



**Ordinary Meeting**  
**Tuesday 30 September 2008**  
**Maclean Chambers**

**Approximately 9.45am following the Extraordinary Council Meeting**

**BUSINESS PAPER**

**(Incorporating matters that would usually be considered by  
the Council's two Standing Committees)**

PRESENTATIONS - Nil

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OPENING OF MEETING

1. APOLOGIES
2. DECLARATION OF INTERESTS
3. DEPUTATIONS AND PRESENTATIONS
4. CONFIRMATION OF MINUTES OF ORDINARY MEETING HELD ON  
26 AUGUST 2008
5. MAYORAL MINUTE - Nil
6. LATE ITEMS (MATTERS ON NOTICE) - Nil
7. GENERAL MANAGER  
(no reports direct to Council) - Nil

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6. Minister for Infrastructure, Transport, Regional Development and Local Government
  7. New South Wales Police Service
  8. G Stacey

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## Deputations

### **6.8 Deputations – where Committee and Council matters are dealt with at a combined Meeting**

(Local Policy)

The General Manager may permit any member of the public to address Council at the commencement of the Meeting as a Deputation on any matter, listed on the agenda before the Meeting, subject to the following conditions:

- (a) That the duration of a public address be limited to five minutes unless varied by the Chairperson.
- (b) Members of the public wishing to address the Meeting as a Deputation must have a bona fide interest in the matter as an affected person, neighbour, applicant, applicant's spokesperson or interested citizen. They are to advise the General Manager at least 24 hours before the meeting that they wish to address the meeting and advise:
  - (i) the issue that they wish to address, and
  - (ii) the interest they have in the matter.

Members of the public who have a bona fide interest in a matter but are unable to personally address a meeting because of infirmity or disability may request that a spokesperson appear on their behalf.

- (c) Speakers and representatives either for or against a proposal be limited to the first meeting at which the matter is presented for consideration. If, following their deputation, the matter is adjourned to another meeting day, then the General Manager shall have a discretion whether or not to permit a further deputation on that matter on that second occasion.
- (d) In relation to each matter, only one deputation shall be permitted unless there are separate interest groups wishing to address a Committee in relation to the same matter, in which event the General Manager may permit a deputation from each such group.
- (e) The order of speakers be strictly in order of request and be the nominated speaker only.
- (f) Approval for late requests to address the Meeting be at the discretion of the General Manager or Mayor.

- (g) Speakers at meetings of a Committee of Council do not have absolute privilege. A speaker who makes any potentially offensive or defamatory remarks about another person may be liable for legal action.
- (h) Notwithstanding clause (d) above, for planning matters, Council will permit deputations on the following basis:
  - (i) a party or interest group, whose support or objections are the same, may elect to make their deputation at:
    - 1.1 A site meeting, if held, at which multiple deputations from parties or interest group will be accepted, or
    - 1.2 The Meeting at which a party of interest group whose support or objections are the same may make one deputation only in relation to the matter.
  - (ii) when requesting a deputation in accordance with Clause (b) above, those seeking the deputation must advise whether the deputation will be made at the site meeting or the Council Meeting. It should be noted that matters, the subject of a site inspection might not be listed as a business item at the Committee meeting to which the site meeting refers.
- (i) When a party or interest group is to be represented by a solicitor or barrister they be advised that any legal issues be raised in writing with Council prior to the meeting, so that Council can obtain its own legal advice.

*If you wish to make a deputation, please contact:*

*Debbie McGilvray (Environment, Economic & Community matters) Phone 66430203  
Lesley McBay (Civil and Corporate matters) Phone 66450283*

*during office hours (8.30am to 4.30pm).*

**DECLARATIONS OF INTEREST:**

**Declarations received at the commencement of the Meeting**

<u>Name</u>	<u>Item</u>	<u>Nature of Interest</u>
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**MATTERS NORMALLY CONSIDERED BY  
ENVIRONMENT, ECONOMIC & COMMUNITY  
COMMITTEE**

<b>Committee:</b>	<b>ENVIRONMENT, ECONOMIC &amp; COMMUNITY</b>	30 Sept 2008
<b>Section:</b>	Development Services	
<b>Item: 08.162/08</b>	<b>DA2008/0483 PROPOSED DWELLING AT LOT 110, DP751365, 199 SOMERVALE ROAD, TUCABIA</b>	

**ATTACHMENT****REPORT SUMMARY**

Council has previously considered a report for a proposed dwelling lodged under Development Application DA2007/0753 at its August 2008 meeting. The previous report recommended refusal of the dwelling as the subject lot had been assessed as not enjoying dwelling eligibility. However at its August meeting Council resolved to defer determination of the development application until Council sought legal advice on documentation tendered by the applicant. Council has obtained its legal advice which recommends the subject lot does not enjoy dwelling eligibility. Accordingly Development Application DA2008/0483 for a dwelling is recommended for refusal.

**OFFICER'S RECOMMENDATION**

That after examining all heads of consideration listed under Section 79C of the Environmental Planning & Assessment Act 1979, Development Application No. DA2008/0483 for the erection of a dwelling at Lot 110, DP751365, 199 Somervale Road, Tucabia be refused by Council under Section 80 of the Act for the following good reasons:

1. The proposed development is inconsistent with Clause 17 of the Ulmarra Local Environmental Plan 1992.
2. The subject allotment when tested against the Ulmarra Local Environmental Plan 1992 and the Ulmarra Interim Development Order (IDO), 1969 does not have dwelling eligibility.

**BACKGROUND**

In October 2006 Council received an application for dwelling eligibility on Lot 110, DP751365. The application was accompanied by a statement demonstrating the lot was legally created and asserting the lot has dwelling eligibility in accordance with the Ulmarra Interim Development Order (IDO), 1969.

In November 2006 Council responded to the applicant advising Lot 110, DP751365 did not have dwelling eligibility. Subsequently, the applicant challenged Council's assessment of dwelling eligibility by submitting an assessment for Lot 110, DP751365. Accordingly, Council referred the applicant's assessment of dwelling eligibility to Council's solicitor for legal advice.

In February 2007 Council received legal advice (subsequently referred to the applicant) stating that Lot 110 did not enjoy dwelling eligibility.

In June 2008 Council received a development application for a dwelling on the subject lot.

Council's August 2008 meeting resolved to defer consideration of the development application pending Council obtaining legal advice on the applicant's submission.

Council's legal advice confirms previous advice that the subject lot does not enjoy dwelling eligibility.

**ISSUES**

The central issue with the development application is whether or not the subject lot has dwelling eligibility.

**SUSTAINABILITY ASSESSMENT:**

**Summary Statement**

The application is inconsistent with the Ulmarra LEP and its preceding instrument the Ulmarra IDO No. 1-1969. Granting dwelling eligibility on land that is not entitled is unsustainable and without strategic approach which is contrary to Council's adopted sustainability initiatives. Good governance suggests that Council not approve development for the dwelling.

**Key Issues and Opportunities**

**Ecological:** Not applicable

**Economic:** Not applicable

**Social and Cultural:** Not applicable

**Human Habitat & Infrastructure:** Not applicable

**Governance:**

The most significant issues are in terms of governance. Council has a governance responsibility to ensure that dwelling eligibilities are created in accordance with the relevant Environmental Planning Instrument. In this instance the subject lot when tested against the Ulmarra LEP 1992 and the Ulmarra IDO 1969 revealed the subject lot was not created for the purpose of construction of a dwelling. The dwelling eligibility assessment of the subject is complex and whilst the applicant asserts the subject lot has dwelling eligibility Council assessment supported by Council's legal advice concluded the subject land does not have dwelling eligibility. Good governance requires Council to act in accordance with the provisions of the relevant planning instrument.

**Guiding Sustainability Principles:**

The Guiding Sustainability Principles are social and intergenerational equity, precautionary and anticipatory approach that ensures Council's decision making process is continually improved. Granting a dwelling on land that is not entitled to a dwelling is unsustainable practice.

**OPTIONS**

1. Refuse DA2008/0483 for reasons outlined in the recommendations.
2. Recognise Lot 110, DP751365 as having dwelling eligibility and approve DA2008/0483 for the erection of a dwelling.

Option 1 is preferred as the subject lot does not enjoy dwelling eligibility.

**FINANCIAL IMPLICATIONS**

The applicant has the right of appeal to the NSW Land and Environment Court against Council's decision in the matter. There are no third party rights of appeal.

Des Schroder

**DEPUTY GENERAL MANAGER - ENVIRONMENTAL & ECONOMIC**

Prepared by: Greg Long, Senior Development Planner

Section: Development Services

Attachments:

Copy of Report to August Council Meeting – Item 08.142/08

Site Plan

Applicant's submission

<b>Committee:</b>	<b>ENVIRONMENT, ECONOMIC &amp; COMMUNITY</b>	30 Sept 2008
Section:	Environmental & Economic	DWS# No
<b>Item: 08.163/08</b>	<b>17<sup>TH</sup> NSW COASTAL CONFERENCE</b>	

### REPORT SUMMARY

This report is to elect delegates to the 17<sup>th</sup> Annual NSW Coastal Conference to be held at Wollongong from 4-7 November 2008.

### OFFICER'S RECOMMENDATION

That Council nominate three (3) delegates to attend the 17<sup>th</sup> Annual NSW Coastal Conference to be held at Wollongong from 4-7 November 2008.

### BACKGROUND

In addition to the registration of Council's Environmental Planning Coordinator, three registrations have been secured for the Conference which attracts between 250 - 300 delegates from a wide range of areas. The conference was held at Yamba in 2007.

Features of the Conference include a trade display section, off-site field visits and a social program which provide participants the opportunity to network with colleagues and develop professional contacts.

This year the conference will also present awards for outstanding achievement in coastal zone management activities. Areas to be covered include: Lifetime Achievement, Innovation, Community Involvement, Local Government and Student Research.

### ISSUES

This annual conference discusses a wide range of issues relating to coastal processes and development with many having direct relevance to Clarence Valley Council. The theme for the 2008 Conference is "Innovations in the Coastal Zone". The conference topics include Coastal Habitats/Ecosystems, Coastal Hazards, Planning for Change, Community Involvement, New Approaches or Innovations and Lessons Learnt (good and bad!).

### OPTIONS

1. That Council nominate three (3) delegates to attend the 17<sup>th</sup> Annual NSW Coastal Conference to be held at Wollongong from 4-7 November 2008.
2. That Council take alternate action.

### FINANCIAL IMPLICATIONS

The attendance of a staff delegate is within the adopted strategic planning training plan.

Sending Councillors would require a vote from Councillor expenses.

The cost of the conference is \$640 per delegate, with additional travel and accommodation costs required.

Des Schroder  
**DEPUTY GENERAL MANAGER – ENVIRONMENTAL & ECONOMIC**

Prepared by: Des Schroder  
Section: Environmental & Economic

<b>Committee:</b>	<b>ENVIRONMENT, ECONOMIC AND COMMUNITY</b>	30 Sept 2008
Section:	Environment and Open Spaces	DWS#
<b>Item:</b>	<b>08.164/08 CREATION OF ALCOHOL FREE ZONE – GRAFTON RACES</b>	

**ATTACHMENT****REPORT SUMMARY**

At the Ordinary meeting in July 2008 Council resolved to notify and advertise the creation of a two day event based alcohol free zone in Turf and Powell Streets, Grafton at the time of the Grafton and Ramornie Cups.

This report is seeking the adoption of the alcohol free zone following exhibition and notification in accordance with the Local Government Act and Ministerial Guidelines on Alcohol Free Zones where no submissions were received.

**OFFICER'S RECOMMENDATION**

That Council adopt the event based alcohol free zone in Grafton and make an annual budget allocation for the expenditure as outlined in this report.

**BACKGROUND**

A request was received from the NSW Police Area Command to establish an event based Alcohol Free Zone (AFZ) in Powell and Turf Streets, Grafton just prior to this year's Grafton and Ramornie Cups. The extent of the street zoning was confirmed verbally with Coffs Clarence Licensing as only the area of Turf and Powell Streets immediately adjacent the race course (refer to Attachment).

There was insufficient time to consider establishment of the zone prior to this year's event as it required notification and advertising under the Local Government Act.

The NSW Police request follows issues arising from the consumption of alcohol within the streets at the time of these events and comes with the support of the Clarence River Jockey Club. The Police request was also based on consideration of the community support for the proposal.

During the past two years Council has significantly increased the alcohol free zones in Grafton, Yamba and Maclean as well as establishing a number of alcohol prohibited areas in parks and reserves. Council's Crime Prevention Plan that was adopted earlier this year identifies that alcohol free zones are a measure to control the public consumption of alcohol and alcohol induced crime.

At the request of the Police Council's rangers have assisted with parking control at the time of these events due to the large number of vehicles and patrons attending the races.

**ISSUES**

The key issues relate to -

- reducing anti-social behaviour,
- under age street drinking and
- reducing the potential for crime and vandalism particularly to the streets and neighbourhood in the local area.

**SUSTAINABILITY ASSESSMENT**

**Summary Statement:**

Overall there is a positive sustainability outcome to limit public consumption of alcohol in streets near residential areas.

**Ecology:**

Not applicable to this report

**Economic:**

Reducing the street consumption of alcohol will likely see a subsequent reduction in direct and indirect costs borne by Council and the community in terms of combating vandalism etc and repairing associated damage.

**Social & Cultural:**

The creation of the Alcohol Free Zone will assist the Police to address the issues of underage drinking and anti-social behaviour around the events.

The reduction of public alcohol consumption will create safer communities as there has been a demonstrated link between public alcohol consumption and crime.

**Human Habitat & Infrastructure:**

Control of street drinking in Powell and Turf Streets will assist in improving community safety and protect public assets from damage and vandalism at the time of the events.

**Governance:**

The inclusion of an event based alcohol free zone in this instance is only one measure to tackle the issue of alcohol induced crime but is consistent with the approach identified in Council's adopted Crime Prevention Plan. The Jockey Club licensee and other nearby licensees have a license responsibility to implement the responsible service of alcohol.

Under Section 644(5) and 644B of the Local Government Act, and relevant Ministerial Guidelines an event based Alcohol Free Zone (AFZ) for the period identified can be established following exhibition and consideration of any submissions. No submissions have been received.

**Guiding Sustainability Principles:**

The creation of an alcohol free zone in this case is consistent with the sustainability principles of promoting social and intergenerational equity, continual improvement and encouraging community participation and relations.

**OPTIONS**

1. Council adopt the event based alcohol free zone in Grafton.
2. That Council not proceed with adoption of the event based alcohol free zone in this case.

Option 1 is recommended. This option is consistent with Council's Crime Prevention Plan and previous resolutions of Council to tackle the public consumption of alcohol in our streets and is recommended.

**FINANCIAL IMPLICATIONS**

Advertising costs and signage for the event based alcohol free zone in Grafton are in the vicinity of \$500.00. Signage costs would be approximately \$300.00

The annual costs for Council staff to install the signage would be in the order of \$300.00.

An allocation is to be made from within Council's annual budget for these costs.

Des Schroder

**DEPUTY GENERAL MANAGER - ENVIRONMENTAL AND ECONOMIC**

Prepared by: Peter Birch, Manager Environment and Open Spaces

Section: Environment and Open Spaces

Attachments:

Map of Turf and Powell Streets, Grafton.

<b>Committee:</b>	<b>ENVIRONMENT, ECONOMIC &amp; COMMUNITY</b>	30 Sept 2008
Section:	Environment and Open Spaces	DWS#
<b>Item: 08.165/08</b>	<b>DRAFT POLICY - MOBILE FOOD VEHICLES, TEMPORARY FOOD STALLS AND HAWKING</b>	

**ATTACHMENT****REPORT SUMMARY**

A draft policy on the approval, construction and operation of Mobile Food Vehicles, Temporary Food Stalls and Hawking activities was adopted by Council for exhibition on 20 May 2008. The draft policy establishes a governance process for Council staff to apply to trade or business of an itinerant and short term nature, often on public land. It provides practical solutions to ensure an acceptable standard of public health and safety, particularly in relation to the preparation and sale of food. It should be noted that this policy does not apply to businesses wishing to establish a long-term retail site, in such cases development consent will be required.

To maintain a uniform approach the requirements for the construction and operation of Mobile Food Vehicles and Temporary Food Stalls developed by the NSW Food Authority have been adopted by the draft policy. Other requirements in relation to the operation of Hawkers, Council approvals and inspections have been drawn and revised from previous procedures and those of nearby Councils.

The draft policy was placed on exhibition for 28 days with only one written response received.

**OFFICER'S RECOMMENDATION**

That the draft policy '*Mobile Food Vehicles, Temporary Food Stalls and Hawking*' be adopted.

**BACKGROUND**

Council does not currently have a formal policy addressing itinerant food vendors and hawkers. The former Councils had some policy provisions and practices, however, there was no consistent approach. With the number of markets and special events within the Clarence Valley continuing to grow, the number and demand for itinerant food vendors is also growing generating the need for a formal policy.

Some of the activities addressed by the draft policy include mobile and temporary food vendors that operate from markets and festivals and hawkers such as ice cream vendors that operate from public street and parks.

**ISSUES**

The key issues for Council that are addressed by this report include:

- Public health and safety
- Public nuisance
- Commercial competition
- Employment opportunities
- Plans of management and other regulations relating to public land.

**SUSTAINABILITY ASSESSMENT**

**Summary Statement:**

In recognising the social and economic benefits that temporary events and short term trade can bring to the community the draft policy facilitates these businesses in a way that promotes sustainability, protects public health and conserves the local environment.

**Ecology:**

The main ecology issues relate to the management of liquid and solid waste generated by itinerant vendors and their customers and access issues relating to sensitive landscapes. The draft policy has a number of provisions that address these issues.

Vendors wishing to hawk from public lands such as beaches, parks and reserves must comply with any Plans of Management for the area as well as any National Park and Crown Land regulations. These regulations may restrict or prevent commercial activities in many locations.

All mobile food vehicles are to be equipped with a waste water tank of at least 50 litre capacity. Disposal of liquid wastes generated within the vehicle must be discharged to Council's sewer or as approved by Council. No liquid waste is to be discharged onto the ground or to a stormwater drainage system.

Itinerant vendors must provide adequately sized waste bins and have arrangements in place to correctly dispose of the garbage contents at the end of the day, vendors are also encouraged to use recyclable, re-useable or compostable products wherever possible.

**Economic:**

The Clarence Valley is home to many cultural, sporting and community events which have a positive impact on the local economy. These events provide tourism and employment opportunities and rely on various food and other itinerant vendors for success. The potential to impact on permanent retail outlets is however acknowledged and is addressed by the policy by restricting activities to approved events and in the case of hawkers (eg ice cream vendors) they will not be permitted within 100 metres of a permanent retail outlet selling a similar product if that outlet is open.

**Social & Cultural:**

Public health and wellbeing is a key component of the draft policy. Temporary and mobile food premises can pose a higher risk to public health; however the draft policy addresses this risk by adopting standards developed by the NSW Food Authority for the construction and operation of such temporary arrangements. The approval and inspection processes outlined in the draft policy are also aimed at ensuring that any risk to public health is minimised.

**Human Habitat & Infrastructure:**

The draft policy addresses the nuisance and visual impacts an itinerant vendor could have on the amenity of an area by restricting their operation to approved fetes, fairs, festivals, carnivals, community markets, sporting or similar events.

An operator who seeks approval to hawk from public streets, parks, reserves or beaches must first satisfy the requirements of any Plan of Management and/or National Park and Crown Land regulations.

In addition a Hawker must not occupy any one position on public land including a public road or carpark, except for such period of time as the vendor may be engaged in the actual serving of customers (generally max 15 mins). After serving the customer, the vendor must move on and shall not return soliciting customers or selling over the same ground within one hour.

The draft policy also addresses the issue of road safety and traffic hazards by requiring applicants to demonstrate that they can:

- a) safely and legally park the vehicle at proposed points of sale;
- b) operate immediately with little or no set-up;
- c) prepare and serve with a quick turn-around and move on.

In addition, all street vending vehicles such as ice cream vans must display a flashing amber light while stopped for the purpose of serving customers in accordance with RTA regulations.

The draft policy also recommends that high traffic areas and 100 km per hour zones be avoided.

**Governance:**

The draft policy was placed on public exhibition for a period of 28 days. One written response was received requesting an amendment to clause 8g to allow an extension of the time a hawker can stop in the one location to serve customers from 15 minutes to 30 minutes. No objection is raised to this request and the draft policy has been amended accordingly.

Adoption of the draft policy and compliance by itinerant vendors will ensure that the requirements of the Local Government Act 1993, NSW Food Act 2003 and Environmental & Planning Assessment Act 1979 are being met.

In regard to liabilities, all applications must be accompanied by a copy of current Public Liability Insurance to the value of \$10,000,000.00 which indemnifies Council and the applicant from claims for injuries to persons and damage to property.

In regard to resourcing the implementation of the final policy, Council already has scheduled fees in its adopted fees and charges. The 2008/09 fees are:

- |  |          |
|--|----------|
| • Annual approval for mobile food vehicle/temporary food stall     | \$137.00 |
| • An event approval which can be obtained for special local events | \$ 55.00 |
| • A one (1) day approval   | \$ 33.00 |
| • A hawkers approval (in addition to the above)                    | \$275.00 |

Note: This policy does not apply to vendors wishing to establish permanent retail sites. Formal development consent is required in such cases.

**Guiding Sustainability Principles:**

The draft policy is consistent with the principles of ecologically sustainable development.

**OPTIONS**

1. That the draft policy be adopted.
2. That the draft policy not be adopted.

Option 1 is recommended as this will provide a transparent process for Council to follow when processing applications for these activities.

Option 2 will result in the current unsatisfactory position where Council has no formal guidelines available to control and regulate itinerant vendors to continue.

**FINANCIAL IMPLICATIONS**

Nil to Council

Des Schroder  
**DEPUTY GENERAL MANAGER – ENVIRONMENTAL & ECONOMIC**

Prepared by: Ken Wilson Sustainable Services Coordinator  
Section: Environment and Open Spaces

Attachment  
Draft Policy '*Mobile Food Vehicles, Temporary Food Stalls and Hawking*'

<b>Committee:</b>	<b>ENVIRONMENT, ECONOMIC &amp; COMMUNITY</b>	30 Sept 2008
Section:	Economic Development	DWS# No
<b>Item: 08.166/08</b>	<b>ABORIGINAL SIGNAGE</b>	

**ATTACHMENT****REPORT SUMMARY**

A report advising Council of the outcomes of the public exhibition period and seeking consent to augment nominated towns and villages with Aboriginal meanings.

**OFFICER'S RECOMMENDATION**

That Council consent to the inclusion of the Aboriginal meanings on existing town signage at Angourie (Noisy Ocean), Illarwill (Black Duck), Ngaru (Water), Ulgundahi (Shape of an ear) Wooloweyah (Big cedar trees) and Yamba (Plenty of shellfish).

**BACKGROUND**

Council received a request from the Aboriginal community in the Lower Clarence to augment town and village signage with Aboriginal meanings for specific locations.

Representation by the Elders was made at Council's meeting held 14 November 2006 in relation to the proposal. Council resolved to provide in-principle support to the project.

Council adopted an Indigenous Signage Policy in December 2007 to establish a process for consultation and decision making having due regard for cultural protocols.

Council has received applications from the TAFE North Coast Computer Project Goori IT class and Ulgundahi Elders Corporation for augmentation of signage in the following town and village locations with the Aboriginal translation. Below is a summary of the submissions:

<b>Village</b>	<b>Ulgundahi Elders Corp</b>	<b>Nth Coast Computer Project</b>
<b>Wooloweyah</b>	Big cedar trees	Large cedar trees
<b>Yamba</b>	Plenty of shellfish	Headland or rough shellfish
<b>Angourie</b>	Noisy ocean	Sound of the wind/ocean
<b>Maclean</b>	Many white cockatoos	
<b>Ulgundahi</b>	Shape of an ear	Ear
<b>Ngaru</b>		By the water
<b>Illarwill</b>	Black Duck	Wild Coot
<b>Iluka</b>		Near the sea
<b>Woombah</b>	Frightened	Deaf or Mad

**Consultation**

The Indigenous Signage Policy provides that “*The development and translation of Aboriginal place names is the responsibility of the Traditional Owners*”. In accordance with this procedure, a meeting was held with the Traditional Owners to clarify the traditional meanings for the towns and villages nominated.

All known data on traditional meanings was presented to the meeting including the applications received and data from research undertaken by Brother Steve Morelli, historian, linguist and researcher at the Many Rivers Aboriginal Language Centre.

The meeting agreed to progress village signs where a clear meaning was known. In cases where there was an inability to reach consensus on translations those village signs will not progress at this stage. The Traditional Owners reached consensus on the following town names and their Aboriginal meanings:

<b>Village</b>	<b>Translation</b>
<b>Angourie</b>	Noisy ocean
<b>Illarwill</b>	Black duck
<b>Ngaru</b>	Water
<b>Ulgundahi</b>	Shape of an ear
<b>Wooloweyah</b>	Big cedar trees
<b>Yamba</b>	Plenty of shellfish

In accordance with the CVC Indigenous Signage Policy the above Aboriginal meanings were placed on public exhibition for a twenty-eight (28) day period and the community invited to provide further feedback.

