADVICE NOTE

Project Name: | 1 Mulgi St, Yamba
Date: | 08/07/2024
Subject: | Afflux Maps – Flood Maps

This Consultants Advice Notice (CAN) has been prepared to provide IGS's expert advice in response to Clarence Valley Council's Request for Information dated 10 October 2023.

The RFI requested the Applicant to provide modelling to demonstrate the effect of the proposed development on neighbouring properties using the Lower Clarence Flood Model Update 2022 based on the DA submitted levels.

As shown by the enclosed modelling graph, outlined in Appendix A, the impact of the proposed development on neighbouring properties is negligible, with an estimated 2mm AFLUX to Mulgi Street. Additionally, the permitted AFLUX by the Council is considerably higher than what is proposed, indicating that the impact is minimal.

It is also important to note that the 2022 model update is not yet in effect, and the modelling anticipates future updates. Our development application and design comply with the current standards.

Furthermore, the model results do not account for the proposed retaining walls and flood management measures, which are designed to direct any excess water towards the road reserve, if such a situation arises. Additionally, no flood mitigation measures were incorporated in the model.

Therefore, we are confident that the proposed development will not have adverse effects on neighbouring properties based on the results depicted in Appendix A.

Signed on behalf of IGS Pty Ltd

Yours Faithfully,

A handwritten signature in black ink, appearing to read 'Prabeg Sharma', written over a horizontal line.

Prabeg Sharma
Senior Civil Engineer
Meng, MIE Aust

MODELLED SCENARIO:
(POST - PRE) WATER SURFACE ELEVATION DURING CC1 SCENARIO - BASED ON 2022 TUFLOW FLOOD MODEL INFORMATION.

FILL, BASED ON CIVIL EARTHWORKS PLAN BY IGS, PROJECT NO. EN-N23_166, REV. 03 DATED 21 JUNE 2024.

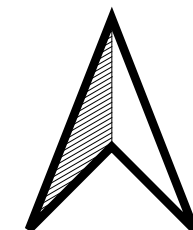


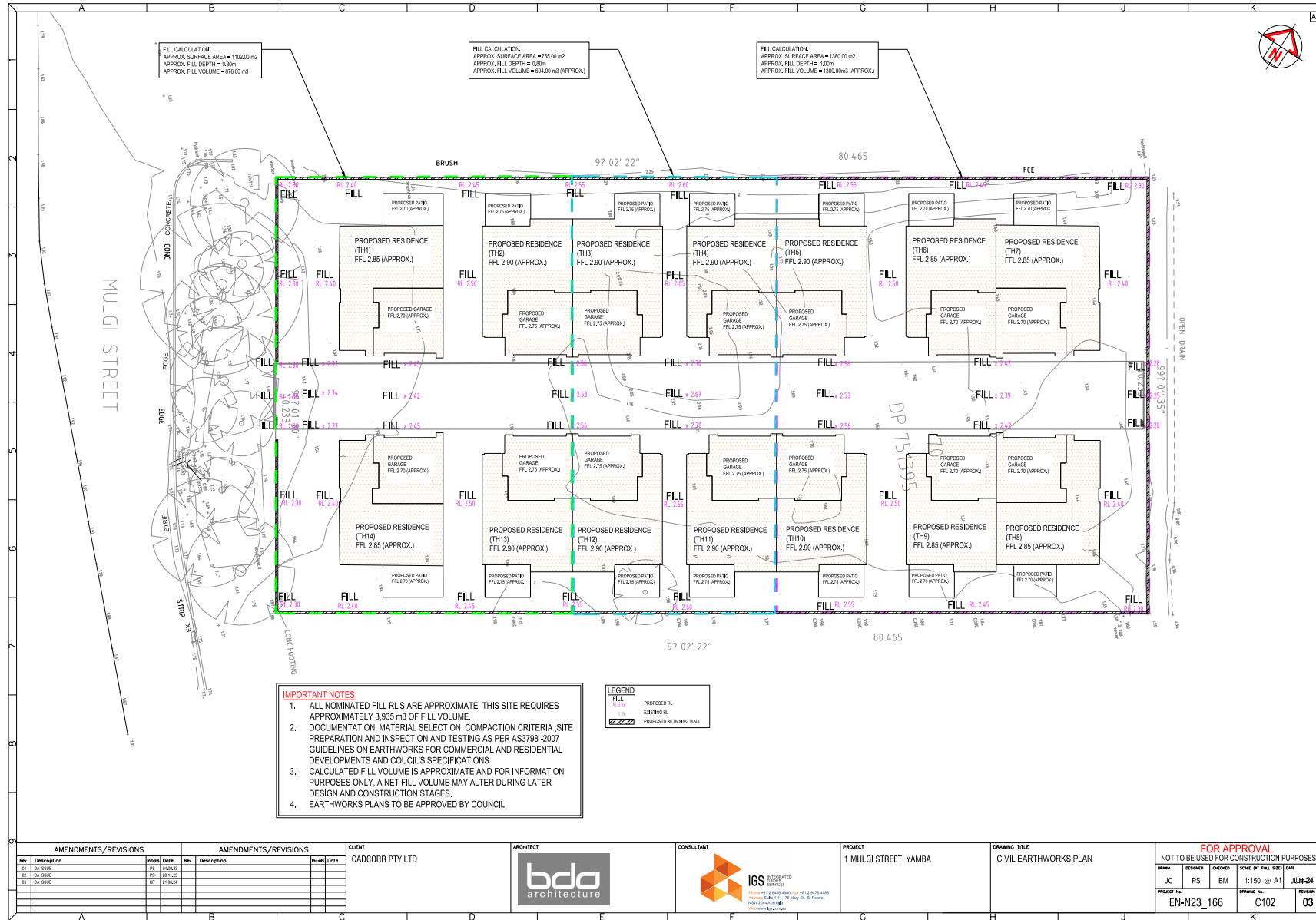
DATE: 5 JUNE 2024

AFFLUX MAP
(POST - PRE)
WATER SURFACE
ELEVATION MAP.

LEGEND

- <= -0.01
- -0.01 - 0.00
- 0.00 - 0.002
- 0.002 - 0.004
- 0.004 - 0.006
- 0.006 - 0.008
- 0.008 - 0.01
- 0.01 - 0.02
- 0.02 - 0.05
- >0.05





ITEM 07.24.117 DA2023/0580 EXTRACTIVE INDUSTRY (PROPOSED CONTINUATION OF USE AND EXPANSION OF EXISTING QUARRY)

Meeting	Council	23 July 2024
Directorate	Environment & Planning	
Prepared by	Senior Development Planner, Patrick Ridgway	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. PPSNTH-260 Assessment briefing report (Separate Cover) ⇒ B. EIS DA2023-0580 Quarry 9720 Armidale Road TYRINGHAM NSW 2453 (1) (Separate Cover) ⇒	

SUMMARY

<i>Applicant</i>	Gary Peacock (Outline Planning Consultants Pty Ltd)
<i>Owner</i>	Abby Lee Richards and Toby John Sheridan
<i>Address</i>	9720 Armidale Road Tyringham NSW 2453, being Lot 31 DP 1203488
<i>Submissions</i>	Nil

Council received Development Application DA2023/0580 for continuation of use and expansion of an existing small quarry known as Faheys Pit at 9720 Armidale Road Tyringham NSW 2453, being Lot 31 DP 1203488 9720.

It is proposed that extraction be increased to up to 150,000 tonnes per annum and expand the quarry footprint to an area of 4.1 hectares. The application is Regionally Significant Development and has been referred to the Northern Regional Planning Panel (the Panel) as the determining authority for the application.

The purpose of this report is to advise Council that the development application will be scheduled by the Panel for determination in August 2024. An elected Council may make a submission on a Development Application to be determined by the Panel up to seven days before the Panel meeting and may speak to this submission at the public determination meeting.

Due to the scheduling of Council's Ordinary Meetings, the Regional Planning Panel operational procedures and the Panel determination date, only the Council Assessment Briefing Report (dated 9 February 2024) to the Panel is attached to this report for information purposes (**Attachment A**). Of note, the briefing report is not a final assessment report. The issues contained in the briefing report have been the subject of additional information requests during the assessment of the application.

OFFICER RECOMMENDATION

That Council:

- note that a public determination meeting for Development Application DA2023/0580 will be scheduled by the Northern Regional Planning Panel on the 20 or 21 August 2024; and
- note that a resolution is required should Council wish to make a submission about DA2023/0580 to the Northern Regional Planning Panel.

LINKAGE TO OUR COMMUNITY PLAN

Theme Environment

Objective We will preserve and enhance our natural environment

KEY ISSUES**Regionally Significant Development**

The application is being referred to the Panel as the development is '*regionally significant development*', pursuant to Section 2.19(1) and Clause 7(1)(a) of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* as the proposed development for an extractive industry meets the requirements for Designated Development. A copy of the Environmental Impact Statement is provided as **Attachment B**.

Exhibition of application

The proposal was notified and placed on exhibition in accordance with the Council's Community Participation Plan between 19 October 2023 and 20 November 2023. No submissions were received.

Planning Panel Procedures

The completed assessment report will be available from when it is uploaded between 7 to 14 days before Panel's determination meeting on the Sydney and Regional Planning Panel's web page [Faheys Pit | Planning Portal - Department of Planning and Environment \(nsw.gov.au\)](#)

The development application is scheduled for determination on either 20 or 21 August 2024 (to be confirmed by the Panel). Due to the scheduling of Council's Ordinary Meetings, the Regional Planning Panel operational procedures (the operational procedures) and the Panel determination date, only the Council Assessment Briefing Report to the Panel is attached to this report for information purposes.

This is because the Panel is the consent authority and the operational procedures are written to ensure independent assessment of Regionally Significant Development applications. The operational procedures include provisions that:

- An assessment report is not to be endorsed or presented to an elected council before being sent to the Panel.
- An assessment report may be given to the elected council only after the assessment report is sent to the Panel.
- An assessment report must be provided to the Panel between 7 and 14 days before a determination meeting.

To avoid any doubt, the briefing report summarises outstanding issues at time of writing, being 9 February 2024, and is not a final assessment report. The issues contained in the briefing report have been the subject of additional information requests and responses from the applicant during the assessment of the application.

An elected council may make a submission on a Development Application to be determined by the Panel up to 7 days before the Panel meeting and may speak to this submission at the public determination meeting. Alternatively, any person (including a Councillor in their capacity as a member of the community) may address the Panel and make representations about the development application.

BACKGROUND**The Site**

The quarry which is the subject of the Environmental Impact Statement (EIS) provided at **Attachment B**, comprises land within the Clarence Valley Local Government area (LGA) comprising Lot 31 in Deposited Plan (DP) 1203488, at No. 9720 Armidale Road, Tyringham NSW 2453, the lot has an area of 11.46ha (Project Site). The internal access route to the quarry connects directly with Armidale Road.



FIGURE 1.1: Project Site- regional setting

(Map Base Source: Whereis online mapping)

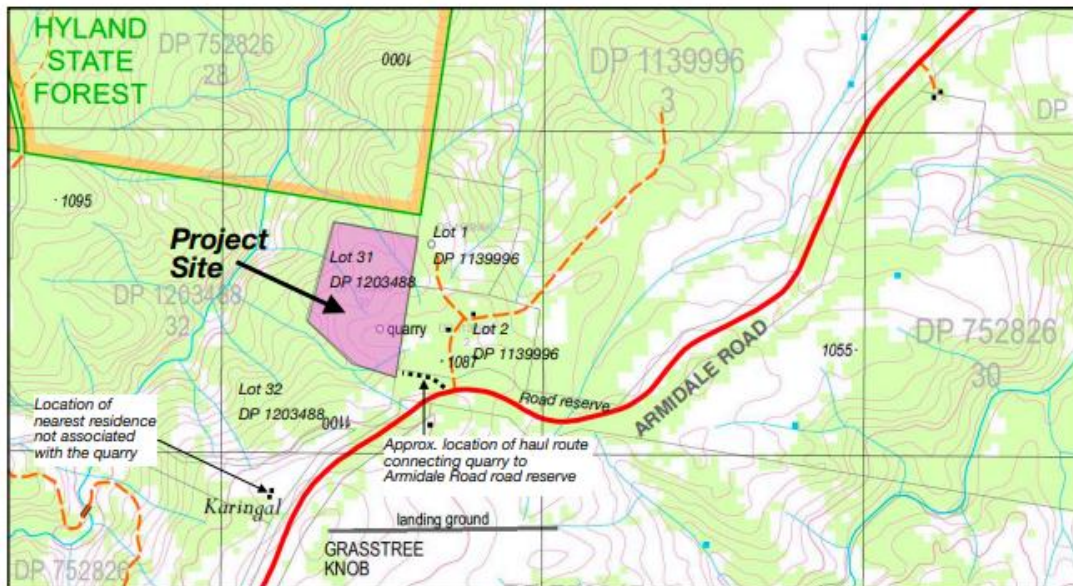


FIGURE 0.1: Location of Project Site- coloured pink

(Map Base Source: SIX Maps Hernani1:25,000 Topographic map 9337-2N, 1km grid)



Figures 1 & 2 – project site and locality (extracts of EIS)

Quarry approval

Faheys Pit was approved by Nymboida Shire Council under DA41/95 issued on 1 April 1996. As set out in the Environmental Impact Statement submitted with the application, a total volume of 4,000m³ of quarry product was to be won from Faheys Pit over the life of the quarry. There are 18 conditions of consent, including condition 18 that requires strict adherence to all conditions of consent during the life of the operation of the quarry. The quarry appears to have gone beyond the original limits of the 1996 approval.

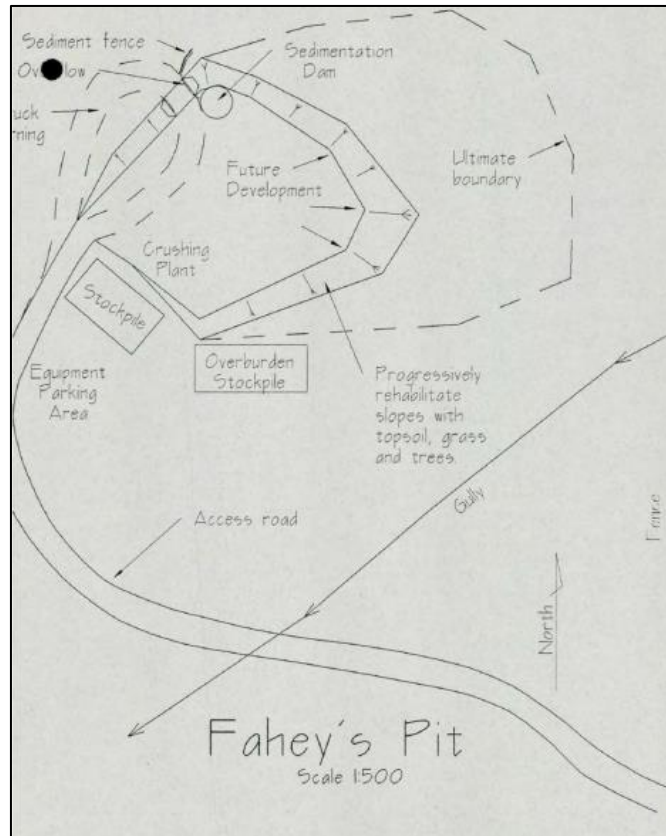


Figure 3 - Plan of approved quarry

The Proposal

Faheys Pit has been in operation since before 1960. It adjoins a pit owned and operated by Clarence Valley Council, known as Ellis' Pit and dwelling and sawmill.

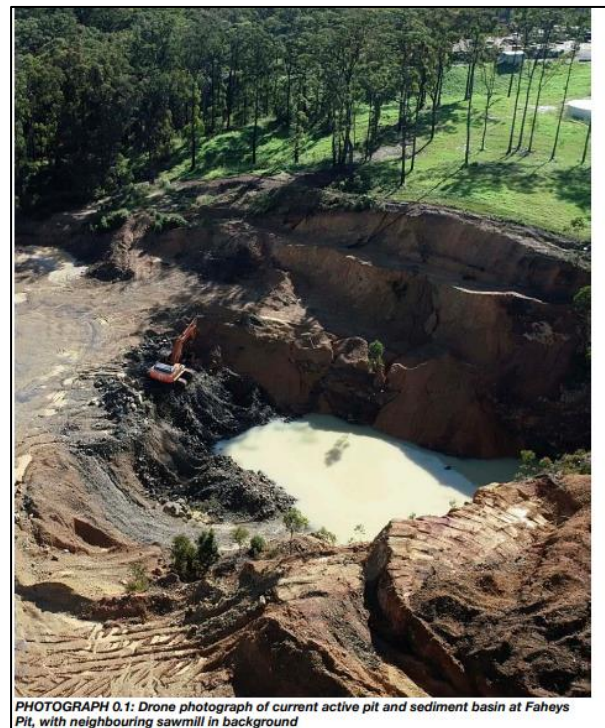
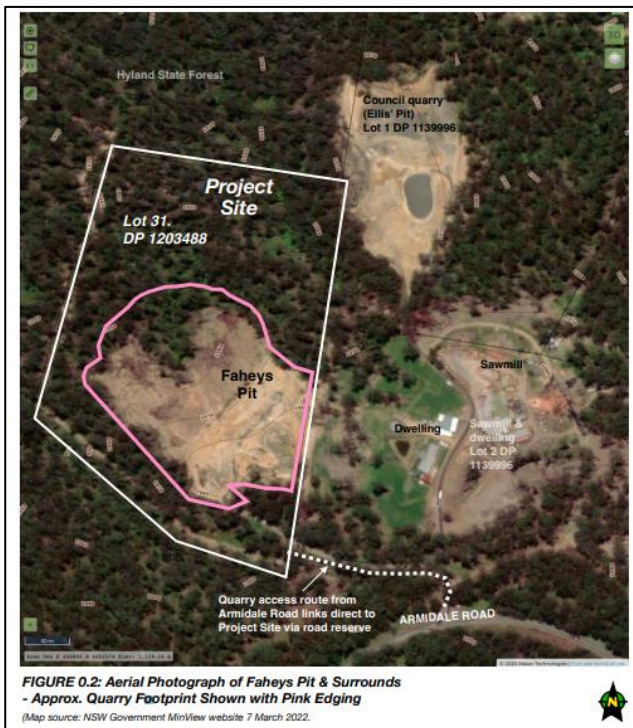


Figure 4 – aerial photographs (extracts of SEE)

Development consent is required to allow Faheys Pit to continue operating and to expand beyond the limits imposed in the 1996 consent DA41/95.

A summary of the proposal is provided in the Environmental Impact Statement:

Quarry component	Summary description
Extraction Method	<i>Bulldozer or excavator used to remove weathered rock, with drill and blast used for unweathered rock.</i>
Resource	<i>Weathered and unweathered siltstone, rare lithofeldspathic wacke and conglomerate, comprising Moombil Siltstone geology.</i>
Disturbance area	<i>A lateral expansion of existing quarry to include all cleared areas, with extraction of up to about 42 metres in depth. Total quarry area approximately 4.1ha ie. 36% of the total Project Site area (rounded up figure).</i>
Processing	<i>Crushing and screening of quarry resource on a campaign basis. Mobile plant and equipment to be brought to the site when required.</i>
Annual extraction rate	<i>Up to 150,000 tonnes per annum.</i>
Transport	<i>Access to the quarry from Armidale Road, the existing quarry haul route. A mix of truck and dog combination, with larger and smaller trucks used where road weight limits allow. It is anticipated that the quarry may generate up to 60 loaded quarry trucks per day.</i>
Waste management	<i>Minimal waste materials are anticipated to be generated.</i>
Hours of operation	<i>Limited to 7.00am to 6.00pm Monday to Friday (ie. 11 hours operation per day) and 7.00am to 1.00pm on Saturdays (ie. 6 hours operation). Hours of blasting are to be restricted to 9.00am to 3.00pm Monday to Friday.</i>
Total recoverable resource and project life	<i>Preliminary estimates indicate that the total quarry resource is estimated to be approximately 730,000 cubic metres-equivalent to about 1.8 million tonnes (Mt).</i>
Workforce	<i>Up to 4 employees working on site + contractors (eg. blasting contractor, machinery servicing contractors, refuelers).</i>
Key environmental issues	<i>Impacts relating to noise, blasting impacts, rehabilitation and traffic. Rehabilitation of existing quarry workings will also be involved.</i>

Site History

As submitted by the applicant, the project site is in a high bushfire prone area, with fires from the 2019 catastrophic fires reaching into the site up to the edge of the current worked quarry area. In the face of perceived imminent risk to life and property from further fires in late 2021 some of the burnt out timbered area was cleared.

The clearing of around 2 hectares of the land between July 2020 and July 2023 is also the subject of an investigation by the Department of Planning and Environment – Compliance and Regulatory section - Biodiversity Conservation Division under Part 5A of the Local Land Services Act 2013.

Council has requested that the Department of Planning and Environment - Biodiversity Conservation and Science Division (BCSD) review the Ecological Assessment Report. On review by BCD the following advice was provided:

With respect to the proposed quarry expansion project, it would be appropriate to consider the impacts of the unauthorised clearing as part of the development application given:

- *the unauthorised clearing will be relevant to the matters for consideration under section,*
- *4.15 of the EP&A Act, and*
- *there is a clear link between the prior unauthorised clearing and the subsequent proposed,*
- *development given the prior clearing would have been necessary to facilitate the quarry,*
- *expansion project, and*
- *the prior clearing would have exceeded the BOS area of clearing threshold and a BDAR would have been required for the development application.*

Council staff have considered this issue. In regard to the assessment of the application and inclusion of the previously cleared land, it is the informed position of Council staff that it is appropriate for Council to take into account the past land use (i.e. before the clearing of vegetation) in the assessment of the current DA.

Panel Briefing

The application was referred to the Panel for a briefing which was held on 20 February 2024 and the following key issues were discussed:

- Extension of existing quarry, noting operations at the site prior to 1960 and consent issued in 1996 (not proposed to be surrendered)
- Operated intermittently with recent ownership change
- Background to other extraction developments in locality
- No submissions received during exhibition period
- Designated development with extraction rate proposed of 150,000 tonnes/annum
- Removal of vegetation prior to lodgement of application - referral to DPE Biodiversity and Conservation and outstanding BDAR
 - Clarification requested to confirm if supporting documentation is required to take into consideration the cleared vegetation area
- Additional land clearing proposed in application.

Referrals

- EPA – General terms of approval issued.
- TfNSW – no issues raised.
- DPE Water – no concerns.

COUNCIL IMPLICATIONS

Budget/Financial

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

Asset Management

NA

Policy and Regulation

Environmental Planning and Assessment Act, 1979

Biodiversity Conservation Act 2016

Water Management Act 2000

Environmental Planning and Assessment Regulation 2000

State Environmental Planning Policy (Planning Systems) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resources and Energy) 2021

Clarence Valley Local Environmental Plan 2011

Rural Zones Development Control Plan (DCP)

Consultation

<i>External Agencies referrals</i>	<i>Comment</i>
Department of Planning and Environment-Water	General Terms of Approval provided.
Transport for NSW	Comments provided.
Environment Protection Authority	General Terms of Approval provided.
Department of Planning and Environment (DPE) Biodiversity Conservation and Science Division	Advice provided.
<i>Internal Section or Position</i>	<i>Comment</i>
Development Engineer	Comments provided.

Environmental Health Officer	Comments provided.
Environment Officer (Biodiversity)	Comments provided.
Building Surveyor	Comments provided.

Legal and Risk Management

Should the applicant be dissatisfied with the Northern Regional Planning Panel's determination they may appeal to the Land and Environment Court in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*.

Climate Change

There will be no additional assets other than road upgrades external to the site that could be affected by climate change impacts as listed in Council's Disaster Resilience Framework. The proposal is not considered to conflict with Council's Climate Change Policy. The ongoing use of the quarry will not result in significant increases in emissions associated with operation of the quarry.

ITEM 07.24.118 DA2023/0759 - 290 LOT SUBDIVISION AND CHILDCARE CENTRE - JAMES CREEK ROAD, JAMES CREEK - NOTICE OF NORTHERN REGIONAL PLANNING PANEL

Meeting	Council	23 July 2024
Directorate	Environment & Planning	
Prepared by	Development Planner (Systems), Carmen Landers	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. DA2023-0759 - NRPP Briefing Report - January 2024 (Separate Cover) ⇒ B. DA2023-0759 - Submissions (Separate Cover) ⇒	

SUMMARY

<i>Applicant</i>	Peter Bell C/- The Trustee for MPD Investments Unit Trust
<i>Owner</i>	Kahuna No 1 Pty Ltd
<i>Address</i>	James Creek Road, James Creek being Lot 104 DP751388
<i>Submissions</i>	94 Submissions

Council received Development Application DA2023/0759 for the subdivision of land located upon Lot 104 DP751388, James Creek Road, James Creek. The development application is Regionally Significant Development and has been referred to the Northern Regional Planning Panel (the Panel) as the determining authority for this application.

The purpose of this report is to advise Council that the development application will be scheduled by the Panel for determination in August 2024. An elected Council may make a submission on a Development Application to be determined by the Panel up to seven days before the Panel meeting and may speak to this submission at the public determination meeting.

Due to the scheduling of Council's Ordinary Meetings, the Regional Planning Panel operational procedures and the Panel determination date, only the Council Assessment Briefing Report (dated January 2024) to the Panel is attached to this report for information purposes (**Attachment A**). Of note, the briefing report is not a final assessment report. The issues contained in the briefing report have been the subject of additional information requests and changes to the proposed development during the assessment of the application.

OFFICER RECOMMENDATION

That Council:

- note that a public determination meeting for Development Application DA2023/0759 will be scheduled by the Northern Regional Planning Panel on the 11 or 12 August 2024; and
- note that a resolution is required should Council wish to make a submission about DA2023/0759 to the Northern Regional Planning Panel.

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership

Objective We will have a strong, accountable and representative Government

KEY ISSUES

Regionally Significant Development

The application is being referred to the Panel as the development is '*regionally significant development*', pursuant to Section 2.19(1) and Clause (2) of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* as the proposed development has a capital investment value over \$30 million.

Considerations about making a submission

The proposal was notified in accordance with the Council's Community Participation Plan from 28 March 2024 until 13 May 2024. A total of 94 submissions were received during the exhibition period (**Attachment B**).

The submissions received raised concerns regarding the proposal. The issues raised in the submissions will be addressed in full in the assessment report to the Panel for consideration in the determination of the application. The issues raised are identified below:

- Inconsistency with rezoning
- Insufficient buffers and impacts on agricultural activities
- Density and Urban Design
- Flooding
- Stormwater
- Traffic and Access
- Services/Infrastructure
- Environment/Biodiversity.

The assessment report must be uploaded between 7 and 14 days before Panel's determination meeting on the Sydney and Regional Planning Panel's web page <https://www.planningportal.nsw.gov.au/planning-panel/james-creek-subdivision>.

Planning Panel Procedures

The development application will be scheduled for determination around the 20 or 21 August 2024. Due to the scheduling of Council's Ordinary Meetings, the Regional Planning Panel operational procedures (the operational procedures) and the Panel determination date, only the Council Assessment Briefing Report, dated January 2024 (**Attachment A**) to the Panel is attached to this report for information purposes.

This is because the Panel is the consent authority and the operational procedures are written to ensure independent assessment of Regionally Significant Development applications. The operational procedures include provisions that:

- An assessment report is not to be endorsed or presented to an elected council before being sent to the Panel
- An assessment report may be given to the elected council only after the assessment report is sent to the Panel
- An assessment report must be provided to the Panel between 7 and 14 days before a determination meeting.

To avoid any doubt, the briefing report summarises outstanding issues at time of writing, being January 2024, and is not a final assessment report. The issues contained in the briefing report have been the subject of additional information requests and changes to the proposed development during the assessment of the application.

The assessment of this development application is being primarily undertaken by an independent third party (consultant planning firm) to ensure objectivity, with the full support and input of Council staff.

An elected council may make a submission on a Development Application to be determined by the Panel up to 7 days before the Panel meeting and may speak to this submission at the public determination meeting. Alternatively, any person (including a Councillor in their capacity as a member of the community) may address the Panel and make representations about the development application.

BACKGROUND

Proposal

The proposal seeks consent for a 290 lot subdivision and construction of a centre-based child care facility. The subdivision component of the application includes:

- 281 residential lots including one R3 medium density development lot (8,732m²), one residue lot (5.4ha) and 1 childcare facility lot (3,391m²)
- 1 Commercial Lot – 2,189m²
- 4 Drainage reserve lots
- 4 Open Space lots

An extract of the proposed lot layout current at the time of writing this report is provided below in **Figure 1**.

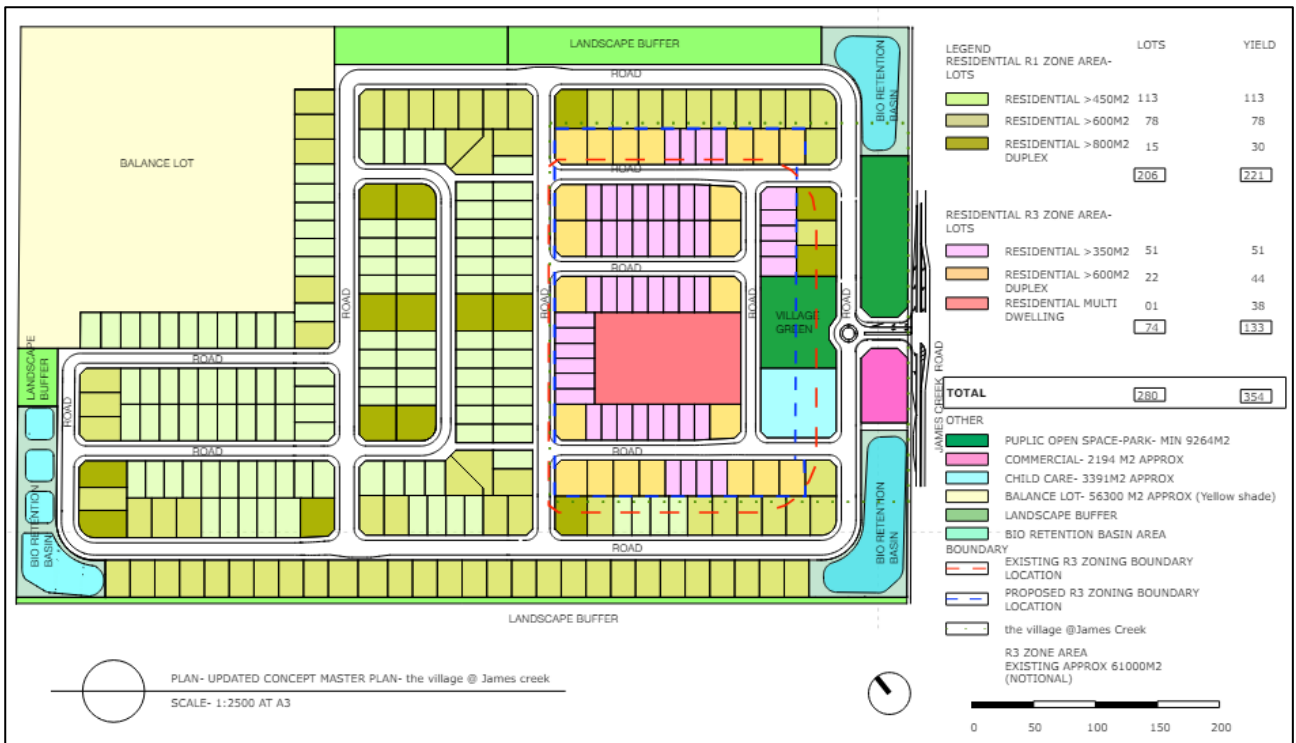


Figure 1 – Proposed Layout

Planning Controls

The subject land is zoned R1 General Residential, R3 Medium Density Residential and E1 Local Centre under the provisions of Clause 2.3 of the *Clarence Valley Local Environmental Plan 2011* (Figure 2). The proposed development is permitted with consent within the zones.

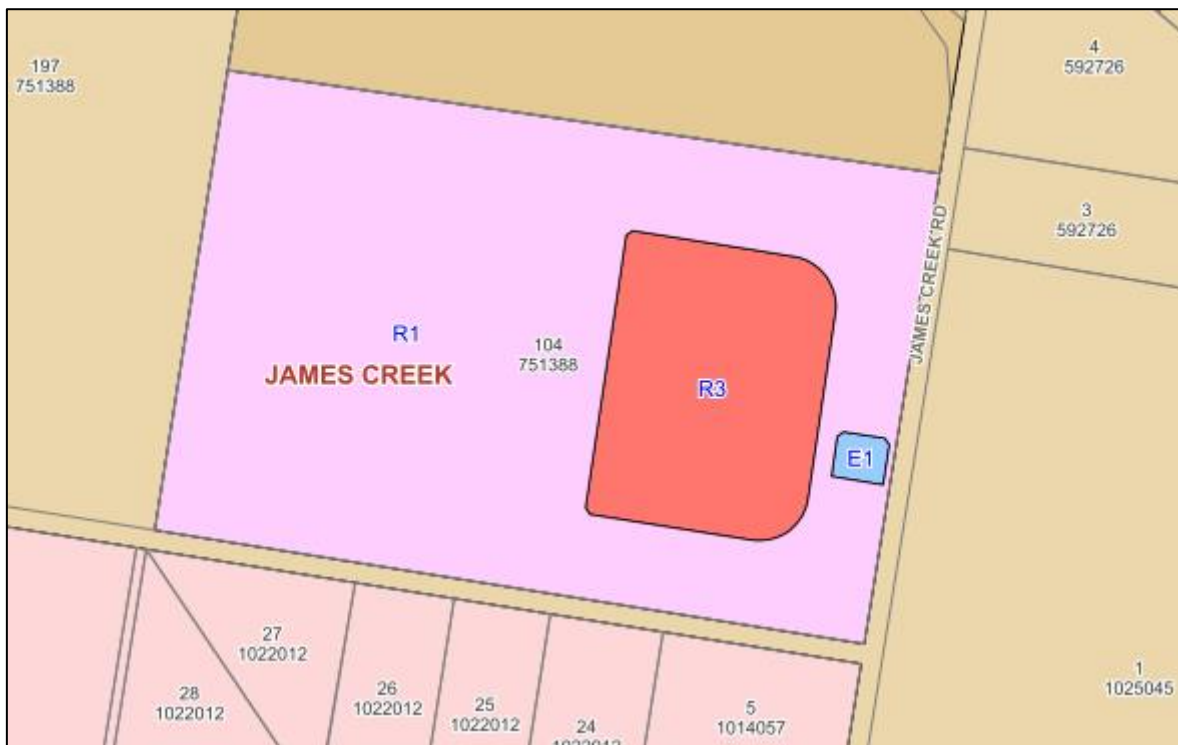


Figure 2 – Zoning Map (Source: CVC Intramaps)

COUNCIL IMPLICATIONS

Budget/Financial

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

Asset Management

Should the application be approved new road, sewerage, water and drainage infrastructure including stormwater basins are constructed by the developer and accepted off maintenance, this infrastructure will become a Council asset and require ongoing maintenance to be met by Council's maintenance budget.

Policy and Regulation

Environmental Planning and Assessment Act, 1979
Environmental Planning and Assessment Regulation 2000
State Environmental Planning Policy (Biodiversity and Conservation) 2021
State Environmental Planning Policy (Resilience and Hazards) 2021
State Environmental Planning Policy (Planning Systems) 2021
State Environmental Planning Policy (Transport and Infrastructure) 2021
Clarence Valley Local Environmental Plan 2011
Residential Zones Development Control Plan (DCP)
Business Zones Development Control Plan (DCP)

Consultation

There were no formal concurrences required from external government agencies for the proposal as the application is not for Integrated Development under Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). However, the development application was referred externally to Essential Energy (Clause 2.48 Transport & Infrastructure SEPP), Transport for New South Wales (Clause 2.121 Transport & Infrastructure SEPP), NSW Crown Lands and the NSW Rural Fire Service (section 4.14 of EP&A Act). At the time of this report, comments had not been received from all agencies. However, Essential Energy and Transport for NSW raised no objections to the proposal.

Relevant internal Council officers are being consulted during the assessment of the application and their final advice to the assessing officer will be provided upon completion of the assessment of the additional information and prior to a recommendation being determined. Full details will be provided in the complete Assessment Report when uploaded to Panel website.

Legal and Risk Management

Should the applicant be dissatisfied with the Northern Regional Planning Panel's determination they may appeal to the Land and Environment Court in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*.

Climate Change

There will be additional assets, being the proposed road upgrades external to the site, that could be affected by climate change impacts as listed in Council's Disaster Resilience Framework.

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

ITEM 07.24.119 DA2023/0354 - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF RESIDENTIAL FLAT BUILDING (3 DWELLINGS) - 27 CLARENCE STREET, YAMBA

Meeting	Council	23 July 2024
Directorate	Environment & Planning	
Prepared by	Development Planner (Systems), Carmen Landers; Development Assessment Planner, Alex Clark	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. DA2023 0354 - Plans (Separate Cover) ⇒ B. DA2023 0354 - Section 4.15 Assessment (Separate Cover) ⇒ C. DA2023 0354 - Submissions ↓ D. DA2023 0354 - Concept Landscape Plans (Separate Cover) ⇒	

SUMMARY

<i>Applicant</i>	Jake Storey C/- Cremorne Enterprises Pty Ltd
<i>Owner</i>	Cremorne Enterprises Pty Ltd
<i>Address</i>	27 Clarence Street, Yamba, being Lot 2 DP7820
<i>Submissions</i>	Three (3) objections

Development Application DA2023/0354 seeks approval for a residential flat building (3 dwellings) with associated car parking on 27 Clarence Street, Yamba.

The proposed development was advertised and notified in accordance with Council's Community Participation Plan. A total of three (3) submissions were received during the exhibition period raising concerns regarding amenity impacts from roof top balcony, privacy, overshadowing, landscaping, parking and setbacks. The matters are discussed in detail in the key issues section of this report.

The application is referred to Council for determination due to the public interest in the proposal and the applicant seeking a number of variations to the Clarence Valley Residential Zones Development Control Plan 2011 (the DCP). The report provides an assessment of the application and a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That Council:

1. support proposed variations to the Residential Zones Development Control Plan 2011; and
2. approve Development Applicant DA2023/0354 subject to draft Conditions in Schedule 1.

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership

Objective We will have a strong, accountable and representative Government

KEY ISSUES

Site Description

The site comprises an area of 499.50m² of R3 Medium Density Residential zoned land under the *Clarence Valley Local Environmental Plan 2011* (the CVLEP)

The site is legally described as Lot 2 DP 7820, 27 Clarence Street, Yamba NSW 2464. The site contains an existing dwelling house and outbuilding to the rear of the lot. The site is relatively flat, with a slight fall away from the western boundary. The site is located in an existing residential locality.

The site is not burdened by any easements or restrictions (refer to DP7820). Noting the applicant has provided details of a reciprocal Right of Carriageway benefitting the land and burdening the adjoining Lot 3 DP7820. The right of carriageway is proposed as the access driveway to service the development.

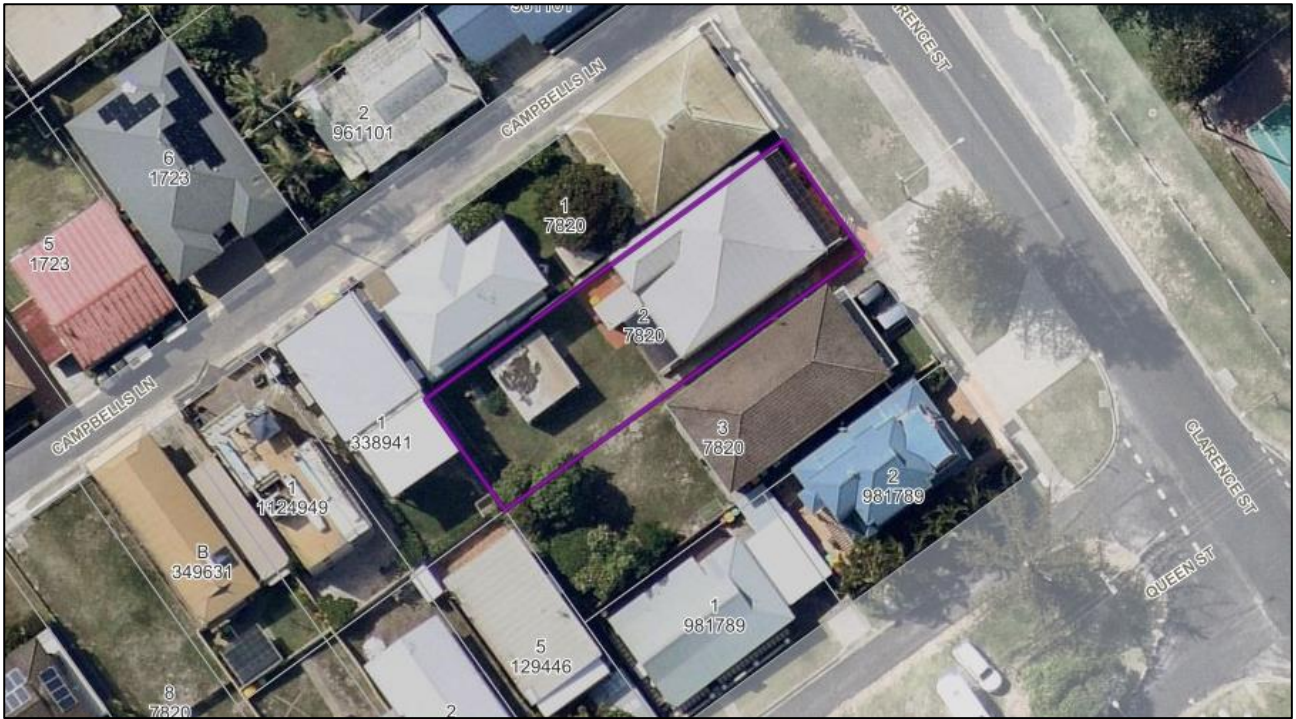


Figure 1 – Location Plan

Proposed Development

The application is seeking to demolish the existing dwelling and construct a three storey residential flat building (3 dwellings) with associated car parking.

Vehicular access to the site is off Clarence Street via an existing right of carriage way shared between the land and adjoining property located at 28 Clarence Street, Yamba.

A copy of the plans is provided in **Attachment A**.

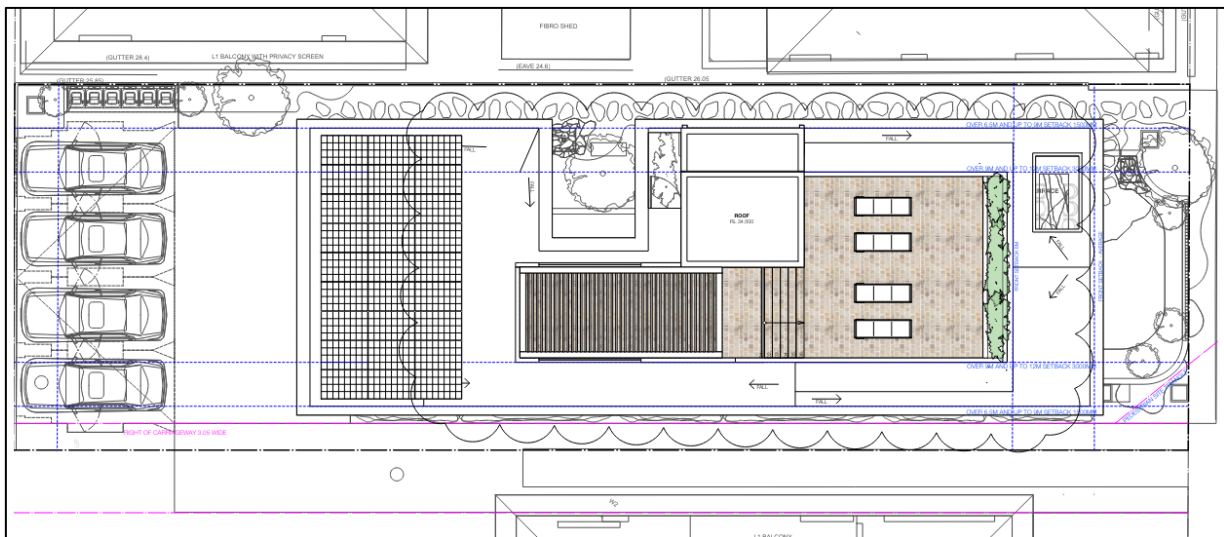


Figure 2 – Site Plan

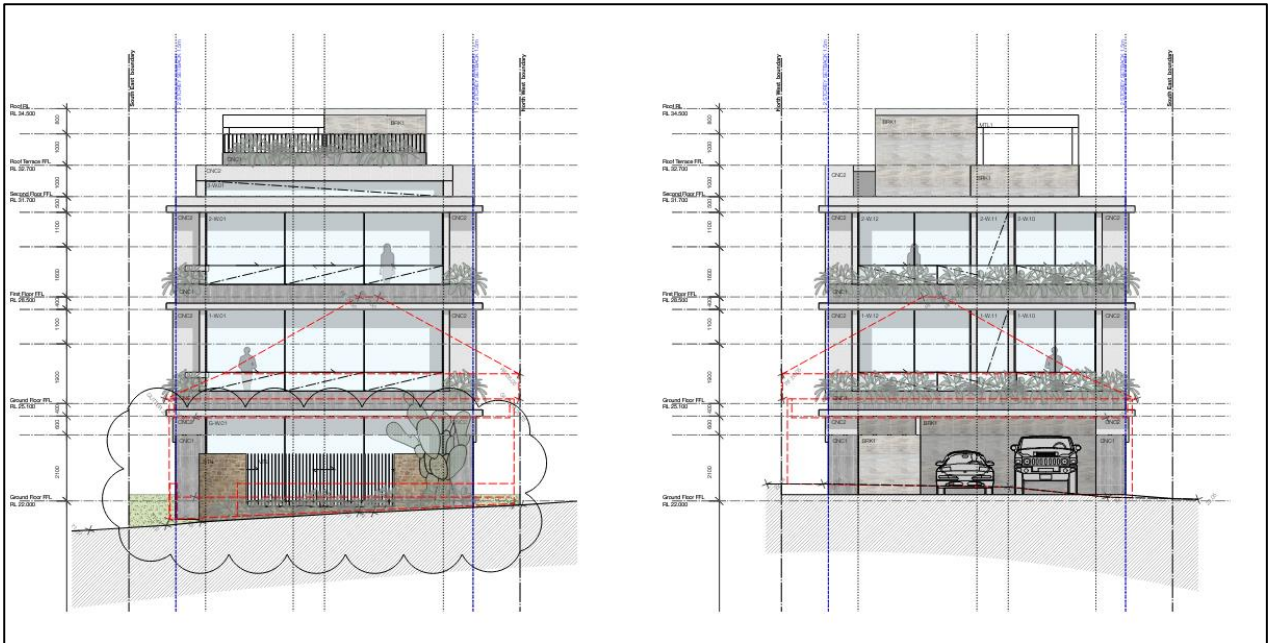


Figure 3 Front and Rear Elevations



Figure 4 – Photomontage Streetview



Figure 4 – Photomontage Streetview

Assessment Summary

Planning Controls

The subject land is zoned R3 Medium Density Residential under the CVLEP. The proposed residential flat building is permissible with consent within the zone.

The proposed development does not seek any exceptions to the development standards in the CVLEP and complies with all relevant provisions of the CVLEP. The complete assessment under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the EP&A) is provided as **Attachment B**.

The issues discussed below include an assessment of proposed variations to the numerical controls within the DCP and other issues raised within the submissions including amenity impacts from roof top balcony, privacy, overshadowing, landscaping, parking, and setbacks.

Compliance with the Development Control Plan – Residential Zones

Under Clause A9 of the DCP, Council can grant consent to a development proposal that does not comply with the specific requirements of the DCP after considering the particular merits of a development proposal. Justification for departure from the DCP requirements must be provided with the Development Application and the overall objectives of the DCP achieved.

The applicant has sought variations to the following clauses of the DCP and these are discussed in detail below and within the Section 4.15 Assessment (**Attachment B**).

1. Clause C13.2 Maximum Top Plate Height and Clause W6 Top Plate Height

The maximum top plate height of a building is set by Table C4 under Clause C13.2 of the DCP. The proposed development complies with the relevant 12m maximum height, with an applicable 9.5m top plate height. As shown in the section Drawing DA-502 Rev D below, the encroachment above the 9.5m top plate height is a 1m high portion of the structural roofing element shown in red.

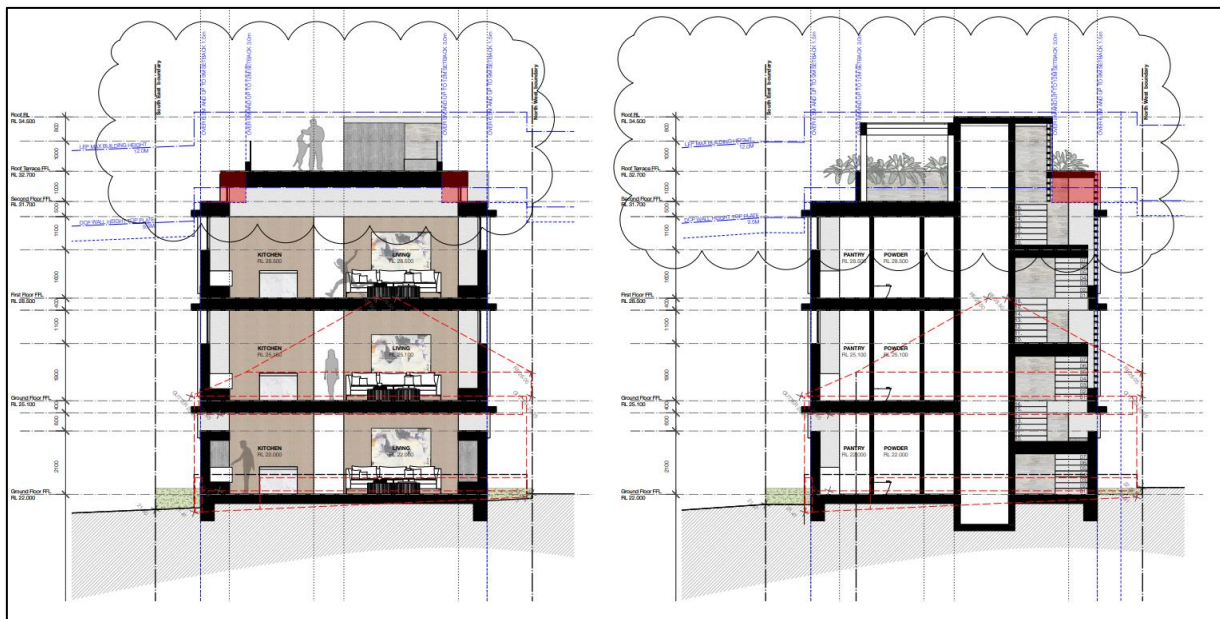


Figure 5 - Drawing DA-502 Rev D

The 1m high above the 9.5m top plate height is considered minor in this instance and only relates to structural elements of part of the building for the second level dwelling roof and stair well roof.

The encroachment does not result in an excessive amount of roof or wall mass on view from any place external to the site and is considered minor as it does not adversely impact to adjoining properties. A variation in this instance is considered acceptable.

2. Clause C16.2 Setbacks

a. Front setback

A 6m setback is required under Clause C16.2 of the DCP. The building is setback 6.049m from the front boundary, however the applicant has sought a variation to reduce the setbacks of the balconies to 2.94m.

Clause C17 of the DCP sets out the required considerations for varying setbacks which includes:

- *New development should complement the existing setback pattern in the street be it uniformed or varied*
- *Variation to reduce the front setback will be considered where existing front setbacks in the R1, R2 and R3 zones are not 6 metres. A variation to a setback will be considered on merit.*
- *Any request to vary the front setback should meet the setback objectives and address the following:*
 - (a) the position of adjacent buildings and their residential character*
 - (b) location of existing vegetation*
 - (c) the effect on sightlines and visibility for pedestrians and vehicles*
 - (d) size, shape and grade of the lot.*
 - (e) the facade of the proposed building or buildings which will face the street and the proposed landscaping which is visible from the street.*
 - (f) the proposed location of any private open space, courtyard or landscaped areas.*
 - (g) the orientation of the allotment and the proposed siting of the dwelling with regard to the sun and prevailing winds.*

Comment

The proposal has a 6m front setback to the bulk of the building and roof top terrace, the encroachment occurs by the balconies for each dwelling, these are not enclosed which reduces the bulk and scale of structures within the front setback to some extent. The design achieves a more varied and interesting streetscape to enhance solar access and reduce potential overshadowing to rear neighbouring properties as much as practicable and allows for a better use of the allotment. Furthermore, the development contributes to the general attractiveness of the streetscape through good design, appropriate materials, and effective landscaping. There is a reasonable integration with the existing pattern of existing front setbacks. With a right of carriageway in place on the southern boundary of the land, the allotment becomes narrow with reduced design options.

As provided in the examples below, the streetscape has varied setbacks with reduced front setbacks to balconies given the orientation of the lots towards the ocean with prevailing views and solar access.

A variation to the front setback for the balconies in this instance is considered suitable given the existing varied setbacks in Clarence Street with many other buildings and balconies located forward of the 6m building line. The variation meets the setback objectives as sufficient separation of buildings to provide privacy and sunlight access to the development and neighbouring properties, the development provides and contributes to an attractive streetscape and landscaping has been provided to soften the apparent bulk of the building.

Examples of other existing Non-Compliant Setbacks – Clarence Street

29 Clarence Street (two sites South of the subject development proposal) – contains an approved three storey dual occupancy under DA2000/250 approved 7/2/2001. Reduced front setback to balcony of 4.62m.



Figure 6 - 28 and 29 Clarence Street with balconies within front setback



Figure 7 - 28 Clarence Street – adjoins site to the left



Figure 8 - Clarence Street – Looking NW



Figure 9 - Clarence Street – Looking NW



Figure 10 - Clarence Street – Looking SE to site



Figure 11 - Clarence Street – Looking SE to site

b. Side Setbacks

The height of a building determines the required side setbacks as detailed in Table C5 of the DCP as follows:

Table 1: Side Setbacks

Maximum Height of Building	Required setbacks	Side and rear	Proposed
Up to 6.5m	900mm		n/a
Over 6.5 and up to 9m	1.5m		1.4m (100mm reduction)
Over 9m and up to 12m	3m		1.4m (1.6m reduction)



Figure 12 - Drawing DA-505 Rev B

Comment

The purple highlighted portion of the section drawing above, shows the required setbacks with minor protrusions into this setback area. The protrusions are limited to a minor part of the second level roof form (**Figure 12**, left) and part of the stairwell wall/roof form (**Figure 12**, right). Importantly, the proposed side boundary relaxations are minor and for only a proportion of the proposed building.

The proposed reduced side setbacks occur because of the structural design of the building, and if relocated the internal configuration of each dwelling would be detrimentally impacted causing a non cohesive internal layout. Although these aspects could be altered to comply, in this instance the proposed variations are considered minor in nature with most of the building within the prescribed setbacks, no significant bulk of the building is protruding outside the theoretical building envelope set by these development controls.

3. Clause C20.2 Private Open Space Requirements

The provisions of Clause C20.2 apply to dwellings with ground floor access within residential flat buildings which requires a private open space area of 50m², in one level area, located with direct access from living/dining room and not located within front setback.

The ground floor dwelling has private open space located within the front setback and an area of 43.4m² (a shortfall of 6.6m²). An extract of the plan showing the private open space area of the ground floor dwelling is provided below.

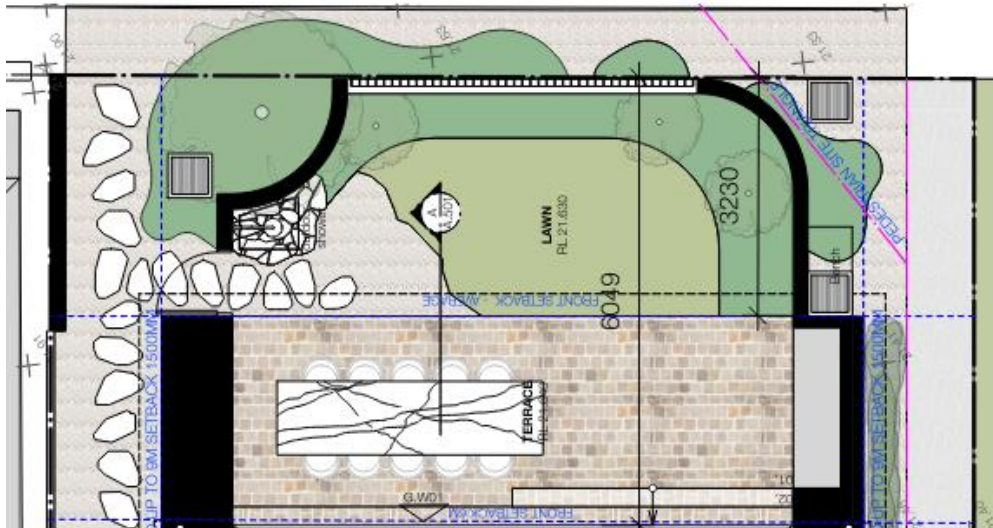


Figure 13 – Private Open Space Area Ground Floor Dwelling

Comment

Provision of private open space in the front setback in this instance is the most suitable location for solar access, amenity and views. The minor reduction in area is compensated through high quality landscaping that provides adequate privacy, whilst maintaining a level of useable space with direct access off the living area. The unit also benefits from its location directly across from Flinders Park and Main Beach Yamba. The area is clearly defined for private use and is enhanced through the provision of landscaping and compliant privacy fence in keeping with the requirements of the clause.

Additionally, the ground floor dwelling also has access to communal open space on the roof top terrace.

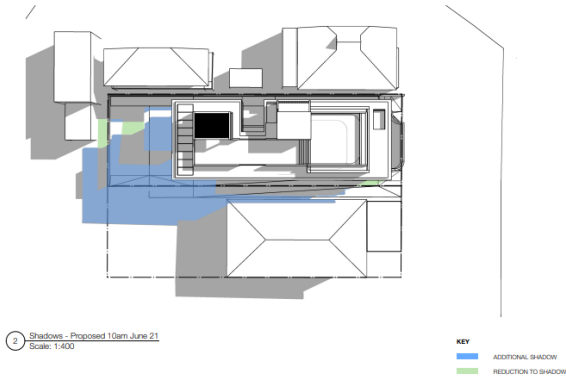
A shortfall of POS area for the ground floor dwelling is considered acceptable in this instance for the reasons provided above.

The dwellings located on Level 1 and 2 comply with the private space requirements for balconies and communal open space required by Clause C21 of the DCP.

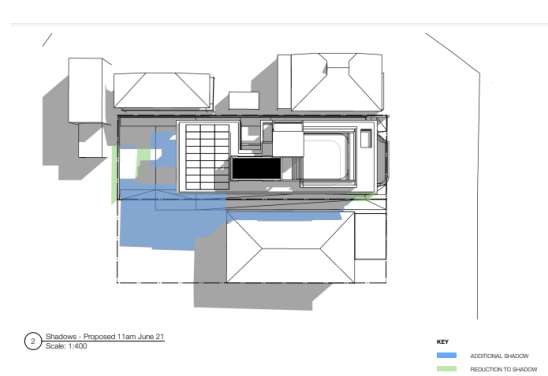
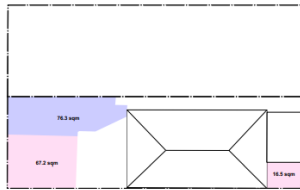
4. Clause W7 shadow diagrams

Clause W7 of the DCP requires that at least half the private open space of adjoining properties should receive direct sunlight between 10am and 2pm during mid winter. This same standard applies to private open space areas provided within the proposed development. The average increase in overshadowing from the development to No. 28 Clarence Street is 50.80%.

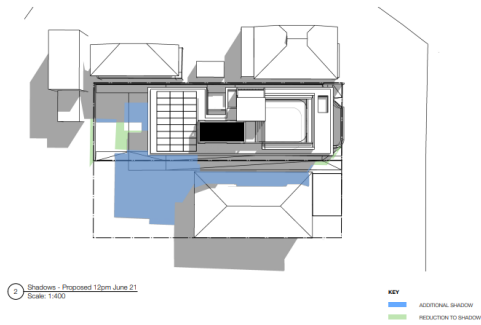
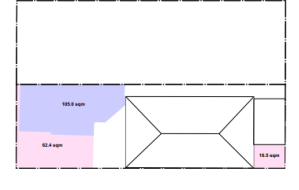
The amended plans provide an average of 50.8% which is reduced from the original proposal of 52.51%. An extract of the shadow diagrams is provided below for information.



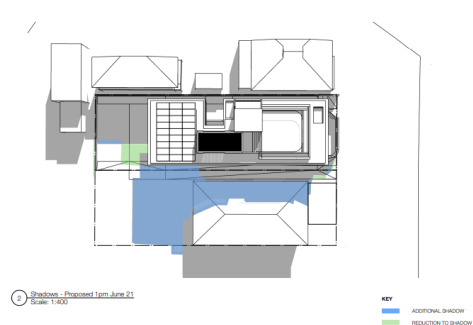
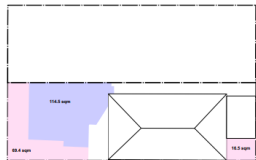
10am - 47.4% Reduction in Sunlight



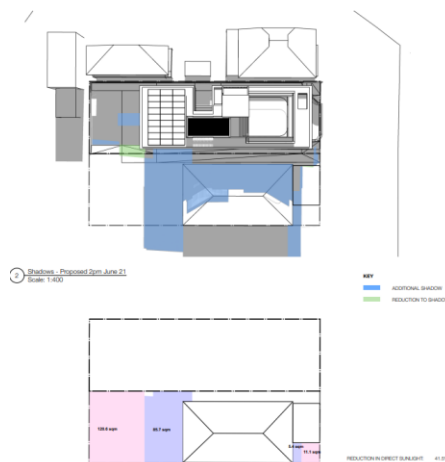
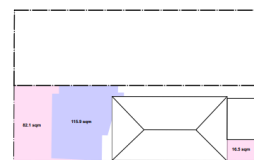
11am - 56.1% Reduction in sunlight



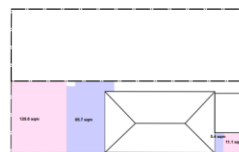
12pm - 55.1% Reduction in Sunlight



1pm - 53.9% Reduction in Sunlight



2pm - 41.5% Reduction in Sunlight



Comment

The development predominately impacts on No. 28 Clarence Street with overshadowing 0.8% above the 50% requirement of the DCP. The 0.8% non-compliance is considered minor and within an accepted tolerance as the dwelling has additional open space provided on the front balcony which has the predominate coastal views and direct sunlight. No objection to the development was received from No. 28 Clarence Street.

As part of the amended design plans submitted and through a reduction in roof top terrace area, the amended design improved overshadowing to No. 28 Clarence Street. The amended proposal reduces the level of overshadowing of adjoining properties by 5% from the original proposal.

Other properties are impacted at 10am only to the western boundary, and the increased overshadowing complies with Clause W7 provisions of the DCP.

Summary

The predominate variation is a reduced front setback which has been demonstrated is not out of character with other existing buildings within Clarence Street which has a varied setback pattern. There is some minor non-compliance with overshadowing as noted above, however, there are no LEP variations to building height and the proposal complies with the LEP with the above variations to the DCP requirements only. It is deemed the applicant has provided suitable justification for departure from the DCP requirements and overall objectives of the DCP have been achieved.

The development is consistent with the aims of the DCP to support and complement the CVLEP, encouraging well-designed, high-quality development within residential zones in the Clarence Valley. The proposed development is consistent with the R3 Medium Density Zone objectives to provide housing to meet the needs of the community and provide a variety of housing types in a medium density residential setting.

Submissions

The application was notified to adjoining and nearby landowners in accordance with the requirements of the adopted Community Participation Plan. Council received three (3) submissions objecting to the proposal during the exhibition period of between 27 September 2023 to 11 October 2023 (**Attachment C**). These objections are discussed below.

Table 2: Summary of Submissions

Issue	No of submissions that raise issue	Council Comments
<p>Roof top terrace</p> <p>Submissions raised concern the development will adversely impact amenity within the locality.</p>	3	<p>The original application proposed a roof top terrace of 118.5m².</p> <p>The roof top terrace is predominately open and does not have the same view sharing impact as a traditional roof design that would not allow visibility.</p> <p>In response to information requests by Council's assessing staff, the size and scale of the roof top terrace has been reduced by one third or approximately 35m² to reduce overlooking towards the rear and adjoining northern and southern properties. The design of the communal open space roof top terrace is directed towards Clarence Street taking advantage of eastern coastal views reducing overlooking of surrounding private properties.</p> <p>Outcome: This issue has been satisfactorily addressed through revised design of the proposed development.</p>
<p>Overshadowing</p>	3	<p>The original application proposed approximately a 10% increase in overshadowing above the DCP requirements to 28 Clarence Street.</p>

		<p>In response to information requests by Council's assessing staff, the amended proposal reduces the overshadowing impacts to the adjoining property which now has 50.8% overshadowing between 10am and 2pm mid winter (0.8%) above the DCP requirement. As discussed above in the DCP considerations, the 0.8% noncompliance is considered minor and within an accepted tolerance as the dwelling has additional open space provided on the front balcony which has the predominate coastal views, prevailing breezes and direct sunlight.</p> <p>Other properties are impacted at 10am only to the western boundary, and the increased overshadowing complies with Clause W7 provisions of the DCP.</p> <p>Outcome: This issue has been satisfactorily addressed through revised design of the proposed development.</p>
<p>Setbacks</p> <p>Submissions raised concern the development could adversely impact amenity through reduced setbacks</p>	<p>2</p>	<p>The application proposes a reduced front setback to the balconies similar to other buildings located in Clarence Street, and reduced side setbacks where the structure protrudes 100mm into the 1.5m requirement and up to 850mm in the 3m requirement.</p> <p>Suitable justification has been provided by the applicant to consider the proposed reduced front setback, and there are appropriate examples across Yamba Hill where a variety of setbacks have been applied.</p> <p>The proposed reduced side setbacks are not considered to bring the entire building closer to the boundaries and adjoining properties. Reduced setbacks are only to structural components of the building, not walls or windows which could impact privacy.</p> <p>Outcome: This issue has been satisfactorily considered and addressed by the applicant.</p>
<p>Private open space and landscaped area</p> <p>Submission raised concern the development does not have adequate provision private open space or landscaped area</p>	<p>2</p>	<p>The application proposes a shortfall of 6.6m² of private open space for the ground level dwelling, where 43.4m² is proposed in the front setback. There is communal private open space provided as part of a roof top terrace and this complies with Council's DCP requirements.</p> <p>The amended plan achieves a minimum 35% landscaped area, this includes a rate of 50% applied for permeable paved driveway and manoeuvring area in accordance with previous Council assessment methodology to ensure suitable permeable surface is available for stormwater infiltration. Concept landscape plans (Attachment 4) were submitted with the application, however have not been approved as part of this application because an amendment to the front fence design was made to comply with the DCP. A detailed landscaped plan is to be provided prior to issue of Construction Certificate in accordance with Condition 17, showing the fence to be 50% open.</p> <p>Outcome: This issue has been satisfactorily considered and addressed by the applicant.</p>

<p>Privacy</p> <p>Submissions raised concern the development could adversely impact amenity through reduced setbacks</p>	<p>3</p>	<p>The application proposes car parking at the rear of the site for four spaces and two covered spaces, and there are rear balcony/terraces for the two upper-level dwellings these are at a width of 1m.</p> <p>Parking provided at the rear of this site is not dissimilar to other uses or activities carried out in rear private open space areas that are currently available to the site, however it is noted there would be an increased presence.</p> <p>The rear balcony areas are not wide enough for substantial outdoor furniture and will not enable significant social use for private open space, which is provided for through the front balconies, this will mitigate potential for loss of privacy to neighbouring properties, in addition to the 10m rear setback.</p> <p>Outcome: This issue has been satisfactorily considered and addressed by the applicant.</p>
<p>Parking</p> <p>A submission raised concern the development does not have adequate provision of parking spaces</p>	<p>1</p>	<p>The application provides a compliant number of car parking spaces as required by the Residential Zones DCP.</p> <p>Council’s Development Engineer has reviewed the proposal and raises no objections to the proposed manoeuvring area and driveway access, which is deemed to comply in accordance with the relevant standards.</p> <p>Outcome: This issue has been satisfactorily addressed subject to the imposition of relevant recommended conditions of consent.</p>
<p>Front fence</p> <p>A submission raised concern the front fence impedes landscaping opportunities</p>	<p>1</p>	<p>The original application proposed a front fence design was solid material and 1.8m in height.</p> <p>In response to Council staff feedback, the amended plan shows an open portion of the front fence greater than 50%, which is consistent with Council’s DCP requirements when a front fence height of 1.8m is proposed.</p> <p>Outcome: This issue has been satisfactorily addressed, and the development complies with Council’s DCP requirements.</p>
<p>Building height</p> <p>A submission raised concern the development exceeds the maximum height limit</p>	<p>1</p>	<p>Council requested the applicant clarify the building height across the site with appropriate ground levels.</p> <p>The applicant’s amended plans confirm the building complies with the 12m maximum height limit set by the LEP and does not exceed the maximum height of buildings applicable to the land. The only structures above 9.5m are the lift overrun, stairwell, rooftop terrace and minor building elements.</p> <p>Outcome: This issue has been satisfactorily addressed, and the development complies with height of building development standards.</p>

Summary

The development meets the performances objectives of the DCP, and would provide a development outcome that, on balance, would result in a positive impact for the community.

The matters raised within the submissions have been addressed and approval of the development would be in the public interest. However, conditions are recommended to ensure the development manages amenity, and stormwater adequately.

The development meets the desired outcomes of Council's planning controls for R3 Medium Density zoned land and is satisfactory having regard to the matters for consideration under section 4.15 of the EP&A and will not have a negative impact on the site or community.

Accordingly, the development is recommended for approval subject to conditions for the following reasons:

- The development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments.
- The development complies with all aspects of the CVLEP.
- The development is considered to be of an appropriate scale and form for the site and is generally consistent with the character of the Yamba Hill area.
- Onsite stormwater management for the development complies with Part H Sustainable Water Controls of the DCP.
- The development is a suitable and planned use of the site, and its approval is within the public interest.

BACKGROUND

Development Application DA2023/0354 for a multi dwelling housing (3 units) development was lodged with Council on 29 August 2023. Additional information was sought from the applicant on 22 September 2023 and again on 10 April 2024 in response to concerns raised in the submissions.

The applicant submitted additional information on 25 October 2023 and 25 June 2024 to amend the application and reduce the area of the roof top balcony to reduce the developments overall impact with less overshadowing, improved landscaping across the site including the redesigned front fence to incorporate an open portion to integrate more cohesively with the streetscape.

COUNCIL IMPLICATIONS**Budget/Financial**

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

Asset Management

The development will have access to Council owned water and sewer and vehicular access is off Clarence Street being a Council maintained road. No additional assets

Policy and Regulation

Environmental Planning and Assessment Act, 1979

Local Government Act 1993

Environmental Planning and Assessment Regulation 2000

State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Clarence Valley Local Environmental Plan 2011

Residential Zones Development Control Plan (DCP)

Consultation

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

<i>Internal Section or Position</i>	<i>Comment</i>
Development Engineer	Supported subject to conditions
Health & Building Surveyor	Supported subject to conditions

Legal and Risk Management

Should the applicant be dissatisfied with Council's determination they may appeal to the Land and Environment Court in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*.

Climate Change

The proposed development will contribute to CO₂-equivalent emissions through construction and operation which are considered to be a driver for climate change via building materials, construction methods, maintenance and associated energy and resource use. Notwithstanding the above comments, if the development is approved, the proposed building is required to comply with the energy efficiency requirements in the BASIX certificate which will ensure that the development meets the NSW Government's requirements for sustainability.

The development is consistent with the Disaster Resilience Framework which provides strategies, actions and recommendations for Council's planning and decision-making, taking advantage of informed scientific research; the Climate Change Impact Assessment report, climate forecasting, climate change modelling predictions, lessons learned, and ongoing expert consultation.

Schedule 1
Draft Advices and Conditions of Consent for DA2023/0354

Advices

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

The proposed development has been assessed as contributing an additional 0.6 ET demand on Council's water supply, and an additional 1 ET loading on Council's sewerage system. This includes an applicable credit for pre-existing uses. The headworks charges at 2024/25 financial year rates are:

Water Headworks \$5,799.00 x 0.6 additional ET = \$3,479.40
Sewer Headworks \$13,610.00 x 1 additional ET = \$13,610.00

The contribution(s), as assessed, will hold for a period of 12 months from the date of this approval. Contributions not received by Council within 12 months of the date of this determination will be indexed in accordance with Consumer Price Index (CPI) current at the time of payment.

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

Conditions**General**

1. Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved plans

Plan No	Revision number	Plan Title	Drawn by	Date of plan
DA.100	A	Cover Sheet	Madeleine Blanchfield Architects	13/12/2022
DA.101	D	Site Analysis Plan	Madeleine Blanchfield Architects	14/06/2024
DA.301	A	Demolition Plan	Madeleine Blanchfield Architects	13/12/2022
DA.310	F	Ground Floor Plan	Madeleine Blanchfield Architects	25/06/2024
DA.311	C	First Floor Plan	Madeleine Blanchfield Architects	26/09/2024
DA.312	C	Second Floor Plan	Madeleine Blanchfield Architects	26/09/2024
DA.315	C	Roof Terrace Plan	Madeleine Blanchfield Architects	14/06/2024
DA.316	D	Roof Plan	Madeleine Blanchfield Architects	14/06/2024
DA.400	C	Elevation South East	Madeleine Blanchfield Architects	14/06/2024
DA.401	C	Elevation Front and Rear	Madeleine Blanchfield Architects	25/06/2024
DA.402	C	Elevation North West	Madeleine Blanchfield Architects	14/06/2024

DA.501	C	Long Section AA	Madeleine Blanchfield Architects	14/06/2024
DA.502	D	Cross Section BB and CC	Madeleine Blanchfield Architects	14/06/2024
DA.503	C	Cross Section DD	Madeleine Blanchfield Architects	14/06/2024
DA.505	B	Cross Section BB and CC	Madeleine Blanchfield Architects	14/06/2024
DA.506	B	Cross Section DD	Madeleine Blanchfield Architects	14/06/2024

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development

2. **Legal point of stormwater discharge.**

The legal and practical point of stormwater discharge of the development is nominated as Clarence Street.

Condition reason: To ensure the development can lawfully discharge stormwater

3. **Compliance with the Building Code of Australia**

Building work must be carried out in accordance with the requirements of the Building Code of Australia.

Condition reason: To ensure compliance with the Building Code of Australia

4. **Prevention of glare nuisance**

The roof covering is to be of a colour or finish which does not produce glare which adversely affects the amenity of nearby properties. Details of how this to be achieved are to be shown on the construction certificate plans.

Condition reason: To ensure that the roof material does not produce a glare nuisance to nearby properties

Building Work

Before Issue of a Construction Certificate

5. 1. **Car parking details**

2. 3. Before the issue of the Construction Certificate, written evidence prepared by a suitably qualified engineer must be obtained that demonstrates, to the certifier's satisfaction, the plans for parking facilities comply with the relevant parts of AS 2890.1 Parking Facilities - Off-Street Carparking and Part G of council's Residential Development Control Plan (in force as at the date of determination of this consent).

4. 5. **Condition reason:** To ensure parking facilities are designed in accordance with the Australian Standard and council's DCP

6. **Construction Site Management Plan**

Before the issue of a Construction Certificate, a construction site management plan must be prepared, and provided to the Principal Certifier. The plan must include the following matters:

- a) The location and materials for protective fencing and hoardings on the perimeter of the site;
- b) Provisions for public safety;
- c) Pedestrian and vehicular site access points and construction activity zones;
- d) Details of construction traffic management including: ii) Estimated frequency of truck movements; and iii) Measures to ensure pedestrian safety near the site;
- i) Proposed truck movements to and from the site;
- ii) Estimated frequency of truck movements;
- and iii) Measures to ensure pedestrian safety near the site;
- e) Details of bulk earthworks to be carried out;

- f) The location of site storage areas and sheds;
 - g) The equipment used to carry out works;
 - h) The location of a garbage container with a tight-fitting lid;
 - i) Dust, noise and vibration control measures;
 - j) The location of temporary toilets;
 - k) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
 - i) AS 4970 - Protection of trees on development sites;
 - ii) An applicable Development Control Plan;
 - iii) An arborist's report approved as part of this consent
- A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction

7. **Erosion and sediment control plan**

Before the issue of a Construction Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the Principal Certifier:

- a Council's relevant development control plan,
- b the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction' (the Blue Book) (as amended from time to time), and
- c the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).

Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways

8. **Section 68 Sanitary Plumbing & Drainage**

Prior to issue of a Construction Certificate approval under Section 68 of the *Local Government Act 1993* shall be obtained from Council for any proposed sewerage work, water plumbing and stormwater work. This application can be lodged via the NSW Planning Portal or at Council's office.

Condition reason: To Comply with the provisions of the *Local Government Act 1993*

9. **Section 138 Driveway Access Crossing**

A Section 138 application for driveway access crossing shall be submitted to Council. A detailed plan of the proposed vehicular crossing and driveway, including longitudinal section/s, road levels, garage levels, property boundaries and other site-specific considerations must be submitted prior to the issue of the Construction Certificate.

Condition reason: To Comply with the provisions of Clarence Valley Council's DCP Residential Development and the Northern Rivers Local Government Development Design and Construction Manual

10. **Commencement of Works**

No construction including removal of vegetation and topsoil is to be commenced until a Construction Certificate has been issued.

Condition reason: To ensure all approvals are obtained prior to works commencing.

11. **Building in close proximity to sewer**

Prior to issue of the Construction Certificate details of special footing / sewer main protection works will be required for buildings or any other works over or within the zone of influence of sewer mains is to be submitted to Council for approval.

Design shall be in accordance with Clarence Valley Council's Policy for building in close proximity to sewers. It is recommended that, prior to commencement of design, the matter be discussed with

Council's Water Cycle Section.

Condition reason: To ensure compliance with Clarence Valley Council's Policy for building in close proximity to sewers

12. **Water Sensitive Urban Design**

Where proposed, Water Sensitive Urban Design (WSUD) systems are to be included in a detailed Design, Construction, Inspection, Testing, Establishment and Staging Management Plan and submitted with the Construction Certificate application for approval by Council. Road reservation widths are to be in accordance with the Northern Rivers Local Government Development Design and Construction Manual plus additional width to contain proposed WSUD components as approved by Council.

Condition reason: To ensure drainage works are provided in accordance with Council's Engineering Specifications for Development

13. **Stormwater Management Plan**

All stormwater falling on the property is to be collected within the property and discharged in accordance with the relevant parts of the applicable Clarence Valley Council Development Control Plans and Northern Rivers Local Government Development Design and Construction Manual (NRDC). A Stormwater Management Plan must be prepared to reflect these standards and guidelines. The Stormwater Management Plan (SWMP) must be prepared in accordance with NRDC.

The SWMP must consider any adjacent property or infrastructure affected by the development. Design details of the drainage system and point of discharge must be submitted with the Stormwater Management Plan for approval by Council and/or accredited private certifier prior to issue of the Building Construction Certificate. Connection to the public drainage system requires the approval of Council under the NSW Local Government Act.

The Stormwater Management Plan must include a management plan for any Water Sensitive Urban Design systems. The management plan must consider construction and operational phases.

DRAINS and Music modelling is to accompany the SWMP.

Condition reason: To ensure drainage works are provided in accordance with Council's Engineering Specifications for Development

14. **Adequacy of Car Parking**

Prior to the issue of the Building Construction Certificate, the adequacy of parking, car parks, driveways, garages and vehicular accesses for the development is to be demonstrated by the submission of standard scale plans with manoeuvring paths shown in accordance with AS2890. This must clearly demonstrate that the parking area will function as intended. The parking area plans are to be submitted and approved by Council or accredited private certifier.

The car parking classification is Class 1A for the internal parking and is to be designed in accordance with AS2890, the relevant parts of the applicable Council Development Control Plan and Northern Rivers Local Government Development Design and Construction Manual. All car parking spaces must be accessible by B99 vehicles.

Condition reason: To ensure that vehicular access and parking are provided in accordance with Council's Engineering Specifications for Development

15. **Earthworks Management Plan**

Detailed plans of earthworks including an Earthworks Management Plan must be submitted to Council or accredited private certifier for assessment and approval prior to the issue of a Building Construction Certificate.

The earthworks Management Plan is to be prepared in accordance with Council's guidelines.

Condition reason: To ensure compliance with relevant Australian Standards

16. **Driveway Design**

A detailed plan of the proposed driveway including longitudinal section, road levels, garage levels, property boundaries and other site specific considerations must be submitted for approval with the Building Construction Certificate to demonstrate that access to the development is provided in accordance with the Northern Rivers Local Government Development Design and Construction Manual.

Plans must demonstrate how all underground services (power, telecommunications, drainage, water and sewer); landscaping and fencing can be accommodated within the proposed right of way / battle axe handle. Utility services within service trenches must comply with any statutory requirements for separation. A typical cross section of the access handle and driveway must be submitted prior to issue of the Construction Certificate.

Design plans and calculations for access culverts must be provided where culverts are required.
Condition reason: To ensure that vehicular access and parking are provided in accordance with Council's Engineering Specifications for Development

17. **Landscape Plan**

A detailed landscape plan, prepared by a person competent in the field is to be submitted to Council for approval prior to the issue of a Construction Certificate. The plan shall indicate the mature height, location, quantity and species of all plantings and shall provide details of soil conditions, the planting method and maintenance program. The front fence is to be shown as a minimum of 50% open, generally in accordance with the plans referenced in Condition 1.

Condition reason: To ensure that the development is adequately landscaped and maintained, and in accordance with the approved plans

18. **Section 7.11 Contributions**

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

Clarence Valley Contribution Plan 2011 Open Space/Recreation Facilities

Coastal \$3,049.45 x 2 additional dwellings = \$6,098.90 GL S94CVCOSCoastal

Clarence Valley Contributions Plan 2011 Community Facilities

Maclean surrounds \$3,049.45 x 2 additional dwellings = \$6,098.90 GL S94CVCCFMaclean

Clarence Valley Contributions Plan 2011 Plan of Management

Rate per Other Residential Accommodation Dwelling \$57.45 x 2 additional dwellings = \$114.90 GL S94CVCPoMResAcco

Yamba Urban By-pass and Urban Intersections Contributions Plan 2000

Yamba Town Centre \$404.05 x 2.0 persons x 2 = \$1,616.20 GLS94YBPYambaTownCt

N.B.

The contribution(s) as assessed will apply for 12 months from the date of this approval. Contributions not received by Council within 12 months of the date of this notice **will be adjusted** in accordance with the adopted Schedule of Fees and Charges current at the time of payment. The contributions are to be paid to Council prior to issue of the Building Construction Certificate. In the event of any subsequent amendment to the approved Development Plans, the calculated contribution amounts may vary and if so will become the contribution payable.

All contribution plans are available for inspection on Council's website www.clarence.nsw.gov.au <<http://www.clarence.nsw.gov.au>>.

Condition reason: To comply with Council's Contributions Plans

19. **Pedestrian and vehicle sight distance**

Construction of boundary walls or fences located on or in proximity to the road frontage of the site,

designed by a suitably qualified consultant to ensure that pedestrian and vehicle sight distance is maintained in accordance with Australian Standard AS/NZS 2890: Parking Facilities, Parts 1, 2 and 6.

Condition reason: To ensure the safety of pedestrians and other active transport users in the vicinity

Before Building Commences

20. **Erosion and sediment controls in place**

Before any site work commences, the Principal Certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction' (the Blue Book) (as amended from time to time).

Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways

21. **Toilet Facilities**

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

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

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

Condition reason: To provide onsite facilities in accordance with work health and safety requirements

22. **Traffic control plan**

A traffic control plan shall be prepared by a Transport for NSW accredited person for the temporary traffic signage layout and vehicle movements to be used during the demolition/construction process. The traffic control plan shall be submitted to and approved by Council prior to works commencing.

Condition reason: To ensure traffic movements around the site are safely managed

23. **Signs on site**

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a Showing the name, address, and telephone number of the principal certifier for the work, and
- b Showing the name of the principal contractor (if any) for any building work and telephone number on which that person may be contacted outside working hours, and
- c Stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out but must be removed when the work has been completed.

NOTE: this does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Condition reason: Prescribed condition EP&A Regulation, clauses 98A (2) and (3)

24. **Issue of Construction Certificate**

No Construction is to be commenced until a Construction Certificate has been issued.

Condition reason: To ensure that the works comply with the state's building regulations

25. **Notice of intention to commence work**

Prior to work commencing on a development the applicant must give notice to Council of their intention to commence work. Such notice shall be submitted to Council at least two (2) days before work commences.

Condition reason: To comply with legislative requirements

26. **Construction Environmental Management Plan**

The contractor engaged to undertake the construction works shall provide a Construction Environmental Management Plan (CEMP) to Council, a minimum of seven days prior to commencing any works. The CEMP shall be prepared in accordance with Council's factsheet and submitted to the Development Engineer at the following email address council@clarence.nsw.gov.au <<mailto:council@clarence.nsw.gov.au>>.

The CEMP shall set out the construction approach for the works and should seek to minimise disruption to the local community.

The CEMP shall be approved by Council prior to works commencing on site.

Condition reason: To ensure that the surrounding environment is not detrimentally affected as a result of the development

27. **Dilapidation report**

Submit to Council a dilapidation report detailing the condition of all Council assets within the vicinity of the development. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs, streetlights or any other Council or public assets in the vicinity of the development. The dilapidation report may be updated with the approval of Council prior to the commencement of works. The report will be used by Council to establish damage to Council's assets resulting from the development works.

Condition reason: To establish and document the condition of public assets for comparison as site work progresses and is completed and ensure council are provided with the dilapidation report

During Building Work28. **Procedure for critical stage inspections**

While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant Construction Certificate.

Condition reason: To require approval to proceed with building work following each critical stage inspection

29. **Working Construction Hours**

Working hours on construction or demolition shall be limited to the following:

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

Condition reason: To protect the amenity of the surrounding area

30. **Site Safety Management**

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

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

Condition reason: To ensure site management measures are implemented during the carrying out of site work

31. **Shoring and Adequacy of Adjoining Property**

If the development involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense:

- a Protect and support the building, structure or work from possible damage from the excavation, and
- b Where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns

the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Condition reason: Prescribed condition - EP&A Regulation clause 98E)

32. **Approved Plans Onsite**

A copy of the approved and certified plans, specifications and documents incorporating the conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by an officer of Council or the Private Certifier.

Condition reason: To provide certainty on the terms of approval and approved plans

33. **Waste enclosure**

A suitable enclosure shall be provided on site, during construction, for depositing waste materials that could become wind blown. Waste materials shall be disposed of to an approved recycling service or waste depot. No burning of waste materials shall occur.

Condition reason: To ensure waste material is appropriately disposed of

34. **Procedure for critical stage inspections**

While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant Construction Certificate.

Condition reason: To require approval to proceed with building work following each critical stage inspection

35. **Working Construction Hours**

Working hours on construction or demolition shall be limited to the following:

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

Condition reason: To protect the amenity of the surrounding area

36. **Site Safety Management**

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

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

Condition reason: To ensure site management measures are implemented during the carrying out of site work

37. **Shoring and Adequacy of Adjoining Property**

If the development involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense:

- a Protect and support the building, structure or work from possible damage from the excavation, and
- b Where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Condition reason: Prescribed condition - EP&A Regulation clause 98E)

38. **Approved Plans Onsite**

A copy of the approved and certified plans, specifications and documents incorporating the conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by an officer of Council or the Private Certifier.

Condition reason: To provide certainty on the terms of approval and approved plans

39. **Waste enclosure**
A suitable enclosure shall be provided on site, during construction, for depositing waste materials that could become wind blown. Waste materials shall be disposed of to an approved recycling service or waste depot. No burning of waste materials shall occur.
Condition reason: To ensure waste material is appropriately disposed of

Before Issue of an Occupation Certificates

40. **Water Meters (Multi Unit)**
A separate property service with a single water meter servicing the whole property or individual meters for each dwelling unit (not both) shall be provided. The water meter(s) must be of a type approved by Council or purchased from Council and located in an accessible location at the property boundary for maintenance and reading purposes. Should the property in future decide to change the metering to multiple meters instead of a single meter (or vice versa) Council fees and charges will apply.
Condition reason: To comply with Council's Sewer and Water Development Services Plan
41. **Certification of constructed Civil Works**
Certification of constructed Civil Works by the supervising engineer and/or registered surveyor is required prior to public infrastructure being accepted "on maintenance" and/or "practical completion" being granted for private property works.
Condition reason: To ensure works are completed to an appropriate standard and documented
42. **Certificate of Compliance**
A Certificate of Compliance for Water and or Sewer works must be obtained from Council prior to issue of the Building Occupation Certificate, for each and every stage of the development. This may require payment of a fee.
Condition reason: To comply with Council's Sewer and Water Development Services Plan
43. **Provision of Water and/or Sewer Reticulation**
Prior to issue of the Occupation Certificate, the applicant is to provide water supply and/or sewerage reticulation infrastructure to service the development, in accordance with the requirements and specifications of the Clarence Valley Council Sewer & Water Connection Policy and Northern Rivers Local Government Development Design and Construction Manual.
Condition reason: To comply with Council's Sewer and Water Development Services Plan
44. **Work-As-Executed Plans**
In accordance with the Northern Rivers Local Government Development Design and Construction Manual and prior to the release of the Occupation Certificate, the applicant must provide Work as Executed Plans (WAE) for all civil works and certification from the supervising professional engineer or registered surveyor, that the civil works have been constructed in accordance with the approved plans and specifications.
Where sewer works are involved the WAE must include sewer junction sheet records in accordance with the requirements of Clarence Valley Council.
For the construction of Water Sensitive Urban Design systems the WAE shall include detailed records of the materials used, inspection and testing.
Condition reason: To ensure works are completed to an appropriate standard and documented
45. **Construction of Carparks and Access**
Car parking, driveways, manoeuvring and access areas must be constructed, sealed, line marked and drained in accordance with the approved plan prior to issue of the Occupation Certificate.
Condition reason: To ensure that vehicular access and parking are provided in accordance with Council's Engineering Specifications for Development
46. **Repair of infrastructure**
Before the issue of an Occupation Certificate:
a any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of council, and at no cost to council, or

- b if the works in (a) are not carried out to council's satisfaction, council may carry out the works required and the costs of any such works must be paid as directed by council and in the first instance will be paid using the security deposit required to be paid under this consent.

Condition reason: To ensure any damage to public infrastructure is rectified

47. **Occupation Certificate**

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

Condition reason: To ensure the safety of the occupants

48. **House Number**

The following Numbers have been allocated to the premises and shall be clearly displayed so it is visible from the road prior to issue of the Occupation Certificate:

1/27 Clarence Street – ground level dwelling

2/27 Clarence Street – first level dwelling

3/27 Clarence Street – second level dwelling

The site and size of proposed householder mailboxes shall meet Australia Post guidelines.

Condition reason: To comply with the NSW Address Policy and User Manual and assist Australia Post, emergency services and the general community in locating the premises

49. **Certification of installation of Basix commitments**

Prior to the issue of an Occupation Certificate all commitments listed in the relevant Basix Certificate for this development shall be completed/installed and the principal contractor responsible for the construction work shall provide the principal certifier with a certificate which states that all commitments listed within the Basix Certificate have been installed.

Condition reason: Prescribed condition (Part 4 Division 2, Subdivision 1 and 2 of the EP&A Regulation 2021)

50. **Completion of landscape works**

All landscaping works are to be completed in accordance with the approved plan prior to the Occupation Certificate being issued.

Condition reason: To ensure that the development is adequately landscaped

Occupation and Ongoing Use

No conditions have been applied to this section.

Demolition Work

Before Demolition Work Commences

51. **Dilapidation report for demolition**

A dilapidation report, containing internal and external photographs, shall be submitted to Council for buildings located at 26 & 28 Clarence Street; 2 Campbells Lane; and 11 Queen Street prior to demolition/construction works commencing.

Condition reason: Provide a basis for comparison should any damage occur to these buildings during the demolition/construction works.

52. **Asbestos removal signage**

Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.

Condition reason: To alert the public to any danger arising from the removal of asbestos.

53. **Demolition management plan**

Before demolition work commences, a demolition management plan must be prepared by a suitably qualified person. The demolition management plan must be prepared in accordance with Australian Standard 2601 - The Demolition of Structures, the Code of Practice - Demolition Work, and must include the following matters:

- a The proposed demolition methods
- b The materials for and location of protective fencing and any hoardings to the perimeter of the site
- c Details on the provision of safe access to and from the site during demolition work, including pedestrian and vehicular site access points and construction activity zones
- d Details of demolition traffic management, including proposed truck movements to and from the site, estimated frequency of those movements, and compliance with AS 1742.3 Traffic Control for Works on Roads and parking for vehicles
- e Protective measures for on-site tree preservation and trees in adjoining public domain (if applicable) (including in accordance with AS 4970-2009 Protection of trees on development sites and <insert Council's relevant Development Control Plan>
- f Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off the site onto surrounding roadways
- g Noise and vibration control measures, in accordance with any Noise and Vibration Control Plan approved under this consent
- h Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other machines
- i Details of any bulk earthworks to be carried out
- j Details of re-use and disposal of demolition waste material in accordance with <insert Council's relevant Development Control Plan>
- k Location of any reusable demolition waste materials to be stored on-site (pending future use)
- l Location and type of temporary toilets onsite
- m A garbage container with a tight-fitting lid

Condition reason: To provide details of measures for the safe and appropriate disposal of demolition waste and the protection of the public and surrounding environment during the carrying out of demolition works on the site

54. **Disconnection of services before demolition work**

Before demolition work commences, all services, such as water, telecommunications, gas, electricity and sewerage, must be disconnected in accordance with the relevant authority's requirements.

Condition reason: To protect life, infrastructure and services

55. **Notice of commencement for demolition**

At least one week before demolition work commences, written notice must be provided to council and the occupiers of neighbouring premises of the work commencing. The notice must include:

- a name,
- b address,
- c contact telephone number,
- d licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor, and
- e the contact telephone number of council and
- f the contact telephone number of SafeWork NSW (4921 2900).

Condition reason: To advise neighbours about the commencement of demolition work and provide contact details for enquiries

During Demolition Work

56. **Asbestos removal**

The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Clarence Valley Council's Asbestos Policy, the relevant requirements of SafeWork.

- a Work Health and Safety Act 2011 and associated regulations
- b SafeWork NSW Code of Practice - How to Safety remove Asbestos.
- c Australian Standard 2601 (2001) – Demolition of Structures

- d The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.

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

Condition reason: To ensure the appropriate handling of asbestos.

On Completion of Demolition Work

57. **Asbestos clearance Certificate**

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

Condition reason: To ensure the appropriate handling of asbestos.

From: [REDACTED]
Sent: Wed, 11 Oct 2023 14:49:23 +1100
To: "CVC Council Email" <council@clarence.nsw.gov.au>
Subject: DA2023/0354
Categories: Tammy

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

To whom it may concern
Clarence Valley Council

re DA 2023/0354

I wish to submit an objection to this development application.
As owner of [REDACTED] this 3 level building with roof garden development will have adverse consequences for our property.
The proposed development will reduce our north eastern aspect and there will be significant shadowing on our residence.
The presence of a roof top garden which effectively adds another level of living space will have definite negative privacy implications.

I have made no reportable political donations or gifts within the last 2 years.

Thank you for your consideration

Regards,
Doug Whittle

From: [REDACTED]
Sent: Mon, 16 Oct 2023 20:07:13 +1100
To: "CVC Council Email" <council@clarence.nsw.gov.au>; "Alex Clark"
[REDACTED]
Subject: Submission - DA2023/0354 - 27 Clarence Street, Yamba

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

Attention Alex Clark

Dear Alex,

LP Planners acts on behalf of the owners of [REDACTED] Mr & Mrs Gary and Bonnie Hollis and Mr Tom Hollis ("Client").

We have separately attempted to contact you via telephone with messages left for a return call which we are yet to receive.

We write in response to the Notice of a Development Application dated 27 September 2023 and received 10 October 2023.

Owing to the geographic location of our client, the notice was received 1 day before the date of submissions close and therefore our client has not had sufficient time to prepare a submission in response to the notice of development application.

Notwithstanding the consent authority's obligations pursuant to the EPA Act and Regulations to consider any submission made up until the date of determination, we respectfully request an extension of time to allow a comprehensive submission to be made in response to the notice of development application.

As an [REDACTED] our clients will be significantly impacted as a result of the proposed development and we are of the opinion, based on a preliminary view of the material available via Council's DA Tracker, that the application is not properly made in its current form nor has sufficient information been made available for interested parties to consider the application fully. This issue alone warrants either refusal of the application or at the very least further information requested and renotification.

Following a preliminary view of the application we raise the following concerns each of which will be further articulated in a subsequent written submission:

- Application as lodged is inadequate and fails to provide the necessary information required to be provided pursuant to the EPA Act and Regulations.
- Building Height. The information available to be viewed raises concerns/doubt that the proposal does not comply with Cl.4.3 of the Clarence Valley LEP.

- The application does not provide a written request to vary the building height development standard pursuant to CL.4.6 of the Clarence Valley LEP.
- Front Boundary setback - the proposed front boundary setback is insufficient and will result in an unreasonable streetscape impact and unreasonable amenity impacts on adjoining properties.
- Side Boundary setbacks - the information made available raises concerns that the proposed boundary side setbacks are insufficient and will result in significant and unreasonable amenity impacts in terms of direct and close overlooking to the adjoining property at [REDACTED].
- Insufficient Landscaped Open Space.
- Nil details of proposed landscaped treatments available to interrogate.
- Roof top terraces will result in unreasonable overlooking of adjoining properties.
- Insufficient off street car parking - the proposed car parking area does not comply with the relevant Australian Standards for off street car parking and maneuvering.

We request a **two week extension** to make a comprehensive submission and respectfully request the following information be made available for perusal:

- Applicants SEPP 65 Assessment / Design Verification
- Floor and Section plans (redacted)
- Applications Clause 4.6 written request (if one was submitted).
- Engineering drawings and/or reports

In requesting the above information we remind Council of our clients geographic location and subsequent inability to view the information in any other form other than digitally and request the information be provided by return email and redacted where required in consideration of privacy.

We look forward to a favourable response to the above requests and should you wish to discuss further please do not hesitate to contact us via the mobile number below.

Regards,

LP Planning Pty Ltd
[REDACTED]

From: [REDACTED]
Sent: Wed, 11 Oct 2023 15:39:27 +1100
To: [REDACTED] "CVC Council
Email" <council@clarence.nsw.gov.au>
Subject: Objection to DA2023/0354 - 27 Clarence Street, Yamba
Attachments: 27-Clarence-submission1.pdf

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Hello,

I am the owner of [REDACTED]. Please see my written objection to DA2023/0354 attached.

Incidentally, I live in [REDACTED] and am yet to receive my notification in the mail - even though the notification period finishes today. Can I please request that all future correspondence is forwarded to me via this email address.

Thanks so much
Karla

10 October 2023

The Development Services manager
Clarence Valley Council
Locked Bag 23
GRAFTON NSW 2460

RE: DA2023/0354 – 27 Clarence Street, Yamba

This submission is made on behalf of the Directors of Wolkara Holdings Pty Ltd, which owns

Having viewed the elevations and site plans, the planning report submitted with DA2023/0354 and the relevant planning controls, we object to the proposed development for a residential flat building (three dwellings) for the reasons outlined below.

The site is included in the R3 – Medium Density Residential zone under the CVLEP2011. It is acknowledged that the intention of the R3 Medium Density Zone is to provide for increased density and housing variety. However, this outcome needs to be balanced with development of appropriate scale and response to its surrounding. Only then will new and infill development contribute to the established character and amenity of the locality.

The Clarence Valley Residential Zones DCP 2011, adopts development standards to guide appropriate development. Most new developments would meet the intentions of the DCP requirements, particularly regarding design, built form and height and location of carparking. However, we submit that the proposed non-compliance with the following elements (as indicated in the planning report submitted with the application) indicate overdevelopment of the site with consequential negative impact on adjoining properties and the established and emerging character of the area;

- The proposed front fence is 1.8m high and of solid construction, contrary to the low rise and open or non-existent front fences along Clarence Street and surrounding streets. This is the result of the open space for unit one needing to be included in the front setback and the front fence used as security.
- The proposed balconies to the rear of the property (presumably accessed from bedrooms) [REDACTED] The proposed location of the parking spaces abutting the western boundary and subsequent lack of opportunity for planting, will result in loss of privacy for users of the rear deck at [REDACTED]. Notably, privacy screening along the southern and western elevations of this deck was a condition of approval.

In addition, the proposed rooftop communal area has the potential for significant overlooking of adjoining properties. Without access to floor plans, it is difficult to assess whether this has been addressed through screening.

- Inadequate area for landscaping is provided on the site. The DCP suggests 35% of the total site area, while the proposal is for 22.5% or a significant 62sqm less than required. The shortfall alone is more than might be expected as private open space for one dwelling.

The planning report suggests that the planning objectives are met and this shortfall of adequate landscaped space is compensated through planting within the front setback and existing planting along the verge. However, a 1.8m fence proposed on the front boundary negates any opportunity for meaningful landscaping within the front setback and therefore the development cannot contribute to the landscaped street character. Further, reliance upon the existing planting along the verge and park across the road points to overdevelopment of the site.

- Inadequate private open space for the ground floor apartment, which is also located within the front setback. In addition to this, the proposed 3m wide private open space sits between a 1.8m high fence and the 9.5m high building.
- Other variations include excessive overshadowing of adjoining property to the south and encroachment into the setbacks on the northern and southern sides of the building.

It is acknowledged that numerical controls are subject to assessment on merit and variation to these controls is appropriate where the relevant objectives are satisfied. It is submitted that failure to meet some of the numerical controls in this instance cannot be justified. The encroachment on multiple numerical controls has the cumulative impact of overdevelopment of the site.

Undersized and poorly located private open space, limited landscape space and encroachment on setbacks will result in a development which negatively impacts the amenity of adjoining properties and the neighbourhood character. Yamba Hill is in a transitional time of redevelopment and approval of this development will set an unfortunate precedent.

It is acknowledged that this site is appropriate for medium density housing, but that a redesign is required to address the impact on neighbours.



Yours sincerely
Karla Loughnan
Town Planner
Director Wolkara Holdings Pty Ltd

ITEM 07.24.120 DA2023/0241 216 DWELLING MANUFACTURED HOME ESTATE AND COMMUNAL FACILITIES - 120 CARRS DRIVE, YAMBA

Meeting	Council	23 July 2024
Directorate	Environment & Planning	
Prepared by	Senior Development Planner, Patrick Ridgway	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. DA2023/0241 - Panel Assessment Briefing Report (Separate Cover) ⇒ B. DA2023/0241 - Redacted Submissions (Separate Cover) ⇒ C. DA2023/0241 - Statement of Environmental Effects (Separate Cover) ⇒	

SUMMARY

<i>Applicant</i>	The Trustee for Yamba Land Trust
<i>Owner</i>	Clifton Yamba Land Pty Ltd & The Trustee for Yamba Land Trust
<i>Address</i>	120 Carrs Drive YAMBA NSW 2464, being Lot 2 DP 733507 & Lot 32 DP 1280863
<i>Submissions</i>	89 submissions

Council received Development Application DA2023/0241 for a 216 dwelling site Manufactured Home Estate (MHE) and communal facilities located at 120 Carrs Drive Yamba on 18 April 2023. This development application (DA) is Regionally Significant Development and has been referred to the Northern Regional Planning Panel (the Panel) as the determining authority for this application.

The purpose of this report is to advise Council that the development application may be scheduled by the Panel for determination on 20 or 21 August 2024 following a Panel briefing scheduled for 24 July 2024. Council will be notified when the application is called for public determination meeting by the Panel.

An elected Council may make a submission on a Development Application to be determined by the Panel up to seven days before the Panel meeting and may speak to this submission at the public determination meeting. If held later in September this will be during the 'caretaker' period for the Council elections.

Due to the scheduling of Council's Ordinary Meetings, the Regional Planning Panel operational procedures and the Panel determination date, only the Council Assessment Briefing Report (dated 17 July 2023) to the Panel is attached to this report for information purposes (**Attachment A**). Of note, the briefing report is not a final assessment report. The issues raised in the briefing report and those requested through additional information requests have not yet been addressed by the applicant through the DA process.

OFFICER RECOMMENDATION

That Council:

- note that a public determination meeting for Development Application DA2023/0241 will likely be scheduled by the Northern Regional Planning Panel on the 20 or 21 August 2024; and
- note that a resolution is required should Council wish to make a submission about DA2023/0241 to the Northern Regional Planning Panel.

LINKAGE TO OUR COMMUNITY PLAN

Theme Infrastructure

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

KEY ISSUES

Regionally Significant Development

The application is being referred to the Panel as the development is '*regionally significant development*', pursuant to Section 2.19(1) and Clause (2) of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* as the proposed development has a capital investment value over \$30 million (the estimated capital investment value of the development is \$80,037,000.00).

Considerations about making a submission

The proposal was notified in accordance with the Council's Community Participation Plan from 22 June – 12 July 2023. A total of 89 submissions were received during the exhibition period (**Attachment B**). The issues raised in the submissions will be addressed in full in the assessment report to the Panel for consideration in the determination of the application.

The submissions received raised concerns regarding the proposal which includes:

- No capacity for additional storage areas for flood water (flood storage area) in the West Yamba Urban Release Area
- Further fill on the western side of Carrs drive will obstruct and trap the flow of water
- Removal of 8 ha of vegetation and habitat
- Adverse safe occupation and efficient evacuation of people. Ineffective emergency evacuation measures and flood risk management
- Flawed flood modelling, accuracy and reliability of flood impact assessments
- Inadequate services, infrastructure and economic considerations
- Community safety and environmental protection
- Public trust and transparency
- Long term sustainability and resilience
- Inadequate assessment of climate change impacts
- Lack of Masterplan for the West Yamba Urban Release Area
- Increased traffic impacts on Carrs Drive
- Clifton Village is for senior residents who are vulnerable
- Construction traffic impacts on road network and disruption and safety of road users
- Localised flooding from stormwater runoff during major rainfall events
- Lack of parkland in WYURA
- The development will remove up to 10 hectares of floodplain vegetation from the site.
- Impacts on St James School – dangerous traffic impacts, school children safety and worsened flooding impacts
- Re-direction of floodwater on the floodplain to adjoining low lying properties
- Inadequate drainage infrastructure
- Construction impacts from traffic, dust, water runoff, traffic congestion
- Extra burden on SES volunteers during flooding.