**Public Exhibition**

Five (5) submissions were received during the public exhibition period four (4) positive and (1) objection. Submissions are an attachment to this report.

*Objection*

In summary, the objection disputes the validity of Yamba being an Aboriginal word referencing a web search of the name. A historical reference book is also quoted in regard to the meaning of Yamba. The writer disagrees with ratepayer funds being allocated to the signage

*Response*

The Aboriginal signage projects purpose is to recognise the Aboriginal meaning or place name of an area where a town is located. It does not necessarily mean the town's name is Aboriginal nor does it provide a translation of the town's name.

In addition to consultation with the Traditional Owners, extensive research has been undertaken by Brother Steve Morelli, historian, linguist and researcher at the Many Rivers Aboriginal Language Centre into the authenticity of all the advertised Aboriginal place names.

Only towns where there was consensus on the Aboriginal meaning were included in public exhibition, if there was any doubt the town was omitted.

Council currently has budget allocation to support the Aboriginal Signage Project.

**ISSUES**

Other issues that require consideration are as follows and are dealt with in the context of the sustainability assessment below:

- Community Well-Being
- Creative Culture and Recreation
- Good Community Relations
- Quality Places and Spaces
- Human habitat and infrastructure

**SUSTAINABILITY ASSESSMENT**

**Summary Statement:**

The sustainability assessment is very positive in particular with regard to society and culture, and human habitat and infrastructure.

**Ecology:**

Not applicable to this report

**Economic:**

The Aboriginal signage project offers potential economic benefits to the Clarence Valley through value adding to visitor understanding, awareness and education of the local Aboriginal culture and heritage.

**Social & Cultural:**

The proposal would provide an opportunity for sense of place expression by the Aboriginal community and viable options for the presentation of social and cultural heritage meanings.

**Human Habitat & Infrastructure:**

Minimal physical impact is likely as the proposal is to augment existing signage structures.

**Governance:**

The request for signage has been determined following the procedures as set out in the adopted Indigenous Signage Policy of Clarence Valley Council.

**Guiding Sustainability Principles:**

The project proposal is consistent with the sustainability principles of continual improvement, undertaking a precautionary approach and social equity.

**OPTIONS**

1. That Council consent to the inclusion of the Aboriginal meanings on existing town signage at Angourie (Noisy Ocean), Illarwill (Black Duck), Ngaru (Water), Ulgundahi (Shape of an ear) Wooloweyah (Big cedar trees) and Yamba (Plenty of shellfish).
2. Not approve the recommendation to consent to the advertised town names being augmented with Aboriginal meanings.

**FINANCIAL IMPLICATIONS**

Council currently has \$7,000 budget allocation to support this important community initiative.

Additionally, the Many Rivers Aboriginal Language Centre has contributed \$3,000 from an approved funding application to support this project.

The cost of installation of the agreed signage is within the existing budget allocation.

Des Schroder

**DEPUTY GENERAL MANAGER – ENVIRONMENTAL & ECONOMIC**

Prepared by: Elizabeth Fairweather  
Section: Economic Development

Attachment:  
Submissions

<b>Committee:</b>	<b>ENVIRONMENT, ECONOMIC &amp; COMMUNITY</b>	30 Sept 2008
Section:	Social Planning & Cultural Development	DWS# No
<b>Item: 08.167/08</b>	<b>DEVELOP PLANNING MECHANISMS FOR AFFORDABLE HOUSING</b>	

### REPORT SUMMARY

This report requests approval to access \$11,000 from the Hargraves Villas reserve funds to develop a voluntary planning agreement policy for affordable housing.

### OFFICER'S RECOMMENDATION

That funds be transferred from Hargraves Villas reserve fund to develop a voluntary planning agreement policy for Affordable Housing.

### BACKGROUND

The Clarence Valley Affordable Housing Strategy 2007 was endorsed by Council in November 2007. The action plan identified four strategy areas:

1. Increasing access to affordable housing in Clarence Valley by collaboratively expanding social housing;
2. Developing planning mechanisms that provide opportunities for affordable housing;
3. Changing perceptions of landlords and investors; and
4. Promoting the advantages of the relative cost of developments in Clarence Valley in comparison to other local government areas.

Planning mechanisms that promote and encourage opportunities for provision of affordable housing (strategy area 2) is a high priority in the adopted Affordable Housing Strategy. The Community Development Officer – Affordable Housing has been working with Council's Strategic Planning Section to identify appropriate planning policies that encourage and support the development of affordable housing.

In March 2008 Northern Rivers Social Development Council held a workshop in Ballina - 'Affordable Housing Opportunities through the LEP process' which was attended by Local Government representatives from the Clarence Valley to Tweed Heads. The presenter, Dr Judith Stubbs, has over 20 years of professional practice in social and strategic planning, social research, human services management and development, and social and economic impact assessment. Research and policy specialisations include affordable housing, urban renewal, social sustainability & regional economic development. Byron Shire Council has since engaged Dr Judith Stubbs to develop a Draft Planning Agreement Policy for Affordable Housing which is currently on exhibition for public comment.

### ISSUES

At present the Federal Government has announced funding for affordable housing initiatives but requires detailed analysis of the mechanisms to implement and

measure outcomes. Further investigations are required to identify pathways to achieving Council's strategy and meeting Government funding criteria.

A teleconference involving the Manager Strategic Planning, Manager Social Planning & Cultural Development and section staff with Dr Judith Stubbs was held to discuss a potential for developer contribution system to achieve affordable housing outcomes in this local area.

Council has an opportunity now to consider voluntary planning agreements with developers wishing to rezone greenfield sites as well as infill development opportunities.

A current impediment to negotiating affordable housing outcomes at the strategic land release stage, as recommended by Council's adopted strategy, is the lack of clear direction and desirable outcomes. Having such a policy in advance of specific proposals is essential if Council is to pursue meaningful outcomes. This approach reflects feedback from the development industry which seeks greater certainty about what Council requires through the development process.

A budget of \$11,000.00 to engage Judith Stubbs & Associates will enable development of a policy framework/template for affordable housing voluntary planning agreements for the Clarence Valley.

**Summary Statement:**

The overall sustainability assessment of developing a Public Private Partnership to increase the supply of affordable housing in the Clarence Valley is positive. The economic assessment indicates a significant contribution to the community through efficient resource use, healthy economic activity by attracting and maintaining key workers to the area, reducing housing stress for very low to moderate income households and supports social development values. The development of partnerships is a key action of the Clarence Valley Affordable Housing Strategy which is linked with Council's other strategic documents.

**Ecology**

NA

**Economic**

There will be a positive impact on economic well being of the community by creating growth of appropriate and affordable housing for key workers, individuals and families. Reducing the housing stress of the 'very low', 'low' and 'moderate' income earners allows for the remaining income to be used to improve their lifestyle. Secure affordable housing close to services has an additional benefit of encouraging lower income households to participate in the work force and reduces welfare dependency.

A voluntary planning agreement aims to ensure that a proportion of the proposed greenfield/infill development goes towards benefiting the community whilst maintaining the viability of the proposed development.

**Social and Cultural**

Housing affordability and lack of access threatens community cohesion and can impact on resident's wellbeing, standard of living and their ability to participate in meaningful community life. The Clarence Valley Affordable Housing Strategy takes into consideration the different disadvantage target groups and their housing needs, identifying the need to increase the supply of affordable housing with a range of

different dwelling types meeting different needs thus providing a sense of place and belonging in the community.

A voluntary planning agreement provides a mechanism for encouraging a contribution to affordable housing into the future and demonstrating local pride in corporate social responsibility within the Clarence Valley.

**Human Habitat and Infrastructure**

The Clarence Valley Affordable Housing Strategy supports quality places and spaces with future housing projects being eco-friendly with clever designs using low maintenance material.

A voluntary planning agreement aims to ensure that affordable housing is well dispersed throughout our residential areas rather than being conspicuous by its concentration.

**Governance**

This report has been prepared in collaboration between Social Planning & Cultural Development and Strategic Planning Sections. Similarly, the development of the proposed policy would be a collaborative project.

**Guiding Sustainability Principles**

The guiding sustainability principles demonstrated through this project include:

- supporting social and intergenerational equity by addressing the needs of target groups both now and into the future;
- encouraging community involvement directly in the provision of affordable housing;
- taking a precautionary approach to accommodating all our community into the future; and
- focusing on continuous improvement in the way Council leads development and promotes social responsibility.

**OPTIONS**

1. That Council endorses the transfer of reserve funds from Hargraves Villas to develop a voluntary planning agreement policy for Affordable Housing.
2. That Council does not endorse the transfer of reserve funds from Hargraves Villas to develop a voluntary planning agreement policy for Affordable Housing.

The preferred option is option 1.

**FINANCIAL IMPLICATIONS**

Sufficient funds are available in the reserve account for Hargraves Villas (RA10460) to transfer to 997375 for the development of an affordable housing voluntary planning agreement policy.

Those funds have accrued through careful management of the property. Hargraves Villas is currently being upgraded preceding a transfer of management from Clarence Valley Council to an accredited registered housing provider through an expression of

interest process to be completed by Dec 2008 finalising the Hargraves Villas Reserve. On transfer the reserve fund for Hargraves Villas will have a surplus in excess of \$15,000.

Income (rent) and expense (maintenance, insurance and rates) will no longer occur as the successful Registered Housing Provider would collect the rent and use the funds to sustain the project and all associated costs including cyclical maintenance, rate etc. Upon transfer, any future structural maintenance or upgrading of facilities will be the joint financial responsibility of Housing NSW and Council.

Des Schroder

**DEPUTY GENERAL MANAGER – ENVIRONMENTAL & ECONOMIC**

Prepared by: Naydene Beaver, Community Development Officer–Affordable Housing  
Anne D’Arcy, Manager Social Planning & Cultural Development  
David Morrison, Manager Strategic Planning

<b>Committee:</b>	<b>ENVIRONMENT, ECONOMIC &amp; COMMUNITY</b>	30 Sept 2008
<b>Section:</b>	Grafton Community & Function Centre	DWS# No
<b>Item: 08.168/08</b>	<b>DONATION: FEE WAIVER REQUEST FROM THE GRAFTON DISTRICT ORCHID SOCIETY</b>	

**ATTACHMENT****REPORT SUMMARY**

Council received a request from the Grafton District Orchid Society for a donation in the form of a fee waiver for the hire of the Grafton Community & Function Centre to hold their monthly meeting.

**OFFICER'S RECOMMENDATION**

That the fee waiver requested by the Grafton District Orchid Society, totalling \$454.30 (equates to 11 x \$41.30 per meeting), be approved for the monthly hire of the Grafton Community & Function Centre during the 2008/09 financial year to provide a place for the monthly meetings.

**BACKGROUND**

The Grafton District Orchid Society is a non-profit organisation, the object of the Society is the promotion of the hobby of growing and flowering Orchids. The Grafton Orchid Society operates as a benefit for their members and also for the broader community.

The Society has stored their resources in the Reading room at the centre since its completion in 2002 and continues to pay an annual fee for this service. Historically the group has not paid additional room hire charges for their monthly meeting.

The group meets for 3.5 hours once a month. The additional costs of the room hire fee will make it extremely difficult for them to continue to meet at the Grafton Community Centre and believe they will need to look for alternate space to hold their monthly meeting.

At every meeting held at the Grafton Community & Function Centre, members display their orchids in flower at that time. We also have Guest Speakers and a variety of informative nights to educate people about the different aspects of orchids. There is no charge to attend these meetings and we invite the Public (via the Clarence Valley Review) to come along and share the night with us.

**ISSUES**

The key issues that should be addressed by Council include:

- Councils adopted Donations Policy
- Equity
- Transparency
- The value of the support meetings

**SUSTAINABILITY ASSESSMENT**

**Summary Statement:**

Council has adopted a Donations Policy which sets out guidelines for financial assistance that Council will offer to organisations and individuals. This ensures that decisions relating to this assistance are equitable and transparent and that Council is accountable for them.

**Ecology:**

N/A

**Economic:**

This group has no form of alternate funding available. The members would pay for the hire out of their own pocket if the waiver not be approved or they would be forced to find alternate space to conduct the monthly meetings and store their resources.

**Social & Cultural:**

This group supports the interests of the community with a passion for growing orchids as well as providing a network for social interaction the organisation's members. It acknowledges the varying interests within our community and demonstrates respect for that diversity. This donation ensures that this group can enjoy its sense of place an identity within the broader community.

**Human Habitat & Infrastructure:**

N/A

**Governance:**

Section 356 of the Local Government Act requires all financial assistance provided by Council to be approved by Council. Under section 377 of the Act, this function of the Council cannot be delegated.

The Donations Policy provides that donations can be made:

- Not for profit community organisations providing a community service within the Clarence Valley region where there is a demonstrated community need or benefit;
- Educational institutions in the Clarence Valley for award presentations and/or assistance with school magazines;
- Sporting Associations for Awards or sports development funding (as distinct from funding for an event itself - see Festivals and Events Development Program);
- Charitable organisations;
- Organisations with a history of funding support from Council; Organisations involved in cultural development within the Clarence Valley;
- Financial viability of the organisations or groups making the applications
- Organisations that provide a valuable service or benefit for which there are no alternate funding sources.

This application addresses three of the above criteria.

**Guiding Sustainability Principles:**

Compliance with the adopted donations policy supports the principle of social equity.

**OPTIONS**

1. That total fee waiver for 11 monthly meetings in 2008/2009 of \$454.30 (\$41.30 per meeting), for hire of the Blue Room and Kitchen at the Grafton Community and Function Centre is approved.
2. That the waiver of fees charged for hire of the Grafton Community and Function Centre is declined.

**FINANCIAL IMPLICATIONS**

- Option 1:        There are sufficient funds in the Community Initiatives Donations budget (\$77,000) CC162 [PJ# 997110-1043-2534] to support the request of the \$454.30 fee waiver should Council decided to approve the request.
- Option 2:        Nil

Des Schroder  
**DEPUTY GENERAL MANAGER – ENVIRONMENTAL & ECONOMIC**

Prepared by: Keiran Shanley  
Section:        Grafton Community and Function Centre

Attachments:  
Letter from the Grafton District Orchid Society

<b>Committee:</b>	<b>ENVIRONMENT, ECONOMIC &amp; COMMUNITY</b>	30 Sept 2008
<b>Section:</b>	Development Services	DWS#
<b>Item:</b>	<b>08.169/08 DEVELOPMENT APPLICATIONS</b>	

**REPORT SUMMARY**

The Report provides an update on Development Applications received, estimated value of works, applications approved and average processing times.

**OFFICER'S RECOMMENDATION**

That the update on Development Applications be noted.

**ISSUES**

The figures from 1 July 2008 to 31 August 2008 are:

<b>No. of Applications Received</b>	<b>No of Applications Approved</b>	<b>Value of Approved Works</b>	<b>No of Lots Approved</b>	<b>Average Processing Times</b>
198	206	\$19,527,035.10	124	28 Days (including Stop-the-Clock days)

Of the 206 approved Development Application's 163 were determined within 40 days or less (79%).

As of 17 September 2008 there were 192 outstanding applications, which have been with Council for the following:

<b>Less than 40 days</b>	160
<b>41 – 60 days</b>	11
<b>61 – 80 days</b>	9
<b>81+ days</b>	12

Des Schroder  
**DEPUTY GENERAL MANAGER - ENVIRONMENTAL & ECONOMIC**

Prepared by: Carmen Landers  
Section: Development Services

<b>Committee:</b>	<b>ENVIRONMENT, ECONOMIC AND COMMUNITY</b>	30 Sept 2008
<b>Section:</b>	Environment and Open Spaces	DWS# No
<b>Item:</b>	<b>08.170/08 FLYING FOXES AT MACLEAN</b>	

**ATTACHMENT**

**REPORT SUMMARY**

This report provides an update for Council on the management of flying foxes in Maclean following application to the Department of Environment and Climate Change (DECC) for a joint licence with the Department of Education and Training (DET) to continue to disperse flying foxes from the Maclean Rainforest Reserve and the nearby Maclean Rainforest Gully.

The matter was also referred under the Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999 as a proposed controlled action as the grey headed flying fox is listed as a threatened species under this legislation.

The joint licence has been issued by DECC with conditions while the Commonwealth have advised that a public environmental report (similar to an Environmental Impact Statement) would be required under the EPBC Act prior to any dispersal activity occurring.

**OFFICER'S RECOMMENDATION**

That the report on the Maclean flying foxes be received and noted.

**BACKGROUND**

The management of flying foxes at Maclean has been a contentious and complex issue, particularly since 1998, that has been documented recently in a report by Dr John Nelson who undertook the dispersal actions at the Melbourne Botanical Gardens.

At the July 2008 Ordinary meeting of Council a report was provided and the following resolution was carried -

*That:*

1. *Council proceed to make joint application to the Department of Environment and Climate Change (DECC) with the Department of Education and Training (DET) for a Section 91 License to disperse the Maclean Flying Fox colony on lands that include the Maclean Rainforest Reserve and the Maclean Rainforest Gully subject to –*
  - a) *The application for the licence to disperse flying foxes being made only with the concurrence from affected landholders and land managers that have, or a likely to have, flying foxes in the immediate camp locality as identified by the Nelson report and DECC.*
  - b) *Council seek and obtain assurances from DECC that staff, undertaking disturbance activities in line with the conditions of the licence, will be considered to be acting in good faith, and will be protected from prosecution for any alleged breaches.*

- c) *That failing those assurances in (b), CVC advises DET that it is not able to be a party to a licence application or able to undertake disturbance activities on its behalf.*
2. *Council in consultation with the Department of Education and Training, DECC and affected landholders and land managers refer the application for Maclean Flying Fox dispersal to the Commonwealth Department of Water and Environment as a controlled action under the Environment Protection and Biodiversity Conservation Act 1999.*
  3. *Council support applications for funding to monitor the dispersal of flying foxes from the Maclean Rainforest Reserve and Rainforest Gully.*
  4. *Council make the application for dispersal on the basis that the DET contribute to 50% of the costs of dispersal as has occurred in previous years. In addition other State Government agencies with land management responsibilities in the area are to be approached for funding assistance.*
  5. *Council make an initial budget allocation of \$5,060 and an annual budget allocation for \$2,500 to undertake the dispersal work.*
  6. *Subject to funding and input from DECC, Council develop a strategic approach to managing flying fox camps in the Clarence Valley through the development of Council's Biodiversity Management Plan.*
  7. *Flying fox camp sites identified in consultation with DECC be protected through amendments to Council's Local Environment Plan to establish environmental protection zones over these known areas.*
  8. *Council apply for funding in consultation with other agencies and organisations for funding to rehabilitate known camp sites within the Clarence Valley.*
  9. *The dispersal of the flying foxes happens as soon as possible preferably before September.*
  10. *Request the local member for Clarence, Mr Steve Cansdell obtain funding and contribute to ongoing costs, if unsuccessful this does not preclude the rest of the process happening.*
  11. *Dr Nelson be asked to respond to questions and issues raised in the submissions being not an impediment to the process.*

Council had prepared and jointly submitted the licence application with DET and referred the matter to the Commonwealth. Other resolutions have been or are yet to be acted on dependent on funding.

Monitoring of the Maclean Rainforest Reserve and Gully as well as all known lower Clarence camps and island sites has been undertaken during September. As yet no resident populations have been seen in the Maclean Rainforest Reserve or gully area although there was one report of flying fox roosting near the gully.

Previous information reported to Council at the July meeting included the following background information for the benefit of Council –

*The flying fox colony within the Maclean Rainforest Reserve, adjacent Maclean High School has been a highly contentious issue since the early 1990's. The former Maclean Council undertook for a fee, disturbance of the colony as per a licence issued to the then Department of School Education (DSE) by the National Parks & Wildlife Service (NPWS). The main purpose of the licence was to disrupt the roosting behaviour of the flying foxes to prevent disturbance to students at the adjacent school, particularly during HSC examinations which coincided with peak roosting season (September – March).*

*The DECC licence issued to the Department of School Education (DSE) had been for the Rainforest Reserve along the river and their immediate adjacent land. Over the last few years flying foxes have been dispersed to other sites including the nearby rainforest gully and sub station. The DSE licence did not include the rainforest gully where the flying foxes have now also established themselves. In addition some dispersal has taken place to a number of other Lower Clarence sites including the Yaegl Nature Reserve (Farlows Swamp). The Iluka site is now likely a key maternity site.*

*An ongoing dispersal program has been in place since 1999 and in recent years numbers within the colony have not been particularly numerous compared to earlier colonies. Historically the nearby and adjacent Maclean Rainforest Reserve has been the predominant camp on the Lower Clarence since records were kept.*

*At the May Ordinary meeting an information report was received on the flying fox issue in Maclean following submissions at the March Ordinary meeting. DECC had engaged a professional consultant to provide a report on management options for the colony known as the Nelson report....*

*The land tenure in this area is complex comprising a mix of Department of Education, Employment and Training (DEET), Minister for Lands (Maclean Rainforest Reserve) Nungerra Cooperative Society, the RTA, private ownership through the rainforest gully and Yaegl..... Council is not actually a property owner or manager in the areas affected by flying foxes but these areas especially towards the rainforest gully do have adjoining residential development.*

In 2007 DECC released its Flying Fox camp management policy. A briefing on the policy was held by DECC on 2 July 2008 in Ballina and an update provided to Council on the outcomes in a supplementary report to Council in July.

The DECC issued licence is attached and includes a number of conditions. The decision from the Commonwealth is enclosed requiring a Public Environmental Report (PER) to enable any dispersal action to proceed.

DET is seeking clarification from its head office on its preferred course of action now that a DECC licence has been issued and advice from the Commonwealth obtained that is expected to be available shortly. Once known a report on costs to continue to be involved with implementation and response to the Commonwealth will be reported to Council. It is relevant to note that Council is not a land/Trust manager for the Rainforest Reserve or most of the gully area.

In response to these matters Council had undertaken an initial assessment of vegetation in the Maclean gully area and was intending to undertake pruning and lopping works on 27 September 2008 of camphor laurel overhanging the eastern side of Cameron Street near Jubilee Street. Camphor laurel is a Class 4 weed under the

Noxious Weeds Act and is located on both sides of the gully near the Cameron/Jubilee Street intersection.

During more recent discussions with the Commonwealth Environmental Protection and Biodiversity Conservation (EPBC) Unit their advice was that despite camphor laurel being a Class 4 weed under the NSW Noxious Weeds Act this action may be considered modification of habitat, particularly in light of the previous referral for dispersal of flying foxes from the area. In general terms matters should be referred under the Act as a controlled action if there is any doubt as to whether the action would have an environmental impact on a species listed under their legislation.

Subject to further advice from the EPBC Unit, the NSW Department of Environment and Climate Change (DECC) and consent of landholders, strategic habitat modification outside of the flying fox maternal period is one option to be considered. The maternal period is generally between the end of September and the end of April, although these times can vary. Habitat modification involving some removal, lopping and pruning, together with rehabilitation of other areas, was used at Coffs Creek by Coffs Harbour City Council to manage the flying fox population in that area. This option would enable the treatment of camphor laurel in the gully area and provide some separation between those dwellings that adjoin the gully in Harwood Street and along Jubilee Street.

Consideration of this option will be presented to Council in a further report once costs for undertaking dispersal are also fully known.

Des Schroder

**DEPUTY GENERAL MANAGER – ENVIRONMENTAL & ECONOMIC**

Prepared by: Peter Birch Manager Environment and Open Spaces

Section: Environment and Open Spaces

Attachments

- DECC Licence
- Decision from Commonwealth Department of Environment, Water, Heritage and the Arts

<b>Committee:</b>	<b>ENVIRONMENT, ECONOMIC &amp; COMMUNITY</b>	30 Sept 2008
Section:	Social Planning & Cultural Development	DWS# No
<b>Item: 08.171/08</b>	<b>RECOMMENDATIONS FROM THE MINUTES OF THE CLARENCE REGIONAL LIBRARY COMMITTEE – 23 MAY 2008</b>	

**ATTACHMENT****REPORT SUMMARY**

This report outlines the recommendations from the minutes of the Clarence Regional Library Committee meeting held at Nambucca Shire Council, Macksville on 23 May 2008.

**OFFICER'S RECOMMENDATION**

1. That the minutes of the Clarence Regional Library Committee meeting held on 23 May in Macksville be noted including the following actions:
  - a. The Committee write to the Minister for the Arts and Shadow Minister to request that consideration be given to a comprehensive review which explores the broader benefits of public libraries to the community as outlined in the Report of the Review of Public Library Funding by Thomas G. Parry.
  - b. The Committee write to the premier enquiring as to when the recommendation number 13.15 Library network funding, from the Rural and Regional Taskforce's Report will be considered.

**BACKGROUND**

At the Clarence Regional Library Committee meeting of 23 May 2008 a number of reports were presented from which recommendations were developed for adoption by the Executive Council. These included:

1. A Budget Workshop to explore the outcomes of alternative approaches to determining funding contributions from member councils and guide future budget deliberations.
2. An overview of the recommendations of the Parry Report into Public Library Funding in NSW was provided. The CRLC agreed that a letter be forwarded to the Minister for the Arts and Shadow Minister supporting the recommendation for an independent and comprehensive review of the broader benefits of public libraries for the community.
3. An excerpt from the Rural and Regional Taskforce report was considered and the CRLC agreed to write to the Premier enquiring as to when the recommendation number 13.15 Library network funding will be considered.