The assessment report must be uploaded between 7 and 14 days before Panel's determination meeting on the Sydney and Regional Planning Panel's web page <https://www.planningportal.nsw.gov.au/planning-panel/clifton-manufactured-home-estate>

Planning Panel Procedures

The development application may be scheduled for determination around the 20 or 21 August 2024 by the Panel following a briefing between Panel members and Council staff scheduled for 24 July 2024. The Panel secretariate has advised Council staff that the Development Application is likely to be requested for determination by the Panel.

If not requested for determination by the Panel, Council's assessing officers may elect not to progress an assessment report to an August determination meeting, noting the concurrent processes occurring as part of the Deemed Refusal proceedings with the NSW Land and Environment Court (the LEC) (see Background section below).

Due to the scheduling of Council's Ordinary Meetings, the Regional Planning Panel operational procedures (the operational procedures) and the Panel determination date, only the Council Assessment Briefing Report, dated 17 July 2023, (**Attachment A**) to the Panel is attached to this report for information purposes.

The Panel is the consent authority and the operational procedures are written to ensure independent assessment of Regionally Significant Development applications. The operational procedures include provisions that:

- An assessment report is not to be endorsed or presented to an elected council before being sent to the Panel,
- An assessment report may be given to the elected council only after the assessment report is sent to the Panel,
- An assessment report must be provided to the Panel between 7 and 14 days before a determination

meeting.

To avoid any doubt, the briefing report summarises outstanding issues at time of writing and is not a final assessment report. The issues contained in the briefing report have been the subject of additional information requests which have not yet been addressed by the applicant through the DA process, noting the matter is also subject to an LEC appeal which includes conciliation processes about the issues in dispute (see Background section below).

An elected council may make a submission on a Development Application to be determined by the Panel up to 7 days before the Panel meeting and may speak to this submission at the public determination meeting. Alternatively, any person (including a Councillor in their capacity as a member of the community) may address the Panel and make representations about the development application.

BACKGROUND

Proposed Development

The proposal seeks consent for a 216 Dwelling Manufactured Home Estate inclusive of communal facilities. The proposal involves:

- Demolition of the existing dwelling
- Filling of land
- Construction of 216 dwellings across 13 stages
- Construction of a Community Building and other community facilities including
- swimming pool, bowling green and croquet lawn
- Vehicle Parking areas for visitors, vehicle washdown areas and recreation vehicle
- parking
- Tree removal
- Stormwater infrastructure

The overall property is approximately 17.68 ha in area. The proposed development area is approximately 10.06 ha located within the previously disturbed eastern portion of the site.

In addition, the estate is proposed adjoin an approved 197 dwelling site MHE approved under DA2018/0373 by the Panel, which is currently being developed in stages by the same applicant as the subject application.

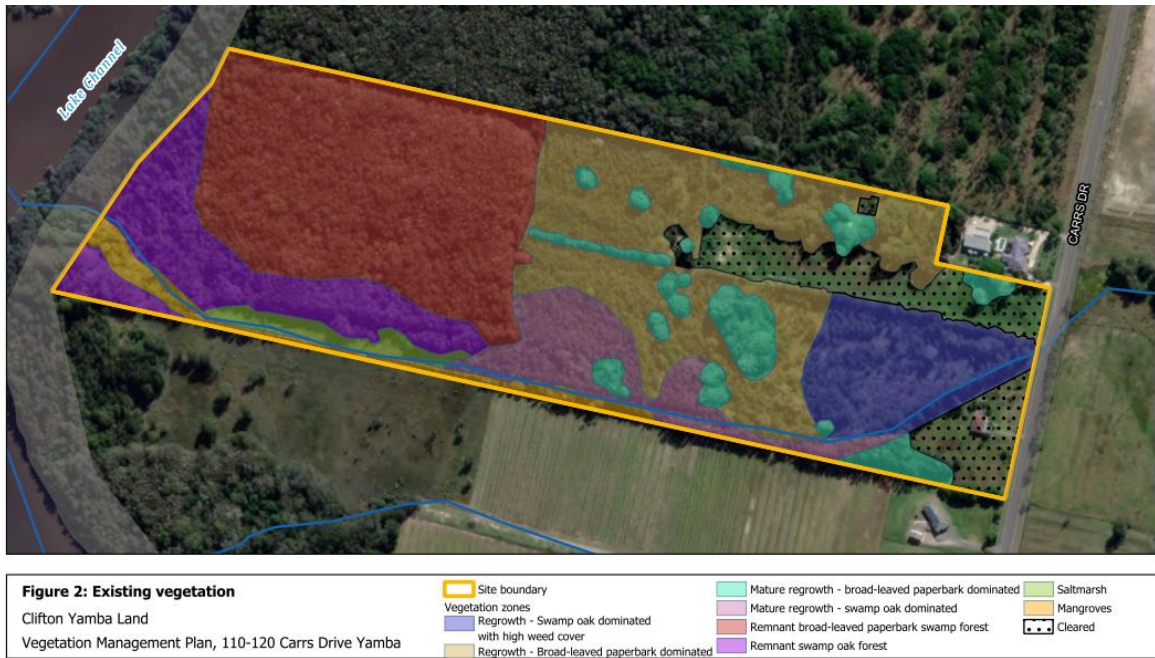


Figure 1 - Vegetation Zones



Figure 2 - Proposed Development Layout

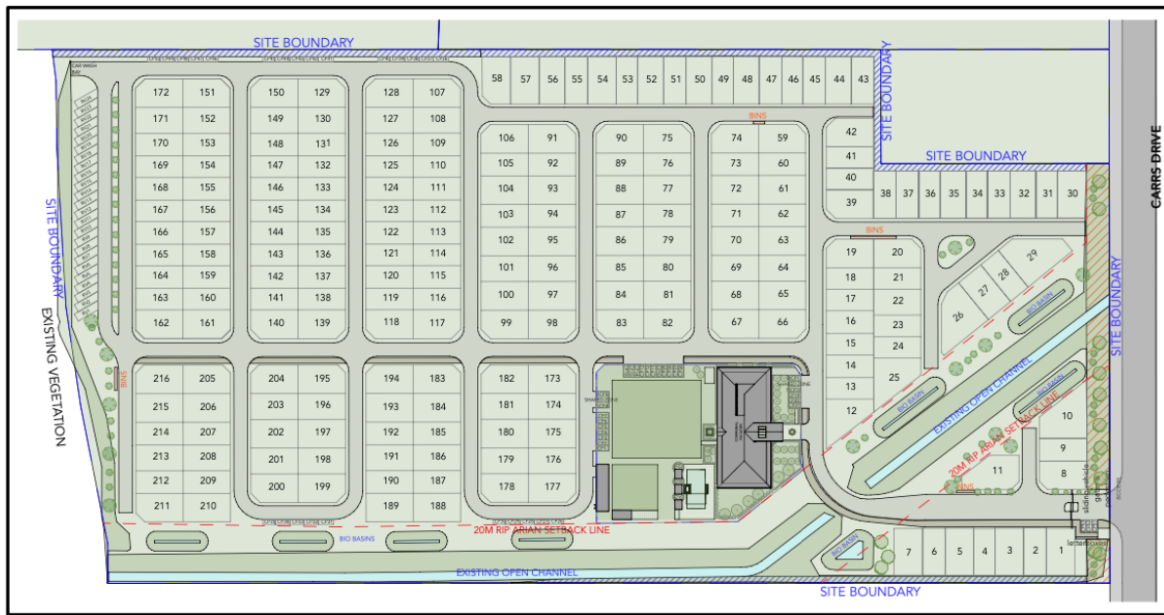


Figure 3 - Site Master Plan

The proposal would result in impacts to 6.4ha of Paperbark swamp forest of the coastal lowlands of the NSW North Coast and Sydney Basin bioregion and 1.3ha of Swamp oak forest of coastal lowlands of the NSW North Coast bioregion. In addition, species credits are also required to be retired for proposed impacts on Squirrel Gliders and Eastern (common) Planigale.

Further information has also been requested in regard to the flooding impact assessment, flood evacuation measures for the community that will occupy the estate, setbacks, biodiversity impacts, vegetation buffers, open space provision, traffic impacts and stormwater management.

A copy of the Statement of Environmental Effects is provided as **Attachment C**.

Clifton Yamba Pty Ltd ATF Yamba Land Trust v Clarence Valley Council

On 15 December 2023, the applicant lodged a Class 1 appeal with the LEC for a Deemed Refusal of the subject development application, being Clifton Yamba Pty Ltd as trustee for Yamba Land Trust v Clarence Valley Council, LEC proceedings no. 2023/00453140

ALEC appeal is subject to separate consideration and process to the development application. Notably the assessment and determination of the development application can continue while an appeal is running concurrently.

In accordance with aLEC Directions Order, Council’s appointment legal representative and staff attended a Section 34 conciliation conference on 2 July 2024. Of note, objectors to the development application were provided the opportunity to address the LEC as a part of this conference.

In addition, as the subject LEC appeal is about a development application where the Panel is the determining authority, Council as the respondent to the appeal, is subject to the control and direction of the Panel in connection to the conduct of the appeal. This means that Council’s legal representatives are required seek direction from the Panel (via legal their representative) about the conduct of the appeal, typically including any key decisions about how the appeal may be directed to progress.

COUNCIL IMPLICATIONS

Budget/Financial

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

Asset Management

Should the application be approved the internal new road, sewerage, water and drainage infrastructure including stormwater basins that are constructed by the developer will be held in private ownership. Adjoining

infrastructure that will become a Council asset and require ongoing maintenance is to be met by Council's maintenance budget.

Policy and Regulation

Environmental Planning and Assessment Act, 1979
 Environmental Planning and Assessment Regulation 2000
 Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021
 Water Management Act 2000
 State Environmental Planning Policy (Biodiversity and Conservation) 2021
 State Environmental Planning Policy (Housing) 2021
 State Environmental Planning Policy (Resilience and Hazards) 2021
 State Environmental Planning Policy (Planning Systems) 2021
 State Environmental Planning Policy (Transport and Infrastructure) 2021
 Clarence Valley Local Environmental Plan 2011
 Residential Zones Development Control Plan (DCP)
 Local Government Act 1993

Consultation

There were formal concurrences required from external government agencies for the proposal as the application is for Integrated Development under Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act').

The development application was referred externally to Essential Energy, Transport for New South Wales, DPE Biodiversity Conservation and Science, and DPE – Water and responses have been received from all agencies.

<i>Internal Section or Position</i>	<i>Comment</i>
Development Engineer	Under assessment and awaiting additional information
Building Surveyor	Under assessment and awaiting additional information
Environmental Health Officer	Under assessment and awaiting additional information
Trade Waste office	Comments provided
Natural Resource Management Officer (Biodiversity)	Under assessment and awaiting additional information
Environmental Officer	Comments provided
Water Cycle	Comments provided

Legal and Risk Management

Refer to 'Background' above for summary of the Class 1 Appeal in the LEC

Should the Panel approve the development application, the appeal may be discontinued. Should the Panel refuse the development application, the appeal would most likely progress in accordance with LEC directions.

Council staff will progress the appeal in accordance with Staff Delegations and will seek to manage the appeal efficiently, whilst ensuring the best possible sustainable planning outcomes are advanced.

Climate Change

There will be additional assets, being the proposed road upgrades external to the site, that could be affected by climate change impacts as listed in Council's Disaster Resilience Framework.

Provision of a new residential housing close to major towns and services and adjacent to existing settlements is more efficient and generates less greenhouse gases for the full life cycle of the development compared to more dispersed and fragmented forms of development. Manufactured homes do not need to be compliant with the NSW Government's building sustainability index in terms of thermal comfort, water efficiency and energy efficiency and are potentially less sustainable to other forms of housing.

ITEM 07.24.121 DEVELOPMENT CONTROL PLAN AMENDMENTS FOR INCLUSION OF THE INTERIM FLOOD PLANNING LEVELS

Meeting	Council	23 July 2024
Directorate	Environment & Planning	
Prepared by	Development Planner, Sarah Sozou	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	<p>A. All DCPs Dictionary FPL amendments (Separate Cover) ⇒</p> <p>B. Residential Zones DCP FPL amendments - Part D, Part R and Part V (Separate Cover) ⇒</p> <p>C. Business Zones DCP FPL amendments - Part D, Part N & Part Q (Separate Cover) ⇒</p> <p>D. Industrial Zones DCP FPL amendments - Part D (Separate Cover) ⇒</p> <p>E. Rural Zones DCP FPL amendments - Part D & Part O (Separate Cover) ⇒</p> <p>F. E & Other Zones DCP FPL amendments - Part D & Part N (Separate Cover) ⇒</p>	

SUMMARY

At its meeting of 25 June 2024, Council resolved (Resolution 07.24.093) to adopt the proposed interim Flood Planning Levels (FPLs) for the Lower Clarence River Floodplain, from Mountain View, upstream of Grafton, to the ocean at Yamba/Iluka.

This report addresses items of the Council resolution and seeks endorsement of the proposed amendments of all the Clarence Valley Development Control Plans (the DCPs) to address the adopted interim FPLs for the Lower Clarence River Floodplain. Amendments to the Wooli Village and Glenreagh Village Parts in applicable DCPs also require updates to the flood controls and mapping for those localities.

If endorsed, the DCPs will be placed on public exhibition in accordance with the Community Participation Plan. If any submissions require further consideration of Council, a report will be prepared to consider submissions and any resultant changes prior to final adoption of the amended DCPs.

OFFICER RECOMMENDATION

That Council:

- endorse the proposed amendments to all the Clarence Valley Development Control Plans (DCPs) for inclusion of the adopted Flood Planning Levels as detailed in the attachments, being:
 - amending the shared Dictionary attached to all DCPs;
 - amending Part D: Floodplain Management Controls, Part R: Glenreagh Village Controls, and Part V: Wooli Village Controls of the Residential Zones Development Control Plan 2011;
 - amending Part D: Floodplain Management Controls, Part N: Glenreagh Village Controls, and Part Q: Wooli Village Controls of the Business Zones Development Control Plan 2011;
 - amending Part D: Floodplain Management Controls of the Industrial Zones Development Control Plan 2011;
 - amending Part D: Floodplain Management Controls, and Part O: Controls for Precincts Close to Glenreagh Village of the Rural Zones Development Control Plan 2011;
 - amending Part D: Floodplain Management Controls and Part N: Wooli Village Controls of the Environmental Protection, Recreation and Special Use Zones Development Control Plan 2011; and
 - inserting Flood Planning Area (FPA) maps as an Appendix to all the above DCPs;
- place the amendments to the DCPs on public exhibition in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and Regulation 2000, and Council's Community Participation Plan for a minimum of 28 days;
- endorse finalisation of DCP amendments subject to no submissions being received that require further consideration by Council; and
- note that if submissions are received that require further consideration of Council, this matter will be reported to the next available Council meeting after submissions close.

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**Development Control Plan Amendments**Dictionary amendments

The Dictionary is attached at the end of each of Council's DCPs. The proposed amendments to the Dictionary are shown in **Attachment A**, with key amendments being:

- Delete redundant definition of Annual Recurrence Interval (ARI) as it is a similar definition of the existing definition of Average Recurrence Interval (ARI) and uses the same acronym.
- Add new definitions for: Climate change scenario, Defined Flood Event (DFE), Flood Planning Area (FPA), Flood Planning Level (FPL), and Representative Concentration Pathway (RCP) 4.5.
- Modify definitions for: Floodplain Development Manual (replaced by the Flood Risk Management Manual (FRMM)), Flood (to align with the FRMM), Floodplain Risk Management Plan (update terms), Floodplain Risk Management Study (update terms), Freeboard (to include adopted level of 500mm), and Probable Maximum Flood (to align with the FRMM).

The new definitions for Defined Flood Event (DFE) and Flood Planning Level (FPL) specifies that Council has three different adopted DFEs and FPLs to cover the different requirements for the Lower Clarence River floodplain area, the Wooli Wooli River floodplain area, and all other areas (including Glenreagh).

Part D: Floodplain Management Control amendments

The Floodplain Management Controls are contained in Part D of all of Council's DCPs. The controls are almost identical for each DCP, apart from land uses and zones referred to in Schedule D2, D3 and D4 of the DCPs. The key changes to Part D are the same for each DCP and all changes are clearly shown in **Attachments B to F**. The key amendments are:

- Updating terminology throughout the DCP to replace redundant wording with new terms and definitions, where relevant.
- Amending clause *D1: What are the aims of the Floodplain Management Controls* to modify an existing aim and inclusion of an additional aim to reference climate change assumptions and emphasis that the best available information is applied in flood risk decision making.
- Adding a new note in clause *D1: What are the aims of the Floodplain Management Controls* to refer to relevant new definitions.
- Amending clause *D7: What Information is Required with an Application for Development on Flood Liable Land* to reference the recent 'NSW Government's Planning Circular PS 24-0001: Update on addressing flood risk in planning decisions', which provides framework for assessment requirements under Clause 5.21: Flood Planning and Clause 5.22 Special Flood Considerations of the *Clarence Valley Local Environmental Plan 2011* (CVLEP).
- Amending *Schedule D1: Flood Compatible Material & Building Components* to update suitable materials / components and add a note referring to the Flood Resilient Design Framework prepared by NSW Reconstruction Authority for additional guidance.
- Amending *Schedule D2: Land Use Categories* to enable additional limited development to be considered as concessional development where floor levels can be constructed below the adopted FPL, as per Council's resolution. The changes include increasing alterations and additions permitted as concessional development from 30m² to 50m², clarifying what substantially reducing the extent of flood effects includes, and clarifying that concessional development is not to create unacceptable risk from flooding.
- Amending *Schedule D3: Grafton (North & South) Floodplain Prescriptive Controls* to delete the adopted primary habitable floor level area controls for north and South Grafton and add new provisions for north Grafton (detailed below). Clarification is also provided to confirm what development the Building Components and Method controls apply to.

North Grafton floor level controls

In accordance with the Council resolution, the floor level controls are to be amended to allow primary habitable floor levels for infill development in north Grafton to be reduced to no lower than the 1% AEP flood level plus 500mm freeboard where it is not feasible or practical to build to the FPL. It is proposed that construction to the lower primary habitable floor level will only be considered when it can be demonstrated by an applicant that construction to the FPL for the development is not feasible or practical due to the resident's accessibility requirements, the unreasonable impacts on neighbouring properties resulting from earthworks/filling, the building construction cost no longer being feasible, or the unreasonable impacts on heritage values. The controls will still require all building components below the interim FPL to be flood compatible regardless of the floor level approved. See **Attachments B to F** for detailed wording of the proposed controls and documentary evidence requirements.

Wooli and Glenreagh Village controls

Minor amendments to the locality specific flood controls for Wooli and Glenreagh Village are required to refer to the new definitions and delete redundant maps contained in the relevant parts of applicable DCPs. The controls are uniform in each DCP but contained in different part numbers.

The Wooli controls will be updated to refer to the recently adopted Wooli Wooli River FPL being the 1% AEP event 2100 Climate Change (RCP 4.5) scenario (derived from the Wooli Wooli River FRMP 2022) plus 500mm freeboard. As part of the update, new definitions will be utilised and the redundant flood mapping deleted.

Amendments to the Glenreagh controls refer to new definitions and delete redundant flood mapping. The FPL for Glenreagh remains unchanged at the 1% AEP flood level plus 500mm freeboard.

Inclusion of an Appendix for Flood Planning Area maps

Council is in the process of obtaining updated Flood Planning Area (FPA) maps (in PDF and GIS layers for on-line mapping) to cover the Lower Clarence River floodplain, the Wooli Wooli River floodplain, and the Glenreagh Village areas. Council's current mapping identifies the DFE, being land that is flood prone. The FPA maps will add the 500mm freeboard on to the DFE. It is fundamental to have the FPA mapped as Clause 5.21 and Clause 5.22 of the CVLEP refer to the FPA and it ensures accuracy in Planning Certificate advice.

The FPA maps will be attached to the DCPs as an Appendix and made available on Council's online mapping service (Intramaps). The FPA maps are appropriately referred to in the relevant definitions and controls. At the time of writing this report, the mapping is in the process of being prepared. The FPA maps will be finalised shortly and will form part of the exhibition documents for the DCP amendments.

Public exhibition

The proposed draft amendments to the DCPs will be placed on public exhibition for a minimum of 28 days in accordance with the *Environmental Planning and Assessment Act 1979* and Regulation 2000, and Council's Community Participation Plan. Any submissions received during that time will be reported back to Council for consideration.

Concurrently, a public awareness campaign will commence explaining changes resulting from the Interim Flood Planning Levels. The changes will be communicated through Council's Noticeboard, social media and website, as well as in the local newspaper. Drop-in sessions for the community are also planned.

Future DCP review

Overall, the recommended changes to the DCPs represent progress towards best practice in floodplain risk management, noting the inclusions of the current climate change assumptions into statutory planning controls, and the references to the latest NSW Government flood risk management guidance.

A more comprehensive review of the controls will be undertaken on completion of the Floodplain Risk Management Study and Plan for the Lower Clarence River, a further detailed review of the Floodplain Management Controls in Council's DCPs will be required to ensure they align with the most up-to-date guidance, adopted studies and plans.

BACKGROUND**Lower Clarence River Floodplain**

Council adopted the Lower Clarence Flood Model Update 2022 (the 2022 Flood Model) on 27 June 2023 (Resolution 06.23.009). The updated 2022 Flood Model, which includes climate change assumptions, indicates increased levels of risk from flooding. Following its adoption, new FRMS and FRMP for the Clarence River floodplain are being prepared which is estimated to take at least 18-24 months to complete. As such, it was recommended by Council staff to adopt interim FPLs for several reasons, including to manage Council's duty of care to the community, its responsibilities under s733 of the *Local Government Act 1993*, and enable consideration of updated flood risk in development related decision making.

Subsequently Council adopted interim FPLs on 25 June 2024 (Resolution 07.24.093). The process for adopting the interim FPLs included consideration of submissions to the proposed interim FPL received during public exhibition. Although adopted, the commencement of the interim FPLs is delayed until amendments to the DCPs proposed in this report are adopted.

COUNCIL RESOLUTION - 07.24.093

Toms/Novak

That Council:

1. adopt the proposed interim Flood Planning Levels (derived from Lower Clarence Flood Model Update 2022), being 1% AEP 2090 Climate Change (RCP 4.5) scenario as the Defined Flood Event + 500mm Freeboard.
2. modify Floodplain Management Controls in Council's Development Control Plans to align with the interim Flood Planning Levels, including:
 - a. controls that require all new development to have a primary habitable floor level above the 1% AEP 2090 Climate Change (RCP 4.5) scenario as the Defined Flood Event + 500mm Freeboard;
 - b. controls for North Grafton to enable consideration of lower primary habitable floor levels to be built to the 1% AEP as the Defined Flood Event + 500mm freeboard where it is not practical or feasible to build to the interim Flood Planning Level;
 - c. updated controls that any development below the Flood Planning Level must be constructed from Flood Compatible Building Components, inclusive of new development in North Grafton that may be permitted to be built to the 1% AEP Flood + 500mm freeboard;
 - d. updated Objectives and Controls that permit habitable floor levels below the Flood Planning Level in limited circumstances, such as being limited to alterations and additions to existing dwellings, and rebuilding/upgrading of an existing lawful use where risk to flooding is not increased or is substantially reduced; and
 - e. reporting the draft amendments to Council for endorsement before exhibition.
7. confirms that upon commencement, the proposed interim Flood Planning Levels shall not be lower than those derived from the 2013 flood model.
8. confirms that the previous Flood Planning Levels derived from the 2013 flood model will continue to apply to existing Development Applications and those under assessment.
9. defer the commencement of the proposed Interim Flood Planning Levels until the adoption of updated Development Control Plans to provide an opportunity for those who may have already commenced planning a building project to submit a Development Application using the current (2013 flood model) Flood Planning Levels – noting that in order to comply with its Duty of Care responsibilities under s733 of the *Local Government Act 1993*, any such applicant will be advised of the latest information and provided the opportunity to change a development application comply with the Interim Flood Planning Level.
10. prepare a public awareness campaign on the newly adopted Interim Flood Planning Levels including how it will apply to different localities within the Local Government Area, in conjunction with public exhibition of the draft updated Development Control Plans.

Voting recorded as follows

For: Day, Johnstone, Novak, Pickering, Smith, Tiley, Toms, Whaites

Against: Clancy

CARRIED**Wooli Wooli River Floodplain**

The Wooli Wooli River FRMS and FRMP were reported to the September 2023 Council Meeting (Resolution 07.23.100) which enabled adoption of the documents after public exhibition, subject to there being no submission that changed the intent of the plan. This resolution included the adoption of an FPL for Wooli of the 1% AEP flood event (2100 RCP 4.5), with freeboard to be determined through the DCP preparation process. A 500mm freeboard has been selected consistent with all other FPLs in the Clarence Valley.

After exhibition, submissions to the Wooli Wooli River FRMS and FRMP were reported to the March 2024 Floodplain Risk Management Committee Meeting seeking concurrence for the adoption of the FRMS and

FRMP. The minutes of the Floodplain Risk Management Committee Meeting were noted at Council's Meeting of 23 April 2024 (Resolution 07.24.055).

Glenreagh Flood Planning Levels

The FPLs for Glenreagh are derived from the 2014 Glenreagh FRMP, being the 1% AEP flood level plus 500mm freeboard. These FLPs have been used in development assessment since adoption of the FRMP.

It has been identified under strategy IN10.4 in Council's Operational Plan 2024-2025 to update the Glenreagh flood model to incorporate climate change. Updates to the flood model will result in updated FPLs for Glenreagh that incorporate climate change scenarios similar to the recent flood model updates for the Lower Clarence River Floodplain and Wooli Wooli River Floodplain.

COUNCIL IMPLICATIONS

Budget/Financial

N/A

Asset Management

N/A

Policy and Regulation

Environmental Planning and Assessment Act, 1979

Environmental Planning and Assessment Regulation 2000

Clarence Valley Local Environmental Plan 2011

Residential Zones Development Control Plan (DCP)

Industrial Zones Development Control Plan (DCP)

Business Zones Development Control Plan (DCP)

Rural Zones Development Control Plan (DCP)

Environmental Protection, Recreation and Special Use Zones Development Control Plan (DCP)

Local Government Act 1993

Council's Community Participation Plan (CPP)

Consultation

Relevant sections of Council were consulted in preparation of the amendments to the DCPs.

<i>Internal Section</i>	<i>Comment</i>
Strategic Planning	Comments and input provided.
Development Services	Comments and input provided.
Building Surveyors	Comments and input provided.

Legal and Risk Management

N/A

Climate Change

Inclusion of the adopted interim FPLs into Council's DCPs, incorporates predicted climate change into Floodplain Management Controls and is consistent with Council's Risk Frontiers' Physical Climate Risk Assessment – Summary for Policymakers adopted by Council at its meeting of 26 April 2022 (Resolution 07.22.070).

ITEM 07.24.122 AMENDED DRAFT LOCAL HOUSING STRATEGY - FOR RE-EXHIBITION

Meeting	Council	23 July 2024
Directorate	Environment & Planning	
Prepared by	Strategic Planner, Jasmine Oakes	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	<ul style="list-style-type: none"> A. Amended Draft Local Housing Strategy - For Re-Exhibition (Separate Cover) ⇒ B. Submissions Analysis (Separate Cover) ⇒ C. NSW Government Agency Submissions (Separate Cover) ⇒ D. Written Community Submissions (Separate Cover) ⇒ E. Community Proformas ↓ 	

SUMMARY

This report seeks endorsement for the amended draft Local Housing Strategy (LHS) (**Attachment A**) to be re-exhibited to allow the community the opportunity to review changes made in response to submissions, prior to adopting a final LHS.

This report details the recommended changes to the draft LHS in response to community submissions and NSW Government agency recommendations. It provides a summary of the key concerns raised by the community regarding the draft LHS and draft Affordable Housing Policy (AHP) while the documents were on public exhibition from 27 October to 22 December 2023.

When adopted, the final LHS will recommend actions to implement priorities of the North Coast Regional Plan 2041 and Council's local planning and policy framework. It will assist Council to plan for housing based on the four housing pillars: supply, diversity, affordability and resilience. It aims to encourage appropriate infill development within our existing centres to provide diverse housing types close to services. It also identifies land suitable for greenfield development away from areas prone to natural hazards or land with high environmental and agricultural value to meet the housing needs of our community over the next 20 years.

There are no proposed changes to the draft AHP in response to submissions. Consequently, there is no requirement to re-exhibit the AHP. This will be submitted to Council for consideration for adoption along with the final LHS.

OFFICER RECOMMENDATION

That Council:

1. endorse the amended draft Local Housing Strategy (**Attachment A**) to be placed on public exhibition for a minimum six (6) weeks, in accordance with Council's Community Participation Plan;
2. note the Officer comments and the recommended changes to the draft Local Housing Strategy in response to community and agency submissions (**Attachment B**);
3. note that during the exhibition period of the draft Local Housing Strategy:
 - a. seven (7) submissions were received from NSW Government Agencies and one (1) submission was received from a non-government organisation (**Attachment C**);
 - b. 873 community submissions were received from the community during the public exhibition period of the draft Local Housing Strategy:
 - i. 370 written submissions (**Attachment D**)
 - ii. 503 proformas (example of each at **Attachment E**); and
4. note that all submissions received and recommended changes to the amended draft Local Housing Strategy will be reported back to Council for endorsement following the re-exhibition period.

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership

Objective We will have a strong, accountable and representative Government

KEY ISSUES

Submission assessment

The draft Local Housing Strategy (LHS) and the draft Affordable Housing Policy (AHP) was placed on exhibition from Friday 27 October to Friday 22 December 2023. Council received seven (7) NSW Government agency submissions and one (1) non-government organisation submission (**Attachment C**); 873 community submissions, including 370 written submissions (**Attachment D**); and 503 signed proformas (examples of the four (4) different proformas, two (2) Yamba based, and two (2) Iluka based signed proformas, at **Attachment E**). Further details regarding the public exhibition, community engagement activities and submissions received are discussed in the consultation section of this report.

Section 1 of **Attachment B** provides responses and proposed amendments to the draft LHS in response to government agencies and non-government organisations recommendations.

Section 2 of **Attachment B** provides a detailed submissions analysis that addresses the key issues raised by the community and proposed changes to the amended draft LHS. The key issues and proposed amendments to the draft LHS are summarised below.

Summary of community submissions

The majority of the submissions received from the community were from people that either reside in Iluka and Yamba, people who own holiday houses or have spent years holidaying in these localities. Most submitters expressed support for the overall housing vision for the Clarence Valley to provide diverse, affordable, resilient housing that accommodates differing demographics of our community at all stages of life. Much of the feedback related to the proposed planning interventions contained within Annexure 4 of the draft LHS, being concepts for possible future rezoning areas, which would be subject to further investigation.

There was general support expressed for the planning intervention for Maclean given that the location of the proposed intervention has large lots, is located away from environmental constraints, is within easy access to services, the Maclean Public Hospital and the Pacific Motorway. There was also support and justification provided by a planning consultant on behalf of the owner for the planning intervention at Boundary Road, Gulmarrad. The submissions did not object to proposed planning interventions for Grafton or South Grafton.

There were however strong objections for the proposed planning interventions for Iluka, Yamba Hill and Yamba CBD and the proposal to prohibit “dwelling houses” (single detached dwellings) in the R3 Medium Density Residential zone. Submissions included general opposition to development on floodplains.

The key concerns include:

- potential impacts to the existing local character and amenity;
- capacity of road, sewer, water, and other infrastructure to meet increased density;
- lack of adequate health, medical and other services to meet increased population;
- flood and stormwater impacts to existing properties;
- negative socio-economic impacts;
- impacts of increased opportunity for short-term-rental-accommodation;
- privacy and overshadowing impacts with increased height of buildings;
- environmental and ecological impacts; and
- accumulated emergency evacuation management requirements.

There have been alternative suggestions submitted by members of the Iluka community around small-scale increases to housing diversity with more secondary dwellings and dual occupancies, noting these outcomes are already facilitated under existing planning controls. Feedback included reducing barriers to these types of development and incentivising the return of short-term rental accommodation (STRA) to the permanent rental market. These themes are captured in the draft LHS, noting that Council has recently implemented the Accelerated DA process (for simple, compliant residential development) and that the NSW Government are currently reviewing STRA rules to improve long term rental supply.

The proformas and objections about the planning interventions for Yamba generally opposed any changes to the planning controls or any increase in housing density. The majority of submissions did not suggest alternate approaches to provide housing solutions to meet the future housing needs of the Yamba

community, other than recommending that future housing be delivered in Grafton, Maclean, Lawrence or Glenreagh.

It was evident that many submitters misunderstood the overall intended purpose of the draft LHS being exhibited with the AHP, which was further compounded by misinformation disseminated within the Iluka and Yamba communities. Many submitters believed that the existing housing within the intervention areas were identified to be demolished and redevelopment to deliver affordable and social housing for low-income earners. While some supported delivery of affordable housing, the majority objected that that these locations were inappropriate for affordable housing and would undermine the social fabric of the area and reduce housing prices. Conversely other submitters objected to the perceived redevelopment of the existing houses to deliver 12m high multi level luxury apartments which would raise median housing prices and force rates and rents even higher which would force the financially vulnerable members of the community out of these coastal areas.

The proposed planning interventions are the key mechanisms within Council's control to deliver on the North Coast Regional Plan 2041 requirement for local housing strategies to have a clear road map demonstrating how they intend to deliver 40% of new dwellings by 2036 in the form of multi dwelling / small lot (less than 400m² housing). The proposed interventions may enable a greater variety of housing types to be developed and may improve housing supply, which clearly provides community benefit and is in the public interest. Ownership and the housing market will still determine whether these areas are further developed should the interventions be progress through the planning proposal (being an amendment to the *Clarence Valley Local Environmental Plan 2011* [the LEP] process and acceptable development applications are made.

In addition, prior to interventions being implemented, character statements will be developed in consultation with the community to determine the desired future character of the area to inform any planning control changes. Planning proposals will also require appropriate studies and assessment to ensure any proposed rezonings or building height increases address and consider potential impacts to the existing community, development, and the environment and provide adequate justification and consistency with relevant state, regional and local planning policy. It is also legislative requirement to publicly exhibit any planning proposal that propose to amend the LEP, to allow the community the opportunity to provide feedback on the proposal.

Proposed additions to the draft LHS via submissions

4 River Road, Palmers Island

One submission was received on behalf of the owner of land at 4 River Road Palmers Island (3.185ha) to rezone land from RU2 Rural Landscape to R5 Large Lot Residential to allow the subdivision of six (6) lots with a minimum 4000m² lot size. This land is highly constrained being flood prone and mapped riverbank erosion area. Preliminary discussions were held with staff from the previous Department of Planning and Environment on 30 October 2023 who suggested that the proposal would be very unlikely to be supported at Gateway determination due to lack of strategic merit for the proposal, non-compliance with the North Coast Regional Plan 2041, and substantial concerns around flooding and riverbank erosion risk.

Due to the potential flood and riverbank erosion risks it is recommended that this site not be identified for future R5 Large Lot Rural Residential in the draft LHS.

925 Rushforth Road, Elland

One submission was received on behalf of the owner of land at 925 Rushforth Road Elland to rezone RU2 Rural Landscape to R5 Large Lot Residential. The site area consists of 436ha of relatively unconstrained grazing land approximately 9km from South Grafton. The justification behind the submission was that the draft LHS identified that the existing planning capacity of the undeveloped R5 land may not come to market due to on-site constraints, potentially leading to a shortfall in the supply of R5 lots being developed in the lifetime of the LHS.

The draft LHS identifies adequate unconstrained urban release areas and residential zoned land to accommodate the projected population increase of the local government area (LGA) to 2041. Consequently, there is no observed current planning need to rezone this site for R5 Large Lot Residential. Therefore, the site is not recommended to be included in the proposed intervention areas in draft LHS.

Council staff will continue conversations with the proponent based around whether there is evidence-based planning need for some type of appropriate future development on the subject site.

James Creek

A landholder located at James Creek attended the industry-based consultation session held in Maclean on 22 November 2023, expressing some concern that his land, which is identified as an urban investigation area in the North Coast Regional Plan 2041, was not expressly included for future intervention in the exhibited draft LHS. Further discussions were held between the landowner and Council regarding the planning history and its inclusion as an urban release area in the Maclean Urban Catchment Lower Growth Management Strategy 2011 as a medium-term option, and subsequent Council resolution (item 14.006/11) on 16 August 2011, (2) “ That the strategy also include Lot 1 DP 1025045 with no residential lots to be released on Lot 1 DP 1025045 for a period of 5 years.”

Advice was sought from the Department of Planning, Housing and Infrastructure (DPHI) who recommended that the investigation area be included in the amended draft LHS given Council’s existing policy position supporting future rezoning. DPHI also recommended that should the site be included, that the amended draft LHS include timing, staging, and further investigations that are required to progress the investigation area to an urban release area.

Recommended changes to the draft Local Housing Strategy

Removal of prohibiting ‘dwelling houses’ in R3 Medium Density Residential zone

The draft LHS prohibited ‘dwelling houses’ in R3 Medium Density Residential zones in the LGA with the intention to improve the provision of dwelling diversity and higher densities, which typically result in more affordable housing. This attracted significant and strong objection from many of the submitters on the grounds that many R3 landowners that have not yet developed their land would then be required to only develop the land with other higher density dwelling types permitted in the R3 zone; it removes the choice from the owner to construct a stand alone dwelling which was permitted when the land was purchased and may result in an over representation of multi-dwelling houses.

Consequently, the amended draft LHS action about “prohibiting ‘dwelling houses’ in R3 Medium Density Residential zone” has been removed.

Planning Intervention – Iluka

The Iluka intervention proposed an extension of the existing R3 Medium Density Residential zone and a proposed height of building increase from 9m to 12m (**Figure 1**) to allow development of a greater diversity of housing types and sizes (i.e. attached dwellings, multi dwelling housing, residential flat buildings that vary in size and number of bedrooms). These are prohibited in the existing R2 Low Density Residential zone, which only permits single detached dwellings, dual occupancies, and secondary dwellings.



Figure 1: Planning intervention area – Iluka

Proposed changes

- This planning intervention will not propose to change height of buildings from the current limit of 9m. The concept to increase building heights to 12m has been removed in response to the concerns regarding the potential impacts to local character and the existing developments. Reasonable redevelopment up to

three (3) storeys can occur within the current LEP 9m height limit, which can still allow for housing diversity and choice to be delivered.

- The proposal has been amended to include consideration of both R1 General Residential and R3 Medium Density Residential zones during the future detailed character statements, which will include further community consultation.
- The planning interventions have been updated with trigger points that require substantial development of existing zoned land (existing R3 Medium Density Residential land in Iluka); and the development of desired character statements to provide greater clarity on appropriate locations within the intervention area.
- The planning interventions have also been updated to require relevant investigations to inform and support a planning proposal which will address many of the key concerns.

Planning Intervention - Yamba Hill

The Yamba Hill intervention proposed an extension of the existing R3 Medium Density Residential zone and a proposed height of building increase from 9m to 12m (**Figure 2**) to allow development of a greater diversity of housing types and sizes (i.e. attached dwellings, multi dwelling housing, residential flat buildings that vary in size and number of bedrooms). These are prohibited in the existing R2 Low Density Residential zone, which only permits single detached dwellings, dual occupancies and secondary dwellings.



Figure 2: Planning intervention area – Yamba Hill

Proposed changes

- This planning intervention will not propose to change height of buildings from the current limit of 9m. The concept to increase building heights to 12m has been removed due to the concerns regarding the potential impacts to local character and the existing developments. Reasonable redevelopment up to three (3) storeys can occur within the current 9m height limit, which can still allow for housing diversity and choice to be delivered.
- The proposed planning proposal for a zoning change from R2 Low Density Residential zone to R3 Medium Density Residential zone will be progress in the short term to allow for greater housing diversity.
- The planning intervention has been updated with trigger points that require the development of a desired character statement to provide greater clarity how the zoning change will integrate into the local area and existing streetscapes.
- The planning interventions have also been updated to require relevant investigations to inform and support a planning proposal which will address many of the concerns raised.

Planning Intervention – Yamba CBD

The planning intervention for Yamba CBD proposed a height of building increase from 12m to 18m to enable greater flexibility to deliver an additional storey for commercial and /or residential shop-top housing, with capacity for increased off-street parking to the rear of commercial shop frontages.



Figure 3: Planning intervention area – Yamba CBD

Proposed changes

Due to the multiple concerns raised regarding how increasing height of buildings will impact on local character, the existing community and local businesses, it is proposed to remove this intervention from the amended draft LHS.

Reasonable redevelopment up to four (4) storeys can occur within the current 12m height limit, which still allows for housing diversity and choice to be delivered, such as shop-top housing and apartments within mixed use redevelopment. Retaining the building height limit at 12m will ensure better integration of future development with existing redeveloped sites in the Yamba CBD.

NSW Government Agency recommendations

The key amendments to the draft LHS in response to NSW Government Agencies include:

1. DPHI recommendation 9 - Addition of Action 1.5 *Collaborate with the NSW Reconstruction Authority to support housing delivery for flood impacted residents including land identified in the final Resilient Lands Strategy.*
2. DPHI recommendation 10 relating to an Affordable Housing Contributions Scheme viability assessment requirement – Action 3.2 updated *“To allow Council to impose conditions of consent requiring contributions towards affordable housing, **undertake a viability assessment for an Affordable Housing Contributions Scheme (AHCS), and if deemed feasible, progress the preparation of a local or regional AHCS and update Clarence Valley LEP to authorise the scheme.**”*
3. Biodiversity Conservation and Science Division of DPHI recommendation 2 – Addition of Action 4.6 *“Review land use zones (and other relevant planning controls) for remote villages; areas that have historic village type subdivision plans and undeveloped rural-residential areas. Consider environmental and other constraints, existing and neighbouring land uses, and suitability for residential development, and apply suitable planning controls (where deemed appropriate).”*
4. Annexure 4 Planning Interventions Inclusions:
 - a. Current and proposed planning controls,
 - b. Trigger points to be met prior to intervention implementation,
 - c. Key issues and constraints related to each intervention area,
 - d. Investigation requirements to inform and support a planning proposal for each intervention area,
 - e. Masterplan requirements identifying appropriate buffers to rural areas, for relevant intervention areas.
5. Annexure 4 updated to state that all planning proposals will be required to provide adequate justification and consistency with relevant state, regional and local planning provisions including relevant State Environmental Planning Policies, Local Planning Directions and North Coast Regional Plan 2041.

6. James Creek "Investigation Area" added to the Annexure 4 Planning Interventions in response to multiple agency recommendations.

A detailed submissions analysis is included in Section 1 of **Attachment B**.

Affordable Housing Changes

Action 3.4 "*Investigate opportunities for affordable housing on Council-owned land delivered through public private partnerships using a competitive tender process*" that recommends Council partner with Community Housing Providers was made more specific in response to internal feedback, and now identifies four sites of Council owned land that warrant further investigation:

- Grafton Library carpark (airspace above)
- Car park between Victoria and Fitzroy Streets in the Grafton CBD (airspace above)
- Wooli Street, Yamba - Library and Community Hall
- Vacant residential land at Coutts Crossing.

BACKGROUND

The Clarence Valley Settlement Strategy 1999 (and The Maclean Urban Catchment Lower Growth Management Strategy 2011) are Council's current urban and rural land release strategies prepared under the requirements of the then North Coast Regional Environmental Plan (and Mid North Coast Regional Strategy). These strategies will be superseded on adoption of the amended draft LHS.

NSW Councils are required to prepare local housing strategies in accordance with (the previous) Department of Planning and Environment's Local Housing Strategy Guideline 2018 and the North Coast Settlement Planning Guidelines 2019 and are required to implement the North Coast Regional Plan 2041 (NCRP 2041).

The NCRP 2041 is the NSW Department of Planning, Housing and Infrastructure's 20-year strategic land use planning framework for the North Coast region aiming to protect and enhance the region's assets and plan for a sustainable future and plan for the strong population growth predicted for the region. One of the key deliverables for housing in the region is that Council's local housing strategies are to have a clear road map outlining and demonstrating how to deliver 40% of new dwellings by 2036 in the form of multi dwelling / small lot (less than 400m²) housing.

Council was successful in obtaining a \$150,000 grant funding from the NSW Government's Regional Housing Strategic Planning Fund to develop an up-to-date local housing strategy aimed to enable and accelerate the delivery of housing supply, affordability, diversity and resilience. HillPDA and Meccone consultants were secured to develop the draft LHS, draft AHP and a Housing Prospectus.

The draft LHS was developed based on current legislation and planning policy (as detailed in Annexure 1 of **Attachment A**), an evidence base including detailed analysis of demographic data and trends, housing demand and supply (as detailed in Annexure 2 of **Attachment A**); and community and stakeholder consultation (as detailed in Annexure 3 of **Attachment A**). The key findings and a summary of the evidence detailed in the annexures is included in section 2 of the draft LHS. The key findings were also discussed in the Council report (Item 07.23.193).

Council at their meeting held on 24 October 2023 resolved, that Council:

1. endorse the draft Clarence Valley Local Housing Strategy (Attachment A) and draft Clarence Valley Affordable Housing Policy (Attachment B) for public exhibition and associated community consultation for a minimum six (6) weeks, in accordance with the Community Participation Plan;
2. delegate authority to the General Manager to make any minor amendments to the draft Strategy and draft Policy for public exhibition purposes prior to public exhibition; and
3. note that all submissions received and recommended changes to the draft Strategy and / or draft Affordable Housing Policy will be reported back to Council for endorsement following the exhibition period.

Planning assumptions for West Yamba Urban Release Area

The draft LHS has been prepared on the basis that the Urban Release Areas, inclusive of West Yamba, have planning capacity to deliver residential development to meet the housing needs of the community.

The Northern Regional Planning Panel recently refused a development application for Miles Street, West Yamba, which proposed a subdivision for approximately 350 residential lots. Whilst not final, this decision

places some preliminary uncertainty on the ability for West Yamba to provide housing in accordance with the planning assumptions of the draft LHS.

In the event that the West Yamba Urban Release Area cannot deliver planned housing supply to meet community need, the LHS would need to be updated. This may include new investigations around increasing density and building heights, and/or bringing forward planning interventions in other locations to provide diverse and affordable housing.

COUNCIL IMPLICATIONS

Budget/Financial

The draft and amended draft LHS and draft AHP have been developed by consultants HillPDA and Mecone. The project has been funded via a \$150,000 grant from the previous Department of Planning and Environment's, Regional Housing Strategic Planning Fund, Round 1. Project management has been delivered within the existing Strategic Planning team budget.

The public exhibition of the amended draft LHS will also be accommodated within the exiting recurrent Strategic Planning team budget with no financial implications for Council. The implementation of actions in the LHS once adopted, may have a wide range of budget implications, however the draft LHS does not commit Council to any specific budgetary direction. Any future activity associated with implementing the adopted LHS will be subject to the Council's Operational Plan considerations and prioritisation, including seeking further endorsement by Council.

The amended draft LHS also aims to provide leverage and support for State and Federal Government grant funding and potential partnership with Community Housing Providers to deliver diverse, affordable, resilient housing in the Clarence Valley over the next 20 years.

Asset Management

There are no direct implications for the management of Council owned assets with a decision to support exhibition of the amended draft LHS.

Policy and Regulation

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2021

North Coast Regional Plan 2041

Clarence Valley Local Strategic Planning Statement

Community Participation Plan

Consultation

Overall, the engagement with the community has been extensive and is considered to be well beyond minimum standards, noting significant staff time and resourcing expended during the LHS preparation and exhibition period.

Community Housing Survey to inform the draft LHS

A community survey was made available on Council's Clarence Conversations "Have your say" webpage from 2 June to 10 July 2023 to gain an understanding on housing preference in the Clarence Valley, to inform the draft LHS. A total of 80 responses were received. The key findings of the survey are discussed in the amended draft LHS – "Annexure 3 stakeholder engagement", of **Attachment A**.

Notification of the community housing survey was made via Council's Noticeboard Enews and social media platforms with weekly recurrent post beginning on Friday 2 June 2023.

Consultation and engagement activities undertaken to inform the draft LHS

Extensive consultation and engagement sessions occurred with Council staff and various stakeholders including government agencies, non-government organisations, and the planning and development industry to inform the development of the draft LHS. The following engagement sessions were held:

- Council issues and options workshop – 19 June 2023
- Council visioning workshop – 26 July 2023
- Industry stakeholder consultation sessions
 - Grafton – 19 June 2023 (15 attendees)
 - Maclean – 20 June 2023 (12 attendees)

- NSW Government agency consultation sessions – 18 July 2023
- Affordable and social housing organisation and agency consultation – 20 July 2023.

Further details regarding these consultation sessions were discussed in Council report (Item 07.23.193). The key findings are discussed in the amended draft LHS “Annexure 4 stakeholder engagement”, of **Attachment A**.

Public exhibition and notification of the draft LHS and draft AHP

The draft LHS and draft AHP was placed on public exhibition via Council’s On-exhibition webpage for six (6) weeks in accordance with Council’s Community Participation Plan and Council resolution (Item 07.23.193) from Friday 27 October 2023 until Monday 11 December 2023. Many submitters objected that the six (6) weeks exhibition period and notification of the draft LHS and community drop-in sessions was inadequate.

It should be noted, that the exhibition timeframe of 6 weeks for land use planning strategies is determined by Council’s Community Participation Plan, based on the Community Participation requirements of the *Environmental Planning and Assessment Act 1979* which specifies a required 6 weeks public exhibition for draft Strategies and Plans that cover ‘District’ and ‘Regional’ areas, and 28 days exhibition for draft ‘local strategic planning statements’ which generally cover a local government area. Council also extended the exhibition deadline from 11 December to 22 December 2023 to allow an additional 11 days (a total of 8 weeks) for submissions, in response to extension requests from the community.

The draft LHS and AHP was also referred to relevant NSW Government agencies and affordable housing organisations for review. Hard copies of the draft LHS were also available for inspection at Maclean and Grafton Council offices, and Grafton, Maclean, Yamba and Iluka Libraries.

Notification of the exhibition period of the draft documents was made via Council’s Noticeboard Enews and social media platforms with weekly posts beginning on Friday 27 October 2023.

The draft LHS was also notified in the Clarence Valley Independent Newspaper and media releases sent to external media organisations:

- Clarence Valley Independent Newspaper - Council’s Housing Strategy and Affordable Housing Policy – 15 November 2023.
- Seven Coffs Harbour News – story about shortages of affordable housing and inviting comment on Clarence Valley’s draft LHS – 7 November 2023
- Nine Coffs Harbour - story directly taken from CVC media release on LHS – 16 November 2023

Submissions received regarding the draft LHS and draft AHP

NSW Government Agency and non-government organisation submissions.

Seven (7) submissions were received from NSW Government Agencies and one (1) submission was received from non-government organisations:

- Department of Planning and Environment
- Department of Planning and Environment, Biodiversity Conservation Division (Biodiversity)
- Department of Climate Change, Energy, the Environment and Water (Coastal Hazards and Flooding)
- Department of Primary Industries (Agriculture)
- Department of Primary Industries (Fisheries)
- NSW State Emergency Services
- NSW Rural Fire Service
- Community Housing Industry Association NSW

The full NSW government agency and non-government organisations submissions are included as **Attachment C**.

Community Submissions

Of the 873 community submissions, 370 were written submissions received by Council’s On-exhibition website or email. These submissions have been included as **Attachment D**. In addition to the written submissions, 503 signed proformas were received objecting to the planning interventions for Yamba and Iluka.

- Iluka proforma 1 – 151 signed proformas
- Iluka proforma 2 – 155 signed proformas
- Yamba proforma 1 – 184 signed proformas
- Yamba proforma 2 – 13 signed proformas

An example of each of the four (4) proformas are included as **Attachment E**.

Community Drop in Sessions

Community Drop-in sessions were held during the public exhibition period with representatives from Council's Strategic Planning, Development Services and Water Cycle sections. These engagement sessions were held to provide an opportunity for community to speak directly with relevant staff to discuss the draft LHS and the proposed Annexure 4 Planning Interventions. The drop-in sessions were held at the following locations:

Venue	Date
Yamba Farmers Market	Wednesday 15 November - 7.00am – 11.00am
Yamba Wooli Street Hall (behind Library)	Wednesday 15 November - 2.30 – 4.30pm
Maclean Library	Friday 17 November – 10.00am – 12.30pm
Maclean Library	Friday 17 November – 1.30pm – 4.00pm
Grafton Library	Tuesday 21 November - 11am - 4pm
Iluka Bowls Club	Thursday 23 November – 10.00am – 1.00pm

Notifications were made via Council's On-exhibition webpage, Noticeboard Enews and Social media platforms beginning on Wednesday 8 November 2023 and notified in the Clarence Valley Independent on 15 November 2023.

Targeted consultation sessions

Targeted consultation sessions were held with stakeholders to discuss the main components of the draft LHS and provide an opportunity for these key stakeholders to speak with relevant staff and raise questions and / or provide further feedback on the draft LHS.

The following follow up consultation sessions were held:

- Industry stakeholder consultation sessions:
 - Grafton – 20 November 2023;
 - Maclean – 22 November 2023;
- Local environmental interest groups - 22 November 2023
- Local Aboriginal Land Councils – Grafton Library's Community Engagement Hub - 30 November 2023
- NSW Government agency consultation sessions – 4 December 2023; and
- Affordable and social housing organisation and agency consultation – 4 December 2023

A targeted consultation session was also requested from representatives of the Iluka community to discuss their concerns regarding the proposed planning intervention for Iluka directly with Council staff. This consultation session was held in Maclean on 8 April 2023.

These concerns are discussed in more detail in the submissions analysis at **Attachment B**.

Public exhibition of the amended draft LHS

It is recommended that the amended draft LHS be placed on public exhibition for six (6) weeks in accordance with Council's Community Participation Plan and to allow the community the opportunity to review the changes made to the draft LHS in response to both community and government agency submissions. It is proposed to place the amended draft on Council's On-exhibition webpage (should Council resolve to do so) from Friday 27 July 2024 to Monday 9 September 2024. Notification will be made via Council's Noticeboard Enews and social media platforms. An article will be placed in the Clarence Valley Independent Newspaper in the next available period following the Council meeting.

Legal and Risk Management

The amended draft LHS includes a wide range of broad policy objectives and future actions that do not pose a legal or other risk to Council.

Action 3.4 however identifies four (4) Council owned sites for investigation for potential partnerships to deliver affordable housing, which would occur subject to relevant requirements under the *Local Government Act 1993* and any other relevant legislation.

Climate Change

Impacts of climate change have been considered in the development of the amended draft LHS. New housing will need to be in locations that appropriately manage the known risk of natural hazards, such as flood, bushfire, sea level rise, or other extreme weather events. In addition, areas of high environmental and agricultural value, including heavily vegetated land and mapped important farmland were excluded from the capacity modelling to support biodiversity, ecological functions and our agricultural industry to provide resilience for our community, adaptability to climate change and economic viability into the future.

Iluka Proforma 1 - 151 received

NAME: [REDACTED]

ADDRESS: [REDACTED]

~~WARRAGONG~~

ILUKA.

Dear Clarence Valley Council

I write to object to Councils proposed housing solution for Iluka. Multi level 12 m/40 feet high buildings are not apart of our community now and never should be. These townhouses are proposed for the most expensive streets in Iluka which will raise the medium house price and force our rates and rents even higher. Far from solving an affordable housing crisis your proposal will do the opposite and force more young families, pensioners and financially vulnerable people out of our town. We've already experienced a drop in young families living in town and your proposal will just make it harder for them to find a home. This will hurt our community.

Your proposal will change the local character of this small village and its natural amenity forever and does not reflect my vision or aspiration for its future. It is absolutely unique and we don't want it to become another ruined coastal town through inappropriate development.

Iluka has limited jobs, services or public transport to warrant further development and has adequate affordable housing still available in the Birrigan Estate and elsewhere that council has approved.

Yours faithfully

[REDACTED SIGNATURE]

SIGNATURE

Iluka Proforma 2 - 155 received

NAME:



ADDRESS:



ILUKA

Dear Clarence Valley Council

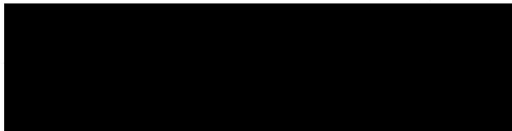
I write to object to Councils proposed housing solution for Iluka. Your proposal puts our World Heritage area at risk. Building townhouses along Spenser Street would mean having to widen the road for the increased number of people and traffic movement you are planning for. To do this you would need to clear the existing tall established trees that form part of the transition zone from World Heritage to the river destroying important habitat and placing our endangered birds and mammals at further risk.

Multi level 12 m/40 feet high buildings are not apart of our community now and never should be. These townhouses are proposed for the most expensive streets in Iluka which will raise the medium house price and force our rates and rents even higher. Far from solving an affordable housing crisis your proposal will do the opposite and force more young families, pensioners and financially vulnerable people out of our town. We've already experienced a drop in young families living in town and your proposal will just make it harder for them to find a home. This will hurt our community.

Iluka has limited jobs, services or public transport to warrant further development and has adequate affordable housing still available in the Birrigan Estate and elsewhere that council has approved.

Your proposal will change the local character of this small village and its natural amenity forever and does not reflect my vision or aspiration for its future. It is absolutely unique and we don't want it to become another ruined coastal town through inappropriate development.

Yours faithfully



SIGNATURE



Yamba Proforma 1 - 184 received

General Manager
Clarence Valley Council
Locked Bag 23
GRAFTON NSW 2460

Dear General Manager

**RE: Clarence Valley Draft Local Housing Strategy and Affordable Housing Policy
Submissions close 4pm 11 December 2023**

The Draft Strategy states "the vision is for housing in the Clarence Valley to be:

- appropriately located, to reduce the risk of natural hazards, optimise the use of existing infrastructure, and minimise environmental and amenity impacts;
- designed to be consistent with the desired character of the area, ecologically sustainable and resilient to natural hazards; and
- diverse, affordable and adaptable to respond to the diverse demographics of our community, including young people, seniors and particular groups in need."

My objections to the Clarence Valley Draft Local Housing Strategy and Affordable Housing Policy include:

Further increases in population in Yamba as outlined in Council's Draft Housing Strategy and Affordable Housing Policy (152 dwellings on Yamba Hill and CBD shop top housing) will exacerbate the following, whether occurring during natural disasters or not:

- a) Increasing adverse impacts on the amenity and lifestyle of residents and this is currently, mainly due to the approved developments and the filling of the Yamba floodplain.
- b) Yamba's infrastructure is currently unable to keep pace with the increasing population.
- c) Yamba's road network is unable to cope, particularly during holiday periods. Traffic flow is often impeded and congested causing increased bottlenecks due to the town's inefficient road network and with only one road in and out of town.
- d) Difficulties will inevitably continue to increase in relation to servicing residents, burdening the availability of goods and services, access to shops and availability of parking spaces, access to support care and medical and health treatment, access to schools and recreation and leisure facilities, risks to water supply, power outages causing health stress and food wastage, internet outages, sewer pumps failing, transport services paused and safe evacuation and potential risk to life.
- e) The proposed diverse mix of infill housing options for Yamba Hill (premium town houses, residential flats and multi-dwelling housing (12m high)) and the CBD (including apartments above shops (18m high)) will not serve to protect and enhance the unique character of Yamba. Nor will it create vibrant, sustainable and resilient urban neighbourhoods as it will just be increasing the population and density of housing.
- f) The Strategy mentions sale prices of dwellings in Yamba are higher than most in Clarence Valley Local Government Area (LGA) and "Yamba has proportionally more residents receiving government benefits or allowances as their main source of income". The Policy states "Affordable housing must be made available to very low, low and moderate income households". Housing stress may contribute to an increased demand for affordable housing, however the locations identified on Yamba Hill and the CBD are unsuitable and unfeasible as Yamba is one of the highest priced areas in this LGA.
- g) Residents will continue to be isolated during stormwater and riverine flooding as the one road in and out and other roads in the network, become flooded and close without adequate warning for evacuation.
- h) It appears CVC and State Planning Departments have failed in their duty of care to Yamba residents.

All in all, the infrastructure in Yamba is overloaded and will inevitably only become worse potentially causing disgruntled residents. Yamba is not well served by supporting infrastructure and services.

Yours sincerely,

Sign: _____

Print name: _____



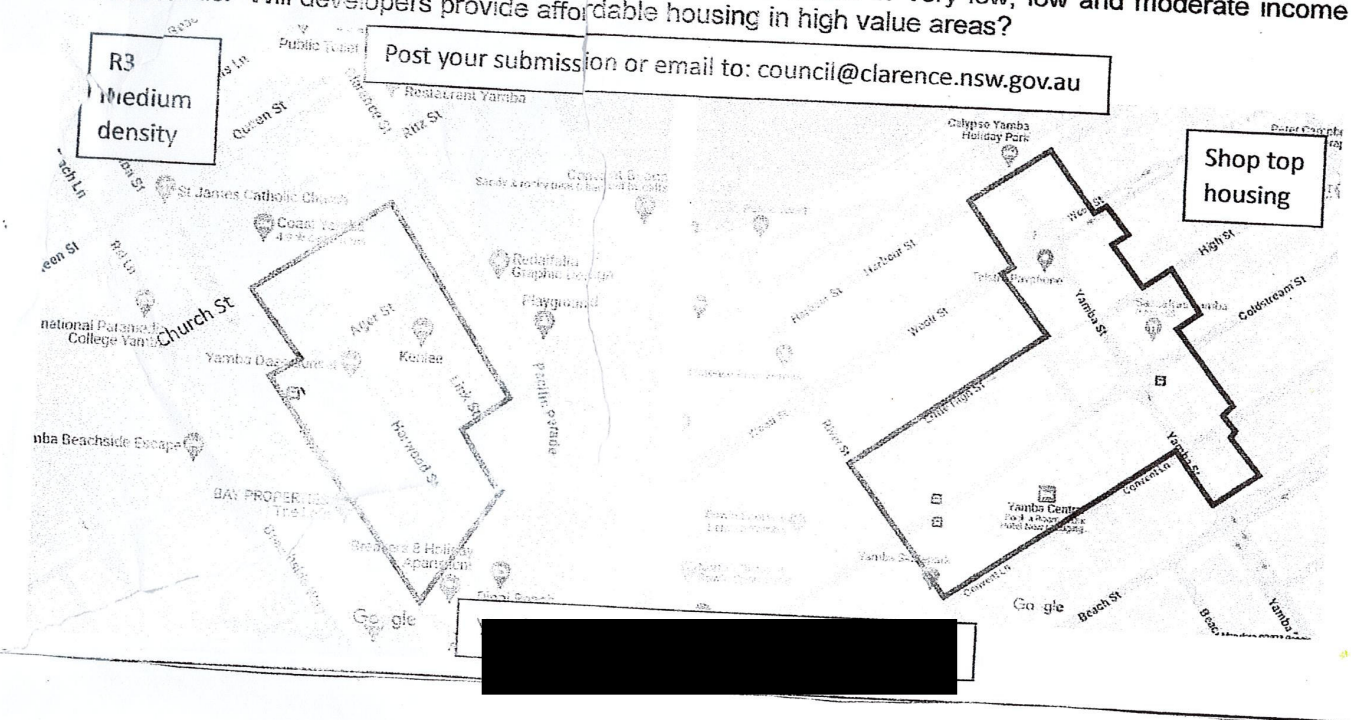
Submissions close 9am Friday 22 December 2023
Council's Draft Housing Strategy and Affordable Housing Policy proposes 152 dwellings on Yamba Hill (premium townhouses, residential flats and multi-dwelling housing (12m high)) and the CBD (shop top housing - apartments above shops (up to 18m high), non-residential ground floor and Council to review parking). About 70 existing dwellings on Yamba Hill will possibly be demolished to allow construction of residential flats, town houses and multi-dwelling housing, up to 12m in height, on small lots 400sqm or less.

The Policy states, "Affordable housing must be made available to very low, low and moderate income households." Will developers provide affordable housing in high value areas?

Post your submission or email to: council@clarence.nsw.gov.au

R3
Medium density

Shop top housing



TAMBA PROFORMA 2 - IS RECEIVED

General Manager
Clarence Valley Council
Locked Bag 23
GRAFTON NSW 2460

Dear General Manager,

RE: Clarence Valley Draft Local Housing Strategy and Affordable Housing Policy

While I agree with the need for more affordable housing in the Clarence Valley, my objections include:

1. The infrastructure of Yamba is already overloaded and will only become worse.
2. The area proposed for R3 Medium Density on Yamba Hill encompasses a subdivision from the 1940s with lot sizes of about 450 square metres. The pavement widths are about 8 metres and during the holiday period become one lane only with visitors' vehicles parked on both sides.
3. Affordable housing is defined by the Act as housing for very low households, low income households or moderate income households. The last house sale in nearby Ocean Street was for \$5 million – does this constitute affordable housing?
4. The draft policy mentions the 127.4 ha Yamba West Urban release area which has a number of projects that could provide for almost 1,050 dwellings in the area. It claims that a servicing strategy and contributions plan is in place to deliver road upgrades, extension of sewer and water infrastructure, construction of stormwater drainage and provision of footpaths and open space. The Yamba bypass to relieve the already heavy traffic on Yamba Road has been on the drawing board since 1999 with no progress. Is this part of the strategy? There is no mention of the present lack of medical facilities and public transport or the limited shopping outlets, which struggle to cope during the busy holiday periods.
5. The greatest fear with the introduction of high rise buildings at Yamba is the loss of heritage and character of the town. Yamba is and always has been a holiday destination relying almost solely on tourism. Thousands of tourists from Brisbane bypass the over developed Gold Coast to holiday in Yamba each year, drawn by its village feel and ambiance. Why destroy that?

Sign: _____ Print Name: _____

Email or postal address: _____ YAMBA Date: 21/12/2023

CORPORATE & COMMUNITY**ITEM 07.24.123 CENTRAL BUSINESS DISTRICT CHRISTMAS DECORATIONS**

Meeting	Council	23 July 2024
Directorate	Corporate & Community	
Prepared by	General Manager, Laura Black	
Reviewed by	General Manager, Laura Black	
Attachments	Nil	

SUMMARY

A review of records has found that Council did not actively consider allocation of funding for CBD Christmas decorations in preparation of the 2024/2025 Operational Plan as was intended by Item 06.23.018 in December 2023. The report requests Council formalise a decision in regard to funding Christmas decorations.

OFFICER RECOMMENDATION

That Council does not fund Christmas decorations in CBDs across the Clarence Valley in addition to the occasional fairy lights currently installed.

LINKAGE TO OUR COMMUNITY PLAN

Theme Society
Objective We will have proud and inviting communities

KEY ISSUES

At its December Ordinary Meeting, Council resolved to defer consideration of an allocation of funds for Christmas decorations across the Clarence Valley, pending preparation of the 2024/2025 Operational Plan:

COUNCIL RESOLUTION - 06.23.018

Toms/Whaites

Defer until February 2024 to discuss the possibility of being included in the Operational funding 2024/2025

Voting recorded as follows

For: Clancy, Novak, Pickering, Smith, Toms, Whaites

Against: Day, Johnstone, Tiley

CARRIED

Christmas Decorations were not considered a priority during preparation of the 2024/2025 Operational Plan and no submissions called for Council to consider such a program across the Valley or in any particular town/village. However, consideration was not actively given to the funding of Christmas decorations as expected by community and as intended by the resolution of December 2023.

Should Council determine that Christmas decorations be funded, consideration should be given to the adopted General Fund position – surplus \$136,967.

As a guide in 2020, Orange City Council spent \$50,000 on Christmas decorations for the city of Orange. There are three main towns in the Clarence Valley local government area and a number of village CBDs.

Should the matter be of importance to the newly elected Council, consideration could be raised by councillors in the preparation of the 2025/2029 Delivery Program.

BACKGROUND

As above

COUNCIL IMPLICATIONS

Budget/Financial

Nil

Asset Management

Nil

Policy and Regulation

Nil

Consultation

Nil

Legal and Risk Management

Nil

Climate Change

Nil

ITEM 07.24.124 DELIVERY PROGRAM 2023/2024 PROGRESS REPORT JANUARY-JUNE 2024

Meeting	Council	23 July 2024
Directorate	Corporate & Community	
Prepared by	Director Corporate & Community, Alex Moar	
Reviewed by	General Manager, Laura Black	
Attachments	Nil	

SUMMARY

The Delivery Program 2022/2025 progress report outlines the progress of the strategies of the Delivery Program as outlined in the Integrated Planning and Reporting (IP&R) Handbook for Local Councils in NSW September 2021, Office of Local Government (OLG).

OFFICER RECOMMENDATION

That Council note the Delivery Program 2022/2025 Progress Report for January-June 2024.

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership

Objective We will have a strong, accountable and representative Government

KEY ISSUES

The Delivery Program is part of the IP&R Framework and outlined the elected council and their commitments to the community to achieve the goals in the Community Strategic Plan. As per the IP&R Handbook from OLG 2021, council must report against progress at least every 6 months.

The report can be found on here [CVC Delivery Program Report January - June 2024](#) and will be on the Clarence Valley Council's website.

The Delivery Program is actioned through the annual Operational Plan and the Clarence Magazine produced quarterly, provides community with comprehensive information about how actions identified in the Operational Plan are being achieved.

BACKGROUND

As outlined in the IP&R Handbook from OLG 2021, council must report against progress at least every 6 months

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy and Regulation

IP&R Handbook from OLG 2021

Consultation

Responsible section Managers

Legal and Risk Management

N/A

Climate Change

N/A

ITEM 07.24.125 GOVERNANCE REPORT Q4 2023/2024

Meeting	Council	23 July 2024
Directorate	Corporate & Community	
Prepared by	Governance Officer, Lohrairie Souza	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	A. Disclosure of Interest Commencement ↓ B. Disclosure of Interest Updates ↓	

SUMMARY

This report summarises the status of legal proceedings, complaints lodged, Government Information (Public Access) applications, new and/or updated Disclosure of Interest returns and insurance claims in Q4 2023/2024 (1 April 2024 to 30 June 2024).

OFFICER RECOMMENDATION

That Council:

1. note the Governance Report Q4 2023/2024.
2. approve the publication of the Q4 2023/2024 Disclosures of Interest on the Council's website.

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership

Objective We will have a strong, accountable and representative Government

KEY ISSUES**Legal Activities**

Council sought legal advice across various activities: land and environment, regulatory services, and government information public access.

Court Proceedings

New Legal Matters

Matter	Court	Date	Matter & Status
Mary Gaffney v CVC	Statement of Claim	29/04/2024	Public liability claim - Pre-trial hearing held 18/06/2024 and listed for a status conference on 30/10/2024
David Bourke v CVC	NSW Civil & Administrative Tribunal	23/05/2024	Holiday Park - Case conference 20 June 2024 – matter postponed – new case conference date TBA
Craigh McNeill V CVC	NSW Civil & Administrative Tribunal	16/05/2024	GIPA related - This matter was initially listed for case conference on 3 June 2024 with directions made. This matter is now listed for further direction on 15 July 2024.
Craigh McNeill V CVC	NSW Civil & Administrative Tribunal	04/06/2024	GIPA related - The matter was listed for case conference on 8 July 2024 with directions made. The matter is listed for mediation on 6 August 2024.
Craigh McNeill V CVC	Land & Environment Court	24/06/2024	Notice of motion lodged for orders of restriction against Council, LEC and NRPP decision making powers in relation to planning matters. The matter was adjourned for the applicant to seek legal advice and relisted for 5 July 2024. Order issued to remove second and third respondents and leave provided for applicant to lodge documents correctly, listed for further directions 9 August 2004.

Complaints Management

Council received 1 (one) complaint from the IPC (Information and Privacy Commission) this quarter. The complaints have been resolved with within the timeframes outlined in Council's Complaint Management Policy.

Council received 9 (nine) complaints from the community. Council is dealing with the complaints within the timeframes outlined in Council's Complaint Management Policy.

Government Information (Public Access) (GIPA) Applications

During the period, 12 (twelve) GIPA formal applications were determined, an increase of 7 (seven) applications compared to Q3 2023/2024. The applications were for a range of information. Summaries of the information provided and reasons for the non-provision of information as per the GIPA Act will be available on Council's Disclosure Log of Access Applications page

<https://www.clarence.nsw.gov.au/Council/Governance-and-transparency/Disclosure-log-of-access-applications>.

For 1 (one) application, full access was decided. For 11 (eleven) applications, partial access was decided. The basis for withholding information under Section 14 of the GIPA Act were individual rights, judicial process and natural justice, legal professional privilege and business interests of agencies and other persons.

Disclosures of Interest Returns

Compulsory annual disclosure of interest returns was called in July and will be reported at the August Ordinary Council Meeting. The required officers must submit a new return annually (within three months of the start of each financial year).

The information below is related to the report period (1 April 2024 to 30 June 2024).

Commencement - Greg McCarthy (Coordinator Building Services), Maya Dougherty (Coordinator Strategic Planning) and Christopher Dear (Senior Maintenance Engineer). These are compiled in Attachment A.

Update – Cr Allison Whaites and Councillor Stephen Harper Pickering. These are compiled in Attachment B.

Insurance Claims

To reduce Council's exposure to risk, Council maintains insurance cover for protection against financial loss, damage, and legal liabilities.

The below information includes information with regards to Public Liability claims lodged with Council for damage to property in addition to injury claims for this quarter: -

- the total number of public liability claims **received** this quarter.
- the total number of public liability claims **settled** this quarter by Council.
- an overview of the "areas" within council that have incurred these claims.
- legal action taken against Council this quarter.

Reported Public Liability Claims: 01 April 2024 to 30 June 2024

Activity	Total Claims	Not Pursued	Declined	Settled	Pending	Notify	Settled
Public Liability - Property	18	2	5	6	5	1	\$4,543.77
Public Liability - Injury	0	0	0	0	0	1	\$0.00
Total	18	2	5	6	5	2	\$4,543.77

Category of Insurance Claims

Claim Type	No.	Claim Type	No.
Road – Defects/Potholes	3	Trees / Branches / Roots	
Road – Other (drainage, etc)	4	Mowing / Whipper Snipper	5

Loose Stones		Council Public Facilities – C/Parks, pools, Gallery etc	4
Bridges		Environment/Planning/Regulatory	
Footpath / Nature Strip / Kerb		Other Infrastructure (eg Telstra)	2
Burst Water/Sewer Main & Other W/cycle		Other	

Claim: A completed claim form is received by Council, or a written letter of demand served on Council.

Settlement: A compensation amount agreed upon by Council in response to an incident in which Council was proven negligent.

Notification: A person notifies Council of their incident but does not wish to pursue a claim.

Pending: An investigation is on-going, and 'negligence' has not been determined.

Declined: The claimant has not been able to provide Council with evidence to substantiate their claim against Council

BACKGROUND

Legal Proceedings

The report on legal proceedings is to contain details of the legal proceedings that have been taken by or against Council, except in cases where:

- the security of the Council, Councillors, Council staff or Council property may be threatened
- the privacy of the personal affairs of the person may be contravened by revealing the information
- the proceedings concern a personnel or industrial relations matter involving an individual staff member (for example, unfair dismissal claims, workers compensation claims and personal injury claims)
- the proceedings concern the personal hardship of any resident or ratepayer, or:
- a not-for-publication order has been made by the relevant Court or Tribunal

Government Information (Public Access) Applications

The purpose of the Government Information (Public Access) Act 2009 (GIPA) is to open government information to the public by:

- authorising and encouraging the proactive public release of government information by agencies
- giving members of the public an enforceable right to access government information, and:
- providing that access to government information is restricted only when there is an overriding public interest against disclosure.

Information is not disclosed; if disclosing, it would also disclose:

- private information about a third-party
- details of legal action or law enforcement
- details that would undermine competitive neutrality in connection with any functions of Council or
- details that would endanger or prejudice any system or procedure for protecting the environment.

Disclosures of Interests

The Office of the Information and Privacy Commission released Information Access Guideline 1: For Local Councils on the Disclosure of Information (returns disclosing the interests of councillors and designated persons) – September 2019. All returns are to be made publicly available on Council's website. Updated returns and new returns are to be tabled at the next Council meeting after lodgement in accordance with Council's Code of Conduct.

Insurance Claims

To reduce Council's exposure to risk, Council maintains insurance coverage for protection against financial loss, damage, and legal liabilities.

COUNCIL IMPLICATIONS

Budget/Financial

Any costs incurred or recovered for legal proceedings taken by or against the Council are allocated to the budget areas for the respective matters.

The GIPA Act provides that requests are subject to an initial fee of \$30 to cover the first hour of investigation. After the first hour, there is an additional processing fee of \$30 per hour. Fees can be reduced by 50% if the agency is satisfied:

- the individual making the application is suffering financial hardship, or
- the information applied for is of special benefit to the public generally.

Council's liability for insurance claims is limited to the excess under the respective policy. Claims up to the excess are allocated against the operational budget of the relevant directorate.

Asset Management

N/A

Policy and Regulation

Complaints Management Policy

Government Information (Public Access) Act 2009 (GIPA Act)

Privacy and Personal Information Protection Act 1998

Information Access Guideline 1: For Local Councils on the disclosure of information (returns disclosing the interest of councillors and designated persons) – September 2019

Council's suite of insurance policies

Civil Liabilities Act 2002 No 22

Consultation

Insurance Officer

Finance

Legal and Risk Management

As above

Climate Change

N/A



DISCLOSURE OF INTERESTS

FORM: Commencement

Required to be lodged under clause 4.21 of the Model Code of Conduct for Local Councils in NSW

For further information please read Council's Code of Conduct and the Information and Privacy Commission's

[Information Access Guideline 1 – For Local Councils on the disclosure of information \(returns disclosing the interest of councillors and designated persons\)](#)


Disclosure of pecuniary interests and other matters by Christopher Dear.

as at 29th April 224 in respect of the period from [date] to [date]

Signed: 

Date: 19/06/2024

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	Nature of interest
 NSW 2463	Part Owner

B. Sources of Income

1. Sources of income I:

- reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June, and
- received from an occupation at any time since 30 June:

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)

Senior Maintenance Engineer	Clarence Valley Council – 2 Prince Street Grafton NSW 2460	
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2. Sources of income I:

- reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June and
- received from a trust since 30 June:

Name and address of settlor	Name and address of trustee
N/A	

3. Sources of other income I:

- reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June and
- received at any time since 30 June:

Sources of other income [Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]
N/A

C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor
N/A	

D. Contributions to Travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken



N/A		

E. Interests and Positions in Corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
N/A			

F. Property Development

Were you a property developer or a close associate of a property developer on the return date?

No

G. Positions in Trade Unions and Professional or Business Associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
N/A	

H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date / at any time since 30 June
N/A

I. Dispositions of Property

1. Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time
N/A

2. Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property
N/A

J. Discretionary Disclosures

N/A



DISCLOSURE OF INTERESTS

FORM: Commencement

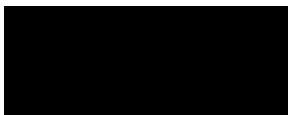
Required to be lodged under clause 4.21 of the Model Code of Conduct for Local Councils in NSW

For further information please read Council’s Code of Conduct and the Information and Privacy Commission’s

[Information Access Guideline 1 – For Local Councils on the disclosure of information \(returns disclosing the interest of councillors and designated persons\)](#)

Disclosure of pecuniary interests and other matters by Gregory Thomas McCarthy as at 26 April 2024 in respect of the period from 1 July 2023 to 26 April 2024.

Signed:



Date: 26 April 2024

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	Nature of interest
Grafton	Joint ownership with my wife

B. Sources of Income

1. Sources of income I:

- reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June, and
- received from an occupation at any time since 30 June:

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
Coordinator Building Services	Clarence Valley Council 2 Prince St Grafton	

2. Sources of income I:

- reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June and
- received from a trust since 30 June:

Name and address of settlor	Name and address of trustee
Nil	

3. Sources of other income I:

- reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June and
- received at any time since 30 June:

Sources of other income <i>[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]</i>
Nil





C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor
Nil	

D. Contributions to Travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
Nil		

E. Interests and Positions in Corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
Nil			

F. Property Development

Were you a property developer or a close associate of a property developer on the return date?

No

G. Positions in Trade Unions and Professional or Business Associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
Development and Environmental Professionals Association (DEPA)	Member

H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date / at any time since 30 June
Nil

I. Dispositions of Property

1. Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time
Nil





2. Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property
Nil

J. Discretionary Disclosures

Nil



DISCLOSURE OF INTERESTS

FORM: Commencement

Required to be lodged under clause 4.21 of the Model Code of Conduct for Local Councils in NSW

For further information please read Council’s Code of Conduct and the Information and Privacy Commission’s

[Information Access Guideline 1 – For Local Councils on the disclosure of information \(returns disclosing the interest of councillors and designated persons\)](#)


Disclosure of pecuniary interests and other matters by Maya Dougherty

as at 27/05/2024 in respect of the period from [date] to [date]

Signed: 

Date: 28/05/2024

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	Nature of interest
 Ulmarra	Residential address

B. Sources of Income

- Sources of income I:
 - reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June, and
 - received from an occupation at any time since 30 June:

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)

Yoga teacher	Maya Dougherty 2940 Big River Way, Ulmarra (Sole trader)	N/A
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2. Sources of income I:

- reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June and
- received from a trust since 30 June:

Name and address of settlor	Name and address of trustee
N/A	

3. Sources of other income I:

- reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June and
- received at any time since 30 June:

Sources of other income <i>[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]</i>
N/A

C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor
N/A	

D. Contributions to Travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken



N/A		

E. Interests and Positions in Corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
N/A			

F. Property Development

Were you a property developer or a close associate of a property developer on the return date?

No

G. Positions in Trade Unions and Professional or Business Associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
N/A	

H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date / at any time since 30 June
N/A

I. Dispositions of Property

1. Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time
N/A

2. Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property
N/A

J. Discretionary Disclosures

N/A



DISCLOSURE OF INTERESTS

FORM: Update

Required to be lodged under clause 4.21 of the Model Code of Conduct for Local Councils in NSW

For further information please read Council's Code of Conduct and the Information and Privacy Commission's

Information Access Guideline 1 – For Local Councils on the disclosure of information (returns disclosing the interest of councillors and designated persons)

Disclosure of pecuniary interests and other matters by *Allison Whaites* [full name of councillor or designated person]
as at *1/7/2024* [return date] in respect of the period from [date] to [date]

Signed: [councillor's or designated person's signature]



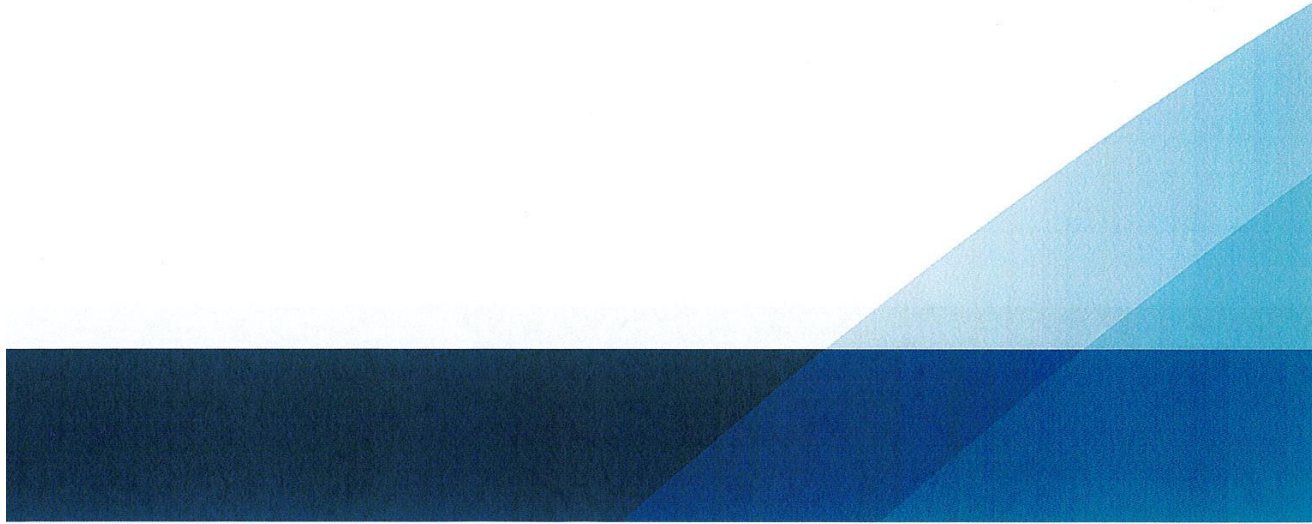
Date: [date] *1/7/2024*

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	Nature of interest
<i>[Redacted] NSW 2460</i>	<i>50%</i>
<i>195 Bent Street, South Grafton NSW 2460</i>	<i>100%</i>
<i>215/63 Ocean Parade, Coffs Harbour NSW 2450</i>	<i>50%</i>

B. Sources of Income

1. Sources of income I:



- reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June, and
- received from an occupation at any time since 30 June:

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
Business owner Director	Bryant & Whaites Pty Ltd T/As Allison Whaites Estate Asset - 47 Through St, South Grafton	
Clarence Valley Councillor	Prince Street, Grafton Clarence Valley Council	

2. Sources of income I:

- reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June and
- received from a trust since 30 June:

Name and address of settlor	Name and address of trustee
NA	NA

3. Sources of other income I:

- reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June and
- received at any time since 30 June:

Sources of other income <i>[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]</i>
NA
NA

C. Gifts





Description of each gift I received at any time since 30 June	Name and address of donor
NA	NA
NA	NA

D. Contributions to Travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
NA	NA	NA
NA	NA	NA

E. Interests and Positions in Corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
Bryant + whaites Pty Ltd Whaibry Pty Ltd		Director Director	Allison Whaites Estate Agent SMSF

F. Property Development

Were you a property developer or a close associate of a property developer on the return date?

[Yes/No]

G. Positions in Trade Unions and Professional or Business Associations

Name of each trade union and each professional or business association in which I held any position	Description of position
---	-------------------------

(whether remunerated or not) at the return date/at any time since 30 June	
NA	NA
NA	NA

H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date / at any time since 30 June
NA
NA

I. Dispositions of Property

1. Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time
NA
NA
NA

2. Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property
NA
NA



J. Discretionary Disclosures*[Details]*

- member of South Grafton Progress Association
- Son Jayden Whaites-Fritrich on the Board of directors Livable
- Son Jayden Whaites-Fritrich employed State Government -
- I am the chair of Nationals Grafton branch
- Son Jayden Whaites-Fritrich chair of the young Nationals



DISCLOSURE OF INTERESTS

FORM: Update

Required to be lodged under clause 4.21 of the Model Code of Conduct for Local Councils in NSW

For further information please read Council's Code of Conduct and the Information and Privacy Commission's

Information Access Guideline 1 – For Local Councils on the disclosure of information (returns disclosing the interest of councillors and designated persons)

Disclosure of pecuniary interests and other matters by Stephen Harper Pickering as at July 1 2024 in respect of the period from 1 July 2023 to 30 June 2024

Signed:

Date: 1 July 2024

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	Nature of interest
NSW 2462	Owner

B. Sources of Income

1. Sources of income I:



- reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June, and
- received from an occupation at any time since 30 June:

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
Self Employed	Stephen Harper Pickering 5 Coldstream Street, Ulmarra, NSW	
Councillor	Clarence Valley Council 2 Prince Street, Grafton, NSW	

2. Sources of income I:

- reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June and
- received from a trust since 30 June:

Name and address of settlor	Name and address of trustee
NA	

3. Sources of other income I:

- reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June and
- received at any time since 30 June:

Sources of other income <i>[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]</i>
NA





C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor
NA	

D. Contributions to Travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
NA		

E. Interests and Positions in Corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
NA			

F. Property Development

Were you a property developer or a close associate of a property developer on the return date?

No

G. Positions in Trade Unions and Professional or Business Associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
NA	

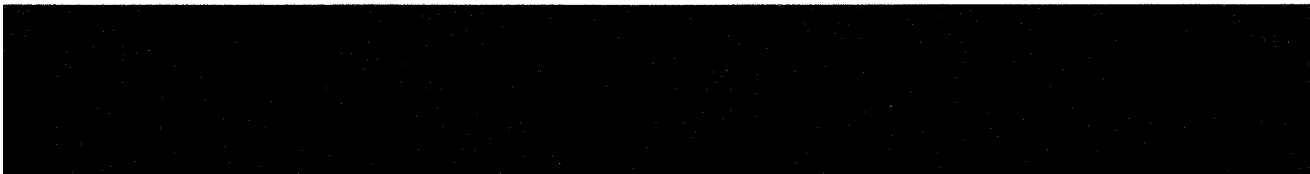
H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date / at any time since 30 June
NA

I. Dispositions of Property

1. Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time
NA

2. Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property
NA





J. Discretionary Disclosures

RFS – Volunteer

SES – Volunteer

Ulmarra Village Inc – President

Friends of Grafton Gallery – Corporate Sponsor

Grafton Chamber of Commerce – Member

ITEM 07.24.126 POLICY REPORT

Meeting	Council	23 July 2024
Directorate	Corporate & Community	
Prepared by	Governance Officer, Lohraine Souza	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	A. Name of Parks Reserves and Facilities Policy V4.0 ↓	

SUMMARY

This report recommends action in relation to Council Policies.

OFFICER RECOMMENDATION

That Council adopt the Naming of Parks, Reserves and Facilities Policy V4.0 noting one submission and some minor name and word changes that did not change the intent of the policy

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership

Objective We will have a strong, accountable and representative Government

KEY ISSUES

The following policy was placed on exhibition and received one submission which did not change the intent of the policy:

- Naming of Parks, Reserves and Facilities Policy V4.0

Some minor amendments were made post exhibition by staff and these changes are tracked in the attached document. This policy provides guidelines for naming parks, reserves and facilities under Council control as owner or as Crown Land Manager.

BACKGROUND

As above

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy and Regulation

As outlined in the report.

Consultation

Internal staff in the key subject matter areas and policies/plan out for public submission.

Submission from the public -

Naming of Parks, Reserves and Facilities		
Submitter	Submission	Observations/changes to Draft Policy
Yvonne Willis Yamba, NSW	Objection to dual naming	Council has a dual naming policy position in line with best practice guidelines for NSW Government

Legal and Risk Management

As outlined in the report.

Climate Change

N/A

Policy

Naming of parks, reserves and facilities

Responsible Manager (Title)	Manager Open Spaces & Facilities		
Adopted by Council	Date: TBA	Minute Number: TBA	
File Reference Number	ECM: TBA	Version: V4.0	Review Due: November 2028
Document(s) this policy Supersedes	V3.0 – 11/12/2018 – 15.217/18		
Community Plan Linkage	1.1 Society - To be part of a proud and inviting community with opportunities to connect and belong		

1 Purpose

To provide guidelines for naming parks, reserves and facilities under Council control as Crown Land Manager or as freehold owner.

2 Definitions

~~NSW – New South Wales~~

~~GNB – Geographical Names Board~~Nil

3 Background/legislative requirements

The Geographical Names Act 1966 empowers the Geographical Names Board (GNB) to assign names to places, to investigate and determine the form, spelling, meaning, pronunciation, origin and history of any historical name, and the application of such names to a position, extent or otherwise.

Council's Road and Street Naming Policy provides a policy structure for naming roads; the policy includes lists that may provide suitable names for parks, reserves and facilities.

4 Policy statement

Council has adopted the following guidelines for the naming of Parks and Reserves under the control of Council.

4.1 The recommended names for parks and reserves include:

- Aboriginal names of significance to the area, subject to the prior approval of the relevant ~~Traditional Owners Aboriginal Corporations and Registered Native Title Body Corporate (RNTBC)~~ or Local Aboriginal Land Councils.



- Native flora and fauna, generally using the common name and [excluding in preference to](#) lengthy or complex scientific names.
- Commemorative names are those that commemorate a person, event or place. The person commemorated should have contributed significantly to the area around the geographic feature or locality. When such a name is applied, it shall be given posthumously, at least one year after the [decease-death](#) of a person. Ownership of land is not in itself grounds for the application of an owner's name. Names of persons holding office shall not be used (refer to the [attached-link GNB Commemorative Naming Fact Sheet](#)).
- War casualty lists.
- Names of early [ships/river boats, captains, pilots and maritime themes, and historical river boats.](#)

4.2 In the following areas, preference will be given to the following names:

- Grafton: Native flora
- Grafton CBD area: Pioneer family names and prominent citizens (lists are available from Council)
- Maclean: Scottish themes, ferry or shipping names, thematic history of the area, Yaegl language names as approved by the [Registered Native Title Body Corporate \(RNTBC\) or Traditional Owners Aboriginal Corporations and](#) Local Aboriginal Land Councils
- South Grafton: Early vessels which plied the Clarence (lists are available from Council)
- Yamba: Early ships/river boats, captains, pilots and maritime themes
- Woombah: Native flora and fauna

4.3 Names should be appropriate to the area's physical, historical or cultural character.

4.4 The origin of each name should be clearly stated and subsequently recorded.

4.5 The relevant [Registered Native Title Body Corporate \(RNTBC\) or Traditional Owners Aboriginal Corporations and](#) Local Aboriginal Land Councils should be consulted when choosing Aboriginal names unless the name is selected from an agreed list provided by Council.

4.6 If the proposal involves naming **part** of a formally named park or reserve, Council will consider a local informal naming that meets the above criteria. An informal name will not be considered for the whole of a park or reserve.

Consideration should be given to commercial opportunities regarding naming facilities located in parks and reserves under Council control as Crown Land Manager or as freehold owner. Commercial opportunities could include sponsorship, signage or other economic benefit in exchange for a facility's naming-

5 Policy

Implementation

5.1 All proposals to name a park, reserve or facility are to be made in writing and addressed to the General Manager.



5.2 The application will be initially assessed by Open Spaces & Facilities Section staff against the guidelines provided in this policy and the GNB of NSW Policy Place Naming.

5.3 Council's possible options:

- if rejected, staff will contact the applicant and advise them to reconsider the proposal.
- if deferred, staff will seek further information on the proposal.
- if supported, staff will report to Council for a resolution to place the proposal on exhibition.

5.4 If no objections are submitted by the public during the exhibition period:

- the proposed name of the park or reserve will be submitted online by Council to the GNB via the NSW Place and Road Naming Proposal System (refer to the [attached GNB Naming a Place Fact Sheet](#) for an outline of the procedure).
- the proposed name of the facility will be reported to Council for a resolution.

5.5 Open Spaces and Facilities Section staff will advise the applicant of the outcome and update records of the name of any approved proposal.

6 Related Documents

[Geographical Names Board of NSW Policy, Place Naming \(July 2019\)](#)

[Road and Street Naming Policy](#)

7 Attachments

[GNB, Naming a Place Fact Sheet](#)

[GNB, Commemorative Naming Fact Sheet Nil](#)

ITEM 07.24.127 ADVISORY COMMITTEES

Meeting	Council	23 July 2024
Directorate	Corporate & Community	
Prepared by	Governance Officer, Lohraine Souza	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	Nil	

SUMMARY

In line with the Council's report with the recommendations for establishing Council's Advisory Committee, each group of newly elected Councillors determines the Advisory Committees they wish to operate. To this end, all committees are disbanded during the caretaker period prior to the election of a new Council.

OFFICER RECOMMENDATION

That Council:

1. disbands all Advisory Committees (identified in the body of the report) and extends sincere appreciation to all committee members for their valuable contributions and dedication.
2. notes that the newly elected Council will consider the establishment of appropriate Advisory Committees in the upcoming term.

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership

Objective We will have an effective and efficient organisation

KEY ISSUES

Advisory Committees are formed for the term of the Council only.

It is important to formally acknowledge and thank the members of these committees for their hard work and dedication. Their contributions have been valuable to the Council's activities and decisions.

The newly elected Council will consider the establishment of appropriate Advisory Committees in the upcoming term.

Council is currently conducting a review with the members of the Advisory Committees. This review will help Council understand what worked well, where improvements can happen, and the overall value of the Advisory Committees. The outcomes of this review will be reported in the August Council Meeting.

BACKGROUND

Council Advisory Committees (CACs) are established to advise Council with advice and recommendations to inform the decisions made by Council. Each Council term can determine if they wish to have Advisory Committees and their form.

Access Advisory Committee

The purpose of the Access Committee was to provide advice, guidance, and recommendations to Council regarding matters relating to improving access to public and private land, social inclusion, and overcoming discriminatory impediments to promote a highly accessible, inclusive, and welcoming community that respects independence and human dignity.

Clarence Coast and Estuary Advisory Committee

The purpose of the Clarence Coast and Estuary Committee was to advise Council on achieving integrated, balanced, responsible, and ecologically sustainable development of Clarence Valley coasts and estuaries. Advise Council in developing and implementing management plans and initiating and overseeing coastline and estuary management processes.

Community and Cultural Advisory Committee

The purpose of this Committee is to advise Council on the development of strategies and identification of challenges and opportunities in relation to cultural planning and heritage, arts and cultural opportunities, sporting and recreational opportunities, community pride and local identity, including local history, and community involvement which encourages a sense of belonging within the local government area.

Clarence and Lower Clarence Sports Advisory Committees

The purpose of the Clarence Valley Sports Committee is to advise Council on sporting interests in the Clarence Valley, manage and maintain satisfactory sporting fields and facilities within the Clarence Valley, liaise with sporting groups, promote and encourage sporting activities and make recommendations on annual sporting grant funding program.

Floodplain Risk Management Advisory Committee

In accordance with the NSW Government's advice for the local floodplain manuals, the Floodplain Risk Management Committee advised Council, acting as both a focus and forum for discussing a broad range of floodplain issues – technical, social, economic, environmental, and cultural. The Committee provides strategic advice on developing and implementing Clarence Valley Floodplain Risk Management Studies and Plans.

Economic Development and Tourism Advisory Committee

This Committee's purpose was to provide advice and guidance on economic development and tourism and to implement relevant plans and strategies.

Water Efficiency Working Group

The purpose of this committee was to undertake an annual review of the Regional Water Efficiency Strategic Plan and to provide advice and guidance about the Regional Water Efficiency Strategic Plan.

Biodiversity Advisory Committee

The purpose of this Committee was to provide a forum for persons and agencies interested in managing the Clarence Valley's biodiversity to offer knowledge to improve and promote the Council's strategic attention to biodiversity matters.

Climate Change Advisory Committee

The purpose of this Committee was to advise and make recommendations to Council on specific initiatives that Council and/or the community may undertake in response to climate change and educational and other strategies that Council may implement to encourage the Clarence Valley community in its response to climate change.

Grafton Saleyards Advisory Committee

This Committee's purpose was to advise Council on aspects of the management and operation of the Saleyards.

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy and Regulation

N/A

Consultation

Council is currently conducting a review with the members of the Advisory Committees.

Legal and Risk Management

N/A

Climate Change

N/A

ITEM 07.24.128 ITEMS FOR INFORMATION

Meeting	Council	23 July 2024
Directorate	General Manager	
Attachments	A. Clarence Valley Community and Cultural Committee Meeting Minutes - May 2024 ↓ B. Correspondence from The Hon Jenny Aitchison MP - Shirley Adams Way ↓ C. Community Recognition Statement - Ulmarra Riverside and Village Precinct ↓ D. Correspondence from Richie Williamson MP - Maclean Fisheries Office Land Swap Matter ↓ E. Correspondence from Richie Williamson MP - Former Gorman's Restaurant ↓ F. June 2024 Loan Funding Strategy ↓	

SUMMARY

Correspondence and committee minutes are attached for noting

OFFICER RECOMMENDATION

That the Items for Information as listed below be noted

- Clarence Valley Community and Cultural Committee Meeting Minutes - May 2024
- Correspondence from The Hon Jenny Aitchison MP - Shirley Adams Way
- Community Recognition Statement - Ulmarra Riverside and Village Precinct
- Correspondence from Richie Williamson MP - Maclean Fisheries Office Land Swap Matter
- Correspondence from Richie Williamson MP - Former Gorman's Restaurant
- June 2024 Loan Funding Strategy

Clarence Valley Council

Clarence Valley Community & Cultural Committee – Minutes

29 May 2024 COMMENCING 3:35pm – Grafton Regional Gallery, Fitzroy Street, Grafton

Committee:

Sarah Gurich: Gallery Director, Sarah Nash CVC, Alex Moar CVC, CR Allison Whaites, CR Jeff Smith (MS Teams), Bree Hiatt (MS Teams), James Cameron, Kate Begbie, Steve Tranter, Aneika Kapeen
 Minutes: Avron Thompson CVC

Item		
1	Acknowledgment of country	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 people’s culture and connection to land, sea and community. We pay our respects to their Elders past, present and emerging.
2	Apologies	Sarah Nash (CVC), James Cameron, Kate Begbie and Aneika Kapeen
3	Declarations of Interest	Nil
4.1	Meeting Chairperson	CR Allison Whaites
4.2	Acknowledgement of Country	CR Allison Whaites
5	Confirmation of Minutes of previous meeting held on 6 December 2023 Moved: Bree Hiatt Second: CR Jeff Smith	
6	Business Arising from the Minutes	
Item	Description/Discussion/ Comments	Action or Recommendation to Council
6.01	Committee Terms of Reference Bree and Sarah G have revised the initial Terms of Reference (T of R) and drafted this to be more focused, as this will be linked to the CVC cultural Plan community and other CVC plans. The Cultural Plan will include a broader range of cultural activities in the Clarence Valley bringing the revised T of R into this plan. Under the revised T of R there is scope for sub committees/interest groups	

Item

to be formed, to provide input on for example public art and gallery matters.

Committee members acknowledged that a new committee will be formed after the Council election later this year. The first step is to go back to the Executive for approval of the revised T of R.

Strengths of this document will be attracting more interest from community to be committee members and addresses strategic content to link back to the cultural plan.

A discussion was held on the revised T of R which resulted in adjustments being made to the document format.

The committee endorsed the revised T of R document be submitted to the Executive.
 Moved firstly by Bree, secondly by CR Smith

6.02

7 General Business



7.01 **Bree Hiatt** SERCO have been some exciting things in the and are working towards NAIDOC week community involvement.
 Have been involved with 'Close the Gap' and are looking at future involvement with Bulgarr Ngaru.
 Have signed of on involvement with this year's Jacaranda Festival and moving forwards hope to grow the current scope of involvement.

Steve Tranter Has sent a timeline of Clarence River Historical Society upcoming events to Council and has written to the Mayor and Councillors re plaques as historic markers place throughout the Clarence, there are a large number already in place and a database of them is needed.

Sarah Gurich Accredited valuer Jon Dwyer is doing a valuation of the permanent collection.
 JADA is coming up and the Friends of the Gallery are holding fundraising events.
 New exhibitions opened 11 May.
 Plunge has finished and was a great success.

Sarah Nash to report on the 2024 Plunge Festival.

Item		
	CR Jeff Smith	<p>Very impressed with 'Lawrence Loves' community festival held on 25 May. This was a well-run community-based event, with potential scope to run mini festivals in other small local communities. Phil Nicholas ran the event organiser.</p> <p>Bree suggested having Phil as a guest speaker once the new committee is formed.</p>
8.01	Correspondence	Nil
9	Next Meeting	
	Chair:	CR Allison Whaites
	Date / Time:	Wednesday 7 August 2024, 3:30 – 4:30pm
		Minutes: Avron Thompson
		Location: Grafton Regional Gallery,
10	Meeting close	4:15pm

Minutes of this meeting approved with no changes by email:	
<p>CR Allison Whaites 8/6/24 @9:22am</p>	<p> Re_ Meeting minutes 29 May for ;</p>
<p>CR Jeff Smith 9/6/24 @9:29am</p>	<p> RE_ Meeting minutes 29 May for ;</p>

OFFICIAL

The Hon Jenny Aitchison MP
Minister for Regional Transport and Roads



Ref: BN24/00347
20 June 2024

Ms Laura Black
General Manager
Clarence Valley Council
general.manager@clarence.nsw.gov.au
Locked Bag 23
GRAFTON NSW 2463

Cc: Richie.Williamson@parliament.nsw.gov.au

Re: Naming of Shirley Way, Grafton to Shirley Adams Way, Grafton

Dear Ms Black, *Laura*

Thank you for your recent submission on behalf of Clarence Valley Council in support of renaming Shirley Way to Shirley Adams Way.

After considering all 33 submissions, 30 of which were in support of renaming the road, I am pleased to advise that the road will be renamed to Shirley Adams Way to honour Ms Adams after her contributions to the Grafton community.

As a lifelong advocate for women's participation in public life and decision making, I am very pleased to make this decision, which recognises a true trailblazer, not just for Grafton but also for women in local government across NSW and our nation.

A representative of Transport for NSW will soon be in contact with you to arrange changes to signage.

Should you have any questions or concerns about this matter, please do not hesitate to contact Ms Anna Zycki, Regional Director North, Transport for NSW at: anna.zycki@transport.nsw.gov.au or on 0477 755 905.

I appreciate your ongoing advocacy on the matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jenny Aitchison".

Jenny Aitchison MP
Minister for Regional Transport and Roads



4 June 2024

COMMUNITY RECOGNITION STATEMENT
Extract from NSW Legislative Assembly Hansard and Papers

ULMARRA RIVERSIDE AND VILLIAGE PRECINCT

Mr RICHIE WILLIAMSON (Clarence): Congratulations to the Clarence Valley Council as they were honoured with the prestigious 2024 Institute of Public Works Engineering Australia's (IPWEA) Engineering Excellence award, for the Ulmarra Riverside and Village Precinct project.

The award was presented at the IPWEA State conference on April 11, in the Hunter Valley, with Clarence Valley Council taking out the Design & Construction category for Public Works Project-under \$5million.

The Ulmarra Riverside and Village Precinct project was designed to breathe new life into the village and enhance Ulmarra's appeal and create a memorable experience for people enjoying all that the village has to offer.