Des Schroder

**DEPUTY GENERAL MANAGER – ENVIRONMENTAL & ECONOMIC**

Prepared by: Anne D'Arcy

Section: Social Planning and Community Development

Attachment:

Minutes of meeting held 23 May 2008

<b>Committee:</b>	<b>ENVIRONMENT, ECONOMIC &amp; COMMUNITY</b>	30 Sept 2008
Section:	Social Planning & Cultural Development	DWS# 271104
<b>Item: 08.172/08</b>	<b>CLARENCE COAST CULTURAL COMMITTEE</b>	

**ATTACHMENT**

**REPORT SUMMARY**

This report presents the minutes of the Clarence Coast Cultural Committee meeting held in Yamba on Wednesday, 23 July 2008.

**OFFICER'S RECOMMENDATION**

That the minutes from the Clarence Coast Cultural Committee meeting held in Yamba on Wednesday, 23 July 2008 be noted.

**BACKGROUND**

The Clarence Valley Cultural Committee is a s.355 committee of Council which meets monthly for the purpose of supporting cultural endeavours in the Lower Clarence and maintaining the sound and lighting systems of the Maclean Civic Centre.

The minutes reflect a decision taken by the Committee to fund part of the cost of a replacement mobile stage. Since that time, Council has sourced sufficient funds to purchase the stage which will become a Council owned and managed asset.

The Committee will advise Maclean High School of the process for donations.

Des Schroder  
**DEPUTY GENERAL MANAGER – ENVIRONMENTAL & ECONOMIC**

Prepared by: Anne D'Arcy  
Section: Social Planning and Cultural Development

Attachment:  
Minutes from meeting held 23 July 2008

<b>Committee:</b>	<b>ENVIRONMENT, ECONOMIC &amp; COMMUNITY</b>	30 Sept 2008
<b>Section:</b>	Social Planning & Cultural Development	DWS# 297557
<b>Item: 08.173/08</b>	<b>CLARENCE VALLEY TRANSPORT COMMITTEE: MINUTES</b>	

**ATTACHMENT****REPORT SUMMARY**

This report presents the minutes of the Clarence Valley Transport Committee (Section 355 committee) meeting held in Grafton on Thursday, 21 August 2008.

**OFFICER'S RECOMMENDATION**

That the minutes from the Clarence Valley Transport Committee meeting held in Grafton on Thursday, 21 August 2008 be noted.

**BACKGROUND**

The Clarence Valley Transport Committee is a Section 355 committee of Council. They hold meetings every two months. Terms of reference for this Committee are:-

- To provide advice and recommendations to Council on transport
- To provide a forum for discussion of transport solutions
- To develop transport initiatives through consultation
- To provide advice and recommendations to transport providers
- To provide a link between Council and transport providers
- To promote sustainable and accessible transport options for Clarence Valley and Regional NSW

The scope of the committee encompasses buses, taxis, trains, ferries, health related transport, community transport, walking, cycling, aviation, scooters and accessible transport.

Des Schroder

**DEPUTY GENERAL MANAGER – ENVIRONMENTAL & ECONOMIC**

Prepared by: Christine Bultitude  
Section: Social Planning and Cultural Development

Attachment:  
Minutes from meeting held 21 August 2008

<b>Committee:</b>	<b>ENVIRONMENT, ECONOMIC &amp; COMMUNITY</b>	30 Sept 2008
<b>Section:</b>	Social Planning & Cultural Development	DWS# No
<b>Item: 08.174/08</b>	<b>CLARENCE VALLEY AFFORDABLE HOUSING ADVISORY COMMITTEE</b>	

**ATTACHMENT**

**REPORT SUMMARY**

This report presents the minutes from 1 September 2008 Clarence Valley Affordable Housing Committee (AHAC) meeting and summarises the main matters covered in the meeting.

**OFFICER'S RECOMMENDATION**

That the minutes from 1 September 2008 Clarence Valley Affordable Housing Advisory Committee meeting be noted.

**BACKGROUND**

In summary, the main items discussed by the AHAC meeting were;

- Currently investigating the option for developing an affordable housing policy for Voluntary Planning Agreements to encourage developer contribution.
- Presentation on National Rental Affordability Scheme (NRAS) submission.
  - Government funding
  - NCCHC background
  - CVC actions
  - Funding opportunities
  - The proposal
  - The process & challenges
  - Next steps
- Initial scoping plans displayed and options discuss
- Proposed funding submission anticipated for October 2008-09-18

Des Schroder

**DEPUTY GENERAL MANAGER – ENVIRONMENTAL & ECONOMIC**

Prepared by: Naydene Beaver  
Section: Social Planning & Cultural Development

Attachment:  
Minutes of meeting held 1 September 2008

<b>Committee:</b>	<b>ENVIRONMENT, ECONOMIC &amp; COMMUNITY</b>	30 Sept 2008
<b>Section:</b>		DWS# No
<b>Item:</b>	<b>08.175/08 ITEMS FOR INFORMATION</b>	

**ATTACHMENT**

**OFFICER'S RECOMMENDATION**

That the Items for Information as listed below be adopted:

1. Grafton Truck Drivers Social Club Inc (DWS#305119): Letter of thanks for contribution to the June Long Weekend of Trucking.
2. Grafton Sesquicentenary Celebrations Committee (DWS#288040): Minutes of meeting held 23 July 2008.
3. Yamba Community Facilities Development Committee (DWS#271104): Minutes of meeting held 2 August 2008.
4. Clarence Regional Library Committee: Minutes of meeting held 24 July 2008.
5. Grafton Regional Gallery Advisory Committee: Minutes of meeting held 6 August 2008.
6. North Coast Area Health Service (DWS#396173): Response to Mayor Tiley's letter requesting information about the Grafton Base Hospital (GBH) redevelopment.
7. Northern Rivers Catchment Management Authority (DWS#306177): Congratulating Council on receiving a commendation for the Economic Strategic Plan and outright winner in two categories in the 2008 National Awards for Local Government, in particular, the Clarence Floodplain Project winning the Natural Resource Management Category.



**MATTERS NORMALLY CONSIDERED BY  
CIVIL AND CORPORATE  
COMMITTEE**

<b>Committee:</b>	<b>CIVIL &amp; CORPORATE</b>	30 September 2008
<b>Section:</b>	General Manager	
<b>Item: 09.165/08</b>	<b>PROPOSED SALE OR LEASE OF PART OF COUNCIL CARPARK, LOT 101 DP1110269, McLACHLAN STREET, MACLEAN</b>	

**ATTACHMENTS****REPORT SUMMARY**

Council has completed the public consultation process on the potential sale or lease of up to 6000m<sup>2</sup> of public land at Maclean carpark, and the outcomes of that process are reported to assist in making a decision as to whether to proceed to sale or lease through selective tender.

**OFFICER'S RECOMMENDATION**

That:

1. Holder Baker Enterprises, Buildev Development (NSW) Pty Ltd and Woolworths Limited be invited to submit tenders for the purchase or lease of up to 4500m<sup>2</sup> of Lot 101 DP 1110269 Centenary Drive, Maclean, known as Maclean carpark.
2. Council engage duly qualified consultants to undertake geotechnical, site contamination and traffic studies to be provided to tenderers.
3. The southern boundary of the site be relocated approximately 15 metres north of the southern boundary.
4. \$50,000 be allocated towards this project in the 2008/09 budget from the Land Development Fund.

**BACKGROUND**

On 28 February 2006, Holder Baker Enterprises (HBE) wrote to Council offering to enter into exclusive negotiations for the purchase of subterranean space under, and the airspace over, 5000m<sup>2</sup> of Council's carpark in Centenary Drive Maclean plus the lease of the carpark. A cash offer for the subterranean/airspace purchase plus an annual lease fee for the carpark were included. The purpose of the purchase/lease was to permit the construction of a supermarket and speciality shops above the carpark plus basement carpark below linked to the existing Palace Arcade. This offer was in response to Council calling for Expressions of Interest to purchase the Maclean Library land plus part of the carpark site for the establishment of a supermarket. Council subsequently resolved not to proceed with the sale of the library site.

Subsequent to the receipt of the offer and largely as the result of the submission of a rezoning application to permit a supermarket/speciality store development elsewhere in Maclean, Council, in March 2006, resolved to engage consultants, the AEC Group Ltd, to prepare a Lower Clarence Retail Strategy.

The Retail Strategy was adopted by Council on 19 June 2007. It makes a number of recommendations including focussing large scale retail growth in Maclean centred on River Street precinct bounded by Stanley and Argyll Streets and including Maclean

carpark. The Strategy recommended that the existing Maclean retail sector could support a supermarket of up to 2800m<sup>2</sup> Gross Leaseable Floor Area (subject to the closure of one of the then existing supermarkets which has occurred) plus 1000m<sup>2</sup> of speciality retail. It should be noted that it is unlikely to allow for a 'full line' supermarket which requires a minimum 3000m<sup>2</sup> GLFA.

On 11 June 2007, Holder Baker Enterprises wrote to Council confirming their offer of 28 February 2006 and further offering to enter discussions with Council with a view to purchasing the necessary carpark land (i.e. purchase of site rather than previous purchase/lease arrangement). The letter also advised that they had engaged PMM Group as their consultants. PMM Group prepared a Structural Planning Overview for Maclean CBD which they considered consistent with the outcomes of the Retail Strategy. This planning overview included details of traffic management considered necessary.

Council considered the offers from Holder Baker Enterprises (HBE) at its meeting on 21 August 2007 and resolved to further investigate the potential sale of part of the site, including writing to the ICAC and Department of Local Government seeking their advice on options available, and to advise HBE that Council's actions should not be construed as a commitment by Council to sell the land or to negotiate exclusively with them.

The ICAC subsequently responded and Council's Manager Governance, Simon Roberts, provided the following comments on their advice:

"ICAC strongly recommends that Council not negotiate directly with one party regarding this sale but rather provide all interested parties with an opportunity to submit proposals. It does so because, although Council has previously called for Expressions of Interest, it resolved not to proceed with them, therefore any dealings with one party exclusively could now be construed as favouritism or partial behaviour on the part of Council.

While ICAC makes no recommendation on how Council should go about providing all interested parties with an opportunity to submit proposals, it could be via a tender process, inviting Expressions of Interest or through an auction process. Each of these creates a level playing field and provides all interested parties with an opportunity to acquire this area. It also ensures that the process is open and transparent and removes any perception of bias.

ICAC makes two further points:

- a) That Council should not enter into a contract that prejudices the outcome of a development application, and
- b) Council should consider rezoning the area itself before offering it for sale as this may considerably increase the value of it."

Council subsequently resolved to call for Expressions of Interest (EOIs) for the sale/lease of part of the public space, with interested parties to be advised of potential site constraints (soil conditions, contamination) and requested to provide details of location, size and dimensions of the site area required plus details of customer and service vehicle access. At this stage, I formed a Staff Working Party to represent various disciplines but excluding development assessment interests.

I also engaged Pike, Pike and Fenwick, Solicitors to prepare the Expression of Interest documentation to ensure that all necessary probity standards are met and the community's interests are protected.

By the closing date, 2 May 2008, three EOIs were received from:

- Holder Baker Enterprises
- Woolworths Limited
- Buildev Development (NSW) Pty Ltd

The Working Party analysed the three submissions which included site plans and concept designs and concluded that a site area of up to but not exceeding 6000m<sup>2</sup> fronting Centenary Drive and towards the southern boundary of the carpark was the preferred location. The difference in the indicative site area (6000m<sup>2</sup>) and the potential retail space (2800m<sup>2</sup> and 1000m<sup>2</sup> equalling 3800m<sup>2</sup>) is the result of the difference between Gross Leasable Floor Area (i.e. retail space) and Gross Floor Area (i.e. retail space plus loading facilities, amenities, public circulation space, etc.) of 50%, giving a total of 5700m<sup>2</sup> (3800m<sup>2</sup> plus 1900m<sup>2</sup>). This was rounded up to 6000m<sup>2</sup> for convenience.

Council, at its June 2008 meeting, resolved to undertake a public consultation exercise seeking comment on the possible lease or sale of up to 6000m<sup>2</sup>. The plan and accompanying documents (to be tabled) were produced to assist the public in understanding the proposal. The three concept designs were not made public as the consultation was specifically to determine the community's attitude to the potential leasing/sale of public land and, if supported, the size and location of that land. It was not a process to consider and determine possible designs, which will be the subject of a future DA process if this matter proceeds. One of the designs was subsequently made available to the media by the proponent as is their right, though this was done at their prerogative and is beyond the control of Council.

## **ISSUES**

### **1. Public Consultation Process**

The proposal was advertised for public comment for a period of 42 days from 25 July 2008. Fifty three (53) submissions were received, including a survey of 91 park users, and these are tabled with a covering summary report attached.

In addition, a public meeting was held in Maclean on 13 August 2008, attracting over 130 people to hear the outline of the proposal and ask questions. The main issues raised at the meeting are also included in the attached summary report.

The following table summarises the submissions received:

	<b><i>Support sale/lease of site</i></b>	<b><i>Opposed to sale/lease of site</i></b>
<i>Site and size shown on Indicative Plan</i>	11	19
<i>Support alternative size</i>	6	
<i>Support alternative site</i>		16
<b>TOTAL</b>	<b>17</b>	<b>35</b>

A survey of park users carried out by a resident interviewed 91 persons of which 74 opposed the sale/lease. Copies of completed survey forms are tabled.

The public meeting expressed a greater variety of views, with support for a development in the carpark though the size and location was questioned.

It should be noted that the Lower Clarence Retail Strategy strongly supported a CBD site, based on previous experience of major retail developments being established outside of existing commercial centres and subsequently having a significant deleterious impact on those centres. Council staff have always expressed support for the development to occur on an appropriately zoned privately owned site within the CBD, but to date no concepts or applications which meet these criteria have been forthcoming.

## **2. Where to From Here?**

If Council decides not to proceed to sale/lease of any of the carpark sites, it would mean that any future supermarket will need to be located on private land. The Retail Strategy favoured a CBD-based solution but acknowledged that this should be broadened to include other locations within Maclean in the future if an application, meeting the CBD location criteria was not received and approved. Council resolved that the period in which only CBD-based applications would be considered be three years from June 2007.

If Council decides to proceed to call tenders for sale or lease, a decision will need to be made on the maximum site area and general location, taking into account the indicative site plan prepared to accompany the public consultation process.

It will then be necessary to undertake geotechnical, contamination and traffic investigations at Council's expense to accompany the tender documents before inviting the three parties who submitted EOIs to provide Council with a price to purchase/lease a site up to the maximum area determined by Council. The tender process would be undertaken in consultation with Pike, Pike and Fenwick, Solicitors.

Should Council accept a tender, the site will need rezoning and to be subdivided, both of which would require applications to Council and public consultation processes. The Minister for Planning would be the consent authority for any rezoning application.

The successful tenderer will also need to submit a development application (DA) for the construction of the facility, which would also involve a public consultation process. Throughout these application processes Council would need to take advice from our Solicitors on how to best manage probity issues that could arise as a result of Council's multiple roles as owner, application assessment authority and consent authority.

Finally, it is also intended that the tender documentation include specific timelines to ensure the successful tenderer does not 'land-bank' the site for future rather than short-term development. This would be legally enforceable with a compulsory buyback clause if construction did not commence by a specified date.

**SUSTAINABILITY ASSESSMENT**

**Summary Statement**

The critical sustainability criteria is governance and the need for Council, if it is to proceed towards the sale or lease of public land, to ensure that the process is transparent and the community has been informed of the proposal and its potential impacts.

**Ecology**

Proceeding with the lease/sale will result in the loss of green space, including several substantial landmark trees. There may be some replacement open space provided as part of the development though this will not be known until conceptual design for the DA commences.

**Economic**

The lease or sale of public land will have an economic benefit to Council, though this needs to be balanced against the loss of public space and infrastructure.

**Social & Cultural**

The provision of a retail development of this scale in this location will have a range of social and cultural impacts. The Lower Clarence Retail Strategy suggests it will strengthen the existing retail sector by attracting/retaining shoppers in Maclean. This has the potential to create a more vibrant commercial centre and with it, social benefits.

But it needs to be acknowledged that if issues such as carparking, customer and service vehicle access and linkages to the main street are not addressed properly then there is the potential to make Maclean CBD less attractive to shoppers, tourists, etc. with a resultant negative social/cultural impact.

Further, the 'linkages' to River Street most frequently contemplated are in private ownership without security as future linkages, although I hasten to add that I have no reason to doubt the future 'linkage' utility of these properties.

**Human Habitat & Infrastructure**

Not applicable at this stage, though infrastructure provision will be of importance during the DA assessment process.

**Governance**

Council needs to ensure that all necessary probity standards are met and to this end Council has previously consulted with ICAC and the Department of Local Government and has engaged Pike, Pike and Fenwick, Solicitors to provide on-going legal and probity advice.

**CONSULTATION**

A 42 day public consultation process was held which included a public meeting attended by more than 130 people.

**OPTIONS**

1. Call for tenders to purchase or lease up to 4500m<sup>2</sup> of Maclean carpark from the three EOI parties.
2. Determine a site location further to the north of that shown on the Indicative Plan prepared for the public consultation process.
3. Call for tenders to purchase or lease an area up to 6000 m<sup>2</sup> from the three EOI parties.
4. Council to determine a site location.
5. Not proceed with the sale/lease and advise the three EOI parties accordingly.

Options 1 and 2 are recommended.

Option 1 recognises the outcomes of the Lower Clarence Retail Strategy and the failure of the owners of private commercially zoned land to submit applications in the year since the Strategy identified Maclean CBD as the optimum site. That the majority of submissions are opposed to this outcome is recognised, but there does not appear to be an overwhelming community objection to the proposal. Adoption of an area of 4500m<sup>2</sup> reflects the area originally included in the Expression of Interest process (4000 to 4500) and although the three EOIs sought greater areas, it is considered that this area would be capable of providing the amount of retail floor space recommended in the Retail Strategy.

Option 2 recognises the concerns of the Maclean Bowling Club that its entrance not be infringed upon and not be directly in line with 'back of shop' operations.

Options 3 and 4 are open to Council and the 6000m<sup>2</sup> represents the area included on the Indicative Plan used for public consultation purposes. Whatever site location is chosen should relate to the existing arcade connections through to River Street, despite the fact that these properties are in private ownership.

Option 5 would represent an end to this process of utilising public land, and the development of a supermarket in Maclean (or its surrounds) would be dependent on the private sector providing a suitable location.

**FINANCIAL IMPLICATIONS**

If Council decides to proceed to tender, costs incurred will include:

- Geotechnical Report (Soil Conditions)
- Contamination Report
- Legal Advice
- Valuation Report
- Traffic Study

Total cost is estimated to be around \$50,000 and it is recommended that sum be made available in the 2008/09 budget from the Land Development Fund if Council agrees to proceed.

There will be an obvious financial benefit but the amount would be unknown until tenders had been assessed.

Stuart McPherson  
**GENERAL MANAGER**

Prepared by: Stuart McPherson  
Section: General Manager

Attachments:  
Summary of Submissions  
To Be Tabled:  
Individual Submissions  
Handout Information – Plan, Flier, Decision Tree

Committee:	<b>CIVIL &amp; CORPORATE</b>	30 September 2008
Section:	Civil & Corporate	
Item: 09.166/08	<b>RECONSTRUCTION OF MACLEAN CARPARK, CENTENARY DRIVE, MACLEAN</b>	

### REPORT SUMMARY

Council has allocated funds in its 2008/09 budget to reconstruct the southern section of the Maclean carpark, resulting in the creation of 40-45 additional spaces. The project is currently in abeyance while the issue of the potential sale/lease of part of the carpark is determined. This report canvasses options to meet short-term demand for additional parking.

### OFFICER'S RECOMMENDATION

That, should Council agree to proceed towards the sale or lease of part of the Maclean carpark:

1. Council allocate \$62,500.00 from PJ 292902 Maclean Carpark Capital Works for the temporary reconstruction of the southern portion of the carpark with the funds to be sourced from Maclean Section 94 Carparking Reserve.
2. Council staff consult with the Maclean Chamber of Commerce in the preparation of a report on time-limit spaces to the Local Traffic Committee.

### BACKGROUND

Council in its 2008/09 budget made available \$260,000 from the Maclean Section 94 Carparking Reserve to reconstruct a section of the carpark immediately south of Cameron Park. It was anticipated that this would create an additional 40-45 spaces on top of the 129 spaces currently available.

An investigation of the carpark revealed that the surface was in poor condition, the gravel base almost non-existent in most areas and the drainage system required major overhaul. As a result, the full reconstruction would involve:

- Removal of existing pavement, kerb and gutter and grassed medians and placement of 350mm of gravel base
- Installation of new stormwater drainage system
- Bitumen seal
- New line marking
- Install new signs

These works have not been programmed for 2008/09 at this time due to the uncertainty created by the potential development of part of the carpark for a supermarket.

A separate report to this meeting deals with that potential sale or lease of a portion of the Maclean Carpark. Should Council decide not to proceed with sale/lease, then further consideration of this report is not required as council could program the full reconstruction of the southern section of the carpark.

**ISSUES****1. Alternative Arrangement**

Council staff have prepared a preliminary design which would not involve full reconstruction, but rather:

- Removal of kerb and gutter and grassed median including five trees
- Install gravel pavement to replace medians
- Modify drainage structures
- Reseal existing pavement to remove existing line-marking and mark new layout
- Install new signs

Cost is estimated to be \$62,500 (GST exclusive). The works would have a limited life (3-4 years) which would be sufficient to allow commencement of construction of the supermarket (keeping in mind that this course of action is only recommended if the retail project progresses), at which stage the developer will be responsible for reconstructing the carpark to provide for existing and future space requirements.

The works would not fix existing stormwater drainage in the carpark and some ponding could still be expected following moderate to heavy rain.

Should Council agree to proceed it is anticipated that works would be completed in 2-3 weeks during early-mid November. Weekend work will minimize inconvenience.

**2. Provision of Restricted Time Spaces**

The Maclean Chamber of Commerce has approached Council on a number of occasions seeking the creation of time restrictions on some spaces in the carpark, to ensure that spaces closest to the shops are available for short-term customers rather than utilised by long-term parkers. Council staff will consult with the Chamber in the preparation of a report to the Local Traffic Committee on this issue, which is likely to look at two (2) hour time limits and possibly a small number of shorter term (1/2 hour) spaces. This matter will need to be resolved prior to the carpark being re-signposted which would involve a report back to Council in October.

**SUSTAINABILITY ASSESSMENT****Summary Statement:**

Seeking Council approval prior to expenditure ensures a transparent process which meets governance criteria.

**Ecology:**

Five existing trees will be removed as part of the proposed works.

**Economic:**

Sufficient funds are available in the S94 Reserve to meet anticipated expenditure. Provision of additional spaces will have an economic benefit for Maclean CBD.

**Social & Cultural:**

Additional spaces will be beneficial.

**Human Habitat & Infrastructure:**

The carpark infrastructure is currently sub-standard and the proposed works will not improve this to the optimum standard but will provide a short-term solution.

**Governance:**

Reporting to Council on this matter meets necessary governance criteria.

**CONSULTATION**

There has been no direct consultation on the current proposal, though the original full reconstruction proposal was consulted with the local Chamber of Commerce.

**OPTIONS**

1. Proceed with the alternative arrangement to provide additional spaces.
2. Not proceed with the alternative arrangement and program full reconstruction.

It is important to note that Option 1 is subject to Council deciding elsewhere to progress with the sale/lease of part of the carpark.

Option 1 is recommended.

Option 1 recognises the concerns of the Maclean business sector and broader community that there is a shortage of carparking within the CBD and offers a solution and timetable which will create up to 45 additional spaces before the holiday peak period.

Option 2 would be the logical outcome should Council not proceed with the sale/lease of part of the carpark.

**FINANCIAL IMPLICATIONS**

The 2008/09 budget currently allocates \$260,000 towards the reconstruction of the carpark, to be met from the Maclean Section 94 Carpark Reserve. The proposed expenditure of \$62,500 would be met from that Reserve and so will have no impact on General Fund expenditure, although it will reduce the funds available for any future full reconstruction. Not proceeding with the alternative arrangement will preserve existing funds for the full reconstruction.

Rob Donges

**DEPUTY GENERAL MANAGER - CIVIL & CORPORATE**

Prepared by: Rob Donges

Section: Civil & Corporate

<b>Committee:</b>	<b>CIVIL &amp; CORPORATE</b>	30 September 2008
<b>Section:</b>	Civil & Corporate	
<b>Item: 09.167/08</b>	<b>PROPOSED WOOMBAH BOAT RAMP AT LOT 11 DP 1047559 WHITBY LANE, GOODWOOD ISLAND</b>	

**ATTACHMENTS – TO BE TABLED****REPORT SUMMARY**

A site has been identified at Woombah which appears suitable for a public boat ramp. The site is on private land and will need to be purchased by council. Preliminary costings have been prepared and a decision on whether to proceed is required before detail design commences.