Some features of the project included, upgrading roads and footpaths and the revitalization of Bailey Park, with the addition of modern barbecue and picnic facilities and the introduction of a new playground, equipped with water play features.

In November last year, I had the privilege of attending the official opening of these facilities, alongside Clarence Valley Council Mayor, Peter Johnstone.

This award is a testament to the hard work and dedication of all involved in this wonderful project, congratulations on a job well done!





26 June 2024

Ref: 10876

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

Dear Laura

I write further to periodic discussions between Clarence Valley Council and Property NSW to progress a land swap of 18a River Street, Maclean (NSW Fisheries Office) for 72-74 River Street, Maclean (Council) to enable Council to realise its masterplan vision for the Maclean Riverside Precinct Plan.

I am aware Property NSW is supportive of Council's proposal, however progress appears to have stalled. I note Council shared its land valuation report for 72-74 River Street, Maclean with DPIE in 2022 but is yet to receive similar from the State for 18a River Street, Maclean to enable Council to inform of its next steps.

To assist in progressing the proposal, I raised the matter with the Minister for Lands and Property, Stephen Kamper when I met with him on 6 June 2024. The Minister has advised he will instruct the Department to contact Council and open the lines of communication.

I will keep Council updated on updates received from the Minister in this regard, and would appreciate if Council could do likewise with further communication and progress with the Department.

Kind regards

RICHIE WILLIAMSON, MP
Member for Clarence

RW.dn

11 Prince Street, Grafton NSW 2460

02 6643 1244

clarence@parliament.nsw.gov.au

THE NATIONALS
for Regional NSW



26 June 2024

Ref: 10876

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

Dear Laura

I write further to your letter dated 4 June 2024 regarding a resolution passed at Council meeting on 26 March 2024 seeking my support and advocacy of the NSW Government to agree to a process to allow the demolition and removal of the former Gorman's Restaurant on Hickey Island.

I certainly appreciate the dilapidated building poses an unsightly public safety risk and also appreciate the desire of the owners of the land, Swell 77 Pty Ltd to redevelop the land after acquiring it at auction from Birrigan Gargle Local Aboriginal Land Council on 5 September 2020.

I advise that I met with the Minister for Lands, Stephen Kamper on 6 June 2024 to discuss the matter further and provided him with further background information around the current situation.

The Minister gave me an undertaking he would review the matter and respond to both Clarence Valley Council and me in due course.

I will keep Council updated on receipt of any response from the Minister in this regard.

Kind regards

RICHIE WILLIAMSON, MP
Member for Clarence

RW.dn

11 Prince Street, Grafton NSW 2460

02 6643 1244

clarence@parliament.nsw.gov.au

THE NATIONALS
for Regional NSW

Regional Aquatic Facility & Yamba Community Centre

APPROVED LOAN

Loan Funding

Loan Details

Borrowing Value \$ 24,720,000 (Being \$19,747,000 (Pool) & \$4,973,000 (YCC))
 Term (Years) 15
 Interest Rate 5.81%

Loan Repayments - Principal and Interest \$ 2,481,115 Annually

	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39
Total Principal & Interest Repayments	-	2,481,115	2,481,115	2,481,115	2,481,115	2,481,115	2,481,115	2,481,115	2,481,115	2,481,115	2,481,115	2,481,115	2,481,115	2,481,115	2,481,115	2,481,115
Funded By:																
South Grafton Pool Operation Savings	-	400,000	414,000	428,490	443,487	459,009	475,075	491,702	508,912	526,724	545,159	564,240	583,988	604,427	625,582	647,478
Regional Aquatic Centre Profits	-	(160,512)	(92,558)	(38,523)	(9,418)	21,521	54,381	89,253	126,229	132,186	138,331	143,864	149,619	155,604	161,828	168,301
RV Allocation (Open Spaces / Pools Allocation)			472,087	525,000	543,375	562,393	582,077	602,450	623,535	645,359	667,947	691,325	715,521	740,564	766,484	793,311
Total Funded Value	-	239,488	793,529	914,967	977,444	1,042,923	1,111,532	1,183,405	1,258,676	1,304,269	1,351,437	1,399,428	1,449,128	1,500,595	1,553,894	1,609,090
Loan Repayment Amount to be funded from General Revenue	-	2,241,627	1,687,586	1,566,148	1,503,671	1,438,192	1,369,583	1,297,710	1,222,439	1,176,846	1,129,678	1,081,687	1,031,987	980,520	927,221	872,025

Regional Aquatic Facility

APPROVED LOAN

Loan Funding

Loan Details

Borrowing Value \$ 19,747,000
 Term (Years) 15
 Estimated Interest Rate 5.81%

Loan Repayments - Principal and Interest \$ 1,771,390 Annually

	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39
Total Principal & Interest Repayments	-	1,981,981	1,981,981	1,981,981	1,981,981	1,981,981	1,981,981	1,981,981	1,981,981	1,981,981	1,981,981	1,981,981	1,981,981	1,981,981	1,981,981	1,981,981
Funded By:																
South Grafton Pool Operation Savings	-	400,000	414,000	428,490	443,487	459,009	475,075	491,702	508,912	526,724	545,159	564,240	583,988	604,427	625,582	647,478
Regional Aquatic Centre Profits	-	(160,512)	(92,558)	(38,523)	(9,418)	21,521	54,381	89,253	126,229	132,186	138,331	143,864	149,619	155,604	161,828	168,301
RV Allocation (Open Spaces / Pools Allocation)			472,087	525,000	543,375	562,393	582,077	602,450	623,535	645,359	667,947	691,325	715,521	740,564	766,484	793,311
Total Funded Value	-	239,488	793,529	914,967	977,444	1,042,923	1,111,532	1,183,405	1,258,676	1,304,269	1,351,437	1,399,428	1,449,128	1,500,595	1,553,894	1,609,090
Loan Repayment Amount to be funded from General Revenue	-	1,742,493	1,188,452	1,067,014	1,004,537	939,058	870,449	798,576	723,305	677,712	630,544	582,553	532,853	481,386	428,087	372,891

Regional Aquatic Facility

APPROVED LOAN

Loan Funding

Loan Details

Borrowing Value \$ 19,747,000
 Term (Years) 15
 Estimated Interest Rate 5.81%

Loan Repayments - Principal and Interest \$ 1,771,390 Annually

	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39
Total Principal & Interest Repayments	-	1,981,981	1,981,981	1,981,981	1,981,981	1,981,981	1,981,981	1,981,981	1,981,981	1,981,981	1,981,981	1,981,981	1,981,981	1,981,981	1,981,981	1,981,981
Funded By:																
South Grafton Pool Operation Savings	-	400,000	414,000	428,490	443,487	459,009	475,075	491,702	508,912	526,724	545,159	564,240	583,988	604,427	625,582	647,478
Regional Aquatic Centre Profits	-	(160,512)	(92,558)	(38,523)	(9,418)	21,521	54,381	89,253	126,229	132,186	138,331	143,864	149,619	155,604	161,828	168,301
RV Allocation (Open Spaces / Pools Allocation)			472,087	525,000	543,375	562,393	582,077	602,450	623,535	645,359	667,947	691,325	715,521	740,564	766,484	793,311
Total Funded Value	-	239,488	793,529	914,967	977,444	1,042,923	1,111,532	1,183,405	1,258,676	1,304,269	1,351,437	1,399,428	1,449,128	1,500,595	1,553,894	1,609,090
Loan Repayment Amount to be funded from General Revenue	-	1,742,493	1,188,452	1,067,014	1,004,537	939,058	870,449	798,576	723,305	677,712	630,544	582,553	532,853	481,386	428,087	372,891

ITEM 07.24.129 COUNCIL MEETING CHECKLIST - UPDATE ON ACTIONS TAKEN

Meeting	Council	23 July 2024
Directorate	Corporate & Community	
Prepared by	Corporate Support Officer, Michelle West	
Reviewed by	General Manager, Laura Black	
Attachments	A. Actions Checklist - Completed ↓ B. Actions Checklist - Outstanding ↓ C. Rolling Checklist from 2019-2021 ↓	

SUMMARY

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

OFFICER RECOMMENDATION

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

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership

Objective We will have a strong, accountable and representative Government

KEY ISSUES

A checklist is issued to Managers and relevant staff after each Council meeting to enable them to provide comments on the status of resolutions adopted by Council. The attached checklist contains actions taken on all Council resolutions from the previous month's meeting and the status/progress on all Council resolutions that have not yet been fully implemented. Those items marked as complete will not appear on any future checklists if the officer's recommendation is adopted.

BACKGROUND

A formal monthly report is required for each Council meeting, including 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

Staff and Managers

Legal and Risk Management

N/A

Climate Change

N/A

ACTION SCHEDULE FROM COUNCIL MEETING

For Action - Open/Confidential - Completed

Meeting Date	Item No.	Report Title	Council Resolution	Officer	Comments
25/06/2024	07.24.104	Request for Rates Donation - Pelican Playhouse	That Council approves the funding of the balance of the 2024/2025 rates and charges levied against the Property No 129440, Pelican Playhouse being \$1013.50 due to the hardship faced by the theatre company recovering from the 2022 significant flood damage to their theatre	Lainie Edwards	02 Jul 2024 4:04pm Lainie Edwards - Completion Completed by Lainie Edwards (action officer) on 02 July 2024 at 4:04:15 PM - Decision letter drafted, signed and emailed to applicant 02 Jul 2024 4:03pm Lainie Edwards Decision letter drafted, signed and emailed to applicant
25/06/2024	07.24.102	2024/2025 Community Initiatives Program - Round 1	That Council approve donations under the 2024/2025 Community Initiatives Program – Round 1 to the value of \$59,772.75 in accordance with the recommendations set out in the attached schedule.	Lainie Edwards	02 Jul 2024 4:04pm Lainie Edwards - Completion Completed by Lainie Edwards (action officer) on 02 July 2024 at 4:04:35 PM - Decision letter drafted, signed and emailed to applicant 02 Jul 2024 4:04pm Lainie Edwards Decision letters drafted, signed and emailed to applicants
25/06/2024	07.24.106	Clarence Valley Cultural and Community Precinct (Maclean) Project Update and LRCIP Funding Change	That Council receive and note the project status and change to the LRCIP Phase 3 funding allocation of \$3,000,000 from the Clarence Valley Cultural and Community Precinct (Maclean) Phase 1 (PJ 530130) to the Regional Aquatic Centre (PJ 996766).	Adele McGeary	02 Jul 2024 9:28pm Adele McGeary - Completion Completed by Adele McGeary (action officer) on 02 July 2024 at 9:28:23 PM - Completed 02 Jul 2024 9:27pm Adele McGeary LRCIP funding reallocation submitted to funding body for approval. Approval confirmed.
25/06/2024	07.24.105	Special Event Sponsorship 2024/2025 Round 1	That Council adopt the recommendations for the provision of funding to applicants as listed in the attached schedule to the value of \$60,500 and authorise the processing of these sponsorships in accordance with the adopted Event Sponsorship Policy.	Deb Merritt	02 Jul 2024 10:05am Deb Merritt - Completion Completed by Deb Merritt (action officer) on 02 July 2024 at 10:05:05 AM - Council adopt the recommendations.
25/06/2024	07.24.103	Cultural and Sports Trust Fund 2024	That Council approve a donation from the Clarence Valley Cultural and Sports Trust Fund of \$300 to Maia Adamson who has been selected to compete at the Hockey NSW Australian U18's National Championship being held on the Gold Coast from the 3rd to 11th July 2024.	Lainie Edwards	02 Jul 2024 4:03pm Lainie Edwards - Completion Completed by Lainie Edwards (action officer) on 02 July 2024 at 4:03:45 PM - Decision letter drafted, signed and emailed to applicant 02 Jul 2024 4:02pm Lainie Edwards Decision letter drafted, signed and emailed to applicant
25/06/2024	07.24.109	Local Traffic Committee	That the recommendations of the Local Traffic Committee determined on 5 June 2024 be adopted by Council.	Alana Brooks	02 Jul 2024 9:51am Alana Brooks - Completion Completed by Alana Brooks (action officer) on 02 July 2024 at 9:51:20 AM - noted

ACTION SCHEDULE FROM COUNCIL MEETING

For Action - Open/Confidential - Completed

25/06/2024	07.24.095	Policy Report	That Council: 1. place the Backflow Prevention and Cross Connection Control Policy V2.1 on exhibition and subject to there being no submissions that change the intent of the policy that it be adopted. 2. note the adoption of the following policies post exhibition as they received one submission each that did not change the intent of the policies. a. Credit Card Use Policy V5 b. Sundry Debtors Recovery Policy V2 c. Stock on Road Policy V7.0 d. Voluntary Contribution for Dust Sealing of Unsealed (Gravel) Roads V2.0	Lorraine Souza	02 Jul 2024 10:43am Lorraine Souza - Completion Completed by Lorraine Souza (action officer) on 02 July 2024 at 10:43:23 AM - This task has been completed. Policies are placed on exhibition/registered/updated accordingly.
25/06/2024	07.24.110	Open Coast Coastal Management Program - Stage 4	That Council places the draft Open Coast Coastal Management Program Stage 4 Report on public exhibition for 28 days.	Uriah Makings	03 Jul 2024 10:19am Uriah Makings - Completion Completed by Uriah Makings (action officer) on 03 July 2024 at 10:19:39 AM - CMP has been placed on public exhibition 03 Jul 2024 10:16am Uriah Makings The Open Coast CMP was placed on exhibition on Friday 28th June. The exhibition period is scheduled to end on Monday 29th July.
25/06/2024	07.24.096	Items for Information	That the Items for Information as listed below be noted: - Biodiversity Committee Minutes - February 2024 - Wooloweyah Parks and Reserve Management Committee Minutes - April 2024 - Biodiversity Committee Minutes - May 2024 - Wooloweyah Parks and Reserve Management Committee Minutes- May 2024 - Access Committee Minutes - May 2024 - Roads to Recovery Program - Funding 2024-2029 - LGNSW Response to Motion - Manufacturers to declare carbon emissions for building products.	Michelle West	03 Jul 2024 2:07pm Michelle West - Completion Completed by Michelle West (action officer) on 03 July 2024 at 2:07:44 PM - Noted
25/06/2024	07.24.097	Council Meeting Checklist - Update on Actions Taken	That the schedule of actions on Council resolutions be noted and those resolutions marked as complete be removed from the rolling checklist.	Michelle West	03 Jul 2024 2:08pm Michelle West - Completion Completed by Michelle West (action officer) on 03 July 2024 at 2:08:03 PM - Noted
25/06/2024	07.24.093	Proposed Interim Flood Planning Levels for the Lower Clarence River Floodplain	THE ITEM WAS NOT FOUND (BOOKMARK: PDF2_ReportName_11403) CHECK THE INTEGRITY OF THE ITEM IN THE MINUTES DOCUMENT DOCUMENT: \\CVFILES2\BUSINESS\EXECUTIVE\BUSINESS PAPERS\COUNCIL\PAPERS\CO_20240625_MIN_2362.DOCX Resolution not found	Alex Wells	05 Jul 2024 10:50am Alex Wells - Completion Completed by Alex Wells (action officer) on 05 July 2024 at 10:50:25 AM - IFPL adopted

ACTION SCHEDULE FROM COUNCIL MEETING

For Action - Open/Confidential - Completed

25/06/2024	07.24.098	Integrated Planning and Reporting Framework 2024/2025	<p>That Council:</p> <ol style="list-style-type: none"> 1. note the public exhibition period submissions contained within the report in summary and attached to the report in full. 2. adopt the following, including the amendments detailed in the report: <ol style="list-style-type: none"> a. the Operational Plan 2024/2025 b. the Resourcing Strategy incorporating: <ol style="list-style-type: none"> i. the Long-Term Financial Plan (2024/2025 to 2033/2034) ii. the Workforce Management Strategy (2024/2025-2027/2028) iii. the Asset Management Strategy (2024/2025 – 2033/2034) 3. adopt the 2024/2025 Fees and Charges 4. delegate authority to the General Manager to make minor amendments to the Integrated Planning & Reporting suite of documents for publishing purposes. 	Kate Maginnity	<p>08 Jul 2024 4:02pm Kate Maginnity - Completion Completed by Kate Maginnity (action officer) on 08 July 2024 at 4:02:44 PM - All elements of the resolution completed</p>
25/06/2024	07.24.094	Proposed Extension of Alcohol Free Zones	<p>That Council:</p> <ol style="list-style-type: none"> 1. extend operation of Alcohol Free Zones for parts of Grafton (including the July Racing Carnival event-based AFZ in the vicinity of the Grafton Racecourse), South Grafton, Maclean, Yamba and Iluka, in accordance with the areas shown on maps provided in the Attachments to this report, until 30 June 2025; and 2. note that a review of the Alcohol Free Zones will be completed in the period prior to 30 June 2025 in accordance with the NSW Office of Local Government Guidelines in consultation with relevant stakeholders. 	Scott Lenton	<p>09 Jul 2024 10:28am Bryanna Boyd - Completion Completed by Bryanna Boyd on behalf of Scott Lenton (action officer) on 09 July 2024 at 10:28:16 AM - Alcohol Free Zones for parts of Grafton (including the July Racing Carnival event-based AFZ in the vicinity of the Grafton Racecourse), South Grafton, Maclean, Yamba and Iluka, in accordance with the areas shown on maps have been extended. An audit of current signs will be completed and signs updated to reflect changes. Local stakeholders such as police will be consulted. A review of the Alcohol Free Zones will be completed in the period prior to 30 June 2025 in accordance with the NSW Office of Local Government Guidelines in consultation with relevant stakeholders.</p>

ACTION SCHEDULE FROM COUNCIL MEETING

For Action - Open/Confidential - Completed

25/06/2024	07.24.090	Funding for Clarence Valley in Lieu of Ulmarra to Southgate Ferry Operations	<p>That Council:</p> <ol style="list-style-type: none"> 1. writes to Local State Member Richie Williamson seeking his support in advocating for an allocation of funds to the Clarence Valley in lieu of continuation of the Ulmarra to Southgate Ferry service by Transport NSW. 2. writes to the Minister for Regional Transport, the Hon. Jenny Aitchison requesting: <ol style="list-style-type: none"> a. funding totalling \$8,883,950 to enable the upgrade of 5kms of Lawrence Road from Great Marlow to Grafton and, completion of the Ulmarra Riverside Precinct Bailey Park connectivity and Small Park upgrade and, completion of the Grafton Waterfront Precinct from Clarence Street to the Grafton Bridge. b. Transport NSW prioritises its commitment to design and deliver pedestrian access across Big River Way in the town of Ulmarra to facilitate connectivity in the town. c. Funds be made available to Transport NSW to prioritise the upgrade of the Pound and Villiers Street intersection to a signalised intersection as this is both a residual matter relating to the Grafton Bridge duplication and an intersection that will experience increased vehicular movements as a result of cessation of the Ulmarra to Southgate Ferry. 	Bryanna Boyd	<p>09 Jul 2024 9:05am Bryanna Boyd - Completion Completed by Bryanna Boyd (action officer) on 09 July 2024 at 9:05:46 AM - Letters sent 09.07.2024</p>
25/06/2024	07.24.100	Monthly Finance Report - May 2024	<p>That Council:</p> <ol style="list-style-type: none"> 1. note the monthly financial information report for May 2024 attached to this report. 2. endorse the proposed General Fund variations as set out in this report totalling a negative impact of \$4,000 which will be included in the 2023/2024 General Purpose Financial Statements Refer to Audit report. 3. endorse the proposed variations, which increase the Financial Reserves by \$1,907,151, which will be included in the 2023/2024 General Purpose Financial Statements Refer to Audit report. 4. note and endorse the grant applications as identified in Attachment B. 	Terri Simmons	<p>10 Jul 2024 1:35pm Kate Maginnity - Completion Completed by Kate Maginnity on behalf of Terri Simmons (action officer) on 10 July 2024 at 1:35:35 PM - All items actioned according to the resolution</p>

ACTION SCHEDULE FROM COUNCIL MEETING

For Action - Open/Confidential - Completed

25/06/2024	07.24.101	2024/2025 Rates and Charges	<p>That Council in accordance with the provisions of Sections 493, 494, 496, 501, 502, 503, 542, 552 and 553 of the Local Government Act of 1993 (NSW) make and levy the following Rates and Charges for the year commencing 1 July 2024 and ending 30 June 2025.</p> <p>1. Ordinary Rates (Section 494)</p> <p>(i) A Residential Rate of 0.3347 cents in the dollar on the Rateable Land Value of all rateable land categorised as Residential with a minimum rate of Seven Hundred and Thirty-Nine Dollars (\$739.00), in respect of any separate parcel of rateable land. Land that has been identified as "Residential-Flood Prone Land" the minimum rate/base amount will not apply. The Rate to be known as the "Residential Rate".</p> <p>(ii) A Residential Rate of 0.2052 cents in the dollar on the Rateable Land Value of all rateable land in the coastal villages of Angourie, Brooms Head, Diggers Camp, Iluka, Minnie Water, Sandon River, Woolli and Wooloweyah categorised as Residential, sub-category "A", with a minimum rate of Seven hundred and Thirty-Nine dollars (\$739.00). The rate to be known as the Residential Rate "A".</p> <p>(iii) A Residential Rate of 0.2232 cents in the dollar on the Rateable Land Value of all rateable land within the towns of Maclean and Townsend categorised as Residential, sub-category "B", with a Base Amount of Five Hundred and Sixty Dollars (\$560.00). The revenue from the base amount to be approximately 44.04% of the revenue from this rate. The rate to be known as the "Residential Rate B".</p> <p>(iv) A Residential Rate of 0.1673 cents in the dollar on the Rateable Land Value of all rateable land in the town of Yamba categorised as Residential, sub-category "C", with a Base Amount of Five Hundred and Sixty (\$560.00). The revenue from the base amount to be approximately 32.68% of the revenue from this rate. The rate to be known as the "Residential Rate C".</p> <p>(v) A Residential Rate of 0.6027 cents in the dollar on the Rateable Land Value of rateable land in the city of Grafton and village of Junction Hill categorised as Residential, sub-category "E" with a Base Amount of Five Hundred and Sixty Dollars (\$560.00). The revenue from the base amount to be approximately 36.25% of the revenue from this rate. The rate to be known as the "Residential Rate E".</p> <p>(vi) A Business Rate of 0.3918 cents in the dollar on the Rateable Land value of all rateable land with a Base Amount of Five Hundred and Sixty Dollars (\$560.00) for all land categorised as Business. The revenue from the base amount to be approximately 27.89% of the revenue from this rate. The rate to be known as the "Business Rate".</p> <p>(vii) A Business Rate of 0.4343 cents in the dollar on the Rateable Land Value of all rateable land in the Maclean CBD categorised as Business, subcategory "B" with a Base Amount of Five Hundred and Sixty Dollars (\$560.00). The revenue from the base amount to be approximately 18.61% of the revenue from this rate. The Rate to be known as the "Business B-Maclean CBD". A map showing this CBD boundary is found in Attachment A.</p> <p>(viii) A Business Rate of 0.4343 cents in the dollar on the Rateable Land Value of all rateable land in the Maclean/Townsend area other than the Maclean CBD area,</p>	Paula Krahe	<p>10 Jul 2024 1:34pm Kate Maginnity - Completion Completed by Kate Maginnity on behalf of Paula Krahe (action officer) on 10 July 2024 at 1:34:40 PM - All items actioned according to the resolution</p>
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ACTION SCHEDULE FROM COUNCIL MEETING

For Action - Open/Confidential - Completed

25/06/2024	07.24.099	Monthly Investment Report - May 2024	That the report indicating Council's funds investment position as at 31 May 2024 be noted.	Nick Harvey	10 Jul 2024 1:35pm Kate Maginness - Completion Completed by Kate Maginness on behalf of Nick Harvey (action officer) on 10 July 2024 at 1:35:12 PM - Notation report only - no further action required
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ACTION SCHEDULE FROM COUNCIL MEETING

For Action - Open/Confidential - Outstanding

Meeting Date	Item No.	Report Title	Council Resolution	Officer	Comments
23/04/2024	07.24.052	Clarence Valley Local Environmental Plan 2011 - Housekeeping Amendment 2023-24	That Council as the Planning Proposal authority: 1. adopt the Planning Proposal for CVLEP Housekeeping Amendments 2023 REZ2023/0001 detailed at Attachment A, as amended after public exhibition. 2. advise the Department of Planning and Environment that it will use its local plan-making delegations under Section 3.36 of the <i>Environmental Planning and Assessment Act 1979</i> to finalise the plan.	Deborah Wray	08 Jul 2024 1:03pm Deborah Wray - Target Date Revision Target date changed by Deborah Wray from 07 May 2024 to 20 July 2024 - There has been a delay with the GIS mapping as Council does not have digital layers and has to supply PDF maps. Expected to be legally finalised within a week or two. 03 May 2024 10:03am Michelle West - Email Hi Debrah, I am not sure if you have received this action or not. Murray asked for it to be tasked to you. Thanks, The Department has been advised that Council has adopted the Planning Proposal however it has advised that the maps have to be provided in PDF format to finalise the plan and this will take a few weeks until finalisation before PC can endorse the legal instrument.
26/03/2024	07.24.042	Holiday Park Contract Renewal Alignment	That Council endorse that Iluka Riverside, Brooms Head, Minnie Water and Wooli Holiday Parks have their contractual agreement renewal dates aligned to July 2026.	James Burrell	11 Apr 2024 2:17pm Michelle West - Email Action Item - Holiday Park Contract Renewal Alignment
23/04/2024	07.24.062	Proposed Land Acquisition for the Purpose of Bluff Bridge Replacement Project	That Council: 1. proceed with the compulsory acquisition of Crown Land, depicted in orange on Figure 1, for the purpose of road in accordance with the requirements of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> . 2. proceed with acquisition of part of Privately owned Lot 16 DP 632591, depicted red on Figure 1, by negotiation. Should a negotiated outcome be unable to be reached within six (6) months from commencement, proceed with acquisition by compulsory process in accordance with the requirements of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> . 3. delegate authority to the General Manager to execute all documents relating to this matter.	Eloise Casson	16 May 2024 2:35pm Eloise Casson Officers have carried out initial conversation with all stakeholders. Draft survey plans are being finalised and the request for valuation quotation has been issued.
23/04/2024	07.24.061	Clarence Valley Destination Management Plan	That Council 1. endorse the Clarence Valley Destination Management Plan for public exhibition from Friday 26 April to 6 June 2024. 2. as soon as possible following this exhibition, hold a councillor workshop for council to review the plan and submissions received during the exhibition period. 3. receive at this workshop a 12 to 24 month plan outlining the funding and processes regarding Clarence Valley Tourism activities and options.	Katee Blizzard	

ACTION SCHEDULE FROM COUNCIL MEETING

For Action - Open/Confidential - Outstanding

26/03/2024	07.24.026	Maclean Court House	<p>That Council</p> <ol style="list-style-type: none"> 1. note the report. 2. makes direct representations to the NSW Attorney General, seeking support of the Member for Clarence, Hon Richie Williamson, objecting most strongly to the service hours reductions at Maclean Court House, and the Mayor seek to meet the Minister to convey these concerns. 	Bryanna Boyd	
27/02/2024	06.24.001	Clarence Valley Council Access Committee Request for Accessible Beach Audit	<p>That Council</p> <ol style="list-style-type: none"> 1. engage Accessible Beaches Australia, a registered charity and a leading authority on beach access, to conduct an accessible beach audit on Main Beach Yamba, Main Beach Minnie Water and Turners Beach to assist in progressing council's delivery of accessible beaches. 2. report back the audit findings and recommendations to Council's Access Advisory Committee and Council's Ordinary Council meeting on or before 27 May 2024. 3. fund the project from the current year General Fund and endorse the variation of up to \$15,000 to be reported in the Q3 Quarterly Budget Review Statement to the April Ordinary Meeting. 	Erin Brady	<p>14 May 2024 10:49am Erin Brady Accessible Beaches Australia engaged to conduct beach audits 03 June 2024. 18 Mar 2024 1:15pm Alex Moar in planning</p>

ACTION SCHEDULE FROM COUNCIL MEETING

For Action - Open/Confidential - Outstanding

19/12/2023	07.23.232	Bush Fire Prone Land Mapping Update	That Council 1. note a. the NSW Rural Fire Service 2015, <i>Guide for Bush Fire Prone Land Mapping version 5b 2015</i> (2015 Guidelines) which provides a guideline for Councils to assess, categorise and map vegetation based on potential bushfire risk. This guideline introduces a requirement for councils to include an additional vegetation category 3 (grassland) within Bush Fire Prone Land Map; b. the Clarence Valley Council Bush Fire Prone Land Map Methodology (Attachment A), which details the methodology, approach and background to the development of the draft BFPL Map 2023; and c. the Clarence Valley Council Bushfire Prone Land Mapping Review (Attachment B), which provides a review of the methodology used to develop the draft Bush Fire Prone Land Map 2023. 2. request that the Commissioner of the NSW Rural Fire Service certify the draft Bush Fire Prone Land Map 2023. 3. place the certified Bush Fire Prone Land Map on Council's website and notify the public that the new Bush Fire Prone Land Map will need to be considered for all new development within the Local Government Area.	Jasmine Oakes	08 Jul 2024 1:13pm Jasmine Oakes The NSW RFS has provided an updated version of the BFPL map and comments, which Council staff are reviewing. Initial review suggests that this latest version is appropriate to request the buffers to be inserted and subsequent request for the NSW RFS commissioner certification. 14 May 2024 11:42am Jasmine Oakes Council staff have undertaken a final review of the amended draft BFPL map and will be requesting that NSW RFS insert the buffers to the map. 25 Mar 2024 10:54am Jasmine Oakes NSW RFS provided Council with another updated BFPL map on 6 March. This latest version of the BFPL map is being reviewed by planning staff. A certification request will be made to the NSW RFS Commissioner should the review find no further errors. 22 Dec 2023 12:08pm Jasmine Oakes the draft Bush Fire Prone Land Mapping will be submitted to RFS for review and buffering and certification by the RFS Commissioner in early 2024; and a report will be brought back to Council.
27/02/2024	07.24.020	Proposed Road Closure - Part Meyers Road, Ramornie	That item 07.24.020 be deferred to the March 2024 Ordinary Meeting to allow consideration of an objection received.	Eloise Casson	16 May 2024 2:34pm Eloise Casson This matter is to be reported to Council at the July meeting. 18 Mar 2024 1:28pm Eloise Casson this matter is to be addressed at the April Council meeting.
27/02/2024	06.24.002	Questions with Notice - YambaCan	That the General Manager advise, by way of a report the 1. allocation of resources required to respond to GIPAs submitted by YambaCan since January 2022. 2. allocation of resources required to respond to RFI (Request for Information) submitted by YambaCan since January 2022. 3. any cost implications of delays to delivering the Yamba Community Precinct project since January 2022.	Bryanna Boyd	10 Jul 2024 2:07pm Bryanna Boyd Staff responsible for collating information have been diverted to prepare and respond to legal action taken against Council by an executive member of YambaCan.

ACTION SCHEDULE FROM COUNCIL MEETING

For Action - Open/Confidential - Outstanding

25/06/2024	07.24.112	North Grafton Sewage Treatment Plant - Tender Shortlist	That Council notes the four (4) shortlisted prospective tenderers for the North Grafton Sewage Treatment Plant construction tender include: <input type="checkbox"/> Eire Constructions Pty Ltd <input type="checkbox"/> Haslin Constructions Pty Ltd <input type="checkbox"/> Leed Engineering & Construction Pty Ltd and <input type="checkbox"/> Pensar Construction Group Pty Ltd	Greg Mashiah	
25/06/2024	07.24.111	EOI 22/81 Lease to Operate the Canteen Located Within the Grafton Regional Livestock Selling Centre (Saleyards)	That Council accept the tender from Brett and Endessa Schrader for EOI 81/22 for a twelve (12) month lease, with an option of a two (2) year extension, for the Grafton Saleyard Canteen at an initial lease fee of \$2,181.60 + GST per annum with income from the lease to accrue to Saleyard Operations PJ 996800.	Eloise Casson	
25/06/2024	07.24.114	RFT 22/80 Supply and Delivery of Bitumen Sealing Works 2024/2025	That: 1. Council accepts the tendered rates from RPQ Spray Seal Pty Ltd for tender number RFT 22/80 for the supply and delivery of bitumen surfacing works within the Clarence Valley Council area for the period of 01 July 2024 to 30 June 2025. 2. subject to satisfactory contractor performance the General Manager may approve contract extensions (2 x 1 year) in accordance with the contract.	Ross McCann	
25/06/2024	07.24.113	RFT 22/86 Disaster Recovery Funding Arrangements (DRFA) - Tallawudjah Creek Training Works Tender	That Council: 1. subject to receipt of the agreed funding schedule from Transport for NSW (TfNSW), accept the tender from SEE Civil Pty Ltd for RFT22/86 Tallawudjah Creek Realignment at a cost of \$3,886,806.31 (including GST) to be funded from Natural Disaster Essential Public Asset Restoration funding. 2. delegate authority to the General Manager to approve appropriately deemed variations to the Contract and those variations be reported to Council within the Quarterly Budget Review Statement (QBR) once the Contract is finalised.	Devin Simpson	
25/06/2024	07.24.108	Urban Tree Strategy Review	That Council: 1. place the Draft Urban Tree Strategy on public exhibition for a period of 30 days. 2. consider feedback received following the public exhibition period at a future Council meeting.	Andrew Auglys	02 Jul 2024 11:56am Andrew Auglys The draft strategy is under under public exhibition for 30 days.
25/06/2024	07.24.091	MOD2024/0004 - Modification of DA2022/0471 for Multi Dwelling Housing (17 Dwellings) at 6 Yamba Road, Yamba	That council refuse the section 4.55(2) modification application MOD2024/0004 on the basis that it does not conform to the Clarence Valley Local Environment Plan 2011.	Jessica Summerhayes	02 Jul 2024 10:22am Jessica Summerhayes Noted and completed - Development Application determined per Council resolution.

ACTION SCHEDULE FROM COUNCIL MEETING

For Action - Open/Confidential - Outstanding

28/05/2024	06.24.007	Staff Report to CVC Destination Management Plan Councillor Workshop	<p>That Clarence Valley Council staff:</p> <ol style="list-style-type: none"> 1. present a report to the councillor workshop scheduled to review the draft Clarence Valley Management Plan and submissions following public exhibition 2. include the following in this CVC staff report; <ul style="list-style-type: none"> <input type="checkbox"/> Major visitor information centre at Grafton Regional Gallery (closure, or staffing via volunteers, or location to Ferry Park) <input type="checkbox"/> Supplementary Information Centres in all main towns and villages (how to select and sign-post outlets; brochure display and distribution) <input type="checkbox"/> Valley-wide Tourist Book (production, funding and distribution) <input type="checkbox"/> Information sheets to cover villages plus items of special interest (production; funding and distribution) <input type="checkbox"/> Coach and Tour Group assistance, information and marketing <input type="checkbox"/> Farm tours and accommodation <input type="checkbox"/> CVC Tourism Brand (manage current brand or replace) <input type="checkbox"/> Festivals and Events <input type="checkbox"/> MyClarenceValley Marketing (use "Call-to-Action" to secure business and to track results) <input type="checkbox"/> MyClarenceValley website management and updating <input type="checkbox"/> Tracking Results and Reporting all CVC tourism activities and results (regular reporting to Council) <input type="checkbox"/> Other CVC tourism activities and issues <input type="checkbox"/> provide details of the 2024/25 CVC Tourism budget. 	Katee Blizzard	
25/06/2024	07.24.107	Townsend Collective Masterplan	<p>That Council:</p> <ol style="list-style-type: none"> 1. endorse the Townsend Collective Masterplan 2. note the preliminary preconstruction works for the project are included in 2024/2025 Capital Works Program. 3. establish relevant partnerships and seek external funding to progress the masterplan. 4. endeavour to provide suitable accommodation for the operations of Mudyala Aboriginal Corporation, Yaegl Men's group, Maclean Seniors Computer Club and Maclean Lions Return & Earn facility. 	Andrew Auglys	<p>02 Jul 2024 11:54am Andrew Auglys Capital funding will be secured, and the remainder will be applied from any upcoming grants.</p>

ACTION SCHEDULE FROM COUNCIL MEETING

For Action - Open/Confidential - Outstanding

25/06/2024	07.24.092	Planning Proposal (REZ2023/0005) to Amend Clarence Valley Local Environmental Plan 2011 to Permit an Additional Permitted Use (Hotel or Motel Accommodation) on Part Lot 11 DP 1269790, 75-79 Spencer Street, Iluka	<p>That Council:</p> <ol style="list-style-type: none"> 1. endorse planning proposal REZ2023/0005 (Attachment A) to amend Schedule 1 of the <i>Clarence Valley Local Environmental Plan 2011</i> and Additional Permitted Use map to allow development for the purpose of "hotel or motel accommodation" to be permitted with consent on part Lot 11 DP 1269790; 2. delegate authority to the General Manager to: <ol style="list-style-type: none"> a. submit the planning proposal to the Department of Planning, Housing and Infrastructure seeking a Gateway determination; b. execute all documentation associated with the local plan making functions, in the event Council is delegated as the local plan-making authority; c. edit and finalise the planning proposal as required. 3. in the event a Gateway determination is issued, publicly exhibit the planning proposal REZ2023/0005 in accordance with Gateway conditions, legislative requirements and Council's Community Participation Plan; 4. finalise the planning proposal REZ2023/0005 subject to no submissions being received that require further consideration by Council; and 5. note that if any submissions are received that object to or raise concerns over the proposal, this matter will be reported to the next available Council meeting for further consideration after submissions close. 	Jasmine Oakes	<p>08 Jul 2024 1:02pm Jasmine Oakes</p> <p>The Planning Proposal will be submitted to the Department of Planning, Housing and Infrastructure requesting a Gateway determination. In the event the Gateway determination is issued, the planning proposal will be exhibited in accordance with the Gateway conditions and legislative requirements, noting that any submissions received will be reported back to Council for further consideration.</p>
13/12/2022	06.22.014	Fees Waiver Request for Hall Hire for Iluka Community Organisation Planning for Emergencies Inc (ICOPE) for Bi-Monthly Community Meetings in 2023	That Council waive the hall hire fees for the new committee, ILUKA COMMUNITY ORGANISATION PLANNING FOR EMERGENCIES INC.(ICOPE) for their bi-monthly community meetings in the Spencer Street Hall Iluka, for 2023.	Karli Anshaw	<p>12 Apr 2023 8:25am Lee Boon - Reallocation</p> <p>Action reassigned to Karli Anshaw by Lee Boon - Hi Karli</p>
22/11/2022	08.22.007	Purchase of Site at Brooms Head Holiday Park - On Crown Land	<p>That Council as Crown Land Manager of Brooms Head Holiday Park:</p> <ol style="list-style-type: none"> 1. Allocate a budget of up to \$75,000 (from the Crown Lands Management Reserve) for the purchase of Site 73 at Brooms Head Holiday Park 2. Authorise the General Manager to negotiate the purchase of the structures at Site 73 in consultation with the vendor and a valuer. <p>That Council negotiate with the owner of site 73 Brooms Head Holiday Park.</p>	James Burrell	<p>15 May 2024 9:54am James Burrell</p> <p>I have recently met with the owners of site 73 Brooms Head Holiday Park and are negotiating a price to purchase.</p> <p>04 Apr 2024 11:24am Bryanna Boyd - Reallocation</p> <p>Action reassigned to James Burrell by Bryanna Boyd - New Coordinator Holiday Parks</p> <p>06 Apr 2023 9:31am Maryanne Bristow</p> <p>Vaulation received and forwarded to site owner. Site owner is obtaining own vaulation to be able to proceed with negotiation. Site owner valuation has not been received from site owner as yet</p>

ACTION SCHEDULE FROM COUNCIL MEETING

For Action - Open/Confidential - Outstanding

28/03/2023	07.23.045	Wooloweyah Foreshore Reserve Site Management Plan - On Crown Land	<p>That Council as Crown Land Manager of the Wooloweyah Foreshore Reserve (R95841):</p> <ol style="list-style-type: none"> 1. maintain the status quo in relation to where the rock bollards have been placed (ie. more-or-less in alignment with the property boundary between Lot 101 DP 1003014 and Lot 102 DP 1003014). 2. install signage to define and separate the usage of the rock platform by commercial fishers and the 'approved' boat launching area by recreational users of the reserve. 3. finalise the draft Wooloweyah Foreshore Reserve Site Management Plan (SMP) and undertake broader public consultation, including public exhibition of the revised draft SMP. 	Rachelle Passmore	<p>14 May 2024 3:46pm Rachelle Passmore Feedback has been received and is currently under review. To be finalised and reported back to Council by July 2024.</p> <p>09 Feb 2024 1:51pm Rachelle Passmore A update report will be prepared for March 2024</p> <p>31 Oct 2023 10:28am Michelle West - Reallocation Action reassigned to Rachelle Passmore by Michelle West - Position change</p> <p>11 Jul 2023 10:16am Peter Birch Site Management Plan with draft Generic Plan of Management has been on exhibition and submissions being received. Expected to be reported to the August round of Council meetings.</p> <p>15 May 2023 12:08pm Peter Birch Noted concerning bollards. Signage and SMP completed for next steps.</p>
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ACTION SCHEDULE FROM COUNCIL MEETING

For Action - Open/Confidential - Outstanding

28/02/2023	07.23.028	Smart Energy Park - Mid Scale Solar Farm and Landfill Gas to Energy Project	<p>That Council:</p> <ol style="list-style-type: none"> 1. engage consultants to: <ol style="list-style-type: none"> a. Prepare a detailed design and Review of Environmental Factors (REF) for a solar farm located at the Grafton Regional Landfill. b. Prepare a detailed procurement and business model analysis for item (a) above and the Gas to Energy plant detailed in this report 2. Report the findings of item 1(b) back to Council to inform a decision on how to proceed with the project. 	Richard Roper	<p>04 Apr 2024 12:10pm Richard Roper Procurement advice recieved from consultant and report put to the Sept 2023 Council meeting. Still have not undertaken solar farm detailed design and REF (as per resolution 1a) as waiting until grid connection is confirmed prior to this work and expendature.</p> <p>11 Jul 2023 12:02pm Richard Roper Procurement advice due July 2023</p> <p>10 Jul 2023 2:23pm Bryanna Boyd - Reallocation Action reassigned to Richard Roper by Bryanna Boyd - Officer retirement</p> <p>11 Apr 2023 10:39am Ken Wilson Consultant engaged to rovide procurement advice.</p> <p>13 Mar 2023 2:17pm Ken Wilson RFQ's being prepared for solar detailed design and procurement advice</p>
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ACTION SCHEDULE FROM COUNCIL MEETING

For Action - Open/Confidential - Outstanding

22/11/2022	07.22.263	Acquisition of Part Lot 254 DP 752810 from the Minister of Education for the Construction of the Coutts Crossing Public School Bus Lane	<p>That Council:</p> <ol style="list-style-type: none"> 1. Proceed with the compulsory acquisition of the land described as part of Lot 254 DP 752810 located at Coutts Crossing, depicted by red hatching on figure 1, for the purpose of road in accordance with the requirements of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>. 2. Make application to the Minister and the Governor for approval to acquire part of Lot 254 DP752810 by compulsory process under section 177(1) of the <i>Roads Act 1993</i> 3. Enter into a deed of agreement and memorandum of understanding (MOU) with the NSW Department of Education for early access to the subject land to commence works prior to the acquisition being completed. 4. Delegate authority to the General Manager to execute documents relating to the compulsory acquisition, the deed of agreement and the memorandum of understanding. 	Eloise Casson	<p>11 Jul 2023 1:45pm Eloise Casson This project is still on pause. Awaiting instructions from Civil Services.</p> <p>16 May 2023 8:28am Eloise Casson The project remains on pause.</p> <p>13 Mar 2023 1:28pm Eloise Casson Civil Services have advised that the bus lane project will not be continuing at this time. They have recommended that the acquisition still go ahead once they have determined a different source of funding. The acquisition will remain on hold until this information is received.</p> <p>05 Dec 2022 7:44am Eloise Casson Council resolution sent to the solicitor to allow agreements to be drafted. Early access agreement expected to be ready by the end of the week.</p>
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ACTION SCHEDULE FROM COUNCIL MEETING

For Action - Open/Confidential - Outstanding

23/08/2022	07.22.184	Compulsory Acquisition of Easement Over Crown Land, being Lot 3 DP1005547, Yamba	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.	Eloise Casson	<p>18 Mar 2024 1:24pm Eloise Casson Compensation has been paid by Council and reimbursed by the developer. Currently awaiting the developer to pay final invoices prior to releasing their bond.</p> <p>11 Jul 2023 1:44pm Eloise Casson The acquisition has now been gazetted. We are now awaiting the compensation valuation from the Valuer General.</p> <p>16 May 2023 8:17am Eloise Casson Due to the election of the new labour state government, all Government Land Transactions have been put on hold. Finalisation of this matter via Gazette Publication is on hold until Crownlands recommence their land transactions. No expected date has been provided to Council at this time.</p> <p>12 Apr 2023 7:02am Eloise Casson The acquisition has been approved by the OLG. We are now waiting on the valuer general to determine the compensation payable by the developer.</p> <p>13 Mar 2023 1:23pm Eloise Casson The acquisition has now been approved by the OLG. The valuer general is now determining the compensation payable to Crown Lands.</p> <p>05 Dec 2022 7:52am Eloise Casson Still waiting on decision from the OLG.</p> <p>14 Nov 2022 1:45pm Eloise Casson Still waiting on a decision from the Office of Local Government.</p> <p>11 Oct 2022 1:59pm Eloise Casson This resolution has been forwarded to Public Works Advisory who have resubmitted Councils compulsory acquisition application to the minister. Awaiting decision.</p>
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ACTION SCHEDULE FROM COUNCIL MEETING

For Action - Open/Confidential - Outstanding

26/04/2022	07.22.063	Yamba bypass - update and next steps	<p>That</p> <ol style="list-style-type: none"> 1. Council engage a professional services contractor to prepare a preliminary environmental assessment to identify key project risks, assist with scoping a future environmental impact assessment and to determine the planning pathway, utilising funds (up to \$150,000) allocated at MIN 6a.19.027 (October 2019). 2. On completion the preliminary environmental assessment be reported to Council to determine next steps. 3. Council note it will require Federal and/or State government assistance to progress the Yamba Bypass project beyond the preliminary environmental assessment stage. 	Adam Cameron	
22/11/2022	07.22.256	Property Rationalisation Update	That Council note the status of the current property rationalisation sales.	Eloise Casson	<p>16 May 2023 8:23am Eloise Casson One of the five properties to be assessed for disposal has been deemed to be unsuitable for disposal as it is required for an ongoing project with Strategic Planning. Four remaining properties are to be assessed.</p> <p>13 Mar 2023 4:09pm Eloise Casson Investigations are still ongoing for the properties identified for potential disposal. We are currently assessing whether any of these properties would be suitable options for the Core and Cluster Women's Refuge Program.</p> <p>05 Dec 2022 7:55am Eloise Casson Investigation of additional properties highlighted in the report has commenced.</p>

ACTION SCHEDULE FROM COUNCIL MEETING

For Action - Open/Confidential - Outstanding

<p>23/08/2022</p>	<p>07.22.186</p>	<p>Proposed Acquisition of Part Lot 1 DP 335226 and Proposed Sale of Part Lots 721 and 722 DP 1148111</p>	<p>That Council</p> <ol style="list-style-type: none"> 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. 	<p>Eloise Casson</p>	<p>16 May 2024 2:22pm Eloise Casson Contracts have now exchanged. Currently waiting on survey plans to be completed for the ROW and boundary adjustments.</p> <p>11 Jul 2023 1:41pm Eloise Casson During the May 2023 Ordinary Meeting, item: 07.23.082, the landowners counter offer was accepted. Contracts have been amended and we await an executed copy from the landowners solicitor.</p> <p>16 May 2023 8:22am Eloise Casson This matter will be reported again to the May 2023 Ordinary Council meeting. The report will seek to consider the landowners counter offer.</p> <p>12 Apr 2023 7:05am Eloise Casson We have now received a response from the landowners via their solicitor along with the valuation. The landowners have requested a reduced purchase price and property staff are currently discussing potential ways forward with the landowner. It is expected that a second report to Council will be required.</p> <p>13 Mar 2023 1:24pm Eloise Casson Sale contracts have been issued to the landowners solicitor. We have not received any response from them at this stage. Council's solicitor is seeking an update.</p> <p>05 Dec 2022 7:51am Eloise Casson Awaiting response from the landowners solicitor.</p> <p>14 Nov 2022 1:46pm Eloise Casson Sale contracts have been issued to the landowner's solicitor. Waiting for the contracts to be executed and returned to Council.</p> <p>11 Oct 2022 2:02pm Eloise Casson The landowner has engaged their own solicitor and the sale contracts for the first part of the process (being the acquisition of</p>
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ACTION SCHEDULE FROM COUNCIL MEETING

For Action - Open/Confidential - Outstanding

26/09/2023	07.23.176	Encroachment of Private Water Recreation Structures onto Council Drainage Reserves by Adjoining Landowners	<p>That Council</p> <ol style="list-style-type: none"> 1. supports the regulatory process as outlined in this report that will be undertaken by Council staff. 2. combines the separate fees for tenure and application to one annual cost in its draft 2024/2025 fees and charges, to take effect 1 July 2024 following adoption and in doing so provide credit for those property owners who are compliant and have paid the 5 year application fee. <p>That Council:</p> <ol style="list-style-type: none"> 1. supports the regulatory process as outlined in this report that will be undertaken by Council staff. 2. combines the separate fees for tenure and application to one annual cost in its draft 2024/2025 fees and charges, to take effect 1 July 2024 following adoption and in doing so provide credit for those property owners who are compliant and have paid the 5 year application fee. 3. any charges paid to Clarence Valley Council, in respect to private water recreation structures, between 2004 to June 2021 (while this land was community title) may be used as a credit by request, if request is made by 30 December 2023. 	Eloise Casson	<p>16 May 2024 2:31pm Eloise Casson Actioning this item has been delaying on account of Resolution of Aug 2023, item 07.23.150. Council could not proceed until the jetty credits had been carried out in case the credit resolved any outstanding fees. The credits have now been processed and Councils solicitor is drafting commencement letters.</p>
26/09/2023	07.23.162	Community Land, Crown Reserves and Other Public Places Plan of Management - Draft	<p>That Council:</p> <ol style="list-style-type: none"> 1. note the submissions received and the outcomes of the public hearings conducted regarding the public exhibition of the draft <i>Community Land, Crown Reserves and other Public Places Plan of Management</i> (generic PoM). 2. remove the New Street Road Reserve from the draft generic PoM as it does not contribute to the provision of public open space and make arrangements to dedicate as public road. 3. adopt the draft generic PoM as amended. 4. delegate authority to the General Manager to make any minor edits for publishing purposes. 5. give public notice of the adoption, as soon as practicable after the adoption. 6. forward a copy of the adopted generic PoM to the Minister for Lands and Property as a record of the Crown reserves included under the generic PoM. 7. bring an amended generic PoM back to Council within 12 months, addressing the matters raised in the submissions and the public hearing report, including the requirement to add additional categories to Wherrett Park, to be placed on public exhibition. 	Dr Danny Parkin	<p>14 May 2024 12:15pm Dr Danny Parkin - Target Date Revision Target date changed by Dr Danny Parkin from 24 October 2024 to 24 September 2024 - Action 7 requires ... an amended generic PoM to be brought back to Council within 12 months, addressing the matters raised in the submissions and the public hearing report, including the requirement to add additional categories to Wherrett Park, to be placed on public exhibition</p> <p>14 May 2024 12:14pm Dr Danny Parkin - Target Date Revision Target date changed by Dr Danny Parkin from 10 October 2023 to 24 October 2024 - Action 7 details ...</p> <p>14 May 2024 10:40am Bryanna Boyd - Email Action Item - Community Land, Crown Reserves and Other Public Places Plan of Management - Draft</p>

ACTION SCHEDULE FROM COUNCIL MEETING

For Action - Open/Confidential - Outstanding

24/10/2023	07.23.193	Draft Clarence Valley Local Housing Strategy and Affordable Housing Policy	<p>That Council:</p> <ol style="list-style-type: none"> 1. endorse the draft Clarence Valley Local Housing Strategy (Attachment A) and draft Clarence Valley Affordable Housing Policy (Attachment B) for public exhibition and associated community consultation for a minimum six (6) weeks, in accordance with the Community Participation Plan; 2. delegate authority to the General Manager to make any minor amendments to the draft Strategy and draft Policy for public exhibition purposes prior to public exhibition; and 3. note that all submissions received and recommended changes to the draft Strategy and / or draft Affordable Housing Policy will be reported back to Council for endorsement following the exhibition period. 	Jasmine Oakes	<p>08 Jul 2024 12:56pm Jasmine Oakes A number of changes have been made to the draft Local Housing Strategy (LHS) in response to the substantial community submissions and NSW Government Agency recommendations. The amended draft LHS, submissions analysis and recommended changes will be reported to the July 2024 Ordinary Council meeting, requesting that the amended draft LHS be re-exhibited to allow the community the opportunity to review the changes to the LHS prior to final Council endorsement.</p> <p>14 May 2024 11:37am Jasmine Oakes Chnages are currently being made to the draft Local Housing Strategy in response to community and NSW government agency subimssions. The submissions analysis and the amended draft Local Housing Strategy will be reported back to Council with recommendatation that the amended draft Strategy be re-exhibited to allow the community the opportunity to review changes and additions to the draft Strategy.</p> <p>25 Mar 2024 11:15am Jasmine Oakes Over 800 community submissions and 8 NSW Government Agency submissions were recieved during the public exhibition period. A number of amendments to the draft Local Housing Strategy are being undertaken in reponse to this feedback. The amended Strategy will be reported back to Council when the amendments have been finalised.</p> <p>22 Dec 2023 11:39am Jasmine Oakes The public exhibition period in regard to the draft Strategy and Policy has now completed. Staff will review all submissions and provide recommendation back to Council at the February 2024</p>
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ACTION SCHEDULE FROM COUNCIL MEETING

For Action - Open/Confidential - Outstanding

26/09/2023	08.23.007	Procurement Advice Regarding Smart Energy Park - Mid Scale Solar Farm and Landfill Gas to Energy Project	<p>That Council:</p> <ol style="list-style-type: none"> 1. proceed with the build, own, operate (BOO) contract model (15 years minimum term) for the development and construction of the landfill gas to energy project, and 2. engage professional services to assist with the development of relevant procurement, contract and pre-development documentation for both the solar farm and landfill gas projects, with priority to the landfill gas project, and grid connection and network/grid modelling analysis. 	Richard Roper	<p>04 Apr 2024 1:56pm Richard Roper With regards to Resolution 1 - Tender documents are currently being prepared for the ongoing management of the landfill gas (min 15 years). This will be put out to tender in April/ May 2024. In regards to resolution 2 Council has engaged consultants to prepare the documents to manage the landfill gas and commence the grid connection work.</p>
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ACTION SCHEDULE FROM COUNCIL MEETING

For Action - Open/Confidential - Outstanding

26/09/2023	07.23.160	Clarence Valley Council Local Environmental Plan 2011 - Housekeeping Amendment 2023 - REZ2023/0001	<p>That Council:</p> <ol style="list-style-type: none"> 1. Endorse Planning Proposal REZ2023/0001 - <i>Clarence Valley Local Environmental Plan 2011 Housekeeping Amendment 2023</i> (Attachment A). 2. Delegate authority to the General Manager to: <ol style="list-style-type: none"> (a) edit and finalise the planning proposal as required; (b) execute all documentation associated with the local plan making functions; (c) submit the planning proposal to the Department of Planning and Environment seeking a Gateway determination; and (d) seek to be the local plan-making authority. 3. In the event that a Gateway determination is issued, publicly exhibit the planning proposal, in accordance with Gateway conditions, legislative requirements and Council's Community Participation Plan. 4. Endorse finalisation of Planning Proposal REZ2023/0001 subject to no submissions being received that require further consideration by Council. 5. Note that if submissions are received that require further consideration of Council, this matter will be reported to the next available Council meeting after submissions close. 	Jasmine Oakes	<p>08 Jul 2024 1:07pm Jasmine Oakes The PDF maps to support the LEP amendment have been finalised (with the exception of the Heritage Street Tree amendment, which will be finalised via an EP&A Act s3.22 amendment, when Council has completed transitioning to digital LEP mapping due to the many errors encountered when producing the PDF map versions). The LEP has been drafted and the Parliamentary Council Office has provided their opinion that the LEP can be made. It is expected that the LEP amendment will be finalised in approximately 2 weeks, and notified by the end of the month.</p> <p>14 May 2024 11:36am Jasmine Oakes Submissions and changes to the planning proposal were reported to Council meeting held 23 April 2024. The PDF maps are currently being developed to finalise the LEP.</p> <p>25 Mar 2024 11:27am Jasmine Oakes The planning proposal was publicly exhibited from 9 February to 11 February 2024. Five submissions were received and will be reported back to the April Council meeting.</p> <p>22 Dec 2023 11:37am Jasmine Oakes The Gateway determination was issued for the proposal requiring a number of amendments to be made prior to placing the proposal on public exhibition. Public exhibition will be undertaken during January and February 2024.</p> <p>01 Nov 2023 12:13pm Jasmine Oakes The Planning Proposal is being assessed by DPE for Gateway determination.</p> <p>11 Oct 2023 3:20pm Jasmine Oakes The Planning Proposal was lodged on the DPE Planning Portal requesting a Gateway determination on 11 October</p>
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ACTION SCHEDULE FROM COUNCIL MEETING

For Action - Open/Confidential - Outstanding

18/04/2023	07.23.060	Proposed Acquisition of Easement over Lot 2 DP 218287 for the Purpose of Stormwater Pump Station	That Council: 1. proceed with the acquisition by agreement of the proposed easement over the land described as part Lot 1 DP 218287 located at 15A River Street, Maclean, depicted by black hatching on Figure1, for the purpose of rationalising the stormwater pump station situated at this location in accordance with the requirements of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> . 2. endorse the compensation amount set out in the confidential attachment. 3. delegate authority to the General Manager to execute documents relating to the acquisition.	Eloise Casson	16 May 2024 2:24pm Eloise Casson Solicitor currently drafting deed of acquisition. 11 Jul 2023 1:45pm Eloise Casson Local government legal have been engaged and are currently preparing the deed of agreement. 16 May 2023 11:30am Eloise Casson Landowner has been notified that the matter has been formally approved by Council. Currently awaiting quotes to engage a solicitor to act for Council in this matter.
18/04/2023	05.23.002	Maclean Hospital Redevelopment Select Committee	That Council note and support the formation of a select steering Committee to progress the redevelopment of Maclean Hospital.	Lee Boon	13 Sep 2023 2:44pm Lee Boon Mayor Tiley requested meeting wait until after September OCM 03 Aug 2023 9:12am Lee Boon Spoke to Mayor regarding this and he has asked to retrieve previously deleted emails. IT attempted to retrieve with no luck. 11 May 2023 11:56am Lee Boon Mayor to form committee after meeting with GM of Clarence Health Services
22/08/2023	07.23.150	Encroachment of Private Water Recreation Structures onto Council Drainage Reserves by Adjoining Landowners	That Council defer for consideration at a Councillor workshop.	Eloise Casson	16 May 2024 2:28pm Eloise Casson All credits have been processed, notification of credited amount is being drafted for issue to applicants. 18 Mar 2024 1:25pm Eloise Casson Currently waiting for the jetty credit refunds to be processed prior to the solicitor issuing the commencement letter as some jetty owners have elected to have their credits applied to their outstanding jetty fees. This may bring some jetty owners back into compliance.

ACTION SCHEDULE FROM COUNCIL MEETING

For Action - Open/Confidential - Outstanding

18/04/2023	08.23.004	OSF - Clarence Coast Holiday Parks Management Contracts	<p>That Council, as Crown Land Manager of the five Clarence Coast Holiday Parks,</p> <ol style="list-style-type: none"> 1. defer the tender process for a management contract for the Minnie Water and Wooli Holiday Park at the expiration of the current contract due 31 July 2023. 2. seek to negotiate an agreement with the existing park management contractors Jarrah Management Pty Ltd for the management and operation of Minnie Water and Wooli Holiday Park for a period of 12 months from 1 August 2023 to 31 July 2024. 3. note that the existing budgets for Wooli Holiday Park of \$110,000 (GST exclusive) and Minnie Water Holiday Park \$200,000 (GST exclusive) PJ996780 will be utilised to fund the management and operation at the parks. 4. defer the tender process for a management contract for the Calypso Yamba Holiday Park at the termination of current contract, due 7 July 2023. 5. directly administer the management and operations of the Calypso Yamba Holiday Park from 8 July 2023 to 7 July 2024. 6. note that the existing budget for Calypso Yamba Holiday Park of \$560,000 (GST exclusive) PJ996780 will be utilised to fund the management and operation at the parks. 	James Burrell	<p>15 May 2024 10:01am James Burrell 1 - We have deferred the contract of Minnie water and Wooli till July 2026 to be in line with contract renewal, 2 - Contract negotiations are finalising with Jarrah Management Pth Ltd., 3 - Current budgets will be utilised for management, 4 - We currently directly manage Calypso Holiday Park till contract renewal alignment July 2026, 5 - Date has been brought out to July 2026, 6 - Budget applies for Calypso</p> <p>04 Apr 2024 11:24am Bryanna Boyd - Reallocation Action reassigned to James Burrell by Bryanna Boyd - New Coordinator Holiday Parks</p>
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ACTION SCHEDULE FROM COUNCIL MEETING – To February 2022

STATUS LEGEND: A – Action required; B – Being progressed; C – Completed

Meeting Date	Item No.	Report Title	Council Resolution	Officer	Actioned Date	Comments	Status
22/10/19	6a.19.027	Strategic Road Improvement Reserve	<p>That Council:</p> <ol style="list-style-type: none"> Undertake further analysis to identify specific projects on Clarence Way, Armidale Road and Orara Way for future funding. Undertake Route Corridor Reviews into all of the identified sealed roads and prioritise the project outcomes from these reviews. Undertake further technical and Benefit Ratio assessments of all unsealed roads to develop a prioritised road upgrading list. Allocate up to \$150,000 to be equally funded from Section 7.11 and recurrent funds to undertake a high-level feasibility assessment for a bypass of Yamba along the reserved corridor. 	Jamie Fleeting / Adam Cameron / Murray Lane	<p>9/12/19</p> <p>31/08/20</p> <p>21.12.21</p> <p>5/12/2022</p> <p>11/4/23</p> <p>11/08/23</p>	<p>AD - Items 1, 2 and 3 are in progress.</p> <p>AD - Items 1, 2 and 3 are still in progress.</p> <p>AC – Item 4 - Work on scoping the required technical studies has commenced.</p> <p>JF – Item 1 Clarence Way Sealing to commence 2022 (Smartygrants \$4m) Armidale Road has been identified under priority round 1 by TfNSW for transfer (regional to State road management) An application for Bluff bridge (Orara Way) replacement has been submitted under Fixing Country bridges (FCB) Item 2 – A condition assessment for CVC sealed road network is due early in 2022 that will guide preparation of a forward works program. May 2021 Business paper (6c.21.067) outlines roads strategy for both unsealed and sealed road network.</p> <p>Item 3 – Refer Unsealed roads Material Trials – update report March 2021 (Item 6c.21.032)</p> <p>Council's 2022-23 Operational Plan includes the first step in undertaking a feasibility study of the Yamba Urban Bypass, being a Preliminary Environmental Investigation of the road corridor. A suitably qualified environmental consultant was recently appointed to commence the Preliminary Environmental Investigation in December 2022.</p> <p>ML - Item 4 – The Preliminary Environmental Investigation for the Yamba Bypass is currently being prepared by Planit Consulting under direction from Strategic Planning. The completing date and reporting to Council is May-June 2023.</p> <p>ML – Item 4 - The Preliminary Environmental Assessment is complete any being reported to Council at the August 2023 meeting. The recommended next step is to undertake a comprehensive Traffic and Transport Study to inform decision making about the Yamba Urban Bypass.</p>	B

ACTION SCHEDULE FROM COUNCIL MEETING – To February 2022

STATUS LEGEND: A – Action required; B – Being progressed; C – Completed

17/12/19	6c.19.100	Acquisition of Part Crown Reserve for Stormwater Infrastructure	<p>That Council:</p> <ol style="list-style-type: none"> 1. Acquire an easement over the stormwater pipes located on Lot 3 DP 1005547. 2. Enter into a Deed of Agreement with the landowner of Lot 104 DP 1047026 setting out that the landowner is to meet all costs associated with the acquisition and that the easement will be registered separately to the subdivision. 	<p>Kylee Baker Elle Casson</p>	<p>6/2/2020 22/6/20 3/8/2020 31/08/2020 29/09/2020 7/12/2020 30/4/2021 30/8/2021 23/12/2021 07/03/2022 10/05/2022 17/08/2022 14/10/2022 10/11/2022</p>	<p>No action commenced yet. PWA engaged to action. Waiting on deed of agreement. Deed of agreement executed. Application lodged with Crown Lands for consent. Application is with Crown Lands for consideration. Application is with Crown Lands for consideration. Application is with Crown Lands for consideration Waiting on Crown Lands for consideration No updates No updates No Updates PWA currently preparing application for approval of compulsory acquisition of the two easements and ROC to the Minister for Local Government. Waiting on Crownlands to provide PWA with Crown Lands licence 605059 to Beachside Pty Ltd to be included in application OLG declined application to compulsorily acquire storm water easements. Reporting to Council this month to allow Council staff to submit additional information to the OLG to support Council's application and allow the OLG to re-evaluate Councils application Received Council approval to resubmit application for further supporting documentation. Currently awaiting decision from the OLG. Still waiting on decision from the OLG.</p>	B
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ACTION SCHEDULE FROM COUNCIL MEETING – To February 2022

STATUS LEGEND: A – Action required; B – Being progressed; C – Completed

Item No.	Report Title	Council Resolution 27 October 2020	Officer	Date	Comments	Status
6c.20.153	Disposal of Council Property – Lot 1 DP 1154607 Known as Flood Levee Grafton	That Council 1. Subdivide Lot 1 DP 1154607 into lots matching the current lot layout and register on title an appropriate easement for access and protection of flood infrastructure, 2. Approach adjoining landowners to purchase the adjacent lot as per the terms set out in the confidential attachment A. 3. Delegate authority to the General Manager to execute documents associated with the subdivision and transfers.	Kylee Baker Elle Casson	7/12/2020 30/4/2021 30/8/2021 23/12/2021 07/03/2022 10/05/2022 17/08/2022 14/10/2022 10/11/2022	Solicitor engaged, preparing letters of offer Pending final figures from surveyor so GM can liaise with landowner representative Landowners agreed. Solicitor finalising deed of agreement. Landowners have entered into the deed of agreement & monies have been paid. Surveyor has been instructed to finalise the 88b. No update No update Awaiting all landowners to execute the survey documents Checked in with Surveyor, still waiting on landowners to have their documents executed by relevant lenders. Survey docs have been executed by all landowners and lodged with NSW LRS.	B

ACTION SCHEDULE FROM COUNCIL MEETING – To February 2022

STATUS LEGEND: A – Action required; B – Being progressed; C – Completed

Item No.	Report Title	Council Resolution 15 December 2020	Officer	Date	Comments	Status
6b.20.096	Review of Grafton and South Grafton Flood Planning Level (or Residential Habitable Floor Level Requirements) & Amendment to Development Control Plans	That: 1. The floodplain management provisions for all lots approved by development application after the adoption of the amended floodplain management provisions in all relevant Clarence Valley Development Control Plans are amended to require that: i. all new residential development must have a primary habitable floor level of a minimum of 500mm above the 1% flood height for the site of the development; and ii. flood compatible building materials be used for any part of such premises that are below the level of the minimum primary habitable floor level; and iii. any other necessary amendments to effect these changes are drafted; 2. The proposed DCP amendments are publicly exhibited for a period of at least 28 days; 3. A report be prepared for Council's consideration as soon as practical after completion of the public exhibition period; and 4. Advice of Council's resolution on the abovementioned report be referred to the CVC Floodplain Committee for information.	Scott Lenton Stephen Timms	12/1/21 6/9/21 4/04/21 31/05/22 18/08/22 6/12/22 11/04/23	Preparation of draft DCP amendments to be commenced in late-January. Public exhibition will follow once draft DCP completed. Preparation of Draft DCP delayed due to other strategic planning priorities. Effect of Council resolution does not result in substantive change to existing DCP controls. Preparation of draft DCP changes to be progressed concurrently with State Government directions in relation to floodplain planning and prioritised for drafting. Council staff continue to have input in to those discussions at state level. Amendments to DCP to be undertaken as soon as certainty is provided by DPE/State government following the Flood Inquiry report. Flood Inquiry report released yesterday. Discussions have progressed and a report will come before Council asap. Revised flood modelling nearing completion and this will inform planning approach. Aiming to brief Clrs in new year and draft DCP changes following that discussion. The updated Clarence River Flood Model is anticipated to go to the Floodplain Risk Management Committee and Council in May 2023. The updates to the DCP will be made subsequent to adopting the updated flood model.	B

ACTION SCHEDULE FROM COUNCIL MEETING – To February 2022

STATUS LEGEND: A – Action required; B – Being progressed; C – Completed

6b.20.098	Ngayundi Yamba Sports Complex – Draft Plan of Management	<p>That Council:</p> <ol style="list-style-type: none"> 1. Authorise the General Manager to refer the draft plan to the NSW Department of Planning, Industry and Environment (DPIE) as owner of Ngayundi Yamba Sports Complex (Reserve 98072) for comment using Form B (<i>Notice of plan of management for Crown reserve—Alteration of categorisation or additional/new categorisation</i>); 2. Place the draft plan of management on public exhibition (after it has been returned by DPIE and any corrections regarding Ngayundi Yamba Sports Complex are made) for a period not less than 28 days as required under the <i>Local Government Act 1993</i>. 3. Conduct a public hearing regarding the proposed addition of extra categories of ‘community’ land effectively altering the category(s) assigned by the Minister. 4. Accept submissions on the draft plan of management for a period not less than 42 days from the date the plan is placed on public exhibition as required under the <i>Local Government Act 1993</i>. 5. Prepare a report to Council on the draft plan of management in consideration of public submissions after the public exhibition period has closed for consideration of its adoption or re-exhibition as per the requirements of section 40 of the <i>Local Government Act 1993</i>. 	Danny Parkin	<p>22/12/2020</p> <p>3/03/2021</p> <p>8/04/2021</p> <p>6/6/2021</p> <p>6/7/2021</p> <p>Early August 2021</p> <p>30/8/2021</p> <p>24/12/2021</p> <p>11/05/2022</p> <p>31/05/2022</p> <p>17/08/2022</p> <p>10/11/2022</p> <p>11/04/2023</p> <p>10/10/2023</p>	<p>1. Draft POM referred to DPIE under the A/GMs signature</p> <p>2-5. In progress – still waiting on Crown Lands to review and give permission to place draft PoM on public exhibition</p> <p>Crown Lands have advised that there are 21 draft PoMs in front of Council’s PoM – no date given for when they expect to review draft PoM</p> <p>Advised by Crown Lands that the draft PoM had progressed in the queue</p> <p>Sent request for update on progress – no reply received</p> <p>Spoke with Jane Adam who advised that the draft PoM was still in the queue</p> <p>No change from above entry. Significant delay in turnaround of Draft PoM (ie 9 months). Staff regularly follow-up status with DPIE.</p> <p>PoM on exhibition until 17 Jan 2022.</p> <p>Submission process identified matters not considered in draft PoM. Draft PoM to be amended.</p> <p>Waiting on Yamba Cycling Club to provide details of appropriate time to undertake consultation with the club.</p> <p>Met with Yamba Cycling Club (YCC) 11/08/2022. YCC to prepare updated layout plan for inclusion in draft PoM. Draft PoM to be amended once plan and details received.</p> <p>YCC informs me on the 20/10 that they cannot update plan as Council drew it. Open Spaces says that we did not add the criterium track to the Masterplan. Open Spaces informed that the criterium track not consistent with Council’s open spaces strategy or has been through a community consultation process, even though we have provided the YCC with a letter of support so that they can apply for funding.</p> <p>Council staff need to resolve if the proposed criterion track by YCC is able to be support to progress the PoM.</p> <p>No progress on criterion track impasse</p>	B
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ACTION SCHEDULE FROM COUNCIL MEETING – To February 2022

STATUS LEGEND: A – Action required; B – Being progressed; C – Completed

Item No.	Report Title	Council Resolution – 30 March 2021	Officer	Date	Comments	Status
6a.21.012	Unauthorised Freedom Camping Program - Extension and Conclusion of Working Group	That: <ol style="list-style-type: none"> Council allocate budget of \$3,000 for two Variable Messaging Signs (VMS) for use over Easter holidays to be funded from Ranger Operations – contractors (PJ 994190-7353-2201). Council approve the installation of “No Parking Midnight-5am” signage along Clarence Street near Flinders Park to be funded from Parks Signage Renewals (PJ 550203). Council consider “No Parking Midnight-5.00am” signage along The Crescent at Angourie as part of a future parking study. The Working Group on Campers group conclude following the proposed May 2021 meeting. Council convey its deepest thanks to the staff and community participants on this committee for the work and time they committed to assist with an issue that has become a problem in many of our towns and villages during holiday periods. 	Adam Cameron	27/4/21	VMS advanced warning signs installed over Easter using available resources and budgets Clarence Street signage is currently scheduled to be implemented in May 2021 May 2021 meeting of Working Group on Campers to be arranged	B
6a.21.014	Acquisition of Part Reserve 95853 Grafton – Part Frank McGuren Park	That Council: <ol style="list-style-type: none"> Proceed with the compulsory acquisition of the land described as Lots 1 and 2 DP 1270948 being part of Lots 197 and 202 DP 751371 for the purpose of resolving the existing encroachment of a Council owned building on Crown Land in accordance with the requirements of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>. Agree to the acquisition by agreement in accordance with the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> for an agreed value of \$78,300.00 (including GST). Make an application to the Minister and the Governor for approval to acquire Lots 1 and 2 DP 1270948 being part of Lots 197 and 202 DP 751371 by compulsory process under section 186(1) of the <i>Local Government Act 1993</i>. Classify the land as operational land. 	Kylee Baker Elle Casson	30/4/2021 30/8/2021 17/12/2021 07/03/2022 10/05/2022 17/08/2022 14/10/2022 10/11/2022 29/11/2022	Crown Lands accepted compensation. Application to Minister being prepared for acquisition. Pending legal advice on Native Title. PAN's have been issued by the solicitor & 90 day notice period commenced No update Acquisition Gazetted, waiting on consolidation plan from surveyor New lot to be classified as Operational via change to the LEP before consolidation can occur Amendment to LEP ongoing. Amendment to LEP for reclassification of Lots 1 & 2 to be reported at the next Council Meeting. Reclassification approval at the November Council Ordinary Meeting, now being processed by Planning	B

ACTION SCHEDULE FROM COUNCIL MEETING – To February 2022

STATUS LEGEND: A – Action required; B – Being progressed; C – Completed

6c.21.025	Permanent Road Closures – Unused Roads off Boormans Lane Southgate	<p>That Council:</p> <ol style="list-style-type: none"> Note the requirement for preservation of dwelling eligibility for Dwelling-Eligible Lots that would otherwise lose that eligibility on 23 December 2021 under CVC LEP 2011 is: Development Application for dwelling on the applicant’s Lot 78 DP 851836 must be lodged with Council on or before 23 December 2021, and further notes that is contrary to the advice shown in the report Key Issues part of paragraph 2 wherein it is stated: “..... requires a development application for a dwelling to be lodged and approved prior to this date.” Approve the closure of the roads and subsequent sale to the applicant subject entirely to the applicant giving to Council an irrevocable undertaking to register on the applicant’s title or titles a Limited Right of Way that allows access only when Grafton-Lawrence Road is closed during times of a local emergency. Transfer the 2 closed roads to the applicant on receipt of the irrevocable undertaking required at point 2 of this resolution at a consideration of one-tenth of the amount shown in the confidential attachment with the reduction in consideration given to partially account for the cost of preparation and registration of the Limited Right of Way. 	Kylee Baker	30/4/2021	Landowners solicitor advised of resolution. Pending acceptance by landowner.	B
			Elle Casson	30/8/2021	Landowner agreed. Pending survey and deed of agreement.	
				23/12/2021	Survey completed, awaiting confirmation from Forestry that they are satisfied with the survey.	
				07/03/2022	No update	
				10/05/2022	No further update	
				17/08/2022	Council has executed 88b, awaiting forestry to do the same	
				14/10/2022	Council has supplied all relevant documentation, awaiting plans to be registered	
	28/11/2022	Forestry have now signed the documents which are with the surveyor for registration				

Item No.	Report Title	Council Resolution – 22 June 2021	Officer	Date	Comments	Status
6b.21.038	Draft Fisher Park Plan of Management	<p>That Council:</p> <ol style="list-style-type: none"> Note the preparation of the draft plan of management for Fisher Park, Grafton; Place the draft plan of management on public exhibition for a period of not less than 28 days as required under the <i>Local Government Act 1993</i>; Accept written submissions on the draft plan of management for a period of not less than 42 days from when the plan of management is placed on public exhibition as required under the <i>Local Government Act 1993</i>; and Adopt the draft plan of management at the end of the exhibition period provided there is no submission received that requires a review of the intent and substantial changes to be made to the draft plan of management, as exhibited. 	Danny Parkin	25/6/2021	1. Noted	B
				25/6/2021	2-3. Draft Fisher Park PoM placed on public exhibition from 25 June until 9 August 2021	
				30/8/2021	4. Submissions still being reviewed and amendments to draft plan being made	
				17/1/2022	4. Waiting on Open Spaces to provide advice on encroachment of tennis complex on adjoining Showground	
				11/05/2022	Encroachment investigated and confirmed. Consultation with Grafton Tennis Club and Grafton Show Society to be undertaken	
				31/05/2022	Waiting on Open Spaces to provide feedback on consultation with Grafton Tennis Club	
				14/10/2022	Have been informed that Open Spaces has had no response from Grafton Tennis. Still waiting on advice in regard to consultation with the Grafton Show Society	
				10/11/2022	Draft plan currently being updated based upon advice received from Open Spaces	
				11/04/2023	Item 4: Staff need to resolve the encroachment issue between the tennis	

ACTION SCHEDULE FROM COUNCIL MEETING – To February 2022

STATUS LEGEND: A – Action required; B – Being progressed; C – Completed

Item No.	Report Title	Council Resolution – 22 June 2021	Officer	Date	Comments	Status
				10/10/2023	courts and the showground to progress PoM. Consultation with key user groups and Grafton Show Society still to be undertaken to confirm corrections made to draft plan.	

Item No.	Report Title	Council Resolution – July 2021	Officer	Date	Comments	Status
6b.21.054	Clarenza Urban Release Area Draft DCP and Road Contributions Plan	That Council: 1. Endorses the Draft DCP Chapter for Clarenza Urban Release Area and places the Draft DCP on public exhibition in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000. 2. Provides notification of the Draft DCP to property owners within and adjacent to the Clarenza Urban Release Area (URA) and other relevant stakeholders; and 3. Prepares a Contributions Plan to enable developer contributions to be collected (on a per lot basis) to cover costs associated with preparation of the Contributions Plan and the future construction of the proposed link road connecting the north and south villages of the Clarenza URA.	Deborah Wray/ Stephen Timms	22/12/21 7/3/2022 11/5/2022 10/11/2022 5/04/23 11/04/2022	The Draft DCP was placed on public exhibition from 30 August to 27 September 2021 and now has the status of a Draft DCP under the EPA Act 1979. 6 Submissions were received. These will be reported to a Council meeting in 2022. Budget funding will be required for the preparation of a contributions plan and design of the proposed link road. A report will be prepared for future Council report but it is still waiting for input from Engineering. Still waiting for input from Engineering regarding Sewerage, water and link road. May 2022. Additional studies are required to update and finalise the DCP given changes since 2008, particularly to the road network. Additional funding will be sourced to procure consultants to assist with a traffic and transport study, holistic stormwater and drainage plan, servicing plan and complimentary landscape and open space plans to reflect updated studies. A brief is being prepared for Consultants to quote on these matters Planning staff are focussing on progressing an update to the draft DCP. Existing funding has been reallocated to engage a consultant to update necessary studies. Plan is to progress and finalise this calendar year.	B

Item No.	Report Title	Council Resolution – August 2021	Officer	Date	Comments	Status
6c.21.104	Acquisition of Part Ellis State Forest and Part Clouds Creek	That Council: 1. Proceed with the compulsory acquisition of the land described as part of Lot 57 DP 752840 located in Ellis State Forest and part Lot 6-7 DP 752851 located in Clouds Creek State Forest for the purpose of	Kylee Baker	30/8/2021 23/12/2021	Deed being reviewed by Forestry Corp.	B

ACTION SCHEDULE FROM COUNCIL MEETING – To February 2022

STATUS LEGEND: A – Action required; B – Being progressed; C – Completed

Item No.	Report Title	Council Resolution – August 2021	Officer	Date	Comments	Status
	State Forest for Road Purposes	<p>road in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991.</p> <ol style="list-style-type: none"> 2. Make an application to the Minister and the Governor for approval to acquire part of Lot 57 DP 752840 located in Ellis State Forest and part Lot 6-7 DP 752851 located in Clouds Creek State Forest by compulsory process under section 177(1) of the Roads Act 1993. 3. In addition to dot points 1 and 2, the General Manager is given delegated authority to decide to proceed to rectify the alignment of that part of Armidale Road bordered by the Clouds Creek and Ellis State Forests, by a road opening and closing process under Part 1 and Part 4 of the Roads Act 1993. Any portions of former public road are to be given as compensation to the Forestry Corporation of NSW under section 44 of the Roads Act 1993. 4. Enter into a deed of agreement and memorandum of understanding (MOU) with Forestry Corporation NSW for early access to the subject land to commence works prior to the acquisition being completed. 5. Delegate authority to the General Manager to execute documents relating to the deed of agreement, memorandum of understanding, acquisition of the land and the road opening and closing. 	Elle Casson	<p>07/03/2022</p> <p>10/05/2022</p> <p>17/08/2022</p> <p>14/10/2022</p> <p>29/11/2022</p>	<p>Awaiting a letter of confirmation from Forestry regarding compensation before deed is signed</p> <p>Waiting on Survey plans No further update</p> <p>Still waiting on survey plans. Solicitor has informed that this will need to be a compulsory acquisition now. New solicitor taking over late august who will commence the compulsory acquisition process.</p> <p>No update.</p> <p>Waiting on instructions from Forestry on how to proceed.</p>	

Item No.	Report Title	Council Resolution – NOVEMBER 2021	Officer	Date	Comments	Status
6c.21.149	Proposed Permanent Road Closure – Part Old Watters Road, Rushforth	<p>That Council:</p> <ol style="list-style-type: none"> 1. Permanently close part of Old Watters Road, Rushforth, adjoining Lot 67 DP751370 (figure 1). 2. Classify the newly created lot as 'operational' land. 3. Transfer the newly created lot to the adjoining landowner for \$9,000.00 plus GST if applicable. 4. The landowner is to meet all costs associated with the road closure. 5. Affix the Common Seal to the survey and transfer documentation. 6. Authorise the General Manager to execute all documents related to the closure and sale to affect the above requirements. 	Elle Casson	<p>23/12/2021</p> <p>07/03/2022</p> <p>10/05/2022</p> <p>17/08/2022</p> <p>14/10/2022</p> <p>10/11/2022</p> <p>29/11/2022</p>	<p>Awaiting quotes to be submitted by surveyors for the applicants approval</p> <p>Waiting on DOA from Solicitor No further update</p> <p>Deed as been entered into with landowners, waiting on survey plans to be completed</p> <p>Survey Plans completed, awaiting execution by GM.</p> <p>Survey plans have been lodged with LRS.</p> <p>Survey plans have now been registered and road closure Gazetted. Solicitor lodge request with LRS to remove public road notation from title.</p>	B

ITEM 07.24.130 MONTHLY INVESTMENT REPORT - JUNE 2024

Meeting	Council	23 July 2024
Directorate	Corporate & Community	
Prepared by	Financial Accountant, Nick Harvey	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	A. Movement of Funds Between Months - June 2024 ↓	

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 30 June 2024 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 2023 figures, funds have been sourced from the following areas:

External Reserves		Internal Reserves	
Sewerage Funds	8.29%	Fleet Plant Reserve	5.40%
Water Supply Funds	17.86%	Regional Landfill Reserves	4.88%
Developer Contributions	22.40%	Fin. Assist Grants paid in advance	7.50%
Unexpended Grants	11.64%	Waste Mngmt / Commercial Waste	4.83%
Domestic Waste Management	0.71%	Infrastructure Assets Renewals	1.32%
Holiday Parks	4.29%	Employee Leave Entitlements	2.19%
Deposits, Retentions and Bonds	2.45%	Other (refer attachment for further detail)	5.46%
Other External	0.78%		
	68.43%		
		Total External & Internal Reserves	31.57%
			100.00%

Portfolio Credit Limits

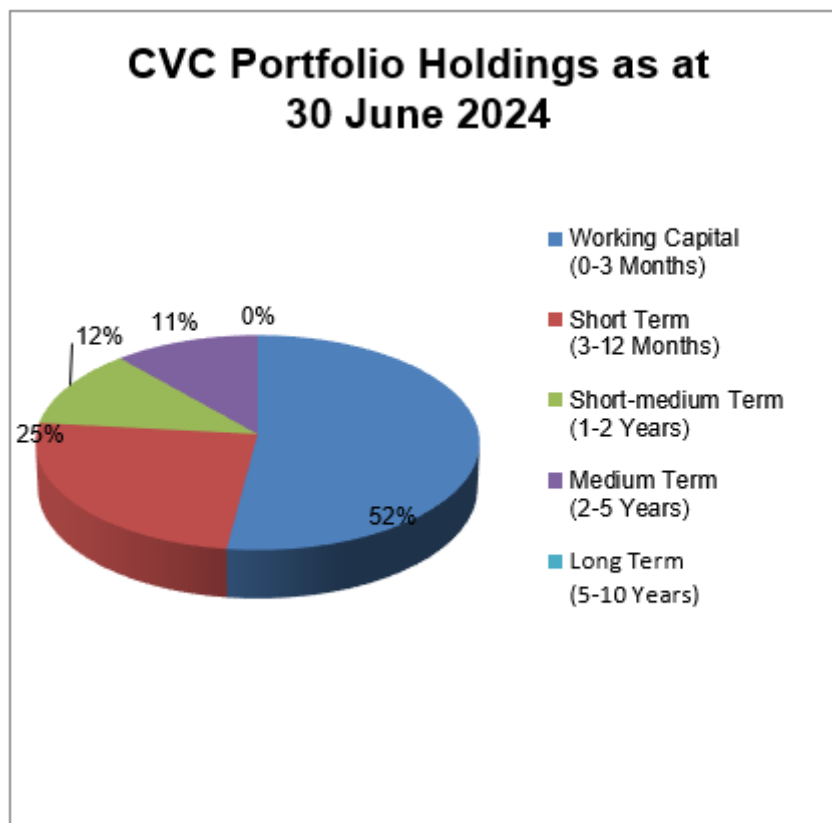
Tabled below is a summary of Council’s investments as at 30 June 2024, which details compliance with Council’s Investment Policy Portfolio Credit Limits.

Portfolio Credit Limits as at 30 June 2024				
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	1.98%	Yes
AA	100.00%	145,136,420	63.84%	Yes
A	60.00%	43,750,000	19.24%	Yes
BBB	50.00%	33,966,217	14.94%	Yes
TOTAL INVESTMENTS		227,352,637	100.00%	

Note, a permanent cap of \$250,000 per person per institution on deposits is guaranteed by the Federal Government under the Financial Claims Scheme and hence receives a rating of AAA.

Portfolio Holdings by Maturity

Illustrated and tabled below is a summary of Council’s investments by maturity as at 30 June 2024. Excluding “at-call” working capital, 25% of Council’s investments are maturing within the next twelve months.



Individual Institution or Counterparty Limits

Tabled below is a summary of Council’s investments as at 30 June 2024. For the month ended 30 June 2024, Council was non-compliant with its investment policy at the individual counterparty level due to funds held in CBA at call account. This has occurred due to the Financial Assistance Grant being transferred into Councils Account on the 28th June 2024 with no correspondence from OLG on the matter until 5:30pm that afternoon.

Individual Institution or Counterparty Limits as at 30 June 2024					
Financial Institution	Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
TERM DEPOSITS					
AMP	BBB+	15.00%	6,000,000	2.64%	Yes
BoQ	A-	15.00%	5,000,000	5.28%	Yes
ME Bank	A-		7,000,000		
Defence	BBB+	15.00%	7,000,000	3.08%	Yes
ING Direct	A	15.00%	12,000,000	5.28%	Yes
NAB	AA-	30.00%	33,000,000	14.51%	Yes
NTTC	AA-	30.00%	3,000,000	1.32%	Yes
P&N	BBB+	15.00%	13,000,000	5.72%	Yes
Suncorp	A+	15.00%	21,000,000	9.24%	Yes
Westpac	AA-	30.00%	27,000,000	11.88%	Yes
TOTAL TERM DEPOSITS			134,000,000	58.94%	
FUNDS AT CALL					
AMP	BBB+	15.00%	10,216,217	4.49%	Yes
ANZ	AA-	30.00%	7,301,834	3.21%	Yes
CBA	AA-	30.00%	75,834,586	33.36%	No
TOTAL FUNDS AT CALL			93,352,637	41.06%	
TOTAL INVESTMENTS			227,352,637	100.00%	

Register of Investments - Clarence Valley Council as at 30 June 2024					
Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
WORKING CAPITAL (0-3 MONTHS)					
AMP Bank Ltd	9,107,535	4.01%	At-Call	4.70%	BBB+
AMP Bank Ltd	1,108,682	0.49%	At-Call	3.08%	BBB+
ANZ Banking Group Ltd	7,301,834	3.21%	At-Call	4.30%	AA-
Commonwealth Bank of Australia	42,909,360	18.87%	At-Call	4.20%	AA-
Commonwealth Bank of Australia	32,925,226	14.48%	At-Call	4.35%	AA-
AMP Bank Ltd	1,000,000	0.44%	30/08/2024	5.30%	BBB+
ING	1,000,000	0.44%	06/08/2024	5.30%	A
ME Bank Ltd	2,000,000	0.88%	18/07/2024	4.26%	A-
National Australia Bank	2,000,000	0.88%	08/07/2024	0.80%	AA-
National Australia Bank	5,000,000	2.20%	26/08/2024	4.65%	AA-
National Australia Bank	2,000,000	0.88%	11/09/2024	5.23%	AA-
National Australia Bank	3,000,000	1.32%	16/09/2024	5.01%	AA-
P&N Bank	2,000,000	0.88%	16/09/2024	4.40%	BBB+
Suncorp	5,000,000	2.20%	17/09/2024	5.03%	A+
Suncorp	2,000,000	0.88%	19/09/2024	5.20%	A+
	118,352,637	52.06%		4.35%	
SHORT TERM (3-12 MONTHS)					
AMP Bank Ltd	2,000,000	0.88%	14/11/2024	4.70%	BBB+
Bank Of Queensland Ltd	2,000,000	0.88%	02/12/2024	1.60%	A-
Defence Bank	2,000,000	0.88%	21/11/2024	4.55%	BBB+
Defence Bank	1,000,000	0.44%	05/12/2024	4.70%	BBB+
Defence Bank	2,000,000	0.88%	03/03/2025	5.00%	BBB+
Defence Bank	2,000,000	0.88%	11/03/2025	4.90%	BBB+
ING	2,000,000	0.88%	03/03/2025	5.10%	A
ING	2,000,000	0.88%	13/03/2025	4.95%	A
National Australia Bank	5,000,000	2.20%	10/10/2024	5.03%	AA-
National Australia Bank	2,000,000	0.88%	06/03/2025	4.93%	AA-
P&N Bank	2,000,000	0.88%	29/11/2024	1.70%	BBB+
P&N Bank	2,000,000	0.88%	17/12/2024	1.62%	BBB+
P&N Bank	1,000,000	0.44%	13/03/2025	4.75%	BBB+
P&N Bank	2,000,000	0.88%	16/06/2025	4.67%	BBB+
Suncorp	2,000,000	0.88%	09/12/2024	5.18%	A+
Suncorp	5,000,000	2.20%	20/01/2025	5.22%	A+
Suncorp	5,000,000	2.20%	10/02/2025	5.22%	A+
Suncorp	2,000,000	0.88%	24/06/2025	5.30%	A+
Westpac Bank	3,000,000	1.32%	15/10/2024	1.00%	AA-
Westpac Bank	1,000,000	0.44%	15/11/2024	1.63%	AA-
Westpac Bank	2,000,000	0.88%	18/11/2024	4.55%	AA-
Westpac Bank	2,000,000	0.88%	02/12/2024	4.41%	AA-
Westpac Bank	5,000,000	2.20%	02/06/2025	5.29%	AA-
TOTAL SHORT TERM (3-12 MONTHS)	56,000,000	24.63%		4.36%	

Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
SHORT - MEDIUM TERM (1-2 YEARS)					
Bank Of Queensland Ltd	1,000,000	0.44%	06/08/2025	4.09%	A-
ING	2,000,000	0.88%	15/07/2025	5.25%	A
National Australia Bank	5,000,000	2.20%	02/07/2025	5.28%	AA-
National Australia Bank	2,000,000	0.88%	05/08/2025	5.03%	AA-
National Australia Bank	2,000,000	0.88%	12/01/2026	1.00%	AA-
P&N Bank	1,000,000	0.44%	16/02/2026	2.49%	BBB+
Westpac Bank	3,000,000	1.32%	02/03/2026	5.20%	AA-
Westpac Bank	3,000,000	1.32%	13/04/2026	5.12%	AA-
Westpac Bank	3,000,000	1.32%	04/05/2026	5.18%	AA-
Westpac Bank	5,000,000	2.20%	02/06/2026	5.18%	AA-
TOTAL SHORT-MEDIUM TERM (1-2 YEARS)	27,000,000	11.88%		4.74%	
MEDIUM TERM (2-5 YEARS)					
AMP Bank Ltd	3,000,000	1.32%	01/09/2026	4.95%	BBB+
Bank Of Queensland Ltd	2,000,000	0.88%	31/08/2028	4.99%	A-
ING	2,000,000	0.88%	21/08/2026	5.20%	A
ING	1,000,000	0.44%	18/08/2027	5.22%	A
ING	1,000,000	0.44%	05/10/2027	5.00%	A
ING	1,000,000	0.44%	20/06/2028	5.07%	A
ME Bank Ltd	5,000,000	2.20%	09/06/2027	4.50%	A-
National Australia Bank	2,000,000	0.88%	10/08/2026	4.95%	AA-
National Australia Bank	3,000,000	1.32%	22/02/2027	2.40%	AA-
Northern Territory Treasury Corp	3,000,000	1.32%	15/12/2026	1.50%	AA-
P&N Bank	3,000,000	1.32%	31/08/2027	5.05%	BBB+
TOTAL MEDIUM TERM (2-5 YEARS)	26,000,000	11.44%		4.22%	
TOTAL INVESTMENTS	227,352,637	100.00%		4.38%	

BACKGROUND

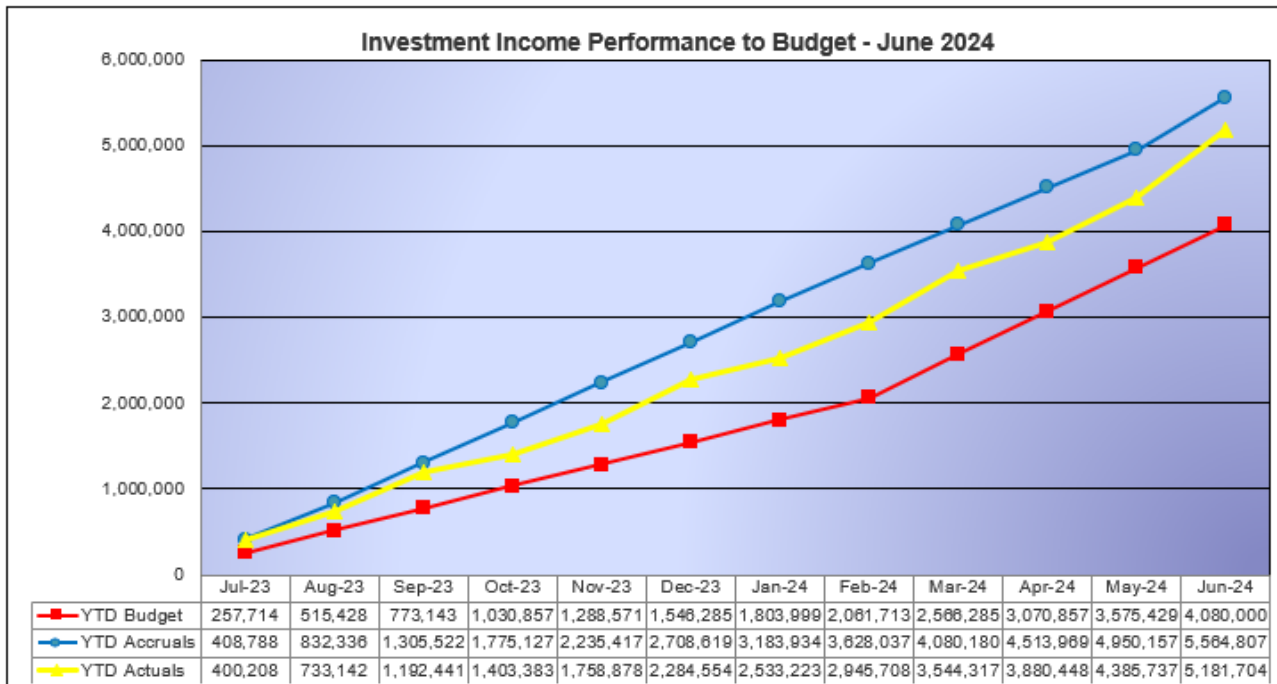
This report has been completed in accordance with the *Local Government Act 1993*, part 9, Division 5, Clause 212 of the *Local Government (General Regulation 2005)*, and Council's Investment Policy, which requires a monthly report to Council. The report is to include the source and amount of funds invested,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

COUNCIL IMPLICATIONS

Budget/Financial

Portfolio Investment Returns to 30 June 2024			
	Actual	Budget 2023/24	Over/(Under)
This Month			
Cash Deposits & FRNs	\$795,967	\$504,571	\$291,396
Managed Funds	\$0	\$0	\$0
	\$795,967	\$504,571	\$291,396
Year to Date			
Cash Deposits & FRNs	\$5,181,704	\$4,080,000	\$1,101,704
Managed Funds	\$0	\$0	\$0
	\$5,181,704	\$4,080,000	\$1,101,704

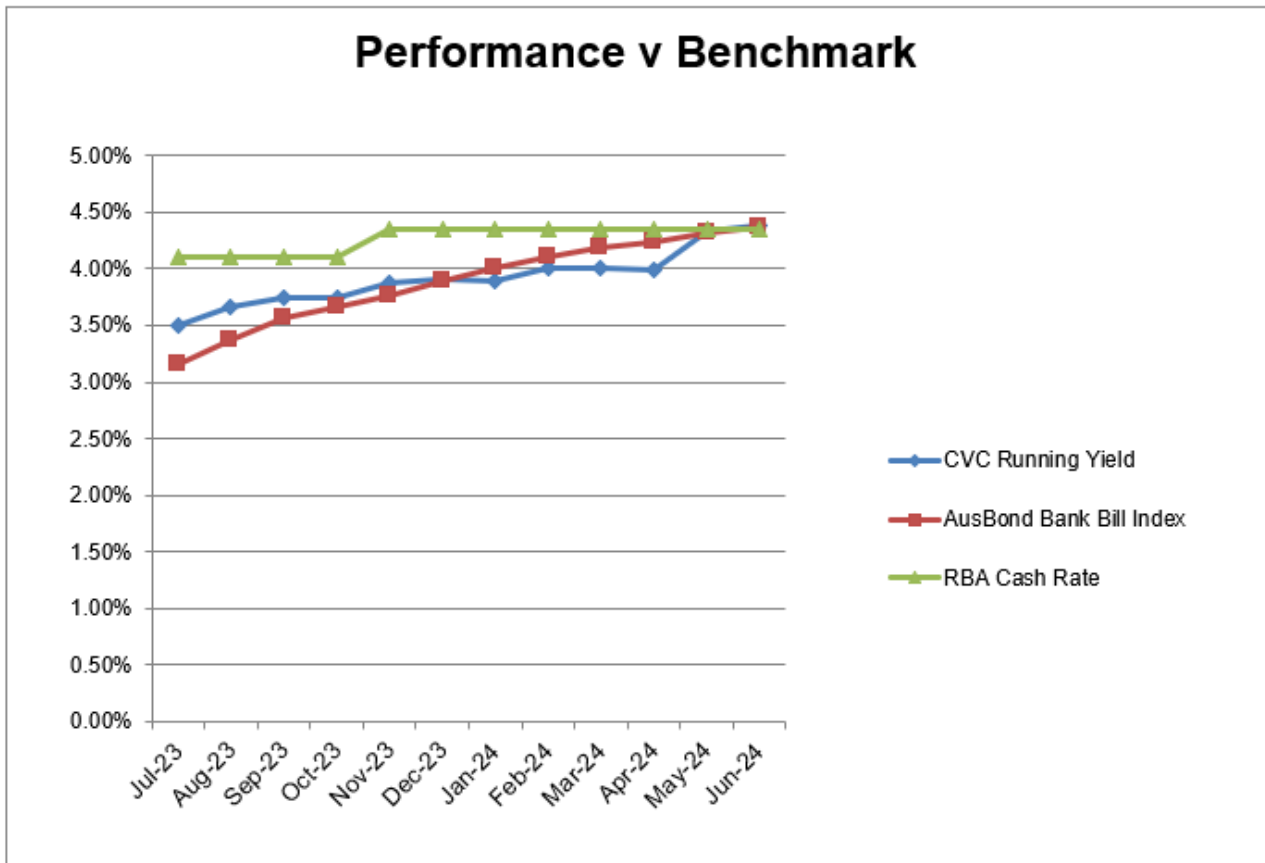
- Actual results have shown that total interest income to 30 June 2024 is \$1.102M above the 2023/2024 budget of \$4.080M.



Running yields* to 30 June 2024 have been:

AMP Business	3.08%
AMP 31 Day Notice	4.70%
ANZ Premium Business	4.30%
CBA General	4.20%
CBA BOS	4.35%
Term Deposits	4.45%
Total	4.38%

- Running yield is a measure of the return (before costs) that would be earned from current positions if there were no trades and no fluctuation in market yields.
- The RBA cash rate at the end of June was 4.35%. The benchmark AusBond Bank Bill Index was 4.37% for June.
- The current running yield of the total investment portfolio now stands at 4.38% (May 4.33%). The RBA cash rate remained at 4.35%. The CVC running yield is therefore 0.03% greater than the RBA cash rate.



The following investments were transacted throughout June 2024:

- P&N Bank \$3,000,000 TD matured 14th June 2024 - Redeemed
- MyState Bank \$3,000,000 TD matured 14th June 2024 - Redeemed
- Westpac \$1,000,000 TD matured 20th June 2024 - Redeemed
- ING Bank \$1,000,000 TD invested 20th June 2024 at 5.07%, maturing 20th June 2028
- NAB \$5,000,000 TD invested 24th June 2024 at 4.65%, maturing 26th August 2024
- Suncorp Bank \$5,000,000 TD invested 24th June 2024 at 5.03%, maturing 17th September 2024
- NAB \$5,000,000 TD invested 24th June 2024 at 5.03%, maturing 10th October 2024
- Suncorp Bank \$2,000,000 TD invested 24th June 2024 at 5.30%, maturing 24th June 2025
- ING Bank \$2,000,000 TD invested 24th June 2024 at 5.25%, maturing 15th July 2025

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. Total value of investments currently held with Financial Institutions that do not invest nor finance the fossil fuel industry is \$46.0M

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	1.98%	4,500,000	2.30%	-	-
AA	145,136,420	63.84%	117,237,848	59.99%	27,898,572	23.80%
A	43,750,000	19.24%	33,750,000	17.27%	10,000,000	29.63%
BBB	33,966,217	14.94%	39,928,367	20.43%	(5,962,150)	(14.93%)
TOTAL INVESTMENTS	227,352,637	100.00%	195,416,215	100.00%	31,936,422	16.34%

Individual Institution or Counterparty Limits - movement over the reporting month						
Financial Institution	Total Investments Held (Current Month)	% of Total Investments (Current Month)	Total Investments Held (Previous Month)	% of Total Investments (Previous Month)	Movement \$	Movement %
TERM DEPOSITS						
AMP	6,000,000	2.64%	6,000,000	3.07%	-	-
BoQ	5,000,000	2.20%	5,000,000	2.56%	-	-
Defence	7,000,000	3.08%	7,000,000	3.58%	-	-
ING Direct	12,000,000	5.28%	9,000,000	4.61%	3,000,000	33.33%
ME Bank	7,000,000	3.08%	7,000,000	3.58%	-	-
MyState	-	0.00%	3,000,000	1.54%	(3,000,000)	(100.00%)
NAB	33,000,000	14.51%	23,000,000	11.77%	10,000,000	43.48%
NTTC	3,000,000	1.32%	3,000,000	1.54%	-	-
P&N Bank	13,000,000	5.72%	16,000,000	8.19%	(3,000,000)	(18.75%)
Suncorp	21,000,000	9.24%	14,000,000	7.16%	7,000,000	50.00%
Westpac	27,000,000	11.88%	28,000,000	14.33%	(1,000,000)	(3.57%)
TOTAL TERM DEPOSITS	134,000,000	58.94%	121,000,000	61.92%	13,000,000	10.74%
FUNDS AT CALL						
AMP	10,216,217	4.49%	10,178,367	5.21%	37,850	0.37%
ANZ	7,301,834	3.21%	7,276,119	3.72%	25,715	0.35%
CBA	75,834,586	33.36%	56,961,729	29.15%	18,872,857	33.13%
TOTAL FUNDS AT CALL	93,352,637	41.06%	74,416,215	38.08%	18,936,422	25.45%
TOTAL INVESTMENTS	227,352,637	100.00%	195,416,215	100.00%	31,936,422	16.34%

Other Internal Reserves (detail)

Other Internal Reserves

Coastal and estuary management	0.23%
Community cultural and heritage programs	0.01%
Council s7.11 development funds	0.02%
Election cost reserve	0.14%
Emergency services reserves	0.45%
Environmental and noxious weeds projects	0.16%
Floodplain management reserves	0.34%
Insurance reserves	0.15%
Maclean and district improvements	0.36%
Other parks improvements	0.20%
Public pool improvements	0.11%
Public toilet refurbishment program	0.01%
Regional development and tourism projects	0.01%
Roads reserves	2.23%
Saleyards asset replacement	0.25%
Software implementation reserves	0.35%
Sporting facilities improvements	0.21%
Strategic development programs	0.23%
Total Other Internal Reserves	5.46%

WORKS & CIVIL

ITEM 07.24.131 YAMBA COMMUNITY PRECINCT - PROJECT UPDATE

Meeting	Council	23 July 2024
Directorate	Works & Civil	
Prepared by	Manager Strategic Infrastructure, Adele McGeary	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	Nil	

SUMMARY

The report provides an update on the status of the Yamba Community Precinct project.