**OFFICER'S RECOMMENDATION**

That:

1. Council proceed to prepare detailed design, costings and a development application for a boat ramp on Lot 11 DP 1047559 Whitby Lane, Goodwood Island.
2. Council enter into a legal agreement with the owner of Lot 11 DP 1047559 to purchase approximately 0.8 hectares of the subject property at a cost of \$20,000 (GST exclusive) with subdivision and sale to be completed should Council decide to proceed to construction.
3. Council apply for a grant equivalent to 50% of the project cost from the NSW Maritime Infrastructure Programme and the project proceed to construction upon formal notification of the receipt of the grant.
4. Should (3) above not occur, the matter be reported back to Council to consider alternative courses of action.

**BACKGROUND**

For a number of years Council, in consultation with the local community, has been seeking to identify a site in or around Woombah suitable for the construction of a boat ramp.

In 2007 Council engaged consultants to investigate potential sites, and as a result they recommended a site in River Street, Woombah. Following public consultation, Council resolved not to proceed with the nominated site and recommenced investigations.

As a result of those further investigations, a site on Goodwood Island near the intersection of Goodwood Island Road and Whitby Lane was identified (see location plan in Attachments). Further investigations by officers from NSW Fisheries and Maritime NSW indicated the likely suitability of the site, though formal approval from these authorities will require the submission of a development application.

**ISSUES**

The site is ideally located close to Woombah village yet isolated from built-up residential areas, but it has a number of constraints, being:

- Located on private land
- Existing Whitby Lane and intersection require relocation
- Underground Telstra cable requires relocation
- Country Energy poles and power lines require relocation.

In normal circumstances the cumulative effect of these constraints would suggest that an alternative site be sought, but it is generally accepted that there are no other sites available.

Accordingly, Council staff obtained a valuation for 0.8 hectares of the subject site and entered into negotiations with the landowner, Telstra and Country Energy. The Valuation Report recommended an offer of \$14,000 and following negotiations the owner presented a counter-offer of \$20,000.

A preliminary design was prepared which incorporates a single-width boat ramp and parking for 12 vehicles plus trailers.

The estimate of cost is as follows:

		<i>Comment</i>
Acquisition of land	20,000	Owner's offer
Survey, linen plan and legals	6,000	Estimate
Telstra relocation	30,000	Telstra quote plus contingency
Country Energy relocation	85,000	Country Energy quote plus contingency
Design, DA preparation, subdivision application, licences/permits	20,000	In-house expertise to be utilised where possible
Construction of ramp, carpark and road	150,000	No detailed plans prepared, estimate based on Harwood boat ramp cost plus 50m road construction plus 20% contingency
<b>TOTAL</b>	<b>\$311,000</b>	

This cost is considerably higher than normal boat ramp construction, a comparison being the recently completed Harwood Ramp which cost \$125,700 which was met equally by Council and the NSW Maritime Infrastructure Programme. Council would be seeking grant funding for the Woombah boat ramp from this programme, as detailed in the Financial Implications section below.

**SUSTAINABILITY ASSESSMENT**

**Summary Statement:**

Provision of a boat ramp in the vicinity of Woombah will satisfy a community need but needs to be balanced against likely costs.

**Ecology:**

Should the project proceed the ecological impacts will be addressed in detail in the development application.

**Economic:**

Construction of a boat ramp will provide a public facility which will enhance the attractiveness of the area for tourists and locals.

**Social & Cultural:**

The proposed facility will be a benefit to the community and will have minimal negative impacts due to its relatively isolated location.

**Human Habitat & Infrastructure:**

Construction of the boat ramp will provide long sought after infrastructure for the community.

**Governance:**

Providing Council and the community with cost estimates prior to committing funds to preparing detailed designs ensures the process is transparent.

**OPTIONS**

1. Proceed to prepare detailed designs and a development application for the boat ramp.
2. Seek an alternative site in the vicinity.
3. Not proceed with a boat ramp in Woombah.

Option 1 acknowledges the community support in the Woombah area for a local boat ramp which has been often expressed over a long period of time. This option is recommended.

Previous attempts to find a suitable site in the vicinity have proven fruitless, hence the investigation of the current site despite its constraints and additional costs. It is suggested that further investigations would be pointless and so Option 2 is not recommended.

Option 3 acknowledges the substantial estimated cost of the project and if adopted Council would then commence investigations for the next site on the Boat Ramp/Water Facilities Priority List (Cowper/Brushgrove). A copy of the Priority List is in the attachment for information.

**FINANCIAL IMPLICATIONS**

The Woombah Active Open Space Section 94 Plan (March 2004) allocates \$120,000 towards this project. The specific Reserve currently contains \$146,101.56 and interest earned since the adoption of the Plan enables the project value to be increased to \$140,000.

The Plan includes an apportionment rate of 17.8% (Council):82.2% (S94) for this Reserve and as a result the \$140,000 is apportioned:

Council	:	\$ 24,920
S94	:	\$115,080

Council will make an application under the NSW Maritime Infrastructure Programme for 50% funding, being \$155,500 on the current estimate of \$311,000. As such, Council's total commitment will also be \$155,500 which, taking into account the Section 94 calculations above, results in the following cost distribution:

Council	:	\$ 40,420 (includes some staff costs)
S94	:	\$115,080
Grant	:	<u>\$155,500</u>
TOTAL	:	<u>\$311,000</u>

The next round of grant applications closes in August 2009 and as a result a budgetary allocation does not need to be made in the current budget.

Rob Donges  
DEPUTY GENERAL MANAGER - CIVIL & CORPORATE

Prepared by: Rob Donges  
Section: Civil & Corporate

Attachment:  
Location Plan

To be Tabled:  
Boat Ramp/Water Facilities Program

<b>Committee:</b>	<b>CIVIL &amp; CORPORATE</b>	30 September 2008
<b>Section:</b>	Finance & Supply	
<b>Item: 09.168/08</b>	<b>FINANCIAL REPORTS FOR THE 12 MONTHS TO 30 JUNE 2008</b>	

**ATTACHMENTS****REPORT SUMMARY**

In accordance with Section 413 (1) of the Local Government Act Council is required to adopt the Annual Financial Reports and formally refer them to Council's Auditor for audit. The Draft Financial Reports for the 12 months to 30 June 2008 have been completed and are ready to be referred to Council's Auditor for audit.

**OFFICER'S RECOMMENDATION**

That Council:

1. Adopt the Financial Reports for the financial year ending 30 June 2008.
2. Sign the Statements as prescribed by Section 413(2)(c) of the Local Government Act 1993 for the General Purpose Financial Report and the Special Purpose Financial Report.
3. Forward the 2007/2008 Financial Reports to the Auditor for audit.
4. Present the audited Financial Reports, together with the Auditor's Reports, to the public at the ordinary Council meeting to be held on 21 October 2008.
5. Invite the Council's Auditor, Mr Darren Singh from Thomas Noble & Russell Chartered Accountants, to the October Council meeting to present his Audit Report for 2007/2008.
6. Authorise the General Manager to forward the Financial Reports to the Department of Local Government upon receipt of the Audited 2007/2008 Financial Reports.

**BACKGROUND**

The Draft 2007/2008 Financial Reports for Council have been completed and are currently being audited by Council's Auditor, Mr Darran Singh. The pre-audit result for the General Fund looks like being a surplus of \$723,000, but it is stressed that it is pre-audit.

**ISSUES**

Council must prepare and arrange for its annual Financial Reports to be audited within four (4) months of year-end unless an extension has been approved pursuant to Section 416(2) of the Act. No such extension has been sought and Council will meet the legislative timeframe.

A resolution of Council is required to formally refer the Financial Reports to the Auditor for audit. Council is also required to resolve to sign and attach a Statement to its annual Financial Reports in accordance with Section 413(2)(c) of the Act. This Statement is included in the attachments (Refer Attachment A) for Council's

reference. This Statement is to be signed by the Mayor, Deputy Mayor, General Manager and Council's Responsible Accounting Officer.

In accordance with the requirements of the Local Government Code of Accounting Practice and Financial Reporting (update #16) Council is required to prepare Special Schedules for the Business Activities of Council. Council's Water, Sewerage, Clarence Coast Reserve Trust and Community Support Service operations are category 1 businesses and a copy of the Statement by Councillors and Management that is required to be signed by the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer is attached. (Refer to Attachment B)

As soon as practicable after the Auditor's Reports have been received, Council must fix a date for a meeting, and give notice of this meeting, to present the audited Financial Reports and the Auditor's Reports to the public. The audited Financial Reports are placed on public exhibition from the date of the public notice of the Council meeting until seven days after the meeting. It is proposed that the audit process will be completed enabling the accounts to be presented to the October 2008 meeting. A comprehensive report on the Financial Reports and the financial result will be submitted to Council at that time. It has been past practice to invite the Auditor to attend this meeting to present his reports to Council. At Council's February 2007 meeting Council resolved that all future presentations from the Auditor be to the full Council meeting. It is recommended that Council invite Mr Darren Singh from Thomas Noble & Russell to present to the October meeting.

Council's Draft Financial Reports for the year ending 30<sup>th</sup> June 2008 have been completed and a copy of Council's Income Statement, Balance Sheet, Statement of Changes in Equity and Cash Flow Statement are included in the attachments. (Refer to Attachment C)

Note 13 - Statement of Performance Measurement, details key performance indicators and is also included for the information of Council. (Refer to Attachment D)

Council's Draft 2007/2008 Special Purpose Financial Reports and Special Schedules for the Water, Sewerage, Clarence Coast Reserve Trust and Community Support Service operations have been completed and a copy of the Income Statement by Business Activity and Balance Sheet by Business Activity is included in the attachments. (Refer to Attachment E)

### **SUSTAINABILITY ASSESSMENT**

#### **Summary Statement:**

The purpose of this report is to comply with Section 413 (1) of the Local Government Act wherein Council is required to formally refer its Annual Financial Reports to Council's Auditor for audit.

#### **Ecology:**

Not Applicable

#### **Economic:**

Not Applicable

#### **Social & Cultural:**

Not Applicable

#### **Human Habitat & Infrastructure:**

Not Applicable

**Governance:**

This report demonstrates that Council's management systems are accountable and comply with relevant legislation and policy, meeting its goal of accountability and compliance.

**FINANCIAL IMPLICATIONS**

A comprehensive analysis of the 2007/2008 financial reports will be provided to Council at the October Ordinary meeting.

**OPTIONS**

That Council:

1. Adopt the Financial Reports for the financial year ending 30 June 2008.
2. Sign the Statements as prescribed by Section 413(2)(c) of the Local Government Act 1993 for the General Purpose Financial Report and the Special Purpose Financial Report.
3. Forward the 2007/2008 Financial Reports to the Auditor for audit.
4. Present the audited Financial Reports, together with the Auditor's Reports, to the public at the ordinary Council meeting to be held on 21 October 2008.
5. Invite the Council's Auditor, Mr Darren Singh from Thomas Noble & Russell, to the October Council meeting to present his Audit Report for 2007/2008.
6. Authorise the General Manager to forward the Financial Reports to the Department of Local Government upon receipt of the Audited 2007/2008 Financial Reports.

Options 1 to 6 are recommended.

Rob Donges

**DEPUTY GENERAL MANAGER - CIVIL & CORPORATE**

Prepared by: Michael Emanuel – Financial Accountant

Section: Finance & Supply

**Attachments:**

Attachment A – Statement by Councillors & Management General Purpose Financial Reports for the year ended 30 June 2008.

Attachment B – Statement by Councillors & Management Special Purpose Financial Reports for the year ended 30<sup>th</sup> June 2008.

Attachment C – Primary General Purpose Financial Reports for the year ended 30 June 2008.

Attachment D – Note 13 Statement of Performance Measurement for the year ended 30 June 2008.

Attachment E – Primary Special Purpose Financial Reports for the year ended 30 June 2008.

<b>Committee:</b>	<b>CIVIL &amp; CORPORATE</b>	30 September 2008
Section:	Finance & Supply	
<b>Item: 09.169/08</b>	<b>2008-09 FINANCIAL ASSISTANCE GRANT</b>	

**ATTACHMENTS****REPORT SUMMARY**

The purpose of this report is to advise Council of the 2008/09 Financial Assistance Grant as approved by the NSW Minister for Local Government.

The 2008/09 grant to Council of \$9,314,960 consists of two components:

- A general purpose component of \$6,785,423
- A local roads component of \$2,529,537.

**OFFICER'S RECOMMENDATION**

That Council adjust the Adopted 2008/09 Budget at the September Quarterly Budget Review by \$91,059 to reflect the increase in the estimated revenue from the General Purpose Financial Assistance grant and increase estimated expenditure on Local Roads Maintenance by \$84,537 to reflect the increase in the Local Roads component of the grant.

**BACKGROUND**

Each year Council receives a Financial Assistance Grant (FAG) from the NSW Local Government Grants Commission. These grants are determined in accordance with the provisions of the Local Government (Financial Assistance) Act 1995 (Cwlth). The total entitlement is a general purpose grant with no conditions attached to the expenditure of these funds. The allocation is traditionally split into two components, these being, a General Purpose or Equalisation component and a Local Roads component.

The formula used to calculate Council's allocation contains variables such as changes in estimated resident population, changes in demographics, disability reviews and local road and bridge data.

**ISSUES**

Council has received notification from the NSW Minister for Local Government of the approved 2008/09 Financial Assistance Grant (Copy attached). An information paper from the NSW Local Government Grants Commission is also attached which provides an explanation of how the grants are determined and distributed in NSW.

The grant to Council of \$9,314,960 (adopted 2008/09 Budget \$9,139,364) consists of two components:

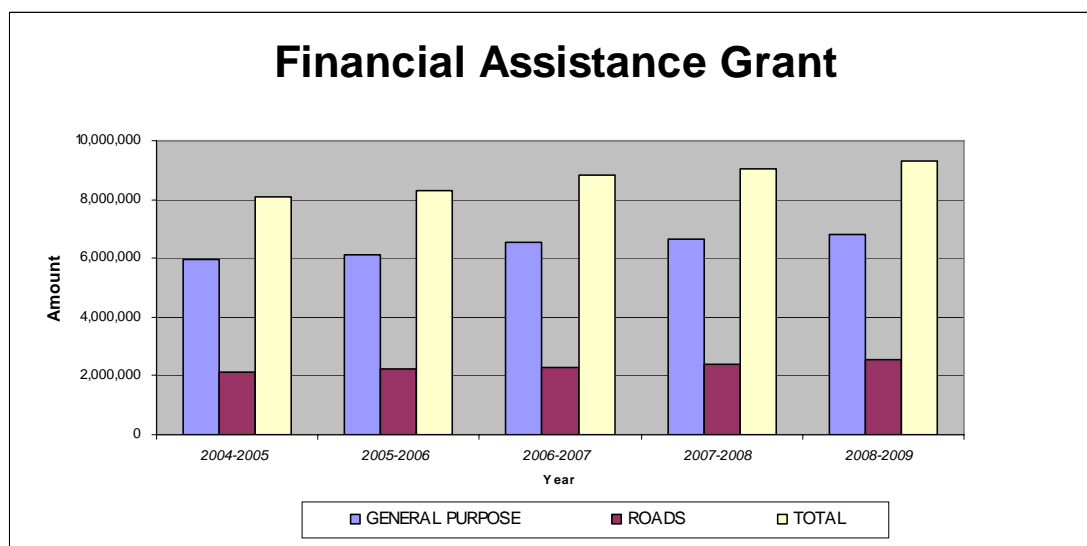
- A general purpose component of \$6,785,423
- A local roads component of \$2,529,537.

The local roads component comprises of a population and local road length formula amount of \$2,187,073 and a bridge length formula amount of \$342,464.

Clarence Valley Council falls within the category “Urban Regional Medium” Councils and for the general purpose component of the grant Council received an increase of 2.25% (\$149,166) above the CPI Adjusted 2007/08 grant while most Councils within the category received a 4.0% increase. Three (3) Councils received reduced grants Ballina (-0.6%), Byron (-0.6%), and Wingecarribee (-0.6%).

Also included in the notification from the Grants Commission is advice regarding a CPI underpayment adjustment of \$99,560 for 2007/08. This is made up of an underpayment of \$73,093 for the general purpose component and an underpayment of \$26,467 for the local roads component. This adjustment has been brought to account in the 2007/08 financial year.

The following graph illustrates the amount allocated for both components of the Financial Assistance Grant for the last three (3) years and also the total amount allocated for each year.



**SUSTAINABILITY ASSESSMENT**

**Summary Statement:**

The purpose of this report is to comply with Clause 202 (b) of the Local Government (General) Regulation 2005 which requires inter alia that any instance where the actual income and expenditure of the council is materially different from its estimated income and expenditure the instance is to be reported to the next meeting of Council.

The Financial Assistance Grant to be received for 2008/09 is deemed to be materially different to that which was included in Council’s 2008/09 Budget.

**Ecology:**

Not Applicable

**Economic:**

Not Applicable

**Social & Cultural:**

Not Applicable

**Human Habitat & Infrastructure:**

Not Applicable

**Governance:**

This report demonstrates that Council's management systems are accountable and comply with relevant legislation and policy, meeting its goal of accountability and compliance.

**FINANCIAL IMPLICATIONS**

As shown in the table below, Council's allocation for the General Purpose component is \$91,059 higher than the amount included in Council's Adopted 2008/09 Budget.

<b>Component</b>	<b>2008/09 Allocation</b>	<b>2008/09 Adopted Budget (as adopted 18<sup>th</sup> June 2008)</b>	<b>Variation Increase (Reduction)</b>
General Purpose	\$6,785,423	\$6,694,364	\$91,059
Local Roads	\$2,529,537	\$2,445,000	\$84,537
<b>Total Grant</b>	<b>\$9,314,960</b>	<b>\$9,139,364</b>	<b>\$175,596</b>

The roads component of the Financial Assistant Grant has been allocated to the following road activities in Council's 2008/09 Budget:

<b>Local Roads Component</b>	<b>2008/09 Allocation</b>	<b>2008/09 Adopted Budget (as adopted 26<sup>th</sup> June 2007)</b>	<b>Variation Increase (Reduction)</b>
Urban Roads Local Mtce (29%)	\$733,567	\$706,283	\$27,284
Sealed Rural Roads Local Maintenance (20.4%)	\$516,025	\$500,000	\$16,025
Unsealed Rural Roads Local Maintenance (50.6%)	\$1,279,945	\$1,238,717	\$41,228
<b>Total Grant</b>	<b>\$2,529,537</b>	<b>\$2,445,000</b>	<b>\$84,537</b>

Council has allocated the full amount of the roads component of the grant to Local Roads Maintenance. The actual allocation for roads is \$84,537 higher than estimated and it is recommended that Council allocate the increase in the Roads component of the grant to the Local Roads Maintenance budgets.

Council's 2008/09 Budget surplus of \$26,488 will be increased by \$91,059 to a surplus of \$117,547 if Council resolves to allocate the full increase in the general purpose component of the Financial Assistance Grant to the proposed General Fund budget surplus.

**OPTIONS**

1. That Council adjust the Adopted 2008/09 Budget at the September Quarterly Budget Review by \$91,059 to reflect the increase in the estimated revenue from the General Purpose Financial Assistance grant and increase estimated expenditure on Local Roads Maintenance by \$84,537 to reflect the increase in the Local Roads component of the grant
2. That Council adjust the Adopted 2008/09 Budget at the September Quarterly Budget Review by \$175,596 to reflect the Net increase in the estimated revenue to be received from the General Purpose Financial Assistance grant

and Local Roads component of the grant and continue with the same roads allocations as adopted in the Original budget.

Option 1 is recommended.

Rob Donges  
**DEPUTY GENERAL MANAGER - CIVIL & CORPORATE**

Prepared by: Ashley Lindsay  
Section: Finance & Supply

**Attachments:**

Letter from NSW Local Government Grants Commission  
Letter from NSW Minister for Local Government  
NSW Local Government Grants Commission – Information Paper  
NSW Local Government Grants Commission – Highlights 2008/09 Grants

<b>Committee:</b>	<b>CIVIL &amp; CORPORATE</b>	30 September 2008
<b>Section:</b>	Assets	
<b>Item: 09.170/08</b>	<b>TENDER 08/039 WOOLI TOURIST PARK MANAGEMENT CONTRACT</b>	

**CONFIDENTIAL ATTACHMENT (TO BE TABLED)****REPORT SUMMARY**

Clarence Valley Council as Trust Manager has called for tenders from suitably qualified and experienced persons for the contract management of the Woolli Tourist Park.

The management contract will be for a period of 3 years commencing 1 December 2008 with the option for a further 3 years.

Tenders closed on 5 September 2008 with four tender submissions being received.

**OFFICER'S RECOMMENDATION**

That

1. Council as Trust Manager of the Woolli Holiday Park enter into an agreement with Gainsnug Pty to manage and operate the Tourist Park for a period of 3 years commencing 1 December 2008, with an option to renew for a further 3 years.
2. Council as Trust Manager accept the tender submitted by Gainsnug Pty for the management of the tourist park for a 3 year period at a fixed lump sum price of \$55,000 per annum (including GST) plus commission.
3. The Common Seal be affixed to the contract.

**BACKGROUND**

The Woolli Tourist Park is currently operated by Ray and Rachael Mills, who have operated the Park for the previous 12 years. The last formal management contract expired in November 2004, since then the Mills have continued to manage the Park under an interim arrangement based on a letter dated 19 November 2004.

Earlier this year the Mills indicated that they would, at a mutually suitable date, like to cease management of the Park. After discussion a target date of 1 December 2008 was agreed, subsequently Council staff have been working to put in place a new management contract to meet this date.

**ISSUES**

The request for tender resulted in four submissions being received.

A tender evaluation panel was formed in order to select the tender which best met Council's requirements for the future management of the Park. The results of the assessment are included in the confidential attachment which will be tabled at the meeting.

The tender from Gainsnug Pty was considered to offer the best value to Council. Gainsnug currently operate the Brooms Head Tourist Park and delivered a good performance during 2007-2008, recording operating income 5% above budget.

Gainsnug's submission addressed all of the criteria required by the tender documentation and offered a realistic vision for the future of the Park.

**SUSTAINABILITY ASSESSMENT**

**Summary Statement:**

As Trust Manager, Council is responsible for managing Crown Land in a way that is both commercially viable and sustainable. Council's goal is to encourage the growth of tourism in a way that minimises the negative impact in the natural environment.

**Ecology:**

The ecological goal is to manage the Woolli Tourist Park to ensure visitors to the region are able to enjoy the natural setting whilst protecting environmentally sensitive areas.

**Economic:**

The Woolli Tourist Park provides a direct benefit to the local community by attracting business into the area, as well as providing funds for the maintenance of the reserve. The recommended tender provides the best value by offering lowest cost and the opportunity to grow the business.

**Social & Cultural:**

The Park provides visitors with the opportunity for a wide range of recreational activities in Woolli and the surrounding region.

**Human Habitat & Infrastructure:**

Some of the Park's infrastructure is ageing and plans for refurbishment are in place. Continuity planning will ensure that the new managers take over and further develop the maintenance program.

**Governance:**

The tendering process followed is consistent with the requirement of the Local Government Act and Regulation.

**Guiding Sustainability Principles:**

The proposal for management of the Woolli Tourist Park is consistent with the guiding sustainability principles of efficient resource use combined with healthy economic activity.

**OPTIONS**

1. Accept the tender of \$55,000 (inclusive of GST) from Gainsnug Pty
2. Accept another tender.

Option 1 is recommended.

**FINANCIAL IMPLICATIONS**

The retainer amount of \$50,000 **exclusive of GST** tendered by Gainsnug Pty is within industry standards and can be accommodated within the Park's 2008-2009 budget.

The two next closest tenders are slightly higher, but not excessively so given the small size of the Park and hence its revenue opportunities.

Rob Donges  
DEPUTY GENERAL MANAGER – CIVIL & CORPORATE

Prepared by: Terry Goddard  
Section: Assets

Confidential Attachment – To be tabled  
Tender Assessment

<b>Committee:</b>	<b>CIVIL &amp; CORPORATE</b>	30 September 2008
<b>Section:</b>	Assets	
<b>Item: 09.171/08</b>	<b>TENDER 08/033 CALYPSO HOLIDAY PARK NEW AMENITIES BLOCK</b>	

**CONFIDENTIAL ATTACHMENT****REPORT SUMMARY**

This report considers the outcome of a tender for construction of a new amenities block at the Yamba Calypso Holiday Park and recommends to Council a proposed course of action, being the separation of the design and construction phases of the project.

**OFFICER'S RECOMMENDATION**

That Council

1. decline the received tender from Wayren Constructions for design and construction of the amenities block at Calypso Holiday Park
2. proceed to separately obtaining a design for the amenities block, then to
3. re-tender for the amenities block utilising the design as part of the tender specification.

**BACKGROUND**

In April 2008 an Expression of Interest was issued calling for proposals for the design or design and construction of a new amenities block at the Yamba Calypso Holiday Park. Only one reply was received, from Wayren Constructions Pty Ltd, being for design and construction.

In view of the limited response it was decided to issue a public Request for Tender with the hope of attracting more interest. As a result a Request for Tender was issued in June 2008.