OFFICER RECOMMENDATION
 That Council receive and note the project status of the Yamba Community Precinct project.

LINKAGE TO OUR COMMUNITY PLAN

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

KEY ISSUES

Project Status Report

Summary: This project is currently on-track to be delivered on time, however various wet weather events have resulted in some approved extensions of time. It is too early to anticipate if those minor delays will impact on the project delivery timeframe.

In relation to budget the project is tracking within the allocated budget and to the required specifications.

Program

Key activities completed as of June 2024 include:

- Stage 2 (of 3) structural steel has been installed
- Pour 5 (of 6 ground slab pours) has been poured
- Perimeter scaffold /edge protection has been installed
- Roof safety mesh has been installed
- Roofing to lower roof area has commenced
- OSD Tank lid has been poured



Figure 1: Steel frame, northern side of building



Figure 2: Roof sheeting, north-eastern part of the building



Figure 3: Yamba Community Precinct, taken from Treelands Drive end of site on 25 June 2024

BACKGROUND

Council approved the recommendation to accept the tender from Bennett Construction Pty Ltd for RFT22/49 Yamba Library and Community Centre Redevelopment (Yamba Community Precinct) at a cost of \$14,778,230 (excl GST). This status report is current for the project as of June 2024.

COUNCIL IMPLICATIONS

Budget/Financial

The total approved budget for the Yamba Community Precinct project is \$17,973,230 (excluding GST).

Monthly claims are submitted by Bennett Constructions Pty Ltd and are assessed by the Project Manager.

The expenditure on the project to date is summarised below:

Month	Expenditure (excluding GST)
Costs to 31 Dec 2023 (pre-RFT22/49 Contract)	\$ 1,014,213
Jan 2024	\$ 18,010
Feb 2024	\$ 306,229
Mar 2024	\$ 340,359
Apr 2024	\$ 556,166
May 2024	\$ 819,391
Jun 2024	\$ 1,091,505
Total	\$ 4,145,873

Approved Variations

The variations summarised in the table below have been approved and claimed under contract RFT22/49 with Bennett Constructions.

Description	Cost (excluding GST)
Deduction for Long Service Levy	- \$ 44,704
IFC documentation design changes	\$ 106 117
Additional tree removal	\$ 1,100
Total	\$ 62,513

Asset Management

The new assets will be included in Council's Asset Management Plan.

Policy and Regulation

- S68 Local Government Act 1993
- Local Government (General) Regulation 2021

Consultation

Regular project updates are being provided via the Clarence Valley Council webpage, social media and noticeboard, including monthly timelapse videos of the works.

Project Control Group meetings are held monthly between Council representatives and Bennett Constructions Pty Ltd.

Legal and Risk Management

Due to recurrent inclement weather, there have been extensions of time awarded to the Contractor. The project remains on track to be delivered by June 2025, however if the wet weather continues, the completion date could be affected.

Climate Change

N/A

ITEM 07.24.132 REGIONAL AQUATIC FACILITY - PROJECT UPDATE

Meeting	Council	23 July 2024
Directorate	Works & Civil	
Prepared by	Manager Open Spaces & Facilities, Rachele Passmore	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	Nil	

SUMMARY

The report provides an update on the status of the Regional Aquatic Facility project.

OFFICER RECOMMENDATION

That Council receive and note the project status of the Regional Aquatic Facility.

LINKAGE TO OUR COMMUNITY PLAN

Theme Infrastructure

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

KEY ISSUES**Project Status Report**

Summary: This project is currently on-track to be delivered on time, however various wet weather events have resulted in some approved extensions of time. It is too early to anticipate if those minor delays will impact on the project delivery timeframe.

In relation to budget the project is tracking within the allocated budget and to the required specifications.

Schedule:

Project status as of June 2024 include:

- Completion of 25m and leisure pools backwash and balance tanks
- Completion of the splashpad balance tank
- Reinforcing steel completed for splash pad balance tank base.
- Completed the roof of the indoor facility.
- Commenced installation of the Myrtha system in the 50m pool
- Commenced excavation of the 25m and leisure/program indoor pools
- Blockwork completed for the indoor facility plant room.
- Filtration rough in completed in indoor facility plant room.
- Blockwork to the grandstand underway

BACKGROUND

Council approved the recommendation to accept the tender from Hines Construction Pty Ltd for RFT22/41 Regional Aquatic Facility at a cost of \$29,141,586 (Inc GST) in addition to an Approved schedule of rates for earthworks. This status report is current for the project as of June 2024.



Image 1: Myrtha pool in progress – 50m pool



Image 2: Support structure for the Myrtha system, 50m



Image 3: Indoor facility frame



Image 4: Roof in progress, 50m pool



Image 5: Blockwork progress



Image 6: Internal renovations



Image 7: Pouring the Splashpad lid

COUNCIL IMPLICATIONS

Budget/Financial

The approved budget for the Regional Aquatic Facility project is \$26,492,351 (excl GST) in addition to the approved schedule of rates for earthworks.

Monthly claims submitted by Hines Construction and are critically analysed by the Project Manager are summarised in **Table 1** below.

Table 1: Expenditure Summary

Claim No	Description	Amount (Ex GST)
1	November, 2023	\$348,038
2	December, 2023	\$540,368
3	January, 2024	\$372,581
4	February, 2024	\$946,625
5	March, 2024	\$1,014,906
6	April, 2024	\$1,934,833
7	May, 2024	\$1,457,374
8	June, 2024	\$3,045,874
	Total	\$9,660,599

Approved Variations

Table 2: Variations Summary

No	Description	Amount
1	Innovation - Consolidation of the splashpad plant room with the indoor plant room	-\$20,883.50
2	Asbestos was identified in the plant room and disposed by a licensed contractor	\$4,143.95
3	Expired pool chemicals left on site were correctly disposed	\$4,866.85
4	Additional earthworks and remediation of unsuitable subgrade located under the dive pool	\$30,391.28
5	An existing sewer line was replaced to service the renovation of the front amenities	\$15,657.44
6	An existing stormwater line was required to be upgraded in the front of house facility	\$2,481.60
	Total	\$36,657.62

Asset Management

The new Assets will be included in Council's Asset Management Plan.

Policy and Regulation

- S68 Local Government Act 1993
- Local Government (General) Regulation 2021
- Crown Land Management Act 2016

Consultation

Regular project updates have been provided to the Community Focus Group, also to the wider community via the Clarence Valley Council webpage, social media and Council's electronic noticeboard.

Legal and Risk Management

Due to inclement weather progress on the outdoor pools has been delayed. If wet weather continues, the target completion date in December may be compromised.

Climate Change

N/A

ITEM 07.24.133 MEMORANDUM OF UNDERSTANDING BETWEEN CLARENCE VALLEY COUNCIL AND GRAFTON, MACLEAN AND YAMBA RSL SUB BRANCHES

Meeting	Council	23 July 2024
Directorate	Works & Civil	
Prepared by	Manager Open Spaces & Facilities, Rachele Passmore	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. Clarence Valley War Memorials MOU - Draft ↓ B. Clarence Valley War Memorials Register - July 2024 ↓	

SUMMARY

Council has been approached by the RSL sub-branches of Grafton, Maclean and Yamba with a view to entering a Memorandum of Understanding (MOU) for the ongoing preservation and maintenance of the war memorials, which are located on land owned/managed by Clarence Valley Council. The MOU is operational in nature and is reported to Council in order to highlight the working positive partnership between Council and the sub-branches.

OFFICER RECOMMENDATION

That Council note:

1. that Council owned land and various parcels of Crown Land that are managed by Council as Crown land managers (CLM) are maintained in accordance with Council's current strategies, plans and reports.
2. land managed by Council (as per dot point 1) that contain War Memorials/Cenotaphs is undertaken through a Memorandum of Understanding (MOU) as detailed in this report.

LINKAGE TO OUR COMMUNITY PLAN

Theme Society

Objective We will have proud and inviting communities

KEY ISSUES

There are over 80 war memorials/cenotaphs/honour rolls in various towns and villages throughout the Clarence Valley. The structures are located in parks and reserves, road reserves and various community halls/centres. The structures are located on Crown land, Freehold and Road Reserves, with some of these managed by Clarence Valley Council. **Attachment B** includes the full register of memorial structures.

The purpose of the proposed MOU (refer **Attachment A**) is to formalise the Parties commitment to working together to manage War Memorials on Clarence Valley Council owned (and managed) land. It is important to note that no additional resources are proposed in support of the MOU.

By default, the structures located on Council owned/managed land are Council assets and maintenance would be in accordance with Council's current strategies and operational plans. The MOU promotes the working relationship and public interest in maintaining war memorials and cenotaphs on Council managed land across the LGA.

BACKGROUND

Recognising that War Memorials are significant sites, Clarence Valley Council currently maintains many areas where memorial assets are located. The proposed agreement would formalise the current arrangement, to confirm Council's ongoing commitment for the continuation of the service.

Heritage Considerations

Many of the memorials are heritage listed and any work would require the consultation with Council's Heritage Officer.

Repairs & Maintenance

Before any work is planned on memorial structures, consultation between the parties will occur and will consider the veteran community views as well as asset condition. External funding for the works required will be applied for the works required.

COUNCIL IMPLICATIONS**Budget/Financial**

The Draft MOU proposes that the Parties will determine a priority for War Memorial repairs and seek external grants for that purpose.

Additional resources are not sought for the implementation of the MOU.

Asset Management

Asset Management will be consistent with Council's relevant asset management plans, Plans of Management and Strategic documents.

Policy and Regulation

Open Spaces Strategic Plan
Plans of Management

Consultation

Consultation has been undertaken with the President of the Maclean RSL Sub-branch (Stephen Walton) on behalf of the Grafton, Maclean and Yamba RSL Sub-Branches.

The draft MOU has been reviewed by Council's Heritage Officer, Council's Senior Strategic Planner (Public Land / Native Title), Open Spaces and Civil Services Teams.

There are likely to be native title and/or Aboriginal land claim considerations for cenotaphs/memorials on Crown land managed by Council which would require input from Council's Native Title Manager.

Legal and Risk Management

The Memorandum of Understanding (MOU) is not a contract and nothing in this MOU is to be taken as creating a legally binding relationship between the parties.

Climate Change

N/A

CLARENCE VALLEY WAR MEMORIALS

A MEMORANDUM OF UNDERSTANDING

BETWEEN

Clarence Valley Council, Grafton RSL sub-Branch,
Maclean RSL sub-Branch and Yamba RSL
sub-Branch.

202X

CLARENCE VALLEY WAR MEMORIALS MOU

1 Parties

- 1.1 This Memorandum of Understanding (MOU) is made between Clarence Valley Council (CVC) and the Grafton, Maclean and Yamba sub-Branches of RSL NSW Branch (RSL).
- 1.2 The Parties agree that this MOU may be amended with the agreement of all Parties from time to time to capture the interests of other persons, groups and Government agencies.

2 Purpose

- 2.1 The purpose of this MOU is to formalise the Parties' commitment to working together to manage Clarence Valley War Memorials on Council-owned and managed land.
- 2.2 The Parties acknowledge that CVC owned War Memorials are assets to be managed in accordance with Council's asset management strategy and plans including inspection, maintenance, repairs and heritage protection.
- 2.3 The Parties acknowledge that the RSL, as the largest ex-Service organisation and veterans charity in Australia, will represent the interests of current serving and ex-serving members of the Australian Defence Force and their families residing within the Clarence Valley LGA.

3 Principles

- 3.1 The Parties recognise that War Memorials are significant sites for community remembrance and commemoration requiring sensitive management.
- 3.2 The Parties agree to act cooperatively as partners for the management and protection of Clarence Valley War Memorials on Council-owned and managed land.
- 3.3 Before considering any work of repair, maintenance, renovation, alteration or enhancement affecting war memorials and their immediate surrounds the Parties will give due weight to the views of the veteran community and seek appropriate approvals eg heritage approvals and owner's consent.
- 3.4 The Parties agree to attend meetings and participate in good faith and use their best endeavours to address agreed priorities in the MOU and CVC Strategic and Operations Plans in a timely manner.
- 3.5 The Parties recognise that there are other stakeholders not included in this MOU. The Parties will liaise with these other groups and individuals as appropriate. This may include First Nations people who may have an interest in the land on which a War Memorial is located.

4 Key objectives

- 4.1 The Parties will cooperate to:
 - Update and maintain registers of Clarence Valley Memorials.
 - Regularly assess the state of repair of War Memorials on Council-owned and managed land.
 - Determine a priority for War Memorial repairs and seek external grants for that

CLARENCE VALLEY WAR MEMORIALS MOU

purpose

- Ensure compliance with heritage consent requirements.
- Establish an annual schedule of commemorative events to be held at Clarence Valley War Memorials.
- Co-ordinate schedules for memorial cleaning and maintenance including the immediate surrounds on Council land, Crown Reserves, Road Reserves and other public places in accordance with established conservation principles for monument conservation.
- Ensure that war memorials are utilised appropriately.
- Encourage improved communication between the RSL and CVC.

5 Priorities

5.1 Management

- The RSL will form a Committee to act as a point of contact and liaison with CVC on matters related to the management of Clarence Valley War Memorials.
- The Parties should establish a schedule of meetings (online or face-to-face) between relevant representatives of the Parties for purposes of management planning and review.
- Establish contacts with other relevant stakeholders (e.g. Hall Committees, Local History Groups, etc.)

5.2 Strategic Plan

The Parties should aim to specifically include the management of Council owned War Memorials in the appropriate CVC Strategic Plan.

5.3 Operations Plan

Parties will consult on the development of plans of management for Council owned War Memorials. The Committee is to have regard to existing CVC plans of management until new or amended plans of management come into effect.

5.4 Resources for Implementation of this MOU

The MOU has been developed in the knowledge that no additional resources are sought or provided for the implementation of this MOU. However, both parties are committed to ensuring that the MOU is implemented as effectively as possible within current resources.

5.5 Grants

Any applications for grants to assist with conservation or repairs, other structures or interpretation should be made through the RSL in consultation with Council and with endorsement of the proposed scope of works.

6. MOU Legal Status

- 6.1 The Parties acknowledge that this arrangement is not entered into, nor is this memorandum written, as a formal or legal agreement, and will not be subject to legal jurisdiction in the Law Courts of Australia.

CLARENCE VALLEY WAR MEMORIALS MOU

- 6.2 This MOU is not a contract and nothing in this MOU is to be taken as creating a legally binding relationship between the parties.
- 6.3 This MOU places no limitations on the performance of functions and exercise of powers of Council Officers.

CLARENCE VALLEY WAR MEMORIALS MOU

7 Insurance

The RSL holds general public liability insurance policies and sub-Branch Personal (Members) Accident insurance for RSL members performing voluntary duties and/or activities arranged by an Insured RSL NSW sub-Branch.

8 Commencement, Term, Variation and Termination

8.1 Variation and Termination

This MOU can be varied or terminated at any time by written agreement of all Parties.

8.2 Commencement MOU

This MOU commences on **XXXX**.

8.3 Term of MOU

The term of the MOU will be for five years at which time it will be reviewed. At the time of review if all parties are agreeable, this MOU may be extended for another five years.

8.4 Review

The MOU will be subject to a formal review by the parties, such review to be undertaken bi- annually from the commencement date.

8.5 Dispute Resolution

The parties will make every endeavour to reach mutually acceptable agreement in the implementation of this MOU.

CLARENCE VALLEY WAR MEMORIALS MOU

9 Signatures

The Parties hereto have executed this MOU

On _____ day of _____ Month _____ Year

Signed by

Name
Title
Clarence Valley Council

Signed by

Leith Basset
President, Grafton RSL sub-Branch

Stephen Walton
President, Maclean RSL sub-Branch

John Mansfield
President, Yamba RSL sub-Branch

CLARENCE VALLEY COUNCIL WAR MEMORIALS REGISTER July 2024				
Memorial	Location	Lot/DP	Land tenure	Owner/Land Manager
ALUMY CREEK				
Alumy Creek Public School and District First and Second World War Rolls of Honor	Alumy Creek Public School 465 Lawrence Road, Alumy Creek	Lot 258 DP 721126	Crown land	Alumy Creek Reserve Land Manager
BRUSHGROVE				
Brushgrove District Soldiers Helpers League First World War Honour Roll, Brushgrove Community Hall	Brushgrove Community Hall Clarence Street, Brushgrove	Lot 7010 DP 92606	Crown land	Crown Lands NSW (Council As Land Manager)
Brushgrove-Cowper District Second World War Memorial Board, Brushgrove Community Hall	Brushgrove Community Hall Clarence Street, Brushgrove	Lot 7010 DP 92606	Crown land	Crown Lands NSW (Council As Land Manager)
CARRS CREEK				
Carrs Creek School and District First World War Honour Roll 9, Schaeffer House, 192 Fitzroy St, Grafton.	Schaeffer House Museum 192 Fitzroy Street, Grafton	Lot 3 DP 521140	Freehold	Clarence Valley Council
CHATSWORTH ISLAND				
Chatsworth Island Cenotaph	Chatsworth Road, Chatsworth (opp 39/57 Chatsworth Road, Chatsworth)	Road reserve	Road reserve	Council as the Local Roads Authority
Chatsworth Island and District 1939-1945 Roll of Honour	Chatsworth Island Hall 17 Chatsworth Road, Chatsworth	Lot 15 DP 392	Freehold	Clarence Valley Council
Chatsworth Island Vietnam Roll of Honour	Chatsworth Island Hall 17 Chatsworth Road, Chatsworth	Lot 15 DP 392	Freehold	Clarence Valley Council
COALDALE				
Coaldale-Barrett's Creek First and Second World Wars Honour Roll	Coaldale Community Centre 2438 Coaldale Road, Coaldale	Lot 1 DP 943135	Crown land	Crown Lands NSW (Council As Land Manager)
COPMANHURST				
Copmanhurst and Upper Clarence War Memorial	Copmanhurst War Memorial Hall 61 Grafton Street, Copmanhurst	Lot 2/Sec 25/DP 758290	Crown land	Copmanhurst And District War Memorial Hall Land Manager
Copmanhurst and District Second World War, Korean and Vietnam Honour Roll	Copmanhurst War Memorial Hall 61 Grafton Street, Copmanhurst	Lots 1 & 2/Sec 25/DP 758290	Crown land	Copmanhurst And District War Memorial Hall Land Manager
Copmanhurst War Memorial Hall	Copmanhurst War Memorial Hall 61 Grafton Street, Copmanhurst	Lots 1 & 2/Sec 25/DP 758290	Crown land	Copmanhurst And District War Memorial Hall Land Manager
Copmanhurst Public School First World War Honour Roll	Copmanhurst Public School 13 Prescott Street, Copmanhurst	Lot 2 DP 870095	Freehold	NSW Department of Education
Copmanhurst Anglican Church of the Holy Apostles Honour Board	Copmanhurst War Memorial Hall 61 Grafton Street, Copmanhurst	Lots 1 & 2/Sec 25/DP 758290	Crown land	Copmanhurst And District War Memorial Hall Land Manager
Upper Copmanhurst First World War Honour Roll	Copmanhurst War Memorial Hall 61 Grafton Street, Copmanhurst	Lots 1 & 2/Sec 25/DP 758290	Crown land	Copmanhurst And District War Memorial Hall Land Manager
COUTTS CROSSING				
Coutts Crossing First World War Honour Roll	Coronation Hall 7 Armidale Road, Coutts Crossing	Lot 1 DP 950371	Freehold	Coutts Crossing Coronation Hall Inc
Coutts Crossing First World War Memorial	Pioneer Park Cnr Armidale Road and Black Swan Drive, Coutts Crossing	Lot 1 DP 632067	Freehold	Clarence Valley Council
COWPER				
Cowper Public School First World War Honour Roll, 74 Clarence Street, Cowper	Cowper Public School Cnr Clarence and Samuel Streets, Cowper	Lot 1/Sec 3/DP 758299	Freehold	NSW Department of Education
EATONSVILLE				
Eatonsville District First World War Honour Roll	Eatonsville Public Hall 38 Orara Street, Eatonville	Lot 134 DP 751383	Crown land	Eatonsville Public Hall Land Manager
Ramornie First World War Roll of Honor	Eatonsville Public Hall 38 Orara Street, Eatonville	Lot 134 DP 751383	Crown land	Eatonsville Public Hall Land Manager
GILLETTS RIDGE				
Gilletts Ridge School Honour Roll	Ulmarra Public School 2476 Big River Way, Ulmarra	Lot 10 DP 1031995	Freehold	NSW Department of Education
GLENREAGH				
Glenreagh Great War Honour Roll	Glenreagh School of Arts 62 Coramba Street, Glenreagh	Lot 4/Sec 6/DP 752843	Freehold	Clarence Valley Council
Glenreagh Honour Roll	Glenreagh School of Arts 62 Coramba Street, Glenreagh	Lot 4/Sec 6/DP 752843	Freehold	Clarence Valley Council
Glenreagh War Memorial	Glenreagh School of Arts 62 Coramba Street, Glenreagh	Lot 4/Sec 6/DP 752843	Freehold	Clarence Valley Council
GRAFTON				
F/Lt J. W. Yarra Memorial	Grafton Public School 86 Queen Street, Grafton	Lot 3/Sec 50/DP 758470	Freehold	NSW Department of Education
Grafton Public School First World War Honour Roll	Grafton Public School 86 Queen Street, Grafton	Lot 3/Sec 50/DP 758470	Freehold	NSW Department of Education
Grafton Memorial Park	Grafton Memorial Park Prince Street, Grafton	Lots 4-6 & 9-10/Sec 4/DP 758470; Lot 7001 DP 1054597 & Lot 2 DP 1171986	Crown land	Crown Lands NSW (Council As Land Manager)
Grafton Australia Remembers Memorial	Grafton Memorial Park Prince Street, Grafton	Lots 6 & 10/Sec 4/DP 758470; & Lot 7001 DP1054597	Crown land	Crown Lands NSW (Council As Land Manager)
Grafton Avenue of Trees Memorial	Grafton Memorial Park Prince Street, Grafton	Lot 10/Sec 4/DP 758470	Crown land	Crown Lands NSW (Council As Land Manager)
Grafton Cenotaph	Grafton Memorial Park Prince Street, Grafton	Lot 10/Sec 4/DP 758470	Crown land	Crown Lands NSW (Council As Land Manager)
Clarence Valley Vietnam Veterans Memorial-Grafton	Grafton Memorial Park Prince Street, Grafton	Lots 6 & 10/Sec 4/DP 758470; & Lot 7001 DP1054597	Crown land	Crown Lands NSW (Council As Land Manager)

Grafton Remembrance Walk	Grafton Memorial Park Prince Street, Grafton	Lot 6/Sec 4/DP 758470	Crown land	Crown Lands NSW (Council As Land Manager)
Grafton Korean War Memorial	Grafton Memorial Park Prince Street, Grafton	Lot 10/Sec 4/DP 758470	Crown land	Crown Lands NSW (Council As Land Manager)
Grafton Memorial Park Gates	Grafton Memorial Park Prince Street, Grafton	Lot 6/Sec 4/DP 758470	Crown land	Crown Lands NSW (Council As Land Manager)
Grafton Great War Water Brigade First World War Honour Roll	Grafton Memorial Park Prince Street, Grafton	Lot 9/Sec 4/DP 758470	Crown land	Crown Lands NSW (Council As Land Manager)
Lt. Col. Charles H Green DSO & Silver Star Memorial	Grafton Memorial Park Prince Street, Grafton	Lot 10/Sec 4/DP 758470	Crown land	Crown Lands NSW (Council As Land Manager)
Gunner Leslie Ramsay Ebsworth Memorial Plaque	Christ Church Cathedral Cnr Duke and Victoria Streets, Grafton	Lot 8 & 10/Sec 9/DP 758470	Freehold	Corporate Trustees Diocese Of Grafton
H. H. Sanders Shop's First World War Honor Roll	Schaeffer House Museum 190 Fitzroy Street, Grafton	Lot 3 DP 521140	Freehold	Clarence Valley Council
Prince Leopold No. 87 Lodge First World War Honor Roll	Masonic Hall 104 Bacon Street, Grafton	Lots 1-3 DP 1427	Freehold	Grafton Masonic Centre Incorporated
HARWOOD				
Harwood Great War Memorial	River Street, Harwood (opp 24 River Street, Harwood)	Road reserve	Road reserve	Council as the Local Roads Authority
Harwood Island Patriotic League First World War Roll of Honour	Harwood Community Hall River Street, Harwood	Lot 168 DP 751373 & Lot 7302 DP 1141811	Crown land	Harwood Island Reserve Hall Land Manager
Harwood Second World War Memorial Bus Shelter	River Street, Harwood (opp 1 River Street, Harwood)	Road reserve	Road reserve	Council as the Local Roads Authority
HERNANI				
Hernani Second World War Roll of Honour	Hernani Tennis Courts Armidale Road, Hernani (opp Hernani Public School)	Part Lot 7302 DP1153529	Crown Land	Hernani Tennis Club
ILUKA				
Iluka Cenotaph	Iluka Memorial Park Charles Street, Iluka	Lot 7305 DP 1153847	Crown land	Crown Lands NSW (Council As Land Manager)
Iluka Soldiers' Memorial Hall	Soldiers' Memorial Hall 2 Charles Street, Iluka	Lot 41 DP 751379	Crown land	Crown Lands NSW
LAWRENCE				
Lawrence Anglican Church First World War Roll of Honour	Lawrence Anglican Church Cnr High and Ward Streets, Lawrence	Lot 6 Sec 16 DP 758604	Freehold	Corporate Trustees Diocese Of Grafton
Lawrence Honour Roll	Lawrence School of Arts 33 Bridge Street, Lawrence	Lot 10 Sec 3 DP 758604	Crown land	Lawrence School of Arts Trustees
Lawrence Public School First World War Roll of Honor	Lawrence School of Arts 33 Bridge Street, Lawrence	Lot 10 Sec 3 DP 758604	Crown land	Lawrence School of Arts Trustees
Lawrence War Memorial	Lawrence Memorial Park Cnr Grafton and Bridge Streets, Lawrence	Lot 9 Sec 3 DP 758604	Crown land	Crown Lands NSW (Council As Land Manager)
LOWER SOUTHGATE				
Lower Southgate War Memorial	Doust Park Lawrence Road, Lower Southgate	Lot 7306 DP 1142017	Crown land	Crown Lands NSW (Council As Land Manager)
Lower Southgate Public School First World War Roll of Honour	Schaeffer House Museum 190 Fitzroy Street, Grafton	Lot 3 DP 521140	Freehold	Clarence Valley Council
MACLEAN				
Maclean Cenotaph	Cnr Short & River Streets, Maclean (opp Maclean Council Chambers)	Road reserve	Road reserve	Council as the Local Roads Authority
Maclean District First World War Roll of Honor	Maclean Services Club 36-38 River Street, Maclean	Lot 1 DP 796937	Freehold	Whitehill Land Pty Ltd
Maclean District Honour Roll	Maclean Services Club 36-38 River Street, Maclean	Lot 1 DP 796938	Freehold	Whitehill Land Pty Ltd
Maclean Public School Great War Roll of Honour	Maclean Public School Woodford Street, Maclean	Lot 1 DP 796977	Freehold	Department Of Education
PALMERS ISLAND				
Palmer's Island First and Second World War Rolls of Honour	Yamba Museum River Street, Yamba	Lot 184 DP 704231	Crown land	Crown Lands NSW (Council As Land Manager)
Palmer's Island First World War Machine Gun	Palmer's Island Public School 1078 Yamba Road, Palmer's Island	Lot 1 DP 435557	Freehold	Department Of Education
RAMORNIE				
Ramornie Cenotaph	Gwydir Highway, Ramornie (adj 1672 Gwydir Highway RAMORNIE NSW)	Road reserve	Road reserve	Council as the Local Roads Authority
Ramornie First World War Roll of Honor	Eatonville Public Hall 38 Orara Street, Eatonville	Lot 134 DP 751383	Crown land	Eatonville Public Hall Land Manager
SOUTH GRAFTON				
South Grafton Cenotaph	Lane Boulevard Through Street, South Grafton	Lot X DP 33661	Freehold	Clarence Valley Council
Schaeffer's Hardware Store Staff Second World War Roll of Honor	Schaeffer House Museum 190 Fitzroy Street, Grafton	Lot 3 DP 521140	Freehold	Clarence Valley Council
SWAN CREEK				
Swan Creek Public School First World War Roll of Honor	Swan Creek Community Hall School Drive, Swan Creek	Lot 1 DP 744246	Freehold	Clarence Valley Council
Lt. Col. Charles Green Memorial Gates, Swan Creek	Cnr Pacific Highway and Greens Lane, Swan Creek	Lot 1 DP 198810	Freehold	Cedric Charles Green
TALOUMBI				
Taloumbi District First World War Roll of Honor	Maclean Services Club 36-38 River Street, Maclean	Lot 1 DP 796938	Freehold	Whitehill Land Pty Ltd
TULLYMORGAN				
Tullymorgan War Memorial	Tullymorgan School Reserve & Residence 1069 Ashby-Tullymorgan Road, Tullymorgan	Lot 58 DP 751382	Crown land	Crown Lands NSW (Council As Land Manager)
TYNDALE				
Tyndale Public School First World War Roll of Honor	Brushgrove Community Hall Clarence Street, Brushgrove	Lot 7010 DP 92606	Crown land	Crown Lands NSW (Council As Land Manager)

Tyndale Roll of Honour 1915	Brushgrove Community Hall Clarence Street, Brushgrove	Lot 7010 DP 92606	Crown land	Crown Lands NSW (Council As Land Manager)
ULMARRA				
Ulmarra and District War Memorial	Memorial Park Coldstream Street, Ulmarra	Lot 19 DP 1093385	Freehold	Clarence Valley Council
Ulmarra Public School First World War Roll of Honour	Ulmarra Public School 2476 Big River Way ULMARRA NSW 2462	Lot 10 DP 1031995	Freehold	Department Of Education
UPPER COPMANHURST				
Upper Copmanhurst First World War Honor Roll	Copmanhurst War Memorial Hall 61 Grafton Street, Copmanhurst	Lot 2/Sec 25/DP 758290	Crown land	Copmanhurst And District War Memorial Hall Land Manager
WOODFORD LEIGH				
Woodford Leigh District First and Second World War Honor Boards	Brushgrove Community Hall Clarence Street, Brushgrove	Lot 7010 DP 92606	Crown land	Crown Lands NSW (Council As Land Manager)
WOOLI				
Wooli War Memorial	Wooli Bowling Green Reserve Main Street, Wooli	Lot 52 DP 1098405	Crown land	Crown Lands NSW (Council As Land Manager)
YAMBA				
Yamba Australia Remembers Memorial	Cnr Queen Street and Marine Parade, Yamba (opp 2 Queen Strret, Yamba)	Road reserve	Road reserve	Council as the Local Roads Authority
Yamba Cenotaph	Cnr Queen Street and Marine Parade, Yamba (opp 2 Queen Strret, Yamba)	Road reserve	Road reserve	Council as the Local Roads Authority
Yamba Second War War Memorial Tablet	Cnr Queen Street and Marine Parade, Yamba (opp 2 Queen Strret, Yamba)	Road reserve	Road reserve	Council as the Local Roads Authority
Yamba Public School Second World War Honour Roll	Yamba Museum River Street, Yamba	Lot 184 DP 704231	Crown land	Crown Lands NSW (Council As Land Manager)
Yamba First World War Roll of Honour	Yamba Museum River Street, Yamba	Lot 184 DP 704231	Crown land	Crown Lands NSW (Council As Land Manager)
Yamba RSL Hall Honour Board	Yamba RSL Hall Cnr RSL Lane and Church Street, Yamba	Lot 7/Sec 21/DP 759130	Freehold	Yamba Sub-Branch RSSA
Yamba RSL Hall Memorial Wall	Yamba RSL Hall Cnr RSL Lane and Church Street, Yamba	Lot 7/Sec 21/DP 759130	Freehold	Yamba Sub-Branch RSSA
Yamba Second World War Roll of Honour and Commemorative Plaque	Yamba RSL Hall Cnr RSL Lane and Church Street, Yamba	Lot 7/Sec 21/DP 759130	Freehold	Yamba Sub-Branch RSSA
Yamba 1914-1918 Roll of Honour	Yamba RSL Hall Cnr RSL Lane and Church Street, Yamba	Lot 7/Sec 21/DP 759130	Freehold	Yamba Sub-Branch RSSA
Len McDermid Memorial RSL Hall, Yamba	Yamba RSL Hall Cnr RSL Lane and Church Street, Yamba	Lot 7/Sec 21/DP 759130	Freehold	Yamba Sub-Branch RSSA

ITEM 07.24.134 ALCOHOL PROHIBITED AREA TEMPORARY REVOCATION - JACARANDA FESTIVAL

Meeting	Council	23 July 2024
Directorate	Works & Civil	
Prepared by	Coordinator Open Spaces Operations, Robin McLennan	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. Draft Program Jacaranda Festival 2024 ↓	

SUMMARY

Jacaranda Festival is planned to run from Friday 18 October to Sunday 3 November 2024. The festival consists of events that permit the sale and consumption of alcohol within Market Square, See Park and Memorial Park, Grafton. Market Square, See Park and Memorial Park are an alcohol prohibited area and approval of the sale and consumption of alcohol within the park requires a temporary revocation of the alcohol prohibited area. This report seeks Council's endorsement for the temporary revocation of the alcohol prohibited area in Market Square, See Park and Memorial Park, Grafton.

OFFICER RECOMMENDATION

That Council revoke the alcohol prohibition area at Market Square, See Park and Memorial Park for the 2024 Jacaranda Festival from Friday 18 October 2024 to Sunday 3 November 2024.

LINKAGE TO OUR COMMUNITY PLAN

Theme	Society
Objective	We will have proud and inviting communities

KEY ISSUESAlcohol Prohibited Areas

The drinking of alcohol is prohibited at the following parks (Item 15.035/19) which will host events as part of the Grafton Jacaranda Festival:

Market Square, Grafton	At All Times
Memorial Park, Grafton	9pm – 9am
See Park, Grafton	9pm – 9am

This prohibition is in place to promote the safe use of the park.

Alcohol prohibited areas are enforced by the NSW Police Service.

Grafton Jacaranda Festival

The Jacaranda Festival is held across various facilities including parks and reserves in Grafton and South Grafton. The festival celebrates the purple blossoms displayed by the towns Jacaranda trees which create a natural blanket of purple between late October and early November.

The festival includes a program of events and activities (Attachment A 2024 Draft Program) with the primary attractions including Illuminate, Jacaranda Thursday, the Float Parade, Venetian Carnival as well as main stage entertainment with headline performers, rides, market stalls, food and children's entertainment.

The applicant has advised that alcohol will be served by qualified attendants who hold 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.

BACKGROUND

The Grafton Jacaranda Festival is the longest running floral festival in Australia and is held under canopies of purple blossoms from the last weekend in October to the first weekend of November every year.

The festival commences regally with the crowning of their Royal Party. Local arts, crafts and sporting groups take the week long opportunity to showcase their work. The city of Grafton comes to a standstill on Jacaranda Thursday with the main street is lined with market stalls, rides and entertaining skits performed by local businesses.

The 2024 Festival of events will be spread over a several different facilities in Grafton and South Grafton.

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 Resolution Item 15.035/19

Consultation

The application has been received from the Jacaranda Festival Committee. Internal consultation has occurred with several areas of Council.

Legal and Risk Management

If approved, a Risk Management Plan would be completed by the applicant, prior to the festival.

Climate Change

N/A

90 YEARS IN BLOOM!

FRIDAY 18 OCTOBER | SUNDAY 3 NOVEMBER 2024



<p>ILLUMINATE OPENING SEE PARK - 6.30PM</p> <p>JACARANDAS AT NIGHT LIVE ENTERTAINMENT FOOD TRUCKS BAR</p> <p>FREE EVENT</p> <p>OCT</p>	<p>THE NEW SCHOOL OF ARTS CHILDREN'S PARTY SEE PARK - 10AM</p> <p>FANCY DRESS GAMES PRIZES MINI PARTY BALLOT FOOD TRUCKS</p> <p>SAT 19 OCT FREE EVENT</p>	<p>JACARANDA BALL & GARDEN PARTY GRAFTON BARN - 6.00PM</p> <p>LIVE ENTERTAINMENT DELISHIOUS CATERING COOPERS BAR</p> <p>TICKETED EVENT</p>	<p>BUNDJALUNG, GUMBAYNGGIRR & YA EGL RIVER DREAMING A DAY OF CULTURE MARKET SQUARE - 10AM</p> <p>MARKETS ENTERTAINMENT FOOD TRUCKS</p> <p>FRI 25 OCT FREE EVENT</p>	<p>GDSC BATTLE OF THE BANDS MARKET SQUARE - 7.30PM</p> <p>ENTERTAINMENT FOOD TRUCKS COOPERS BAR</p> <p>FREE EVENT TICKETS REQUIRED</p>
<p>THE NEW SCHOOL OF ARTS PARADE OF YOUTH & BANNER COMPETITION PRINCE ST TO MARKET SQUARE - 9AM</p> <p>FAMILY ENTERTAINMENT FOOD TRUCKS</p> <p>OCT FREE EVENT</p>	<p>CHS TRAINING BLOSSOM WINE & DINE LONG LUNCH GARDEN ST - SEE PARK - 12PM</p> <p>LIVE ENTERTAINMENT GRAZING BOXES COOPERS BAR</p> <p>TICKETED EVENT</p>	<p>ACTION COACHES JACARANDA BUS TOUR DEPARTS SEE PARK - 3PM</p> <p>2 HOUR TOUR AROUND THE JACARANDA AVENUES & HISTORICAL LANDMARKS</p> <p>TICKETED EVENT</p>	<p>WESTLAWN ROYAL PARTY CROWNING MARKET SQUARE - 7.30PM</p> <p>ENTERTAINMENT FOOD TRUCKS COOPERS BAR</p> <p>FREE EVENT</p>	<p>LIVABLE RETROFEST EVERYTHING 50s & 60s MARKET SQUARE - 10AM TO 4PM</p> <p>ROCK'N'ROLL PIN UP CARS & BIKES MARKET SQUARE FOOD TRUCKS BAR</p> <p>SUN 27 OCT FREE EVENT</p>
<p>WHIDDON JACARANDA AFTERNOON TEA CRJC - 1.30PM</p> <p>GUEST SPEAKER TBA RAFFLES TOMBOLAS</p> <p>OCT TICKETED EVENT</p>	<p>CVCON MUSICAVIVA WOMEN OF SONG MARKET SQUARE - 7.30PM</p> <p>FIRST NATIONS CORAL GROUP FOOD TRUCKS COOPERS BAR</p> <p>FREE EVENT</p>	<p>NORTHERN PATHWAYS ROYAL PARTY & SPONSORS COCKTAIL EVENING CLOCKTOWER HOTEL - 7PM</p> <p>ENTERTAINMENT CATERED COCKTAIL PARTY</p> <p>TUE 29 OCT TICKETED EVENT</p>	<p>CVCON VALLEY SCHOOL'S ON SHOW MARKET SQUARE - 9.15AM</p> <p>LOCAL SCHOOLS PERFORMING FOOD TRUCKS</p> <p>WED 30 NOV FREE EVENT</p>	<p>THE ARCANE MORSELS & THE NEW SCHOOL OF ARTS CARNIVAL CAPERS SKINNER ST SOUTH GRAFTON - 3PM</p> <p>LIVE ENTERTAINMENT KIDS ACTIVITIES FOOD TRUCKS</p> <p>FREE EVENT</p>
<p>2GF & CLARENCE VALLEY INDEPENDENT FREE COMMUNITY BREAKFAST MARKET SQUARE - 7AM</p> <p>FREE EVENT</p> <p>OCT</p>	<p>ANYTIME FITNESS JACARANDA THURSDAY MARKET SQUARE CBD - 7AM TO 3PM</p> <p>3 STAGES OF ENTERTAINMENT OVER 150 MARKET STALLS FOOD TRUCKS RIDES COOPERS BAR FROM 11AM</p> <p>FREE EVENT</p>	<p>CLOCKTOWER HOTEL RYAN MARTIN BAND CLOCKTOWER HOTEL 93 PRINCE ST - 3PM</p> <p>LIVE MUSIC BAR SNACKS</p> <p>FREE EVENT</p>	<p>CROWN HOTEL VENETIAN CARNIVAL MEMORIAL PARK - 6PM</p> <p>SHOWCASE OF LOCAL TALENT FOOD TRUCKS COOPERS BAR</p> <p>FRI 1 NOV FREE EVENT</p>	<p>CROWN HOTEL FIREWORKS MEMORIAL PARK - 9PM</p> <p>FOLLOWED BY HEADLINE ACT RYAN MARTIN BAND FOOD TRUCKS COOPERS BAR</p> <p>FREE EVENT</p>
<p>DOCOAST FAMILY DAY CARE BABIES GALLOUR COMPETITION MARKET SQUARE - 10AM</p> <p>REGISTER BABIES AT EVENT 0 TO 24 MONTHS FOOD TRUCKS</p> <p>NOV FREE EVENT</p>	<p>CLOCKTOWER HOTEL SPLASH OF TARTAN PIPE BANDS & JACARANDA HIGHLAND DANCERS MARKET SQUARE - 1PM</p> <p>FOOD TRUCKS LICENSED BAR</p> <p>FREE EVENT</p>	<p>GRAFTON CYCLE CLUB JACARANDA CRITERIUM PRINCE ST - 2PM</p> <p>BICYCLE RACE ON CLOSED CIRCUIT</p> <p>TICKETED EVENT TO RACE FREE SPECTATOR EVENT</p>	<p>NEWCASTLE PERMANENT JACARANDA FLOAT PROCESSION PRINCE ST - 5PM</p> <p>FOOD TRUCKS COOPERS BAR IN MARKET SQUARE</p> <p>FREE EVENT</p>	<p>PARTY IN THE PARK ENTERTAINMENT TBA MARKET SQUARE - 7PM</p> <p>LIVE ENTERTAINMENT FOOD TRUCKS COOPERS BAR</p> <p>FREE EVENT</p>
<p>JACARANDA RUNNING FESTIVAL MEMORIAL PARK - 6AM</p> <p>2KM 5KM 10KM 21KM FUN RUN OVER BENDY BRIDGE FOOD & COFFEE TRUCKS</p> <p>NOV TICKETED EVENT</p>	<p>MERCHANDISE & INFORMATION STORE PRINCE ST "THE LINK"</p> <p>GRAFTON SHOPPINGWORLD OPEN MON TO FRI: 9AM - 5PM SAT 9AM - 4PM SUN 10AM - 2PM FRIDAY 20 OCTOBER TO SUNDAY 12 NOVEMBER</p> <p>JACA HQ</p>	<p>JACARANDAS AT NIGHT SEE PARK FREE EVENT NIGHTLY - 7.30PM TO 10.30PM FRIDAY 18 OCTOBER TO FRIDAY 8 NOVEMBER ENTERTAINMENT, FOOD & BAR ON THUR, FRI & SAT EVENINGS 6.30PM - 8.30PM (NOT SAT 19/10)</p> <p>ILLUMINATE</p>	<p>ACTION COACHES JACARANDA CITY TOURS TOUR OF JACARANDA AVENUES, LAND MARKS AND SEE PARK OPERATES DAILY 10AM - 4PM FRI 27/10 TO SAT 4/11 GOLD COIN DONATION</p> <p>HOP ON - HOP OFF BUS</p>	<p>90 YEARS OF HISTORY PRINCE STREET ROYAL WALK OF FAME TAKE A STROLL DOWN PRINCE STREET TO VIEW ALL THE PASSENGERS, AMBASSADOR & KINGS OF THE GRAFTON JACARANDA FESTIVAL</p> <p>ROYAL WALK OF FAME</p>

INFORMATION, TICKETS AND ENTRY FORMS ARE AVAILABLE FROM THE FESTIVAL WEBSITE

@graftonjacarandafestival
www.iacarandafestival.com



ITEM 07.24.135 REGIONAL WATER SUPPLY - BULK WATER SUPPLY AGREEMENT WITH CITY OF COFFS HARBOUR

Meeting	Council	23 July 2024
Directorate	Works & Civil	
Prepared by	Manager Technical Services, Greg Mashiah	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. Regional Water Supply Agreement (Separate Cover) ⇒	

SUMMARY

The current Bulk Water Supply agreement between Clarence Valley Council (CVC) and City of Coffs Harbour (CCH) dates from February 2004. There have been significant changes since that time including the amalgamation which formed CVC and the acquisition of Essential Energy bulk water headworks in 2021.

In March 2023, CVC resolved to negotiate with CCH regarding a revised Bulk Water agreement and established an advisory committee with representatives from both councils having oversight of the agreement. An agreement acceptable to staff from both councils has been finalised and is being reported to each councils with a recommendation for endorsement.

OFFICER RECOMMENDATION

That Council:

1. endorses the Bulk Water Supply Agreement (July 2024) between Clarence Valley Council and City of Coffs Harbour, and
2. affix Council's Seal to the Bulk Water Supply Agreement (July 2024) in accordance with the Affixing Council Seal Policy.

LINKAGE TO OUR COMMUNITY PLAN

Theme Infrastructure

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

KEY ISSUES

Four significant changes to the current (2004) agreement include:

1. Non regional water supply (RWS) assets are excluded from the proposed agreement. The current agreement considered the storage volumes in both Karangi Dam and Shannon Creek Dam but as Karangi Dam is solely a City of Coffs Harbour Asset it was agreed to exclude references to Karangi Dam from the agreement.
2. Maintenance responsibility for Kremnos Pump Station has been transferred to CCH, although this asset will continue to be a CVC asset and be operated by CVC. This will reduce administration costs because under the current agreement CCH pays 99% of the operational costs of Kremnos Pump Station and much of the maintenance is undertaken as contract work by CCH staff. Currently, CCH sends invoices to CVC for its work and then in turn is billed by CVC for 99% of the invoice value. As the pump station is physically located within the CVC area it will remain a CVC asset.
3. References to returning water from CCH to CVC have been removed from the agreement. If water needs to be returned this will be the subject of a separate agreement, and
4. References to the operational guidelines (Schedule 3) have been changed from mandatory to advisory in recognition that particular circumstances may require a different approach to that outlined in the guidelines. The operational guidelines have been updated to reflect current RWS operational practice.

As part of the negotiations, it has also been agreed that:

- the Nymboida Power Station and 107 Glens Creek Road are CVC assets and not part of the RWS,
- the maintenance responsibility for Blaxland Creek Bridges transferred from Essential Energy (other than two bridges which give access to RWS assets) are also not part of the RWS,
- the agreement is to be reviewed each term of Council, with the review to be undertaken within 12 months prior to an election.

It is recommended that the Bulk Water Supply Agreement (July 2024), as included in the Attachments, be endorsed by Council and the Council Seal affixed to the agreement.

The Bulk Water Supply agreement is scheduled to be considered by CCH at its meeting of 8 August 2024

BACKGROUND

At its meeting of 18 April 2023 Council resolution 07.23.049 established a Bulk Raw Water Supply Agreement Advisory Committee to have oversight of the development of a revised agreement. The Advisory Committee met on 4 July 2023, 20 July 2023 (inspection of Regional Water Supply assets), 19 September 2023 (inspection of Coffs Harbour's Karangi assets), 17 November 2023 and 19 April 2024. Negotiations from the advisory committee were primarily about asset responsibility and cost sharing arrangements, with the negotiated outcomes included in the proposed agreement.

COUNCIL IMPLICATIONS

Budget/Financial

The proposed agreement clarifies that RWS decisions with financial impact will need endorsement by staff from both Councils and the procedure that needs to be followed for such endorsement. The agreement also includes a proposed capital works program at **Schedule 11**.

Asset Management

The agreement clarifies the ownership of assets and requires development of appropriate Asset Management Plans for RWS assets. While RWS assets within the CVC area are owned by CVC, as CCH has contributed to the cost of those assets they are reflected in the CCH accounts as intangible assets. The RWS pipeline and easements within the CCH area, (that is between the Council border and Karangi Dam), which under the CVC amalgamation proclamation were in CVC ownership, were transferred to CCH in February 2015 with no consideration payable for the transfer (Council Resolution 14.014/15).

Policy and Regulation

N/A

Consultation

In addition to the formal Advisory Committee meetings outlined in the background section of the report there has been ongoing liaison between CVC and CCH staff on the agreement.

Legal and Risk Management

Legal representatives from both Councils have been involved in the drafting of the agreement. Dispute resolution procedures have been updated to contemporary practice.

Climate Change

While there is no climate change impact on the agreement, a "secure yield" assessment of the RWS system will be undertaken which will include consideration of climate change.

ITEM 07.24.136 ULMARRA SEWERAGE INVESTIGATION - COMMUNITY FEEDBACK AND SURVEY

Meeting	Council	23 July 2024
Directorate	Works & Civil	
Prepared by	Manager Technical Services, Greg Mashiah	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. Ulmarra Sewerage Investigation - Submissions (Separate Cover) ⇒ B. DCCEEW Advice re prioritisation and funding ↓ C. Updated Long Term Financial Plan Modelling including Ulmarra Sewerage ↓	

SUMMARY

At its meeting of 19 December 2023 Council resolved to place the Ulmarra Sewer Investigation on public exhibition for 28 days, to undertake a further survey of Ulmarra property owners to determine whether they wish reticulated sewerage to proceed and, for those who wish reticulated sewerage to proceed, how much they would be prepared to contribute to the cost.

OFFICER RECOMMENDATION

That Council:

1. notes the submissions received in response to the Ulmarra Sewerage Investigation and the Ulmarra property owner survey responses.
2. does not proceed with sewerage Ulmarra.

LINKAGE TO OUR COMMUNITY PLAN

Theme Infrastructure

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

KEY ISSUES

Of the 190 Ulmarra property owners surveyed, 99 responses were received representing a survey response rate of **52.1%**. A summary of the survey results are shown in Table 1 below.

Table 1 Response to community survey

Survey criteria	Community Response
Property owners not supportive of reticulated sewerage proceeding	23.7%
Property owners who indicated support for reticulated sewerage to proceed.	28.4%
Property owners that did not respond to the survey	47.9%
Total	100%

Twelve submissions were received during the public exhibition period and are included in **Attachment A**.

Five (5) submissions support proceeding with sewerage Ulmarra,

Six (6) submissions oppose sewerage Ulmarra and

One (1) submission raised various concerns without indicating a position.

A survey was posted to 190 property owners who own a total of 209 Ulmarra properties. The survey response rate of 52.1% was slightly less than the July 2022 survey which had a response rate of 54.5% of property owners.

The property owners that indicated support for reticulated sewer (28.4%) were also requested to indicate what range (in dollar terms) that they were willing to contribute towards the cost of the scheme. The contribution ranges according to resident response is summarised in **Table 2**.

Table 2 – Contributions ranges and response

Contribution	% of Property Owners
Nil (or left blank)	15.6
Up to \$1000	3.3
\$1001 to \$2000	1.6
\$2001 to \$3000	-
\$3001 to \$4000	0.5
\$4001 to \$5000	3.2
\$5001 to \$6000	2.1
>\$6001	2.1
Total	28.4

If Council proposes to proceed with sewerage Ulmarra the property owner contribution (if any) will need to be determined. In Council's two (2) previous new sewer schemes, Lawrence and Iluka, property owners paid an annual "Sewer Investigation Charge" towards the cost of their sewer schemes. Lawrence properties paid a total of \$862 from 1998/99 to 2009/10 and Iluka properties paid a total of \$2,193 from 1998/99 to 2013/14, with the Iluka charge being \$238 per property in 2013/14. Indexing the annual charges using CPI to June 2023, the total paid by Lawrence properties was equivalent to \$1,400 and the total paid by Iluka properties was equivalent to \$3,448.

The investigation charge contribution by Lawrence properties represented approximately 3.1% of the Lawrence scheme cost while the contribution paid by Iluka properties was around 7.6% of Council's cost, noting that the Iluka scheme cost also included a sewage treatment plant.