Once again the only response was from Wayren Constructions.

**ISSUES**

Only a single tender was received, being from Wayren Constructions, the quoted price being significantly higher than the budget for this project. Furthermore the tender was not for a fixed price lump sum, and could be subject to further increase.

Without comparative figures it is not possible to determine whether the budget estimate was too low or the contractor's price high.

By committing a much smaller sum to commissioning a design, Council will have the opportunity to seek construction tenders against the design and by so doing reduce the financial risk of the project.

**SUSTAINABILITY ASSESSMENT**

**Summary Statement:**

The objective of this report is to ensure that the underlying project to build a new amenity block is carried out within Council's sustainability framework.

**Ecology:**

There are no ecological issues associated with the overall project.

**Economic:**

The proposed approach will ensure effective use of Council resources.

**Social & Cultural:**

Not applicable

**Human Habitat & Infrastructure:**

The project, once completed, will enhance infrastructure at Council's Calypso Holiday Park by replacing amenities originally manufactured for the Sydney 2000 Olympic Games.

**Governance:**

The tendering process followed is consistent with the requirement of the Local Government Act and Regulation.

**Guiding Sustainability Principles:**

This recommendation contributes to efficient use of resources by adopting a risk mitigation strategy for the proposed works.

**FINANCIAL IMPLICATIONS**

The project is funded by the Clarence Coast Reserve Trust under project number 560212-0035-6070, Cost Centre 352.

The cost of commissioning a design for the new block can be met from within this budget and will not require the tendering process to be followed.

Once the design is complete a Request for Tender for construction will be issued and the outcome submitted back to Council.

Rob Donges

**DEPUTY GENERAL MANAGER – CIVIL & CORPORATE**

Prepared by: Terry Goddard

Section: Assets

<b>Committee:</b>	<b>CIVIL &amp; CORPORATE</b>	30 September 2008
<b>Section:</b>	Assets	
<b>Item: 09.172/08</b>	<b>TENDER 08/036 GRAFTON REGIONAL SALEYARD PENS UPGRADE</b>	

**CONFIDENTIAL ATTACHMENT****REPORT SUMMARY**

This report considers responses to a Request for Tenders to upgrade pens at the Grafton Regional Saleyard and recommends a preferred contractor to carry out the work.

**OFFICER'S RECOMMENDATION**

That Council accept the tender from Thompson Longhorn for Tender 08/036 to upgrade and remodel pens 9 to 15 including provision of concrete floors at Grafton Regional Saleyard at a cost of \$245,850 (GST inclusive) to be funded from PJ 560801 cost centre.

**BACKGROUND**

In July 2008 a Request for Tender was issued calling for proposals for upgrading a number of pens at the Grafton Regional Saleyard. By upgrading and resizing the pens Council was looking to increase the efficiency of the saleyard by providing a series of pens better tailored to the sales process.

In issuing the tender it was realised that it was desirable to construct new concrete floors for the remodelled pens, however at the time the Request for Tender was issued it was uncertain as to whether the allocated budget would be adequate. It was also felt that, because of the limited number of contractors able to carry steelwork and concreting, including this as a requirement in the Request for Tender it would limit the numbers of tenders submitted.

With this in mind the Request for Tender noted the future requirement for floor work and left it open for tenderers to bid for this additional work if they so wished.

**ISSUES**

Thompson Longhorn submitted the lowest fully compliant tender for the work as specified in the Request for Tender. Their alternative proposal to lay concrete floors at the same time as upgrading the pens is, as noted above, fully consistent with Council's future plans for the saleyard

Laying concrete floors at the same time as upgrading the pens offers significant benefits to Council, as disruption to sales to lay concrete later will not be required. Including this as a requirement in the original Request for Tender was considered but was not done for the following reasons:-

- Uncertainty over the cost of the basic upgrade
- It was considered that inclusion would reduce the number of companies tendering.

The additional cost quoted by Thompson Longhorn for concreting is considered to be consistent with the work to be undertaken.

**SUSTAINABILITY ASSESSMENT**

**Summary Statement:**

The objective of this report is to ensure that the underlying project to upgrade pens at the Grafton Regional Saleyard is carried out within Council's sustainability framework.

**Ecology:**

The saleyard is an existing facility and there are no ecological issues associated with the changes proposed.

**Economic:**

Upgrading the pens will result in economic benefits by contributing to the efficiency of stock sales. The upgrade will demonstrate to users of the saleyard Council's commitment to its future, which in turn may lead to increased patronage. Sale days bring into town a large number of people, providing a significant revenue boost to local businesses.

**Social & Cultural:**

The Grafton Regional Saleyard is a focal point for local producers and provides a venue where they can interact. By improving the venue in a highly visible way the project will reinforce the perception of the saleyard as a meeting place as well as a marketplace.

**Human Habitat & Infrastructure:**

The design and sizing of the new pens will allow stock to be moved with minimal risk to handlers and with minimal stress to the animals.

**Governance:**

The Tendering process followed is consistent with the requirement of the Local Government Act and Regulation.

**Guiding Sustainability Principles:**

This recommendation contributes to efficient use of resources by upgrading the pens in accordance with the overall management plan for the saleyard.

**OPTIONS**

1. Award Thompson Longhorn a contract to upgrade pens as specified in Request for Tender 08/036 and to carry out additional work to provide slip resistant concrete floors in the new pens for a total price of \$245,850 inclusive of GST.
2. Award Thompson Longhorn a contract to carry out only the work specified in Request for Tender 08/036, for a total price of \$192,000 inclusive of GST. Laying of concrete floors will be carried out later under a separate project.

Option 1 is recommended.

**FINANCIAL IMPLICATIONS**

The available budget is \$250,000 and the GST exclusive price is \$223,500 (PJ 560801 Cost Centre 379).

Rob Donges  
**DEPUTY GENERAL MANAGER – CIVIL & CORPORATE**

Prepared by: Terry Goddard  
Section: Assets

Confidential Attachment:  
Tender Assessment

<b>Committee:</b>	<b>CIVIL AND CORPORATE</b>	30 Sept 2008
<b>Section:</b>	Assets	
<b>Item: 09.173/08</b>	<b>GRAFTON REGIONAL SPORTS AND ENTERTAINMENT CENTRE MANAGEMENT CONTRACT</b>	

**ATTACHMENT & CONFIDENTIAL ATTACHMENT****REPORT SUMMARY**

The result of a Tender process for management of the Grafton Regional Sports and Entertainment Centre is reported, and it is recommended that no contract be awarded at this time.

**OFFICER'S RECOMMENDATION**

That:-

1. Council not award a contract for the management of the Grafton Regional Sports and Entertainment Centre at present.
2. The current arrangement with Grafton Basketball Association Incorporated be allowed to continue until a new Request for Tender is completed
3. Council endorse the proposal that Assets staff take a more active role in the running of the centre, in order to address identified risk areas and to improve Councils information on usage of the centre.
4. A new Request for Tender process be initiated once better information on centre usage is available, with a target date of May 2009.
5. Council note the likely requirement for additional maintenance funding once an assessment of the condition of the centre has been completed.

**BACKGROUND**

A contract for management of the Grafton Regional Sports and Entertainment Centre was awarded in June 2000 to Grafton Basketball Association Incorporated. The contract was for the period 1 June 2000 to 30 November 2001. Following expiry of the original contract Grafton Basketball have continued to operate the centre on the same financial terms as outlined in the original contract.

In March 2008 it was decided to issue a call for Expressions of Interest for the future operation of the centre. Advertisements calling for Expressions of Interest appeared in Sydney, Brisbane and regional newspapers on 11 April with a closing date of 2 May 2008.

In issuing the Expression of Interest Council was looking for an operator able to develop and implement programmes that would appeal to a broader section of the community and increase usage of the centre, whilst still supporting the current sports focussed activities. By so doing it was intended to increase the value of the centre as a community resource and improve returns.

A total of five responses were received. After a preliminary assessment it was decided as the number of responses was manageable all should be invited to submit a tender.

All respondents who submitted an Expression of Interest were invited to submit a tender for operation of the centre. The invitation was sent by letter on 29<sup>th</sup> May with a closing date for tenders of 27<sup>th</sup> June. Responses were received from:-

- Belgravia Leisure
- Bond Management Services
- Grafton Basketball Association Incorporated

## **ISSUES**

### **1. Centre Utilisation**

Currently Council has little information on utilisation of the centre beyond that provided with remittance advices from the current manager. Much of this is based on paper records as there is no point of sale terminal at the centre. A consequence of this is that there has been minimal information provided to assist tenderers with their submissions.

Daytime use of the centre is minimal, and even at peak times chargeable usage is at maximum 60% of total available capacity.

Current usage of the centre is based on a relatively small number of sporting activities, with basketball being the predominant one. One of council's key objectives in going to tender was to expand the range of activities supported by the centre, particularly in the cultural and entertainment area.

### **2. Tender Evaluation Process**

A tender evaluation panel was set up comprised of Sarah Ford (Community Development Officer), Terry Goddard (Business Coordinator), Toni Hawkins (Asset Coordinator) and Nigel Longstaff (Management Accountant).

Tenders were assessed in accordance with a matrix based on the requirements contained in the Request for Tender. A copy of the ranking of the ranking given by the panel is included in the Confidential Attachment to this document.

The scores attained for non-price related criteria are shown in the table below:-

Bond Management Services	Belgravia Leisure	Grafton Basketball Association Inc
<b>35</b>	<b>57.75</b>	<b>31</b>

As can be seen from the table above Belgravia's tender scored significantly higher than both of the others. Belgravia's tender was the only one to be fully compliant in addressing all of the requirements of Council. In particular, Belgravia were the only tenderer to comprehensively address Council's desire to extend the use of the centre to a broader section of the community.

3. Budgetary Issues

As noted previously the amount of information that Council was able to provide tenderers regarding the potential of the centre was limited, due to minimal involvement in its operation during the recent past.

As a result of uncertainties about the financial potential of the centre Belgravia's proposal was based on a fee for service for the first year of operation. The proposal also proposed a staffing cost for the centre well in excess of that proposed by the current operator.

The costs of engaging Belgravia to operate the Grafton Regional Sports and Entertainment Centre would represent a significant increase on the current expenditure. Based on the figures provided there would be an additional cost to Council during the 2008-2009 financial year of \$106,548 inclusive of GST

There are strong indications that there is potential for revenue growth however this is difficult to estimate due to the minimal usage information available. Belgravia have suggested that the expected revenue for the centre should be up to 50% higher than the current figure of \$88,000 pa inclusive of GST. The cost model developed by staff provides for a small (15%) increase in revenue during the first year of operation, however it is expected that a broadened client base would lead to strong revenue growth during subsequent years.

The proposal by Belgravia is for the first year of operation only. Thereafter, Council would have the opportunity to renegotiate a contract which reduced fixed payments to Belgravia and introduced a revenue sharing arrangement.

4. Maintenance Issues

In putting together the tender documentation Council staff made a number of visits to the centre. As a result a number of maintenance issues were discovered that had not been reported by the current centre manager. These issues are being followed up and it is expected that there will be a requirement for additional funding to bring the centre up to standard.

**SUSTAINABILITY ASSESSMENT**

**Summary Statement:**

The process recommended to Council seeks to ensure that necessary governance obligations are met by Council and that the community receives a financial and social/cultural benefit through the provision of the sporting facility at the best available cost.

**Ecology:**

The Grafton Regional Sports and Entertainment Centre is an existing building. The management changes proposed by this report will have no negative ecological impact.

**Economic:**

The operating model proposed is an interim arrangement which will address key areas of concern regarding existing operations. Nevertheless Council staff will attempt to partner with Grafton Basketball Association to promote the vision for the centre.

**Social & Cultural:**

The current community usage will continue.

**Human Habitat & Infrastructure:**

No changes to human habitat and infrastructure are proposed by this recommendation.

**Governance:**

The tendering process followed is consistent with the requirements of the Local Government Act and Regulation.

**Guiding Sustainability Principles:**

By playing a more direct role in the operation of the centre will allow Council staff to monitor the centres use of resources. This will however be constrained by the amount of resources that council is able to assign to this task.

**OPTIONS**

1. That Grafton Basketball be allowed to continue operating the centre for the remainder of 2008/2009 with Council staff actively participating in the running of the centre. The purpose of this approach is to collect data on the current and potential usage of the centre with a view to issuing another request for tender in the May 2009 timeframe. A key part of this will be the implementation of an electronic Booking and Point of Sale system to replace the current manual processes.
2. That Council accept the tender from Belgravia to operate the centre, initially on a fee for service basis.

Option 1 is recommended.

**FINANCIAL IMPLICATIONS**

Allowing Grafton Basketball Association to operate the centre for the remainder of the financial year would not in itself incur any costs beyond what is currently in the budget. However, as part the proposal for Council staff to take an active role in the operation of the centre, it is expected that some additional funding will be required to improve the appearance of the centre and to more actively promote it. This funding will be sought as part of the quarterly budget review process.

The cost of engaging Belgravia to operate the Grafton Regional Sports and Entertainment Centre for the remainder of 2008-2009 would represent an increase of \$96,862 **exclusive of GST** on the current budget.

Rob Donges

**DEPUTY GENERAL MANAGER (CIVIL & CORPORATE)**

Prepared by: Terry Goddard

Section: Assets

**Confidential Attachment:**

Tender Evaluation

<b>Committee:</b>	<b>CIVIL &amp; CORPORATE</b>	30 Sept 2008
<b>Section:</b>	Governance	
<b>Item: 09.174/08</b>	<b>DONATIONS</b>	

**REPORT SUMMARY**

Council has received requests for the following additional donations for the 2007-08 year.

1. Gulmarrad Public School has requested that its street stall fees be waived.
2. Iluka Public School P & C Association has requested a donation towards upgrades and repairs at the school.
3. Clarence Valley BMX Club has requested reimbursement of the DA fees they paid for a DA for extensions to their track at South Grafton.
4. Baryulgil School has requested financial assistance for a relay team selected to compete in the NSWPSA Track and Field Championships in Sydney.
5. The Lower Clarence Presbyterian Church has requested a donation of its DMU fees.

**OFFICER'S RECOMMENDATION**

1. That a donation of \$250.00 each be made to Gulmarrad Public School and Baryulgil School.
2. That a donation of \$250.00 be made to the Iluka Public School P & C Association.
3. That a donation of \$238.00 be made to the Clarence Valley BMX Club.
4. That a donation of \$156.00 be made to the Lower Clarence Presbyterian Church for its DMU fees.

**BACKGROUND**

Gulmarrad Public School has requested that Council waive the fees for a street stall it is planning in River St, Maclean.

Baryulgil School has requested financial assistance for a relay team selected to compete in the NSWPSA Track and Field Championships in Sydney in October.

Iluka Public School is holding a fete on 7 November 2008 as the major annual fundraiser to raise funds towards costs associated with upgrades & repairs to facilities to create a safe and comfortable learning environment for students. The Iluka Public School P & C Association have requested Council make a donation towards costs associated with this event.

Clarence Valley BMX Club recently lodged a DA for extensions to their track at South Grafton. The track is located on Council property which the Club leases from Council.

The Lower Clarence Presbyterian Church is considering an extension to its church in Church St, Maclean and recently attended a DMU meeting to discuss its plans. It has requested that Council donate to it the DMU fee of \$156.00.

**ISSUES**

As schools in the Clarence Valley could make many requests for financial assistance from Council for a wide variety of worthy activities, Council has, through its Donations Policy, determined that its donations to schools will be limited to a single donation each year. In the majority of cases this donation has been an amount of \$250 made towards costs associated with annual costs of award presentations. This amount has been recommended to ensure that donations are given sustainably, with equity and consistency. Donations of this amount have already been made this financial year to 12 schools which have requested a donation from Council.

No donation has been made to Gulmarrad School, Iluka Public School, Iluka Public School P & C Association or Baryulgil School this financial year.

Council's current Donations Policy provides for the waiver/reimbursement of DA fees and other fees and charges where the applicant is a not-for-profit organisation established in the Clarence Valley and is providing a service to the Clarence Valley community that is, in Council's opinion, of benefit to the community, provided that the applicant's business does not involve the provision of a personalised service for fees (eg. a nursing home), or the applicant does not operate licensed premises.

It is submitted that both the Clarence Valley BMX Club and the Lower Clarence Presbyterian Church fall within the category of organizations eligible for a waiver/reimbursement of fees.

**SUSTAINABILITY ASSESSMENT**

**Summary Statement:**

There are many community causes that Council could support financially but Council's resources for this support are limited. In order to ensure that resources are applied in a manner which is both sustainable and effective, it is necessary to apply the criteria established in the Donations Policy, against which donation requests by organizations and individuals are to be measured. This ensures that decision making remains transparent and consistent and that the assistance provided by Council is distributed in a manner both equitable & accountable.

**Ecology:**

Not applicable

**Economic:**

Not applicable

**Social & Cultural:**

Not applicable

**Human Habitat & Infrastructure:**

Not applicable

**Governance:**

Section 356 of the Local Government Act requires all financial assistance provided by Council to be approved by Council. Under section 377 of the Act, this function of the Council cannot be delegated.

**OPTIONS**

1. That the officers' recommendation be adopted.
2. That Council not consent to the requested donations.

Option 1 is preferred as it ensures consistency of donations in accordance with its Donations Policy.

**FINANCIAL IMPLICATIONS**

The donations to the Clarence Valley BMX Club and the Lower Clarence Presbyterian Church can be met from the Development Services donations budget.

The donations to Gulmarrad and Baryulgil Schools & the Iluka Public School P & C Association can be met from the Governance budget. That budget currently stands as follows:

<b>Budget</b>	<b>\$25750</b>
Less	
Community Initiative donations	18608
Grafton and District Garden Club	200
Brushgrove Cowper Community and Sports Association	500
Copmanhurst Defibrillator Project	300
Grafton Amateur Swimming Club	<u>100</u>
<b>Current balance remaining</b>	<b>\$6042</b>

Rob Donges  
**DEPUTY GENERAL MANAGER - CIVIL & CORPORATE**

Prepared by: Simon Roberts  
Section: Governance

<b>Committee:</b>	<b>CIVIL &amp; CORPORATE</b>	30 Sept 2008
<b>Section:</b>	Governance	
<b>Item:</b>	<b>09.175/08 CLARENCE VALLEY SPORTS AND CULTURAL TRUST</b>	

**ATTACHMENTS****REPORT SUMMARY**

Council has received requests for assistance under the Clarence Valley Sports and Cultural Trust Fund on behalf of Mitchell Thomas and Jacob Purser.

**OFFICER'S RECOMMENDATION**

1. That a payment of \$250 be allocated from the Clarence Valley Sports and Cultural Trust Fund to assist Mitchell Thomas who has been selected to play in the Under 15 Boys NSW Hockey Championships in Canberra from 2 to 11 October 2008.
2. That a payment of \$250 be allocated from the Clarence Valley Sports and Cultural Trust Fund to assist Jacob Purser who has been selected to play in the 2008 Primary Boys Hockey Team in Canberra during December 2008.

**BACKGROUND**

Council has received requests for funding assistance to:

1. Mitchell Thomas of Grafton who has been selected to play in the Under 15 Boys NSW Hockey Championships in Canberra from 2 to 11 October 2008.
2. Jacob Purser who has been selected to play in the 2008 Primary Boys Hockey Team in Canberra during December 2008.

Copies of the applications requesting the assistance is included in the attachments.

**ISSUES**

The applications meet the criteria for financial assistance from the Fund, noting that the Trust provides financial support to a maximum of \$250 per individual for selection at State level and \$500 per individual for National selection or \$500 per group or team.

**SUSTAINABILITY ASSESSMENT**

Council has adopted a Sports and Cultural Trust Fund Policy which sets out guidelines for financial assistance that Council will offer to eligible individuals. This ensures that decisions relating to this assistance are equitable and transparent and that Council is accountable for them.

**Ecology:**

Not applicable

**Economic:**

Not applicable

**Social & Cultural:**

Not applicable

**Human Habitat & Infrastructure:**

Not applicable

**Governance:**

Section 356 of the Local Government Act requires all financial assistance provided by Council to be approved by Council. Under section 377 of the Act, this function of the Council cannot be delegated.

**FINANCIAL IMPLICATIONS**

The remaining budget for the Sports and Cultural Trust for 2008/09 is \$3,900 (PJ 993025-1012-2534). If the recommendation is adopted the balance remaining for the year will be \$3,400.

Rob Donges

**DEPUTY GENERAL MANAGER - CIVIL & CORPORATE**

Prepared by: Simon Roberts

Section: Governance

**Attachments:**

Letters of application and supporting information

<b>Committee:</b>	<b>CIVIC &amp; CORPORATE</b>	30 Sept 2008
Section:	Governance	
<b>Item:</b>	<b>09.176/08 HALF DAY HOLIDAYS - 2009</b>	

**REPORT SUMMARY**

Council is required to advise the Office of Industrial Relations of the proposed 2009 local public holidays in the Clarence Valley.

**OFFICER'S RECOMMENDATION**

That Council advise the Office of Industrial Relations of the following proposed local public holidays in the Clarence Valley in 2009:

- (a) After noon on Wednesday 6 May 2009 - Maclean Show Day to be observed within the Police Patrol Districts of Maclean, Yamba and Iluka
- (b) After noon on Wednesday 15 July 2009 - Ramornie Race Day to be observed within the City of Grafton
- (c) After noon on Thursday 16 July 2009 - Grafton Cup Day to be observed within the City of Grafton
- (d) After noon on Thursday 5 November - Jacaranda Thursday to be observed within the City of Grafton

**BACKGROUND**

Each year Council is required to advise the Office of Industrial Relations of the proposed local public holidays in the Clarence Valley for the coming year. If that Office approves the holidays, it will proceed to publish them in the Government Gazette.

**ISSUES**

The proposed public holidays are the traditional holidays in the Valley. None of them is Valley-wide – the Maclean Show Day being restricted to an area that roughly coincides with the former Maclean Shire and the other three holidays coincide with the area of the former Grafton City Council.

**SUSTAINABILITY ASSESSMENT****Summary Statement:**

The local public holidays coincide with the major events in both Grafton and Maclean. In Maclean, the Show is a drawcard for exhibitors from throughout the Valley and beyond and in Grafton, Jacaranda and the July Racing Carnival are the two major events of the year.

**Ecology:**

Not applicable

**Economic:**

Local public holidays highlight those events that attract large numbers of visitors to the Valley. Their presence is a considerable boost to the economy of the Valley and to many businesses within the Valley. It is considered that this benefit outweighs the disadvantage to employers of having these public holidays. The Grafton office provides normal services on Maclean Show Day and the Maclean office does the same on the other 3 days, so Council continues to operate on all 4 days.

**Social & Cultural:**

The local public holidays give local residents an opportunity to participate in Jacaranda Thursday and to attend the July Racing Carnival and Maclean Show. This is of benefit to the social fabric and well-being of both Maclean and Grafton and surrounding areas.

**Human Habitat & Infrastructure:**

Not applicable

**Governance:**

It is a requirement that local public holidays be gazetted each year.

**OPTIONS**

1. That Council advise the Office of Industrial Relations of the following proposed local public holidays in the Clarence Valley in 2008:
  - (a) After noon on Wednesday 16 April - Maclean Show Day to be observed within the Police Patrol Districts of Maclean, Yamba and Iluka
  - (b) After noon on Wednesday 16 July - Ramornie Race Day to be observed within the City of Grafton
  - (c) After noon on Thursday 17 July - Grafton Cup Day to be observed within the City of Grafton
  - (d) After noon on Thursday 6 November - Jacaranda Thursday to be observed within the City of Grafton
2. That Council advise the Department of Industrial Relations that it does not intend to request any local public holidays for 2007 or that it requests a reduced number of local public holidays.

Option 2 is not recommended. These public holidays are a tradition in both Grafton and Maclean and Council has not received any objections to them. If Council were considering reducing the number, it is recommended that Council first consult with the community and the business sector.

**FINANCIAL IMPLICATIONS**

The cost to Council of these half-day public holidays is included in Council's budget.

Rob Donges

**DEPUTY GENERAL MANAGER - CIVIL & CORPORATE**

Prepared by: Simon Roberts

Section: Governance

<b>Committee:</b>	<b>CIVIL &amp; CORPORATE</b>	30 Sept 2008
<b>Section:</b>	Governance	
<b>Item: 09.177/08</b>	<b>DRAFT POLICIES ON DISPOSAL OF COUNCIL ASSETS AND THE DISPOSAL OF SURPLUS COUNCIL LAND AND BUILDINGS</b>	

**ATTACHMENTS****REPORT SUMMARY**

Draft Policies, copies of which are in the attachments, have been prepared on the Disposal of Council Assets and the Disposal of Surplus Council Land and Buildings. They have been endorsed by Council's Executive and are now referred to Council with a recommendation that they be adopted.

**OFFICER'S RECOMMENDATION**

That the draft Policy on the Disposal of Council Assets and draft Policy on the Disposal of Surplus Council Land and Buildings be adopted.

**BACKGROUND**

These draft policies have been prepared In order to ensure that the disposal of Council assets and surplus land and buildings is conducted via a consistent, transparent and accountable process.

At the June Council meeting, Council adopted a proposal to establish a Property Development Reserve. It was proposed that:

1. The net proceeds from all sales of Council real estate assets, other than closed roads, would be paid into this Reserve.
2. Funds in the Reserve would be utilised only for the acquisition of other income generating or capital improvement assets.
3. Any costs associated with the relocation of facilities from any site proposed to be sold, and costs associated with making a site ready for sale, could be financed, or reimbursed, from the ultimate proceeds of sale of that site.

**ISSUES**

The draft Policy on the Disposal of Council Assets applies to all Council assets other than land (including buildings) and vehicles and major plant items. It provides for the disposal of those assets having a value in excess of \$1000 by either tender or auction. Those items having a value of less than \$1000 may be disposed of by auction, donation or recycling/dumping at the discretion of the relevant Manager.

The draft Policy on the Disposal of Surplus Council Land and Buildings requires that surplus Council land be identified and that any sale have the prior approval of Council. Surplus Council Land includes both vacant land and land with improvements erected on it as well as closed road reserves but does not include vacant land that has been identified as suitable for development by Council. Surplus Council Land will be sold either by auction or tender with a reserve price being determined by independent valuation. Should the land fail to sell at auction, then it may be listed with an agent or sold by direct negotiation.

Provision is also made in the draft Policy for the sale of surplus land that, because of zoning, location or other restrictions, is unlikely to have wide appeal and/or have a high value – eg land that is located within a zoning that prohibits development. Because of these restrictions, this land may be of little value and, in order to maximise the return to Council on any sale, the draft policy proposes that such land may be sold either by direct negotiation or by advertising for offers but with any sale requiring prior Council approval.

The draft Policy also incorporates, in clause 4.11, the establishment of a Property Development Reserve as resolved by Council at its June meeting.

Both policies have been developed in consultation with the Manager Assets and Manager Finance and Supply.

### **SUSTAINABILITY ASSESSMENT**

#### **Summary Statement:**

Council's assets underpin its financial viability. It is essential therefore that when Council disposes of those assets it does so in a way that ensures both that Council receives full value for them and that the sale reflects the principles of good governance.

#### **Ecology:**

Not applicable

#### **Economic:**

Not applicable

#### **Social & Cultural:**

Not applicable

#### **Human Habitat & Infrastructure:**

Not applicable

#### **Governance:**

Three of the fundamental principles of good governance are that an organisation be accountable, that it act equitably and that its actions be transparent. These two draft policies have been prepared in order to ensure that these principles are reflected in the disposal of any assets or land.

### **OPTIONS**

1. That the draft Policy on the Disposal of Council Assets and draft Policy on the Disposal of Surplus Council Land and Buildings be adopted.
2. That Council not adopt either or both of the draft Policy on the Disposal of Council Assets and draft Policy on the Disposal of Surplus Council Land and Buildings.
3. That Council require changes to the draft Policy on the Disposal of Council Assets and/or the draft Policy on the Disposal of Surplus Council Land and Buildings prior to adopting them.

Option 1 is recommended for the reasons set out in this report.

**FINANCIAL IMPLICATIONS**

Nil

Rob Donges

**DEPUTY GENERAL MANAGER - CIVIL & CORPORATE**

Prepared by: Simon Roberts

Section: Governance

**Attachments:**

Policy on the Disposal of Council Assets

Policy on the Disposal of Surplus Council Land and Buildings

**Committee: CIVIL & CORPORATE**

30 September 2008

Section: Governance

**Item: 09.178/08 REVIEW OF COUNCIL'S DONATIONS POLICY****ATTACHMENT****REPORT SUMMARY**

Council's Donations Policy has been reviewed with a view to tightening the criteria for donation eligibility. It has been on public exhibition with no submissions received and is now included in the business paper for further consideration by Council.

**OFFICER'S RECOMMENDATION**

That the revised Donations Policy be adopted.

**BACKGROUND**

Council's donations budget is quite limited but Council regularly receives donation requests far in excess of its budget. In order to ensure that Council's decisions regarding donations are as equitable as possible the Donations Policy has been reviewed, in particular the eligibility criteria.

**ISSUES**

As a result of this review, substantial changes are proposed to this Policy, with the proposed changes in italics on the Policy in the attachments. The main changes recommended are:

1. Council will not donate funds under the Community Initiatives program (clause 8.1):
  - (a) for community initiatives or events that generate financial profits for commercial companies and/or individuals,
  - (b) for on-going operational or administration expenses of an organisation (other than rates) - examples of on-going operational or administration expenses include insurance, utility expenses (electricity, phone, etc) and rent,
  - (c) retrospectively, except in the case of donations of fees and charges where the application is for reimbursement of fees or charges paid and such application is made within one month after such payment, or
  - (d) for capital works and major building repairs (as opposed to minor maintenance and upkeep).
2. The circumstances in which Council will consider waiving DA fees have been tightened (clause 8.1).
3. The Policy proposes a \$500 limit on donations to organisations applying during the year (as opposed to one that applies through the Community Initiatives scheme prior to the commencement of the financial year) – clause 8.4(c) - and requires that any such request be made at least 8 weeks before the donation is required – clause 8.4(b).
4. It is proposed that once the annual budgetary limit is reached, no further donations be made by Council (clause 8.4 (d)).

5. Council will only make one donation to any organisation each year (clause 6).
6. The Policy now applies to requests for the waiver of fees and charges, especially hall rental fees.
7. The Policy permits donations to:
  - (a) unincorporated organisations applying for a Community Initiatives donation, provided that they have their own bank account (clause 5.4), and
  - (b) individuals provided that the donation application is received from a not-for-profit organisation (clause 5.4).
8. Specific criteria have been included for applications for donations of rates (clause 8.2)

**SUSTAINABILITY ASSESSMENT**

**Summary Statement:**

Council's assets underpin its financial viability. It is essential therefore that when Council disposes of those assets it does so in a way that ensures both that Council receives full value for them and that the sale reflects the principles of good governance.

**Ecology:**

Not applicable

**Economic:**

Not applicable

**Social & Cultural:**

Not applicable

**Human Habitat & Infrastructure:**

Not applicable

**Governance:**

Three of the fundamental principles of good governance are that an organisation be accountable, that it act equitably and that its actions be transparent. These two draft policies have been prepared in order to ensure that these principles are reflected in the disposal of any assets or land.

**OPTIONS**

1. That the revised Donations Policy, a copy of which is in the attachments, be adopted.
2. That Council not make any changes to the current Donations Policy.
3. That Council make other changes to the Donations Policy.

Option 1 is recommended for the reasons set out in this report.

**FINANCIAL IMPLICATIONS**

Nil

Rob Donges  
DEPUTY GENERAL MANAGER - CIVIL & CORPORATE

Prepared by: Simon Roberts  
Section: Governance

*Attachment:*  
*Donations Policy*

<b>Committee:</b>	<b>CIVIL &amp; CORPORATE</b>	30 September 2008
Section:	Governance	
<b>Item: 09.179/08</b>	<b>REVIEW OF THE POLICY ON COUNCILLOR EXPENSES AND THE PROVISION OF FACILITIES TO COUNCILLORS</b>	

**ATTACHMENT****REPORT SUMMARY**

To review the Policy on Councillor Expenses and the Provision of Facilities to Councillors.

**OFFICER'S RECOMMENDATION**

That the draft Policy on Councillor Expenses and the Provision of Facilities to Councillors be placed on public exhibition for a period of 28 days and that public submissions be invited on it during that period.

**BACKGROUND**

Section 252 of the Local Government Act requires Council to review and adopt, by 30 November in each year, a policy on Councillor expenses and the provision of facilities to Councillors. Section 253 of the Act requires Council to advertise the draft policy for 28 days prior to adopting it and to invite submissions on it during that period.

**ISSUES**

The draft Policy is substantially similar to the current one, the only change being that all allowances have been increased by 4% in line with inflation with the exception of:

- (a) the allowance for reimbursement when a Councillor uses his or her own vehicle for travel on Council related business - this allowance is based on the Australian Taxation Office's rate per business kilometre and remains unchanged, and
- (b) the accommodation and meal allowances – these were only changed earlier this year and it is considered that they remain adequate at this time.

Apart from these adjustments, the draft Policy is identical to the current Policy.

**SUSTAINABILITY ASSESSMENT****Summary Statement:**

The Policy ensures that there is accountability and transparency in the reimbursement of expenses by councillors. It also ensures that the facilities provided to councillors to assist them to carry out their civic duties are reasonable.

**Ecology:**

Not Applicable.

**Economic:**

Not Applicable.

**Social & Cultural:**

Not Applicable.

**Human Habitat & Infrastructure:**

Not Applicable.

**Governance:**

Section 252 of the Local Government Act requires Council to review annually its Policy on Councillor Expenses and the Provision of Facilities to Councillors.

**OPTIONS**

1. That the draft Policy on Councillor Expenses and the Provision of Facilities to Councillors, a copy of which is in the attachments, be placed on public exhibition for a period of 28 days and invite public submissions on it during that period.
2. That Council not make any changes to the current Policy on Councillor Expenses and the Provision of Facilities to Councillors and place that Policy on public exhibition for a period of 28 days and invite public submissions on it during that period.
3. That Council make other changes to the Policy on Councillor Expenses and the Provision of Facilities to Councillors and place the amended Policy on public exhibition for a period of 28 days and invite public submissions on it during that period.

Option 1 is recommended for the reasons set out in this report.

**FINANCIAL IMPLICATIONS**

Council has, in its 2008/9 budget, allowed for the increased allowances noted in the draft Policy.

Rob Donges

**DEPUTY GENERAL MANAGER - CIVIL & CORPORATE**

Prepared by: Simon Roberts

Section: Governance

**Attachment:**

Policy on Councillor Expenses and the Provision of Facilities to Councillors

<b>Committee:</b>	<b>CIVIL &amp; CORPORATE</b>	30 September 2008
<b>Section:</b>	Operations	
<b>Item: 09.180/08</b>	<b>TENDER 08/037, 12 TONNE CARRYING CAPACITY TIPPING TRUCKS</b>	

**CONFIDENTIAL ATTACHMENT**REPORT SUMMARY

Tenders were called for the supply of three (3) 12 tonne carrying capacity tipping trucks with the option of (3) three axle tipping dog trailers.

OFFICER'S RECOMMENDATION

That

1. Council accept the tender from Volvo Commercial vehicles Coffs Harbour for Tender 08/037 Three (3) 12 tonne carrying capacity tipping trucks at a cost of \$661,776.00 (GST inclusive) and (3) three axle tipping dog trailers at a cost of \$213,000.00 (GST Inclusive) to be funded from PJ 558500 Cost Centre 505 and that the Common Seal of Council be affixed accordingly.
2. The existing trucks (plant numbers 1004, 1005 and 1009) and trailers (plant numbers 2001, 2004 and 2005) be sold at auction.

BACKGROUND

Tenders were called on the 2 August 2008 and closed on the 26 August 2008 for the supply of three (3) 12 tonne carrying capacity tipping trucks and (3) three axle tipping dogs. The truck and dog trailers are to replace existing truck and dog trailers based at the Koolkhan depot (2) and the South Grafton depot (1).

These items of plant are typically used in the construction and maintenance of councils road work's programs.

ISSUES

Five tenders were received for the supply of trucks and dog trailers as detailed below:

<b>Tenderer</b>	<b>Description</b>	<b>Conforming</b>
The Brown & Hurley Group	Kenworth T388	Yes
RH Taylor	Eagle 9200	Yes
Southside Agencies	Western Star	Yes
Volvo Commercial Vehicles Coffs Harbour	Mack Granite	Yes
Murwillumbah Truck Centre	Sterling	Yes

The Tender Evaluation Panel report is contained in the confidential attachment.

**SUSTAINABILITY ASSESSMENT**

**Summary Statement:**

These items of plant are typically used in the construction and maintenance of councils road work's programs.

**Ecology:**

Not applicable.

**Economic:**

Not applicable.

**Social & Cultural:**

Not applicable.

**Human Habitat & Infrastructure:**

Not applicable.

**Governance:**

The Tendering process followed is consistent with the requirement of the Local Government Act and Regulation.

**Guiding Sustainability Principles:**

Not applicable.

**OPTIONS**

1. That Council accept the tender from Volvo Commercial vehicles Coffs Harbour for Tender 08/037 Three (3) 12 tonne carrying capacity tipping trucks at a cost of \$661,776.00 (GST inclusive) and (3) three axle tipping dog trailers at a cost of \$213,000.00 (GST Inclusive) to be funded from PJ 558500 Cost Centre 505 and that the Common Seal of Council be affixed accordingly.
2. That the existing trucks (plant numbers 1004, 1005 and 1009) and trailers (plant numbers 2001, 2004 and 2005) be sold at auction.
3. That no tenders be accepted.

Options 1 and 2 are recommended.

**FINANCIAL IMPLICATIONS**

The available budget for the tender is PJ 558500 Cost Centre 505 and the **GST exclusive** tender price is \$795,250.90. The tendered rates are within the funding allocated for these plant items.

Rob Donges

**DEPUTY GENERAL MANAGER - CIVIL & CORPORATE**

Prepared by: Paul Gallagher

Section: Operations

<b>Committee:</b>	<b>CIVIL &amp; CORPORATE</b>	30 September 2008
Section:	Operations	
<b>Item: 09.181/08</b>	<b>TENDER 08/038, SUPPLY ONE NEW ELEVATED WORK PLATFORM</b>	

**CONFIDENTIAL ATTACHMENT**

REPORT SUMMARY

Tenders were called for the supply of one (1) new elevated work platform.

OFFICER'S RECOMMENDATION

That

1. Council accept the tender from GMJ Equipment P/L for Tender 08/038 for one new elevated work platform at a cost of \$236,458.00 (GST inclusive) to be funded from PJ 558500 Cost Centre 505 and that the Common Seal of Council be affixed accordingly.
2. The existing plant 7900 be sent to auction for sale.

BACKGROUND

Tenders were called on the 2 August 2008 and closed on the 26 August 2008 for the supply of one new elevated work platform. The plant item is based at the Grafton depot. The tender is for the provision of the elevated work platform only. A 24 GVM tonne truck on which the elevated work platform is to be mounted is also to be acquired. The truck will be purchased through Government Tender at a currently estimated cost of approximately \$120,000.

These items of plant are typically used in Councils tree trimming and green hazard reduction programs.

ISSUES

Five tenders were received for the supply of elevating work platforms as detailed below:

<b>Tenderer</b>	<b>Description</b>	<b>Conforming</b>
GMJ Equipment P/L	LL22.350	Yes
Aerial Access Australia P/L	VST7500I	Yes
Aerial Devices Australia Pty Ltd	A72T	Yes

The Tender Evaluation Panel report is contained in the confidential attachment.

SUSTAINABILITY ASSESSMENT

**Summary Statement:**

These items of plant are typically used in council's tree trimming and green hazard reduction programs.

**Ecology:**

Not applicable.

**Economic:**

Not applicable.

**Social & Cultural:**

Not applicable.

**Human Habitat & Infrastructure:**

Not applicable.

**Governance:**

The Tendering process followed is consistent with the requirement of the Local Government Act and Regulation.

**Guiding Sustainability Principles:**

Not applicable.

**OPTIONS**

4. That Council accept the tender from GMJ Equipment P/L for Tender 08/038 for one new elevated work platform at a cost of \$236,458.00 (GST inclusive) to be funded from PJ 558500 Cost Centre 505 and that the Common Seal of Council be affixed accordingly.
5. That the existing plant 7900 be sent to auction for sale.
6. That no tenders be accepted.

Options 1 and 2 are the recommended options.

**FINANCIAL IMPLICATIONS**

The available budget for the tender is PJ 558500 Cost Centre 505 and the **GST exclusive** tender price is \$214,962.00. The tendered rates are within the funding allocated for these plant items.

Rob Donges

**DEPUTY GENERAL MANAGER - CIVIL & CORPORATE**

Prepared by: Paul Gallagher

Section: Operations

Confidential Attachment:

Tender Assessment

<b>Committee:</b>	<b>CIVIL &amp; CORPORATE</b>	30 September 2008
<b>Section:</b>	Operations	
<b>Item:</b>	<b>09.182/08 THE HALYARD, YAMBA TRAFFIC CALMING</b>	

**ATTACHMENT**

**REPORT SUMMARY**

Council met with residents of The Halyard, Yamba on 21 August 2008 to discuss traffic calming options and to determine a future course of action. The recommendation from the meeting was to remove the existing temporary speed humps and trial a central median.

**OFFICER'S RECOMMENDATION**

That:

1. The temporary speed humps in The Halyard be removed; and
2. Council trial the installation of a central median on the curve in The Halyard between Admiralty Court and Telopea Avenue.

**BACKGROUND**

Council staff have been discussing traffic calming measures on The Halyard with residents since 2006. Since that time Council has trialled two traffic calming options in The Halyard in an attempt to reduce traffic speed.

The traffic calming measures trialled to date have included:

Trial 1: Linemarking and temporary blisters

Trial 2: Linemarking and temporary speed humps (with some blisters retained on the curve)

A public meeting was held with residents on 21 August 2008 to discuss the temporary measures trialled to date and to determine a future course of action. There were 21 residents at the meeting.

**ISSUES**

The meeting discussed the impact the current traffic calming measures were having. Noise generated by the speed humps was a major issue and difficulty in accessing one residence was also raised.

Vehicle speed assessments were also carried out to determine the impact of the speed humps on driver behaviour. The details of the assessment are provided below.

Average Daily Traffic:	Pre Speed Humps (Sept-Oct 2006)	Post Speed Humps (Aug 2007)
Monday – Friday	1983 vpd	1753 vpd
Monday – Sunday	1880 vpd	1637 vpd

85th Percentile Traffic Speed:	52 km/hr	49 km/hr
95th Percentile Traffic Speed:	56 km/hr	53 km/hr

This data indicates that there was a reduction in traffic using The Halyard while the speed humps were in place exceeding 200 vehicles per day. However, the speed humps only made a minor reduction in traffic speeds of 3 km/hr for the 85<sup>th</sup> and 95<sup>th</sup> percentile speeds.

Following discussion of the previously trialled options the meeting decided to trial the installation of a central median on the curve in The Halyard between Admiralty Court and Telopea Avenue, while retaining the two blisters located on the inside of the curve. A plan showing this option is attached.

### **SUSTAINABILITY ASSESSMENT**

#### **Summary Statement:**

The review continuing consultation and trial of traffic calming options meets Council's objective of providing efficient transport and access for the community.

#### **Ecology:**

Not applicable.

#### **Economic:**

Not applicable.

#### **Social & Cultural:**

Not applicable.

#### **Human Habitat & Infrastructure:**

The installation of traffic calming at The Halyard will provide a safer road network for that section of the community.

#### **Governance:**

Not applicable.

#### **Guiding Sustainability Principles:**

The installation of traffic calming in this instance meets Council's Guiding Sustainability Principles of "Focusing on Continuous Improvement".

### **OPTIONS**

1. The temporary speed humps in The Halyard be removed
2. Council trial the installation of a central median on the curve in The Halyard between Admiralty Court and Telopea Avenue.
3. No further action be taken.

Options 1 and 2 are recommended.

### **FINANCIAL IMPLICATIONS**

Council currently has a budget item for the installation of traffic calming in The Halyard. The costs of the trial can be met from that budget allocation.

Rob Donges

**DEPUTY GENERAL MANAGER - CIVIL & CORPORATE**

Prepared by: Tim Jenkins  
Section: Operations

Attachments:  
Concept Plan  
Location Plan

<b>Committee:</b>	<b>CIVIL &amp; CORPORATE</b>	30 September 2008
Section:	Civil Strategic	
<b>Item: 09.183/08</b>	<b>SKINNER STREET, SOUTH GRAFTON – PUBLIC EXHIBITION OF DESIGN PLANS</b>	

**REPORT SUMMARY**

At the ordinary meeting of 18 June 2008 Council resolved to place the draft detailed design plan for the upgrade of Skinner St, South Grafton between Through St and Spring St on public exhibition for a period of 28 days for public comment. The plans were exhibited from 29 July until 29 August 2008 in the Maclean and Grafton Council offices and also in the South Grafton Emporium at 31 Skinner Street, South Grafton. Ten submissions were received with a total of 25 requests to be considered in the design. Of these requests 12 have or will be incorporated into the design. Of the remaining requests 5 will be investigated and included where possible and 7 cannot be accommodated as they would contradict the design concept and the previous resolutions of Council regarding the project.

**OFFICER'S RECOMMENDATION**

That the proposed upgrade of Skinner Street between Through Street and Spring Street proceed in accordance with the exhibited design plan as amended following consideration of the public submissions received and in accordance with the available funding.

**BACKGROUND**

At the June 2007 Council meeting Council adopted a concept plan for the upgrade of Skinner Street, South Grafton. This plan had been developed by a consultant engaged by Council, following significant consultation with the local community.

Following the adoption of the concept plan Council undertook the detailed design of Skinner Street. This included further informal consultation with segments of the community, such as the South Grafton Progress Association and the South Grafton Retail and Business Network, over some issues including parking. The detailed design plan for the upgrade is substantially in keeping with the approved concept plan.

Council resolved at its meeting on 10 June 2008 to place the draft detailed design plan for the upgrade of Skinner Street, South Grafton between Through Street and Spring Street on public exhibition for a period of 28 days for public comment. In considering the report of 18 June 2008 Council adopted the recommendations of the Local Traffic Committee which recommended the adoption of rear to kerb parking in compliance with the Australian Standard for On Street Parking.

Other features of the design include:

**Bus stop location**

At present there is no formalised bus stop on the eastern side of Skinner Street (between Spring Street and Through Street), with the bus currently stopping in the travel lane to drop off and pick up patrons. In this section of Skinner Street it is proposed that a formalised bus stop 15.9 metres long be located on the eastern side

of Skinner Street, commencing 84.1 metres from Through Street (generally outside No. 29-31 "The Emporium").

There is also currently a marked bus stop on the western side of Skinner Street outside Walkers Hotel. This is a limited hours bus stop (7:30 am to 5:30 pm) which reverts to angled parking at other times. No change is proposed to this arrangement.

**Central median design**

One of the key features of the concept design was the provision of a road level (ie not raised) paved central median that was of sufficient width to allow parking of delivery trucks. One of the issues for Skinner Street retailers is the lack of rear lane access to their businesses. Currently there is an informal practice of parking on the central median, so provision needs to be made for delivery vehicles to park and make deliveries to businesses from Skinner Street. The central median also provides the space for central landscaping and the relocation of street lighting to the central median. Historical photographs show this to be the original layout of Skinner Street.

The Council budget for the project is \$1.3 million of which up to \$1 million is funding from the Federal Government under the Better Regions Program. A preliminary works program has been developed for this budget and includes the following works:

- Construction of new drainage works at the Skinner Street/Through Street intersection;
- Construction of new drainage works at the Skinner Street/Spring Street intersection and along Spring Street;
- Entering into a cost sharing agreement with Country Energy to place the overhead powerlines on the eastern side of Skinner Street underground and install street lighting along the central median of Skinner Street (Country Energy is currently considering options for the western side of Skinner Street);
- Relocation of the 100 mm diameter water main along Skinner Street between Through Street and Spring Street;
- Construction of paved central median area (including the installation of structural soil and drainage under the central median);
- Planting of street trees along the central median (the proposed plantings are Red Cedar and Tuckeroo trees);
- Reconstruction of the kerb and gutter along Skinner Street to provide a wider footpath area and added protected to the numerous veranda supports near the kerb;
- Construction of kerb returns at the Skinner Street/Through Street intersection and the river side kerb returns of the Skinner Street/Spring Street intersection;
- Reconstruction of the footpaths using an exposed aggregate finish; and
- Line marking of the car parking spaces.

**ISSUES**

Issues raised after the public exhibition of the design plan are detailed below along with Council's proposed response.