As tenders will be called for the North Grafton Sewage Treatment Plant (STP) project in the first half of 2025 (with works to be completed by December 2027), were Council to propose to proceed with sewerage Ulmarra it is recommended for cashflow purposes that works not commence prior to 2028/29. The commencement date for any sewerage of Ulmarra would need to be reviewed after the North Grafton STP project is completed and operational for 12 months. A possible resolution if Council wishes to proceed with sewerage Ulmarra is:

- 1) *That Council proceed with sewerage Ulmarra with works not to commence before the 2028/2029 Financial Year,*
and either:
 - 2a) *Ulmarra property owners pay an annual sewer investigation charge of \$ (determined by Council)*
or
 - 2b) *Ulmarra property owners pay a sewer capital contribution prior to connection of \$ (determined by Council) or*
 - 2c) *Ulmarra property owners do not pay a contribution towards the scheme.*

BACKGROUND

At its meeting of 22 March 2022 Council resolved to survey Ulmarra property owners to determine if they wished Council to examine options for sewerage Ulmarra. The property owner survey was undertaken in June-July 2022 and, following consideration of responses, Council resolved at its meeting of 27 September 2022 to engage a consultant to undertake an investigation of all options for sewerage Ulmarra. Consultant Public Works Advisory was engaged to prepare the investigation report. The consultant gave a presentation to the Councillor workshop of 10 October 2023 and the draft report was updated to respond to questions and comments made by Councillors. At its meeting of 19 December 2023 Council resolved to place the investigation report on public exhibition and to undertake a subsequent survey of Ulmarra property owners.

COUNCIL IMPLICATIONS

Budget/Financial

Nil if the officer's recommendation is adopted.

Under DCCEEW's "Risk prioritisation, scoring and reasons fact sheet" (July 2020), unsewered villages with populations between 500 and 1000 receive a maximum risk rating of "3". DCCEEW has advised that the only financial assistance for sewer schemes is through the Safe and Secure Water Program. This program is fully committed, funding was fully allocated to resolve prioritised risks (risk score 5) and no further projects can be considered at this stage (refer **Attachment B**).

As Ulmarra is an unsewered village its property owners do not currently contribute to the sewer fund. Council's sewer customers have funded investigations to date.

Updated financial modelling (**Attachment C**) has indicated that based on the preferred option's, construction estimate in the investigation report of \$17.84 million, if construction commenced no earlier than 2028/2029 (based on current cost estimates of other projects) there would not need to be any additional increase (other than CPI) in residential sewer charges as a result of the Ulmarra project. Also, Council would not need to take out any additional loans as a result of the Ulmarra project. However, the financial modelling would need to be reviewed before construction commences as there are numerous assumptions in the financial modelling that is subject to change in the next five years, and changes from the assumptions may mean that either further sewer charge increases or additional loans would be required to fund the sewerage of Ulmarra.

The estimated construction cost of \$17.84 million represents a cost of around \$85,350 per Ulmarra property. Even if Ulmarra properties make a significantly higher contribution toward scheme costs than applied at Lawrence or Iluka, the contribution would not permit construction to be brought forward. Any Ulmarra sewer scheme would be largely subsidised by existing sewer customers.

Asset Management

Nil if the officer recommendation is adopted. If Council resolves to proceed with sewerage Ulmarra, the new sewer scheme would be a Council asset.

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 proceed with sewerage Ulmarra and not charge an investigation charge then there would need to be a specific resolution specifying this (alternative 2c).

Consultation

The Ulmarra Sewer investigation was placed on public exhibition from 3 June to 1 July. The investigation report could be downloaded from Council's website and the Clarence Conversations website and printed copies were available at Council's Grafton and Maclean customer service centres, the Ulmarra General Store/Post Office, the Ulmarra Hotel and the Coldstream Gallery. Letters were mailed to all property owners advising of the exhibition, as well as the exhibition being publicised through Council's weekly "Noticeboard" and on social media. A community "Question and Answer" session was held at the Ulmarra Hotel from 16:00 to 19:00 on 18 June and was attended by 27 residents. Questions asked during the sessions and responses were added to the "Frequently Asked Questions" section in Clarence Conversations.

The survey was mailed to all Ulmarra property owners on 26 June, including a stamped addressed envelope for survey return. Hand-delivered surveys could also be returned to Council's customer service centres but to ensure survey integrity, property owners were advised that all return surveys had to be in the envelope provided by Council. Surveys clearly stated they need to be received at Council by Friday 12 July 2024.

Legal and Risk Management

N/A

Climate Change

Were Council to resolve to proceed with sewerage Ulmarra, the design will need to consider climate change impacts.

Greg Mashiah

From: Geoff Snell <geoff.snell@dpie.nsw.gov.au>
Sent: Monday, 8 July 2024 11:05 AM
To: Greg Mashiah
Cc: DPIE SSWP Mailbox; Elizabeth Hallanoro; Josh Tickell
Subject: RE: Ulmarra Sewer - Risk prioritisation and financial assistance

Hi Greg,

Thank you for your email and your patience with this matter.

Thank you for advising that you have self-assessed the Ulmarra (unsewered village) risk rating as a "3" using the department's "Risk prioritisation, scoring and reasons fact sheet" (July 2020). As you point out, unsewered villages with populations between 500 and 1000 will receive a maximum risk rating of "3". So I expect your assessment to be similar to the departments official assessment.

The official risk review process has not yet been completed and requires a review and endorsement from the EPA. I will continue to push for the review and official advice to be provided to Council as quickly as possible, but this will still be some weeks away.

Regarding funding opportunities under the Safe and Secure Water Program (SSWP). Funding to resolve prioritised risks (risk score 5) is fully allocated and no further projects can be considered at this stage.

I hope this answers your questions Greg.

Please call me anytime if you wish to discuss further.

Kind Regards

Geoff Snell
Regional Manager North, Local Water Utilities

Water | Department of Climate Change, Energy, the Environment and Water
T [REDACTED] | M [REDACTED] | E geoff.snell@dpie.nsw.gov.au
Level 1, 30 Park Avenue | PO Box 1488, Coffs Harbour NSW 2450
<https://water.dpie.nsw.gov.au/local-water-utilities>



From: Greg Mashiah <greg.mashiah@clarence.nsw.gov.au>
Sent: Monday, 8 July 2024 10:29 AM
To: Geoff Snell <geoff.snell@dpie.nsw.gov.au>
Cc: DPIE SSWP Mailbox <sswp@dpie.nsw.gov.au>; Elizabeth Hallanoro <elizabeth.hallanoro@dpie.nsw.gov.au>
Subject: Ulmarra Sewer - Risk prioritisation and financial assistance

Geoff

The recent Ulmarra sewer investigation report estimates a maximum equivalent population of 588. Council's understanding is that under the Safe & Secure Water Program's "Risk prioritisation, scoring and reasons fact sheet" (July 2020), unsewered villages with populations between 500 and 1000 will receive a maximum risk rating of "3" and therefore this is the maximum rating that will be given to Ulmarra. Council's understanding is also that financial assistance under the SSWP is currently fully committed (with no additional funding provided in the 2024/25 state

budget), that only projects with a risk rating of “5” received funding and not all projects with a risk rating of “5” received funding. It is therefore unlikely under the current risk rating that Ulmarra would receive any financial assistance, even were the state government to allocate additional funding to the SSWP as that funding would first be allocated to the balance of Priority “5” projects and the Priority “4” projects.

Many thanks

Greg Mashiah
Manager Technical Services
02 6645 0244
0428 112 982
www.clarence.nsw.gov.au



We acknowledge the Bundjalung, Gumbaynggirr and Yaegi 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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Revised SEWER FUND LTFP - July 2024

Summary of - Impact of Scenarios provided below on Cashflow balances

Sewer Fund LTFP Scenarios	23/24	24/25	25/26	26/27	27/28	28/29	29/30
	\$000	\$000	\$000	\$000	\$000	\$000	\$000
No Loans	33531	34727	9429	-13350	NA	NA	NA
With \$20m Loan in 25/26	33531	34727	28283	4493	14494	26251	38863

Reflecting Increase in Fees & Charges plus Loans Borrowings in 2025-26

Clarence Valley Council
10 Year Financial Plan for the Years ending 30 June 2034
INCOME STATEMENT - SEWER FUND

Scenario: 1 Base - Increased Nth Gftn STP Construct Costs	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Income from Continuing Operations						
Revenue: Increase Index	4.00%	5.00%	5.00%	5.00%	5.00%	3.00%
Rates & Annual Charges	22,907	24,052	25,254	26,517	27,843	28,678
User Charges & Fees	2,483	2,607	2,737	2,874	3,018	3,108
Other Revenues	99	104	109	115	121	124
Grants & Contributions provided for Operating Purposes	180	185	191	196	202	208
Grants & Contributions provided for Capital Purposes	2,154	2,218	2,285	2,353	2,424	2,497
Interest & Investment Revenue	1,257	1,302	1,061	168	544	984
Other Income:						
Net Gains from the Disposal of Assets	-	-	-	-	-	-
Total Income from Continuing Operations	29,079	30,468	31,637	32,224	34,151	35,600
Expenses from Continuing Operations						
Employee Benefits & On-Costs	1,870	1,926	1,974	2,023	2,074	2,126
Borrowing Costs	2,592	3,397	2,999	2,625	2,311	1,976
Materials & Contracts	8,565	8,822	10,087	10,640	10,959	11,539
Depreciation & Amortisation	8,335	9,012	10,474	11,936	12,571	13,216
Other Expenses	-	-	-	-	-	-
Net Losses from the Disposal of Assets	-	-	-	-	-	-
Total Expenses from Continuing Operations	21,362	23,157	25,534	27,224	27,915	28,856
Net Operating Result for the Year	7,717	7,311	6,103	5,000	6,235	6,744
Net Operating Result before Grants and Contributions provided for Capital Purposes	5,563	5,093	3,818	2,646	3,812	4,247

Clarence Valley Council
10 Year Financial Plan for the Years ending 30 June 2034

BALANCE SHEET - SEWER FUND	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30
Scenario: 1 Base - Increased Nth Gftn STP Construct Costs	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
ASSETS							
Current Assets							
Cash & Cash Equivalents	2,000	2,000	2,000	2,000	2,000	2,000	2,000
Investments	31,531	32,727	6,283	-	-	-	-
Receivables	1,752	1,759	1,783	1,804	1,771	1,828	1,876
Inventories	-	-	-	-	-	-	-
Total Current Assets	35,283	36,486	10,066	3,804	3,771	3,828	3,876
Non-Current Assets							
Investments	-	20,000	2,493	12,494	24,251	36,863	36,863
Receivables	570	570	587	587	587	606	626
Inventories	-	-	-	-	-	-	-
Contract assets	-	-	-	-	-	-	-
Infrastructure, Property, Plant & Equipment	276,135	289,884	327,100	361,905	370,047	377,686	385,057
Intangible Assets	2	2	2	2	2	2	2
Total Non-Current Assets	276,707	290,456	347,689	364,987	383,130	402,545	422,548
TOTAL ASSETS	311,990	326,942	357,755	368,791	386,901	406,373	426,424
LIABILITIES							
Current Liabilities							
Payables	903	930	951	1,056	1,102	1,130	1,179
Borrowings	5,171	5,513	6,424	4,683	4,993	5,326	5,682
Provisions	-	-	-	-	-	-	-
Total Current Liabilities	6,074	6,443	7,375	5,739	6,095	6,456	6,861
Non-Current Liabilities							
Borrowings	39,815	34,303	47,879	43,196	38,203	32,877	27,195
Provisions	-	-	-	-	-	-	-
Total Non-Current Liabilities	39,815	34,303	47,879	43,196	38,203	32,877	27,195
TOTAL LIABILITIES	45,889	40,746	55,254	48,935	44,298	39,333	34,056
Net Assets	266,101	286,197	302,501	319,856	342,603	367,040	392,368
EQUITY							
Retained Earnings	141,787	149,504	156,815	162,918	167,918	174,153	180,897
Revaluation Reserves	124,314	136,693	145,686	156,938	174,685	192,887	211,471
Council Equity Interest	266,101	286,197	302,501	319,856	342,603	367,040	392,368
Total Equity	266,101	286,197	302,501	319,856	342,603	367,040	392,368

Clarence Valley Council							
10 Year Financial Plan for the Years ending 30 June 2034							
CASH FLOW STATEMENT - SEWER FUND							
Scenario: 1 Base - Increased Nth Gfm STP Construct Cost							
	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Cash Flows from Operating Activities							
Receipts:							
Fees & Annual Charges	21,983	22,885	24,023	25,224	26,486	27,810	28,657
User Charges & Fees	2,332	2,480	2,604	2,734	2,870	3,014	3,106
Investment & Interest Revenue Received	971	1,235	1,299	1,081	243	512	948
Grants & Contributions	2,801	2,374	2,398	2,463	2,544	2,620	2,698
Other	94	98	103	108	114	119	123
Payments:							
Employee Benefits & On-Costs	(1,807)	(1,870)	(1,926)	(1,974)	(2,023)	(2,074)	(2,126)
Materials & Contracts	(8,050)	(8,538)	(8,801)	(9,362)	(10,594)	(10,932)	(11,450)
Borrowing Costs	(2,310)	(2,582)	(3,397)	(2,939)	(2,625)	(2,311)	(1,976)
Other	-	-	-	-	-	-	-
Net Cash provided (or used in) Operating Activities	15,474	16,072	16,303	16,662	17,014	18,758	19,940
Cash Flows from Investing Activities							
Payments:							
Purchase of Infrastructure, Property, Plant & Equipment	(6,375)	(9,705)	(37,233)	(34,028)	(2,330)	(2,008)	(2,002)
Net Cash provided (or used in) Investing Activities	(6,375)	(9,705)	(37,233)	(34,028)	(2,330)	(2,008)	(2,002)
Cash Flows from Financing Activities							
Receipts:							
Proceeds from Borrowings & Advances	-	-	20,000	-	-	-	-
Distribution of Best Practice Dividends received	-	-	-	-	-	-	-
Payments:							
Repayment of Borrowings & Advances	(4,853)	(5,171)	(5,513)	(5,878)	(4,683)	(4,933)	(5,326)
Net Cash Flow provided (used in) Financing Activities	(4,853)	(5,171)	14,487	(5,878)	(4,683)	(4,933)	(5,326)
Net Increase/(Decrease) in Cash & Cash Equivalents	4,247	1,196	(6,444)	(23,243)	10,001	11,757	12,612
plus: Cash & Cash Equivalents - beginning of year	1,572	2,000	2,000	2,000	2,000	2,000	2,000
Cash & Cash Equivalents - end of the year	5,819	3,196	(4,444)	(21,243)	12,001	13,757	14,612
Cash & Cash Equivalents - end of the year	27,712	31,531	32,727	26,283	2,493	12,494	24,251
Investments - beginning of the year	27,712	31,531	32,727	26,283	2,493	12,494	24,251
Cash, Cash Equivalents & Investments - end of the year	33,531	34,727	28,283	5,040	14,494	26,251	38,863
Cash & Investments as per Balance Sheet	33,531	34,727	28,283	4,493	14,494	26,251	38,863

Reflecting Increase in Fess & Charges EXCLUDING Loans Borrowings in 2025-26

Clarence Valley Council				
10 Year Financial Plan for the Years ending 30 June 2034				
INCOME STATEMENT - SEWER FUND				
Scenario: 2 - Increase 2% above CPI% from 25-26 to 28-29 no Loans				
	2023/24	2024/25	2025/26	2026/27
	\$'000	\$'000	\$'000	\$'000
Income from Continuing Operations				
Revenue: Increase Index		2.50%	4.00%	5.00%
Rates & Annual Charges	22,026	22,907	24,052	25,254
User Charges & Fees	2,387	2,483	2,607	2,737
Other Revenues	95	99	104	109
Grants & Contributions provided for Operating Purposes	519	180	185	191
Grants & Contributions provided for Capital Purposes	2,298	2,154	2,218	2,285
Interest & Investment Revenue	993	1,257	1,302	354
Other Income:				
Net Gains from the Disposal of Assets	0	-	-	-
Total Income from Continuing Operations	28,318	29,079	30,468	30,930
Expenses from Continuing Operations				
Employee Benefits & On-Costs	1,807	1,870	1,926	1,974
Borrowing Costs	2,910	2,592	2,251	1,886
Materials & Contracts	8,236	8,565	8,822	10,087
Depreciation & Amortisation	7,772	8,335	9,012	10,474
Other Expenses	-	-	-	-
Net Losses from the Disposal of Assets	-	-	-	-
Total Expenses from Continuing Operations	20,725	21,362	22,011	24,421
Net Operating Result for the Year	7,593	7,717	8,457	6,509
Net Operating Result before Grants and Contributions provided for Capital Purposes	5,295	5,563	6,239	4,224

Clarence Valley Council				
10 Year Financial Plan for the Years ending 30 June 2034				
BALANCE SHEET - SEWER FUND				
Scenario: 2 - Increase 2% above CPI% from 25-26 to 28-29 no Loans				
	2023/24	2024/25	2025/26	2026/27
	\$'000	\$'000	\$'000	\$'000
ASSETS				
Current Assets				
Cash & Cash Equivalents	2,000	2,000	2,000	-
Investments	31,531	32,727	7,429	-
Receivables	1,752	1,759	1,783	1,745
Inventories	-	-	-	-
Total Current Assets	35,283	36,486	11,212	1,745
Non-Current Assets				
Investments	-	-	-	-
Receivables	570	570	587	587
Inventories	-	-	-	-
Contract assets	-	-	-	-
Infrastructure, Property, Plant & Equipment	276,135	289,884	327,100	361,905
Intangible Assets	2	2	2	2
Total Non-Current Assets	276,707	290,456	327,689	362,494
TOTAL ASSETS	311,990	326,942	338,901	364,239
LIABILITIES				
Current Liabilities				
Bank Overdraft	-	-	-	13,350
Payables	903	930	951	1,056
Borrowings	5,171	5,513	5,878	4,104
Provisions	-	-	-	-
Total Current Liabilities	6,074	6,443	6,829	18,510
Non-Current Liabilities				
Borrowings	39,815	34,303	28,425	24,321
Provisions	-	-	-	-
Total Non-Current Liabilities	39,815	34,303	28,425	24,321
TOTAL LIABILITIES	45,889	40,746	35,254	42,831
Net Assets	266,101	286,197	303,647	321,408
EQUITY				
Retained Earnings	141,787	149,504	157,961	164,470
Revaluation Reserves	124,314	136,693	145,686	156,938
Council Equity Interest	266,101	286,197	303,647	321,408
Total Equity	266,101	286,197	303,647	321,408

Clarence Valley Council				
10 Year Financial Plan for the Years ending 30 June 2032				
CASH FLOW STATEMENT - SEWER FUND				
Scenario: 2 - Increase 2% above CPI% from 25-26 to 28-29 no Loans				
	2023/24	2024/25	2025/26	2026/27
	\$'000	\$'000	\$'000	\$'000
Cash Flows from Operating Activities				
Receipts:				
Rates & Annual Charges	21,983	22,885	24,023	25,224
User Charges & Fees	2,352	2,480	2,604	2,734
Investment & Interest Revenue Received	371	1,235	1,299	433
Grants & Contributions	2,801	2,374	2,338	2,489
Other	94	98	103	108
Payments:				
Employee Benefits & On-Costs	(1,807)	(1,870)	(1,926)	(1,974)
Materials & Contracts	(8,050)	(8,538)	(8,800)	(9,382)
Borrowing Costs	(2,910)	(2,592)	(3,387)	(1,886)
Net Cash provided (or used in) Operating Activities	15,474	16,072	16,303	17,127
Cash Flows from Investing Activities				
Payments:				
Purchase of Infrastructure, Property, Plant & Equipment	(6,375)	(9,705)	(37,233)	(34,029)
Net Cash provided (or used in) Investing Activities	(6,375)	(9,705)	(37,233)	(34,029)
Cash Flows from Financing Activities				
Payments:				
Repayment of Borrowings & Advances	(4,853)	(5,171)	(5,513)	(5,878)
Net Cash Flow provided (used in) Financing Activities	(4,853)	(5,171)	(5,513)	(5,878)
Net Increase(Decrease) in Cash & Cash Equivalents	4,247	1,196	(26,444)	(22,779)
plus: Cash & Cash Equivalents - beginning of year	1,572	2,000	2,000	2,000
Cash & Cash Equivalents - end of the year	5,819	3,196	(24,444)	(20,779)
Cash & Cash Equivalents - end of the year				
Cash & Cash Equivalents - end of the year	27,712	31,531	32,727	7,429
Investments - beginning of the year	-	-	-	(3,350)
Cash, Cash Equivalents & Investments - end of the year	27,712	31,531	32,727	4,079
Cash & Investments as per Balance Sheet				
Cash & Investments as per Balance Sheet	33,531	34,727	9,429	-
Bank Overdraft as per Balance Sheet	-	-	-	(13,350)

ITEM 07.24.137 CONNECTION OF PROPERTY 114396 (SCHWONBERG STREET TOWNSEND) TO THE RETICULATED SEWERAGE SYSTEM

Meeting	Council	23 July 2024
Directorate	Works & Civil	
Prepared by	Manager Technical Services, Greg Mashiah	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. Request from developer's consultant ↓	

SUMMARY

At its meeting of 28 September 2021, Council approved REZ2020/0004 to enable an additional use of land at Lot 2 DP 634170, Schwonberg Street, Townsend for the purposes of a highway service centre subject to development consent (Resolution 6b.21.069).

The Council report noted that services “*can be extended to service the development*” (emphasis added). The property is outside of the defined sewer service areas as specified through the Sewer Development Servicing Plan (DSP) and therefore under the *Sewer and Water Connection policy* cannot currently connect to reticulated sewerage. It is recommended that Council vary the Sewer and Water Connection Policy and permit Property 114396 to connect to sewer.

OFFICER RECOMMENDATION

That property 114396 (Lot 2 DP634170), Schwonberg Street, Townsend, be permitted to connect to Council's reticulated sewerage system on the basis that the additional landuse approved under REZ2020/004 clearly intended that this property be serviced by reticulated sewerage.

LINKAGE TO OUR COMMUNITY PLAN

Theme Infrastructure

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

KEY ISSUES

Section 4.2.2 of Council's adopted Sewer and Water Connection Policy includes:

Through its Development Servicing Plan for Sewerage Services, Council has adopted defined sewerage catchments for towns and villages which are serviced with reticulated sewerage. Clarence Valley Council will generally not permit properties outside of its defined sewerage catchments to connect to reticulated sewerage. Connection of properties outside of defined sewerage catchments will only be permitted where there is an environmental or health issue with an existing on-site system such that Council issues an order for the property to connect to reticulated sewerage under Section 124 of the Local Government Act 1993. Such orders can only be issued on a property located within 75 metres of an existing Council sewerage main.

When the policy regarding defined sewer catchments was first considered by Council at its meeting of 21 July 2009 (Report 23.109/09) the report noted:

Council has received requests for connection to sewerage from properties outside of the service areas shown in the DSPs. Council also receives enquiries from developers of land outside of sewerage service areas shown in the DSPs regarding future connection of their developments to sewer. It is considered that a formal policy is required to ensure these requests are dealt with consistently.

The defined sewer areas would be reviewed as part of the DSP review process. Future developments (such as the Gulmarrad area currently being investigated for possible rezoning) may be included in a sewer service area (were rezoning approved) when such reviews are undertaken.

The defined sewer catchment boundaries in the DSPs generally follow the zoning boundaries and exclude land zoned RU1, RU2, RU3 and R5 (with the exception for the latter of three R5 areas that were connected

to sewer when the first Clarence Valley Sewer DSP was adopted on 28 June 2005). The subject property is zoned RU2; however, the change in permitted landuse on Property 114396 approved through REZ2020/004 has the same effect as if the property were rezoned to a higher use zoning which would require reticulated sewerage. The property owner's consultant has requested that the property be permitted to connect to sewer (refer report **Attachment**).

It is recommended that Property 114396 be permitted to connect to Council's reticulated sewerage system as the additional landuse permitted under REZ2020/004 clearly intended this property to be serviced by reticulated sewerage. As the exemption for this property is specifically related to REZ2020/004, such approval is not considered to set a precedent permitting other RU2 zoned properties to connect to reticulated sewerage.

BACKGROUND

Section 552(3) of the Local Government Act indicates land within 75 metres of a sewerage system of the Council is to be charged sewer availability (unless the property cannot connect to sewer), which then gives the property the right to connect to sewer. There was concern that the sewer network would "creep" into areas zoned RU1, RU2, R3 and R5 and end up servicing many more properties than the schemes were designed for. Specifying defined sewer catchments addresses Section 552(3) by indicating that properties outside of those catchments cannot connect to sewer and therefore are not charged for sewer availability. This was outlined in Report 23.109/09 to justify the original adoption of the policy:

Council's sewerage schemes have been designed on the basis of servicing existing sewerage catchments. It is therefore recommended that Council's policy be to refuse requests for connection from outside of the adopted sewer service areas.

Due to the requirement for DSPs to follow the process outlined in the relevant state government guidelines, DSPs are not generally updated with new sewer service areas until the DSP is reviewed. The next DSP review is not scheduled until 2025/2026.

COUNCIL IMPLICATIONS

Budget/Financial

Nil

Asset Management

Any sewerage infrastructure servicing Property 114396 would be private infrastructure and the responsibility of the property owner to own and operate.

Policy and Regulation

Local Government Act
Sewer Development Servicing Plan
Water & Sewer Connection Policy V4

Consultation

Development and Landuse Planning section

Legal and Risk Management

If Property 114396 is not permitted to connect to sewer, any future development on the property would require servicing with an on-site sewerage system. Current caselaw is that if Council as the Local Water Utility determines a property cannot be serviced by sewerage, the Land & Environment Court cannot require Council to connect the property to sewerage (Codlea P/L v Byron Shire Council (1999) NSWCA 399 - <https://www.caselaw.nsw.gov.au/decision/549f9e1c3004262463b23cbc>).

Climate Change

Not applicable



de Groot & Benson Pty Ltd
Consulting Engineers & Planners

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9 April 2024

20033

The General Manager
 Clarence Valley Council
 Locked Bag 23
 GRAFTON NSW 2460

Ms Kelsey Wilkes

PROPOSED HIGHWAY SERVICE CENTER, GOODWOOD AND SCHWONBERG ST TOWNSEND

This letter asks Council to consider extending their sewer servicing catchment to include lot 2 DP 634170, being the proposed highway service centre under DA2023/0595. It has been prepared in response to Council's letter of 16 January 2024.

The developer applies for this extension as it is considered the most practical and environmentally safe means of managing the development's wastewater.

For the development to proceed, there are two alternatives to connecting to Council's sewerage, being on-site wastewater treatment and disposal or on-site collection for pump out and cartage. The latter still delivers the wastewater to Council's sewerage in some form and may not be considered a true alternative.

On-site treatment and disposal

The estimated waste water production, as summarised in the DA application, is an average dry weather flow of 0.233 L/s, or 20 kL/day. See appendix A below.

This is perhaps a little conservative (high) and assumes standard water saving fittings and conservation practices. Regardless, the facility is to be utilised by the general public who do not have any knowledge or specific interest in water conservation and will expect a level of service in the rest rooms comparable with other service centres, being flushing toilets and hand washing.

The staff operating the facility could be educated in water saving, but again, as employees with little vested interest, it maybe limited in what water saving can be achieved. Consequently, even with greater water saving fittings, devices and practices, the service centre will generate a lot of wastewater. It could perhaps be reduced to 10 kL/day.

An on-site treatment system to treat that wastewater to secondary standard is quite feasible and economically viable. However, the on-site disposal of the treated effluent, with adequate environmental protection, may not be possible. Even if possible, it would have major risks.

On-site effluent disposal is generally achieved through evapotranspiration, deep seepage and nutrient/pathogen capture in the soil matrix. There is only limited land available (5,800 sq.m) on the property

Gregory Benson

Graham Knight

Anthony Greenland

Nathan Bourne

Andrew May

John Anderson

S:\20\20033 Lot 2 Schwongberg Street Townsend\WP\20033 2024-04-10 Sewer Servicing Response.docx

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beyond the development footprint. All of it is massively constrained. It is very low, has the water table at the surface, is regularly inundated in flood and is in close proximity to a water course, being the open drain along the western boundary.

The land could be filled to achieve some flood protection. Even then, the depth to the permanent water table would be limited. Once appropriate buffer distance to boundaries and the water course are allowed for, the available area for disposal is less than 3,000 sq.m, much of which is within the overhead power easement. This is insufficient for conventional disposal. Some specialist system using imported augment soils in mounds may be possible, but all at significant risks to the environment from nutrients leaching to the waterways.

On-site treatment and disposal, if even possible, cannot offer the same protection to the environment as a pumped connection to Council's sewerage. If an on-site system was installed and failed, there is no guarantee it could be remedied. Whereas, a failed SPS or rising main can be easily repaired.

Pump-out

At between 10 and 20 kL per day, a pump-out system would be prohibitively expensive. It would almost require daily servicing. A pump-out system would ultimately still transfer the waste water to Council's sewerage system.

Proposed Connection to Council Sewerage.

The proposed connection to Council's sewerage is considered the best solution in terms of protection to the environment and reliability. It is assumed that the sewage pump station would be privately owned, operated and maintained by the development. We are unsure what the appropriate arrangement for the sewer rising main would be given its location within the road reserve. The developer is prepared to take on its maintenance under some form of agreement with Council.

We ask Council to consider extending their sewerage scheme to include the development.

Yours sincerely

Graham Knight

Director



Appendix A

A-1 Estimation of Sewage Generation

There are several ways to estimate the sewage generation:

- The proposed development comprises a service station, bathroom amenities, three takeaway restaurants, a common sitting/eating area and a truckers lounge. The GFA's are:
 - Fuel shop – 200 sq.m
 - Restaurants – 400 sq.m
 - Sitting/eating area – 271 sq.m
 - Ancillary (bathrooms, truckers lounge, bins, switchroom etc – 215 sq.m
 - Total = 1032 sq.m

WSAA 02-2002 Table A1 & A2 has some guidance of sewage, being:

- Meal prep – restaurant at 500EP/build HA = 400/10000 x 500 = 20 EP, at 180L/d/EP = 3,600L/d. This however is really just the restaurant staff and food prep, not the patrons.
- Elsewhere in WSAA we have 0.25EP per occupant of a club, and 0.05EP per visitor to entertainment facilities. Neither of which appear directly relevant.
- The QLD Gov Planning Guidelines for Water Supply and Sewerage, Table A give:
 - Fast Food = 1200 to 2000 L/d/100 sq.m of GFA, say 400+271+115=786 GFA / 100 x 2000 = 15,720 L/d
 - Service station = 250 to 350 L/d/100 sq.m of GFA, say 200+100=300 GFA / 100 x 350 = 1,050 L/d
 - Total = say 17,000 L/day using the upper range limits.

- Another way of considering this is by the estimate patronage. The projected peak AM/PM traffic is 550 v/hr. Using a general 10:1 ratio, the AATD would be 5,500. A significant portion of these will be using the drive-thru and generate no sewage, other than indirectly through the food prep. However, of those that stop and fill up with fuel and/or dine in, a significant portion will use the rest rooms. Being a highway service centre, a significant portion of those just getting fuel will be travelling the highway and will use the rest rooms. Based on, say 4000 L/d for all staff and food prep, and the following estimation by judgement alone:

AADT		5,500	v/day	
Ave customers per car/truck		1.5	p/car	
Total customers		8250	p/day	
Rest room sewage		5	L/p/visit	
Customer type	Type	Rest room	Sewage	
	split	visits		
Fuel only	60%	30%	7425	L/day
Dine in	20%	70%	5775	L/day
Drive thru	20%	5%	412.5	L/day
Staff and food prep			4000	L/day
Total			17612.5	L/day



- A further way is to consider water usage from other highway service centres, where we found some data on the two at Chinderah:
 - BP Chinderah – 1,400 sq.m of building, 3 fast food outlets. 5 yrs of water usage from 2010 with average daily use of 12.6, 14.5, 48.5, 18.0 and 21.1 kL/day. The 48.5 looks anomalous – possibly a leak? Excluding that gives 16,550 L/day average.
 - Caltex Chinderah – 1,408 sq.m of building, 4 fast food outlets. 24.9 kL/day average for 2016.

If adjusted for the proposed building size of 1,032 sq.m, BP Chinderah reduces to 12,200 L/day, and Caltex Chinderah to 18,250 L/day. Water usage should be slightly higher than sewage generation due to wash down water and garden watering not draining to the sewer.

Based on the above, and to error on the side of conservatism, adopting 20,000 L/day is recommended. This equates to:

- 111 EP
- 0.233 L/s ADWF
- Peaking factor “d” of 10, (also consistent with the AM/PM traffic peak) to give 2.33 L/s PDWF
- Given that there will be no retic gravity sewer, just a short run to a private sewage pumping station, there will be little chance for ground water or illegal stormwater connection. Assume 0.17 L/s, to give 2.5 L/s PWWF.

As a sanity check, the rest rooms consist of 11 WC and 5 urinals. Assume, operating at full capacity and 90 seconds and 5 L/visit = 0.89 L/s, plus that from the kitchens. A peaking factor of 10 is perhaps a little high.

ITEM 07.24.138 EOI 22/83 LICENCE FOR THE PURPOSE OF GRAZING - HAWTHORNE RODEO PARK, SOUTH GRAFTON

Meeting	Council	23 July 2024
Directorate	Works & Civil	
Prepared by	Property Officer, Tyler Marsh	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. EOI 22/83 Hawthorne Rodeo Park Grazing Licence - Tender Recommendation Report (Confidential) B. EOI 22/83 Licence for the Purpose of Grazing - Submissions (Confidential)	

SUMMARY

This report seeks the approval of Council to award a five (5) year grazing licence for Hawthorne Rodeo Park (Crown reserve D540034) in Minden Street, South Grafton to Grafton Pony Club after completion of an open Expression of Interest process (EOI).

OFFICER RECOMMENDATION

That Council accepts the proposal from Grafton Pony Club for Licence to occupy the Hawthorne Rodeo Park located on Crown Reserve (D540034) at Hawthorne Rodeo Park, Minden Street South Grafton (Lot 1 DP724243) for five (5) years starting at an annual fee of \$4,500 (incl GST).

LINKAGE TO OUR COMMUNITY PLAN

Theme Infrastructure

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

KEY ISSUES

Hawthorne Rodeo Park was previously licenced to the Grafton Pony Club from 01/07/2018 to 30/06/2023 for the purposes of grazing. The EOI was issued on 26 April 2024 and closed on 14 June 2024. Three (3) submissions were received from the parties listed below:

- Grafton Pony Club
- Neil Alexander Rhodes & Lachlan Lindsay James Rhodes
- Southgate Pastoral

The Tender Evaluation Committee (TEC) was comprised of Property and Open Spaces & Facilities staff and submissions were assessed using a weighting of 40% price and 60% non price criteria.

BACKGROUND

Hawthorne Rodeo Park, located at Crown Reserve D.540043 in South Grafton is a purpose-built equestrian centre with stables, yards, arenas, grandstand, canteen and bathroom facilities. A location for local and major equestrian events across many user groups. The reserve has historically been utilised for a wide variety of community activities including but not limited to the Pony Club, Riding Club, Camp draft, Cutting, Western, Polocrosse, Team Penning and Working Equitation.

COUNCIL IMPLICATIONS

Budget/Financial

Income from the grazing licence accrues to project 946200-5850-1293. The offered licence fee is \$4,500 per annum including GST. The previous annual licence fee for the last financial year was \$4,124.17. The offer from Grafton Pony Club represents an annual increase of \$375.83 (incl GST).

Asset Management

N/A

Policy and Regulation

The EOI process followed is consistent with the requirements of the *Local Government Act 1993* and *Local Government Regulation 2021* and Council's Sustainable Procurement Policy.

Consultation

Property staff have worked jointly on this project with Council's Open Spaces staff to ensure a suitable candidate has been identified. Community consultation has taken place as part of the EOI process and the EOI was advertised for a 28-day period.

Legal and Risk Management

N/A

Climate Change

N/A

ITEM 07.24.139 RFT 22/92 GRAVEL, CRUSHED CONCRETE AND ROCK SUPPLY 2024/2025

Meeting	Council	23 July 2024
Directorate	Works & Civil	
Prepared by	Manager Civil Services, Devin Simpson	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. RFT22-92 Gravel Crushed Concrete and Rock Supply Tender Recommendation Report (Confidential)	

SUMMARY

Tenders have been called to supply quarry products to Council for the 2024/2025 financial year including:

- Gravel (base, sub-base and resheeting quality),
- Crushed concrete (base, sub-base and select fill quality) and;
- Rock

This report recommends that Council accept the tenders received for inclusion on a Panel of Suppliers for use and supply of quarry products as required during the 2024/2025 financial year.

OFFICER RECOMMENDATION

That Council accept the Tenders from:

- BD & MC Lewis Pty Ltd
- Mororo Quarry Pty Ltd
- Boral Resources Country Pty Limited
- KIS Quarries Pty Ltd
- McLennan Earthmoving Pty Ltd
- Coffs Coast Quarries Pty Ltd
- Mt Zion Quarry
- Quarry Material Solutions Pty Ltd
- R & M Earthmoving Pty Ltd
- State Quarry Products Pty Ltd

for the supply of gravel (base, sub-base and resheeting quality), crushed concrete (base, sub-base and select fill quality) and rock supplies for the 2024-2026 financial years, with the preferred supplier for each order determined by an assessment undertaken having consideration of works scheduling and cost at the time of placing an order.

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 20 June 2024 and closed at 3:00pm on 11 July 2024 for the supply of quarry materials to Council for the 2024/2025 financial year.

Submissions were accepted through Tenderlink e-tendering and the tender box at 2 Prince Street, Grafton only.

There were 10 tenders received including the following;

Tenderer	Directors	Address
BD & MC Lewis Pty Ltd	Brian Lewis	283 Lewis Lane, Mororo, NSW, 2469
Mororo Quarry Pty Ltd T/As Newman Quarrying	Brad Corbett Mick Corbett Sean Greene Joel Hewish Brett Dickinson	2 Jackybulbin-Tullymorgan Road, Mororo, NSW 2469
KIS Quarries Pty Ltd	Brian Turner Sally Engel Peter Roberts	Peterson's Quarry Road, Coraki, NSW, 2471
Boral Resources Country Pty Limited	Not Disclosed	PO Box 6041, North Ryde, NSW, 2113
McLennan Earthmoving Pty Ltd	Phil McLennan Cathy McLennan	10 Duncans Lane, South Grafton, NSW 2460
Coffs Coast Quarries Pty Ltd	Shaun Bowditch Steve Bowditch	66A Morgans Beach Road Sandy Beach NSW 2456
Mt Zion Quarry T/A Greensill Bros Pty Ltd	Denis Alan Greensill Lorna Greensill	70 Swallow Road South Grafton NSW 260
Quarry Material Solutions Pty Ltd	Joseph Cauchi Louise Cauchi	283 The Northern Road Londonderry NSW 2753
R & M Earthmoving Pty Ltd	Rajan Oberoi	39 Gordon Street Woolgoolga NSW 2456
State Quarry Products Pty Ltd	Vincenzo Ferrazzano	255 Orchard Road, Mountain View, NSW 2460

A tender evaluation panel was established and evaluated the submitted tenders as per the attached tender evaluation report. All tenders were deemed to be conforming.

BACKGROUND

Council requires gravel (including crushed concrete) and rock supplies to complete construction and maintenance works throughout the year. This may require Council to:

- 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 quarry materials for 2024-2026 financial years. It is recommended that the Tenderers who supplied conforming tenders be added to a Panel of Suppliers to be engaged by Council as and when required during the year.

Tenderers will be engaged for the supply of material based on an assessment of:

- The material type and quality;
- Material price; and
- The cost to haul or deliver the products to site.

The panel tender does not preclude Council seeking quotes outside of this contract where it is considered that more competitive rates may be available.

COUNCIL IMPLICATIONS

Budget/Financial

Funds for the purchase of quarry products are contained within capital works and maintenance budgets.

Asset Management

Supply of quarry products is required for Council to meet its Roads and Transport Asset Management program.

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.

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

ITEM 07.24.140 RFT 22/82 DESIGN AND CONSTRUCTION OF BLUFF BRIDGE

Meeting	Council	23 July 2024
Directorate	Works & Civil	
Prepared by	Project Coordinator (Fixing Country Bridges), Dean Gregory	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. RFT22-82 Bluff Bridge Replacement - Tender Recommendation Report (Confidential)	

SUMMARY

Clarence Valley Council has sought tenders from suitability skilled and experienced contractors to carry out the detailed design and construction of a new Bluff Bridge and associated road approaches on the Orara Way at Lanitza. The project is funded by the NSW Government's Fixing Country Bridges program and the Australian Government's Bridges Renewal Program.

OFFICER RECOMMENDATION

That Council:

1. accepts the tender from Silverstrand Developments Pty Ltd for RFT22-82 Design and Construction of Bluff Bridge at a cost of \$10,395,630.30 (GST inclusive) to be funded by the NSW Government's Fixing Country Bridges (FCB) Program and the Australian Government's Bridges Renewal Program (BRP).- PJ 206356.
2. issue the contract (letter of award) pending completion of the cultural heritage assessment currently being conducted.

LINKAGE TO OUR COMMUNITY PLAN

Theme Infrastructure

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

KEY ISSUES

The tender from Silverstrand Developments Pty Ltd is considered to represent the best value for money as detailed in the confidential Tender Recommendation Report attached.

BACKGROUND

The existing Bluff Bridge over the Orara River on the Orara Way between Grafton and Glenreagh is nearing the end of its serviceable life. At its current deck level the bridge is regularly overtopped during relatively frequent rain events in the Orara River catchment. The proposed new bridge and road approaches will be located on a new alignment upstream of the existing bridge and will provide a new durable concrete structure with improved flood immunity for the Orara Way.

COUNCIL IMPLICATIONS**Budget/Financial**

The project is fully funded by the NSW Government's Fixing Country Bridges program, and the Australian Government's Bridges Renewal Program.

Asset Management

The original asset will be decommissioned, and the new asset will be constructed with a 100-year design life.

Policy and Legislation

The tendering process followed is consistent with the requirements of the *Local Government Act 1993* and *Local Government Regulation 2021* 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.

Consultation

Impacted land holders, funding bodies, government agencies and relevant utility authorities have been consulted as part of the development process for this project.

Legal and Risk Management

Eight (8) tenderers submitted a response to RFT22/82 and their company directors and partners are as follows:

Tenderer	Names of Partners and Directors
Ark Construction Group Pty Ltd	Ashley McLauchlan
Bielby Holdings Pty Ltd	Adam Edwards Terry Cogill
Casa Engineering Brisbane Pty Ltd	Peter Frank Casa
Fulton Hogan Industries Pty Ltd	Dean Hamilton Cos Bruyn Peter Brecht Bob Fulton Hamish Johnstone Richard Olliver Angela Bull Graeme Tapp
Quickway Constructions Pty Ltd	Derek Mullally David Tan Peter Wilkinson
Saunders Civilbuild Pty Ltd	Mark Benson Gregory Fletcher Brendon York Nicholas Yates
SEE Civil Pty Ltd	Steve Turner Mark Turner Peta Newton Joel Barnes
Silverstrand Developments Pty Ltd	Darren Broderick

The proposed new bridge alignment traverses land outside of the current road reserve, including Crown land and private freehold land. Council as the Local Roads Authority is required to compulsorily acquire this land under the Land Acquisition (Just Terms Compensation) Act 1991 (refer Council resolution 07.24.062, 23 April 2024). Council has negotiated a fair and equitable settlement with the landowner of the freehold land to be acquired.

Negotiations regarding the acquisition of Crown land are ongoing. The Crown land has cultural heritage, unresolved Aboriginal Land Claims, and native title considerations to resolve. Grafton Ngerrie Local Aboriginal Land Council (LALC) are finalising their cultural heritage assessment of the Crown land upon which part of the project falls. As stated in the Officer's Recommendation a contract for the design and construction will be awarded to Silverstrand Developments Pty Ltd subject to the outcome of the cultural heritage assessment. If no issues are identified then the contract will be awarded; if issues are identified then these would need to be resolved prior to the award of the contract with Silverstrand Developments Pty Ltd. Once the items raised (if any) in the cultural heritage assessment are resolved then the items discussed in the below two paragraphs do not affect Council's rights (subject to 7 days written notice) as the roads authority under section 175 of the Roads Act to obtain access to the Crown Land for the purpose of carrying out road work on a road or a proposed road.

The Crown land to be acquired is also encumbered by several unresolved Aboriginal Land Claims lodged by the NSW Aboriginal Land Council (ALC) on their behalf and on behalf of the Grafton Ngerrie Local Aboriginal Land Council (LALC). Preliminary investigations suggest that the Crown land under claim is claimable land and will be granted by the Minister for Crown Lands in due course. Negotiations are well progressed with the

NSW ALC and Grafton Ngerrie LALC regarding the acquisition of the Crown land required. Land valuations are currently underway. Council will be required to enter into a 'Deed of Agreement' with the NSW ALC for an agreed sum for the land to be honoured, when and if, the land claims are granted in favour of the claimants.

Native title also exists on the Crown land until determined otherwise. Council's principal Native Title Manager has undertaken a preliminary native title status assessment of the Crown land to be acquired and has advised that there appears to be no evidence of a previous exclusive possession act that would potentially extinguish native title rights and interests in the land. Council has notified NTSCorp of the proposed new bridge under Subdivision K of the Native Title Act 1993 (Cth) and of its intentions to compulsorily acquire the land under the Land Acquisition (Just Terms Compensation) Act 1991 under Subdivision M of the Act. A potential compensation liability will exist because of the compulsory acquisition of Crown land that may be claimed at some point in the future. The compensation for cultural loss would be determined by the Valuer General under their Compensation for Cultural Loss Arising from Compulsory Acquisition policy or its replacement at the given time.

Climate Change

The impacts of climate change were considered in the flood modelling as part of the development of the concept design for this project.

ITEM 07.24.141 RFT 22/89 EWINGAR RFS SLAB AND SHED

Meeting	Council	23 July 2024
Directorate	Works & Civil	
Prepared by	Project Manager, Stewart Mackie	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. RFT22/89 Ewingar RFS Shed and Slab Tender Recommendation Report (Confidential)	

SUMMARY

Council has sought tenders from suitably skilled contractors for the supply and construction of the external shed structure and the supporting concrete slab for the new Ewingar RFS shed. The project is funded by the Bushfire Local Economic Recovery (BLER) funding program co-funded by the Australian and NSW governments.

OFFICER RECOMMENDATION

That council accept the tender from Sinclair Five Building Pty Ltd for RFT22/89 Ewingar RFS Slab and Shed construction at a cost of \$311,609 (GST inclusive) to be funded by the BLER fund.

LINKAGE TO OUR COMMUNITY PLAN

Theme Infrastructure

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

KEY ISSUES

Following the 2019 bushfires Council received funding through the Bushfire Local Economic Recovery (BLER) program sourced National and State Government funding to design and construct a new Rural Fire Service (RFS) facility in Ewingar. The new RFS shed will provide a three-bay truck storage facility along with amenities to support the RFS in defending the locality during future bushfire events. Ewingar, a remote rural community, often becomes isolated during natural disasters such as bushfires and floods. The entire Ewingar area is susceptible to bushfire hazards, and the new RFS shed will play an important role in mitigating those risks.

This request for tenders was intended to secure a contractor for the construction of the concrete slab and external shed structure for the new facility.

BACKGROUND

During the 2019 bushfires, the Ewingar community experienced significant losses, including the deaths of two (2) residents, the destruction of large numbers of wildlife and livestock, the loss of ten homes, numerous sheds, and extensive fencing damage.

The new RFS shed will be located at 584 Ewingar Road on Council-owned land, adjacent to the existing Ewingar Hall. The project has secured \$836,126 in funding from the Bushfire Local Economic Recovery Fund for the construction of this facility.

DA2023/0461 and MOD2024/0054 for the RFS new shed have been approved.

The project is expected to be complete by December 2024.

COUNCIL IMPLICATIONS**Budget/Financial**

The available budget (BLER Funds) for the tender is within the project Fire Cap – Ewingar RFS Brigade Facility, PJ550244. The tendered price which is recommended for acceptance in this report of \$283,280.90

(GST exclusive) is within the estimated allowance for this component of the project. Council received a grant of \$836,126 for the whole project.

Asset Management

On completion of works the asset will be added to Council's buildings asset register.

Policy and Legislation

The tendering process followed is consistent with the requirements of the *Local Government Act 1993* and *Local Government Regulation 2021* and Council's Sustainable Procurement Policy that supports local businesses.

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.

Consultation

Internal consultation was completed at the time of the funding application.

The District Manager of the Clarence Valley District NSW Rural Fire Service Superintendent Stuart Watts provided supporting statements for the renewal and relocation of the existing RFS facilities and the positive impact the project would have on the local community.

Throughout the design and planning approval phase spanning August 2023 through to April 2024 the local Ewingar 355 committee and local RFS representatives have been extensively engaged to consider what local procurement strategies may be employed.

Legal and Risk Management

There were three tenders received. The company partners and directors for each tenderer are listed below:

Tenderers	Name of Partners and Directors
Sinclair Five Building Pty Ltd trading as Clarence Coast Constructions (Ranbuild)	Kaleigh Sinclair, Managing Director
Nat Sewell Concreting Pty Ltd	Nathaniel Sewell, Director
Robocon Constructions Pty Ltd	Iain Robinson, Director

Climate Change

Ewingar is a remote rural community which often becomes isolated during natural disasters such as bushfires and floods. The new RFS shed will provide an improved base of operations for local emergency response teams and play a crucial role in defending the community during these events.

ITEM 07.24.142 RFT 22-84 PROVISION OF STREET SWEEPING SERVICES

Meeting	Council	23 July 2024
Directorate	Works & Civil	
Prepared by	Senior Maintenance Engineer, Chris Dear	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. Supply of Street Sweeping Services Tender Recommendation Report (Confidential)	

SUMMARY

In May 2024 tenders were invited from suitably qualified and experienced contractors to conduct provision of street sweeping services on Council's kerb and gutter sealed road network. This report recommends the engagement of Specialised Pavement Services Pty Ltd for the contracted 3-year term.

OFFICER RECOMMENDATION

That Council:

1. accept the tender rates from Specialised Pavement Services Pty Ltd under tender RFT 22/84 for the provision of street sweeping services for the period of 21st August 2024 to 22nd August 2027 being supplied at an initial annual lump sum cost of \$139,540.50 (GST inclusive)
2. delegate to the General Manager, approval of the annual rise and fall of the lump sum amount and schedule of rates in accordance with the annual increase or decrease in the Consumer Price Index (Sydney All Groups) (CPI).

LINKAGE TO OUR COMMUNITY PLAN

Theme Infrastructure

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

KEY ISSUES

This tender allows for street sweeping of kerb and gutter to be undertaken annually throughout the LGA in accordance with Council's transport asset management plan. This tender supports the maintenance of Council's stormwater drainage network and the cleanliness of Council's streets and is a continuation of a service currently provided under contract.

Council received one (1) tender in response to the Request for Tender process, the tenderer being Specialised Pavement Services Pty Ltd. Specialised Pavement Services Pty Ltd currently undertake street sweeping for Council under a previously awarded tender.

BACKGROUND

The current tender of street sweeping expired on the 31 December 2023 and has been extended until the 20 August 2024 at the original tendered rates with a compound CPI increase. Tenders were called for the continuing provision of street sweeping services within the Clarence Valley Council area, in May 2024 for a period of three (3) years.

Tenders were called on Wednesday 16 May 2024 and closed at 3pm on Wednesday 5th of June 2024. Tenders were advertised through Tender Link and via Council's website as required under the Local Government Act for a tender of this size.

One RFT response was received from:

Tenderer	Address	Director
Specialised Pavement Services Pty Ltd	12 Welders Rd Severn Hills, NSW 2147	Mr Wayne Jupp

The tender was assessed on the following criteria and weightings:

- Understanding of the Requirement – 5%
- Proposed Methodology / Program – 15%
- Proposed Plant and Equipment – 5%
- Noise mitigation measures 5%
- Demonstrated Capability and Capacity – 5%
- Local Content – 15%

This investigation also included a preliminary assessment for the cost of providing the service internally, both via dry hire of a street sweeper and purchase of a new fleet vehicle to undertake this service. This indicated that the proposed tendered rates generally aligned with current market costs.

Based on the tender evaluation committee's assessment, the tender supplied by Specialised Pavement Services Pty Ltd is recommended for acceptance.

COUNCIL IMPLICATIONS

Budget/Financial

The available budget for the tender is drawn from the sub service 311 – Local Roads and allocated as part of Council's Street Sweeping services within the operational works program.

Asset Management

The tender is a service contract, all fleet associated with the contract remain under the ownership of the Contractor.

The provision of street sweeping services within the Clarence Valley Council area will reduce long term maintenance required for Council's stormwater drainage network.

Policy and Legislation

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

- Local suppliers, contractors and/or consultants were notified through Tender Link. Advertisements were also placed on Council's website in accordance with the Local Government Act due to the size of the tender.
- Tender specifications were structured so local suppliers and/or contractors were not excluded from being the prime supplier/contractor.

Consultation

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

Legal and Risk Management

N/A

Climate Change

N/A

8. CONFIDENTIAL BUSINESS

9. QUESTIONS WITH NOTICE

Nil

10. LATE ITEMS OF BUSINESS AND MATTERS ARISING

11. CLOSE OF ORDINARY MEETING