<b>ISSUE</b>	<b>RESPONSE</b>
1. Request for blister outside Walkers hotel to allow for outside dining.	A blister in Through Street will be included in the design.
2. Request for the provision of bicycle parking.	Bike racks will be included at appropriate locations.
3. Request to allow for bicycle movements in the design.	In accordance with the Skinner Street Master Plan dedicated bicycle lanes have not been provided. The vehicle lane widths are wide enough to allow for bicycle movements.
4. Request for motorcycle parking to be provided including in the central median.	Appropriate provision for motorcycle parking will be included in the design.
5. Request for parking to be nose in instead of rear in.	In accordance with the Skinner Street Master Plan rear in parking is proposed. This matter was considered by the Local Traffic Committee on 27 May 2008 and it was recommended that rear in parking be retained to meet the requirements of the Australian Standard 2890.5. The standard recommends that the parking orientation should be consistent in any town or city.
6. Request for locally produced street furniture to be used in lieu of proprietary items proposed.	Locally produced street furniture will be incorporated in the design where suitable and available.
7. Request to move the bus stop away from the emporium.	In accordance with the Skinner Street Master Plan no change is proposed to this informal bus stop location. It is proposed to make the pick up and drop off point safer by providing a bus bay which is removed from the vehicle travelling lane.
8. Request to widen the blister outside the emporium.	This request could only be accommodated if the bus stop was relocated.
9. Request to relocate the public phone to within the vicinity of the post office.	This request will be investigated in conjunction with Australia Post and Telstra.
10. The current parking zones are too long (2hrs).	The provision of a number of shorter duration spaces will be investigated and included where feasible.
11. Request for speed limit to be lowered to 15-20 k/h.	The speed limit must be determined with the concurrence of the local traffic

	committee and the RTA. The regulation of very low speed limits is not generally implemented on bus routes or in areas of high commercial activity. The speed limit will be investigated and the most suitable limit will be implemented in consideration of all road users. The warrants for the implementation of a shared traffic zone are unlikely to be met.
12. Request for 2 or 3 raised pedestrian platforms to be provided in lieu of the mid block pedestrian refuge.	A mid block pedestrian refuge has been proposed in accordance with the Skinner Street Master Plan. The impact on parking would be greater with the requested 3 platforms as kerb blisters would also be required in a similar arrangement to the proposed mid block pedestrian refuge.
13. Access for 8 metre trucks is required to Cowan Lane.	Left turn ingress will be possible. The length of the proposed pedestrian refuge island will be reduced to ensure right turn ingress is also possible.
14. Request to remove cypress ground covers and provide annual plantings as in Prince Street.	The inclusion of garden beds with annual plantings in the design would be highly desirable however in order to adequately maintain the plantings an additional maintenance budget of approximately \$50,000 per year would be required.
15. Request to reduce the speed limit to 40k/h.	This request will be investigated and reported to the Local Traffic Committee.
16. Too much parking is lost.	If line marking was provided there would currently be 73 parking spaces available between Spring Street and Through Street. The current practical parking availability would be significantly less as the spaces are not line marked. Based on the exhibited plan there will be 65 spaces available when the work is complete. Additional parking has been requested to be included in the design outside the hardware at 39 Skinner Street. It would be possible to include 1 additional space with the loss of 1 proposed street tree.
17. Request to move the mid block pedestrian refuge to outside the newsagent.	The mid block pedestrian refuge has been proposed in accordance with the Skinner Street Masterplan. The refuge is intended to assist in improving pedestrian convenience and safety. The refuge would be less effective in the suggested location.
18. Buses and large trucks access Cowan Lane, the service station and the	Access will be available to all these locations with the following limitations.

<p>laneway adjacent to the hardware.</p>	<ul style="list-style-type: none"> <li>- Egress from the southern service station driveway will not be possible for semi trailers.</li> <li>- Right turn ingress to Cowans Lane will not be possible for trucks larger than 8.8m.</li> <li>- Left turn ingress to Cowan's Lane will not be possible for trucks larger than 12.5m.</li> <li>- Left turn egress from the emporium laneway will not be possible for trucks larger than 8.8m.</li> <li>- Left turn ingress to the emporium laneway will not be possible for trucks larger than 8.8m.</li> <li>- Right turn ingress to the emporium laneway will not be possible for trucks larger than 12.5m.</li> </ul>
<p>19. Request to increase the blister size at through Street to prevent vehicles driving eastward, west of Skinner Street.</p>	<p>This is not considered necessary. The proposed entry width to Through Street west of Skinner Street is 5 metres. In conjunction with appropriate line marking this will be a sufficient deterrent to law abiding road users.</p>
<p>20. Marked pedestrian crossings have not been provided.</p>	<p>This will be investigated and a marked crossing may be provided at the mid block pedestrian refuge if RTA warrants are satisfied.</p>
<p>21. Request to allow parking for 2 tourist coaches.</p>	<p>It will be possible to park tourist coaches in the central median at 2 locations. In accordance with the Skinner Street Master Plan the possibility of providing dedicated parking for a tourist coach adjacent to the park northeast of the Through Street / Skinner Street intersection will be investigated.</p>
<p>22. Request to remove inappropriate structures within the road reserve.</p>	<p>Unauthorised and unsafe structures will be removed in conjunction with the improvement work.</p>
<p>23. Ensure lighting complies with the appropriate Australian Standard.</p>	<p>The lighting design will be undertaken by Country Energy in accordance with relevant standards for the location.</p>
<p>24. Request to use an alternate light source, light emitting diode (LED).</p>	<p>This will be investigated in conjunction with Country Energy.</p>
<p>25. There are too many lights and poles.</p>	<p>The lighting design will be undertaken by Country Energy in accordance with the relevant standard to ensure the safety and amenity of the location.</p>

**SUSTAINABILITY ASSESSMENT**

**Summary Statement:**

The proposed works will improve drainage, parking and pedestrian access in Skinner Street while enhancing the streetscape.

**Ecology:**

Appropriate measures will be employed during the construction to protect the environment.

**Economic:**

One of the benefits of the works is to revitalise the South Grafton business area and to promote the business opportunities of the area.

**Social & Cultural:**

Not applicable.

**Human Habitat & Infrastructure:**

The upgrade of Skinner Street will bring many advantages to the area, including upgraded drainage, footpaths, street lighting, parking and landscaping.

**Governance:**

Not applicable.

**Guiding Sustainability Principles:**

The concept design for the upgrade of Skinner Street has been developed in consultation with the community and appropriate public utility service providers. The upgrade works will assist in the revitalisation of this precinct.

**OPTIONS**

There are two options available to Council. These are:

1. That the draft design for the upgrade of Skinner Street between Through Street and Spring Street be implemented in accordance with the exhibited plan as amended in consideration of the public submissions received and in accordance with the available funding.
2. That the draft design for the upgrade of Skinner Street between Through Street and Spring Street be reviewed, incorporating design alterations nominated at the Council meeting.

Option 1 is the recommended option.

**FINANCIAL IMPLICATIONS**

Council has a budget of \$1.3 million available for the 2008/2009 financial year to complete the upgrade works in Skinner Street between Through Street and Spring Street, including the construction of new drainage along Spring Street. One million dollars of the budget is funding to be obtained from the Federal Government under the Better Regions Program.

Rob Donges

**DEPUTY GENERAL MANAGER - CIVIL & CORPORATE**

Prepared by: R Burness  
Section: Civil Strategic

<b>Committee:</b>	<b>CIVIL &amp; CORPORATE</b>	30 September 2008
Section:	Finance & Supply	
<b>Item: 09.184/08</b>	<b>MONTHLY FUNDS MANAGEMENT REPORT</b>	
	<b>AUGUST 2008</b>	

**CONFIDENTIAL ATTACHMENTS**

**REPORT SUMMARY**

The purpose of this report is to inform Council of the details of Council's investment funds as at the end of each month.

**OFFICER'S RECOMMENDATION**

1. That the report indicating Council's Funds Management position as at **31 August 2008** be received and noted; and,
2. That it be noted the General Manager issued instructions to the Blackrock fund manager requesting the underlying assets in the Blackrock Managed Fund be transferred in-specie into the name of Clarence Valley Council and held by ANZ Custodians.

**BACKGROUND**

This report has been completed in accordance with the Local Government Act 1993, Part 9, Division 5, Clause 212 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.

**Source of Funds Invested**

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

Based on 30 June 2008 figures funds have been sourced for the following areas:

External Reserves		Internal Reserves	
Sewerage Funds	63%	Plant Equipment Reserve	22%
Developer Contributions	17%	Employee Leave Entitlements	14%
Water Supply Funds	9%	Regional landfill Reserves	11%
Unexpended Grants	5%	General Unspent Loans	10%
Clarence Coast Reserve	2%	Floodplain Maintenance Reserve	7%
Deposits, Retentions and Bonds	1%	Road Reserves	6%
Other	3%	Other	30%
	<u>100%</u>		<u>100%</u>

**Portfolio Summary**

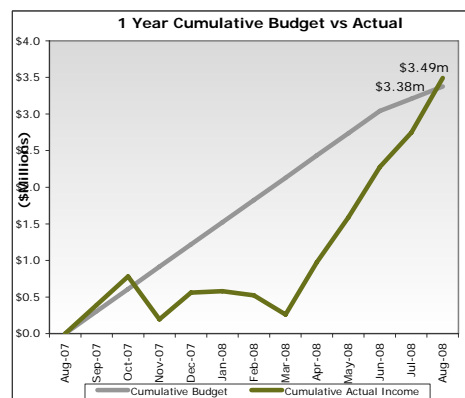
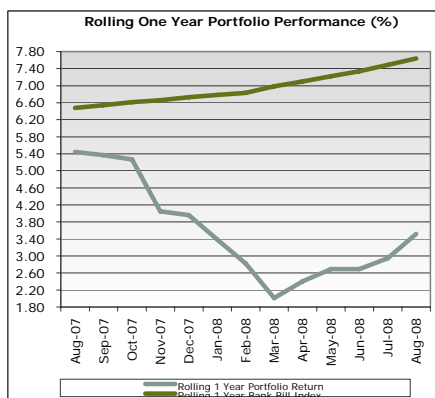
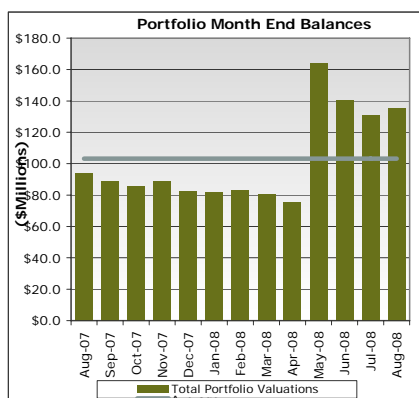
- The net portfolio return over the last 12 months was +3.52% p.a, underperforming the benchmark return of +7.64%.
- The portfolio's actual income is above the budgeted income for the past 12 months: \$3,492,490 earned versus \$3,375,000 budgeted.
- The current running yield remains at elevated levels. At month-end, it stood at approximately +8.80%.



**Clarence Valley Council Investment Report by Investment Strategy as at August 08**

The table below shows the actual performance of Council's investment portfolio.

Portfolio Holdings	Credit Rating	Valuation (\$m)	Allocation (%)	1 Month (%)	3 Months (%)	6 Months (%)	1 Year (% p.a.)	2 Years (% p.a.)	5 Years (% p.a.)	Maturity
<b>Working Capital (0 - 3 Months)*</b>										
CBA 24Hr Call Account ^	AA	13.51	9.97	0.59	-	-	-	-	-	T
CBA General Fund ^	AA	2.39	1.77	0.56	-	-	-	-	-	T
Bendigo TD ^	BBB+	3.00	2.21	0.66	-	-	-	-	-	01/09/2008
SunCorp TD ^	A+	4.00	2.95	0.65	-	-	-	-	-	03/09/2008
IMB TD ^	BBB	5.00	3.69	0.66	-	-	-	-	-	02/09/2008
Bank of Queensland TD ^	BBB+	5.00	3.69	0.66	-	-	-	-	-	07/11/2008
BankWest TD ^	AA-	12.00	8.86	0.68	-	-	-	-	-	26/11/2008
Bendigo TD ^	BBB+	3.00	2.21	0.69	-	-	-	-	-	28/11/2008
<b>11am Official Cash Rate</b>				<b>0.60</b>	<b>1.78</b>	<b>3.59</b>	<b>7.00</b>	<b>6.61</b>	<b>5.87</b>	
<b>Short Term (3 - 12 Months)</b>										
LGFS Fixed Out-Performance Cash	AA-	12.61	9.31	0.71	2.10	4.25	-	-	-	T + 7
QIC Cash Enhanced	AA	4.98	3.68	0.60	1.63	3.65	5.99	6.05	-	T
Adelaide TD ^	BBB+	3.00	2.21	0.70	-	-	-	-	-	27/02/2009
Adelaide TD ^	BBB+	3.00	2.21	0.73	-	-	-	-	-	03/06/2009
BankWest TD ^	AA-	5.00	3.69	0.69	-	-	-	-	-	24/02/2009
BankWest TD ^	AA-	3.00	2.21	0.70	-	-	-	-	-	29/05/2009
Bank of Queensland TD ^	BBB+	6.00	4.43	0.66	-	-	-	-	-	19/05/2009
IMB TD ^	BBB	5.00	3.69	0.68	-	-	-	-	-	01/12/2008
<b>Short - Medium Term (1 - 2 Years)</b>										
Aberdeen Cash Plus	A	12.81	9.46	0.34	-0.92	0.27	0.81	3.36	5.07	T + 2
Macquarie Income Plus	A	14.31	10.56	0.52	1.45	2.68	4.76	5.46	-	T + 2
Perpetual Credit Income	A	3.64	2.69	0.33	1.21	2.55	0.84	2.30	-	T + 2
<b>Medium Term (2 - 5 Years)</b>										
BlackRock Diversified Credit Fund**	A	14.20	10.48	0.10	-1.01	-0.24	-2.29	1.47	-	T + 4
<b>Long Term (5 + Years)</b>										
Unallocated	-	0.00	0.00	-	-	-	-	-	-	-
<b>Total Clarence Valley Council Portfolio</b>		<b>135.44</b>	<b>100.00</b>	<b>0.55</b>	<b>1.35</b>	<b>2.80</b>	<b>3.52</b>	<b>4.48</b>	<b>-</b>	
<b>UBSA Bank Bill Index</b>				<b>0.67</b>	<b>1.98</b>	<b>4.01</b>	<b>7.64</b>	<b>7.06</b>	<b>6.21</b>	
<b>Income Investment Return</b>				<b>0.55</b>	<b>1.35</b>	<b>2.80</b>	<b>3.52</b>	<b>4.48</b>	<b>-</b>	



**Notes:**  
 Valuations and returns may differ slightly as a result of rounding. Returns shown in italics are indicative and not actual Council return.  
 Valuations and performance for all investments are marked to market.  
 Total Portfolio Return includes performance from both Income and Growth investments  
 \* Working Capital has been included in overall performance (and income) calculations  
 ^ Performance and valuations have been provided by Council.  
 \*\* Formerly the Merrill Lynch Diversified Credit Fund. (Managed by the same investment team at Merrill Lynch)  
 Running yield quoted is based on available fund manager information and is subject to change.

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**Portfolio Commentary -**

**Refer Attached for Commentaries** (provided by Grove Research & Advisory):

- Economic Data Commentary
- Councils Individual Fund Commentary.

***Council's Portfolio & Outlook*** – (Grove Comments)

Council's portfolio returned +0.55% compared to the UBSA Bank Bill index return of +0.67%. In August credit markets ended slightly weaker after trading in a narrow range throughout the month. Credit markets reacted positively to a decline in oil prices, although negatively to softening economic indicators, weakness in financials, and concerns around US mortgage lenders Freddie Mac and Fannie Mae.

Concerns in the financial sector continue to intensify, as financial markets speculate how much further the sector will fall before they can emerge from the credit crisis. Global financial companies have booked more than \$300 billion of write-downs during the past year, and more are expected when investment banks report third-quarter results in mid-September. This could potentially trigger a resurgence in equity market volatility and may cause spreads to widen even further.

**FINANCIAL IMPLICATIONS**

The International 'Credit Crisis' continues to impact on the mark-to-market valuation of Managed Funds in Council's Portfolio, the lack of normal functioning international financial markets results in discounting around the world of all credit based products and reflects in the poor returns as reported from this segment of the portfolio.

Council's investment advisor's Grove Research & Advisory completed their semi-annual Portfolio Review in August 2008. The Confidential report is attached. In the report Grove expects continuing market volatility (and related fund underperformance) through the second half of 2008 and possibly into 2009. The continuing recommendation from Grove on Managed Funds is to hold these investments. The hold recommendation is based on the quality and type of the Managed Funds within Council's portfolio and their investment horizons of 2 – 5 years.

The Managed Fund investments of Council are of a credit nature with high quality Corporate & Financial Sector asset backing. Attached is a report by Grove from February 2008 'Credit Market Performance Q&A' which addresses common questions relating to the types of investments Council holds in its Managed Funds Portfolio. Attachment 1 of that report explains the return to 'par' of credit investments. For each fund as the underlying credit assets that make up the diversified funds mature the full value of the investment will be realised and the fund will return to full value. The negative impacts on Council's Managed Funds are not a direct result of defaults within the investment but the result of the flow on effect of the international credit crisis on uncertainty in financial markets and lack of liquidity reducing the 'attractiveness' of credit investments at this time.

**Budget 2008/09:** For budget purposes for the 2008/09 financial year council continues to take a conservative view of the available returns from its investment portfolio. Investment returns will be from Managed Funds and Term Deposit components of Councils Portfolio.

**Term Deposits:** In the initial budget adopted by Council the calculations for investment revenues did not include interest generated on unspent cash held from

new Sewer & Water Infrastructure project borrowings. Cash to meet future contractor payments has been invested in various duration Term Deposits. From all Council's Term Deposits interest income of \$3,051,000 is expected. The interest rates achieved for a large component of the Term Deposits reflect the rates at the peak of the interest rate cycle prior to the recent market downturns. Rates have come off over 1% since June and as surplus funds are rolled, new Term Deposits are expected to be at much lower rates.

*Managed Funds:* Council has not invested additional funds in Managed Funds since July 2007, except for its LGFS Investment which is a known rate type Managed Fund (as reflected in its stable returns each month). Continuing volatility in financial markets is expected to reduce the contribution from Managed Funds towards investment revenues for the current year to \$1,719,000. For income projection purposes for 2008/09 only one quarter (1/4) of the mark-to-market Managed Funds running yield has been recognised. The view has been taken that full recoveries in valuations and returns will not occur in the current year but will occur as the investment horizons of each fund is realised over 2009/10 and 2010/11.

To demonstrate the current volatility of the financial markets at the moment a "mark to market" valuation of Councils Managed Funds as at 16th September, compared to valuations as at 31 August 2008 is as follows.

Managed Fund	31-Aug \$'000	16-Sep \$'000	Change \$'000	Lehman Bros exposure
QIC	4,975.9	4,981.2	5.3	NIL
Macquarie	14,304.6	14,080.6	-224.0	1.70%
Aberdeen	12,804.7	12,742.5	-62.2	0.97%
Perpetual	3,638.2	3,613.7	-24.5	0.73%
Blackrock	14,190.5	14,066.3	-124.2	NIL
	<u>49,913.9</u>	<u>49,484.3</u>	<u>-429.6</u>	

These valuations/ movements reflect the Lehman Bros exposure and will also reflect widening of credit spreads caused by the drying up of cash in the international financial markets. These valuations are in the middle of the turmoil surrounding the US Financial Markets and don't reflect the underlying value of the credit assets held by the individual funds but the impact/ uncertainty of the credit crisis on all financial markets.

As at 22<sup>nd</sup> September Grove advised that "credit spreads" had rebounded and it is anticipated that market valuations of Council's Managed Funds will also recover much of their prior month values.

**Blackrock Managed Fund:** As reported in the July Investment Report the Fund Manager of Blackrock had advised that due to the diminished size of the Blackrock fund caused in part by the NSW Cole Report resulting in a cessation of deposits from Local Government it would be closing the Blackrock Managed Fund; selling the underlying assets over a 6-8 week period and returning the cash to Council. This decision frustrated Council's own strategy as Council will not benefit from market recoveries going forward which is why Council had persevered with Blackrock with its medium term investment horizon and its underlying strength of assets. Other investors were also of this opinion and Grove has been facilitating an 'in-specie' transfer of the underlying assets directly to each investor so that as the credit assets mature Council will benefit from the return to full value. In early September Council instructed Blackrock through its custodian 'ANZ Nominees Limited' to proceed with

the in-specie transfer as opposed to the on market sales. The transfer is expected to take 4-6 weeks.

**September Quarter Budget Review**

Based on the abovementioned analysis Council's interest on investment for 2008/09 is estimated to be \$4.77M (original budget \$2M) of which \$3.487M (73%) is expected to be restricted and attributed to Internal & External Reserves. This increase in interest revenues will result in a net increase to the General Fund of \$348k which will be reported to Council's November meeting as part of the September Quarter Budget Review.

**CERTIFICATION**

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, Local Government (General) Regulation 2005 and Council's investment policies.

I hereby certify that Council's Cash Book and ledger have been reconciled to Bank Statements as at [31 August 2008](#).

Rob Donges

**DEPUTY GENERAL MANAGER - CIVIL & CORPORATE**

Prepared by: David Hassett – Assistant Financial Accountant, Revenue  
Ashley Lindsay – Responsible Accounting Officer

Section: Finance & Supply

**ATTACHMENTS**

**A:** Commentaries: Economic Data & Individual Fund Commentaries – [August 2008](#) (2 pages)

**B: CONFIDENTIAL:** Semi-Annual Portfolio Review as at 30 June 2008 (19 pages)

**C:** February 2008 Credit Market Performance Q&A (7 Pages)

<b>Committee:</b>	<b>CIVIL &amp; CORPORATE</b>	30 September 2008
<b>Sections:</b>	Operations & Water Cycle	
<b>Item:</b>	<b>09.185/08 WORKS REPORT</b>	

**REPORT SUMMARY**

Works carried out in the Clarence Valley Council area in August and early September 2008.

**OFFICER'S RECOMMENDATION**

That the report be received and noted.

**BACKGROUND**

The following works have been carried out since the previous report to the Committee on 12 August 2008.

**ISSUES**

- 1. STATE ROADS**  
(Maintained by Council under Contract to the Roads and Traffic Authority)

**Capital Works:**

Heavy patching works were undertaken on H12 (Gwydir Highway) during the report period.

**Maintenance Works:**

There were no major maintenance works in this report period.

- 2. REGIONAL ROADS**  
*[Armidale-Grafton Road (MR74), Tyringham-Dorrigo Road (MR119), Clarence Way (MR150), Orara Way (MR151), Grafton-Yamba (Lawrence) Road (MR152), Iluka Road (MR7731), Goodwood Island Road (MR7732) and Woolli Road (MR7738)]*

**Capital Works:**

<b>Eight Mile Lane</b>					
Project Description	Rehabilitation and Overlay 2.874km to 4.632km from H10.				
Project Progress	Clearing works on the first 880 metres has been completed and widening works have commenced. The project is to widen the 1.758 km section, overlay the road with 200 mm of gravel and reseal the road.				
Budget	\$629,405	Cost to Date	\$32,208	%Complete	5%
Project Status					

**Maintenance Works:**

There were no major maintenance works in this report period.

**3. LOCAL ROADS**

**Capital Works:**

<b>Gillies Lane and O'Keefes Lane Palmers Island</b>					
Project Description	Gillies Lane – Pavement rehabilitation of 80m section near School Road. O'Keefes Lane – pavement rehabilitation 1.21km to 1.44km from School Road intersection.				
Project Progress	All works completed other than sealing which will be undertaken in conjunction with other scheduled works				
Budget	\$46,000	Cost to Date	\$18,021	%Complete	90%
	(O'Keefes Lane)				
	\$21,000		\$17,071		90%
	(Gillies Lane)				
Project Status	Works have continued well. Committed costs are still to be allocated to expenditure, particularly for O'Keefes Lane.				

<b>Roberts Creek Road:</b>					
Project Description:	This work involves the pavement rehabilitation of two sections of road pavement on Roberts Creek Road 4.06 to 4.38km and 4.89 to 5.54km from MR152				
Project Progress:	This project was completed on 15 August 2008 with the sealing of the road.				
Budget:	\$ 90,000	Cost to Date:	\$ 106,546	% Complete:	90%
Project Status:	Over-expenditure has been met through rehabilitation component of budget.				

<b>River Street, Yamba:</b>					
Project Description:	This work involves the construction of kerb and guttering and a parking lane along River Street, Yamba between the Golf Club and Coldstream Street. This includes formation of the parking bays and road shoulder works.				
Project Progress:	Minor landscaping and linemarking works were finished which completed the project.				
Budget:	\$60,000	Cost to Date:	\$60,950	% Complete:	100%
Project Status:	Works generally complete and within budget. Minor over-expenditure will be met rehabilitation component of budget.				

<b>Lakes Boulevard, Wooloweyah</b>					
Project Description:	Construction of kerb and gutter on lake side between end of kerb and boat ramp.				
Project Progress:	Kerb and gutter has been constructed and drainage pits reconstructed. Realignment of driveways continuing.				
Budget	\$27,000	Cost to Date	\$15,604	%Complete	60%
Project Status:	Works are proceeding well and are currently within budget.				

<b>Pacific Street, Angourie</b>					
Project Description:	Construction of kerb and gutter, drainage and rehabilitation of road pavement between Barri Street and Angourie Point.				
Project Progress:	Installation of pipe drainage and drainage pit construction has commenced.				
Budget	\$115,000	Cost to Date	\$3,288	% Complete	3%
Project Status:	Works are proceeding well and are currently within budget.				

<b><i>Crisp Drive, Ashby:</i></b>					
Project Description:	This work is the first stage in the reconstruction and sealing of remaining unsealed sections of Crisp Drive. Stage 2 of the works (sealing the remaining unsealed sections) will continue on from these works in 2008-2009. The works involve the formation and sealing of the road.				
Project Progress:	All works on this project were completed on 15/8/2008.				
Budget:	\$60,000 (2007/08)+ \$240,000 (2008/09)	Cost to Date:	\$217,136	% Complete:	100%
Project Status:	Work is progressing well and within budget. Some outstanding costs may still need to be accounted for but overall the project has been completed well under budget.				

***Deering Street, Yamba:***

Project Description: This work involves construction of the road and associated drainage works between Angourie Road and Freeburn Street to allow access to the new Industrial Estate in Yamba.

Project Progress: The vegetation clearing has been completed along with initial earthworks and the haulage and placement of the selected subgrade material completed. Works commencing on the placement of sub base gravel. Pipe drainage culverts completed and awaiting service relocations.

Budget:	\$1,300,000	Cost to Date:	\$333,925	% Complete:	25%
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Project Status: Work is progressing well and within budget.

***Yamba Street, Yamba:***

Project Description: Construction of concrete parking bays and road pavement upgrade between Wooli Street and Coldstream Street.

Project Progress: The construction of kerb and gutter and new parking bays are 75% completed. Following completion of those works rehabilitation of existing road pavement will commence.

Budget:	\$147,000	Cost to Date:	\$121,307	% Complete:	75%
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Project Status: Work is progressing well. Expenditure to date is slightly higher than budgeted.

***Sheehans Lane, Gulmarrad:***

Project Description: Reconstruction of unsealed sections of road between Brooms Head Road and previously sealed section (approximately 1200m).

Project Progress: Clearing works have been completed. Road construction scheduled to begin in February 2009.

Budget:	\$280,000	Cost to Date:	\$40,244	% Complete:	15%
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Project Status: Clearing costs are as budgeted.

<b><i>Parker Road, Halfway Creek:</i></b>			
Project Description: This work is the first stage of the construction and seal of the remaining sections of Parker Road. The works involve the formation and sealing of the road. Some corners are also being re-aligned to improve the geometry of the road.			
Project Progress: The project is completed up to primer seal stage.			
Budget:	\$81,569 (2007/08) + \$236,276 (2008/09)	Cost to Date: \$334,642	% Complete: 100%
Project Status: The project has been completed and is slightly over budget (\$16,797). The over-expenditure will be met through the re-allocation of funds from either the rehabilitation budget or savings from other completed capital works.			

**Maintenance Works:**

The following maintenance works have been undertaken on the roads nominated:

- |                      |  |   |
|----------------------|--|---|
| Maintenance Grading: | <ul style="list-style-type: none"> <li>• Sheehans Lane</li> <li>• James Creek Road</li> <li>• Jackybulbin Road</li> <li>• Gallaghers Lane</li> <li>• Tanglewood Road</li> <li>• Towers Road</li> <li>• Luther's Road</li> <li>• Camara Road</li> <li>• Hernani Station Road</li> <li>• Deep Creek Road</li> <li>• Ewingar Road</li> <li>• Mooreheads Road</li> </ul> | <ul style="list-style-type: none"> <li>• Armstrongs Road</li> <li>• North Bank Road</li> <li>• Tullymorgan Road</li> <li>• Lawrence-Tullymorgan Road</li> <li>• Ryries Road</li> <li>• Franklins Road</li> <li>• Grays Road</li> <li>• Goddards Road</li> <li>• Jack Rogan Road</li> <li>• Carnham Road</li> <li>• Eighteen Mile Road</li> <li>•</li> </ul> |
| Gravel Resheeting:   | <ul style="list-style-type: none"> <li>• Gorge Road</li> </ul>   |   |

**4. BRIDGES**

**Capital Works:**

***Flagstone Creek Bridge (No.1 ) – Clarence Way:***

Project Description: This project involves the replacement of a timber bridge with concrete box culverts. This project has attracted Federal and State funding.

Project Progress: Guard rail is to be installed before the end of September to complete this project.

Budget:	\$246,000	Cost to Date:	\$253,784	% Complete:	95%
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Project Status:	Work is progressing well. Completed costs will be slightly over budget, with over-expenditure being funded from the Block Grant.
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***Herborns Creek Bridge - Kangaroo Creek Road:***

Project Description: This work involves the replacement of a timber bridge damaged during the floods/storm events of February 2008. The bridge is being replaced with a two lane concrete bridge.

Project Progress: All work on this project has been completed.

Budget:	\$210,000	Cost to Date:	\$187,596	% Complete:	100%
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Project Status:	Work is complete and within budget.
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***Fortis Creek Bridge – Coaldale Road:***

Project Description: This work involves the replacement of the existing structure with a concrete structure.

Project Progress: Reinforcement cages for columns complete. Piling work is complete. Work will commence on pile caps and abutments.

Budget:	\$400,000	Cost to Date:	\$193,493	% Complete:	50%
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Project Status:	Work is progressing well and within budget.
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***Koukandowie Creek Bridge No 3 – Grafton-Armidale Road (MR74)***

Project Description: This work involves the replacement of the existing structure with a concrete structure.

Project Progress: Installation of temporary bypass complete. Piling works have commenced.

Budget:	\$735,000	Cost to Date:	\$42,740	% Complete:	5%
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Project Status:	Work is progressing well and within budget.
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**Maintenance Works:**

There have been no major maintenance works during the report period.

**5. WATER FACILITIES****Capital Works:*****Yamba Boat Ramp:***

Project Description: This project involves the construction of new parking bays, internal drainage, landscaping and upgrading of the existing boat ramp to meet new design guidelines.

Project Progress: Work has been completed on the ramp and works on the amenities block will be undertaken later in the financial year.

Budget:	\$286,000	Cost to Date:	\$250,150	% Complete:	85%
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Project Status:	Work is progressing well and within budget.
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**6. FOOTPATHS/ CYCLEWAYS****Capital Works:*****Carrs Drive, Yamba:***

Project Description: Construction of concrete Cycleway and timber boardwalk from Yamba Road to St. James Primary School.

Project Progress: This project was completed mid August. An official opening by the Mayor was also carried out.

Budget:	\$182,750	Cost to Date:	\$181,839	% Complete:	100%
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Project Status:	Work has been completed within budget.
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**7. WATER**

**Construction**

*Lee Crescent South Grafton* – work has been completed on the construction of a 100mm diameter watermain to replace the existing watermain which is in poor condition.

**Maintenance**

*Rushforth Road 100ML Reservoir* – This reservoir was taken off-line for 3 days for a complete clean-out. This reservoir receives raw water from the Nymboida River and as such receives a significant sediment load which settles out in the reservoir. In order to maintain water quality and minimise the potential for algal blooms this reservoir requires to be cleaned out every 3-4 years

**Meter Reading**

The quarterly meter reading program throughout the water reticulation areas has been completed.

**8. SEWERAGE**

**Pre-Construction**

**a) Yamba Sewerage Augmentation**

Consultants Worley Parsons has been engaged to undertake detailed design and documentation and have commenced work on this project.

**b) Iluka Sewerage Scheme**

Consultants GHD have submitted the final draft detailed design to Council for review.

**c) Yamba and Iluka Sewerage Environmental Release**

The University of NSW Water Research Laboratory (WRL) has been engaged to carry out detailed concept design of the ebb-tide release system for Yamba and Iluka sewerage schemes. Following completion of the concept design report the release would then be the subject of an environmental assessment through an REF.

**Construction**

**Maclean/Grafton Sewerage Augmentation (including remediation of former Junction Hill Sewage Treatment Plants)**

This project is being constructed by four different contracts, with all construction scheduled for completion in September 2009.

**a) Sewage Treatment Plant Package**

The Maclean and Grafton Sewerage Augmentation project includes construction of a new sewage treatment plant (STP) Woodford Island near Maclean Golf Club, the upgrade of the Clarenza STP in South Grafton, and the upgrade of the North Grafton STP. Contractor Haslin Constructions are currently undertaking this work, which is progressing to schedule with no significant issues.

**b) Transfer Systems Package**

The project also includes construction of new sewerage pump stations and rising mains in Maclean, Lawrence, Townsend, Ilarwill and Grafton and new gravity reticulation in Townsend and Ilarwill. An Extraordinary Council meeting on 19 August resolved to seek Ministerial Stage III approval to award the Tender, and also resolved that if such approval was not received by the end of the tender validity period (15 September) then the contract would be awarded. Due to the recent changes in the State Government, this approval was not forthcoming by the required date, so in accordance with the Council resolution the tender was awarded to Ledonne Constructions on 15<sup>th</sup> September.

**c) Submarine River Crossing Package**

The project also involves submarine pipeline river crossings at Maclean and Lawrence. This tender was awarded to Coe Drilling Pty Ltd on 15<sup>th</sup> September under similar circumstances to that outlined above.

**d) Lawrence Reticulation Construction**

Tenders closed on 28 August for the construction of a 'pressure sewerage' reticulation system for the Village of Lawrence. Four tenders were received and are currently being evaluated. It is proposed to report this Tender to the October Council meeting.

**Maintenance/Rehabilitation**

*Sewer Spot Repairs Grafton* - Spot repairs to junctions and mains have been completed at Heber Street, Bacon Street, Riverside Drive and Zuber Lane.

*Sewer Spot Repairs Yamba* - Spot repairs to junctions and mains have been completed at Beach Street, The Peninsula, and Telopea Avenue.

*Yamba STP* - 650 cubic meters of biosolids was transported to Causley's quarry and the biosolids hardstand area was reinstated and prepared for new 'geotube'.

*Yamba Sewer Pump Stations* – Pumps were replaced at stations Y21 and Y22 as part of the pump replacement program.

**9. FLOODPLAIN SERVICES**

**Construction:**

- Taloumbi Levee: Approximately 600m of rock fillets constructed to prevent erosion of banks of Wooloweyah Lagoon.

**Maintenance:**

- Maclean Levee Pumps: Howard Street pump base frame removed for rehabilitation and restored to use.
- Waterview Levee: rock armour rehabilitation.

**GRANT FUNDED PROJECTS**

Maclean Levee Rehabilitation – Rock Armour Works – Maclean RSL Club Area.

The works were completed by the contractor, Soil Conservation Service, on 29/8/2008 and security fencing and equipment removed the following week. Work as Executed drawings have been supplied to Council with a full report yet to be received.

Alipou Creek Floodplain Management Plan – House Raising.

All major works for this project have been completed and the landowner has resumed occupation. Remaining works include handrail on the ramp to the rear of the dwelling.

Rob Donges

**DEPUTY GENERAL MANAGER - CIVIL & CORPORATE**

Prepared by: Tim Jenkins & Greg Mashiah

Section: Operations and Water Cycle

Attachment:

Capital Sewerage Program

<b>Committee:</b>	<b>CIVIL &amp; CORPORATE</b>	30 September 2008
<b>Section:</b>	Operations	
<b>Item: 09.186/08</b>	<b>LOCAL TRAFFIC COMMITTEE – MINUTES 29 JULY 2008</b>	

**REPORT SUMMARY**

This report lists the recommendation made at the 29 July 2008 meeting of the Clarence Valley Council Local Traffic Committee.

**OFFICER'S RECOMMENDATION**

That the recommendations of the Local Traffic Committee included in the Minutes of its 29 July 2008 meeting be noted and adopted by Council.

**Item: 1 BENT/THROUGH STREET ROUNDABOUT - SIGNAGE****Recommendation by Committee**

That Council request the RTA to confirm the status of the Bent/Through Street "No Right Turn" signage.

**Item: 2 UNION STREET MACLEAN – REMOVAL OF NO PARKING SIGN OUTSIDE NURSING HOME****Recommendation by Committee**

That the "No Parking" zone located outside the Maclean Hospital be removed.

**Item: 3 CLAUDE STREET YAMBA – CENTRE PARKING RESTRICTION****Recommendation by Committee**

That Council investigate the installation of central linemarking and the exit and entry into Claude Street be clarified.

**Item: 4 PRINCE STREET, GRAFTON DISABLED CAR PARKING SPACES****Recommendation by Committee**

That the existing disabled persons car space be removed and one disabled persons car parking space be provided on each side of Prince Street, one on the south bound travel lane on the departure side of the crossing closest to Pound Street and the other on the north bound travel lane on the departure side of the crossing closest to Fitzroy Street.

**ADDITIONAL MATTERS**

**Item: 1 DISABLED PARKING SPACE – FITZROY STREET**

Recommendation by Committee

That the disabled parking space be relocated to a position where it will not be encumbered by the tree.

**Item: 2 FITZROY STREET PARKING**

Recommendation by Committee

That the RTA review the parking arrangements in Fitzroy Street adjacent to Shoppingworld, Abbey Motel and Kennedy Saunders office in conjunction with the RTA Entrance Statement.

**Item: 3 VICTORIA STREET CHILDRENS CROSSING**

Recommendation by Committee

That a report be presented at a future Traffic Meeting.

<b>Committee:</b>	<b>CIVIL &amp; CORPORATE</b>	30 September 2008
<b>Section:</b>	Operations	
<b>Item 09.187/08</b>	<b>LOCAL TRAFFIC COMMITTEE – MINUTES 2 SEPTEMBER 2008</b>	

**REPORT SUMMARY**

This report lists the recommendation made at the 2 September 2008 meeting of the Clarence Valley Council Local Traffic Committee.

**OFFICER'S RECOMMENDATION**

That the recommendations of the Local Traffic Committee included in the Minutes of its 2 September 2008 meeting be noted and adopted by Council.

**Item: 1      REQUEST FOR "NO PARKING" IN SECTION OF CONVENT LANE, YAMBA****Recommendation by Committee**

1. That "No Parking" signs be installed on both sides of Convent Lane between River Street and Yamba Street.
2. That a letter be forwarded to residents advising of the proposal to install "No Parking" signs in Convent Lane.

**Item: 2      PARKING SKINNER STREET, SOUTH GRAFTON****Recommendation by Committee**

That the existing half hour parking zone in Skinner Street remain in that location.

**Item: 3      BUS ZONE THROUGH STREET, SOUTH GRAFTON****Recommendation by Committee**

That a new Bus Zone be installed on the north western side of Through Street at the Through Street/Wharf Street intersection, South Grafton.

**Item: 4      NO STOPPING CLARION LANE, SOUTH GRAFTON****Recommendation by Committee**

That "No Stopping" signs be placed on Clarion Lane to the rear boundary of 49 Through Street.

**Item: 5      GIVE WAY SIGN GILMOURS LANE, WELLS CROSSING****Recommendation by Committee**

That a Give Way signs be installed at both ends of the intersection of Gilmores Lane and Kungala Road with one sign at Gilmores Lane and the other sign on Kungala Road nearest the Pacific Highway.

<b>Committee:</b>	<b>CIVIL &amp; CORPORATE</b>	30 September 2008
<b>Section:</b>	North Coast Water	
<b>Item:</b>	<b>09.188/08 REGIONAL WATER SUPPLY PROJECT - UPDATE</b>	

**ATTACHMENTS****REPORT SUMMARY**

This report provides an outline of recent activities associated with the Regional Water Supply Strategy.

**OFFICER'S RECOMMENDATION**

That the report on the Regional Water Supply Strategy activities be received and noted.

**BACKGROUND**

Construction of the Shannon Creek storage facility commenced in June 2006 and remains on target for completion by the end of this year.

Well in excess of 1 million cubic meters of material has been used to build the embankment wall that stretches 400 meters across the valley and work on this vital component of the overall project should be completed early in October.

The intake tower that will be utilised to deliver water in and out of the storage is finished with sections of the bridge providing access already in place. Photos of this structure and other facilities at the site are contained in the attachments.

Work on the large spillway at the western end of the embankment wall is entering the final stages. Once complete the spillway will direct overflow water into a concrete lined basin designed to reduce velocity before the water re-enters the natural creek system. A photo of the spillway is also included in the attachments.

The provision of electricity to the site early in September represented the achievement of another significant milestone for the project and has enabled the testing of pump motors to be undertaken as part of the commissioning process. Testing of the internal pipework has commenced and further work is planned early in the New Year when there is sufficient water in the storage area.

As the various stages of the embankment wall are constructed, topsoil is spread across the surface on the dry side and planted with appropriate mix of grass seed. Earlier plantings have responded to the recent rain events and further topsoiling is being undertaken as the wall increases in height.

Recreation facilities including a picnic area and viewing platform will be available for public use when this important community asset is opened mid next year. Construction of the various structures is progressing well and will be followed by the landscaping program.

Activities at the pump station and adjoining valve house are focused on the main switchboards and fit out of control mechanisms. The concrete apron on the downstream side of the valve house is currently under construction.

The Shannon Creek project has been subjected to an array of compliance audits by State and Federal government agencies. An audit by the Department of the Environment, Water, Heritage and the Arts late last year resulted in the project receiving a high level of compliance with Commonwealth legislation requirements.

Recently the same department appointed the Nature Trust of Victoria to conduct case studies of major projects to ascertain how consent conditions are being implemented. Representatives from the Trust visited the Shannon Creek site during August and sought feedback on how the approval process could be enhanced. A site inspection was undertaken and a report on the study outcomes is expected late October.

The table below reveals that the project is staying within the adopted budget and every effort is being made to achieve similar results for the remainder of the program.

	<b>Total Budget May 2006</b>	<b>Adjusted Budget to Reflect Final Construction Program</b>	<b>Expenditure To the end of August 2008</b>	<b>Current Predicted Final Cost</b>
Design	10.0	6.991	6.991	6.991
Stage 1	77.8	73.659	73.335	73.911
Stage 2	92.2	99.350	91.108	96.115
<b>Total</b>	<b>\$180M</b>	<b>\$180M</b>	<b>\$171.434M</b>	<b>\$177.017M</b>

Due to the stage reached in construction a number of variations have been finalised since my last report and are summarised below.

<b>Variations</b>		
Additions (+)	Deductions (-)	Result
\$191,387.25	\$58,600.30	\$132,786.95 (+)

Variations presented last month resulted in savings of \$159,617.35 while the August batch represent additional costs of \$132,786.95 that are incorporated in the overall budget figures.

A meeting of the Project Committee was held on the 26<sup>th</sup> June 2008 and the minutes are part of the attachments.

### **SUSTAINABILITY ASSESSMENT**

#### **Summary Statement:**

Key objectives of the Regional Water Supply Strategy are protection of the natural river systems and long term water supply security for the region. These objectives will be achieved through the combination of Regional Water Supply infrastructure and a comprehensive integrated water cycle management program that will make a positive contribution to the delivery of Council's Sustainability Framework.

Rob Donges

**DEPUTY GENERAL MANAGER - CIVIL & CORPORATE**

Prepared by: Ian Preston

Section: North Coast Water

Attachments:

Photos

Minutes Regional Project Committee

<b>Committee:</b>	<b>CIVIL &amp; CORPORATE</b>	30 September 2008
Section:	North Coast Water	
<b>Item: 09.189/08</b>	<b>WATER MANAGEMENT CONFERENCE</b>	

### REPORT SUMMARY

The annual Water Management Conference was held in August and this report summarises the conference program.

### OFFICER'S RECOMMENDATION

That the report on the annual Water Management Conference be received and noted.

### BACKGROUND

Ballina Shire Council hosted this year's conference and the former Minister for Water, Nathan Rees (now Premier), gave the keynote address on the first day. Issues touched on during this session included an update on the desalination plant for Sydney, urban and industrial recycling initiatives and plans for the \$340M Tillegra Dam in the Dungog area to serve the Hunter region.

The Murray Darling buy back scheme and the steps being taken to address the historical problem of over allocations were mentioned along with COAG measures to fund programs to improve the overall health of this iconic river system.

In terms of what lies ahead for the water industry, the then Minister did not make any major announcements about the current inquiry into local water utilities in NSW. He did however take the opportunity to advise conference delegates that an initial report would be released after the local government elections and following further consultation the final report could be distributed in October/November this year.

Confirmation was provided that there would be no privatisation of water and sewerage and conference was informed that future state funding could favour regionally based schemes that deliver sustainable outcomes. A large number of submissions to the inquiry sought retention of the status quo and it was made clear during the keynote address that if this is an outcome of the inquiry, funding to these areas could decrease as the government places more emphasis on regional models that reflect the inquiry agenda.

An interesting session on water management across Australia gave an insight on how changing weather patterns are impacting on traditional water harvesting and delivery to consumers. In scientific terms the drought situation is being described as fundamental change in the climate that requires the development of contemporary institutional arrangements capable of adapting to the changes.

During the managers forum discussion centred on the regulation and management of private supply schemes, business continuity plans, funding and water reforms across the state.

Water is a high profile item on the local, state, and federal agendas and the conference in Ballina provided the opportunity to participate in sessions that addressed the challenges authorities face in developing better ways to manage this precious resource.

**SUSTAINABILITY ASSESSMENT**

**Summary Statement:**

Council representation at the annual conference provides an avenue to stay abreast of industry developments and their influence on the delivery of water and sewerage services that are vital to the sustainable development of council's area.

Rob Donges

**DEPUTY GENERAL MANAGER - CIVIL & CORPORATE**

Prepared by: Ian Preston

Section: North Coast Water

<b>Committee:</b>	<b>CIVIL &amp; CORPORATE</b>	30 September 2008
<b>Section:</b>	General Manager	
<b>Item: 09.190/08</b>	<b>07/08 ANNUAL REPORT OF THE RICHMOND TWEED CLARENCE COUNCILS STRATEGIC ALLIANCE</b>	

**ATTACHMENT (to be tabled)**

**REPORT SUMMARY**

This report notes the tabling of the recently completed 07/08 Annual Report of the Richmond Tweed Clarence Councils strategic alliance.

**OFFICER'S RECOMMENDATION**

That the report on the 07/08 Annual Report of the Richmond Tweed Clarence Councils strategic alliance, as tabled, be received and noted.

**BACKGROUND**

This strategic alliance of the northern rivers councils was formed almost ten years ago. The most recent annual report indicates the activities of the groups over the past twelve months or so.

The groups is exactly aligned to the NOROC geographic area and membership base and meets monthly. There are sub groups with specific, often technical interests, which report progress with their projects.

NOROC has been involved in lobbying on a wide variety of issues deemed pertinent to the region whereas the General Managers Group has been involved in more of the operational matters. Currently the NOROC Board is being asked to consider a more directorial role in giving effect to the strategic alliance focus as these alliances exist elsewhere in the State.

The Mayor and General Manager from each of the seven councils in the region attend the meetings of NOROC with Mayors along having the voting rights.

Stuart McPherson  
**GENERAL MANGER**

Prepared by: Stuart McPherson  
Section: General Manager

Attachment to be tabled:  
Annual Report

<b>Committee:</b>	<b>CIVIL &amp; CORPORATE</b>	30 September 2008
<b>Section:</b>	Civil & Corporate	
<b>Item:</b>	<b>09.191/08 ITEMS FOR INFORMATION</b>	

**ATTACHMENTS****OFFICER'S RECOMMENDATION**

That the Items for Information as listed below be adopted:

1. L.W. Marchant OAM (DWS#293042) – Thanking the Mayor for his congratulations on receipt of the OAM.
2. Minister for Infrastructure, Transport, Regional Development and Local Government (DWS#301951) – Seeking support for National Walk to Work Day – Friday, 3 October 2008
3. Ashby Heights Roads Committee (DWS#296668) – Thank you to Council, Rob Donges and Tim Jenkins and in particular the road crew who were helpful and performed above standards of expectation on the sealing of Crisp Drive.
4. Nungera Co-Operative Society Ltd – Thank you for meeting regarding Roads into Aboriginal Community
5. Minister for Health – Advice on status of Grafton Base Hospital upgrade.
6. Minister for Infrastructure, Transport, Regional Development and Local Government – Media Statement on funding for local councils.
7. New South Wales Police Service – Issue regarding vandalism in Yamba and recommendation for alcohol free zone.
8. Gillian Stacey – Congratulations and thank you on job well done at Crisp Drive.

Section:	FUNCTIONS ATTENDED	30 September 2008
Item:	<b>11.016/08 LIST OF FUNCTIONS AND MEETINGS ATTENDED BY COUNCILLORS FROM 1 AUGUST TO 31 AUGUST 2008</b>	

**RECOMMENDATION**

That the list of functions and meetings attended by Councillors from 1 August to 31 August 2008 be noted.

**COUNCILLOR DOUG MACKENZIE**

- 6.8.2008 Advisory Sewer and Water Steering Committee - Grafton
- 13.8.2008 NSW North Coast Weed Advisory Committee – Coffs Harbour
- 13.8.2008 Yamba Community Facilities Development Committee
- 13.8.2008 Planning inspections
- 19.8.2008 Committee meetings
- 26.8.2008 Council meeting
- 8.9.2008 PACT and CPAG Maclean (Police Accountability Community Team Crime Prevention Advisory Group).

12. AUTHORITY TO AFFIX THE COMMON SEAL OF COUNCIL FOR ITEMS NOT INCLUDED IN REPORTS

<u>Item</u>	<u>Description</u>
12.010/08	Deed of Agreements for Easement Acquisitions for flood levee over properties located in the Alice Street Levee section as per the list below.

<b>Lot</b>	<b>Sec</b>	<b>DP</b>	<b>Property Address</b>
1-4	17A	758470	Turf Street, Grafton

(C&C B Lane)

13. OPEN FORUM
14. CONFIDENTIAL BUSINESS
15. FORWARD MEETING DATES

<b>Description</b>	<b>Date</b>	<b>Time</b>	<b>Venue</b>
Labour Day Public Holiday	Monday 6 October 2008		
Council inspections (to be confirmed)	Monday 13 October 2008	TBA	
Council Committee meetings (to be confirmed)	Tuesday 14 October 2008	Commencing at 9.00am	Grafton Chambers
Ordinary Council Meeting (to be confirmed)	Tuesday 21 October 2008	Commencing at 10am	Grafton Chambers